

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
JANUARY 22, 2003**

<u>Agenda Item</u>	<u>Reso./Ord. No</u>	<u>Page(s)</u>
	<u>Presentations:</u>	
	1. Expression of Sympathy	2
	2. H. Wayne Huizanga Day Proclamation	2
	3. Community Appearance Board's WOW Award	2
CA	Consent Agenda	2
M-1	Event Agreement - Super Bowl Party	3
M-2	Event Agreement - 23 rd Annual Sistrunk Historical Parade	3
M-3	Event Agreement - Celebrate Jesus	3
M-4	Event Agreement - Home and Garden Tour	4
M-5	Event Agreement - Greek Festival	4
M-6	Event Agreement - Beachfest with Luis Palau	4
M-7	Increase in Funds for Sanitation Fleet Maintenance - First Vehicle Services - Purchase Order Nos. 02000774 and 03000343	5
M-8	Transfer of Drug Enforcement Agency (DEA) Confiscated Property Funds - Purchase of Digital Video Disk (DVD) for Recruitment Purposes	5
M-9	Agreement with The Starting Place and Transfer Of Law Enforcement Trust Funds (LETF) - Police Referral Outreach Program (PROP) - FY 2002/2003	5
M-10	Transfer of Law Enforcement Trust Funds (LETF) - Aim High Youth Program - FY 2002/2003	6
M-11	Contract Amendment - Miller Legg & Associates, Inc. - Project 15160 - Joseph C. Carter Park Improvements	6
M-12	Contract Extension - Florida Blacktop, Inc. - Project 10333-D - Annual Contract (2003) For Speed Hump Installation	6
M-13	Task Order Amendment - Keith and Schnars, P.A. (Professional General Civil Engineering Consultant Services) - Project 10507 - River Run, Flamingo Park, and Oak River (Septic Area 4) Sanitary Sewer Improvements Project	7, 13
M-14	Change Order No. 1 - PRM Engineering and Contracting Inc. - F2300 - Riverwalk Linear Park	7, 14
M-15	Contract Award - Lambert Brothers, Inc. - Project 8994-A - Lifeguard Stand Replacement Project	7
M-16	American Water Works Association (AWWA) Research Foundation Subscription	8
Pur-1	Proprietary - Management In-Basket Examinations	8
Pur-2	Proprietary - GIS Software License Renewal	9
Pur-3	392-8190 - Telephone Switch Equipment and Installation	9
Pur-4	Proprietary - Hardware/Software Support HP Computer Servers	10
Pur-5	Proprietary - Membership, Florida League of Cities	10
Pur-6	532-8788 - EPO Group Health Plan and Transplant Network Provider	11, 14

COMMISSION REGULAR MEETING AGENDA

1/22/03 -2

Pur-7	532-8789 - Dental Benefits Plan	11, 15
Pur-8	Proprietary - Fire Alerting System	12
Pur-9	432-8790 - Streetlight Pole Setting and Removal	12, 18
Pur-10	Proprietary - Water and Wastewater Leadership Training	13
M-17	Request for Film Permit - J2K Productions, Inc. - "From Justin to Kelly"	19
M-18	Settlement of General Liability File No. GL-01-421 (Frances Miller)	19
M-19	Proposed Lien Settlements for Special Master and Code Enforcement Board Cases	20
M-20	Addition of Administrative Aide Position - Public Safety Grants Office	26

COMMISSION REGULAR MEETING AGENDA

1/22/03 -3

PH-1	C-03-9	Application for Dock Waiver of Limitations - Mike Nunez, 1408 West Lake Drive	27
PH-2	C-03-2	Rezone from Community Facility (CF) to Planned Unit Development (PUD) - School Board of Broward County/Lennar Homes (PZ Case No. 1-ZPUD-02)	29
PH-3	C-03-3	Vacate a Portion of S.W. 14 Avenue - Charles Willard (PZ Case No. 22-P-02)	44
PH-4	C-03-4	Vacate Portion of Right-of-Way at S.W. 14 Avenue - School Board of Broward County/Lennar Homes (PZ Case No. 13-P-02)	45
PH-5	C-03-5	Vacate Portion of Right-of-Way at S.W. 4 Street - School Board of Broward County/Lennar Homes (PZ Case No. 14-P-02)	46
PH-6	C-03-6	Rezone from RM-15 to Rms-15; RMM-25 to RMS 15; CB to RMS-15; and CB to RM-15 - Community Redevelopment Agency/Northwest-Progresso Flagler Heights Redevelopment Area (NPF CRA) (PZ Case No. 11-Z-02)	47
O-1	C-03-1	Amend Chapter 2, "Administration" - Creation of New Department - Office of Professional Standards	48
O-2	C-03-7	Amendment to Pay Plan	49
R-1		Amendment to Resolution No. 00-10 - Bond Referendum for Open Space/Park Purposes near the Riverwalk And the Historical Stranahan House in Downtown Fort Lauderdale	2
R-2	03-7	Utility Advisory Committee	49
R-3	03-10	Amend Resolution No. 02-192 - Former New River U.S. Post Office Property - Authorization To Negotiate and Prepare Lease with New River Trading Post LLC	49
R-4		Extension of Site Plan Approval - Ramola Motwani - Gold Coast Merrimac Development Project (PZ Case No. 80-R-00)	50
R-5	03-11	Plat Approval - Everglades LLC Plat - Everglades LLC (PZ Case No. 25-P-02)	52, 54
R-6	03-12	Amend Site Plan Level II Approval/RAC-East TMU - Venezia Las Olas, Inc. for "The Venezia Las Olas" (PZ Case No. 24-R-99)	52
R-7	03-16	Fort Lauderdale Community Redevelopment Agency (CRA) sale of \$4,655,000 Tax Increment Refunding and Revenue Bonds (Central Beach CRA Project) 2003A/2003B	55
OB	03-13	Advisory Board Appointments	56
OB	03-14	Hardy Park Straw Ballot	56
OB		Executive Airport – Part 150 Noise Study	61

**MINUTES OF A REGULAR MEETING
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM
CITY HALL
FORT LAUDERDALE, FLORIDA**

JANUARY 22, 2003

Meeting was called to order at approximately 6:13 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz (6:16 p.m.)
Commissioner Tim Smith
Commissioner Carlton B. Moore (6:23 p.m.)
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry Stewart
City Clerk, Lucy Kisela
Sergeant At Arms - Sergeant Waldman

Invocation was offered by Reverend Dick Wills, Christ Church United Methodist, followed by the recitation of the Pledge of Allegiance.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that the agenda and minutes of the January 7, 2003 meeting be approved. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: None.

Commissioner Katz entered the meeting at approximately 6:16 p.m.

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

Presentations

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Antonio Aviles, Rose Hunley Falls, John F. Friese, Frank H. Pressler, and Royden "Red" Koch, Jr. The Mayor announced that Red Koch was the tugboat operator who had been involved in moving the Century Oak across the River in 1976.

2. H. Wayne Huizanga Day Proclamation

Commissioner Hutchinson presented a proclamation in honor of "H. Wayne Huizanga Day" to be observed January 29, 2003. Chris Wren, Executive of the DDA, accepted the award and stated that on January 29, 2003, a ceremony would be held at DDA Plaza renaming it "Huizanga Plaza."

3. Community Appearance Board's WOW Award

Commissioner Katz presented this month's Community Appearance Board's "WOW Award" to Mr. and Mrs. Jeffrey Breidbord of 2781 N.E. 37 Drive in the Coral Ridge Country Club Estates neighborhood. Commissioner Katz further stated that the house had been built in the '60's and photographs were shown. Mrs. Breidbord thanked the Commission.

Mayor Naugle announced that Item M-1, Event Agreement - Super Bowl Party, had been deleted from tonight's agenda. He also announced that Item R-1 had also been removed which was an Amendment to Resolution No. 11-10 - Bond Referendum for Open Space/Park Purposes near the Riverwalk and the Historical Stranahan House in Downtown Fort Lauderdale, had been removed from the Agenda. The City Manager explained that this was being removed from the agenda due to action taken earlier at the City Commission Conference Meeting.

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 - Super Bowl Party**(M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **North Beach Square Neighborhood Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Super Bowl Party** to be held **Sunday, January 26, 2003 from 5:00 p.m. to 11:00 p.m.**; and further authorizing the closing of Sunrise Lane from N.E. 9 Street to the north end of the Parrot Lounge from 12:00 noon Saturday, January 26 to 1:00 A.M. Monday, January 27, 2003.

Recommend: Motion to approve.

Exhibit: Memo No. 03-39 from City Manager.

Event Agreement - 23rd Annual Sistrunk Historical Parade (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Sistrunk Historical Festival Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **23rd Annual Sistrunk Historical Parade** to be held **Saturday, February 1, 2003 from 9:00 a.m. to 12:30 p.m.**; and further authorizing the closing of the following portion of the parade route that is located in the city limits: beginning at Mount Olive Baptist Church at N.W. 9 Avenue and 4 Street; proceeding north on N.W. 9 Avenue to Sistrunk Boulevard (N.W. 6 Street); and west on Sistrunk Boulevard to N.W. 24 Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 03-120 from City Manager.

Event Agreement - Celebrate Jesus (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Christ Church United Methodist Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with **Celebrate Jesus** to be held **Saturday, February 8, 2003 from 9:00 a.m. to 4:00 p.m.** at Christ Church Park located on the Church grounds; and further authorizing the closing of N.E. 24 Terrace from N.E. 48 Lane to the north side of the intersection at N.E. 49 Street; and the two parallel alleys that run through Christ Church Park from N.E. 27 Terrace to the parking garage on the east side of the park from 6:00 a.m. to 6:00 p.m. on the event day.

Recommend: Motion to approve.

Exhibit: Memo No. 03-121 from City Manager.

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Event Agreement - Home and Garden Tour**(M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Sailboat Bend Civic Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **House and Garden Tour** to be held **Sunday, February 16, 2003 from 11:00 a.m. to 4:00 p.m.** in the Sailboat Bend neighborhood, at Lauderdale Park and Esplanade Park; and further authorizing the closing of Waverly Road from S.W. 11 Avenue to S.W. 10 Avenue; S.W. 4 Street from S.W. 11 Avenue to S.W. 10 Avenue; and the eastbound curb lane of S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue from 11:00 a.m. to 4:00 p.m. on the event day.

Recommend: Motion to approve.

Exhibit: Memo No. 03-124 from City Manager.

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Event Agreement - Greek Festival**(M-5)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **St. Demetrios Greek Orthodox Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **Greek Festival** to be held **Friday, February 7, 2003 from 12:00 noon to 11:00 p.m.**; **Saturday, February 8, 2003 from 11:00 a.m. to 11:00 p.m.**; and **Sunday, February 9, 2003 from 12:00 noon to 7:00 p.m.** on the Church grounds located at 815 N.E. 15 Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 03-122 from City Manager.

Event Agreement - Beachfest with Luis Palau**(M-6)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Luis Palau Evangelistic Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Beachfest with Luis Palau** to be held **Saturday and Sunday, March 22 and 23, 2003 from 12:00 noon to 10:00 p.m.** on South Beach; and further authorizing the closing of S.E. 5 Street from Seabreeze Boulevard to State Road A-1-A from 8:00 a.m. Saturday, March 22 to 12:00 midnight on Sunday, March 23, 2003.

Recommend: Motion to approve.

Exhibit: Memo No. 03-136 from City Manager.

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Increase in Funds for Sanitation Fleet Maintenance - (M-7)
First Vehicle Services - Purchase Order Nos. 02000774
and 03000343

A motion approving the expenditure of \$131,851.56 from the Sanitation Budget to increase Purchase Order No. 02000774 by \$37,851.56 and to Purchase Order No. 03000343 by \$94,000 issued to First Vehicle Services for additional costs associated with the Sanitation Fleet Maintenance contract.

Recommend: Motion to approve.
Exhibit: Memo No. 03-30 from City Manager.

—

Transfer of Drug Enforcement Agency (DEA) (M-8)
Confiscated Property Funds - Purchase of Digital
Video Disk (DVD) for Recruitment Purposes

A motion authorizing the proper City officials to transfer \$30,855 from the DEA Confiscated Property Fund to the Police Department to be used for the purchase of a DVD for recruitment purposes.

Funds: Transfer \$30,855 from DEA Confiscated Property Fund, Fund 107, to Account POL080101/3299 (Other Services).

Recommend: Motion to approve.
Exhibit: Memo No. 03-41 from City Manager.

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Agreement with The Starting Place and Transfer (M-9)
of Law Enforcement Trust Funds (LETf) - Police
Referral Outreach Program (PROP) - FY 2002/2003

A motion authorizing the proper City officials to execute an agreement with The Starting Place and further authorizing the transfer of \$13,000 from the LETf Account 107 to Fund 129 (Miscellaneous Grants) in support of PROP for FY 2002/2003.

Funds: Transfer \$13,000 from the LETf Fund 107 to Fund 129, Miscellaneous Grants

Recommend: Motion to approve.

Exhibit: Memo No. 03-131 from City Manager.

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Transfer of Law Enforcement Trust Funds (LETf) - (M-10)
Aim High Youth Program - FY 2002/2003

A motion authorizing the proper City officials to transfer of \$12,753 from the LETf Account 107 to Fund 129 (Miscellaneous Grants) in support of the Aim High Youth Program.

Funds: Transfer of \$13,000 from the LETf Fund 107 to Fund 129, Miscellaneous Grants

Recommend: Motion to approve.

Exhibit: Memo No. 03-132 from City Manager.

—

Contract Amendment - Miller Legg & Associates, Inc. - (M-11)
Project 15160 - Joseph C. Carter Park Improvements

A motion authorizing the proper City officials to execute an amendment to the agreement with Miller Legg & Associates, Inc. in the amount of \$7,950 for additional services required to accommodate the concealed existing conditions at the connection of the new pool deck (loggia) to the existing Recreation Building.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-99 from City Manager.

—

Contract Extension - Florida Blacktop, Inc. - (M-12)
Project 10333-D - Annual Contract (2003)
for Speed Hump Installation

A motion authorizing the proper City officials to execute a contract extension with Florida Blacktop, Inc. in the approximate amount of \$92,145 for the annual speed hump installation contract for 2003.

Funds: See Memo.

Recommend: Motion to approve.
Exhibit: Memo No. 03-26 from City Manager.

Task Order Amendment - Keith and Schnars, P.A. (M-13)
(Professional General Civil Engineering Consultant Services) - Project 10507 - River Run, Flamingo Park, and Oak River (Septic Area 4) Sanitary Sewer Improvements Project

A motion authorizing the proper City officials to execute an amendment to the Task Order with Keith and Schnars, P.A. in the amount of \$207,660 for professional engineering services associated with the design and construction of sanitary sewer improvements for the River Run, Flamingo Park, and Oak River areas.

Funds: See Memo.

Recommend: Motion to approve.
Exhibit: Memo No. 03-18 from City Manager.

Change Order No. 1 - PRM Engineering and Contracting (M-14)
Inc. - F2300 - Riverwalk Linear Park

A motion authorizing the proper City officials to execute Change Norder No. 1 with PRM Engineering and Contracting, Inc. in the amount of \$15,000 for the Riverwalk Linear Park project.

Funds: See Change Order

Recommend: Motion to approve.
Exhibit: Memo No. 03-98 from City Manager.

Contract Award - Lambert Brothers, Inc. - (M-15)
Project 8994-A - Lifeguard Stand Replacement Project

A motion authorizing the proper City officials to execute an agreement with Lambert Brothers, Inc. in the amount of \$275,997 for the lifeguard stand replacement project.

Funds: See Bid Tab

Recommend: Motion to approve.
Exhibit: Memo No. 03-96 from City Manager.

American Water Works Association (AWWA)
Research Foundation Subscription

(M-16)

A motion approving the City's subscription to the AWWA Research Foundation in the amount of \$31,708.95.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 03-87 from City Manager.

PURCHASING AGENDA

Proprietary - Management In-Basket Examinations

(Pur-1)

An agreement to purchase general management in-basket and other supervisory examinations is being presented for approval by the Administrative Services, Human Resources Division.

Recommended Award: Management & Personnel Systems, Inc.
Amount: \$ 40,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-92 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award the proprietary purchase.

Proprietary - GIS Software License Renewal

(Pur-2)

An annual agreement to purchase a GIS software renewal license is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: Environmental Systems Research Institute
Redlands, CA
Amount: \$ 14,577.07
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-77 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award the proprietary purchase.

392-8190 - Telephone Switch Equipment and Installation

(Pur-3)

An agreement to purchase telephone switch, related equipment and installation for the new Fire Administrative Station is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: NextiraOne, LLC
Sunrise, FL
Amount: \$ 94,337.94 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-54 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award the contract purchase.

Proprietary - Hardware/Software Support HP Computer Servers (Pur-4)

A two-year agreement for hardware and software support for HP computer servers is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: Hewlett Packard
Roseville, GA
Amount: \$ 58,947.12 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-78 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award the proprietary purchase.

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Proprietary - Membership, Florida League of Cities (Pur-5)

An agreement to purchase a one year membership dues in Florida League of Cities is being presented for approval by the City Clerks Office.

Recommended Award: Florida League of Cities
Tallahassee, FL
Amount: \$ 12,601.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-141 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award the proprietary purchase.

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532-8788 - EPO Group Health Plan and Transplant Network Provider

(Pur-6)

A five-year agreement for self-funded EPO group health plan administrative services, including reinsurance policy and transplant network provider is being presented for approval by the Finance, Risk Management Division.

Recommended Award: AvMed Health Plan of Florida
Sunrise, FL
Combined Insurance Company
Chicago, IL
Life Trak
Minneapolis, MN
Amount: \$ 866,851.00 (estimated annual total)
Bids Solicited/Rec'd: 115/4 with 2 no bids
Exhibits: Memorandum No. 03-85 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award to the first ranked proposers.

532-8789 - Dental Benefits Plan

(Pur-7)

A five-year agreement for a fully insured, passive PPO and DHMO dental benefits plan is being presented for approval by the Finance, Risk Management Division.

Recommended Award: The Guardian Life Insurance Company of America
Plantation, FL
Amount: \$ 1,073,647.00 (estimated annual total)
Bids Solicited/Rec'd: 127/6 with 3 no bids
Exhibits: Memorandum No. 03-129 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award to the first ranked proposer.

Proprietary - Fire Alerting System

(Pur-8)

An agreement to purchase a fire alerting system installation and integration is being presented for approval by the Fire-Rescue Department.

Recommended Award: Motorola, Inc.
Sunrise, FL
Amount: \$ 34,103.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-76 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award the proprietary purchase.

432-8790 - Streetlight Pole Setting and Removal

(Pur-9)

A two-year agreement to purchase street light pole setting and removal is being presented for approval by the Public Services Department.

Recommended Award: Signal Technology & Installation Corp.
Davie, FL
Amount: \$ 64,490.00
Bids Solicited/Rec'd: 15/6
Exhibits: Memorandum No. 03-29 from City Manager

The Procurement and Materials Management Division recommends award to the lowest responsible and responsible bidder.

Proprietary - Water and Wastewater Leadership Training (Pur-10)

An agreement to purchase water and wastewater leadership training is being presented for approval by the Public Services Department.

Recommended Award: Water & Wastewater Leadership Center
Chapel Hill, NC
Amount: \$ 19,800.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-130 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award the proprietary purchase.

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

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to remove Items M-13, M-14, Pur-6, Pur-7, and Pur-9 from tonight's Consent Agenda.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle.
NAYS: None.

**Task Order Amendment - Keith and Schnars, P.A. (M-13)
(Professional General Civil Engineering Consultant
Services) - Project 10507 - River Run, Flamingo Park,
and Oak River (Septic Area 4) Sanitary Sewer
Improvements Project**

Commissioner Katz stated that she had pulled this item. She continued stating that it appeared they were moving ahead and paying for this without knowing if they were going to obtain the necessary easements.

Paul Bohlander, Assistant Utilities Director, stated that the first stage of this Task Order would be to conduct a survey, develop the sketches and legals, and pursue the easements.

Commissioner Moore entered the meeting at approximately 6:23 p.m.

Mr. Bohlander explained they also had to do preliminary design in order to design the entire system, in the event they picked the additional private areas out whether now or later so they would have sufficient depth in the new system without extensive modifications.

Commissioner Katz further asked if they needed this amount of money. Mr. Bohlander replied they might not need such an amount, but money would not be spent until they obtained the easements.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to approve Item M-13 of the Consent Agenda as recommended.

Roll call on motion showed: YEAS: Commissioners Hutchinson, Smith and Mayor Naugle. NAYS: Commissioner Moore and Katz.

Change Order No. 1- PRM Engineering and Contracting, Inc. - F2300 - Riverwalk Linear Park

(M-14)

Commissioner Katz stated that she had pulled this item, and she was not clear where this money was coming from.

Hector Castro, City Engineer, stated that funding was available in the project because money was left over due to the project coming in under bid.

Motion made by Commissioner Katz and seconded by Commissioner Hutchinson to approve Item M-14 of the Consent Agenda as recommended.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

532-8788 - EPO Group Health Plan and Transplant_ Network Provider

(Pur-6)

Commissioner Katz stated that she had pulled this item and stated if this was approved, she wanted to make sure they could still handle dealing with AvMed because if there was any way of trimming back some benefits, she wanted them to do so making it more like an HMO, so people earning less could afford the benefits, and people who were earning more and wanted to pay more for benefits could do so. She reiterated that she did not want this to get lost in the process. She felt there should be an HMO type of plan for the employees offering the very basic benefits.

Terry Sharp, Assistant Finance Director, stated that tonight the Commission was considering AvMed for the TPA for an exclusive provider option which was similar to an HMO, but was a self-funded plan. He reiterated that he had been assured that there

was flexibility as to how the benefits would be implemented.

Commissioner Katz continued stating that she felt they should look whether they wanted an open access network or a closed access network, and asked if this would provide some cost savings.

Mr. Sharp stated that the rate itself was determined by an independent actuary and they would work with her regarding that matter.

Motion made by Commissioner Katz and seconded by Commissioner Smith to approve Item Pur-6 as recommended.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

532-8789 - Dental Benefits Plan

(Pur-7)

Commissioner Katz stated that she had pulled this item, and further stated they had received a Notice of Intent to Protest. She continued stating that one of her concerns was as to how the criteria was to be decided. She had been told it was subjective criteria and the problem was they could not do it like a "widget." She further stated that it made a difference as to what the criteria for good health care was, and that it centered not just around cost but also the size of the network. She felt the criteria were not clear, especially in regard to quality, and she felt they should possibly go back and take more of an indepth look as to how the committee had made their decisions. She asked for a better definition of the references that had been given, and she did not feel that everything had been taken into consideration when the point system had been done. She felt the points should all be done on a proportional basis.

Kirk Buffington, Procurement Division, stated that the backup contained the seven criteria which had been defined in the RFP which was released to all the proposers.

Commissioner Moore left the meeting at approximately 6:32 p.m.

Mr. Buffington explained that each proposer had been ranked against those seven criteria and each of the criteria were given a certain number of points, and each committee member was asked to identify the number of points they chose for each proposer and each item. He further stated that the process was somewhat subjective and needed to be, when you were looking at professional services or health care benefits. He explained that they tried to keep the process fair and equitable, there still would be some subjectivity. He continued stating that they attempted to keep that subjectivity to a minimum by defining the criteria in the RFP.

Mr. Buffington stated that network was an important issue and all five members of the

evaluation committee looked at the network, not only in connection with its size, but its adequacy and the differentiation between the dental specialties. He explained that each proposer was given 1-20 points on a scale based on what the committee member felt was important. In regard to references, Mr. Buffington explained they had been checked and a matrix of references had been provided. He stated the references were other customers of the provider corporation, and they had been asked the same questions and then ranked from 1-5.

Commissioner Katz asked if any of the references had been from out-of-state. Mr. Buffington stated there were no out-of-state references. He continued stating that they had been from Broward, Dade, Palm Beach, and Indian River Counties. He also stated that Guardian was ranked as No. 1, and CIGNA had been ranked as No. 2.

Commissioner Moore returned to the meeting at approximately 6: 36 p.m.

Commissioner Katz asked which criteria had used proportional statistics, and which had used the straight point system. Mr. Buffington replied that the most mathematical criteria was cost and was easy to calculate. He stated further that the other criteria were what each committee member felt it was worth. He also stated that they had done a very firm cost analysis based on the numbers they were provided from the proposers. Mr. Buffington remarked that another item which had to be looked at was the amount of co-pay and what would be charged for the procedures received. He explained that a co-pay analysis had been included in the back-up materials of the top 100 procedures which were performed in a dental office. He continued stating that Guardian had the lowest average co-pay which was another factor taken into the cost consideration. Mr. Buffington explained that the other six criteria had points ranging from 1-10 and 1-25, and each committee member assigned points based upon the response received from the proposer and response to the interrogatories used for clarification purposes.

Commissioner Katz remarked that she still did not feel that the points were proportioned properly.

Commissioner Smith asked if any of the members of the committee were members of the Insurance Advisory Board. Mr. Buffington confirmed and stated that Dave Fortune was the insurance consultant, and Mr. Schwartz served on the Advisory Board.

Ken McDougal, Vice-President of Sales for Comp Benefits Corporation, stated that there appeared to be some confusion, and he explained that they had pulled the documents from the RFP in regard to Guardian. He explained that the references listed were not the ones submitted with the RFP, and further stated that the only Florida firm had been in Pensacola. He felt at some point the reference list had been changed in the RFP process. He continued stating that no other company had been given the opportunity to change their list. Mr. McDougal stated they had written a letter questioning the decision of the committee. He continued stating they felt that price was not a subjective factor, and their price had been the lowest bid. He explained that their

network was the largest in Broward County, and felt their experience and quality carried tremendous weight.

Mr. McDougal continued stating that the original intent of the RFP process was that the Insurance Committee would prepare a short list of candidates, receive presentations from those groups, and then further evaluations would be made. He explained that this process had been cut short and a decision was made at the Committee meeting to prepare a final list. Companies were not allowed to make their presentations and they felt that was an important part of any procurement process.

Commissioner Smith asked why the process had been cut short and continued to ask for a further clarification regarding the reference changes.

Mr. Buffington stated that short-listing was an option which was available and was included in all RFPs. At the time of the evaluation when all proposals had been received and reviewed, it was believed it was not necessary to hear presentations from all proposers. This would add time to the process, and if it was not necessary in order to make a definitive recommendation, then it could be eliminated. He explained that the committee had gone through very extensive clarifications after receiving the responses.

Mr. Buffington further explained that one of the clarifications asked for in the first round of questions to the proposers dealt with references. He further stated it was not that they were given the opportunity to change their references, but were asking to provide additional local references if available. He stated it was not an issue with the committee to ask the same question of all the proposers.

John Blalock, representative of Guardian Life Insurance Company, stated that he was glad they had been awarded the contract. He explained they were the fourth largest dental carrier in the country. He stated they had approximately 1,000 policyholders in the Tri-County area, and they had fast claim turn-around times. He further stated that their PPO network was the largest in the State of Florida.

Commissioner Moore asked if their 1,000 policyholders consisted of group policies. Mr. Blalock confirmed. Commissioner Moore asked if any of the proposers had provided any rate guarantees. Mr. Buffington replied there was a two-year rate guarantee. Commissioner Moore asked if every provider had the opportunity to provide local and other references. Mr. Buffington stated the clarifications were specific questions from the committee members, and different questions were asked of the different providers based on what was provided in the proposal response. Commissioner Moore asked if it was stated in the RFP that a presentation would be made. Mr. Buffington replied it was an option, but was not a guarantee that every member would make a presentation. Commissioner Moore asked if the company challenging this process was Comp Benefits. Mr. Buffington confirmed.

Commissioner Moore asked if Union representatives were members of the selection committee. Mr. Buffington confirmed and stated that Barry Capretta was one of the

voting members who represented the FOPA and also was an insurance consultant. He stated that the Chairman of the Committee was Frank Coulter who also represented Management Confidential, along with Dave Fortune the insurance consultant, Mr. Schwartz who was on the Insurance Advisory Board, and Damon Adams, Finance Director for the City. Mr. Buffington also stated the contract awarded was for five years with a two-year guarantee for the first two years. Commissioner Moore asked what the benefit was of a five-year contract, if there was only a two-year rate guarantee. Mr. Buffington explained that with a five-year contract, the company had more incentive to recruit members into their plan and keep rates at an acceptable level. He then proceeded to explain approximately how many dentists were offered in the network for each provider.

(Due to mechanical difficulties, the following section was not taped.)

Damon Adams stated that the estimated utilization was 40% for the DHMO, and 60% for the PPO.

Commissioner Smith asked about the best and final. Mr. Buffington explained that under the ordinance they were permitted to negotiate with the first ranking proposer, and then they could proceed down the line. He reiterated that he felt a longer contract gave the provider more incentive to provide better benefits for the users.

Commissioner Moore asked Mr. Blalock if Guardian could provide a rate guarantee for the length of the five-year contract. Mr. Blalock stated he was not authorized to make such a commitment.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve Item Pur-7 for a three-year term with the first two years guaranteed.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle.
NAYS: Commissioner Katz.

432-8790 - Streetlight Pole Setting and Removal

(Pur-9)

Commissioner Smith stated that he was receiving complaints about the light poles being in the middle of the sidewalks and hampering pedestrian activity.

Hector Castro, City Engineer, stated that a program would be put into place whereby they would review such locations and see where and how the lights could be relocated.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve Item Pur-9 as recommended.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor

Naugle. NAYS: None.

MOTIONS

Those matters included under the Motions category different from the Consent agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Request for Film Permit - J2K Productions, Inc. (M-17)
- "From Justin to Kelly"

Jennifer Radzikowski, Location Manager for the production, stated that the film would be released on April 25, 2003, and if anyone had any questions she would be happy to answer them.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the permit as recommended.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Settlement of General Liability File No. GL-01-421 (Frances Miller) (M-18)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the settlement as recommended.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Proposed Lien Settlements for Special Master and Code Enforcement Board Cases (M-19)

1. 505 S.W. 18 Avenue - Patricia and Bruce LaRaia - CE01070200 (\$1,605) and CE01041121 (\$3,900)

Bruce LaRaia stated that he was requesting a reduction in his fine due to the fact that he had problems for six months getting verification for the septic tank from the Health Department.

Lori Milano, Director of Community Inspections, stated that the property was in compliance and confirmed that Mr. LaRaia had problems with the Health Department in the past.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to reduce the fines to 10% to cover staff's costs.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

2. 841 N.W. 4 Avenue - CE98100147 - Scott Anthony Renberg - \$4,025.

Lloyd Faulk, representative of the owner, stated that this was a single-family home occupied by Mr. Renberg.

Commissioner Moore asked if Mr. Renberg was occupying the home at the time of the violations. Mr. Faulk stated that Mr. Renberg had lived at the property on and off and had been hurt in an industrial accident, and therefore, it was questionable whether Mr. Renberg understood the violations and their consequences.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the matter per staff recommendations.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

3. 2112 N.W. 7 Street - CE01050691 - Willie M. Jones Estate - \$2,250.

Due to the fact that the owner was not present, motion was made to table this matter.

Motion made by Commissioner Moore and seconded by Commissioner Smith to table this matter until the Commission Regular Meeting on February 4, 2003.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

4. 1215 N.E. 17 Court - CE00071094 - East Dixie Enterprises, Inc. - \$4,240.

Jim Brady, attorney, stated that their goal was to ask the Commission to lower the fine

to

\$600. He further stated that the property was on the east side of the railroad tracks and faced a warehouse and concrete business. Mr. Brady proceeded to give some history about the location. He stated that plans had been submitted to the Building Department to develop the property. He stated they continued to operate as it existed but without an occupational license. Eventually, they were cited and went to the corporate offices. The violations were acknowledged and minor repairs were begun. The outside storage was an illegal use. The owner then began to evict the tenants.

Mr. Brady proceeded to show pictures of the site and how it had been improved. He explained that the quality of life issues had been taken care of immediately.

Commissioner Smith stated that this property was not a problem for the area and the property was being brought into compliance, but explained that the Commission's policy was that the fine could not be reduced below 15%.

Mr. Yeary remarked that his mail did not get opened when he was away.

Motion made by Commissioner Smith and seconded by Commissioner Moore that the fine be set at 15%.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

5. 5140 N.W. 12 Avenue - CE9907007 - Tropic-Aero Loran, Inc. - \$4,240.

Jerry Carbone, President, stated that he had applied for the necessary permits and had been fighting with the general contractor who had caused the problems.

Commissioner Moore stated that it had taken two years for the property to come into compliance and asked if the other permits had been approved. Mr. Carbone stated that the present owner had purchased the property in 1999.

John Simmons, Assistant Director of Community Inspections, stated that the property had had two different owners.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the fine recommended by staff.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioner Katz.

6. 401 S.E. 19 Street - CE8090333 - Guirlaine O'Rourke - \$16,680.

John Aurelius, attorney, stated that he was requesting a reduction in fines. He proceeded to explain that the owner had purchased the property in 1987 and had been cited for a sagging porch. The owner had the tenant vacate the premises and then demolished the building. He continued stating that the porch could have been fixed, but the owner did not get proper information.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to reduce the fine to \$10,000.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

7. 839 N.W. 14 Way - CE01020351 - Spenser Thompson, Jr. - \$16,650.

Motion made by Commissioner Moore and seconded by Commissioner Smith to table this matter until the Commission Regular Meeting on February 4, 2003.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

48. 1125 N.W. 2 Street - CE02040997 - Therese Allen - \$4,620.

Chanel Gutierrez stated that the prior owner did not maintain the property, and the property went into foreclosure. She stated that she was requesting that the fine be reduced to \$200. She continue stating that the work would be done by Friday.

Commissioner Moore stated that he appreciated the risk the new owner was taking with this property, but preferred to table this matter until all the work was completed, and then discussion could take place regarding the fine. He continued stating that he was very supportive of this kind of development for the area, but he wanted to make sure the work was completed.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table this matter until the Commission Regular Meeting on February 4, 2003.

Commissioner Smith stated that he was not going to support this matter because the property had 33 code violations since 1990, and he realized that someone had finally bought the property and was making improvements, but he felt they were sending the wrong message. The property had been neglected for a long time, a new owner purchased it, and then a request was made to reduce or erase the fines. He believed there was no impetus for people to worry about fines being levied against the property, and therefore, the wrong message was being sent.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle.
NAYS: Commissioner Smith.

(Tapes resumed at this point of the meeting.)

9. 1333 S.W. 18 Avenue - CE00091123 - Clariece Grimian Thebeau - \$4,312.50.

Commissioner Hutchinson stated that she had pulled this item and stated she had the opportunity to talk to Ms. Thebeau, who was a single parent who had some personal problems, and requested the fines be reduced to 10% due to the fact that the property was in compliance.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to reduce the fines to 10% on this property.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

10. 533 S.W. 4 Avenue - CE9403261 - Scott Schlesinger - \$42,750.

Jerry Knee, representing the owner, stated that they were requesting a reduction in the fine. He stated that in 1994 there was trash on the property. He also stated that the house was assessed at \$32,000. Mr. Knee stated that a tenant occupied the property, and had been contacted to clean up the site.

Commissioner Hutchinson left the meeting at approximately 7:30 p.m. and returned at 7:31 p.m.

Mr. Knee stated that the property was in compliance in 1995 and the tenant had been evicted, and the property was vacant. He further stated that the fine began to run in 1998 when it was set by the Special Master. He explained that the property at that time had been in compliance for two years.

Commissioner Moore left the meeting at approximately 7:31 p.m. and returned at 7:32 p.m.

Mr. Knee further explained that this property was one lot and the owner had been fined twice for the same lot. He stated that the lien had been sent to the property owner in 2001, and in 2002 a foreclosure letter had been received.

Mayor Naugle suggested that the property be donated to the City and the remaining \$10,000 could be waived. Mr. Knee stated that he would pass that suggestion on to Mr. Schlesinger.

Commissioner Hutchinson asked why it took so long for this matter to be heard since the property had been in compliance since 1996.

John Simmons, Assistant Director of Community Inspections, stated that staff had met with Mr. Knee and no reasons were given as to why the property had not been maintained. Mr. Knee spoke with the owner and informed Mr. Simmons that the owner did not have the chance to go to the property, and had assumed the tenants were taking care of it.

Commissioner Hutchinson clarified that the owner was an attorney in the City of Fort Lauderdale. Mr. Simmons confirmed.

Commissioner Smith stated the owner was not managing the property and it became a problem for the community. He asked Mr. Knee what he felt the fine should be. Mr. Knee stated he felt that 10% would be fair.

Motion made by Commissioner Moore and seconded by Commissioner Katz that this item be approved per staff's recommendations.

Roll call showed: YEAS: Commissioners Moore, and Katz. NAYS: Commissioners Hutchinson, Smith, and Mayor Naugle.

Motion failed.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that the fine be reduced to \$20,000.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

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11. 1701 N.W. 15 Avenue - United Pathway - CE99120333 (\$5,805); CE00060929 (\$5,850); CE991200004 (\$28,215).

Motion made by Commissioner Moore and seconded by Commissioner Smith to have this item tabled until the Commission Regular Meeting on February 4, 2003.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

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12. 817 S.E. 17 Street - CE01102274 - Charaf Investments of Florida, Inc. - \$3,870.

Boris Morrows, representative of the Management Company, stated that they were

dealing with four strip stores at the northwest corner of Miami Road. He further stated that this case dealt with an enclosed dumpster in the back of the building. He then proceeded to give a chronology of events which took place in regard to this property. Mr. Morrows proceeded to ask for a reduction of fines and stated that he felt this was not fair due to the fact that permits could not be received and various departments had been involved in the procedure.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve this item per staff's recommendations.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

13. 2950 S.W. 2 Avenue - CE01102536 - James C. and Karola U. Woodworth - \$2,887.50.

Commissioner Hutchinson stated that these violations were not quality of life issues and requested the Commission to reduce the fines to 10%.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to reduce the fine to 10%.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

14. 1557 N.W. 6 Street - CE02040241 - Ameriport Ltd. - \$1,743.75

Karen Barrocas, representative of Ameriport, stated that Ameriport had owned the property at the time of the lien, but had sold the property to Lori Butler. She explained they had bought the property in foreclosure and their objective was to make improvements to the property and resell it. She stated that she was requesting that the fines be waived so they could complete the sale of the property to Ms. Butler. She also stated that there had been some confusion regarding the address of the property. She announced that the correct address of the property was 1559 N.W. 6 Street, but the City referred to it as 1557 N.W. 6 Street. She explained that because of this confusion, the code violations had not been forwarded to the proper person.

Commissioner Moore asked what type of business was going to be at this location. Ms. Butler stated that she was going to demolish the building, and rebuild it according to the redevelopment program that was in place at this time. She explained that she wanted to establish a real estate business, mortgage, and title company at this property.

Commissioner Smith left the meeting at approximately 7:45 p.m.

Commissioner Moore asked if the fine was reduced to 15% or less, when would the demolition of the building take place. Ms. Butler stated that she was scheduled to meet with the architect and the engineer for the redevelopment program on Friday. She further stated that she would demolish the building once she took care of all the initial items. She had been informed that before they could discuss the grant programs which were available, Ms. Butler would have to hire a general contractor and plans would have to be prepared. Therefore, she had to meet with an architect and engineer also. Ms. Butler stated that monies were in escrow to pay the fines, but approving the reduction would not expedite the process for her.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to reduce the fine to 10% of the recommended amount.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle.
NAYS: None.

**Addition of Administrative Aide Position -
Public Safety Grants Office**

(M-20)

Commissioner Katz asked if they could obtain a full-fledged grant writer.

The City Manager explained that the Administrative Aide category fell within the category of the current grants, and they did not have a classification entitled Grants Administrator. He stated that this person was a full-fledged grant writer.

Commissioner Hutchinson thanked the City Manager for moving forward with this item.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the item as recommended.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle.
NAYS: None.

Commission Regular Meeting Recessed at 7:47 p.m.

Regular Meeting Reconvened at 7:52 p.m.

PUBLIC HEARINGS

Application for Dock Waiver of Limitations - Mike Nunez, **(PH-1)**
1408 West Lake Drive

A public hearing to consider a resolution for an application filed by Mike Nunez for a

dock waiver of limitations under Section 47-19.3D for property located on Sylvan Lake with an address of 1408 West Lake Drive. Notice of public hearing was published January 10 and 17, 2003.

Motion made by Commissioner Moore and seconded by Commissioner Smith to close the public hearing.

Roll call showed: YEAS: Commissioners Moore, Katz, Smith and Mayor Naugle. NAYS: None.

Commissioner Hutchinson returned to the meeting at 7:53 p.m.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-9

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW MIKE NUNEZ, TO MAINTAIN AN EXISTING FINGER PIER WITH CONNECTING BOAT LIFT THAT EXTENDS A MAXIMUM DISTANCE OF FIFTY (50') FEET FROM THE PROPERTY LINE INTO THE ADJACENT SYLVAN LAKE AND TO CONSTRUCT AND MAINTAIN SIX DOLPHIN PILINGS THAT EXTEND A MAXIMUM DISTANCE FROM THE PROPERTY LINE AS MORE PARTICULARLY DESCRIBED IN THE TABLE BELOW, ALL FOR THE PROPERTY LOCATED AT 1408 WEST LAKE DRIVE, SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW.

Which resolution was read by title only.

Commissioner Katz asked if the City had approved the plans before this had been built.

Jamie Hart, Supervisor Marine Facilities, stated the City had approved the pier and boat lift which would be retroactive, and the pilings were proposed.

Commissioner Katz stated that she was concerned that the pier was sticking out into the lake due to the widening of his dock, and consequently, he cut off the size of the pier and now he was requesting a longer pier and had to have two extra dolphin pilings. She further stated that this construction was then going to stick out 50' to 55' into the lake. She felt the owner had created this situation, and she felt due to water skiing and boats in the area, the situation was unsafe. Commissioner Katz stated that she objected to what was being recommended.

Lee Martin, architect, stated that the dock had been widened approximately 2 ½' from where it was originally. He also stated that the owner was researching a hurricane docking system which was a series of pilings which would allow the existing boat to be docked at the site during a hurricane and ride out the storm.

Commissioner Katz suggested that the owner find a different way to handle the situation.

Mayor Naugle asked what was the decision of the Marine Advisory Board.

Mr. Hart stated the Marine Advisory Board had approved the matter unanimously.

Mayor Naugle asked if there had been any objections from the neighbors. Mr. Hart stated that there were letters of approval from the neighbors. Commissioner Hutchinson stated that the President of the Association had attended her district meeting and stated they had no objections to this.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Smith, and Mayor Naugle.
NAYS: Commissioner Katz.

Rezone from Community Facility (CF) to Planned Unit Development (PUD) - School Board of Broward County/Lennar Homes (PZ Case No. 1-ZPUD-02) (PH-2)

A public hearing to reconsider an application approved by the Planning and Zoning Board on December 18, 2002 by a vote of 5-4. Notice of public hearing was published January 10 and 17, 2003. (Also see Items PH-3, PH-4 and PH-5 on this Agenda)

Applicant: School Board of Broward County/Lennar Homes
Request: Rezone from CF to PUD to construct a 271-unit Residential development
Location: 1320 S.W. 4 Street

Mayor Naugle stated that this matter was quasi-judicial and all individuals wishing to speak on this matter had to be sworn in.

Commissioner Moore left the meeting at approximately 8:04 p.m.

Don Morris, Planning and Zoning Division, stated that this was the first proposal for the

Planning Unit Development zoning district, and he felt it would be beneficial if he described the intent of the PUD, and then discussed the specifics of this project.

Mr. Morris stated that the first and most important intent of the PUD was to promote unique and innovative design, and strive to integrate the components of modern life. He continued stating that the PUD encouraged interaction with the street and neighboring properties, and provided a variety of housing choices, along with promoting alternative modes of transportation. He explained that the applicant had to submit a design narrative outlining how they complied with the requirements of the PUD.

Mr. Morris continued stating that the criteria of a PUD which was evaluated needed to determine how it achieved the intent of the PUD, if the site design was compatible with the surrounding area, if the height, bulk, mass and design of any structure was compatible with the area, if it met appropriate land uses for the area, and if the development presented a long term benefit.

Mr. Morris stated the first thing staff looked at was site design. He explained one of their concerns was the placement of a townhouse development along the New River. He proceeded to show a map of the site. He explained that both the north and south sides of the River had been developed under the RS-8 district, which permitted only single-family detached homes. Staff felt it was important to comply with this standard, and therefore, was suggesting that the plan be amended to have single-family detached dwellings along the River.

Mr. Morris stated the second criteria they looked at was whether the building design was compatible with the buildings in the area. He stated this was an historic district since 1992, and they reviewed the historic contributing structures in the area, and the non-contributing structures.

Mr. Morris stated that this proposed development had both flat and pitched roofs. Therefore, the actual heights to be approved were the overall heights of the pitched roofs which were 59' over the drives, and the other buildings were 46'. He further stated that staff recommended a height of 46'. He proceeded to show photographs of buildings in the area. He stated that staff suggested the following:

1. That single-family detached homes be built along the River.
2. In order to reduce heights, they eliminate the units over the drives which would also reduce the length of the building.

Mayor Naugle stated that the length of the buildings was also a concern of the Historic Preservation Board. Mr. Morris confirmed.

Mr. Morris continued stating that the applicant had proposed a boardwalk along the southeast side of the River, but staff felt it could be extended to S.W. 14 Avenue which would add to the pedestrian experience at the site.

Commissioner Moore returned to the meeting at approximately 8:16 p.m.

Mr. Morris stated that parking would be provided on the right-of-ways consisting of 83 public parking spaces.

Lisa Maxwell, Director of Redevelopment for Lennar Homes, stated they were proud of this development effort. She explained this was a community they had designed with the neighborhood and Civic Association. She stated they had begun this process in December, 2000 and she had attended over 36 civic association meetings. She explained that they had hired a nationally renowned architect who was very skilled in urban design. She further stated they had asked the community to give them input regarding their concerns. She stated that the project before the Commission was the exact project that the Civic Association had approved at several meetings.

Ms. Maxwell stated that she was aware of the concerns raised by staff, and they were prepared to address all concerns, but she asked the Commission to suspend those concerns and listen to the architect who had worked with the community regarding those issues. At the end of the process, the neighborhood was comfortable with the proposed design. Ms. Maxwell stated there were reasons for the way this proposal had been designed. She felt change was scary, and this was the first PUD entertained by the City. She realized that something of this magnitude created an impact. She further stated that one commitment they had that she wanted to offer as a condition for approval was that they would fund the neighborhood's traffic implementation plan up to \$200,000, and would actually do the physical improvements for the community.

Bernard Zyscovich, architect, stated that his firm was located in Miami and they did urban design and other services throughout the Tri-County. He proceeded to show an aerial photograph of the site.

Mr. Zyscovich stated this was the City's first PUD and one of its purposes was to allow for opportunity to deal with properties which could be more innovative. He explained that most zoning categories within cities had blocks and lots, which had setbacks related to them. He stated the scale and character of the neighborhood was broken down into blocks and lots. He continued stating they were proposing block sizes that were similar with the neighborhood. He also explained there would be no gates and it would be a total "free flow community" with no impediments. He explained that the purpose of this design was to create the end point for Las Olas. Mr. Zyscovich stated they had created buildings which faced the street with parallel parking, and sidewalks. He explained they were introducing a non-profit organization into the community known as Art Space which would provide housing for artists. He also stated that housing would be provided at different income levels and was totally pedestrian friendly.

Mr. Zyscovich reiterated that Lennar Homes would be paying for the traffic calming improvements throughout the neighborhood. He stated that the concept was that there

was a "hole in the fabric of the City," and they were proposing to "re-weave" it. He explained they were going to restore the historic building back to its original form. He proceeded to show the rendering for the Village at Sailboat Bend.

Mr. Zyscovich stated there would be a park with the school at the end. He explained they were essentially building five blocks in the same scale and size as the rest of the neighborhood. He felt it would be inappropriate to build single-family homes along the River because neighborhoods which were more urban would have waterfront estates surrounded by townhouses. He stated there was psychological ownership and people walking along the water's edge would feel as if they were trespassing on someone's backyard. Mr. Zyscovich stated they were presently planning to build 14 units on the River, and if they used 50' setbacks and built single-family homes, they could construct 7 houses.

Mr. Zyscovich proceeded to show photographs of the mangroves which created a natural barrier for the community. Mr. Zyscovich then proceeded to show the elevation of the site. He explained they could make the entire project at the 35' line which would give a uniform height to the project, but he wanted to build a project with a variety of units. He explained that less than 10% of the townhouses were four stories. He further stated that design was about what things looked like. He felt it was more interesting to have a variety of developments, than to have a uniformed project. He further stated they had created materials and textures which were consistent with the style of Fort Lauderdale and Old Florida, and all the buildings had metal roofs. He stated they were looking for quality and texture. He reiterated that compliance would basically remove the interesting points of the project. The community did not have a problem with the density, height or mass of the project. He asked the Commission to consider the aesthetic issues which he felt was the purpose of the PUD.

Dan Fee, engineer, stated that they had three public hearings also on tonight's agenda which related to the vacation of right-of-ways for this project. He stated that one of their requests was to remove the cul-de-sac and complete S.W. 13th Street. He further stated that another vacation request was that at the end of S.W. 14th Avenue where there was another cul-de-sac, and they wanted to vacate a sliver of this area internal to the property, and then Mr. Willard had approached them and stated he wanted to vacate the entire end of S.W. 14th Avenue. To accommodate circulation, they were proposing to grant public access easements through all the internal roadways in the project. He explained that the Homeowners Association would maintain the roads.

Mr. Fee stated that staff was concerned about maintaining access to the river because they used the area for dredging, and they had agreed to provide those rights back to the City. He further stated there were to be two additional vacation requests at the Commission's next meeting. One was internal and one was a 5' utility easement which followed the line of the cul-de-sac.

Ralph Alter, resident of Riverside Park, stated that when he looked out his windows he

currently saw a row of trees and a large parking lot with vehicles. If that curtain of trees was better maintained, they would see more concrete, and if townhouses were erected this was what they would see. He stated that he supported staff's recommendation that single-family homes be placed along the river. He felt the walkway along the river would be acceptable as long as it was maintained. Generally, he stated the development was a benefit for the community.

Bill Saunders, resident of 215 Coole Avenue, member of the Sailboat Bend Association and member of the Historic Preservation Board, stated that he had worked with corporations in their real estate departments buying real property and developing site plans, and was familiar with these types of projects.

Commissioner Moore left the meeting at approximately 8:44 p.m.

Mr. Saunders further stated that he had never seen a developer such as this who was so willing to work with the community. He stated that if the entire Board had been in attendance when this proposal had been presented, the outcome might have been different.

Don Wilkin, resident of Sailboat Bend, stated he was an architect and planner in the City, and stated he was in favor of this project with the same reservations as stated by staff regarding density, height, and bulk and limited diversity of street frontage. He proceeded to distribute some comparisons he had made outlining various issues.

Commissioner Moore returned to the meeting at approximately 8:46 p.m.

Mr. Wilkin stated if one took a comparable area of 13 acres in Sailboat Bend which had both contributing and non-contributing structures, and rebuilt to the maximum density one might be able to build 180 to 200 units. He explained that this development was proposing 25% more than what could be built throughout the community. He hoped that the Commission would consider all issues involved in making their decision because he believed this development would have a negative impact on the community.

Bill Nielsen, Board member of the Sailboat Bend Civic Association, stated that Lennar had been very cooperative with the neighborhood and were a model developer in that regard. He stated that the townhomes being proposed along the riverfront would not be considered waterfront homes but would be water view. He stated there was a precedent for having townhomes on the river in the City. He explained this development was a consensus of the community.

David Marshall, resident of Riverside Park, stated that he was one of the property owners across the river who would face this development. He stated that he supported staff's recommendations in respect to this project, especially regarding the density along the waterfront and the overall height of the buildings. He further stated that when the School Board first began discussing development for this site, there had been proposals with single-family detached homes and he felt that would be appropriate along the river.

Mr. Marshall stated that it was his understanding that the maximum height for this area for buildings was 35', and he felt the 48' and 58' peaks of the buildings were not compatible with the surrounding areas. He further stated that it was possible to create a varied roof line with three-story and two-story buildings. He stated that he was concerned that this development would affect the view he had from his property, and ultimately affect the value of his property. He continued stating that he did not consider this a bad project, and felt that Lennar had been very solicitous, but he felt this project was not sufficiently integrated into the neighborhood.

Steve Aultfield, resident of Sailboat Bend, stated that he was against any changes in the original agreement that the Civic Association had decided upon years ago, and he did not appreciate the Association representing everyone because they did not.

John Masgural, resident of Sailboat Bend, stated that he knew such a project would come, but he did not realize how bad things would be. He felt that 271 units would add a tremendous amount of traffic to the community. He stated they could not save a historic area if they overbuilt in the area. He also stated there was an environmental problem due to the sensitive wetlands in the area. He asked the Commission to save the neighborhood.

Nick Sakhnovsky, resident down river, stated that Lennar had been extremely cooperative with the Associations, but he wanted to point out that the Commission did make the ultimate decision. He clarified that the underlying zoning was not residential and he felt the fear of the community was that if the Commission did not approve the PUD zoning, it would jeopardize the School Board deal, and then the land would lay vacant once more and there would be no certainty as to what would be built on the land. He stated that the issue before the Commission tonight was the matter of the PUD zoning. He felt the actual question was what would be the appropriate zoning for the site. Mr. Sakhnovsky stated he did not see a problem with the waterfront proposal.

Gene Ingles stated that he was running for Mayor and he had been invited to Sailboat Bend. He felt there appeared to be a concern at the meetings regarding the density of the project. Some people felt the project was okay, but others felt it was too dense. He felt the issue was the zoning which was up to the Commission.

Nigel Folick, resident of the City, stated he had seen a lot of change in the community over the years. If they did not accept change, they would be back where they were 20 years ago. He felt this project was new, exciting and different, and had been well-thought out and stated he was in support of this proposal.

John Kleinedler, President of Sailboat Bend Civic Association, stated that Lennar had addressed the issue of height early on in the project, and they made it clear that the varying heights would take away from the massing of the structures. They were in favor of driving under some of the units and thought it was unique. He stated they had voted

twice with a 2/3 plus majority in favor of the project.

Commissioner Smith stated he felt it was wonderful how everyone worked together on this project. He explained that everyone had voted for a \$400 Million land bond, and he wondered if they applied for money to purchase the land where the single-family homes were to go, would the neighborhood prefer that area to be open space.

Mr. Kleinedler stated that he did not think that anyone would object to that, except for Lennar. He further stated that it was his understanding that the property adjacent to the site was being looked at as part of that bond.

Julia Snow Jones stated that she had been opposed to the project from the beginning due to the fact that the addition of more people would add to the traffic problems which already existed in the neighborhood. She felt there should not be a three-story building on the waterfront. She continued stating that it was her impression that Harmon Park was going to be moved along the river, but she heard nothing this evening to that effect. She reminded everyone that it was her father who had been responsible for getting this park. She reiterated that she was opposed to this project due to its density and height. She added that she had lived in the Sailboat Bend area since 1954, and had lived in the City since 1920.

Todd Fogel, Sailboat Bend resident and member of the Historic Preservation Board, stated

that he had seen such a project coming to this neighborhood. He commended Lennar and stated they had done things right. However, less than three dozen people had attended some of those meetings making decisions for the entire community. About six years ago there had been the rewriting of the ordinance, and there had been 50 to 60 people attending meetings, but this was not the case.

Mr. Fogel remarked that he agreed with staff's recommendations to reduce the height, but he did not feel that was enough. He stated that he had been opposed to the three-story developments built around the neighborhood due to the traffic they would add to the neighborhood. He explained that he had voted against this project when it had been presented to the HPB. He felt the project was great and one was needed for the area, but not as dense as the one being proposed. He stated that he believed Lennar could rethink this project, and he felt what was really driving the density was the price. Mr. Fogel remarked that if they took out the four-story end caps and the driveways that would help, but were there no other buildings in the area with "0" lot lines running 200'. He reiterated that this project was going to change the complexion of the neighborhood and it would become its own entity, and would not be characteristic of the community.

Charles Jordan, resident of Sailboat Bend and Chairman of the Historic Preservation Board, thanked the Mayor for the extra time being given to him in order to address some of the issues regarding this project. He explained that he was going to begin chronologically and he felt these issues were integral to the process.

1. The process involving the School Board and how the bid had been conducted.
2. There appeared to be an issue of economic development versus the integrity of the community.
3. Public support and consensus regarding the project.

Mr. Jordan stated that through private negotiations with Lennar, the School Board was dictating to the City what should be accepted. The project was being engineered around the value of it. He did not feel this was how planning should be done in the City. He reiterated that density was being driven by the price, which then drove the mass of the project. He explained that there had been no conforming bids, and the RFP had stated that the property had to be taken "as is," and there were no conditions being offered. Consequently, no responsive bids had been received and the public process dwindled down to a developer who had the ability to make a proposal and begin private negotiations in order to develop a project. The public had been cut out of the process.

Mr. Jordan continued stating that he urged the Commission to support staff's recommendations. He stated that height for the neighborhood was 35', and to make this a minimum figure was hard to justify. He reiterated that Lennar "needed to justify the price" in order to accomplish what they set out to do. This was the reason for the townhouses along the river and the reason for the 400' buildings. He did not feel that planning in a historic area should be done in this fashion. He reiterated that they were attempting to impose an "urban concept" into a traditional neighborhood.

Mr. Jordan stated that a 3-D image had not been provided of this project. It would give a clearer view of what was being presented for the site, and he felt this should be done and the people not just shown selective renderings.

Mr. Jordan continued stating that this was the kind of project they were attempting to prevent when they implemented the historic district. He stated that the Civic Association's approval had been given by a small amount of people. When the neighborhood master planning had been done, there were committees set up and six different areas of expertise were dealt with, and mailings had been done and input received from everyone in the community. He stated they had 300 people support the master plan, and he felt this project was of a scope which far exceeded anything they had reviewed or planned for Sailboat Bend.

Mr. Jordan urged the Commission not to approve this project, especially on Civic Association approval. He stated that the elements of the ordinance were very clear and reiterated that compatibility and fabric of a historic district were at stake, and should not be pushed aside no matter how enticing the economic gain.

Dan Remy stated that he lived across from the site in Riverside Park and had attended several of the meetings regarding this project. He realized that the City was progressing

which was good, but he felt this project was too large for the site. His main interests were centered around the environmental issues of the site, including the mangroves and bird sanctuary. He also stated that the site was a Manatee habitat. He continued stating that he wanted to make a point of record that the developer and architect had stated that the natural surroundings at this site would remain. He stated that other projects in the City had also promised leaving trees and the such, and for some reasons they had been removed, and he did not want this to happen at the proposed site.

Mr. Kleinedler stated that when he spoke earlier, he did not state that there was a real fear that the park could create an environment for vagrancy. Commissioner Smith stated that this could be discussed with the Association and the matter could be brought to Lennar's attention.

Debbie Orshefsky, attorney for Lennar, stated that there had been a lot of discussion regarding the riverfront. She stated that the PUD Master Plan showed a 50' landscape buffer which would be preserved in its natural state and maintained, and that was included in their plan. She explained that the access to the river would be maintained and provided in an instrument to the City.

Ms. Orshefsky stated there were a total of 271 units, and 40 were live/work units within the Art Space community and were especially designed for artists. She reiterated that left 231 units for the development. She further stated that discussions had taken place by opponents of this proposal that the project had been driven by land costs. She explained that the decision and whole approach was to create a new urban community, and to re-weave the community and create spaces for community enjoyment. She asked the Commission to focus upon the public open space which was being provided. She explained there was over one acre around the school site which would be public open space. In order to highlight the riverfront, but not intrude on the 50' natural buffer, a boardwalk led to a open space area. She stated this was a space in an urban area which was essential to the type of community fabric this City had been striving towards.

Ms. Orshefsky stated that the park idea was wonderful, but it could raise more concerns for the community. She reiterated that their preferred option was the building of townhouses along the river, and not single-family homes. She remarked that one of staff's recommendations was that the boardwalk be extended along the river, and from a community safety standpoint was not necessarily a good idea.

Ms. Orshefsky continued stating that height appeared to be a main issue regarding this project. She proceeded to discuss the plan being shown and explained the pop-up features of the development. Architecturally, they wanted to keep these elements and the community had approved them.

Mayor Naugle asked about the relocation of the park and asked where the two-acre park was to be relocated.

Mr. Zyscovich proceeded to show on the map the location of the park. He explained the

park would be more linear than square. He further stated there was a swale for drainage, but it was not a drainage structure.

Commissioner Smith asked what the prices would be for the units. Ms. Maxwell stated that the artists' residences would be rental components, but only for those who qualified under the Art Space Program for artist subsidies through the Ford Foundation and Grants. She explained they were in the conceptual stages of pricing, and they were looking at the high \$100,000s to start. She reiterated there were various floor plans available and they had not yet priced them.

Christine Fingado stated that it was her understanding that only a hedge was to be put along the building facing the river. She also stated that she was in favor of staff's recommendation regarding single-family homes along the riverfront.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Moore stated that many people feared such a development would come into this area for some time. He also stated that he wished the architect had been able to be present and speak on other projects and show how development could take place by design, rather than the length or height of the building. Commissioner Moore asked if anyone was aware of the number of trips made to the site when it was a full functioning facility.

Molly Hughes, Traffic Consultant, stated that there were approximately 4 less trips in the peak hours now, than when this proposed project would be built.

Commissioner Moore stated that traffic had diminished since it was a full functioning property, and the number of trips proposed for the new development were less than what had gone through the area previously. He stated that this developer was attempting to deal with public accessibility for the waterway, and he hoped that effort would continue.

Commissioner Moore further stated that this project had been driven due to the cost of land just like other developments, but he felt the community would accept the renovation of the old school building and its proposed utilization. He felt that aspect was commendable. He continued stating that he was concerned about the height of the project and he felt things should be measured on the same level. He also stated that some areas could be higher if it was designed properly without negative impacts to the community.

Commissioner Moore stated that he wanted 3-D modeling of this project, and he had

requested this many times in the past. He continued stating that he felt it helped sell the product and also helped individuals to understand the project more clearly. He asked if the single-family homes were built along the waterfront, what would the homes cost and what difference in cost would there be if they built the townhomes instead.

Ms. Maxwell explained that the contemplated sales price for the townhomes along the river would be between \$300,000 to \$400,000. She believed the single-family homes would probably be in the \$500,000 range.

Commissioner Katz stated she liked the concept of urbanism in the City. She asked if landscaping could be provided to enhance the view of the residents across the river. Hugh Johnson, landscape architect, stated they made every effort to preserve the vegetation along the water, and the tree canopy shown had been taken off the survey and would be preserved.

Commissioner Katz stated that the length of the building was an issue.

Commissioner Moore left the meeting at approximately 9:40 p.m. and returned at 9:44 p.m.

Mr. Zyscovich reiterated that they attempted to mix the units in order to break up the blocks. He stated the units had porches, front yards, and landscaping. He proceeded to explain the rendering of the site. He stated that the issue of the roofs was self-imposed and the four-story section did rise to 59', but the point was that it was a hip roof. He felt this was the way to create tropical imagery. He stated there were other blocks in the area that were 400', but he realized it was not a single-family version of 400'. He reiterated that the view of the project was the same from the inside and the outside. He stated they had not done a 3-D model because they were not building one building, but 13 acres of buildings. He explained they chose the longest block to show a rendering.

Commissioner Smith asked if this project would interact with the community. Mr. Zyscovich proceeded to show the site plan of the project and explained its concepts further. He stated that elevations were available for all the buildings if the Commission wanted to see them.

Commissioner Smith asked if some of the large Oaks were going to be relocated. Mr. Johnson explained that they were maintaining 79 Oaks and relocating 60 of them, and none would be removed. He further stated that they were preserving most of the pine trees, but 12 would have to be removed.

Commissioner Hutchinson stated that she had let this project be neighborhood driven, but she asked if the traffic plan could be incorporated and made a part of the PUD.

Cecelia Hollar, Director of Construction Services, stated that the traffic plan could be included as a condition of this project.

Commissioner Hutchinson stated that she wanted this as a condition for the project. She further stated that she felt it would be unconscionable to take away the single-family homes which existed along the river. She realized where the project was going in regard to urbanism, but she could not take away single-family zoning from along the river.

Commissioner Hutchinson further stated that she was uncomfortable about the height of this project and that possibly was due to the fact that they were using the PUD ordinance for the first time, and she wanted to make sure things were done right. She reiterated that whatever was created would be a part of this community for a long time. She asked to see staff's recommendation on the 3-D modeling regarding height and pop-ups and how they could be reduced to a more reasonable height.

Mr. Zyscovich stated this had been a two-year process and great effort had been applied to this project from everyone involved. He stated they could take the four-story piece and leave the arch, but make it three levels and the issue of height could be removed from the table.

Debbie Orshefsky stated that they understood the dynamics regarding the single-family homes and they would work with staff to incorporate appropriate standards into the PUD for such development. She believed they had contemplated 50' lots for the area.

Commissioner Hutchinson stated that she liked the walkway along the river and wanted it incorporated. She believed the community desired that connection. Ms. Orshefsky again stated they understood her concern, but wanted someone from CEPTED to review the issue and help them.

Mayor Naugle suggested that possibly a gate could be installed after dark and the matter could be explored. Ms. Orshefsky reiterated there were no gates in this community. She stated they would meet with the design professionals to see if there was a safe way to integrate the type of pedestrian movement being suggested from 14th to 13th.

Commissioner Hutchinson asked if enough time was available for the developer to return with recommendations for the second reading. Ms. Orshefsky confirmed there was plenty of time to do this work.

Commissioner Hutchinson asked if breaking up the height of the buildings would also break up the length of the buildings. Ms. Orshefsky stated the question was how to deal with the pop-ups, and they would have the designers bring something back to the second reading regarding this issue.

Mayor Naugle stated that he felt the gatehouse concept could stay, but have another section removed from the longer lengths and break up the building.

Mr. Zyscovich stated that compromise was the enemy of design. He reiterated that intelligent compromise helped design, but he felt the variety in height and the gateway worked. He felt the community had accepted the concept on the whole, but he felt the point of friction was what made the project interesting. He proposed keeping the four-story pop-up and drive through as part of the 400' block, but suggested they find somewhere else to create the cut. He reiterated that if they dealt with the height and length of the building, they would have a "vanilla" facade with no punctuation and no tools were being given to him to work with on the design.

Mayor Naugle stated that the HPB had objected to the length of the buildings.

Commissioner Hutchinson asked how the length of the buildings could be changed. Commissioner Moore stated that he felt the 3-D modeling could be the selling point for this project. He stated that another spot could be chosen for the cut-thru, but they would not be drive-thrus, and yet the facade would be broken up. He reiterated that he would still come back with four-story buildings in some spots, and if the Commission did not want this, they should tell him now and he would not waste his efforts in that regard. He further stated there were two issues involved which were the height and the length. Commissioner Hutchinson reiterated that she would only agree to single-family homes along the river, and some sort of boardwalk along the river in accordance with the CEPTED guidelines. She reiterated that the mangroves were to stay, along with the landscaping. Mr. Zyscovich agreed.

Commissioner Hutchinson stated that she realized the hesitation of the community regarding the park concept and vagrancy. She asked if there would be an opportunity to approach the Land Preservation Board, and she realized they dragged their heels. Commissioner Smith stated that he felt this idea was more "doable" than he originally thought because there were three categories that Board was willing to spend money on, and they were conservation, green space, and open space.

Ms. Orshefsky stated they would evaluate with the administration from an economic standpoint if this could work with the bond program. She reiterated they were still willing to work with the community and reminded everyone they had an obligation to close the deal with the School Board, and wanted to keep this project moving forward. She felt that through the conditioning process of the PUD which allowed some flexibility, they could explore the issues further.

Ms. Maxwell stated that during the time they were evaluating the development process, they would be happy to explore such issues. She explained there was a time frame involved that would probably give them time to do this.

Commissioner Hutchinson stated that discussions involved the amount of units in this project, and she stated that 250 units had always been discussed and she wanted to know where the extra 21 units had come from, and how the single-family homes along the river would affect that number.

Ms. Maxwell stated that statement had been made when the concept plan was first brought to the Commission and it was a pre-bid plan. She remarked they were in the early stages of design and they had not yet finalized the agreement with Art Space. She stated they were at 231 units, which was less than the 250 units stated at the early meetings. She explained that Art Space required 40 residences for a tax credit operation which drove the additional density to the project.

Commissioner Hutchinson asked how this would affect the single-family homes along the river. Ms. Maxwell explained that the reduction would be 14 units to 7 homes. Ms. Hutchinson asked if those other 7 units would be added into the project at another point. Ms. Maxwell stated they would like to, if it was possible.

Mayor Naugle stated that if the longer buildings were broken up, they would reduce the number of units, but they should not be added into the project. He felt the density needed to be reduced. He felt it was amazing that Lennar was able to begin meeting with the community even before the property was deemed surplus. He reiterated that when the deal was made, the property was worth about 1/3 of its value. He stated that this was the "real estate land deal of the century," and felt they could afford to lose some units to make the suggested improvements, and there would be no financial hardship.

Commissioner Hutchinson stated the price of the homes on the riverfront would probably go up to make up the difference for the 7 units being lost. She did not feel there would be a loss of revenue.

Mayor Naugle stated that he wanted an indication from the community as to how they felt about having a park available because it could have some impacts on the neighborhood.

Commissioner Moore stated that he felt the recommendations being made were done hastily, and possibly the changes did not need to be made. If the elevations were shown in a manner to explain more clearly the concept of the project, things might be accepted more easily. He, therefore, reiterated the importance of a 3-D modeling for the project.

Commissioner Smith stated that he agreed and felt this architect was very talented. He reiterated that the "cookie cutter" projects sold more slowly than the more interesting ones. He felt if they stopped the artistic process and started redesigning, there would be less of a product and he hoped the Commission would be more flexible.

Commissioner Hutchinson stated that she had laid her concerns on the table, and she looked forward to seeing this project at the second reading. She felt that what was presented tonight did not give her a comfort level that she wanted before voting on the project.

Mayor Naugle stated that his comments regarding the architecture and length of the buildings were based on testimony from the architects on the Historic Preservation Board.

Commissioner Katz stated that she had also spoken to some of the architects and their concern was how the 400' would be broken up, and the feeling you would get standing in front of such a structure. She felt that a 3-D imaging would help them to more fully understand the project.

Commissioner Hutchinson stated that the PUD ordinance was to be used throughout the City, and it would be a great tool for some of the blighted areas. She felt this was the flexibility they were looking for in developing the Downtown Master Plan, but she felt they needed to reach a happy medium if they were to create new zoning ordinances in redeveloping certain areas of the City. She stated she did not know if there would ever be a pure compatible mix for the community by using the PUD.

Commissioner Moore stated that he thought that was the beauty of a PUD, but staff was making sure they were stressing neighborhood compatibility based upon the input they had received from everyone. He stated that they were being told the conceptual plan of the breakup was viable, but there was a difference in the height. He felt they needed to be prepared to experiment with a softer change.

Commissioner Hutchinson introduced the following ordinance (with staff recommendations) on first reading:

ORDINANCE NO. C-03-2

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM COMMUNITY FACILITY (CF) TO PLANNED UNIT DEVELOPMENT (PUD) INCLUDING APPROVAL OF A SITE PLAN AND ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING BUT NOT LIMITED TO USES, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING; ALL OF PARCEL "A" "ADMINISTRATIVE FACILITY", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 137, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF SOUTHWEST 2ND COURT, NORTH OF THE NORTH FORK NEW RIVER, BETWEEN SOUTHWEST 14TH AVENUE AND SOUTHWEST 13TH 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 Smith disclosed that he had spoken with the applicant's attorney. Commissioner Hutchinson disclosed that she had spoken with Debbie Orshefsky, Sue Delegal, Lisa Maxwell, John Kleinedler, and Dave Marshall. Commissioner Katz disclosed that she had spoken with Debbie Orshefsky and Sue Delegal.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Vacate a Portion of S.W. 14 Avenue - Charles Willard
(PZ Case No. 22-P-02)**

(PH-3)

A public hearing to consider the vacation of a portion of the south 130 feet of S.W. 14 Avenue, immediately north of the New River, and located adjacent to 425 S.W. 14 Avenue, which was approved by the Planning and Zoning Board on December 18, 2002 by a vote of 7-2, with the condition that an access easement be provided as approved by the City Engineer. Notice of public hearing was published January 10 and 17, 2003. (Also see items PH-2, PH-4 and PH-5 on this Agenda)

Applicant: Charles Willard
Request: Vacate a portion of the south 130 feet of S.W. 14 Avenue,
immediately north of New River
Location: Adjacent to 425 S.W. 14 Avenue

Motion made by Commissioner Moore and seconded by Commissioner Smith to close the public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-3

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF SOUTHWEST 14TH AVENUE, LYING WEST OF AND ADJACENT TO PARCEL "A", "ADMINISTRATIVE FACILITY," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 137, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE NORTH BY A LINE PERPENDICULAR TO THE EAST LINE AND PASSING THROUGH THE NORTHEAST CORNER OF LOT 20, BLOCK 2, "RIVER HIGHLANDS," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY,

FLORIDA; BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE MOST NORTHERLY WEST LINE OF SAID PARCEL "A" AND THE WESTERLY BOUNDARY OF SAID PARCEL "A"; BOUNDED ON THE SOUTH BY THE NORTH FORK NEW RIVER AND BOUNDED ON THE WEST BY THE EAST LINE OF SAID LOT 20, LOCATED AT THE JUNCTION OF SOUTHWEST 14TH AVENUE WITH THE NORTH FORK NEW RIVER, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Vacate Portion of Right-of-Way at S.W. 14 Avenue - (PH-4)
School Board of Broward County/Lennar Homes
(PZ Case No. 13-P-02)

A public hearing to consider an application approved by the Planning and Zoning Board on December 18, 2002 by a vote of 7-2, with the condition that an access easement be provided as approved by the City Engineer. Notice of public hearing was published January 10 and 17, 2003. (Also see items PH-2, PH-3 and PH-5 on this Agenda)

Applicant: School Board of Broward County/Lennar Homes
Request: Vacate a portion of a right-of-way
Location: The eastern one-half of the cul-de-sac on S.W.
14 Avenue, immediately north of the North Fork
Of New River.

Motion made by Commissioner Moore and seconded by Commissioner Katz to close the public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-4

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF SOUTHWEST 14TH AVENUE LYING EAST OF THE SOUTHERLY EXTENSION OF THE MOST NORTHERLY WEST BOUNDARY OF PARCEL "A", "ADMINISTRATIVE FACILITY", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 137, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA,

LOCATED ON THE EAST SIDE OF SOUTHWEST 14TH AVENUE, IMMEDIATELY NORTH OF THE NORTH BANK OF THE NORTH FORK NEW RIVER, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Vacate Portion of Right-of-Way at S.W. 4 Street -
School Board of Broward County/Lennar Homes
(PZ Case No. 14-P-02)**

(PH-5)

A public hearing to consider an application approved by the Planning and Zoning Board on December 18, 2002 by a vote of 8-1. Notice of public hearing was published January 10 and 17, 2003. (Also see Items PH-2, PH-3 and PH-4 on this Agenda)

Applicant: School Board of Broward County/Lennar Homes
Request: Vacate a portion of a right-of-way
Location: A portion of the cul-de-sac at the west end of
S.W. 4 Street at S.W. 13 Avenue

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-5

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF SOUTHWEST 4TH STREET LYING EAST OF AND ADJACENT TO PARCEL "A", "ADMINISTRATIVE FACILITY," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 137, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE MOST NORTHERLY EAST LINE OF SAID PARCEL "A", LOCATED AT THE CUL-DE-SAC OF SOUTHWEST 4TH STREET, WEST OF SOUTHWEST 12TH AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore,

Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Rezone from RM-15 to RMs-15; RMM-25 to RMs 15;
CB to RMs-15; and CB to RM-15 - Community
Redevelopment Agency/Northwest-Progresso Flagler
Heights Redevelopment Area (NPF CRA)
(PZ Case No. 11-Z-02)**

(PH-6)

A public hearing to consider an application approved by the Planning and Zoning Board on December 18, 2002 by a vote of 9-0 for the rezoning of RM-15 to RMs15, RMM-25 to RMS-15, and CB to RMS-15; with denial by a vote of 2-7 of the rezoning from CB to RM-15. Notice of public hearing was published January 10 and 17, 2003.

Applicant: CRA
Request: Rezone from RM-15 to Rms-15, RMM-25 to RMs-15, and CB to RMs-15 for the Sweeting Estates redevelopment Project.
Location: Area bounded to the north by Sistrunk Boulevard (N.W. 6 Street); to the south by the North Fork of New River; To the west by N.W. 24 Avenue; and to the east by the Railroad right-of-way and I-95.

Motion made by commissioner Moore and seconded by Commissioner Katz to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-6

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RM-15 TO RMs-15, LOTS 4 THROUGH 25, BLOCK 1; LOTS 8 THROUGH 25, BLOCK 2; LOTS 1 THROUGH 8 AND LOTS 18 THROUGH 25; BLOCK 3; LOTS 1 THROUGH 16, BLOCK 4; LOTS 1 THROUGH 12, BLOCK 5; LOTS 8 THROUGH 25, BLOCK 6 AND LOTS 2 THROUGH 7, BLOCK 7, "RIVER GARDENS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 23 AND LOT 4, "RIVIERA HACIENDA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 58, PAGE 25, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND TO REZONE FROM RMM-25 TO RMs-15,

LOTS 9 THROUGH 17, BLOCK 3, "RIVER GARDENS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 23, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND TO REZONE FROM CB TO RMs-15; THE SOUTH 50 FEET OF LOT 1, BLOCK 7, "RIVER GARDENS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 23, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; ALL OF THE ABOVE LANDS LOCATED BETWEEN NORTHWEST 24TH AVENUE AND I-95, SOUTH OF SISTRUNK BOULEVARD AND THE NORTH FORK NEW RIVER, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Amend Section 47-24.2.A.5.b "Administrative Approval of Amendments to Site Plan Level III or IV" and Amend Chapter 2, "Administration" - Creation of New Department - Office of Professional Standards

(O-1)

An ordinance amending Article IV of Chapter 2 entitled, "Administration" of the City Code of Ordinances by creating a new department entitle, "Office of Professional Standards," establishing the duties and responsibilities of the department and the department director, and transferring Article VI of Chapter 2 entitled, "Economic Development Department" to Division 3 of Article IV. Ordinance No. C-03-1 was published December 28, 2002, and passed on first reading January 7, 2003 by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading, as amended:

ORDINANCE NO. C-03-1

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 2, "ADMINISTRATION", OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING A NEW DEPARTMENT ENTITLED "OFFICE OF PROFESSIONAL STANDARDS"; ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT AND THE DEPARTMENT DIRECTOR; AND TRANSFERRING ARTICLE

VI OF CHAPTER 2, "ECONOMIC DEVELOPMENT DEPARTMENT" TO DIVISION 3 OF ARTICLE IV AND AMENDING THE NAME OF THE DEPARTMENT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Amendment to Pay Plan

(O-2)

An ordinance amending the Pay Plan of the City to provide for a new class in Schedule I. Notice of proposed ordinance was published January 12, 2003.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-03-7

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR A NEW CLASS IN SCHEDULE I OF THE CITY'S PAY PLAN.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Utility Advisory Committee

(R-2)

A resolution formally establishing the Utility Advisory Committee in the City of Fort Lauderdale. On January 7, 2003, the City Commission deferred consideration of this item to January 22, 2003 by a vote of 5-0.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer Item R-2 of the Agenda to February 4, 2003, at 6:00 p.m.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Amend Resolution No. 02-192 - Former New River U.S. Post Office Property - Authorization to Negotiate and Prepare Lease with New River Trading Post LLC

(R-3)

A resolution amending Resolution No. 02-192 regarding the acceptance of a proposal from New River Trading Post LLC and the authorization to negotiate and prepare the lease for the former New River U.S. Post Office property in order to set the date of the public hearing to consider approval of the lease for March 4, 2003.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 02-192, WHICH ACCEPTED THE BID OF NEW RIVER TRADING POST, LLC, TO LEASE CERTAIN IMPROVED LANDS KNOWN AS THE FORMER NEW RIVER POST OFFICE, TO SET THE DATE OF THE PUBLIC HEARING ON THE PROPOSED LEASE AGREEMENT FOR MARCH 4, 2003.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Extension of Site Plan Approval - Ramola Motwani -
Gold Coast Merrimac Development Project
(PZ Case No. 80-R-00)**

(R-4)

A resolution authorizing an extension of site plan approval from September 15, 2003 to September 14, 2004 for the following application:

Applicant: Ramola Motwani
Request: Extension of site plan approval
Location: 551 North Fort Lauderdale Beach Boulevard

Mayor Naugle stated that a letter had been sent by the Central Beach Alliance, and since the deadline was in September, he suggested the applicant meet with the Central Beach Alliance in order to address their concerns.

Commissioner Smith stated that he would agree to defer this matter if the applicant was willing to do so. He further stated that he wanted to hear from the Central Beach Alliance, if they were agreeable to defer this item.

Commissioner Smith stated that he believed that the applicant wanted to withdraw this item at this time.

Stephen Tilbrook, attorney for Shutts & Bowen, stated that he had not received the letter, and therefore, was not prepared to address it. He stated that they were surprised because the Central Beach Alliance had not had a meeting regarding this item and had just recently elected a new board. He stated further that the City Commission had

supported this project for the last two years, along with the Central Beach Alliance. Mr. Tilbrook continued stating that they were willing to address the items and accept a deferral until the next meeting if the Commission felt that was warranted. He reiterated that they wanted to make this project happen, and in order to proceed they needed to give the developer a level of certainty that he would be able to get a building permit before the expiration of the site plan.

Commissioner Smith suggested that this matter be deferred until the next meeting because he felt they needed to work on some issues.

Mayor Naugle remarked that he felt that hotel projects stalled on the beach had to do with the terrorist attacks on the Nation and he did not want to penalize someone because of this, but if there were problems they needed to be addressed. He continued stating that he would feel better if the applicant would meet with the Central Beach Alliance.

Mr. Tilbrook stated that after reading the letter, he was requesting an extension. He stated that his client was going to be out-of-the country at the time of the Commission's next meeting, and therefore, they were requesting that this matter be deferred until the second meeting in February.

Commissioner Hutchinson stated that the backup material did not state when the project had been originally approved, and how many extensions they had previously.

Jim Koeth, Planning and Zoning, stated that this was the second extension, and it had originally been approved on March 15, 2001.

Diane Smart, Central Beach Alliance, stated that the consensus in the letter everyone had just received had come from the Board members, and at no time had Ms. Motwani or Mr. Tilbrook approached the Central Beach Alliance and informed them of their request for an extension. She continued stating that they would be very happy to meet with them and discuss the matter.

Commissioner Moore stated that he had the highest respect for civic activism, but it appeared that every time they were dealing with a matter, the Central Beach Alliance offered a statement at the last moment, and this concerned him. He stated that due to his respect for the District Commissioner and the wishes of the applicant, he would agree to defer this matter. He hoped everyone could find a way to understand the agenda and offer comments so the Commission would receive input and not find themselves in such a situation over and over again.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to defer this matter until February 18, 2003 at 6:00 p.m.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Plat Approval - Everglades LLC Plat - Everglades
LLC (PZ Case No. 25-P-02)**

(R-5)

A resolution approving the following application, which was approved by the Planning and Zoning Board on November 20, 2002 by a vote of 6-0.

Applicant: Everglades LLC
Request: Plat approval
Location: 1801 S.E. 17 Street

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-11

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA APPROVING
A PLAT KNOWN AS "EVERGLADES, LLC PLAT."

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

(Continued on page 54)

**Amend Site Plan Level II Approval/RAC-East TMU -
Venezia Las Olas, Inc. for "The Venezia Las Olas"
(PZ Case No. 24-R-99)**

(R-6)

A resolution approving an amendment to the approved Site Plan Level II of The Venezia Las Olas development, which was administratively approved December 5, 2002. On December 17, 2002, the City Commission requested a review of this application by a vote of 5-0.

Applicant: Venezia Las Olas, Inc.
Request: Amendment to Site Plan Level II (DRC) Approval
Location: 111 S.E. 8 Avenue

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A SITE PLAN TO DEVELOP A RESIDENTIAL BUILDING, LOCATED AT THE NORTHEAST CORNER OF S.E. 1ST STREET AND S.E. 8TH AVENUE, FORT LAUDERDALE, FLORIDA IN AN RAC-EMU ZONING DISTRICT.

Which resolution was read by title only.

Commissioner Hutchinson stated that she wanted time for everyone to get together and discuss the issues surrounding this development, and that had been done. Everyone was now in agreement and the project was ready to move forward.

Mayor Naugle stated that he had heard comments from the residents regarding exhaust fans on the garage.

Courtney Crush, Premier Developers, stated that there had been a concern in the neighborhood regarding the noise emanating from the fans. She further stated that Premier was willing to see if they could do something about this. She explained that they had looked at this earlier, and in order for the exhaust to function properly it had to be opened. They had brought the level of the noise down, but were willing to revisit the matter once again.

Commissioner Moore left the meeting at approximately 10:38 p.m.

Commissioner Hutchinson reiterated that the residents in the building were not hearing the noise, the people two blocks away were being affected. She suggested that possibly they could install something that would not interfere with the ventilation of the fans.

Cecelia Hollar, Director of Construction Services, stated that they would work with them and see what could be done to reduce the noise.

Commissioner Katz asked if there was a way to make the air conditioning unit more attractive. She continued stating that she had been told there were ways to make the box look better.

Ms. Crush stated that this condominium was about to get their CO. Each unit bought in accordance with an approved site plan with an elevation, and she did not think it was the wish of the Condominium Association, nor would it be prudent for the developer to begin changing the look of the building.

Commissioner Hutchinson remarked that this was just the screening around the smoke stacks, but because they were higher they had to add an additional 6 feet. She continued stating that it was the original screening the owners had bought in on, and they were just raising it 6 feet. Commissioner Katz stated that it was unattractive.

Ms. Crush stated that the material was consistent with the approved plan.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle.
NAYS: None.

(Continued from page 52)

**Plat Approval - Everglades LLC Plat - Everglades LLC
(PZ Case No. 25-P-02)**

(R-5)

Mayor Naugle announced they were going to return to Item R-5 on the agenda due to the fact that Mr. Gene Ingles wanted to make a comment.

Gene Ingles stated that he had spoken to several people at the Art Institute which was located next to this project, and they were appalled that a building of this size was going to be erected at the site. He further stated that he did not think a public hearing had been held on this matter, and therefore, no opportunity to give input on this matter. He believed that the neighborhood association had not been represented, and the neighborhood had been disjointed from this matter. He did not think that was proper and that this project had been "railroaded" through the process and it was not fair.

Mayor Naugle stated that this was a plat approval, and asked if someone from staff could explain this a little further.

Cecelia Hollar, Director of Construction Services, stated that a plat approval was basically a subdivision of property which identified specific lots, blocks, easements, rights-of-ways, and dedications.

Mayor Naugle asked if this gave approval for a building. Ms. Hollar stated it did not, and explained that the site plan was an explanation of how a building would occur in accordance to the subdivision of land. Mayor Naugle asked if there would be a public hearing to approve this development. Ms. Hollar stated that it depended on the type of development, and whether it triggered the different levels of review.

Commissioner Hutchinson reiterated that until they started through the process, they would not know what things would be triggered in the development process.

Ms. Hollar stated that the site plan had gone before the Planning and Zoning Board in November, 2002. She explained it was for a conditional use and mailings had been sent

out, and it had been approved 6-0.

Commissioner Moore returned to the meeting at approximately 10:44 p.m.

Fort Lauderdale Community Redevelopment Agency (CRA) (R-7)
Sale of \$4,655,000 Tax Increment Refunding and Revenue
Bonds (Central Beach CRA Project) 2003A/2003B

A resolution authorizing and approving the issuance by the Fort Lauderdale CRA of \$4,415,000 in aggregate principal amount of Fort Lauderdale CRA Tax Increment Revenue Refunding Bonds, Series 2003A (AMT) (Central Beach CRA Project) and \$195,000 in aggregate principal amount of Fort Lauderdale CRA Tax Increment Revenue Bonds, Series 2003B (Non-AMT) (Central Beach CRA Project) (Also see Item CRA on the Conference Agenda)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING AND APPROVING THE ISSUANCE BY THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY OF \$4,415,000 IN AGGREGATE PRINCIPAL AMOUNT OF FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY TAX INCREMENT REVENUE REFUNDING BONDS, SERIES 2003A (AMT) (CENTRAL BEACH COMMUNITY REDEVELOPMENT AREA PROJECT) AND \$195,000 IN AGGREGATE PRINCIPAL AMOUNT OF FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY TAX INCREMENT REVENUE BONDS, SERIES 2003B (NON-AMT) (CENTRAL BEACH COMMUNITY REDEVELOPMENT AREA PROJECT) IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTIONS REQUIRED OF THE CITY IN CONNECTION WITH THE ISSUANCE OF SAID SERIES 2003 BONDS; AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Advisory Board/Committee Appointments

(OB)

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

Budget Advisory Board	Ronald Goff
Community Appearance Board	Patricia Ruth
Economic Development Advisory Board	Cort A. Neimark Sidney Calloway
Education Advisory Board	Willie J. Dudley, Jr.
Sunrise Intracoastal Neighborhood Security	Paul McGee James P. Concannon
Urban Design Core Steering Committee	Chris Wren Doug Eagon Alan C. Hooper

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 03-13

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

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Hardy Park Straw Ballot

(OB)

Commissioner Smith stated that he wanted to propose that an item be added to the March 11, 2003 ballot. He continued stating that there were people in the City near Andrews Avenue who were concerned about Hardy Park. A position had been taken that Hardy Park was not a location to be considered for the Federal Building. He stated that the residents in the area were not trusting and they did not approve of how the entire process had been handled, and believed that the Federal Government still coveted the park. Commissioner Smith stated that he agreed with them and he had heard that some of the Federal Government officials had stated that even though the City had stated it was off their "game plan," it was not off of theirs.

Commissioner Smith continued stating that there had been a signature drive obtaining 1,000 signatures requiring the City Commission to consider an ordinance challenging any government agency from taking Hardy Park. He explained that he had this verified by the Supervisor of Elections. He stated that because they could not take up the review of the resolution before the ballot, if no action was taken to satisfy the citizens and bring the ordinance forward, they would be required to hold a special election within the next few months which could cost about \$100,000. He explained that he had spoken with the organizer of the petition drive, and he stated that they would be comfortable if the Commission would pass a resolution adding an item on the ballot, a non-binding straw poll question which would read as follows:

“WHEREAS, the protection of Hardy Park as opened green space in the downtown area is of utmost importance to the citizens of Fort Lauderdale; and

“WHEREAS, 1,002 signatures requiring the City Commission to consider an ordinance legally challenging any move by a government entity to take possession of the Hardy Park land, and had been verified by the Supervisor of Elections; and

“WHEREAS, the passing of this resolution would allow time for a non-binding straw ballot to be placed on the General Election Ballot on March 11, 2003 and save the City the potential cost of a special election to ask the same question.

“NOW, THEREFORE, be it resolved by the City Commission of Fort Lauderdale, Florida, that the following non-binding question is hereby placed on the General Election Ballot of March 11, 2003:

“Q: Should there be a City Charter addition to designate Hardy Park as public park land that must be legally protected from encroachment and use by any other government Entities?”

Commissioner Smith stated this would send a stronger message to the Federal Government that the City really meant business and believed in home rule. He continued stating that park land was very hard to come by and would not allow them to move in and take it without a fight. He stated that it would also take care of the petition drive people who stated this would satisfy them, and they would not proceed forward with the signature collection and a request for a special election which would cost additional monies. Commissioner Smith felt they should proceed forward and do this. He stated that today there had been a lot of discussion about park land and the downtown and green space. He reiterated this was land already owned by the City and everyone wanted to protect it.

Commissioner Hutchinson stated they should designate all the parks, and not just one. Commissioner Smith agreed and asked the City Attorney if this could be done.

The City Attorney stated that when this was proposed as a petition, it was to provide for an ordinance which would designate this park as commons. He further stated that initially they were presented with a petition, and if the Commission decided to designate the park and adopt the ordinance as proposed, then everyone would be happy. If the Commission decided not to do this, the petition organizers were required to get 15% of the registered voter signatures in the City in order to have it placed on the ballot without the Commission's approval.

The City Attorney stated that this proposal was to amend the Charter which was totally different from the original proposal. The question was whether the Commission wanted park designations in the Charter itself, which was a policy decision to be made by this Board. He stated it would take away flexibility on the part of the Commission when placed in the Charter, opposed to it being an ordinance.

Mayor Naugle remarked that this was important public policy and that he was a believer in process. He stated that he would like to have something placed on a ballot at an appropriate time which would protect all park land. He continued stating that normally when they amended the Charter or had such an ordinance, they followed a process. He further stated that this should have been placed on the agenda. He felt this was a ploy to have something put on the ballot so soft money could be used in the election. He reiterated that if they wanted to protect the park land, then they should do it properly. He felt this should not be addressed at the "eleventh hour" when it had not been placed on the agenda. He stated that this government did not operate this way, and he felt it was a reactionary measure. He reiterated that someone could have placed this on the agenda, thereby respecting the process and government of the City.

Commissioner Smith stated that it was apparent that the Mayor was not interested in saving Hardy Park. Mayor Naugle stated that was not true. Commissioner Smith stated that he was appalled because the Federal Government was coming after the park, and the Mayor had not been supportive from the beginning to save the park. He continued stating that this was an opportunity for everyone to band together and save the park for the City. He stated if the Mayor loved park land as he said he did, then it was time to vote for this and let the people decide. Mayor Naugle remarked that this was political and he rested his case. Commissioner Smith reiterated that he was appalled by this attitude, and asked if the voters could be given the opportunity to decide. Mayor Naugle remarked that this action would not necessarily protect the park.

Commissioner Hutchinson asked if the City Attorney could provide a more detailed definition of non-binding.

The City Attorney explained that this would be a straw ballot which was to test public opinion.

Mayor Naugle asked if someone could set up a political action committee and accept contributions if this were placed on the ballot. The City Attorney stated that could be done.

Commissioner Moore stated that individuals had done so in connection with the Stranahan House. He stated that was public process, and the way America operated. He further stated that the concerns mentioned about a possible soft money issue were not meritorious in this case. He continued stating that he was concerned because they did not have an opportunity for members of the community to understand that this would be considered.

Motion made by Commissioner Moore that this Commission would not negotiate the use of any park land until a public referendum could be drawn.

Mayor Naugle passed the gavel to Vice-Mayor Hutchinson and seconded Commissioner Moore's motion.

Commissioner Moore stated that he had made that motion as an alternative so the citizens' fears could be allayed.

Commissioner Smith stated that he was not in favor of that due to the fact that this matter could pass over them because a very large government agency was coveting the property. He felt they needed to take a strong position and allow the voters to help them do this. He continued stating that the agency had created a truce until the election was over, and then they would move back in and take over the park. He reiterated that he really believed that and asked everyone to consider what he was requesting.

Commissioner Moore asked if a non-binding vote was obtaining the community's opinion. The City Attorney confirmed. Commissioner Moore asked if they got the non-binding vote, what would that do in connection with the entities that still wanted to acquire Hardy Park.

Commissioner Smith stated that he felt this would send a very strong message saying that the Commission and the citizens of the City were aware of the situation and were taking a strong stand, and possibly they would back off. He felt if something like this was not done, they would not back off and change their minds.

Commissioner Hutchinson stated that if this was put on the ballot and it was overwhelmingly in support of a Charter amendment and the amendment was made, what would that do to the Federal Government's case. She asked if the government could still come in and take the land.

The City Attorney confirmed and stated that the impact could affect the ability to negotiate a settlement, and could require the City at the end of the litigation to go down "with all flags flying." He explained that under the Charter, they would not be able to

come to an agreement to exchange properties or do anything different. The City would be required by the Charter to protect the property.

Mayor Naugle stated that this would then be sending a false message, and they really would not be doing anything positive. He felt if they were serious about the matter, something could be put on the ballot to protect all the parks in the City and do it properly. He reiterated that this should be scheduled for discussion to respect the process. He felt having a meaningless straw poll that would give people false hope and did not accomplish anything would be disrespectful to the citizens.

Commissioner Moore reminded the Commission that there was a motion on the table with an amendment. Commissioner Hutchinson asked for the amendment to be restated. Commissioner Moore stated that the amendment had not been accepted by the maker of the motion. He then asked to call the question for the motion that was on the table.

Commissioner Smith stated he moved to place this item on the ballot on March 11, 2003 as stated by the City Attorney.

Commissioner Hutchinson asked if after the vote on March 11, 2003, would it come back to the Commission and go through the process for a Charter amendment. Commissioner Smith confirmed. Commissioner Hutchinson asked if it would be an automatic Charter amendment on a non-binding straw ballot. The City Attorney stated it would be up to the Commission to take action upon what was a public opinion poll.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE SUBMITTAL TO THE ELECTORS OF THE CITY OF FORT LAUDERDALE FOR THEIR APPROVAL OR DISAPPROVAL A BALLOT QUESTION ASKING WHETHER THE CITY CHARTER SHOULD BE AMENDED TO DESIGNATE HARDY PARK AS PUBLIC PARK LAND TO BE PLACED ON THE BALLOT FOR THE GENERAL ELECTION TO BE HELD ON MARCH 11, 2003.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, and Smith. NAYS: Commissioner Katz and Mayor Naugle.

REGULAR MEETING RECESSED AT 10:53 P.M.

REGULAR MEETING RECONVENED AT 11:10 P.M.

Executive Airport Part 150 Noise Study

(OB)

Commissioner Katz asked if it was possible to get a resolution that a letter be sent to the FAA and Congressman Shaw to support the Part 150 study for the Executive Airport. The City Manager confirmed that a letter would be written.

There being no further business to come before the Commission, the meeting was adjourned at 11:12 p.m.

Jim Naugle
Mayor

ATTEST:

Lucy Kisela
City Clerk