

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
July 21, 2009

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
July 21, 2009**

Meeting was called to order at 6:05 p.m. by Mayor Seiler on the above date, in the City Commission meeting room.

Roll call showed:

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

Absent: None

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

Invocation was offered by Pastor Scott of New Hope Missionary Baptist Church, followed by the Pledge of Allegiance led by Shakur Williams.

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 DuBose and seconded by Commissioner Rodstrom to approve the minutes of the April 15, 2008 Special Meeting, April 21, 2009 Special Meeting, April 21, 2009, May 5, 2009 and June 2, 2009 Conference meetings, May 19, 2009 City-County Summit, May 19, 2009, June 2, 2009 and June 16, 2009 Regular meetings. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Presentations

1. **Community Appearance Board – WOW Award - (PRES-01)**
District II

Commissioner Rodstrom presented the WOW Award for District II to Scott and Andrea Woodburn who reside at 630 NE 17 Avenue. Ms. Woodburn thanked the Commission for the award.

2. **31st Annual Community Appearance Awards - Sponsors of WOW Award Program** (PRES-02)

Vice Mayor Roberts recognized the WOW Award Program sponsors: Mark Carpenter representing American Engineering & Development Corp. (not present); Rick Murphy representing Causeway Lumber and H. Wayne Huizenga; Robert Lochrie representing Lochrie & Chakas; Shelley Walker representing Prudential Florida 1st Realty; Mark Saltz representing Saltz Michelson Architects; and Ramon Simmons representing Stiles Corporation. He also recognized the members of the Community Appearance Board.

3. **Commendation – Kenny Nail** (PRES-03)

Commissioner Rogers presented a commendation to Kenny Nail for his dedication to the citizens and youth of Fort Lauderdale. Mr. Nail thanked the Commission for this honor.

4. **Commendation – Zarkeese Hughes** (PRES-04)

Commissioner DuBose presented a commendation to Zarkeese Hughes in recognition of his acceptance into the People to People Student Ambassador Program. Mr. Hughes thanked the Commission for this honor. He also presented a plaque to Commissioner DuBose for his support in relation to the People to People tour.

5. **Americans With Disabilities Appreciation Day - July 23, 2009** (PRES-05)

Commissioner Rodstrom presented a proclamation, designating July 23, 2009, as Americans With Disabilities Appreciation Day, to Karen Dickerhoof and Debbie Kuhn of the Independent Living of Broward Center. Ms. Dickerhoof thanked the Commission for this honor.

6. **Parks and Recreation Department – Destination Certification For 2009-2010 Blue Wave Season** (PRES-06)

The City Manager noted that the Clean Beaches Council has determined that Fort Lauderdale beach has met the requirements for destination certification for Blue Wave season for the fifth consecutive year. This is due to the dedication and commitment of the Parks and Recreation Department Beach Crew.

Phil Thornburg, Director of Parks and Recreation, thanked the Commission and everyone who worked as a team.

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 Agreement – Fight For Air Lung Walk

(M-01)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with the American Lung Association of Florida, Inc. for the annual Fight For Air Lung Walk to be held at Huizenga Plaza, Riverwalk and downtown area sidewalks on October 3, 2009, 8 AM – 11:30 AM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1012

**Event Agreement – Classics on Las Olas
Closing Parking Lanes of East Las Olas Boulevard**

(M-02)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with the Las Olas Company, Inc. for Classics on Las Olas, to be held on August 12, 2009, October 7, 2009, and December 9, 2009, 6 PM – 9 PM on East Las Olas Boulevard and closing parking lanes only from SE 6 Avenue to SE 10 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0865

Event Agreement – Community Health Awareness Series

(M-03)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Community Health Education Alliance, Inc. for Community Health Awareness Series, to be held September 5, 2009, 8 AM – 4 PM, and November 21, 2009 and December 12, 2009, 10 AM – 2 PM at Joseph C. Carter Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0972

Event Agreement – Light The Night Walk**(M-04)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Leukemia & Lymphoma Society, Inc. for Light the Night Walk to be held November 7, 2009, 6 PM – 9 PM at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0995

Event Agreement – Toolin For Schoolin**(M-05)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Mount Bethel Human Services Corporation, Inc. for Toolin For Schoolin to be held August 22, 2009, 10 AM – 2 PM at Joseph C. Carter Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0996

Event Agreement – 2010 South Florida Scottish Festival and Games**(M-06)****No budgetary impact.**

A motion providing for contingent authorization and approval of Event Agreement with Scottish American Society of South Florida, Inc. for 2010 South Florida Scottish Festival and Games to be held January 9, 2010, 8 AM – 8 PM, at Fort Lauderdale Stadium festival site.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1011

**Event Agreement – Sunrise Beach Classic Car Show
Closing Sunrise Lane and NE 9 Street****(M-07)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with North Beach Square Neighborhood Association, Inc. for Sunrise Beach Classic Car Show to be held July 25, 2009, 10 AM – 5 PM and closing Sunrise Lane and NE 9 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1013

**Event Agreement – Mods and Rockers
Closing SE 6 Street****(M-08)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward County Film Society, Inc. for Mods and Rockers to be held October 24, 2009, 3 PM – 12 AM at Cinema Paradiso and closing SE 6 Street from SE 5 Avenue to SE 5 Terrace, leaving garage and condominium access open.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-0976

**Event Agreement – Reaching Out To The Community With
God's Love – Closing NW 18 Avenue****(M-09)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Impact Faith Deliverance Ministries, Inc. for Reaching Out To The Community With God's Love to be held on August 8, 2009, 12 Noon – 6 PM at Lincoln Park and closing NW 18 Avenue contingent upon City Attorney's Office receiving and approving executed agreement.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-1014

Event Agreement – Back To School Health – Resource Fair**(M-10)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward Health for Back To School Health – Resource Fair to be held August 22, 2009, 10 AM – 2 PM at Seventh Avenue Family Health Center.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-1035

**Change Order 2 (Final) – Conquest Engineering Group Company
Area 4 Basin E – Phase I – Credit (\$1,372,369.27)****(M-11)****Reduce encumbrance by (\$1,372,369.27) in Fund 482, Subfund 01, P10507.482-6599; EPO3360.**

A motion authorizing: (1) Change Order 2 (Final) with Conquest Engineering Group Company in net CREDIT amount of (\$1,372,369.27) – additional work and final quantity

reconciliation – Sanitary Sewer and Water Main Improvements – Area 4 Basin E – Phase I – Project 10507E1, and (2) reduce encumbrance by (\$1,372,369.27).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0944

Change Order 2 (Final) – Conquest Engineering Group Company (M-12)
River Oaks Basin E – Credit (\$279,648.41)

Reduce encumbrance by (\$279,648.41) in Fund 482, Subfund 01, P10705.482-6599; EPO3387.

A motion authorizing: (1) Change Order 2 (Final) with Conquest Engineering Group Company, in net CREDIT amount of (\$279,648.41) – final quantity reconciliation – Sanitary Sewer and Water Main Improvements – River Oaks Basin E – Project 10705E; and (2) reduce encumbrance by (\$279,648.41).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0946

Change Order 4 – Metro Equipment Service, Inc. - \$103,209.09 (M-13)
Add 37 Days – Systemwide Pump Station Upgrades

Transfer \$116,000 from P11197.454-6599, Water and Sewer Fund Recap to P10874.454-6599, all in Fund 454, Subfund 01; EPO3219.

A motion authorizing: (1) Change Order 4 with Metro Equipment Service, Inc., in the net amount of \$103,209.09 and the addition of 37 non-compensable calendar days to contract period – additional work and quantity adjustments – Phase I System-wide Pump Station Upgrades – Project 10874; and (2) transfer \$116,000 to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0965

Change Order 3 – Acupower, Inc. - \$12,623.43 – Add 32 Days (M-14)
Executive Airport Security Improvements - \$12,623.43

\$12,623.43 is available in P10965.468C-6599; Fund 468, Subfund 02.

A motion authorizing the proper City Officials to execute Change Order 3 with Acupower Inc., in the amount of \$12,623.43 and the addition of 32 days to construction schedule – Executive Airport Security Improvements – Project 10965.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0980

**Change Order 1 (Final) Intercounty Engineering, Inc. - \$12,417.23 - (M-15)
Add 277 Days – Pump Stations – Riverside Park and South Victoria
Park Road – SE 2 Court**

Transfer \$14,000 from P11197.454-6599, Water and Sewer Fund Recap, to P10578.454-6599, all in Fund 454, Subfund 01, EPO3389.

A motion authorizing: (1) Change Order 1 (Final) with Intercounty Engineering, Inc., in the amount of \$12,417.23 and the addition of 277 non-compensable calendar days to contract period – additional work and final quantity reconciliation – five pump stations – Riverside Park and South Victoria Park Road – SE 2 Court – Project 10578E; and (2) transfer \$14,000 to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1008

**Change Order 2 – Giannetti Contracting Corporation – Add 98 (M-16)
Days - \$10,275.14 – Davie Boulevard 54 Inch Sanitary Sewer Forcemain**

Transfer \$12,000 from P11197.454-6599, Water and Sewer Fund Recap to P10553.454-6599, all in Fund 454, Subfund 01; EPO3545.

A motion authorizing: (1) Change Order 2 with Giannetti Contracting Corporation in the amount of \$10,275.14 and the addition of 98 non-compensable calendar days to contract period – additional work – Davie Boulevard 54 inch sanitary sewer forcemain along SE 10 Avenue to Lohmeyer Wastewater Treatment Plant – Package C – Project 10553C; and (2) transfer \$12,000 to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1004

**Change Order 1 – Gates Builders, Inc. – Add 6 Days (M-17)
Fire Station 49 – 1015 Seabreeze Boulevard - \$55,370**

\$55,370 is available in Fund 336, Subfund 01, P10912.336-6599.

A motion authorizing Change Order 1 with Gates Builders, Inc., in the amount of \$55,370 and the addition of 6 working days to contract period – Fire Station 49 – 1015 Seabreeze Boulevard – Project 10912.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1021

Change Order 2 – DiPompeo Construction Corporation - (M-18)
Add 5 Days – Fire Station 29 – 2002 NE 16 Street –
\$45,233.36

\$45,233.36 is available in P10905.336-6599; Fund 336, Subfund 01.

A motion authorizing Change Order 2 with DiPompeo Construction Corporation in the net amount of \$45,233.36 and the addition of 5 working days to contract period – Fire Station 29 – 2002 NE 16 Street – Project 10905.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1016

Contract Award – Central Florida Equipment Rentals, Inc. - (M-19)
\$1,062,840 – City-Wide Forcemain and Transmission
System Improvements

Please see the funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to: (1) award and execute contract with Central Florida Equipment Rentals Inc., in the amount of \$1,062,840 – installation of forcemain systems at various locations – City-Wide Forcemain System Interconnects and Transmission System Improvements – Water and Sewer System – Project 11119A; and (2) transfer \$1,190,380.80 to fund this contract and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0952

Contract Award – Solution Construction, Inc. - \$3,054,467.25 (M-20)
South Andrews Avenue Water Main Improvements

Please see the funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to: (1) award and execute contract with Solution Construction, Inc. in the amount of \$3,054,467.25 – construction of South Andrews Avenue Water Main Improvements (component of Tarpon River Area Large Water Main) – Project 10815; and (2) transfer \$3,421,003.32 to fund this contract and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0955

Contract Award – Ric-Man Construction, Inc. - \$1,198,798.64 (M-21)
Water Main Improvements Serving Beach and Northeast Portion of City

Please see the funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to: (1) award and execute contract with Ric-Man Construction, Inc. in the amount of \$1,198,798.64 – construction of 48 inch Water Main Improvements Phase 2 – beach and northeast portion of City – Project 10875B; and (2) transfer \$1,342,654.48 to fund this contract and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0962

Contract Award – Globetec Construction LLC - \$1,849,025 (M-22)
Fiveash Water Treatment Plant Filter Rehabilitation

Please see the funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to: (1) award and execute contract with Globetec Construction LLC in the amount of \$1,849,025 – construction of Fiveash Water Treatment Plant Filter Rehabilitation – Project 11490; and (2) transfer \$2,379,695.18 to fund this contract, contingencies and 17 percent engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1018

Contract Award – Coral-Tech Associates, Inc. - \$159,800 (M-23)
Housing Set For Portable Emergency Generator

Transfer \$205,662.60 from P11156.331 to P00434.331. Please see additional funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to: (1) award and execute contract with Coral-Tech Associates, Inc. in the amount of \$159,800 plus 17 percent engineering fees – housing set for portable emergency generator; and (2) transfer \$205,662.60.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1037

Contract Award – Burke Construction Group, Inc. - \$273,068.95 (M-24)
Henry Kinney Tunnel Top Park South Improvements

Please see the funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to: (1) award and execute contract with Burke Construction Group, Inc. of Doral, Florida, in the amount of \$273,068.95 – construction of Henry Kinney Tunnel Top Park South Improvements – Project 10966; and (2) transfer funds for this contract and contingencies plus an additional 10 percent for engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0849

Contract Award – Farache Enterprises, Inc. - \$72,620.60 (M-25)
Harbordale – Neighborhood Capital Improvement Program

Please see the funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to: (1) award and execute contract with Farache Enterprises, Inc. in the amount of \$72,620.60 – installation of stamped asphalt intersections – Harbordale Civic Association, Inc. – Neighborhood Capital Improvement Program – Project 11258; and (2) approve transfer of funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1044

Task Order 1 – Kimley-Horn & Associates, Inc. - \$276,710 (M-26)
Executive Airport Taxiway Bravo and Taxiway Connectors

\$55,342 is available in P11134.468-6534, Fund 468, Subfund 02. \$221,368 is available in P11134.468A-6534, Fund 468, Subfund 02.

A motion authorizing the proper City Officials to execute Task Order 1 with Kimley-Horn and Associates, Inc. in the amount of \$276,710 – Taxiway Bravo Pavement Rehabilitation and Improve Taxiway Connectors – Project 11134.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0977

Task Order 08-11 – Hazen and Sawyer, P.C. - \$14,324 (M-27)
Floridan Aquifer Wellfield Survey Assistance

Transfer \$17,000 from P11197.454-6599, Water and Sewer Fund Recap, to P11481.454-6599, all in Fund 454, Subfund 01.

A motion authorizing the proper City Officials to: (1) execute Task Order 08-11 with Hazen and Sawyer, P.C. in the amount of \$14,324 – engineering services – preparation of surveys for development of new wells and pipelines at Floridan Aquifer Wellfield – Project 11481; and (2) transfer \$17,000 to fund this task order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1002

Task Order – Chen and Associates Consulting Engineers, Inc. - (M-28)
\$238,754.70 – State Road A-1-A Turtle Friendly Light
Replacement

Transfer \$119,377.35 from P11322.343, Beach Improvements Fund 343, Subfund 01, Subobject 6599 to P11498.343 A1A Transit Improvements, Subfund 01, Subobject 6599 and \$119,377.35 will be available in P11498.106 A1A Transit Improvements Fund 106, Subfund 10, Subobject 6599 contingent upon CRA approval of funds transfer request from P11322.106, Fund 106, Subfund 10, Beach Improvements on the July 21, 2009 CRA Board Agenda Memo 09-163 (Exhibit 3).

A motion authorizing the proper City Officials to: (1) execute Task Order with Chen and Associates Consulting Engineers, Inc., in the amount of \$238,754.70 – design of State Road A-1-A Light Replacement Project – Turtle Compliant Fixtures as part of A-1-A Seabreeze Boulevard Transit Improvements – Project 11498; and (2) transfer funds to fund this task order, all contingent upon Community Redevelopment Agency approval of funds transfer to project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1055

Task Order 3 – R.J. Heisenbottle Architects, P.A. - \$111,920.22 (M-29)
Additional Design Services – Southside School

\$111,920.22 is appropriated in P10777.328, Fund 328, Subfund 01.

A motion authorizing proper City Officials to execute Task Order 3 with R.J. Heisenbottle Architects, P.A., in the amount of \$111,920.22 – additional design services – Southside School – Project 10777.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1015

Amendment 4 To Work Authorization 16724.94 – Keith and (M-30)
Schnars, P.A. - \$2,400 – Oakland Park Large Water Main

Transfer \$2,700 from P11197.454-6599, Water and Sewer Fund Recap to P10572.454-6599, all in Fund 454, Subfund 01; EPO2810.

A motion authorizing the property City Officials to: (1) execute Amendment 4 to Work Authorization 16724.04 with Keith and Schnars, P.A. in the amount of \$2,400 – landscape architect services – Oakland Park Large Water Main – Project 10572; and (2)

transfer \$2,700 to fund this amendment and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1003

**Amendment 1 – Dorsey Riverbend Neighborhood Improvements (M-31)
Contract - \$25,365 – McMahon Transportation Engineering and
Planning – Post Design Services**

\$25,365.00 is provided in NPF CRA project account for the Dorsey Riverbend Neighborhood Improvements Fund 106, Subfund 20, P10435.106-6599.

A motion authorizing the proper City Officials to execute Amendment 1 to Dorsey Riverbend Neighborhood Improvements design contract with McMahon Transportation engineering and Planning in the amount of \$26,365 – post-design services – Project 10435.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1059

Capital Improvement Program Project Fund Transfers (M-32)

Funds transfer detail is attached.

A motion authorizing transfer of funds between capital improvement program projects.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0931

**Amend Operating Budget – Transfer - \$50,000 (M-33)
Business Capital Improvement Program**

Transfer \$25,000 from P00441.331-6599 to P11394.331-6599, and \$25,000 from P00441.331-6599 to P11392.331-6599, All in Fund 331, Subfund 01.

A motion authorizing transfer of \$50,000 for approved 2008 Business Capital Improvement grant projects.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1032

Business Capital Improvement Grant Program (M-34)
Riverwalk Trust – Decorative Planter Pots On
Riverwalk - \$22,500

\$22,500 will be available in P11501.331, Fund 331, Subfund 01, Subobject 6599 upon approval of Commission Item 09-0927 presented at the 7-7-09 meeting.

A motion awarding a Business Capital Improvement Grant in the amount of \$22,500 to Riverwalk Trust – purchase and installation of decorative planter pots along Riverwalk – Business Capital Improvement Grant Program – Project 11501.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1043

Business Capital Improvement Grant Program - \$167,500 (M-35)
North Beach Neighborhood Association, Inc. –
Streetscape Improvements

\$22,500 will be available in P11502.331, Fund 331, Subfund 01, Subobject 6599 upon approval of Commission Item 09-0927 presented at the 7-7-09 meeting. Funds transfer detail is attached.

A motion: (1) awarding business capital improvement grants in the amount of \$167,500 to North Beach Square Neighborhood Association, Inc. – entryway, streetscape and café style sidewalk improvements along Sunrise Lane and NE 9 Street – Business Capital Improvement Grant Program – Project 11502; and (2) transfer funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1053

Contract Award – Dorsey Riverbend Neighborhood (M-36)
Improvements - \$877,979.15

Please see the funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to award and execute contract with Miguel Lopez Jr., Inc., in the amount of \$877,979.15 – construction of Dorsey Riverbend Neighborhood Improvements – Project 10435 plus contingencies and 10 percent for engineering fees (total \$1,062,354.77).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1070

Relocation of Fire Station 35 – 1841 East Commercial Boulevard (M-37)
Property Exchange – Shepard of The Coast Lutheran Church

Please see the funding information attached.

A motion authorizing the proper City Officials to execute a Land Swap and Lease-Back Agreement for the property exchange and lease-back for Fire Station 35 – 1841 East Commercial Boulevard – Shepard of the Coast Lutheran Church.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1065

Change Order 2 – Pavex Corporation d/b/a Ranger Construction - (M-38)
South Executive Airport Taxiway Alpha Relocation –
(\$343,420.44) Credit

\$4,292.76 credited to P10802.468-6599, Fund 468, Subfund 02 (credit is to EP03407-01), \$17,171.02 credited to P10802.468C-6599, Fund 468, Subfund 02(credit is to EP03407-02), \$321,956.66 credited to P10802.468D-6599, Fund 468, Subfund 02 (credit is to EP03407-03).

A motion authorizing the proper City Officials to execute Change Order 02 with Pavex Corporation d/b/a Ranger Construction – South in the credit amount of (\$343,420.44) – Taxiway Alpha Relocation – Project 10802.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0979

Grant Extension – 2006 Metropolitan Medical Response System (M-39)

No budgetary impact. Grant funds in the amount of \$232,330 are already budgeted in GMMRS08, Fund 129, and Subobject C310. There is no cash match.

A motion authorizing: (1) extension of 2006 Metropolitan Medical Response System grant agreement to December 31, 2009; and (2) proper City Officials to execute all necessary documents to finalize the extension, including modification to grant agreement – Florida Department of Community Affairs, Emergency Management Division and U.S. Department of Homeland Security.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1040

Property Purchase – Stormwater Retention – Detention Area – 2101-2117 SW 19 Avenue – River Oaks – River Oaks Landings, LLC (M-40)

\$2,250,000 grant funds are budgeted in P11419.470A and \$2,250,000 matching funds are budgeted in P11419.470-6599 all in Fund 470 Subfund 02. \$516,836 is available in P10705.470A and \$516,836 is available in P10705.470-6599 all in Fund 470, Subfund 02.

A motion authorizing the proper City Officials to execute a purchase and sale agreement with River Oaks Landings, LLC for property to be used for Stormwater Retention – Detention Area – 2101 to 2117 SW 19 Avenue – River Oaks.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0839

Climate Showcase Communities Grant Application – Funding Source Change – Environmental Protection Agency – Reduce Greenhouse Gas Emissions (M-41)

No current year budgetary impact. Funding may be awarded January 2010 and match funds up to \$250,000 are available in Fund 106, Subfund 01, P10015.106-6599 – Construction.

A motion authorizing a funding source change to grant application – Environmental Protection Agency – sustainability 50/50 match grant – projects to reduce greenhouse gas emissions – Climate Showcase Communities Grant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1029

Amendment – Dockage Lease Agreement – Jungle Queens, Inc. Wave Runner Tours – Dock Areas A and B – South End of Bahia Mar Yacht Basin (M-42)

No budgetary impact.

A motion authorizing the proper City Officials to amend lease agreement with Jungle Queens, Inc. – allow sub-lessee, Atlantic Beach Clubs – Two, Inc. to conduct guided wave runner tours from lease site under certain terms and conditions – Dock Areas A and B, Slip A-4.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0814

Amendment 1 – Task Order 39 – Harris Miller Miller & Hanson, Inc. - \$9,920 – Environmental Assessment – Runway 08 I-95 Departures – Executive Airport (M-43)

\$9,920.00 to be transferred from P10770.468.6599 Fund 468, Subfund 02 to P11320.468.6534, Fund 468, Subfund 02.

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 39 with Harris Miller Miller & Hanson, Inc. for extended study period and completion of environmental assessment – Runway 08 Interstate 95 Departures – Executive Airport; and (2) transfer of 49,920 from Project 10770 to Project 11320, \$9,920.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0984

CONSENT RESOLUTION

Grant Application – Development of Eight Parks Broward County Land Stewardship Program - Parks For People (CR-01)

No current year budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1028

RESOLUTION NO. 09-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR PARKS FOR PEOPLE GRANTS, EACH IN THE AMOUNT OF \$75,000, FROM BROWARD COUNTY THROUGH THE LAND STEWARDSHIP PROGRAM FOR EACH OF THE FOLLOWING ELIGIBLE SITES: BILL KEITH PRESERVE; CORAL RIDGE PARK; CYPRESS CREEK SAND PINE PRESERVE; DOLPHIN ISLES PARK; FLAGLER HEIGHTS PARK; HARBORDALE PARK; SAILBOAT BEND PRESERVE; AND SOUTH MIDDLE RIVER PARK.

Task Order 09-13 – Hazen and Sawyer, P.C. - \$9,980 (CR-02)
Fiveash Water Treatment Plant Lime System Evaluation

Appropriate \$10,000 from P11246.454-6599, Fund 454, Subfund 01 to PBS670101-3199, Fund 450, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0988

RESOLUTION NO. 09-176

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE TASK ORDER 09-13 BETWEEN HAZEN AND SAWYER, P.C. AND THE CITY OF FORT LAUDERDALE AND TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING \$10,000 FROM P11246.454-6599 FUND 454, SUBFUND 01 AND TRANSFERRING-IN TO PBS670101-3199 FUND 450 SUBFUND 01 FOR THE PURPOSE OF A LIME SYSTEM EVALUATION AT THE FIVEASH WATER TREATMENT PLANT.

Citizens Sustainability ‘Green’ Committee

(CR-03)

No Budgetary Impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1027

RESOLUTION NO. 09-177

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE CITIZENS SUSTAINABILITY ‘GREEN’ COMMITTEE; PROVIDING THE PURPOSE AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE NUMBER OF COMMITTEE MEMBERS; PROVIDING CRITERIA FOR COMMITTEE MEMBERSHIP AND PROVIDING FOR LENGTH OF TERM OF THE COMMITTEE.

Name Addition – Progress Hammock Memorial Greenway Right-of-Way Between NE 14 Avenue and NE 15 Avenue At NE 7 Street

(CR-04)

\$1,000 budgeted in GF001, Subfund 01, PKR061501-3999.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0750
RESOLUTION NO. 09-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADDING THE NAME "PROGRESS HAMMOCK MEMORIAL GREENWAY" TO A PORTION OF THE CITY RIGHT-OF-WAY BETWEEN NE 14TH AVENUE AND NE 15TH AVENUE AT NE 7 STREET.

**Palmdale Pump Station and Salt Water Intrusion
Monitoring – Transfer Agreement, Easements, Bill of Sale**

(CR-05)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0909

RESOLUTION NO. 09-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A TRANSFER AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY ("SCHOOL BOARD") TRANSFERRING CERTAIN ASSETS INVOLVED IN THE PALMDALE PUMP STATION TO THE SCHOOL BOARD; AUTHORIZING EXECUTION OF A QUIT CLAIM DEED BY THE PROPER CITY OFFICIALS TO THE SCHOOL BOARD RELEASING, VACATING AND ABANDONING CERTAIN EASEMENT RIGHTS TO THE SCHOOL BOARD; AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A BILL OF SALE ABSOLUTE CONVEYING CERTAIN PERSONAL PROPERTY TO THE SCHOOL BOARD; AND AUTHORIZING THE ACCEPTANCE OF A SALT WATER INTRUSION MONITORING EASEMENT FROM THE SCHOOL BOARD.

**Amend Operating Budget – Accept Donation and Appropriate
\$800,628.60 – Reconfigure Public Safety Radio Communications
System**

(CR-06)

Appropriate \$800,628.60 to P11520.331 Fund 331, Subfund 01, Revenue F308-Nextel 800MHZ and expenditure 6301 Improvement Acquisition June 2, 2009, CAR 09-0661.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0845

RESOLUTION NO. 09-180

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A DONATION OF \$800,628.60 IN CONNECTION WITH A FREQUENCY RECONFIGURATION AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND NEXTEL SOUTH CORP., AND AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING \$800,628.60 TO P11520.331, FUND 331, SUBFUND 01, REVENUE F308 – NEXTEL 800MHZ AND EXPENDITURE 6301 IMPROVEMENT ACQUISITION.

**Third Amendment To Lease Agreement – Oasis Café -
600 Seabreeze Boulevard – 615 Beach Oasis Corporation,
Inc. – Rent Payments**

(CR-07)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0817

RESOLUTION NO. 09-181

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO LEASE AGREEMENT WITH 615 BEACH OASIS CORPORATION, INC. TO EXTEND LEASE OF PROPERTY LOCATED AT 600 SEABREEZE BOULEVARD THROUGH FEBRUARY 15, 2014; PROVIDING A RENT STRUCTURE FOR EACH OF THE YEARS OF THE TERM UNDER THE SECOND OPTION; AND FURTHER SUBJECT TO CERTAIN TERMS AND CONDITIONS.

**Beach Business Improvement District - Preliminary
Special Assessment – Fiscal Year 2009-2010**

(CR-08)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1025

RESOLUTION NO. 09-182

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF BEACH BUSINESS IMPROVEMENT SERVICES IN CERTAIN PORTIONS OF THE BEACH AREA LOCATED WITHIN THE CITY OF FORT LAUDERDALE, FLORIDA, MORE SPECIFICALLY DESCRIBED HEREIN, ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR THE BEACH BUSINESS IMPROVEMENT ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Grant Acceptance – Florida EMS County Grant Program (CR-09)
Child Safety Restraint and Laryngectomy Awareness
Programs - \$1,865 Value**

Appropriate \$1,865 into GEMSTRAIN09, Fund 129, Subfund 01, Revenue Subobject D240, Expense Subobjects 3999 (\$1,707) and 3928 (\$158).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1033

RESOLUTION NO. 09-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDED CHILD SAFETY SEATS AND OFFICE SUPPLIES VALUED AT \$1,865.00 FROM THE FLORIDA EMS COUNTY GRANT PROGRAM AND EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDED EQUIPMENT; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009 BY APPROPRIATING THE VALUE OF SUCH GRANT FUNDED EQUIPMENT TO FUND 129.

**Grant Acceptance – Florida EMS County Grant Program - (CR-10)
Roadway Safety Equipment and Supplies - \$5,050 Value**

Appropriate \$5,050 into GROADSAFE09, Fund 129, Subfund 01, Revenue Subobject D240, Expense Subobject 3999.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1039

RESOLUTION NO. 09-184

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDED ROADWAY SAFETY EQUIPMENT VALUED AT \$5,050 FROM THE FLORIDA EMS COUNTY GRANT PROGRAM VIA THE CITY OF SUNRISE AND EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDED EQUIPMENT; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009 BY ACCEPTING AND APPROPRIATING THE VALUE OF SUCH GRANT FUNDED EQUIPMENT TO FUND 129.

**Preliminary Fire-Rescue Special Assessment -
Fiscal Year 2009-2010**

(CR-11)

No Budgetary Impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1045

RESOLUTION NO. 09-185

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF FORT LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Grant Acceptance – UASI – Broward County Citizen’s Corps -
\$50,000 – Memorandum of Agreement – City of Miramar**

(CR-12)

Appropriate \$50,000 of Grant Funds to Fund 129, Subfund 01, GUASICORP11, F204 (Rev); and Expenditures in 3199 (\$3,000); 3516 (\$2,250); 3928 (\$2,250), 3999 (\$24,000), 4337 (\$8,500) and 4352 (\$10,000). There is no cash match required.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0971

RESOLUTION NO. 09-186

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 \$50,000 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY 2008 FORT LAUDERDALE URBAN AREA SECURITY INITIATIVE THROUGH THE CITY OF MIRAMAR AND EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDS; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY APPROPRIATING THESE GRANT FUNDS INTO FUND 129.

Grant Acceptance – UASI – Infrastructure Hardening - \$107,519 (CR-13)
Interlocal Agreement – City of Miramar

Appropriate \$107,519.58 into Fund 129, Subfund 01, GUASISUP10, F204 (Rev); and Expenditures in 3946 (\$19,000), 3999 (\$519.58), 6404 (\$5,000); 6405 (\$25,000) and 6499 (\$58,000).

Recommend: Adopt resolution.
Exhibit: Commission Agenda Report 09-1036

RESOLUTION NO. 09-187

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 \$107,519.58 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY THROUGH THE 2007 FORT LAUDERDALE URBAN AREA SECURITY INITIATIVE SUPPLEMENTAL AWARD VIA THE CITY OF MIRAMAR AND EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH GRANT FUNDING; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY APPROPRIATING THESE FUNDS INTO FUND 129.

Grant Acceptance – Small Scale Derelict Vessel Removal (CR-14)
Program – Florida Inland Navigation District - \$9,154

Appropriate \$9,154.00 grant revenue to GFIND09 revenue Subobject F417, FIND Fund Type 10, Fund 129, Subfund 01, Appropriate \$9,154.00 expenditure to GFIND09 Subobject 3299 Fund Type 10, Fund 129, Subfund 01. Appropriate \$5,000.00 for cash match from BUS020101-3299 Fund Type 10, Fund 001, Subfund 01 to GFIND09 Subobject 3299 Fund Type 10, Fund 129, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1024

RESOLUTION NO. 09-188

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SMALL SCALE DERELICT VESSEL REMOVAL PROJECT AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM IN AN AMOUNT NOT TO EXCEED NINE THOUSAND, ONE HUNDRED FIFTY-FOUR DOLLARS (\$9,154.00) FOR GRANT FUNDING FOR THE REMOVAL OF AN ABANDONED AND DERELICT VESSEL; TO AUTHORIZE ACCEPTANCE OF THE GRANT FUNDS; TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE APPLICATION FOR THE GRANT; AND AMENDING FISCAL YEAR 2008/2009 FINAL OPERATING BUDGETED BY MAKING APPROPRIATIONS MORE PARTICULARLY DESCRIBED BELOW.

Amendment s- Florida Ship Program Local Housing Assistance Plans

(CR-15)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1054

RESOLUTION NO. 09-189

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 2004-2007 AND 2007-2010 STATE HOUSING INITIATIVE PROGRAM LOCAL HOUSING ASSISTANCE PLANS TO STREAMLINE AND IMPROVE CERTAIN EXISTING STRATEGIES, REVISE MAXIMUM SUBSIDIES AND ADOPT A NEW FLORIDA HOMEBUYER OPPORTUNITY PROGRAM STRATEGY.

Housing and Community Developing Manager - Delegation of Signature Authority For Specific Documents

(CR-16)

No current year budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1064

RESOLUTION NO. 09-190

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING JONATHAN B. BROWN, HOUSING AND COMMUNITY DEVELOPMENT MANAGER, TO SIGN CERTAIN AGREEMENTS AND DOCUMENTS RELATED TO THE USE OF FEDERAL AND STATE GRANT PROGRAMS.

**Renewal of Employment Contracts – City Attorney
And City Auditor**

(CR-17)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1058

RESOLUTION NO. 09-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN ADDENDUM TO EMPLOYMENT CONTRACT BETWEEN THE CITY OF FORT LAUDERDALE AND HARRY A. STEWART AND AN ADDENDUM TO EMPLOYMENT CONTRACT BETWEEN THE CITY OF FORT LAUDERDALE AND JOHN C. HERBST.

PURCHASING AGENDA

**696-10223 – Civil Engineering Consultant Services -
Continuing Contract**

(PUR-01)

No budgetary impact.

A motion accepting the Consultants Competitive Negotiations Act Selection Committee’s recommendation of ranking firms – continuing contract for civil engineering consultant services and authorizing proper City Officials to commence negotiations with three highest ranked firms: (1) Corzo Castella Carballo Thompson Salman, P.A.; (2) Post, Buckley, Schuh & Jernigan, Inc.; and (3) CSA Central, Inc.

Recommend: Motion to approve.

Vendor: Corzo Castella Carballo Thompson Salman, P.A.
Coral Gables, FL
Post, Buckley, Schuh & Jernigan, Inc.
Tampa, FL

Amount: Per Unit Prices
Bids Solicited/Rec'd: 1194/24
Exhibit: Commission Agenda Report 09-0871

The Procurement Services Department has reviewed this item and recommends approval to enter into negotiations with the top three ranked proposers.

Suncom Internet and Long Distance Telephone Services (PUR-02)

\$34,463 budgeted in Fund 581, Subfund 01, ITS020102-3628 (Telephone/Cable TV)
\$19,156 is budgeted in Fund 450, Subfund 01, PBS010601-3628.

Annual purchase of internet access (SUNCOM) and long distance services from State of Florida is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: State of Florida Department of Management Services
Tallahassee, FL

Amount: \$53,619.00 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-0994

The Procurement Services Department has reviewed this item and recommends awarding to the State of Florida.

193-10289 – Purchase of Police Evidence and Fingerprint Supplies (PUR-03)

Funding is available in Fund 001, Subfund 01, Index Code POL020408, Subobject 3999, Total \$31,974.38.

One-year contract to purchase police evidence and fingerprint supplies is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: See various vendors stated on Page 2
Background/Detail section

Amount: \$31,974.38

Bids Solicited/Rec'd: 965/14

Exhibit: Commission Agenda Report 09-0998

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

193-10265 – Purchase Police Tactical Pants**(PUR-04)**

Funding is available in Fund 001, Subfund 01, Index Code POL020406, Subobject 3949, Total \$29,433.16.

One-year contracts to purchase police tactical pants for the Police Department personnel is being presented for approval by the Police Department.

Recommend: Motion to approve.
Vendor: Global Trading, Inc.
Miami, FL
FPP Ventures, Inc. d/b/a Florida Police Products
Miami, FL
LESC, Inc.
Charlotte, NC
Amount: \$29,433.16
Bids Solicited/Rec'd: 619/19
Exhibit: Commission Agenda Report 09-1000

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

385-10113 – Automated Red Light Camera Traffic Enforcement System**(PUR-05)**

No budgetary impact for Fiscal Year 2008-2009.

Three-year contract for Automated Red Light Camera Traffic Enforcement System is being presented for approval by the Police Department.

Recommend: Motion to approve.
Vendor: ATS American Traffic Solutions, Inc.
Scottsdale, AZ
Bids Solicited/Rec'd: 546/3
Exhibit: Commission Agenda Report 09-1020

The Procurement Services Department has reviewed this item and recommends awarding to the first-ranked proposer.

795-10273 Scanning and Media Conversion Services**(PUR-06)**

\$75,000 is budgeted in PLN010101-3510, Fund 001.

One-year contract for scanning and media conversion services is being presented for approval by the Public Information Department.

Recommend: Motion to approve.
Vendor: The DRS Group of Florida, Inc.

Amount: Longwood, FL (Miramar, FL Local Office)
 Per Unit Prices
Bids Solicited/Rec'd: 1653/11
Exhibit: Commission Agenda Report 09-1023

The Procurement Services Department has reviewed this item and recommends awarding to the first-ranked proposer.

592-10329 – Concession Trailer

(PUR-07)

\$29,100 available in GF001, Subfund 01, PKR033001-6599.

One-time purchase of mobile concession trailer is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Southwest Trailer Manufacturing, Inc.
 Miami, FL
Amount: \$29,100.00
Bids Solicited/Rec'd: 387/3
Exhibit: Commission Agenda Report 09-1047

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

**595-10291 – Homelessness Prevention and Rapid
 Re-Housing Program – Contract Award For
 Program Administration**

(PUR-08)

Upon appropriation of HPRP grant in the amount of \$852,872, revenue received will be deposited into Fund 108, Subfund 01, Index Code HRP09, SOB-C587, Expense 8027.

Contract for administration of Homelessness Prevention and Rapid Re-Housing Program is being presented for approval by the Planning & Zoning Department.

Recommend: Motion to approve.

Vendor: Broward Regional Health Planning Council, Inc..
 Fort Lauderdale, FL
Amount: \$852,872.00 (funding recommendation)
Bids Solicited/Rec'd: 565/3
Exhibit: Commission Agenda Report 09-1017

The Procurement Services Department has reviewed this item and recommends award to the first-ranked proposer.

**595-10240 – Enhanced Maintenance and Beautification Services (PUR-09)
Beach Business Improvement District**

\$32,592 is budgeted in Fund 135, Subfund 01, EDV030101-3299 for Services in FY 08/09 Funding. Also the remaining \$358,508 budget in the FY 09/10 is subject to approval and appropriation of the budget in Fund 135, Subfund 01, EDV030101-3299 for Services in FY 09/10 subject to City Commission approval of FY 09/10 Initial and Final Rate Resolution, budget, and appropriation of the budget.

Two-year contract for enhanced maintenance and beautification services within Beach Business Improvement District is being presented for approval by the Economic Development Department.

Recommend: Motion to approve.
Vendor: Prism Powerwash, Inc.
 Lakewood, NJ
Amount: \$391,100.00 (annual)
Bids Solicited/Rec'd: 464/5
Exhibit: Commission Agenda Report 09-0746

The Procurement Services Department has reviewed this item and recommends award to the second-ranked proposer.

**Amendment 1 – Dorsey Riverbend Neighborhood Improvements (M-31)
 Contract - \$25,365 – McMahon Transportation Engineering and
Planning – Post Design Services**

The City Clerk announced that the name of the entity is McMahon Associates, Inc. Transportation and Engineers.

**Business Capital Improvement Grant Program - \$167,500 (M-35)
 North Beach Neighborhood Association, Inc. –
Streetscape Improvements**

The City Clerk announced that Memorandum 09-171 regarding a change in the funding appropriation was provided to the City Commission.

**Relocation of Fire Station 35 – 1841 East Commercial Boulevard (M-37)
Property Exchange – Shepard Of The Coast Lutheran Church**

The City Clerk indicated that staff has requested this item be changed to a consent resolution which is described in Memorandum 09-175.

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

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts that Consent Agenda Items M-13, M-20, M-23, M-24, M-27, M-28, M-29, CR-06, CR-07, CR-

11, CR-15, CR-16, CR-17, PUR-05, PUR-07, 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: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Change Order 4 – Metro Equipment Service, Inc. - (M-13)
\$103,209.09 – Add 37 Days – System-wide Pump
Station Upgrades

In response to Commissioner Rodstrom, Paul Bohlander, Assistant Utility Services Director, stated that the industry standard for change orders is 6%. He advised that this is a rehabilitation project where the percentage is sometimes a little higher. This change order brings the percentage to 13%.

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to approve the Item as presented. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Contract Award – Solution Construction, Inc. - \$3,054,467.25 (M-20)
South Andrews Avenue Water Main Improvements

Commissioner Rodstrom wanted to defer items where possible to reduce the percentage water and sewer rate increase. As she did not know at what point a contract would impact the increase, she wanted to vote no.

In response to Commissioner Rogers, Albert Carbon, Public Works Director, stated that the WaterWorks 2011 Program is under budget and quicker than expected.

In response to Commissioner Rodstrom, Mr. Carbon stated the original WaterWorks budget was \$608,002,000. The current budget is \$768 million in 2011 dollars. Several hardening projects have been added; several million dollars for hurricane related activities. After the project is completed, he would be able to provide the total cost.

In response to Vice Mayor Roberts, Mr. Carbon stated the estimate for this bid was a little over \$4 million and it came in at \$3 million.

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Contract Award – Coral-Tech Associates, Inc. - \$159,800 (M-23)
Housing Set For Portable Emergency Generator

In response to Commissioner Rogers, Albert Carbon, Public Works Director, explained that it is more economical to use a temporary generator and build a housing for it, than to purchase a new generator, and re-house it on the first floor of city hall than the previous location on the roof.

In response to Mayor Seiler, Mr. Carbon indicated that the low bid was non-responsive; it was irregular.

In response to Commissioner Rogers, Mr. Carbon did not have the dimensions available but offered to furnish them.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to defer this item to September 15, 2009. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Contract Award – Burke Construction Group, Inc. - (M-24)
\$273,068.95 – Henry Kinney Tunnel Top Park South Improvements

Commissioner Rogers was concerned that a resident who provided the engineering work at no cost was not recognized. He wanted to be assured that the remaining \$70,000 would be available for potential change orders or other improvements. Albert Carbon, Public Works Director, explained that the funds would remain in the project until the project is complete and closed; then remaining funds would be placed in the Capital Improvement Program for allocation to other projects.

Commissioner Rogers noted receipt of funds from the Downtown Development Authority and wanted to be certain that these funds are actually used for this park.

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

Task Order 08-11 – Hazen and Sawyer, P.C. – \$14,324 (M-27)
Floridan Aquifer Wellfield Survey Assistance

In response to Commissioner Rodstrom, Albert Carbon, Public Works Director, noted the location.

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

Task Order – Chen and Associates Consulting Engineers, Inc. - (M-28)
\$238,754.70 – State Road A-1-A – Turtle Friendly Light Replacement

Commissioner Rodstrom indicated with funds coming from the General Fund and her desire to wait on this project, she was opposed to the item. In response to Commissioner Rogers, Albert Carbon, Public Works Director, advised no funds would actually be expended until the new fiscal year although the funds would be encumbered. In response to Commissioner Rodstrom, the City Auditor advised the funds could be unencumbered before a decision is reached to spend them.

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Task Order 3 – R.J. Heisenbottle Architects, P.A. - \$111,920.22 (M-29)
Additional Design Services – Southside School

Commissioner Rogers asked if this could be deferred to provide time for more review.

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to defer this item to September 15, 2009. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Amend Operating Budget – Accept Donation and Appropriate (CR-06)
\$800,628.60 – Reconfigure Public Safety Radio Communications System

Commissioner Rodstrom indicated her questions were answered by the City Auditor.

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

Third Amendment To Lease Agreement – Oasis Café - (CR-07)
600 Seabreeze Boulevard – 615 Beach Oasis Corporation, Inc. –
Rent Payments

In response to Commissioner Rodstrom, Stephen Scott, Director of Economic Development, advised that the lease would be for five years. The City Attorney indicated the term of the lease is a business decision. If there was thought about renegotiating in the middle of the term, he suggested two or three years because unilateral changes cannot be made. Mr. Scott believed the lease called for the possibility of a second five-year extension. The tenant requested five years.

Commissioner Rodstrom was concerned about locking in for that period of time when the property might be needed in conjunction with master planning the entire area. Mr. Scott offered to inquire to the tenant. Mayor Seiler noted the lease provides for the tenant to not renew or to exercise a five-year option. Mr. Scott went on to note that this renewal date has already passed, the tenant is paying the additional percentage as such and the rate is comparable for the area including maintenance and taxes.

The City Attorney clarified the lease called for a five-year option that the tenant timely exercised. The only item negotiable was the rate. In further response to Commissioner Rodstrom, Mr. Scott advised this is the last five-year option provided in the lease.

In response to Commissioner Rogers, Mr. Scott indicated there was an earlier amendment regarding a visitors center, but it did not make it. He was certain the tenant is interested in a five-year term.

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

Beach Business Improvement District – Preliminary Special Assessment – Fiscal Year 2009-2010 (CR-08)

This item was removed by the Beach Business Improvement District Chair for any questions however there were none.

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

Preliminary Fire-Rescue Special Assessment Fiscal Year 2009-2010 (CR-11)

In response to Commissioner Rodstrom, Jeff Justinak, Assistant Chief Fire-Rescue, explained the increase is on historical data from an assumption of collection rate of 93% to 95%. There are also unit changes based on the property appraiser's data. There are no fee changes.

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Amendments – Florida SHIP Program Local Housing Assistance Plans (CR-15)

Commissioner Rogers wanted the City to research outsourcing some of the properties. A community land use is an option. He wanted to refer this to the Affordable Housing Committee for review.

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to approve the item as presented (in Commission Agenda Report 09-1054).

Greg Brewton, Director of Planning and Zoning, agreed to look into Commissioner Rogers' request.

Jonathan Brown, Housing and Community Development, stated that staff met with the City Auditor regarding the utility connection (WaterWorks). Staff has revised their recommendation from a one-year to a three-year forgivable loan.

Commissioner DuBose why the reasoning for the change. Mayor Seiler stated that the Auditor had recommended five years; this is a compromise. If something happens in one and a half or two years, the City has given up public dollars.

Commissioner DuBose did not want to put more of a hardship of this group of people. He asked for more information on how the original recommendation was arrived at. Mr. Brown indicated that the State had accepted a one-year period. The City Auditor initially

requested a five-year loan, but a compromise was made for three years. Mayor Seiler pointed out that the State would agree to anything greater than one year. He felt the City has an obligation to the public to make sure these dollars are repaid when it becomes necessary.

Commissioner DuBose wanted to consider the backs of the people upon whom this extended lien is being placed. The people who go after these dollars are those that need it the most. He disagreed with the Auditor. The City Auditor was sensitive to Commissioner DuBose's concern. In his experience with this program, the commitment has been longer than this case. It will not add any additional burden to the individuals receiving the grant. They will not pay any money. Only if they sell the house in a short period of time, those funds would be returned to the City. This program is designed to assist low-income residents of the community. If an individual decides within a short period of time not to remain in the community, the funds can be recycled back into that community again. It is designed to prevent short-term profit. Anyone who wishes to stay and be part of the community will have no additional burden whatsoever.

Commissioner DuBose did not think that anyone is reselling properties in the present economy. These are people in the toughest situations. He did not agree.

Mayor Seiler indicated he preferred five years. In receiving this assistance, people are committing not to resell the property. If the real estate market turns in the next eighteen months and the property is sold, the individual would be pocketing those public dollars because the lien goes off in a year. The City would have given away public funds. The idea is to encourage people to stay and invest in the community. Commissioner DuBose stated that if one looked at the profile of individuals receiving these funds, they are not in the position to resell the properties. He referred to what they have to go through to even qualify and that such would take them way outside the realm of being able to resell the property. He objected to increasing the lien on principle. He agreed with staff's recommendation.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to approve the item as revised by staff to a three-year period. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: Commissioner DuBose.

Housing and Community Development Manager
Delegation of Signature Authority For Specific Documents

(CR-16)

Commissioner Rogers wanted to see the resolution. The City Clerk explained that general practice is that consent resolutions are addressed in the back-up and not provided in the Commission's packets. Jonathan Brown, Housing and Community Development, indicated that the resolution is prepared by the City Attorney's office.

This item was deferred until copies could be provided. Continued on page 49.

**Renewal of Employment Contracts – City Attorney
And City Auditor****(CR-17)**

Robert Walsh thanked the City Attorney for all his work.

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

**385-10113 – Automated Red Light Camera Traffic
Enforcement System****(PUR-05)**

In response to Commissioner Rogers, Kirk Buffington, Director of Procurement Services, explained the rescoring occurred as a result of a second evaluation meeting to which all three proposers were invited to attend and gave oral presentations. He outlined the process. Issues discussed with the City Attorney's office had to do with conditional pricing from the second-ranked proposer in their offer. The second-ranked proposer was ranked first after the initial evaluation meeting. The conditional offer was discussed at the second evaluation meeting and after the oral presentations, which then resulted in the reranking. It was not just that discussion or the conditional pricing offer. The numbers were checked. He was not aware of any mathematical error in the scoring or ranking.

Commissioner Rogers asked about allegations that the conditions or contractual terms could be in violation of the City's ordinance in regard to adding a collection or late fee. Mr. Buffington indicated this was discussed. These were two of the conditions on the conditional pricing offer from the second-ranked proposer. Both are prohibited in the ordinance. A copy of the ordinance was included in the RFP.

In response to Commissioner Rogers, Mr. Buffington indicated there are more dollars to the City with ACS however the numbers are reflective of a hypothetical scenario. He went on to elaborate upon the presence of ATS already in the area and that they could be up and running sooner than ACS which could reflect a different revenue model. Commissioner Rogers asked if any of the vendors committed to when they could be up and running. Mr. Buffington advised that between the three proposers the time frame is three to five months generally speaking. Commissioner Rogers asked if all proposers are qualified and, as such a last and final offer process could be done. There would be two issues: 1) an up and running time frame; and 2) the amount of money that would result to the City. Mr. Buffington explained the ordinance allows for a best and final offer from the top three ranked proposers. It could become price driven. He did not like to price drive RFPs. A very good company has been recommended.

Commissioner Rogers was uncomfortable usurping the committee's decision as a policy position. However, because this is driven into next year's budget and the issue of timeliness is so important, he questioned if it brings enough weight to do a best and final offer. Mr. Buffington indicated that he could not speak on the budget revenue numbers, but a best and final offer process would delay implementation thirty days or more. He felt the Police Department should address driving the \$1.8 million from a budget perspective. They are comfortable with the \$1.8 million being a conservative number.

In response to Commissioner Rogers, the City Attorney advised that under the ordinance, any best and final offer process would have to come back to the Commission for ratification.

In response to Commissioner Rodstrom, Mr. Buffington explained that the scenario provided in the documentation was hypothetical and used to establish numbers for comparison purposes during the evaluation. The evaluation committee feels that ATS could implement quicker making the revenue flow more quickly and that could make up for the difference in the information provided to the Commission. There is no guaranteed revenue number but rather a method for comparison.

Commissioner Rodstrom felt a best and final offer process would be a good idea. She questioned it being in the budget as a line item because there is no guarantee on a dollar amount. The two proposers are very similar. Mr. Buffington commented that by ACS relying on the conditional pricing, they may have been able to provide better pricing. The City Attorney indicated that ACS proposed fees that are not provided for in the ordinance.

Mayor Seiler asked what enforcement mechanism besides late fees could be used for someone choosing to ignore paying. The City Attorney advised it would be turned over to a collection agency. There is a question of whether the City could even charge the \$125 fee. The City of Aventura is presently in litigation on this. It should be decided in the next several months. He believed the flat fee would not violate the statute which provides for one fee only where an officer must see it occur and issue a ticket. This is a code violation. The proposer could have increased the amount of revenue to the City thinking they could make it up on late fees, but late fees are not authorized. If the City wanted late fees, they could be incorporated into the ordinance.

In response to Commissioner Rogers, Captain Gregory explained that a resolution would be presented on the applicable locations. Commissioner Rogers wanted to do a best and final offer. Mr. Buffington agreed, but reiterated that the RFP was about more than the bottom number and there is the belief that ATS is the best firm.

Vice Mayor Roberts reminded everyone this is a public safety issue. He outlined the process thus far and that a selection has been made. He did not want to see any more delay. He elaborated upon the experience of the recommended vendor. He understood the \$1.8 million in revenue is very conservative. Frank Adderley, Police Chief, confirmed the revenue is an estimate of eleven citations a day. Vice Mayor Roberts reiterated the conservativeness of the revenue estimated and his frustration in a delay when this has been three years in the making.

Commissioner Rogers pointed out because the matter has to come back anyway and in order to know the ruling on the pending litigation, he want to do a best and final offer. If it is a favorable ruling, the City may wish to add late fees as an enforcement tool.

Motion made by Commissioner Rogers directing a best and final offer process be conducted. Commissioner Rodstrom suggested an amendment to include a guarantee. Commissioner Rogers agreed, noting the items are timeliness and guarantee of the amount. Commissioner Rodstrom seconded the motion.

Mayor Seiler opened the floor for public comment.

Michael Moskowitz, representing ACS State and Local Solutions, Inc., and asked if Joann Diorro of ATS Corp. could speak first.

Joann Diorro, representing ACS State and Local Solutions, Inc., outlined some of the advantages of ACS with respect to their focus on photo enforcement, staffing, relationship with the Florida Department of Transportation and standing as a Fortune 500 company. They process violations for parking, false alarms, EMS billing, thus to ACS a fine is a fine. ACS is selective on what it pursues; it focuses on cities with large populations such as Dallas, Atlanta, Baltimore, Los Angeles County and where there are employees already in place in the community.

George Platt, representing American Traffic Solutions (ATS), noted there are currently fifty-five programs in Florida and ATS has been selected for forty-eight of them. The RFP is not only about money; this was not just a bid. He provided statistics on fatalities at signalized intersections in Fort Lauderdale. This is a safety first program. However, in the final analysis, the City will probably make more money with ATS. He referred to the ranking process and the composition of the evaluation committee. There were one hundred points and seventy related to matters other than money. ATS believes they can be up and running within thirty days of a City permit. ATS is the best in this business and were ranked the best. He urged ATS be selected.

Greg Parks, representing ATS, was honored to have been selected unanimously by the selection committee. He hoped the Commission would put faith in the staff. ATS also focuses on major cities, like New York, Philadelphia, Washington, D.C., Seattle, Houston, Palm Beach County, Hillsborough County, Pembroke Pines, Hollywood, Hialeah. ATS has proven they can deliver the most safety. For Option 3, ATS delivered the most revenue to the City. He noted that Florida is a complex area in which to operate. ATS has sixty cameras operating in Florida whereas ACS has zero.

Patrick Maloy, representing ACS, indicated his firm has had an office in Tallahassee for over eleven years, and represent ACS for all their government regulation and compliance requirements. ACS has at least four major agency contracts in Tallahassee. He noted the size of their staff. With respect to speed, deployment and comparable abilities in working with Florida Department of Transportation, there is no distinction between ATS and ACS. He quoted a portion of staff's comments on the two proposals. ATS then raised issues to which ACS did not have an opportunity to respond. ACS was initially ranked first. He detailed the four issues used by the committee to recommend ATS over ACS. In the seven opportunities where ACS and ATS have competed directly, ACS has won four and ATS has won three. Most recently ACS was selected by Miami and Miami Beach. He commented again about the corporate capabilities and cameras in place internationally and the United States. He urged Commission consideration.

Michael Moskowitz, representing ACS, referred to comments about late fees and penalties being conditions to the revenues and stated that none of these items are conditions to the revenue. Whether or not ACS was allowed to charge these fees had anything to do with the revenue proposal to the City. If it is not allowed by the ordinance, it would simply not be charged to the violator; nothing else would change. However, he believed the ordinance authorizes a collection agency to charge a collection fee and a reasonable attorney fee. These are two comparable competent companies. He went on to point out that the final difference in scoring is .7%. ACS used the matrix on revenue provided to all proposers. ACS also believes the revenue estimate is conservative and if

that is true, the differential will be greater. He noted the difference over the full potential term would be \$1.150 million. He saw nothing wrong with the suggestion for the proposers to make their final and best offers. With the RFP issued in May, he did not think an additional thirty days is extraordinary. ACS will commit to being up and running within thirty days after the receipt of the City permit.

Michael McAllister, representing ATS, noted that ATS has two small jurisdictions in Florida, which were won over a year ago, but nothing has been installed yet. The problem has to do with non-invasive technology. He elaborated upon Florida Department of Transportation (FDOT) requirements in this regard and that ATS is the only vendor with equipment for this issue. This is why ATS has installed sixty cameras in Florida and ACS has not installed any. He believed the revenue numbers are skewed because they contain the conditions. As to the scoring, it was to ACS's advantage with or without the conditions. He suggested Option 3 is the best financial solution. ATS has the most points under that scenario. It is to the City's advantage for the vendor to service many jurisdictions because the video technology allows the City to view something that might conclude in Hollywood for example. He elaborated upon the advantages of having the video which can be used as a law enforcement tool. This is a major reason why ATS is selected throughout the state.

Vice Mayor Roberts pointed out that 24/7 video coverage by ATS is a huge difference from a public safety perspective.

Commissioner DuBose elaborated upon the process, the information provided and his support of the recommendation.

Commissioner Rogers concluded that both proposers and possibly the third are qualified to get the job done. With that said, he would look to getting the most dollars for the City. This is the basis for his motion. .

In response to Commissioner Rodstrom, Mr. Buffington indicated that all three proposers do not offer around-the-clock video; it was not in the RFP. However, it was a discussion point therefore if the capability existed, he felt the others would have offered it. Commissioner Rodstrom stated it was a large part of the public safety aspect.

Mayor Seiler referred to his original concern over the RFP going out when the current Commission had not approved the ordinance. He thought there are two companies that can equally perform this work. He questioned if the RFP process was the best course. He had a problem with the re-ranking during the process. He referred to staff's work on a bid protest process which is under way. He wanted to implement a cone of silence. It is improper to submit documents up to the last minute. Transparency in the process is important. He favored Commissioner Rogers' motion. If both companies are equally qualified, whoever provides the most revenue to the City should be selected.

Vice Mayor Roberts pointed out if there is a 24/7 technology, the systems are not the same. This is a public safety matter. A round-the-clock system offers many more features.

In response to Mayor Seiler, Ms. Diorro stated that ACS has 24/7 video capability. Vice Mayor Roberts pointed out that only one company stepped up to offer it. The money was also not what drives who gets the award. He disagreed with the way this is going.

In response to Mayor Seiler, Mr. Buffington stated his recommendation is to use the same scenario offered in the RFP regarding transactional accounts, Option 2; best transaction price to the City. He questioned if any proposer would guarantee an amount.

The motion was restated as follows: **Motion** made by Commissioner Rogers and seconded by Commissioner Rodstrom directing a best and final offer process be conducted with the three proposers for the highest per transaction price to the City, along with addressing the issue of timeliness.

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

In response to Commissioner Rodstrom concern about expediting the permitting process, Captain Gregory explained that each right of way installation may require permits for electrical and structural. Once intersections are chosen, permits would have to be secured. Commissioner Rodstrom asked that the Building Department work with the vendor on this.

592-10329 – Concession Trailer

(PUR-07)

Commissioner Rogers reviewed the history of working out issues between football and baseball organizations which resulted in the Commission deciding to purchase a portable concession stand. It appears there are some outstanding issues that need to be resolved. He requested this item be approved with the understanding that the remaining issues need to be resolved. If it becomes unnecessary, he did not want to proceed with the purchase.

In response to Commissioner Rodstrom, Mr. Thornburg explained currently football season has priority use of Floyd Hull. They would relinquish some of that time to baseball. Commissioner Rogers emphasized the importance of the parties coming together and going forward with the plan that was settled at their last meeting.

In response to Commissioner Rodstrom, Mr. Thornburg outlined the proposed arrangement. Football games would be played at Floyd Hull with practice at Croissant.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve the item with the condition that if staff determines the purchase to be unnecessary, they would not proceed with the purchase.

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

595-10240 Enhanced Maintenance and Beautification Services
Beach Business Improvement District

(PUR-09)

This item was removed by a member of the public who no longer wished to speak.

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

MOTIONS

Proprietary – Purchase Multi-Space Parking Meter (MD-01)
Replacement Parts – Components, Supplies and Parkfolio Services

\$60,700 is budgeted in Fund 461, Subfund 01 as follows: PAR020102-3404 Parts/Components \$25,000; 3999 – Other Supplies \$10,000; 3299 – Other Services \$13,950; PAR020109-3404 Parts/Components \$5,000; 3999 – Other Supplies \$3,000; 3299 – Other Services \$3750. \$367,100 is included in the FY 9/10 Fund 461, Subfund 01 budget proposal as follows: PAR020102-3404 Parts/Comp \$164,000; 3999 – Other Supp. \$25,000 and 3299 – Other Services \$41,850; PAR020109-3404 Parts/Comp \$75,000, 3999 – Other Supplies \$50,000 and 3299 – Other Services \$11,250, subject to budget approval and appropriation.

Purchase multi-space meter replacement parts – components and supplies on an as-needed basis and monthly Parkfolio service through FY 2010 for 118 Parkeon meters is being presented for approval by the Parking and Fleet Services Department.

Recommend:	Motion to approve.
Vendor:	Parkeon, Inc. Moorestown, NJ
Amount:	\$427,800.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 09-0930

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

Diana Alarcon, Director of Parking and Fleet Services, explained this is to budget for the purchase of parts and components for multi-space parking meters and credit card communication for the meters.

In response to Mayor Seiler, Ms. Alarcon advised this technology is consistent with the phone-in technology.

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

In response to Commissioner Rodstrom, Ms. Alarcon confirmed this is for the next fiscal year and three months in the current year with respect to the communication. An average is requested annually and adjusted based on what becomes needed only. There is no carry-over from the previous year.

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

Proprietary – Firefighting Bunker Gear**(MD-02)****\$102,273 is budgeted in Fund 001, Subfund 01, FIR010501, 6499.****Purchase fifty sets of firefighting bunker gear is being presented for approval by the Fire-Rescue Department.****Recommend:** Motion to approve.**Vendor:** Thermo Fisher Scientific, Inc.
Waltham, MA**Amount:** \$102,273.75**Bids Solicited/Rec'd:** N/A**Exhibit:** Commission Agenda Report 09-0974**The Procurement Services Department has reviewed this item and recommends awarding the proprietary purchase.**

James Eddy, Fire Rescue Chief, noted the request.

In response to Commissioner Rogers, Chief Eddy advised some of this equipment is replacements. The equipment is examined each year by the safety and health committee and has recommended Morning Pride Protective Clothing for the firefighters. This year the committee will be conducting a complete audit of all fire protective clothing. He has requested it be completed within the next eight months so that there is enough time to go out to bid this fiscal year if necessary.

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

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

Hansen – Infor Software Upgrade and Dell Marketing**(MD-03)****Computer Hardware – Maintenance and Asset Tracking System****\$165,000 is budgeted in PBS010601-3199, Fund 450, Subfund 01; \$27,020 is budgeted in PBS010601-6404, Fund 450, Subfund 01.****Purchase Hansen – Infor software upgrade and Dell marketing computer hardware – maintenance and asset tracking system is being presented for approval by the Public Works Department.****Recommend:** Motion to approve.**Vendor:** Hansen Information Technologies (Corporation)
Alpharetta, GA
Dell Marketing USA L.P.
Round Rock, TX**Amount:** \$192,020.00**Exhibit:** Commission Agenda Report 09-0997

The Procurement Services Department has reviewed this item and recommends awarding the proprietary purchase, as well as purchasing Dell computer hardware from the WSCA Contract.

Albert Carbon, Public Works Director, described the system. An upgrade is being done in conjunction with the new utility billing system to be introduced between January and March, 2010, and will be compatible with it.

In response to Mayor Seiler, Mr. Carbon stated that the funding source is the Water and Sewer Fund, Utility Operations. Both hardware and software were budgeted for this fiscal year.

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

RESOLUTIONS

**Vacate utility Easement – CABBA, Inc.
1400 Bayview Drive – Case 1-M-09**

(R-01)

No budgetary impacts.

Applicant: CABBA, Inc.
Location: 1400 Bayview Drive
Exhibit: Commission Agenda Report 09-1007

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE 10 FOOT UTILITY EASEMENT LYING ALONG THE SOUTHWESTERLY BOUNDARY OF PARCEL "A," "GRANDEUR," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 173, PAGES 19, 20 & 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE SOUTHEAST INTERSECTION OF BAYVIEW DRIVE AND NORTHEAST 14TH STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Appeal – Historic Preservation Board – Case 9-H-05
Demolition – 215 SW 7 Avenue – Sailboat Bend Historic District

(R-02)

No budgetary impact.

Applicant: CVM 1 REO LLC
Location: 215 SW 7 Avenue
Zoning: Downtown Regional Activity Center – Arts and Sciences RAC-AS
Exhibit: Commission Agenda Report 09-0863

Mayor Seiler highlighted the appeal, the process and the purpose of the public hearing.

Greg Brewton, Director of Planning and Zoning, also described the appeal and actions available to the Commission.

Debra Farmer, representing CVM 1 REO, LLC, indicated that she has a final order from the City, condemning the structure as unsafe and that it should be demolished by January 19. The order provides if the structure was not demolished in thirty days, the City would do so and charge CVM. The property is in foreclosure. She pointed out that nothing was done to care for the structure. It is unsafe for the community and an eyesore. She favored moving forward with demolition. She was concerned about someone who entered the property being injured and the liability. She questioned what is left to restore and what makes it historic. The structure does not meet code.

The City Attorney outlined the chronology on this matter. From a public safety perspective, the house should be demolished, but the appropriate required permits cannot be obtained and the Historic Preservation Board wants the house returned to its original state which would cost a great amount. If the Commission decides it should be demolished, there needs to be a finding that there was not sufficient evidence or the architectural significance is no longer valid. If the Commission decides it should stay, it should uphold the board's decision.

Ms. Farmer claimed that Nolan Hahn resigned from the board in order to argue against her on this case and had requested demolition of another structure in the same neighborhood.

In response to Commissioner Rogers, Ms. Farmer believed that CVM is a sub-corporation of the bank that foreclosed on the property. CVM has owned the property about a year. Commissioner Rogers asked what steps have been taken by CVM since acquired the property. Ms. Farmer indicated a fence was constructed around the property. She did not think that anything could be done because the structure itself is unsafe. It is breaking away from the foundation. Commissioner Rogers asked if the lender knew when the loan was made that it was situated in an historic district. Ms. Farmer did not know. Representatives of CVM have not seen the property as of this time. Commissioner Rogers asked if CVM had retained an engineer to determine if the property was unsafe. Ms. Farmer indicated that she did not see it was necessary as the City had analyzed each discipline. CVM decided it would cost well more than they wanted to spend to make the structure safe. She noted its location and surrounding development. CVM would like to make the neighborhood more presentable. She indicated that a demolition company has indicated if the house is moved, it will fall apart. The company that owns the I-beams would like them returned.

David Parker, President of Sailboat Bend Civic Association, stated the structure was built in 1916, and during the last five years has gone through a period of demolition by neglect. He noted that the Historic Preservation Board has approved it being moved to 8 Avenue and 2 Court where there are three other historical structures. Because it was not moved, the deterioration continued. The City installed a fence around it. He noted the original recipient of the house made efforts to preserve the roof. The neighborhood has made efforts. This house deserves to be moved and saved. He hoped this could be resolved.

Susan Jordan, Historic Preservation Board Chair, noted the board's directive and the criteria concerning demolition. The Board found this house to be historically and architecturally worthy and voted 7-1 to deny the certificate of appropriateness for demolition. She urged the building be preserved. She read a letter from the Board of Directors of the Broward Trust for Historic Preservation urging the Commission to uphold the Historic Preservation Board's decision. A copy of the undated letter is attached to these minutes.

Mayor Seiler noted the letter urges the City to take steps to foreclose and asked for clarification. The City Attorney indicated that the City no longer has a lien. Ms. Jordan did not know what the Trust's request is specifically asking. Commissioner Rogers believed reference to foreclosure was a misnomer as their desire is to preserve the house.

Nolan Haan, Historic Preservation Board Vice Chair, stated that he owns property in the neighborhood and has renovated several historic properties. He believed that demolition is a permanent solution to a temporary problem. All existing code violations on the property are temporary problems. There is nothing different than what has been faced with other historic property renovations. He wanted the owner to be compelled to bring the property into code compliance. The ultimate goal of this owner and the previous owner (Saunders Brothers, Inc.) was to have a vacant lot that would be very valuable at this location. Allowing this to happen would be a very bad precedent. They would be setting a bad precedent. The Commission has never voted in favor of demolition on property that could be restored in their neighborhood. If the house is moved to his property and some of the renovation is subsidized, he would renovate it. There are three possible solutions. The owner could place the house on its foundation and renovate it. Second is to move the house to his property one block away and he would then renovate it. The property owner would have a vacant lot valued in excess of \$100,000. Third is for the City to consider foreclosure. There are no liens against it, in spite of the violations including the structure and the property. The neighborhood is not allowed access to the property to make any changes. He displayed photographs of the site. A copy of the photographs is attached to these minutes. If foreclosed, it could go out for bid. He would bid to relocate the house, renovate it and give every penny of the sale proceeds for the lot where it now sits. He urged the Commission to deny the demolition and take action to ensure the house is immediately renovated.

In response to Commissioner DuBose, Mr. Haan indicated he has spoken with the original moving company. Mr. Haan believed the house could be moved. He referred to the presented photograph showing the floor joists in pristine condition. The core of the house is in perfect condition. Commissioner DuBose asked if efforts were made prior to this owner. Mr. Haan advised that he had a contract with the former owner. He noted the terms of their agreement. Because the permits were not obtained, the house could

not be moved. He pursued this in court. The bank intervened and stopped the process. The bank won the award for \$155,000 for four lots. He indicated to the bank representative at the foreclosure sale that he was still interested. He did not bid on it because he did not want to own an additional four properties in this neighborhood and get over-extended.

In response to Mayor Seiler, Mr. Haan explained that he abstained from voting on this issue because he would benefit from the vote. He explained his agreement with the previous owner, that he would relocate the house to Mr. Haan's property and he would then have a vacant lot. He did not think the mortgage company was aware of this agreement. He did not know why the court intervened and prevented the house from being moved. Because the house is so much more compromised and the roof and front porch needs replacing, the current owner would have to pay for these kinds of improvements. He estimated to move the house, replace the roof, windows and front porch at about \$100,000. The previous owner has no interest in the property. He believed the four lots purchased by the bank for \$155,000 is valued at \$1.5 million. He noted the City previously gave him \$25,000 and the Oliver house. Taxes are now being paid on that house. If this house was made livable, the City would have the tax benefit.

Alysa Plummer, resident of 1123 West Las Olas Boulevard, indicated she serves on the Sailboat Bend Civic Association Board of Directors and chairs the preservation and development committees. She elaborated upon the historic significance of this house. She presented photographs of property in this neighborhood that she purchased and renovated. A copy of these photographs were made a part of the record. She believed the City might have declared her house also unsafe and sought to demolish it. Unsafe structures can be repaired. Many people have done this and complied with codes and historic ordinances. The current owners of the subject property have no stake in the community or the City's historic assets. They have made choices that have consequences. It should not mean they get a bail-out by demolishing a piece of the City's history. She asked the Commission to preserve the City's historic assets and recognize the valid and proper decision made by the Historic Preservation Board. She urged everyone to work together to find a realistic and less extreme solution.

In response to Commissioner DuBose, Ms. Plummer stated that she is not in a position to purchase the property. Mr. Haan indicated he has not had any discussions with the current owners. He was willing to have the house relocated to his property, which would cause his property value to plummet. He was willing to negotiate. If the City allows the demolition, the property owner has a vacant property to develop. He would expend time renovating, but he does not have the money for a new roof or a new porch or to relocate it. Otherwise, the owner can renovate it in the current location. He understood that if he did not take immediate action on the property, the City would cite it, as the City should do with all properties in this condition. There are no liens on this property. He acknowledged there were liens against the previous owner who lost possession a year ago. The current owner could have been assessed by the City for this period of time. Cities across the country seize properties that are not being cared for.

Commissioner Rogers asked if the Unsafe Structures Board heard any expert testimony. The City Attorney believed the City building officials made inspections of the house and there was testimony with regard to the structural stability. Commissioner Rogers did not see anything in the documentation showing it is unstable. He believed the City is governed by the historic preservation ordinance. As far as demolition, the Commission has to find that there is substantial evidence. There was an expert opinion by Merrilyn

C. Rathburn, that the structure is significant and important to the historic community. He did not favor overturning the board's ruling. He was disappointed that it has reached this point because of demolition by neglect. There needs to be an ordinance to address this and keep the City from having to face this problem again.

There were no other comments from the public.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to uphold the decision of the Historic Preservation Board.

RESOLUTION NO. 09 –

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE HISTORIC PRESERVATION BOARD'S DENIAL OF THE APPLICANT'S REQUEST FOR A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF A SINGLE FAMILY HOME LOCATED AT 215 SW 7 AVENUE (HPB CASE NO. 9-h-05), MAKING CERTAIN FINDINGS, AND UPHOLDING THE DECISION OF THE HISTORIC PRESERVATION BOARD.

Which resolution was read by title only.

Vice Mayor Roberts pointed out there still is not a solution to the problem. All that is happening is preserving an historic building that will continue to deteriorate. Commissioner Rogers believed it could be cited for code violations and if not corrected, fines could be enforced. He felt the more pressure placed on the owner, the better chance for a quicker resolution.

Commissioner DuBose felt the cycle is being repeated. With the previous owner, there were liens and then foreclosure. Commissioner Rogers believed the missing element may be that there is now a solvent owner to pay fine, take care of the problem or get rid of the property. The City could foreclose, take ownership and dispose of it. Commissioner DuBose thought that it appears the City would be punishing the owner for purchasing the property. Commissioner Rogers pointed out the property owner is a lender who knew the property was located in a historic district and assumed that risk. They now need to abide by the rules. He believed the City needs to cite it. Previously there was a private owner with a mortgage. The City has leverage and needs to use it. Commissioner DuBose pointed out the City could end up owning the property and being responsible for the preservation. He noted there are red flags with respect to exposure of the house to the elements. There could be more issues. He questioned if this is something the City would want to do.

Commissioner Rodstrom elaborated upon the role of the Historic Preservation Board. The neighborhood is banding together in a historic district, not just a single house. She felt the Commission should uphold the board's decision, thereby supporting the neighborhood. She felt such a decision would carry weight with the owner. She felt the Commission is being asked to put its strength behind these residents, the board and the idea of a historic district. She did not think the City would ultimately own the property because the neighborhood will make sure there is an investor that does the renovations. She felt they will solicit an investor. She felt there are such investors.

In response to Commissioner Rodstrom, Mr. Brewton explained that Dade County Pine has been a valuable commodity. In further response, he noted the zoning of RAC – AS which allows for commercial as well as residential with a height of at least fifty-five feet. In order to stay in keeping with a historic district of thirty feet, she felt any abutting property that is larger than the current scale and mass would not be beneficial to the historic district. If the house is moved or demolished, it will be built to the highest and best use which will directly impact this neighborhood and historic district. She supported Commissioner Rogers.

Vice Mayor Roberts was concerned the City would end up owning the house. Although he supports the historic buildings in this neighborhood, he was concerned about saddling taxpayers with additional renovation cost. There is no guarantee someone will renovate it. He pointed to other areas where the Commission has supported historic preservation. He was not opposed to moving forward with this, if there was a specific plan.

Mayor Seiler agreed that unless there is a plan, he would not favor it being left open ended. He wanted to see this house and the district preserved. By upholding the board's decision without any other direction, the house will continue to deteriorate. He referred to the Unsafe Structures Board discussion and that the only fair resolution is to demolish it. He preferred to relocate the house. He suggested that the matter be deferred for sixty days to give Commissioner Rogers time to reach a solution. He understood from the court case that there was no money changing hands in the original deal. Then, Mr. Haan demanded money in order to take the house.

Commissioner Rogers was sensitive to the money issue, but also passionate about historic preservation. Some things are worth paying for. He does not want the City to end up owning the house, but he did not think the Commission can come up with a solution at this time. He hoped something could be done over time. The only thing that is in the City's hands is the matter before the Commission. Legally, the Commission must have heard substantial evidence showing the Historic Preservation Board to be wrong. This has not been proven. The criteria is clear. He quoted testimony of Merrilyn C. Rathburn, a historic preservation expert. He felt the Commission should follow the law. He has not heard any expert opinion that the house is unsafe. The final order bases itself on code violations, many of which are electrical. He did not believe there is service to the house.

Mayor Seiler referred to the final order of the Unsafe Structures Board. There is a running lien because the house was not demolished. He was concerned about ignoring this. He reiterated his desire for the house to be relocated, but did not know how to get to that point with the options available this evening. The City Attorney explained there are two laws. One is the Unsafe Structures Board, which is state statute, building code adopted by Broward County Board of Rules and Appeals and incorporated into the City's ordinance that provides for demolition because it is unsafe. When a certificate of appropriateness was sought from the Historic Preservation Board, it was denied because it does not meet the criteria. The Commission has to make the determination whether public safety trumps the historic preservation or vice versa. There is no law saying that one is of higher dignity than the other. It is a common sense decision to be made by the Commission.

The City Attorney confirmed that if the City wants to enforce its own demolition order, it must get a certificate of appropriateness from the Historic Preservation Board. Commissioner Rogers pointed out all that is before the Commission this evening is an appeal from the Historic Preservation Board's finding. Within the confines of the law, it does not meet the test. They had substantial evidence upon which they ruled and there is no competent or substantial evidence that overturns it.

In response to Mayor Seiler, the City Attorney believed a bank foreclosed on a mortgage owed on the property and they now own it through a subsidiary. He believed that was the bank that made the original loan to Saunders.

Commissioner DuBose felt the City is now at a point where it would have to go back to the Historic Preservation Board. With two laws, the Commission would still have to make a decision. The City Attorney was not certain the City is required to go to the Historic Preservation Board but that is what was done because the ordinance provides for there being a certificate of appropriateness before demolition. There is one ordinance that says tear it down and another that says don't.

Commissioner Rogers felt there is only one way to rule this evening, however he also wants a solution and will work to find it. The Commission can only force code matters. The City has to find a way to address demolition by neglect. Mayor Seiler wanted to arrive at a compromise.

In response to Commissioner Rodstrom, Jonathan Brown, Housing and Community Development Manager, indicated neighborhood stabilization grant funding would not qualify in this case.

Commissioner Rogers indicated if this is deferred expert testimony that the structure is unsafe needs to be secured.

Commissioner DuBose was open to waiting for Commissioner Rogers to find a solution, but felt it should be kept in mind that other properties could come before the Commission. Mayor Seiler emphasized there has to be a resolution to this.

Ms. Farmer felt the Commission is not being fair in looking into someone else's pockets.

Commissioner DuBose asked Commissioner Rogers to keep in mind his statement that nothing has been submitted deeming the property unsafe.

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to defer this matter for sixty days (September 15, 2009). Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Site Plan Level IV – Extension of Time – El-Ad FL Beach, LLC
2939 Banyan Street – Case 43-R-08

(R-03)

No budgetary impacts.

Applicant: El-Ad FL Beach, LLC
Location: 2929 Banyan Street

Zoning: Planned Resort Development District PRD
Future Land Use: Central Beach Regional Activity Center
Exhibit: Commission Agenda Report 09-0824

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

Commissioner Rodstrom and Rogers, Vice Mayor Roberts and Mayor Seiler announced with whom he or she had spoken with and, or site visits made concerning this matter.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF THE EXPIRATION DATE OF A DEVELOPMENT PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED AT 2939 BANYAN STREET IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Site Plan Level III – Extension of Time – The Sails - (R-04)
Case 79-R-06 – 17th Street Investments, LLC –
2150 SE 17 Street

No budgetary impact.

Applicant: 17th Street Investments, LLC
Location: 2150 SE 17 Street
Zoning: Boulevard Business B-1
Future Land Use: Commercial
Exhibit: Commission Agenda Report 09-0833

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

Disclosures were made by Commissioner Rogers and Mayor Seiler.

Commissioner Rogers indicated that the neighborhood association is happy with the condition of the property. It used for excess parking in the area.

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 09-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF THE EXPIRATION DATE OF A DEVELOPMENT PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED AT 2150 S.E. 17TH STREET IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Commissioner Rodstrom asked when legislative bills are passed in the Senate that relate in any way to the City, that a summary of the bill be provided to the Commission. The City Attorney noted that a synopsis is provided by the City Lobbyist yearly as the legislature is in session and after its completion. He believed that copies are distributed to the Commission.

**Housing and Community Development Manager -
Delegation of Signature Authority For Specific Documents**

(CR-16)

Continued from page 33.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve this item as presented.

Vice Mayor Roberts questioned where the delay occurred. Jonathan Brown, Housing and Community Development, explained this item was received in May and after the signature process the City received it back in June. It was a seven to eight step signature process and this makes it one step. The City Attorney clarified it is not one step as it still requires approval by his office.

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

Due to the lateness of the hour, Items PH-02 and PH-04 were taken out of order.

PUBLIC HEARINGS

**Rezoning To Community Business
1701 East Sunrise Boulevard – Case 6-ZR-09**

(PH-02)

No budgetary impacts.

Applicant: Edgewood Investment Partners, LLC
Location: 1701 East Sunrise Boulevard
Current Zoning: Boulevard Business B-1 and Residential Mid-Rise Multi-Family/Medium High Density RMM-25

Proposed Zoning: Community Business CB
Future Land Use: Commercial and Residential Medium-High
Exhibit: Commission Agenda Report 09-0941

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

Commissioners Rogers, Rodstrom and DuBose, Vice Mayor Roberts and Mayor Seiler announced with whom he or she had spoken with and, or site visits made concerning this matter.

Mayor Seiler opened the public hearing.

Rixon Rafter, Fort Lauderdale resident, indicated that the Lake Ridge Civic Association supports the project.

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-22

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO CB, WITH COMMERCIAL FLEX ALLOCATION, LOTS 8, 9 AND 10, BLOCK 168, "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND FROM B-1 TO CB, LOTS 11 THROUGH 14 OF SAID BLOCK 168, "PROGRESSO," SUBJECT TO AN APPROVED DEVELOPMENT PLAN, LOCATED ON THE NORTH SIDE OF EAST SUNRISE BOULEVARD, BETWEEN NORTHEAST 17TH TERRACE AND NORTHEAST 17TH AVENUE, 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.

Commissioner Rogers stated this is positive commercial redevelopment that neighborhoods are happy about.

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

**Community Bus Service – United Residents Council -
Service Change****(PH-04)**

No budgetary action is being taken with this item, as it does not propose a funding change.

Exhibit: Commission Agenda Report 09-1051

Mayor Seiler opened the public hearing.

Melvin Moore, 2216 NW 9 Street, noted the on-demand service is being changed to a fixed route service. The service is in desperate demand. Many cities are expanding services and cutting fat, not service to citizens. The elderly, disabled, both physically and mentally challenged, and the poor are taking another blow. He discussed his personal need for the service and explained how the on-demand service operates. These people are now being asked to use the TOPS Program that costs \$2.50 each way. The on-demand service is in high demand. People need to get to the doctor. He asked the Commission to listen to the people and stop this change.

James Jones, 2313 NW 16 Street, noted his involvement in getting bus service started and the need for this service.

Twila Fullard, 2312 NW 16 Street, indicated that she serves on the United Residents Council Board. She noted how helpful this service is to people. She felt it would be a great loss to change the service to a fixed route, particularly for those who have trouble getting around. She hoped the Commission would understand their plea.

Lora Gordon, 1001 SW 2 Street, emphasized the need for this service. There is a wait for other service which is unbearable when one is not feeling well. She asked everyone who was in the audience concerning this item to stand. A fee of \$2.50 is not something that people who use this service can afford. All of these people will be affected by this decision.

Sabrina Jones, 828 NW 14 Way, commented that she is a driver for the United Residents Council. These people cannot afford to pay for the TOPS service. She questioned how people in walkers and wheelchairs would be able to get to the route stop.

James Jones, 2313 NW 16 Street, questioned how people who cannot walk will be able to get to the route stop. He reiterated the need for this service.

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

Peter Partington, City Engineer, advised that the City is a pass through for county community bus dollars for this service. He believed this service is an anomaly in terms of how other community bus services operate and as such Broward County has indicated that the service should be a defined route. Mayor Seiler referred to an email to Mr. Partington from the County, indicating the exclusivity of this demand response program is not permissible and that it must be on a fixed route schedule. The service is

funded by Broward County. In response to Mayor Seiler, Mr. Partington noted that according to the agreement for community bus monies, public hearings are required for any route changes. Mayor Seiler felt Broward County should make the decision on this. It is not in the City's budget and not funded by the City. He did not know what the City could do at this point.

Vice Mayor Roberts agreed with the Mayor that they do not want the service to stop. He questioned the vehicle to petition the County. In response to Mayor Seiler, the City Attorney indicated the appropriate action would be to send it back to the County with a request that they consider continuing the funding. Mr. Partington added it should be specified for the present form of service.

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to direct this item to Broward County and request that Broward County consider continuing the funding for the present form of on-demand service. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: None.

ORDINANCES

Water and Sewer Rate Restructure, Stormwater Rate Adjustment – Establish Service Availability Charges

(O-01)

No budgetary impact.

Exhibit: Commission Agenda Report 09-1038

Commissioner DuBose introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-09-21

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED WATER, WASTEWATER AND STORMWATER, BY AMENDING SECTION 28-1A TO ELIMINATE WATER SHORTAGE SURCHARGES FOR WASTEWATER USER AGREEMENTS AND TO ELIMINATE WATER SHORTAGE SURCHARGES FOR PHASE I AND PHASE II LEVELS OF WATER RESTRICTION; AMENDING SECTIONS, 28-76, 28-141, 28-143, 28-144, 28-145 AND 28-197 THEREOF, TO PROVIDE FOR CURRENT AND FUTURE INCREASES TO WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES AND STORMWATER MANAGEMENT PROGRAM RATES; PROVIDING FOR RATE STRUCTURE MODIFICATIONS; PROVIDING FOR SERVICE AVAILABILITY CHARGES AND SERVICE AVAILABILITY RECONNECITON CHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only.

In response to Commissioner Rogers question about addressing concerns of Oakland Park and Wilton Manors, Albert Carbon, Public Works Director, noted that Memorandum 09-172, details changes. A copy of the memorandum is attached to these minutes.

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

Rezoning To Exclusive Use Parking Lot With Site Plan (O-02)
And Flex Allocation – Carlisle Retail – Case 1-ZR-09

No budgetary impact.

Applicant:	Edward L. Carlisle, III
Location:	1901 South Federal Highway
Current Zoning:	Boulevard Business B-1, Residential Multi-Family Mid-Rise Medium High Density RMM-25, Residential Office RO
Proposed Zoning:	Exclusive Use Parking Lot XP
Future Land Use:	Commercial and Medium-High Residential
Exhibit:	Commission Agenda Report 09-1026

Vice Mayor Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-09-20

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM R-0 TO XP WITH COMMERCIAL FLEX ALLOCATION AND AN APPROVED DEVELOPMENT PLAN, LOTS 5 AND 6, BLOCK 61, "CROISSANT PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND TO REZONE FROM RMM-25 TO XP WITH COMMERCIAL FLEX ALLOCATION AND AN APPROVED DEVELOPMENT PLAN, LOT 4, LESS THE SOUTHERLY 25 FEET THEREOF, IN SAID BLOCK 61, LOCATED BETWEEN SOUTHEAST 19TH AND SOUTHEAST 20TH STREETS, WEST OF FEDERAL HIGHWAY AND EAST OF SOUTHEAST 4TH AVENUE, 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.

Disclosures were made by Commissioners Rodstrom and Rogers and Vice Mayor Roberts.

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

At approximately 11:03 p.m., the Commission returned to the Conference Agenda and discussed Item I-B from 11:03 p.m. to 12:40 a.m, and then returned to the remainder of the Regular Commission Agenda, starting with Item R-05.

RESOLUTIONS

Fiscal Year 2009-2010 Budget – Millage Rates and Non-Ad Valorem Assessment **(R-05)**

No Current Year Budgetary Impact.

Exhibit: Commission Agenda Report 09-1066

Note: Refer to the Conference meeting, Agenda Item I-B for public comment.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-173

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY MANAGER'S BUDGET MESSAGE, ESTIMATES AND RECOMMENDATIONS FOR FISCAL YEAR 2009-2010 AND AUTHORIZING THE CITY MANAGER TO COMPUTE PROPOSED MILLAGE RATES AND TO ADVISE THE BROWARD COUNTY PROPERTY APPRAISER OF SUCH PROPOSED MILLAGE RATES.

Which resolution was read by title only.

In response to Commissioner Rodstrom, Mayor Seiler advised that this item sets the maximum possible millage which is last year's millage rate. Shonda Singleton Taylor, Acting Director of Office of Management and Budget, advised that the total is 4.2536.

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

Board and Committee Appointments **(R-06)**

No budgetary impact.

Exhibit: Commission Agenda Report 09-1042

Vice Mayor Roberts made some changes for the Centennial Celebration Committee, noting that Patricia Hale will remain instead of Ryan Saunders. Arthur Crispino will remain also.

Commissioner DuBose wanted to appoint Gloria Brown to the Aviation Advisory Board and Louise Dowdy to the Nuisance Abatement Board.

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

Aviation Advisory Board	Gloria Brown
Beach Business Improvement District Advisory Committee	Marriott Resorts Bahia Mar Thor Gallery at Beach Place Capri Hotel Castillo Grand A-1-A Trader Marriott Courtyard
Centennial Celebration Committee	E. Birch Willey Wingate Payne Patricia Hale
Nuisance Abatement Board	Louise Dowdy
Sunrise Key Neighborhood Improvement District	Tom Harmon Raymond Parker

In response to questions about the status of the Complete Count Committee, Jeff Modarelli, Public Information Director, suggested that appointments be made as soon as possible. When there is a quorum, a meeting will be scheduled.

Mayor Seiler asked the City Clerk to email the Commission the categories for appointees and that the Commission be prepared to make appointments at the first meeting in September.

Commissioner Dubose asked that staff set a committee meeting by late September so they can get started.

With respect to the Beach Business Improvement District Advisory Committee, Stephen Scott, Economic Development Director, explained that the Commission appoints seven of the top ten taxpayers and the top seven representatives are those represented on the committee now. In response to Commissioner DuBose, Mr. Scott advised that there is a total of nine members. Mr. Scott indicated there are also members representing the Chamber of Commerce and the Beach Redevelopment Board. The City Clerk indicated that the Chamber representative has been appointed, and she had received a recommendation from the Beach Redevelopment Board today. Mayor Seiler suggested Marriott Resorts, Bahia Mar, Thor Gallery at Beach Place, Capri Hotel, Castillo Grand, A-1-A Trader and Marriott Courtyard. In response to Commissioner Rogers, Mayor Seiler indicated that the business decides who represents it on the committee.

The City Clerk noted the terms for the two individuals recommended to serve on the Sunrise Key Neighborhood Improvement District.

Vice Mayor Roberts introduced a written resolution entitled:

RESOLUTION NO. 09-174

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.

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

PUBLIC HEARINGS

Dock Waiver Application – Distance Limitations (PH-01)
Timothy Ingham and Julie Pabst – 1224 Seminole Drive

No budgetary impact.

Applicant: Timothy Ingham and Julie Pabst
Location: 1224 Seminole Drive
Exhibit: Commission Agenda Report 09-0858

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to defer this item to September 15, 2009. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

2009-2010 HUD Annual Action Plan (PH-03)
Grant Funding – CDBG, HOME, ESG and HOPWA Programs

No current year budgetary impact.

Exhibit: Commission Agenda Report 09-1062

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

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

The Commission addressed Commission Reports on the Conference Agenda and then returned to the 8th floor conference meeting for the executive closed door session on collective bargaining.

There being no other matters to come before the Commission, the meeting was adjourned at 12:55 A.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk