

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
OCTOBER 4, 2011

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
October 4, 2011**

Meeting was called to order at 6:03 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 Romney Rogers
Mayor John P. "Jack" Seiler

Absent: Vice Mayor Bobby B. DuBose (excused absence)

Also Present: City Manager Lee R. Feldman
City Auditor John Herbst
Senior Assistant City Clerk Jeffrey Modarelli
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Jeff Brull

Invocation was offered by Pastor James Thompkins, The Love of Jesus Resurrection and Deliverance Fellowship Church, followed by the recitation of the pledge led by Boy Scout Troop 190.

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

Motion made by Commissioner Roberts and seconded by Commissioner Rogers to approve the minutes of the September 7, 2011 Conference Meeting and September 13, 2011 Special Meeting: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Presentations

1. CUSTOMER SERVICE WEEK – OCTOBER 3-7, 2011 (PRES-02)

Commissioner Roberts presented a proclamation designating October 3–7, 2011, as Customer Service Week in the City to the City Manager. The City Manager thanked the Commission. Linda Gee, Customer Operations Manager, recognized the City's customer service professionals for taking pride in their work. The City Manager thanked the City's customer service employees for their role in building a community one neighbor at a time.

2. GLAM-A-THON DAY – OCTOBER 15, 2011 (PRES-01)

Commissioner Rogers presented a proclamation designating October 15, 2011, as Glam-

A-Thon Day in the City to Tammy Gail, Executive Director, and Genia Ellis, board member. Ms. Gail noted that Glam-A-Thon's goal is to diffuse the fear that accompanies breast cancer. She thanked the City and Broward Health Foundation for their support. She pointed out that Glam-A-Thon funds are helping local families. Ms. Ellis thanked the Commission and the City's Parks and Recreation Department for their partnership. She indicated that donations are being sought for this 501(c)3 charitable organization.

EXPRESSION OF SYMPATHY – MOMENT OF SILENCE**(OB)**

Mayor Seiler offered a moment of silence in memory of Sheriff Nick Navarro, former Broward County Sheriff.

CITY COMMISSION REDISTRICTING**(O-01)**

In consideration of Vice Mayor DuBose's absence, Mayor Seiler requested deferral of this item to October 18, 2011. See motion on page 26.

**TASK ORDER 4 - CAMP DRESSER & MCKEE INC. - \$147,030 -
INDUSTRIAL PRE-TREATMENT PROGRAM****(M-03)**

Mayor Seiler announced a revision to the subject of this Commission Agenda Report (11-1360) to reflect Task Order 4, in the amount of \$147,030, for study of industrial pre-treatment program – re-evaluation of local wastewater discharge limits.

**ADMINISTRATIVE SERVICES AGREEMENT FOR PHARMACY
MANAGEMENT SERVICES****(PUR-19)**

Mayor Seiler announced a revision to this Commission Agenda Report (11-1513) to include a 30-day termination for convenience clause in the contract as outlined in Memorandum 11-313 which is attached to these minutes.

Consent Agenda**(CA)**

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

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

EVENT AGREEMENTS AND RELATED STREETS**(M-01)****No budgetary impact.**

Ten event agreements: 1) Coral Ridge Green Market, 2) Halloween Rod Run, 3) National Marine Poker Run, 4) St. Jerome Fall Festival, 5) Southwest Fort Lauderdale Art Show and History Celebration, 6) Trick or Treat on 2nd Street, 7) The Triton Expo, 8) Fort Lauderdale Turkey Trot, 9) New River Raft Race and 10) New Times 14th Annual BeerFest.

Recommend: Recommend motion to approve.

Exhibit: Commission Agenda Report 11-1395

WATER ENVIRONMENT RESEARCH FOUNDATION MEMBERSHIP – \$10,557**(M-02)****Please see funding details attached to these minutes.**

One-year membership to Water Environment Research Foundation.

Recommend: Recommend motion to approve.

Exhibit: Commission Agenda Report 11-1369

TASK ORDER 4 - CAMP DRESSER & MCKEE INC. - \$147,030 - INDUSTRIAL PRE-TREATMENT PROGRAM**(M-03)****Please see funding details attached to these minutes.**

Task Order 4, in the amount of \$147,300, for study of industrial pre-treatment program - re-evaluation of local wastewater discharge limits.

Recommend: Recommend motion to approve.

Exhibit: Commission Agenda Report 11-1360

This Commission Agenda Report (11-1360) was revised. See announcement on page 2.

TASK ORDER 3 - CSA CENTRAL, INC. - \$119,458 RIVER OAKS PRESERVE STORMWATER ENGINEERING AND DESIGN**(M-04)****Please see funding details attached to these minutes.**

Task Order 3, amending compensation contract language from lump sum payment to not-to-exceed amount of \$119,458 - stormwater engineering and design services and permitting fees for River Oaks Preserve.

Recommend: Recommend motion to approve.

Exhibit: Commission Agenda Report 11-1432

CONTRACT RENEWALS - JANUARY, FEBRUARY AND MARCH 2012 (M-05)

Funding for these contract items are subject to approval and appropriation in the FY 2012 budget

Extension of listed contracts expiring in January, February and March, 2012, including two from October and December, 2011, and authorization of proper City Officials to execute all necessary documents, contingent upon each respective vendor agreeing to extension.

Recommend: Recommend motion to approve.

Exhibit: Commission Agenda Report 11-1245

NO OBJECTION TO PLAT NOTE AMENDMENT - DR. KENNEDY HOMES PLAT - CASE 21-P-07A (M-06)

No budgetary Impacts

Applicant: Housing Authority, City of Fort Lauderdale
Location: 1004 West Broward Boulevard
Zoning: Residential Multifamily Mid Rise Medium High Density
RMM-25 Future Land Use: Medium-High Residential

Recommend: Recommend motion to approve.

Exhibit: Commission Agenda Report 11-1418

NO OBJECTION TO PLAT NOTE AMENDMENT - MATCORP PLAT CASE 5-P-84A (M-07)

No budgetary impacts

Applicant: Barbill Ventures Corporation
Address: 1714 State Road 84 Zoning: General Business B-2 Future
Land Use: Commercial

Recommend: Recommend motion to approve.

Exhibit: Commission Agenda Report 11-1437

**PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY -
INSURANCE - \$156,860****(M-08)**

Please see funding details attached to these minutes.

Contract to purchase Public Officials and Employment Practices Liability Insurance Policy.

Recommend: Recommend motion to approve.

Exhibit: Commission Agenda Report 11-1382

CONSENT RESOLUTION

**DONATION FROM MAYAN BEACH CLUB, INC. DUNE RESTORATION –
\$7,500****(CR-01)**

Please see funding details attached to these minutes.

Acceptance of donation, in the amount of \$7,500, from Mayan Beach Club, Inc. for dune restoration project between NE 21 and 22 Streets on North Ocean Boulevard and amend fiscal year 2011-2012 final operating budget, by accepting and appropriating the funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1011

RESOLUTION NO. 11-278

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE' OF A DONATION IN THE AMOUNT OF \$7,500 FROM THE MAYAN BEACH CLUB, INC. FOR THE DUNE RESTORATION PROJECT; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012, BY ACCEPTING AND APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

GRANT ACCEPTANCE - INTEGRATED WATER RESOURCE PLAN - \$4,972 (CR-02)

Please see funding details attached to these minutes.

Acceptance of grant, in the amount of \$4,972, from Broward County for Integrated Water Resource Plan with cash match of the same amount, amendment of fiscal year 2012 final operating budget by accepting and appropriating the funds and authorization of proper City Officials to execute all necessary documents.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1151

RESOLUTION NO. 11-279

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE UNDERLYING DOCUMENT(S) AND PROVIDING FOR AN EFFECTIVE DATE.

**412-10805 - LIME SLUDGE REMOVAL AND DISPOSAL FOR PROSPECT (CR-03)
WELLFIELD - \$2,025,000**

Please see funding details attached to these minutes.

Purchase lime sludge removal and disposal services and amend fiscal year 2012 final operating budget by appropriating \$463,980 to complete contract funding \$2,025,000 contract plus 5 percent inspection fees, 2 percent engineering fees, 1 percent purchasing fees and contingencies.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1299

The Procurement Services Department has reviewed this item and recommends an award to the low responsive and responsible bidder, Prolime Corporation.

RESOLUTION NO. 11-280

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE UNDERLYING DOCUMENT(S) AND PROVIDING FOR AN EFFECTIVE DATE.

GRANT ACCEPTANCE - SINGLE-STREAM RECYCLING - \$3,398,113.41 (CR-04)

Please see funding details attached to these minutes.

Acceptance of grant, in the amount of \$3,398,113.41 from Broward County Resource Recovery Board for single-stream recycling initiatives, amendment of fiscal year 2012 final operating budget by accepting and appropriating the funds and authorization of proper City Officials to execute all necessary documents.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1415

RESOLUTION NO. 11-281

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 \$3,398,113.41 FROM BROWARD COUNTY RESOURCE RECOVERY BOARD, 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, 2011 AND ENDING SEPTEMBER 30, 2012, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

BROWARD CENTER FOR PERFORMING ARTS - PERFORMING ARTS CENTER AUTHORITY - TRI-PARTY AGREEMENT - FISCAL YEAR 2011-2012 RESPONSIBILITIES AND BUDGET (CR-05)

No Current Year Budgetary Impact.

A resolution authorizing the proper City Officials to execute tri-party agreement with Performing Arts Center Authority and Broward County - fiscal responsibilities for October 1, 2011 through September 30, 2012 and approving Authority's fiscal year 2012 budget - Broward Center for Performing Arts.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1450

RESOLUTION NO. 11-282

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE BUDGET OF THE PERFORMING ARTS CENTER AUTHORITY FOR FISCAL YEAR

2011/2012 AND APPROVING A TRI-PARTY GRANT AGREEMENT RELATED TO FUNDING OF THE PERFORMING ARTS CENTER.

GRANT EXTENSION - SE 15TH STREET BOAT LAUNCH AND MARINA (CR-06)
FLORIDA INLAND NAVIGATION GRANT

No budgetary impact to extend grant agreement. Funds have already been budgeted in P1 1422.

Project Agreement Amendment for one-year extension to Florida Inland Navigation District program grant for improvements to SE 15th Street Boat Launch and Marina Project Phase II and authorization of proper City Officials to execute all necessary documents.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1374

RESOLUTION NO. 11-283

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS EXECUTE A PROJECT AGREEMENT AMENDMENT FOR A ONE YEAR EXTENSION TO THE FLORIDA INLAND NAVIGATION DISTRICT (FIND) PROGRAM GRANT FOR IMPROVEMENTS TO THE S.E. 15TH STREET BOAT LAUNCHING AND MARINE COMPLEX PROJECT PHASE II APPROVED IN JANUARY 6, 2010, IN THE AMOUNT OF EIGHT HUNDRED SEVENTY-SIX THOUSAND, NINE HUNDRED AND SIX DOLLARS (\$876,906.00); AND TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE APPLICATION FOR EXTENSION OF SAID GRANT, GRANT AGREEMENT AND RECEIPT AND DISBURSEMENT OF GRANT FUNDS PURSUANT THERETO.

NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT PHASE I (CR-07)
DEED OF CONVEYANCE AND RESTRICTIVE COVENANTS

Authorization of proper City Officials to execute a Deed of Conveyance and Declaration of Restrictive Covenants to Developer/Assignee, MJDC AOA, LLC, a Florida Limited Liability Company, for Phase I of Northwest Commercial Redevelopment Project upon satisfaction of all conditions precedent under the Development Agreement and delegation of authority to City Manager to execute all necessary documents.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1515

RESOLUTION NO. 11-284

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A DEED OF CONVEYANCE TO AND DECLARATION OF RESTRICTIVE COVENANTS WITH MJDC AOA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, DEVELOPER OF PHASE I OF THE NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT PURSUANT TO THE DEVELOPMENT AGREEMENT UPON SATISFACTION OF CONDITIONS PRECEDENT UNDER THE DEVELOPMENT AGREEMENT; DELEGATING AUTHORITY TO THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS OR INSTRUMENTS NECESSARY OR INCIDENTAL TO THE CLOSING ON THE PHASE I PROPERTY.

NORTHWEST COMMERCIAL REDEVLEOPMENT PROJECT PHASE I (CR-08)
CONSENT TO ASSIGNMENT OF DEVELOPMENT AGREEMENT

No Funding Impact

Consent to Developer's Assignment and Assumption of Rights and Obligations for Northwest Commercial Redevelopment Project Phase I under Development Agreement with Milton Jones Development Corporation, from Milton Jones Development Corporation to MJDC AOA, LLC and authorization for proper City Officials to execute the necessary documents.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1509

RESOLUTION NO. 11-285

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A CONSENT TO DEVELOPER'S ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS OF PHASE I PROJECT UNDER THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND MILTON JONES DEVELOPMENT CORPORATION, SAID ASSIGNMENT AND ASSUMPTION BEING BETWEEN MILTON JONES DEVELOPMENT

CORPORATION, AS DEVELOPER/ASSIGNOR AND MJDC AOA, LLC, A FLORIDA LIMITED LIABILITY COMPANY AS DEVELOPER/ASSIGNEE, SUBJECT TO CERTAIN TERMS AND CONDITIONS; PROVIDING FOR REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR EFFECTIVE DATE.

NORTHWEST REDEVELOPMENT PROJECT PHASE I – ADDITIONAL RIGHT OF WAY - MJDC AOA, LLC - JOINDER, CONSENT AND RELEASE (CR-09)

No Budgetary Impact

Joinder, Consent and Release relating to MJDC AOA, LLC's dedication of additional right-of-way for Northwest Redevelopment Project Phase I subject to Declaration of Restrictive Covenants and authorization of proper City Officials to execute all necessary documents.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1516

RESOLUTION NO. 11-286

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A JOINDER, CONSENT AND RELEASE IN CONJUNCTION WITH THE DEDICATION OF ADDITIONAL RIGHT OF WAY BY MJDC AOA, LLC TO BROWARD COUNTY, JOINING AND CONSENTING TO THE CONVEYANCE BY MJDC AOA, LLC TO BROWARD COUNTY OF SUCH ADDITIONAL RIGHT OF WAY AND RELEASING SUCH LANDS FROM THE OPERATION OF THE DEVELOPMENT AGREEMENT FOR THE NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT SUBJECT TO CERTAIN TERMS AND CONDITIONS; PROVIDING FOR REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR EFFECTIVE DATE.

PURCHASING AGENDA

473-9744 - WATER VALVE AND FIRE HYDRANT MAINTENANCE SERVICES - \$350,000 (PUR-01)

Please see funding details attached to these minutes.

Purchase water valve and fire hydrant maintenance services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1264

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

413-10828 - COLD WATER POSITIVE DISPLACEMENT METERS – \$258,178 (PUR-02)

Please see funding details attached to these minutes.

Purchase cold water positive displacement meters for water distribution system.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1410

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

413-10829 - COLD WATER FIRE HYDRANT METERS - \$46,989 (PUR-03)

Please see funding details attached to these minutes.

Purchase cold water fire hydrant meters for water distribution system.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1414

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

413-10838 - COLD WATER MULTI-JET METERS - \$350,718 (PUR-04)

Please see funding details attached to these minutes.

Purchase cold water multi jet meters for water distribution system.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1417

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

11-25B - CO-OP QUICKLIME - \$2,074,992**(PUR-05)**

Please see funding details attached to these minutes.

Purchase quicklime for water treatment at Fiveash Water Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1421

The Procurement Services Department has reviewed this item and recommends approval of this Co-Op contract.

ROLL-UP APPARATUS BAY DOORS FOR FIRE STATION 35 - \$52,320 **(PUR-06)**

Please see funding details attached to these minutes.

Contract to purchase and install six roll-up apparatus bay doors at Fire Station 35 including four year maintenance - 1969 East Commercial Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1427

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

593-10180 - MANAGEMENT OF SUNRISE MIDDLE SCHOOL POOL – \$16,000 REVENUE **(PUR-07)**

One-year contract extension for management of Sunrise Middle School pool.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1394

The Procurement Services Department has reviewed this item and recommends contract extension.

722-10826 - JUNGLE QUEEN LEASE - \$150,500 **(PUR-08)**

Please see funding details attached to these minutes.

Three-year lease agreement with one, one-year renewal option for Jungle Queen commercial dockage operation at 1005 Seabreeze Boulevard, Dock South (Areas "A" and "B").

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1454

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

712-10831 - COMPUTER SERVER HARDWARE REPAIRS - \$24,268.92 (PUR-09)

Please see funding details attached to these minutes.

Two-year service contract with three, one-year renewal options for city-wide computer server hardware on-site maintenance and, or repair.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1409

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

PROPRIETARY - PUBLIC SAFETY SYSTEMS BACK OFFICE INFRASTRUCTURE - \$84,842.16 (PUR-10)

Please see funding details attached to these minutes.

Renewal of public safety systems annual maintenance, contingent upon approval and appropriation of 2011-2012 fiscal year budget - back office infrastructure.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1419

The Procurement Services Department has reviewed this item and recommends approving the renewal of the annual safety proprietary maintenance support.

VM WARE VIRTUALIZATION PLATFORM - COMPUTER HARDWARE AND SOFTWARE - \$21,751.29 (PUR-11)

Please see funding details attached to these minutes.

Purchase computer hardware and software for VM Ware Virtualization Server.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1422

The Procurement Services Department has reviewed this item and approves the purchases utilizing the WSCA Contract.

**W4-2001 - INCREASE EXPENDITURE - DIGITAL PARKING METERS – (PUR-12)
\$42,720 - CELLULAR SERVICES**

Please see funding details attached to these minutes.

Increase Fiscal Year 2011 expenditure for cellular service in digital parking meters for credit card point-of-service communications, malfunction alerts and reporting, in the amount of \$6,000 and purchase services for Fiscal Year 2012, in the amount of \$36,720.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1378

The Procurement Services Department has reviewed this item and recommends increase in expenditure.

**502-10654 - CANCELLATION AND RE-AWARD OF CONTRACT – (PUR-13)
PARKING PERMITS - \$33,885**

Please see funding details attached to these minutes.

Cancel contract with Jennings Printing, Inc. for parking permit decals and hangtags and award to Dri-Stick Decal Corp., d/b/a Rydin Decal, for one-year with three, one-year renewal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1406

The Procurement Services Department has reviewed this item and recommends cancellation and re-award of contract.

**PROPRIETARY - REPAIRS TO CITY PARK GARAGE ELEVATORS – (PUR-14)
\$15,720**

Please see funding details attached to these minutes.

Repairs to City Park Garage elevators to meet Broward County elevator certification.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1274

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

**505-10531 - PARKING LOT CLEAN-UP SERVICES - ADDING CITY
PARK GARAGE - \$7,500 (PUR-15)**

Please see funding details attached to these minutes.

Amendment to contract for parking lot clean-up services, adding City Park Garage and authorizing City Manager to execute the amendment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1316

The Procurement Services Department has reviewed this item and recommends amendment to contract.

**PROPRIETARY - MULTI-SPACE PARKING METERS - \$184,680 (PUR-16)
REPLACEMENT PARTS, COMPONENTS AND SUPPLIES, WARRANTY
AND PARKFOLIO SERVICE**

Please see funding details attached to these minutes.

Purchase multi-space meter replacement parts, components and supplies on as-needed basis, extended warranty service and Parkfolio service.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1377

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

**PROPRIETARY - MULTI-SPACE PARKING METERS -\$97,260 (PUR-17)
REPLACEMENT PARTS, SUPPLIES AND EMS CREDIT CARD SERVICE**

Please see funding details attached to these minutes.

Purchase multi-space meter replacement parts, components and supplies on an as needed basis and "EMS" credit card service.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1380

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

PROPRIETARY - COMMUNITY PLUS SOFTWARE - \$10,560

(PUR-18)

Please see funding details attached to these minutes.

Annual maintenance, updates and support for Community Plus compiler software.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1390

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

**ADMINISTRATIVE SERVICES AGREEMENT FOR PHARMACY
MANAGEMENT SERVICES**

(PUR-19)

No Budgetary Impact.

Changes to Administrative Services Agreement for Pharmacy Benefit Management.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1513

The Procurement Services Department has reviewed this item and recommends approval of the amended contract language.

This Commission Agenda Report (11-1513) was revised in accordance with Memorandum 11-313. See announcement on page 2.

Motion made by Commissioner Roberts and seconded by Commissioner Rogers that all Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner Rogers, and Mayor Seiler. NAYS: None.

RESOLUTIONS

**LAUDERDALE ISLES WATER MANAGEMENT DISTRICT
ELECTION OF GOVERNING BOARD MEMBER - DECEMBER 12, 2011**

(R-01)

No budgetary impact.

Calling election for Lauderdale Isles Water Management District's governing board on December 12, 011 to elect one member for a four-year term, beginning January 1, 2012.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1249

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 11-274

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING AN ELECTION TO BE HELD ON DECEMBER 12, 2011 TO ELECT A MEMBER OF THE GOVERNING BOARD OF THE LAUDERDALE ISLES WATER MANAGEMENT DISTRICT AND CALLING FOR THE NOMINATION OF CANDIDATES.

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

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT
FEDERATION OF PUBLIC EMPLOYEES - \$7,721**

(R-02)

Please see funding details attached to these minutes.

Ratification of collective bargaining agreement with Federation of Public Employees, for the period beginning October 4, 2011 through September 30, 2013, and authorization of proper City Officials to execute the agreement.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1518

Commissioner Rodstrom was uncertain if all of this agreement's elements reflect the consensus reached during closed door session on this matter. She pointed out that Vice Mayor DuBose's input will not be obtained tonight due to his absence. She went on to note that the (percentage) wage increase amounts shown in Commission Agenda Report 11-1518 are for each year. She questioned the necessity of addressing this matter now as it is yet to be determined whether the City will have to pay the Broward County Sheriff \$5.7 million. According to this agreement, some employees will be able to get a maximum raise of four percent. Although she felt City employees are deserving, she objected to pay raises during this economic downturn as it could lead to layoffs next year. Commissioner Roberts indicated that this proposal will provide a savings in the long term. He did not think layoffs based on economic matters would be an issue, but, if this arises, negotiations with the unions could be reopened. Commissioner Rodstrom was concerned that there may not be enough funding for pay raises in the City's reserves if the current economic trend continues. She believed the police and firefighters are willing to forego pay raises if the economic downturn continues. She cannot support this item because she does not foresee an improvement in the economy.

Commissioner Rogers pointed out that the proposal does not include a raise this year. Although he believed the one percent pay raise for the two following years does not keep pace with the cost of living, he thought the merit raises are more realistic compared to

private industry than the prior merit raise program which the City cannot afford. He noted that employees who wish to retire have been given an incentive; and, if the budget allows, these positions, if filled, will be with new employees at a different wage rate. He agreed with Commissioner Roberts that it will cost the City more to do nothing, than to enter into what he believes is a fair agreement.

Mayor Seiler pointed out that the former merit plan was approved by the previous Commission. If the City is at an impasse as it has been for the last year, State law provides that the status quo remains in effect which leaves the City with a merit pay scale that exceeds affordability. The proposal reduces the City's exposure by providing an approximate \$2 million savings over a three-year combined period. He indicated that Commissioner Rodstrom has consistently objected to the former merit plan. Commissioner Rodstrom clarified that the City is not at a formal impasse, rather these employees were working without a contract for the past year. In response to Commissioner Rodstrom, Mayor Seiler explained that this item allows for a two percent raise over a three-year period at a schedule of zero percent now; one percent in 2011; and one percent in 2012; and the maximum merit raise was reduced from seven percent to three percent.

The City Manager clarified that these employees and the collective bargaining unit set forth in the proceeding item (R-03) have been working without a contract since October, 2010. The concept of status quo has applied during this time which provides that certain employee benefits will continue to be paid, although a contract is not in effect. A significant benefit of merit pay was one benefit which he described. The average merit raise given to the two bargaining units and the general employees not covered was roughly 5.9 percent which he thought would not be fiscally sustainable. Rather than entering into a formal impasse process which could be lengthy and costly, he recommended returning to negotiations with the unions to establish this fair merit increase plan which he elaborated upon. He summarized the proposal. The three-level system was reduced to two with a 1.5 percent increase for satisfactory and a 3 percent raise for above satisfactory and outstanding. He elaborated upon the incentives offered to employees eligible for the early retirement plan. If a determination is made to fill the positions vacated by those in the early retirement plan, it will be for a significantly lower wage which will provide additional savings over a three-year period. If the City does nothing and this contract (Federation of Public Employees) goes to an impasse, the City's cost over three years would be over \$300,000, but this agreement would provide the City a savings of approximately \$40,000 over a three-year period. He noted that the total savings for potential impasse costs for the Federation contract is approximately \$500,000, and approximately \$1 million over a three-year period for the Teamsters', Local Union 769, contract (item R-03).

In response to Commissioner Rodstrom, the City Manager noted that the early retirement option was based on a low estimate of approximately 25 percent of eligible employees' acceptance, and a high estimate of 80 percent replacement rate. As for the pension cost, he noted that the GERS (General Employees' Retirement System) actuaries have indicated that the ongoing contribution is actuarially neutral. He was not certain of the timeframe used in the study. The City Manager indicated that sick and annual leave payouts were included in this model, and will afford an estimated \$200,000 net savings in fiscal year 2012 for the Federation contract, and \$500,000 in net savings for the Teamsters contract. In response to Mayor Seiler, he clarified that all employees deemed eligible can accept the early retirement option. In order to prevent multiple simultaneous

retirements and to allow the City time for transition, there will be timeframes for these employees to provide the City notice. In response to Commissioner Rodstrom, he offered to provide the City's estimated cost for the early retirement.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-275

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND FEDERATION OF PUBLIC EMPLOYEES, A DIVISION OF THE NATIONAL FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES, AFL-CIO, FOR THE PERIOD BEGINNING OCTOBER 4, 2011, THROUGH SEPTEMBER 30, 2013, AND AUTHORIZING EXECUTION OF THE COLLECTIVE BARGAINING AGREEMENT.

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

Commissioner Rogers pointed out a scrivener's error in the first sentence of Section 1 on page 26 of Exhibit 1 in the Commission Agenda Report, that "Bargaining" should instead be "Bargaining Unit".

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT
TEAMSTERS LOCAL UNION 769 - \$345,625**

(R-03)

Please see funding details attached to these minutes.

Ratification of collective bargaining agreement with Teamsters, Local Union 769, for the period beginning October 4, 2011 through September 30, 2013, and authorization of proper City Officials to execute the agreement.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1468

In comparison to item R-02, the City Manager explained that the only difference for this item is an adjustment to the healthcare benefit in which the City will provide an additional \$20 per month, per employee.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-276

A RESOLUTION OF THE CITY COMMISSION OF THE

CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND TEAMSTERS LOCAL UNION 769, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO, FOR THE PERIOD BEGINNING OCTOBER 4, 2011, THROUGH SEPTEMBER 30, 2013, AND AUTHORIZING EXECUTION OF THE COLLECTIVE BARGAINING AGREEMENT. __

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

BOARD AND COMMITTEE APPOINTMENTS

(R-04)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1080

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

Community Appearance Board	Kyle Sawchuk (Commissioner Roberts)
Education Advisory Board	Chester "Chet" Ludwick (Commissioner Roberts)
Parks, Recreation and Beaches Board	JoAnn Medalie (Commissioner Rodstrom)
Unsafe Structures Board	Brian George Walker (Consensus – attorney category)

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-277

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

CITIZEN PRESENTATIONS

ART SEITZ - Aquatic Complex Redevelopment Request for Proposals - **(CIT-02)**
Recreational Design & Construction, Inc. Project and City's response to
International Swimming Hall of Fame, Inc. consultant reports

No budgetary impact.

Mr. Seitz believed the International Swimming Hall of Fame (ISHOF) should be oriented toward families and Broward County residents, but it lacks children's attractions. He thought swim meets will not provide the necessary amount of daily income. He supported a focus on diving as it is widely appealing. He elaborated upon attractions in South Florida and Houston which he thought should be considered for ISHOF and the Aquatic Complex. As for the Intracoastal and Barrier Island, he elaborated upon different restaurants that could serve as attractions, and thought a promenade (Bahia Mar area) should be included. He went on to describe features of a substantial waterfront project planned for Miami which is to be built on a 15-acre parcel.

ROBERT WALSH - Office of Professional Standards **(CIT-03)**

No budgetary impact.

Mr. Walsh raised the issue of the City's Office of Professional Standards (OPS) being combined with the Human Resources Department. He elaborated upon the role of OPS which he believed is important. As part of the City's reorganization, the City Manager explained that the OPS will be absorbed into Human Resources, and all will be housed in the Human Resources department. He invited Mr. Walsh to contact him regarding any further inquiries. Mayor Seiler clarified that he did not wish to discuss individual personnel from the dais. He suggested that any inquiry be directed to him for a response.

CHRISTINE TIMMON – Immigration **(CIT-04)**

No budgetary impact.

Ms. Timmon indicated that a number of unconstitutional immigrants are obtaining work in America, despite there being many unemployed Americans living in poverty. She defined unconstitutional immigration and elaborated upon its impact. She contended that these immigrants have sued social security to receive Supplemental Security Income (SSI). She thought a clawback suit may be in order. She advocated for citizens to exercise their right to vote, although she felt there have been legislative obstacles. She contended that one must first be a state resident in order to obtain legal citizenship under the constitution. She thought this process was designed to curb terrorism, and felt today's terrorism is a result of it not being followed.

SADLER JAMES - International Swimming Hall of Fame**(CIT-01)****No budgetary impact.**

Mr. James was concerned about the spur of the moment nature of a proposal brought forward today from RDC (Recreational Design and Construction, Inc.) for the International Swimming Hall of Fame (ISHOF). As for the claim that a hotel does not want competition from the City on this site, he stressed that hotel revenue should not be refused as it provides relief to taxpayers. He pointed out that the original proposal included a 60,000 square foot pool deck requirement which he thought could not have been met by any applicant, including RDC; though RDC was the only bidder. He claimed that today's proposal was so materially different as to discount the original proposal; therefore, he thought a new proposal should be issued that includes all of the elements addressed over the last six months. The new proposal should include the option of seeking private enterprise funds for ISHOF as was done for the Bahia Mar project. He was concerned about operational costs to the City, in the amount of \$640,000. At the very minimum, there should be a new proposal. In response to Mr. James' assertion that the Central Beach Alliance was not consulted as stakeholders, though residents on the west side of the Intracoastal were, the City Manager explained that he sought feedback about a concern regarding the elevation on the Intracoastal side, and thought the plan should first be viewed by the Commission before releasing it to the public.

PUBLIC HEARINGS

APPEAL - PLANNING AND ZONING BOARD DECISION - REZONING – (PH-01)
CASE 3-Z-11 - FIRST EBENEZER MISSIONARY CHRISTIAN CHURCH, INC.

No Budgetary Impacts

Applicant: First Ebenezer Missionary Christian Church, Inc.
Location: 312 NW 7 Street
Current Zoning: Residential Multifamily Mid Rise/Medium Density RMM-25
Future Land Use: Northwest Regional Activity Center

Recommend: Introduce 1) motion upholding Planning and Zoning Board Decision and denying rezoning for failure to meet requirements of Unified Land Development Regulations or 2) motion to hold de novo hearing immediately or 3) resolution setting de novo hearing within sixty days.

Exhibit: Commission Agenda Report 11-1480

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

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

Mayor Seiler announced that this is an appeal of the Planning and Zoning Board's decision to deny an application for rezoning of the property located between NW 4th

Avenue and NW 3 Avenue, south of NW 7 Street.

Deborah Rutkowski, Planning and Zoning, highlighted background information as set forth in Commission Agenda Report 11-1480. She explained that the use is not changing. The Applicant is seeking rezoning because the total building square footage of over 10,000 square feet would not be allowed in the existing RMM-25 zoning. The application meets the ULDR (Unified Land Development Regulations) requirements.

Mayor Seiler opened the floor for public comment.

Dan Fee, representing the Applicant, thought the Planning and Zoning Board (board) did not follow the criteria for a rezoning application because they requested items typically required for a site plan application stage. The church and school are permitted uses under the current zoning, but are not to exceed 10,000 square feet. The Applicant has acquired lots adjacent to the existing facility, and wishes to build a new 11,500 square foot sanctuary. However, both the board and Progresso Village Neighborhood Association (association) requested site plan application documents. It was suggested that the Applicant prepare a conceptual master plan as a less expensive alternative to a full site plan application. He recalled that the Director of Planning and Zoning advised the board that this could not be made a requirement because it equates to contract zoning; rather, the zoning decision must be made first. He believed that the board's denial was based on site plan related criteria and therefore he requested a de novo hearing be set. In response to Mayor Seiler, he confirmed the Applicant's position is that there was a departure from the essential requirements of law. Mayor Seiler indicated if there is no competent, substantial evidence to support the board's decision, the matter could be reconsidered. If there is such evidence, the board's decision remains in effect. Mr. Fee did not believe there is competent, substantial evidence because he believed the board applied criteria outside of the ULDR for rezoning applications to their decision. He felt this is evidenced in the board's meeting minutes (July 20, 2011, Exhibit 3 to Commission Agenda Report). The board's discussion related to items that are not zoning related.

In response to Commissioner Roberts, Mr. Fee explained that the board initially wanted the full site plan application, including a traffic study, which was followed by a suggestion to obtain a conceptual master plan and the Planning and Zoning Director's subsequent advisement that this was an inappropriate request for a zoning application as it would constitute contract zoning. Mayor Seiler emphasized the strict requirement upon which the Commission is to base its decision, looking at the record of, either, the board, the DRC (Development Review Committee), or the submission to the Planning and Zoning Department. A decision is then made that, either, there was a departure from the essential requirements of law, or that there is no competent, substantial evidence for the board's decision. Mr. Fee explained that the Applicant verbally provided the intent of the rezoning application, including the estimated the square footage, but did not have specific plans to submit. He reiterated his belief that the board's denial was based on requests for items that are not ULDR requirements for a rezoning application. He mentioned staff's indication that the rezoning application met the criteria, but requests beyond this were made. Before the site is designed, the Applicant must be made aware of any limitations, such as a maximum square footage. Mayor Seiler questioned how the sanctuary's size can be determined without a site or conceptual site plan. Mr. Fee explained that a ballpark estimate can be made. Without the rezoning, the square footage is capped at 9,999 square feet. The requested zoning district reduces the amount of permitted uses in order to slightly exceed 10,000 square feet. A new use is not being sought.

In response to Mayor Seiler, Mr. Fee confirmed that the property is located in the Northwest CRA, and both zoning districts are permissible within the CRA. He went on to outline his contact with the Northwest CRA Director who indicated that there were no comments. Board member Wischen later indicated he had hoped the application would be formally submitted to the CRA (advisory) board. There is no procedure for the CRA to act as an advisory body in the rezoning process so he had no mechanism to submit a petition to them.

The City Attorney advised that the board's meeting minutes reflect a motion to pass the item, which motion failed. Historically, the board has stated that a failure of a motion to pass is a denial. State law requires the board to make a finding of fact to identify why it was denied, which was not done, which could be considered a departure from the essential requirements of law. Mayor Seiler thought it is the board's responsibility to provide an explanation for their rejection. The City Attorney thought it could be sent back to the board with a request for their explanation. Mayor Seiler thought it almost appears that the record is incomplete because Mr. Fee has not pointed to anything in the record and the City Attorney has advised that the board omitted something from the record. He questioned whether it is a matter of the minutes not reflecting the board's explanation. Commissioner Rogers thought a complete record should be submitted to the Commission; therefore, this should be sent back for the board to provide a finding of fact for a record that the Commission would have to review. He and Mayor Seiler expressed concern that the ULDR criteria are not addressed in the board's minutes.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to send the item back to the Planning and Zoning Board to complete the record by providing an explanation if the application is denied. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner Rogers, and Mayor Seiler. NAYS: None. Mayor Seiler asked that the board provide the reason for their decision.

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

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE PLANNING AND ZONING BOARD'S DENIAL OF REZONING CERTAIN LANDS LOCATED BETWEEN N.W. 4TH AVENUE AND N.W. 3RD AVENUE, SOUTH OF N.W. 7TH STREET LOCATED AT 312 N.W. 7TH STREET IN AN RMM-25 ZONING DISTRICT (PZ CASE NO. 3-Z-11), MAKING CERTAIN FINDINGS AND SETTING A PUBLIC HEARING TO CONSIDER THE APPEAL BEFORE THE CITY COMMISSION AT 6:00 P.M. ON (choose one) OCTOBER 4, OCTOBER 18, NOVEMBER 1, OR NOVEMBER 15, 2011.

REZONE WITH ALLOCATION OF COMMERCIAL FLEX - (PH-02)
WOOL PLUMBING - PARKING LOT - 1321 NE 12 AVENUE - CASE 5-ZR-11

No budgetary impact.

Applicant: Wool Plumbing LTD. Location: 1321 NE 12 Ave
Current Zoning: Heavy Commercial Light Industrial Business B-3 and
 Residential Multifamily Low Rise
 Medium Density District RM-15
Proposed Zoning: Heavy Commercial Light Industrial Business B-3 and
 Parking Lot X-P
Future Land Use: Medium Residential

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

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

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

Recommend: Open hearing, close hearing, introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1438

In response to Commissioner Rodstrom, the City Manager advised that Section 1 of the ordinance provides for the conditions imposed by the Planning and Zoning Board (board) and the Development Review Committee (DRC). In response to Commissioner Rodstrom's question about the condition of artwork being allowed along the property on 13 Street subject to owners' approval, Michael Sands, representing the Applicant, clarified that the term, artwork, refers to sculptures which the Applicant wants the right to approve prior to installation. Subject to approval of the design, the artwork could be installed on the Applicant's property. The City Attorney indicated it would require a license agreement or lease. Mr. Sands also agreed to all of the other conditions set forth in Commission Agenda Report 11-1438 attached to these minutes. In further response, he confirmed that the Applicant is renovating its parking lot according to the ULDR (Unified Land Development Regulations) requirements. He noted that the parking lot currently has a barrier wall that will be removed, and landscaping will be included.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-30

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RM-15 TO X-P, LOTS 1 AND 2, BLOCK 3, "HOLIDAY HEIGHTS", PLAT BOOK 27, PAGE 11; LYING ON

NORTHEAST 12 AVENUE NORTH OF NORTHEAST 13 STREET AND SOUTHERLY OF THE FEC RAILROAD, WITH COMMERCIAL FLEX ALLOCATION AND DEVELOPMENT PLAN APPROVAL FOR A PARKING LOT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

ORDINANCES

CITY COMMISSION REDISTRICTING

(O-01)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1443

ORDINANCE NO. C-11-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING, PURSUANT TO SECTION 7.12 OF THE CITY CHARTER, GEOGRAPHICAL BOUNDARIES OF THE FOUR CITY COMMISSION DISTRICTS SO THAT SUCH DISTRICTS SHALL BE AS APPROXIMATELY EQUAL IN POPULATION AS IS PRACTICABLE.

A **motion** was made by Commissioner Rogers and seconded by Commissioner Roberts to defer this item to October 18, 2011. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner Rogers, and Mayor Seiler. NAYS: None.

CODE AMENDMENT - REGULATION OF FIREARMS AND AMMUNITION

(O-02)

NO BUDGETARY IMPACT

Recommend: Recommend approval; introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1453

Mayor Seiler opened the floor for public comment. Robert Walsh, 401 East Las Olas Boulevard, objected to House Bill 45 which this item is

based on, and noted the possibility that it may be thrown out by the courts. In response to Mr. Walsh, the City Attorney advised that the State Legislature has decided that all rules and regulations pertaining to firearms will come from the State; the City is prohibited from having firearm regulations. This ordinance takes all of the regulations in the City's ordinances regarding handguns and reverses them to bring it into conformity with the State law. Because the City's police officers enforce City ordinances and if they would arrest someone based upon an invalid City ordinance, there could be a false-arrest suit. This ordinance prohibits an individual from carrying a firearm into a public meeting. Mr. Walsh expressed discomfort with individuals being allowed to carry firearms into certain public places. In response to the City Manager, the City Attorney explained that, if this ordinance is enforced, each of the City's elected officials who approve and enforce this ordinance would be subject to a \$5,000 fine and jail if found to be in violation of this state law. Mr. Walsh thought metal detectors should be installed in the areas of City Hall where public meetings are held. He called into question Governor Scott's leadership ability.

There was no one else wishing to speak.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 16-52, DISCHARGE OF FIREARMS, SECTION 15-57, LOCAL BUSINESS TAX, INDOOR FIREARMS RANGE, SECTION 15-204, SECOND HAND DEALERS, SECTION 47-18.18, INDOOR FIREARMS RANGE, AND SECTION 26-202.1, PARADE AND PUBLIC ASSEMBLY PROHIBITIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR COMPLIANCE WITH FLORIDA HOUSE BILL 45, REGULATION OF FIREARMS AND AMMUNITION, AND FURTHER PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

CODE AMENDMENT - CHAPTER 15, ARTICLE IX - PAIN CLINICS

(O-03)

No budgetary impact.

Recommend: Recommend approval, introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1455

Mayor Seiler opened the floor for public comment.

Christine Timmon, 1901 SE 1 Avenue, thought these clinics only serve the purpose of drug abuse and are a nuisance to surrounding neighborhoods. She supported this item.

There was no one else wishing to speak.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-29

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 15, BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE IX, PAIN MANAGEMENT CLINIC, SECTION 15-254 TO INCLUDE LICENSED HEALTH CARE CLINICS PURSUANT TO STATE LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

QUORUM REQUIREMENT - BUDGET ADVISORY BOARD

(O-04)

No budgetary impact

Recommend: Recommend approval, introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1486

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-96-62 WHICH CREATED THE BUDGET ADVISORY BOARD TO REDUCE THE QUORUM REQUIREMENT.

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

TERM - AUDIT ADVISORY BOARD

(O-05)

No budgetary impact

Recommend: Recommend approval, introduce ordinance on second

reading.

Exhibit: Commission Agenda Report 11-1488

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-03-46 WHICH CREATED THE AUDIT ADVISORY BOARD TO AMEND THE DATE A BOARD MEMBER'S TERM OF APPOINTMENT BEGINS AND ENDS TO COINCIDE WITH THE CITY'S FISCAL YEAR AND EXTENDING THE TERM OF APPOINTMENT OF EXISTING BOARD MEMBERS TO SEPTEMBER 30, 2012.

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

Note: The City Commission adjourned the regular meeting at 7:53 p.m. and returned to the conference meeting agenda, item I-E, from 7:53 p.m. to 8:42 p.m. The Commission then convened as the Community Redevelopment Agency Board of Directors from 8:42 p.m. to 8:52 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk