

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
JULY 19, 2005**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
JULY 19, 2005**

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

Roll call showed:

Present: Vice Mayor Christine Teel
Commissioner Dean J. Trantalis
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Also Present: City Manager George Gretsas
City Attorney Harry A. Stewart
City Clerk Jonda K. Joseph
Sergeant At Arms Sergeant Larry Miller

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

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the minutes of the June 21, 2005 Regular Meeting, July 6, 2005 Conference and Regular Meetings, and the agenda be approved. Roll call showed: YEAS: Commissioners Moore and Hutchinson, Vice Mayor Teel, Commissioner Trantalis and Mayor Naugle. NAYS: None.

Presentations

OB

1. 27th Annual Community Appearance Awards – Sponsors of WOW Award Program

Commissioner Trantalis and the City Commission recognized the Community Appearance Board sponsors of the 27th Annual Community Appearance Awards and the monthly WOW Award Program. He said that John Barranco assisted in distributing the awards. Mr. Barranco thanked everyone for attending this evening, and also thanked the sponsors who have made the program possible.

Commissioner Trantalis said it is important to recognize the individuals who have assisted in improving the looks of neighborhoods, and the sponsors of the program. The awards were presented to the following groups: Barranco Gonzalez Architecture Design Studios; CH2M Hill; Coldwell Banker Residential Real Estate, Inc.; Haley Engineering;

Home Fort Lauderdale; The Las Olas Company, Inc.; Sharpe Project Developments; Stiles Corporation; and W.A. Bentz.

2. Council of Fort Lauderdale Civic Associations Month

Vice Mayor Teel and the City Commission presented a Proclamation to Genia Ellis, President of the Council of Fort Lauderdale Civic Associations, designating August, 2005 as "The Council of Fort Lauderdale Civic Associations Month" in the City of Fort Lauderdale.

Genia Ellis thanked the City Commission for the Proclamation and said the Council has a good relationship with the City. It is through the support of the City Commission and City Staff that make this group effective. They represent homeowners, renters, condominium owners, and single-family homes. They are the voice of the community.

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 – Broward Caribbean Carnival

(M-1)

A motion authorizing and approving execution of an Event Agreement with Broward Caribbean Carnival, Inc. for the Broward Caribbean Carnival to be held at Fort Lauderdale Stadium festival site on Friday, October 7, 2005, 8 PM – 12 AM and Saturday, October 8, 2005, 5 AM to 12 AM

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0779

Interlocal Agreement – Transportation Management Association Convention Connection Shuttle Service

(M-2)

A motion authorizing the proper City Officials to execute an Interlocal Agreement with the Transportation Management Association for the provision of the Convention Center shuttle service.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0829

10th Annual Florida Neighborhoods Conference (M-3)
Transfer of Funds - \$25,000

A motion to approve transfer of \$25,000 from FD001 (General Fund)/9950(Contingencies) to GEN010101 (Other General Government)/4299 (Other Contributions) to co-host the 10th Annual Florida Neighborhoods Conference to be held in Fort Lauderdale on October 5-7, 2006.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0804

Work Order 10542A – Danella Companies, Inc. - \$3,649,176.88 (M-4)
Sewer and Water Main Improvements – Sailboat Bend

A motion authorizing the proper City Officials to execute Work Order No. 10542A to Danella Companies, Inc., in the amount of \$3,649,176.88, for Project 10859C General Construction Services – Water and Wastewater utilities (Sanitary Sewer and Water Main Improvements for Various Areas) in the Sailboat Bend – Basin A area.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0782

Work Order 10678 – Lanzo Construction Co., Florida - (M-5)
\$1,164,044.10 – Sewer and Water Main Improvements – Dorsey Riverbend

A motion authorizing the proper City Officials to execute Work Order 10678 with Lanzo Construction Co., Florida, in the amount of \$1,164,044.10 for Project 10859A General Construction Services – Water and Wastewater Utilities (Sanitary Sewer and Water Main Improvements for Various Areas) Dorsey Riverbend – Sewer Areas 12 and 17.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0783

Work Order 10656 – Foster Marine Contractors, Inc.- (M-6)
\$688,269.85 – Peele-Dixie Concentrate Force Main

A motion authorizing the proper City Officials to execute Work Order No. 10656 to Foster Marine Contractors, Inc., in the amount of \$688,269.85, for Project 10859D General Construction Services – Water and Wastewater Utilities (Sanitary Sewer and Water Main Improvements for Various Areas) for the Peele-Dixie Concentrate Force Main.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0785

Work Order 10507D – Danella Companies, Inc. - \$4,063,891.55 (M-7)
Sewer and Water Main Improvements – River Run, Flamingo
Park, Oak River

A motion authorizing the proper City Officials to execute Work Order 10507D with Danella Companies, Inc. in the amount of \$4,063,891.55 for Project 10859C General Construction Services – Water and Wastewater Utilities (Sanitary Sewer and Water Main Improvements for Various Areas) Area 4 Basin D.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0794

Change Order 4 – Widell Associates, Inc., f/k/a (M-8)
Widell, Inc. \$37,227.19 – G.T. Lohmeyer Flow
Control Rehabilitation & Additional Days to
Construction

A motion authorizing Change Order 4 with Widell Associates, Inc., f/k/a Widell, Inc. in the amount of \$37,227.19 for additional work and the addition of 15 non-compensable calendar days to the construction period for Project 10541B – G.T. Lohmeyer Flow Control, Biosolids, Chlorine and Architectural Rehabilitation – Package B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0793

Change Order 1 – Danella Companies, Inc. - \$47,602.60 (M-9)
Sailboat Bend – Sewer, Force Main, Water Main Improvements

A motion authorizing Change Order 1 with Danella Companies, Inc. in the amount of \$47,602.60 for additional costs and associated contract quantity adjustments for sanitary sewer and water main improvements – Project 10859C – Sailboat Bend Basin A – Work Order No. 10542A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0796

Change Order 13 – Construction Support Services, Inc. - (M-10)
\$35,073.33 – Joseph C. Carter Park

A motion authorizing Change Order 13 with Construction Support Services, Inc. as agent for Hartford Fire Insurance Company, Surety for Megan South, Inc. in the amount of \$35,073.33 for Joseph C. Carter Park – Project 15160.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0818

Change Order 4 – Catalfumo Construction L.L.C. d/b/a (M-11)
Seawood Builders Riverland Park - \$114,719.76

A motion authorizing Change Order No. 4 with Catalfumo Construction L.L.C., d/b/a Seawood Builders in the amount of \$114,719.76 for Riverland Park – Project 15245.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0828

Change Order 1 – Lanzo Construction Co., Florida (M-12)
\$145,396.62 Shady Banks – Water & Sewer Improvements & Additional Construction Days

A motion authorizing Change Order No. 1 with Lanzo Construction Co., Florida in the amount of \$145,396.62 for contract quantity adjustments, additional costs, and the addition of 30 days to the period of construction for Project 10859A – Shady Banks Basin B – Work Order No. 10543B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0797

Task Order 35, Amendment 4 – Camp, Dresser, and McKee, Inc. (M-13)
\$26,339 Jacob’s Landing – Stormwater Design Report

A motion authorizing the proper City Officials to execute Amendment 4 to Task Order 35 with Camp, Dresser, and McKee, Inc., in the amount of \$26,339, for preparation of a Preliminary Stormwater Design Report for the Jacob’s Landing Stormwater Improvements within the River Oaks Sanitary Improvements – Project 10705 (Area 6).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0697

Task Order 1 – Lincoln Park Remediation - \$887,000 (M-14)
Evans Environmental and Geological Science and Management, LLC (EE&G)

A motion authorizing Task Order 1 to Evans Environmental and Geological Science and Management, LLC Successor by Merger to Evans Environmental & Geological Science & Management, Inc. in the amount of \$887,000 for remediation of the Lincoln Park site – Project 10111.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0660

Task Order 05-10 – Hazen and Sawyer, P.C. - \$22,550 (M-15)
Variance – Florida Administrative Code – Water Contamination Prevention

A motion authorizing the proper City Officials to execute Task Order 05-10 with Hazen and Sawyer, P.C., in the amount of \$22,550, to assist in the City's variance application to Florida Administrative Code 62-555 relating to open water contamination prevention measures – Project 10996 – funding from Water and Wastewater Capital Improvements Plan.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0800

Contract Award – Poole and Kent Company of Florida - (M-16)
\$7,229,000 – G.T. Lohmeyer Wastewater Treatment Plant – Pumping Systems

A motion authorizing the proper City Officials to award and execute a contract with Poole and Kent Company of Florida, in the amount of \$7,229,000 for G. T. Lohmeyer Wastewater Treatment Plant Improvements Pumping Systems – Project 10767.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0781

Contract Award – MBR Construction, Inc. - \$770,700 (M-17)
George English Park Recreation Building

A motion authorizing the proper City Officials to award and execute a contract with MBR Construction, Inc., in the amount of \$770,700, for George English Park Recreation Building – Project 10347B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0812.

Contract Award – Nodarse & Associates, Inc. (M-18)
Testing Laboratory Services

A motion authorizing the proper City Officials to award and execute a contract with Nodarse & Associates, Inc., to provide testing and laboratory services for initial period of three years with the option to renew for two additional one-year terms – Project 10938.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0802.

Contract Award – Man-Con, Incorporated - \$8,895,080 (M-19)
Dixie Wellfield Improvements

A motion to reject the apparent low bid from Harry Pepper & Associates, Inc., as being non-conforming, and award and execute a contract with the second-low bidder: Man-Con., Incorporated, in the amount of \$8,895,080 for construction of Project 10824 – Dixie Wellfield Improvements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0791

Lease Agreement – Mehdi Ahadpour – Visage Laser Light (M-20)
City Park Mall Shop 128

A motion authorizing the proper City Officials to execute a 5-year lease with one 5-year option with Mehdi Ahadpour (Visage Laser Light), at \$1050.03 per month base rent, for City Park Mall Shop 128 at 128 SE 1 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0753

Lease Agreement – Caproc Third Avenue, LLC. (M-21)
Office Space at 101 NE 3 Avenue

A motion authorizing the proper City Officials to execute a three-year lease with three one-year options, with CAPROC Third Avenue, LLC, for office space located at 101 NE 3 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0754

Contract Extensions – October Through December 2005 (M-22)

A motion authorizing various contract extensions for the period of October through December, 2005, and authorizing the proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0748

**Sanitation Services – Crowder/Gulf Joint Venture
Organization of American States General Assembly** (M-23)

A motion authorizing the payment of \$69,928 from Account GEN 040301 to Crowder/Gulf Joint Venture for sanitation services rendered during the OAS Conference.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0756

**Work Authorization – Keith & Schnars, P.A. - \$52,505
Fire Station 47** (M-24)

A motion authorizing the proper City Officials to execute Work Authorization 16724.E4 with Keith and Schnars, P.A. in an amount not-to-exceed \$52,505 for the provision of professional engineering services associated with the design of Fire Station No. 47, authorizing the use of sub-consultants and approving the sub-consultant's fee schedule – Project 10766.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0814

**Disbursement of Funds/ Joint Investigation/
O.R. No. 03-157068 – Law Enforcement Trust Fund** (M-25)

A motion authorizing the equitable disbursement of funds in the amount of \$289.11, with each of the twelve participating law enforcement agencies to receive \$24.09.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0815

Disbursement of Funds/Joint Investigation/ (M-26)
O.R. Number: 03-157068 – Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$1,235.35 with each of the twelve participating law enforcement agencies to receive \$102.94.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0816

Disbursement of Funds/Joint Investigation/ (M-27)
O.R. Number: 04-47086 – Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$126,126.42 with each of the twelve participating law enforcement agencies to receive \$10,510.53.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0817

Donation to Florida Missing Children Information Clearinghouse (M-28)
In Support of Florida Missing Children’s Day

A motion authorizing the transfer of \$250 from DEA Confiscated property Fund 107 (forfeiture funds) to Pol080101-4299 and approving the donation of this amount to the Florida Missing Children Information Clearinghouse.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0824

Annexation Interlocal Agreements – Broward County (M-29)
Rock Island and Twin Lakes North

A motion authorizing the proper City Officials to execute Annexation Interlocal Agreements with Broward County for Rock Island and Twin Lakes North areas.

Recommend: Motion to: (1) approve Annexation Interlocal Agreement for Rock Island; (2) approve Annexation Interlocal Agreement For Twin Lakes North.

Exhibit: Commission Agenda Report 05-0716

**Lincoln Park Expansion – Land Acquisition -
Impact Fees - \$66,000****(M-30)**

A motion authorizing appropriation and transfer of Park Impact Fees in the amount of \$66,000 from Park Dedication/Impact Fees Account 269-450215 to Lincoln Park Expansion Project P10950.331.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0303

**Reject Bid and Re-Advertise 2005-2006 Annual
Contract for Concrete and Paving Stones Repair****(M-31)**

A motion authorizing the proper City Officials to reject bid and re-advertise for Project 10983, 2005-2006 Annual Contract for Concrete and Paving Stones Repair.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0841

**Pre-Qualification Procedures for Contractors
Public Works Construction Contracts****(M-32)**

A motion authorizing the use of a pre-qualification procedure for contractors bidding on City construction projects over \$2 Million in value.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0846

**First Amendment – Funding, Operation and Maintenance
Agreement New World Aquarium and Broward Environmental
Education Center****(M-33)**

A motion authorizing the proper City Officials to execute First Amendment to New World Aquarium and Broward Environmental Education Center Funding, Operation and Maintenance Agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0825

PURCHASING AGENDA

**352-9192 – Third Party Workers’ Compensation
Adjustment Services**

(PUR-1)

A five-year contract for third party workers’ compensation adjustment services is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: Gallagher Bassett Services, Inc.
Ithasca, IL
Amount: \$1,498,923.00 (estimated five-year total)
Bids Solicited/Rec’d: 239/4
Exhibit: Commission Agenda Report 05-0699

The Procurement Services Department recommends awarding to the first ranked proposer.

Proprietary – Purchase of Universal Gold Foam

(PUR-2)

An agreement to purchase an additional 240 gallons of Universal Gold Foam is being presented for approval by the Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Elite Fire & Safety Equipment, Inc.
Naples, FL
Amount: \$15,760.00
Bids Solicited/Rec’d: N/A
Exhibit: Commission Agenda Report 05-0759

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

Proprietary – Enhanced Radar Service and Reporting Software

(PUR-3)

One-year contract with Megadata Corporation for the PASSUR Portal, Pulse and Mode-S data feed, the enhanced radar service and reporting software, for the Executive Airport is being presented for approval by the Business Services Department.

Recommend: Motion to approve.

Vendor: Megadata Corporation
Bohemia, NY
Amount: \$18,900.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0757

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

Contract Renewal for Local Voice/Data Services
BellSouth Communications Agreement

(PUR-4)

A one-year renewal agreement with BellSouth Communications for voice/data services is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: BellSouth Communication Systems, LLC
 Roanoke, VA

Amount: \$950,000.00 (estimated annual total)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0763

The Procurement Services Department recommends approving the one-year renewal agreement.

Proprietary – Repairs and Upgrades to Exhaust
Extractor Systems

(PUR-5)

Approval to repair and upgrade exhaust extractor systems in eight existing fire stations is being presented for approval by the Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Environmental Control, Inc.
 Fort Lauderdale, FL

Amount: \$45,446.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0765

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

Proprietary Purchase – Dura Art Stone - \$14,940
Trash Receptacles – Broward Boulevard

(PUR-6)

A proprietary purchase to Dura Art Stone in the amount of \$14,940 for designer trash receptacles.

Recommend: Motion to approve.

Vendor: Dura Art Stone, Inc.,
Fontana, CA
Amount: \$14,490.00 Not to Exceed
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-0769

The Procurement Services Department recommends approving the proprietary purchase.

Fire Station No. 2 Dispatch System Interface

(PUR-7)

Purchase of Fire Station No. 2 Dispatch System Interface is being presented for approval by the Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Intergraph Public Safety, Inc.
Madison, AL
Amount: \$15,600.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-0776

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

Upgrade of Network Operating System and Software Licenses

(PUR-8)

Award of a contract to Dell, Inc. for technical assistance in upgrading the City's computer operating system for City Hall and the City's Police and Public Works Departments in the amount of \$43,310 and purchase of Microsoft software licenses from Software House International in the amount of \$124,658.53.

Recommend: Motion to approve.

Vendor: Dell Marketing, L.P. Software House International, Inc.
Austin, TX Somerset, NJ
Amount: \$167,968.53
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-0777

The Procurement Services Department recommends approving purchases from Florida State Contracts.

Proprietary – Purchase of 37 Police Radio Upgrades

(PUR-9)

Purchase of 37 encryption modules and firmware upgrades is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Motorola, Inc.
Schaumburg, IL

Amount: \$66,047.55

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0780

The Procurement Services Department has reviewed this item and recommends awarding the proprietary purchase in accordance with Broward County contract pricing.

Purchase of Tapping Sleeves and Valves (PUR-10)
Water and Wastewater System

One-year contract for the purchase of Group I cast iron tapping sleeves and valves to Corcel Corporation and the purchase of Group II stainless steel tapping sleeves to National Waterworks, per unit pricing.

Recommend: Motion to approve.

Vendor: Corcel Corp. (MBE), Group I National Waterworks, Group II
Miami, FL Oakland Park, FL

Amount: Per Unit Pricing

Bids Solicited/Rec'd: 263/6

Exhibit: Commission Agenda Report 05-0784

Award to low responsive and responsible bidders.

Recruiting Unit Advertising and Marketing on Radio, (PUR-11)
Television and an Electronic Billboard

Purchase of advertising initiatives to attract a greater number of local police officer candidates is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Cox Radio, Inc. Viacom Inc. Colite International, Ltd.
Atlanta, GA New York, NY W. Columbia, SC

Amount: \$77,210.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0786

The Procurement Services Department recommends awarding the proprietary purchases.

752-9073 – Amend Concession Services – Emergency**(PUR-12)**

Authority to amend the contract concession services contract if an emergency is declared is being presented for approval by the Procurement Services Department.

Vendor: Ultimate Catering, Inc.
Boca Raton, FL
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-0747

The Procurement Services Department recommends approving additional services if required.

Upgrade of Building Services, Fire Safety and Alarm Billing Technology**(PUR-13)**

An upgrade and enhancements of the computer software used for Building, Fire Safety and Alarm Billing including upgrade of the telephone access system is being presented for approval by the Building Services Department.

Recommend: Motion to approve.

Vendor: Sungard Pentamation, Inc. Tele Works, Inc.
Bethlehem, PA Blackburg, VA
Amount: \$248,300.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-0778

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

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis that Consent Agenda Item No. M-1, M-2, M-9, M-17, and M-24 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

Event Agreement – Broward Caribbean Carnival**(M-1)**

Commissioner Moore pulled this item because there was a request for an extension of time. Commissioner Hutchinson believed a call was also received today from the City of Lauderhill regarding an extension.

Dr. Babacar M'Bow asked if the time for the carnival could be amended so they could have the first part of the carnival extend to 3:00 a.m., and the second part remain unchanged.

Vice Mayor Teel said this is to be held by the airport. She was concerned about the extension of hours. There is to be amplified music and sound travels easily during the listed hours. Midnight appears to be reasonable. Some problems arose during this event last year which was associated with the parade, but the issue has been addressed by moving the parade to Pompano Beach. There are adjacent communities to the event site. She felt that midnight is a reasonable hour so the neighborhoods would not be impacted by loud noise and music.

Motion made by Vice Mayor Teel that the hours for the event remain as submitted.

Dr. M'Bow said this program, known as Carnival, is 171 years old and is a cultural practice brought to this country, celebrating the abolishing of slavery. He said that he is also a social scientist and interested in how legislation impacts the culture of a community, and how it can hinder or favor a community's practice of culture. They have tried to soften the Carnival by dividing it into parts. The children's carnival will be in Fort Lauderdale, and the parade has been moved to Pompano Beach. They want the communities to be spectators and part of a cultural practice. He urged the Commission to reconsider. They will measure the noise of the event to demonstrate that it would be the same noise level as a plane flying overhead.

Commissioner Moore said he received a call regarding the extension of hours for the event. He is concerned about the noise level as expressed by the District Commissioner. He asked what type of activities would be taking place from midnight to 3:00 a.m.

Dr. M'Bow said that there are two types of activities which are central to the event and without them Carnival cannot take place. One is Juve and the other is the Calypso Legend, going back to re-exploring old songs before and after emancipation. Changing the time is like asking to have Thanksgiving rescheduled. These are cultural practices. This is a one-hour shift in time. The Legend would begin at 8 and end at 3:00 a.m. so then the public can move on to Juve. According to Juve if one does not witness the sunrise, they will not have a peaceful or prosperous year.

Commissioner Moore asked if there is to be amplified music during the time from midnight to 3:00 a.m. Dr. M'Bow said the noise level would not be more than any other event that takes place in the City. Commissioner Moore asked what is the projected number of individuals that will attend the event. Dr. M'Bow said this is the only event used to fund Broward Children's Carnival, and therefore, they are expecting as many people as they can have attend.

Commissioner Moore asked if the hours for the event have been reviewed by the Parks & Recreation Department at the time this event was presented, along with other concerns that could arise. He asked if there is a concern about the event going beyond midnight.

Phil Thornburg, Director of Parks and Recreation, said the hours of the event were reviewed, and there is a concern about the late night hours and amplified music. Therefore, staff is recommending midnight.

Vice Mayor Teel asked if alcohol is to be sold during this event. Mr. Thornburg replied yes. Vice Mayor Teel said that the event begins Friday, October 7, 2005, 8:00 p.m. to 12:00 a.m., and again on Saturday, October 8, 2005 from 5:00 a.m. to 12:00 a.m. There is to be alcohol and amplified music. Therefore, she cannot support the event to run after midnight. She said a comment was made that the event would be no louder than the airplanes going overhead. One of the biggest problems in the City is noise. Although she respects their traditions, she could not support music after midnight.

Dr. M'Bow said they are proposing the requested changes because they believe most of the population of the City would already be up at 4:00 a.m.

Commissioner Hutchinson asked if a change in hours is to be made for Friday night. Mr. Thornburg said staff is recommending the event end on Friday at midnight, but Dr. M'Bow is requesting an extension until 3:00 a.m. Commissioner Hutchinson said that midnight is an appropriate time to end the event, especially since alcohol is to be sold.

Commissioner Hutchinson seconded the motion made by Vice Mayor Teel that the hours of the event remain as originally submitted.

Mario Zamora, Secretary of Broward Caribbean Carnival, Inc., said the request is one that will not set any precedents. Previously an event was held at this site until 2:00 a.m., and if they need to scale the hours back to 2:00 a.m., then the Commission needs to provide their input. Another alternative would be to stop serving alcohol after midnight as some other cities regulate. They are asking for the Commission's support because it is essential to the Carnival itself to have the events back-to-back. The Saturday event is not from 5:00 a.m. to 12 midnight, for example, although that is how it is shown on the application. Juve is over between 11:00 a.m. and 12:00 p.m., and there is only clean-up between noon and 5:00 p.m. or 6:00 p.m. The next event begins between 7:00 p.m. and 8:00 p.m. and no change is being requested. They are only requesting a change for the Friday night event. Revenue is being brought into the City. They will abide by all City rules and regulations. To deny this request without further consideration is a hindrance upon Broward Caribbean Carnival. Sunday's event is to be held in Pompano Beach. They want to continue the event in the City of Fort Lauderdale. He understands the concern about noise, and asked the Commission to look at all the options available. There will be a direct economic impact on the City.

Commissioner Trantalis said comments were made about legislation and how it has a negative impact on a culture. He believes the wonderful thing about America is freedom of expression and the ability for people in this country to express themselves in various ways, especially from a cultural perspective. In regard to restricting the hours for the expression of their culture, since there are a multitude of cultures in this country, the hours of the event could impose a hindrance upon another culture who chooses not to express or hear another culture at 3:00 a.m. People are still in bed and others feel the noise resulting from the 3:00 a.m. time period is something that has to be respected. People have programs in the City that are noisy, but they are respectful of other individuals' feelings. They are held in an enclosed area. The event could be held indoors. He did not know if such an option had been considered. It is not respectful of one community, organization, or culture to feel it is permissible to force their culture on other people because it is important to them. They have to accommodate a community, but up to a point. He believed that Vice Mayor Teel's motion is well made.

Mr. Zamora said other events have been held at the same site until 2:00 a.m. Commissioner Trantalis said that should not have been permitted.

Mayor Naugle said that the adjacent community which is Twin Lakes might provide some input if the organization made a presentation to them concerning extended hours. Then, an adjustment could be made for the hours of operation at a later date.

Vice Mayor Teel said another problem is that they again begin at 5:00 a.m. She felt this is out of the realm of reasonableness because the hours would be an imposition even on children attempting to get to sleep. Therefore, she cannot support the request for an extension of hours of operation due to it being detrimental to the neighborhood.

Commissioner Moore said he appreciates all the discussion on both sides, and asked the organizers to extend an invitation to the adjacent neighborhood to be involved in the event so they can see what will be occurring. He suggested considerations be made in planning the event for the next year so there could be an advocacy for the extension of hours and exclusion of alcohol consumption after midnight. Also, if music is played after midnight, then it should not be amplified after that hour.

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

Interlocal Agreement – Transportation Management Association – Convention Connection Shuttle Service (M-2)

Commissioner Moore said he pulled this item because he cannot support the TMA.

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

Change Order 1 – Danella Companies, Inc. - \$47,602.60 (M-9)
Sailboat Bend – Sewer, Force Main, Water Main Improvements

Commissioner Trantalis pulled this item. It relates to Item M-4 in which the Commission authorized \$3,649,176.88 to be spent with regard to sewer and water main improvements in Sailboat Bend. Item M-9 talks about a change order of \$47,602.60 to address something that had been omitted in the original bid proposal. He asked if the City should incur an expense that the contractor failed to recognize in his bid proposal.

Paul Bohlander, Assistant Director of Utilities Services, said under the circumstances of this particular contract an attempt was made last summer to put out a contract called a General Services Contract. At that time, they attempted to identify about \$45 Million of work and to have the work put in item form for bidding. As plans were further developed and given to contractors, there was a small percentage of work not identified in the original proposal. He said they are now doing some housekeeping. It is 1% of the work order award for this basin to add the excluded items. The City is getting a value for the

dollars even though they were not included in the original proposal. Part of this is for tree trimming and a major issue in the Sailboat Bend area. As the project was engineered, it had not been anticipated to the extent exactly what the contractor would require depending on his means and methods.

Commissioner Trantalis said the material mentions duct tile, iron force with appurtenances, and restoration, not tree trimming. It appears that a design was articulated by staff, sent out, and bids received. Apparently, the contractor did not realize such items were to be included in the work to complete the order as expected.

Mr. Bohlander further said the City is receiving \$50,000 of improvements. He asked the Commission to look at Exhibit 2 of the materials distributed to them, where it lists such items not anticipated, one being tree trimming. The original proposal was very extensive and attempted to cover about \$45 Million worth of work with about 300 items listed.

Commissioner Trantalis said that now it is 1% and he believes there will be other change orders submitted. He realizes it is a big job, but he is concerned that such a large amount of money is to be added to the cost of the project. He said possibly another bidder might have been more appropriate and bid less for the same amount of work that was to be done.

Mr. Bohlander said that in part they hoped to achieve and what they are achieving is to engage three contractors to do the work. He said such contractors are encouraged to do good work, be responsive to the City's concerns, and negotiate the costs fairly. He said if they do not appear to be doing that, then the work will be awarded to one of the other contractors under the contract. He said Sailboat Bend was originally awarded to Rickman who was unwilling to honor their prices and are pursuing additional costs for the work that was bid on. Staff was unable to negotiate prices they are comfortable to submit to the Commission, and therefore, the work is being awarded to Danella. He said this is an example of work being offered to another contractor who is doing good work and offers good prices when such change conditions occur or housekeeping is required.

Commissioner Trantalis asked if this change in the type of work and materials required during a certain phase of the job has to do with the City or the contractor not anticipating what is necessary to do the appropriate work. Mr. Bohlander said the items considered tonight were omitted from the original bid, in the proposal sent out by the City.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve the item as presented. Roll call showed: YEAS: Commissioners Moore and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

Contract Award – MBR Construction, Inc. - \$770,700
George English Park Recreation Building

(M-17)

Vice Mayor Teel asked about the timeline for this project.

Peter Partington, City Engineer, said the period specified in the contract is 140 working days which is about 7 months, and they need 2 months at the beginning to have all the documents sorted out. Therefore, the timeline would be about 9 months.

Vice Mayor Teel thanked everyone working on this project. She said the initial thought was to rehabilitate the old building, but at the last minute brakes were put on and an attempt was made to find funds to build a new building. She said it is through the generosity and help of Broward County Commissioner Jim Scott in contributing \$500,000 towards this project. She said it will be a beautiful addition to the park.

Motion made by Vice Mayor Teel and seconded by Commissioner Hutchinson to approve the item as presented. Roll call showed: Commissioners Moore and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

Work Authorization – Keith and Schnars, P.A. - \$52,505 (M-24)
Fire Station 47

Commissioner Trantalis said he asked for this item to be pulled due to the fact that someone contacted him and said they believed there were design issues that need to be resolved, and therefore, why was the City moving forward with the engineering contracts.

Peter Partington, City Engineer, said he is not aware of these issues. Commissioner Trantalis said he would meet with Mr. Partington after the meeting.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the item as presented. Roll call showed: YEAS: Commissioners Moore and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

MOTIONS

Appeal – Planning and Zoning Board Decision – Case 29-P-04 (MD-34)
Vacate Alley – East of South Federal Highway Between SE 15 & 16 Streets

Mayo Naugle said that this item has been withdrawn by the applicant.

PUBLIC HEARINGS

Northwest Commercial Redevelopment Project (PH-1)

Al Battle, Director of the Community Redevelopment Agency, said staff prepared documents for the Commission, including a chronological series of events since the proposal was received. In September, 1991, an RFP was put out for development of the site. Proposals were received in December, 1991, and the Milton Jones proposal was

one response received. In January, 1992, the Milton Jones proposal was selected by the Commission. During the period of 1992 to 1995, a series of events took place. Accelerating forward to March of 2002, the Commission authorized staff to proceed with the negotiation of a redevelopment agreement. In April, 2001, the CRA advisory board recommended supporting Milton Jones as the developer for this project. In November 5, 2002, staff's report to the Commission raised the possibility of a conflict of interest with one of the proposers involved in the project, Sean Jones, who was then a member of the CRA Advisory Board. In November, 2003, the Commission approved an agreement for Milton Jones to develop the site, requiring that a letter be obtained, securing a grocery store for the site within 12 months. As late as February 1, 2005, staff provided an update to the Commission regarding the progress of the negotiations, and received direction from the Commission to seek additional input from HUD regarding any restrictions or requirements they might have on the property since it was acquired with Community Development Block Grant funds. In June 21, 2005, the Commission asked for a public hearing.

Eugene Pettis, representing Milton Jones Development Corporation, said he grew up on 6th Street in this city and remembered people getting displaced due to redevelopment that was to take place in the area. The irony of it is that today they are still speaking about redeveloping the same area. There is no question that this project has been reviewed and studied long enough. April 5, 2001 is an important date missing from staff's chronology of events. He said that discussions took place regarding the mixed-use plan, and a consultant on behalf of the developer made presentations and offered suggestions how to proceed with the development. In looking at some dozen or so times when this was discussed at a meeting, there has been a pattern of promises of 'let's move forward with the developer, Milton Jones Development Corporation and let's negotiate a development agreement', but to this day the developer has not seen the first draft of a development agreement.

Mr. Pettis said that various issues have been raised. One was that housing is new, and the developer is now adding housing to the project. He said this issue is not new. The Commission participated in the discussion about mixed use. The community has been demanding housing and acknowledged as a need by every Commissioner that has participated in this. An RFP is a dynamic process, and over the years, needs have changed. Therefore, the developer has to address and accommodate those needs for the community, and the City should also do so.

Mr. Pettis also said that Evelyn Lewis keeps attending the meetings, stating that she is in support of the developer and this project. Letters of support have been submitted to the Commission. One letter he felt is important for the record is from Marjorie Davis that says: "I do not want any more delays and missed opportunities. I strongly endorse Milton Jones and the mixed-use development, and I pray this Commission will move the development forward and give Dorsey River Bend this much needed uplift." Another letter from Evelyn Lewis says: "I am so very disappointed with the procrastination and delay in getting this project done. The entire northwest development dates back 40 years." He said she goes on to state her support and hopeful prayer that the project moves forward. Letters of support have been submitted by the City View Townhome Association, Dorsey River Bend Homeowners Association, Homes Beautiful Park Civic Association, along with many others. Also, many residents have signed petitions in support of this development moving forward. The support is obvious, loud and clear.

A suggestion was made that the City should possibly rebid the project because others might be interested in developing it. He asked where were those individuals when the RFP was first issued in 1992. If the City wants to associate themselves with a private individual that only wants to be involved when the going is good, or to stand firm with someone who put their bid in on time. He said this development has been in the process for 14 years. He said time has been put into this project. He feels the City should support such a commitment. Outside of the City, he did not believe there is another local stakeholder that has a greater interest in this project than Milton Jones. Milton Jones put a lot of time in Regal Trace, and put measurable interest and money into this project.

Mr. Pettis also said that the City is to receive about \$3 Million on their tax rolls from this project. A price cannot be put on individuals who moved away having the option to return to their community. Milton Jones studied the project, planned the site, and is ready to move forward. There should be no more delays. Delay has been one of the biggest criticisms in this matter. No questions have ever been raised regarding the viability of Milton Jones and his company who have proven they can do the project. Regal Trace is a jewel for the City and should be embraced. Obviously the developer has been waiting for a development agreement since 1992. They cannot measure the value of the community's displacement, broken and delayed dreams. If delay is a concern, then the City should move forward with the person who has been promised the deal. The Commission should direct staff to use the spirit of cooperation and get the deal done. He asked why should the City want to sidetrack a project that has great potential and a promising partner such as Milton Jones. The property is now worth more and dollars have been expended and lost on both sides of the table regarding this endeavor. Costs have risen, and therefore, the project cannot be built today for the same amount it could have been built for when the project was first offered. The residual effect of getting Milton Jones for the project will have an impact on all surrounding communities.

Mr. Pettis said he prays this is the last time that Milton Jones and the community will have to come and beg the City to do what they have promised and committed to a long time ago, which is to give him a development agreement. The City has changed during this time; Commissioner Moore previously had been the sole person interested in the fate of the community. Now, there are no boundaries to this community because it is next to the downtown and other communities, and therefore, everyone should be interested in having the project move forward.

Commissioner Moore said he is very interested in having closure regarding this development site. Staff did an excellent job in giving the history of the project. He also commended Mr. Pettis on his presentation. There has never been any question regarding the opportunities of what Mr. Jones has done with the development of Regal Trace. In 1988 when the City utilized an urban renewal process, people who lived in that community knew it as black removal. At that time they felt the only way to get people interested in the area was to demolish what existed and start over. Every residence and business in that area was torn down. He said most of the businesses were located in that area and were impacted by integration, and then with I-95 coming through the area removing the middle class. Therefore, all affluent individuals were gone either by integration or urban removal; only the poor remained. He ran for office and beforehand the NAACP came forward and said no more homes were to be torn down until attainable housing was provided for individuals of African descent. The issue was pushed and a

person was selected to represent the community in building such housing, Bob Young. The housing was called City View. It was capped at \$65,000 and consists of 60 homes to provide housing for the individuals who had been forced to leave. He said 58 units were purchased by people with no connection to the community. Only two people of African descent bought those homes.

Commissioner Moore said when the City began re-districting, the same community said they did not want to remain in District III because properties in City View would not increase in value. While such arguments were taking place, the community was in opposition. The nation's best developer was chosen to build Regal Trace and that was Leonard Brisco, the number one minority builder of affordable housing in America. He did the complete development design for Regal Trace. He was awarded the contract to create the development. He met with minority builders and said they would participate in the project. Mr. Brisco was challenged through some indictments and the federal government indicted him on 33 counts of illegal activity. He was found innocent of 32 counts. One count he was charged with was about a \$10,000 loan made to a past Assistant Secretary of State after he departed from his job with HUD. Since he was found guilty, the Commission decided to remove the award from him and put it back out for bid.

Commissioner Moore said that the City was fortunate to have Mr. Jones respond to the RFP. It was important to have this development take place. There was not a working relationship as hoped, but a good product was delivered in Regal Trace. There were glitches in the responses to the RFP, and the first right of refusal was given for the commercial development, not a mixed-use or housing development. He said Regal Trace now exists because the community said after City View they wanted housing for individuals to return to the community and the best way to do that was to have rental units. The Commission in 1989 and 1990 said if the housing rental units were successful, the developer would be given the first right of refusal for the commercial development. Meetings and charettes were held regarding redevelopment. Commercial development was proposed. Criteria had to be met which included the time line for the Regal Trace project. If Regal Trace was completed on time, it would automatically go to Mr. Jones as the sole responder to the bid and he would get the commercial property. There were 13 extensions to the Regal Trace project. He supported those extensions because he believed Mr. Jones was attempting to meet the deadlines, but outside circumstances prevented him from doing so. Commissioner Moore said it was difficult locating funding for such a project, but it was done. At that point the commercial phase went "down the drain" because he did not meet the deadline for the residential units.

Commissioner Moore said when discussions began in 1991 about the commercial development being completed, he as a District Commissioner said this property should go back out for bid since the dynamics had changed between 1990 and 1991, and because of the excellent development of Regal Trace, Jones would still have the chance to respond to the bid.

Commissioner Moore said in 2002, it was stated the development did not move forward because the City had not offered a development agreement to Milton Jones Development. He said his problem with it has always been that there was no motivation. The appraisal report said the property consisting of 5 acres is worth \$2.6 Million. He said such monies have been off the City's tax rolls since 1991. In 1994, the CRA was created. It is bounded by Sunrise Boulevard and Broward Boulevard from Federal

Highway to the City's limits to the west, meaning that 90% of every new tax dollar must be spent within those boundaries. For over a decade, taxes have been lost on this property because it is in the City's ownership. Such revenue was lost and could not be used toward the rehabilitation of the area. There was continued push for the RFP to go out again, but it did not. Discussions were held in 2002 and HUD had to review the matter due to a possible conflict of interest. Prior to 2002, an issue arose in 1995 dealing with whether or not the development agreement should be done, and if so, without a competitive process due to the extensions and the delay. He said his number one problem with automatically moving forward with the development by Milton Jones was the lack of minority participation regarding Regal Trace. He has heard about this concern since 1991. He also heard negative comments about the lack of opportunities with regard to operation of the property once it was developed. He still commends Milton Jones Development Corporation for Regal Trace, and felt they should be given the opportunity to develop the commercial aspect of the property. In 2003 discussions came about regarding a wholesale change of the RFP because there were to be residential units on the 5 acres that originally were to be only commercial. Due to the delays, not meeting the merits of the contractor obligations when it was awarded to Jones, and a substantial change to the RFP of taking away the commercial development and placing housing as a mixed use without allowing others in the community to bid on it, he objected. Jones claimed that they were not going to be allowed to build a grocery store unless there was greater density. The grocery store industry indicated there had to be a greater density before they would be interested.

Commissioner Moore further said the issue of the grocery store was the main contention back in 1988-90. He said the quality of service, food and appearance of the existing grocer deteriorated over the years. At the time, Jones suggested that since more density was needed, he proposed housing on the commercial property. There was a significant change being made from the original RFP. If the concept was to be changed to mixed-use, he stressed the project should go out for a rebid. He was concerned later on when the issue arose regarding a conflict of interest. Mr. Jones' son, Sean Jones volunteered as a member of the CRA Advisory Board, and no one was aware of the fact that it would cause a delay in the RFP. Mr. Jones stepped down from the board.

Commissioner Moore continued, that what became problematic was that the proposed housing was to be at market rate. The City used eminent domain powers to take people's property. They were the lowest income earners. It was done with Federal Block Grant monies. Therefore, housing had to be created to meet that income level, just like Regal Trace. When the proposal for the new development on the commercial site, which was not even in the bid, was presented with housing that was not even low to moderate, he was more concerned.

Commissioner Moore said the Commission finally came to an agreement, saying that two items had to be addressed by the Milton Jones Development Corporation. One was that a grocer had to be found for the site. And that a HUD determination would have to be received to make sure the proposed housing units would meet the HUD guidelines of being low to moderate income since there were 100% low income units in the Regal Trace portion of the property. The HUD letter is in the Commission's backup materials. HUD indicated that they wanted it to be at the community's will. In June, he asked for a public hearing to be held since many changes have occurred. He reiterated each of them. Many residents did not feel that the grocery store proposed by Jones was of the quality they wanted like Winn Dixie, Publix or Whole Foods. Jones proposed Neighbors

grocery. He asked residents to visit the store. Many civic association presidents visited a Neighbors store in Lauderhill. The comments did not come back overwhelmingly in support. The commitment was to find a grocer which they did. With the project deviating greatly, lack of minority participation in the first phase and the concerns of his constituents about the grocery store, he felt the community should have the opportunity for input. He wanted to give a chance for someone to say that if they were given 5 acres of land, at a value of \$2.6 million, they would build the community a grocery store and give a lease to somebody for some time period. Instead, Jones said they cannot do it without having the housing first. Therefore, he felt others should be able to respond so the community's desires could be met. He said he is tired of being presented as a person against a black developer developing in his district. If not for his advocacy, Mr. Jones would not have had Regal Trace, nor other developments in the CRA area without the community's support and him trying to satisfy their desires. The grocery store is still not inked, the housing costs not determined, and whether or not a more competitive process could be invoked. Putting this all behind, he wanted to hear what the residents now feel about this project. He hoped that tonight's input would help decide if the process should be opened to other developers.

Commissioner Hutchinson left the meeting at approximately 7:16 p.m. and returned at approximately 7:19 p.m.

Phyllis Berry, 2144 NW 4th Street, said she has a difficult job tonight because she is going to speak in opposition to people she likes, respects, and who did a good job. A lot has happened over the last 12 years, and a lot has not happened. What has not happened is that the property has not been developed and the City has lost tax dollars. The issue today, in her opinion, is one of fairness. She did not see anything wrong with what Mr. Jones has done. He is a good developer, and therefore, should not be afraid of competition. There is nothing wrong with competition, the City can only benefit by it. If one does not produce, there is a consequence. In this case, the City is not asking them to leave the game, but to stay in it and let others participate. She did not know if this is the best project for the area because no one knows what is out there. There have been a lot of changes in the community. She said it is a dynamic one, along with a changing one. This is the Avenue of the Arts. They want the opportunity to know what is available. Therefore, they are asking the Commission to act in the community's best interest and that is to open the process up to see what is available.

Sharon Woods, 409 NW 23rd Avenue, said that 10 years have passed and nothing has been done with the property in question. Originally a grocery store was to be at the site. Now things are changing. Therefore, a bid should be put out again.

Roosevelt Walters, 1509 NW 4th Street, said that he has lived in this City for 48 years and is still fighting for things. He said that he continues to observe what is happening in the City. Discussions have taken place over the years regarding the spending of grant dollars for construction. They tried to educate everyone regarding redevelopment. They tried to stop the tearing down of their community. The cap on Regal Trace was done only due to all the fighting that took place. Commissioner Moore got elected to the Commission to fight for the community. It was agreed that there would be only commercial use between 6th and 7th Avenues, and now it is being said that density is needed to have a grocery store. Studies say that 33311 is a dense area in the State of Florida. The City needs to hold to having commercial along 7th Avenue from 6th Avenue

west, or if there is to be a change, then the City needs to put out a new bid and see what is available.

Mike DePayne, member of the Longshoreman's Association, Local 1526, said their concern is that once construction begins, that it not be a long drawn out process, and if residential development is done that the residents not be priced out of their own community.

Larhonda Ware, President of Dorsey River Bend Commission, said that this has been a long dragged out fight, and their concern is in regard to seniors in the area. The community needs a quality grocery store.

Bob Young, 1120 NW 6th Street, said the River Garden Association voted at their last meeting to have this project go out for a new bid. He said that he is a developer in the City and he would like to see a rebid.. He bid on the first project. They were told that the minority would have a chance to bid, but they did not. There were no minority builders for Regal Trace. It was awarded to Milton Jones and it is run by them. There are no benefits for the community. If this project is put out for a new bid, he would like to see that the developer have an interest in helping to develop the corridor for 6th Street. He said that his building is the only one there for the last 20 years. He urged the Commission to have this project put out for a rebid.

Bruce O'Neill, resident of Regal Trace, said the developer of this community showed everyone how to create such a development, and it was done the hard way with low to moderate income homes. He suggested the City not let this drag on and to let this developer move forward with the project. The developer is always on the site and helps guard their community. This man has vision and abides by his word.

Matt Walters, Chair of Dorsey River Bend Revitalization Council, said it is a front porch designated community. The community is speaking out and wants to move forward with this project. Regal Trace is a report card for Milton Jones. He is in support of moving forward with Milton Jones and this project. The grocery store and the housing go together and make-up a mixed-use project. Putting housing units on the site will give them greater opportunity to attract better retailers and grocery stores. The price of the homes will be worked out in the development agreement. He said this developer has a proven track record. Therefore, he asked the Commission to move forward with Milton Jones and this development.

John Nevin, resident of Bayview Drive, said when this project started and Milton Jones was awarded the project, he originally opposed it. People were going to be displaced, and complaints were made that minority vendors were not being given a piece of the action. After speaking with Milton Jones, he understood that businesses have to fulfill their obligations in order to move forward with development. What makes a retail environment grow are the residents, and by bringing in the retail, property values will increase. He felt that their community does not get the same treatment as other parts of the City.

Mr. Pettis said that some of the speakers mentioned that nothing has been done with this property for over 10 years. One of the biggest misconceptions has been that Mr. Jones has not done anything. Nothing can proceed without a development agreement. They have attempted to obtain one for the last 13 years. He said that large projects

always have delays. Nothing negative can be said regarding Regal Trace. Even after award of the RFP to Jones, the Commission reselected him in 2002. The agreement following 2002, evidencing the City's commitment to Milton Jones regarding this project addresses various issues that have been misstated.

Mr. Pettis continued, that on November 18, 2003, an agreement regarding the northwest redevelopment project was executed by all the participants. In the 3rd whereas clause it states: "In order to enable the City to achieve the renewal objectives of redevelopment plan and to redevelop the land for commercial use with complimentary housing or complimentary residential uses...." The agreement also states in the 4th paragraph as follows: "The City is relying on the developer's 6501 conceptual plan attached hereto as Exhibit A." It shows residential use. This concept was discussed as far back as 2001. He said further that Commissioner Moore stated that he attempted to get a grocery store for the community for the last 5 years. He said he didn't even want a Winn Dixie or Publix, but something comparable. The Commission received a letter of intent and accepted it. They sent staff out to investigate Neighbors grocery store. It was reported back to the Commission that it was a viable, acceptable entity and the Commission accepted it. At the end of the agreement in paragraph 6 it also states: "after the effective date of this agreement, City and Developer shall negotiate and bring back to the City Commission a development agreement respecting this project." He said they have been waiting for such an agreement, and until that time, nothing can be done. Commissioner Moore stated that there have been wholesale changes in 2003. Mr. Pettis stated that all changes have been discussed on the record, and each time it was agreed for Mr. Jones to continue with the project. He said commercial is not being removed from the project, the project is to be mixed-use. He said in order for there to be a grocery store, there has to be market support in the area for such a business. The developer said he would build both aspects of the development simultaneously.

Mr. Pettis also said that comments were made regarding HUD, and that the project was to be built at the community's will. Ms. Ortiz's letter actually said that HUD was going to ask the City to make the determination as to whether this is an eligible activity that would meet the national objective. Staff agreed that housing meets a national objective. HUD said it also had to be consistent with the City's action plan, which staff said it is. Jones has said all along that all HUD criteria would be met. Nothing has been said today that is new. The business practice of this Commission is that when an RFP proposal is accepted, an agreement is then provided. Mr. Jones just wants that agreement. There is no reason to try to undo this. He asked the Commission to direct the staff to negotiate a development agreement within the next 30 days.

Milton Jones said he wants to clarify the statement made regarding the hiring of minorities. He said that he would be foolish not to hire minorities. He does so. He cannot and does not discriminate. His construction company hires across the board. Some companies do not have the wherewithal to bid on projects. He will not permit such individuals to work on projects that would fail because he is the ultimate responsible person. He said they manage and control Regal Trace in order to keep it pristine, but they do hire minorities; most of his vendors are minorities.

Commissioner Moore believed that if this RFP has changed significantly, then it should go back out for bid. He met with this company at the beginning, and it was his understanding that another community such as Regal Trace was to be developed within the same price points. Later, at a Commission meeting, discussion arose that 408 units

were done for low to moderate income levels, so it would not be necessary for the second phase, or rather that they would like to do 100% at market rate. This was a shock to him.. This is the reason it was sent back to HUD so they would clarify the issue. He asked for the public's input to see if there was a change in the community, and tonight he heard a 50/50 position. If the City is to negotiate with Milton Jones, clear decisions have to be made. His issue is in regard to the opportunity for low to moderate income individuals to reside in a community from where they were forced out. The community wants a quality grocery store, that housing not be constructed first, or the commercial never developed or made to work. If the project is to continue with Jones, then he wants matters to be clarified. He felt the RFP should be put back out for bid, since substantial changes have occurred.

Commissioner Moore asked if the letter of intent implies that the Neighbors Grocery Store would move in once the 20,000 sq. ft. is constructed. The City Attorney said that is not the case. Commissioner Moore said the statement that there is an agreement with Neighbors is not the case. It is only that Neighbors may have intent to locating there. The important issue to him is that a quality grocery store be provided to the community. He said he wants to produce what the residents desire. He said that two of the associations that presented letters of support are not legitimate. If the City is to continue that the City has caused the delays, then they need to be forthright. He said the City would like low to moderate income housing to be provided on the site, and if this developer does not wish to provide 100% of such type of housing, then he is even more concerned that an RFP be put out for a new bid.

Commissioner Moore said the make-up of the developer's workforce is what it is, but he was speaking of the \$30 Million project that subcontractors were not afforded the opportunity to participate. The Commission needs to take a position as to whether the project should be put out for a rebid. Once that is decided, then he wants to make some further recommendations.

Mayor Naugle said the City has the obligation to treat Milton Jones fairly, and he should not be held to standards that other developers do not have to follow. An example was when the City had a piece of land for redevelopment and historic preservation was involved on Brickell Avenue. One of three developers promised to restore the historic buildings and create an entertainment complex, and therefore, were awarded the project. Because they made those promises, they were selected. The property was not purchased by the developer from the City. Land swaps were involved. The developer was paid by the City to take the land due to the historic preservation involved. After the contract was awarded, the proposal was changed drastically and most of the historic buildings were torn down, and a movie theater was built in an entertainment complex that was not unique. He argued then that the project should be put out for a rebid, but he did not receive support. Today, discussion occurred regarding a housing development in the northwest, and it was decided that it should not be 100% low income and that most people feel there should be a mixture with market rates. He said that is really the policy throughout the City. Now he is hearing that this developer be treated differently. The City needs to be consistent. He voted for Leonard Brisco and when the project was abandoned and Mr. Brisco went to prison, he was skeptical of future selections. He said the Jones family runs an excellent facility, and Milton Jones is a shrewd successful businessman. There are no complaints regarding the property and minorities are hired, along with white individuals when qualified. He said Mr. Jones should not be criticized for such actions because no one should be solely judged by their

color. The City made a commitment to the Jones family: if you are successful with Regal Trace, and you are successful with this other bid, you will be selected to develop it.

Mayor Naugle said regarding the residential portion of the development, there are a lot of condominiums along the Riverwalk. Years ago the area was strictly for commercial development, but the market changed. He felt mixed-use developments are good for the City and encouraged, but now Mr. Jones is being held to a different standard. The City needs to be consistent. Mr. Jones needs to be treated fairly. He said every time this project is discussed, another filibuster is put in the developer's way and he is asked to follow different standards. He wants to see the grocery store in the community, and if it is more viable to provide residential dwellings, then so be it. The developer should be treated the same as other developers.

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

Commissioner Hutchinson said that Mr. Pettis did a good job. She said recently she has read documents dating back to 1991 regarding this project. She said she has always negotiated in good faith with the Jones family, and they always have done what they have been asked to do, but she feels the City has not done their part. She said the City signed documents, but things have not moved forward. It is time to move on. The grocery store has always been part of the project, and it is now time for the City to get off the dime and move on. They have to adhere to the HUD's guidelines. If there is to be low to moderate income mixed with other incomes that is alright. She said that she supported the project in the northwest because it is a mixture of incomes, and living among all sorts of incomes makes an individual strive to do better in life. She continues to support this project, and the developer will not be treated any differently than other developers in the City. It is time to move on.

Commissioner Moore said there is a distinct difference in the properties of Regal Trace and Riverwalk. The Riverwalk had no housing and was not bought with community block grant dollars. The Riverwalk trading deals were on the Mayor's watch. He said he watches his district with constant vigilance and deals with public criticism because he believes in the position that he holds. He said sometimes his position is not favorable, but the people he represents deserve quality housing, and that is why Milton Jones and Leonard Brisco were selected. When the dance began to change, he was willing to change the song of the dance because he did not see affordability in the proposed housing, and he did not see a letter of intent offering a grocery store. Tonight, Mr. Pettis did a fine job, but there is still no letter of intent for a grocery store, and there is still no opportunity for it. If the contract is going to be given to Mr. Jones without a new RFP, then they need to move forward with negotiating as it is being given without competition.

Commissioner Trantalis said that a lot of discussion on this project went back to the '90's, and maybe since he was new he is not bringing extra baggage to the situation which can influence decisions. He hopes it results in a fresh approach to the matter. The first thing to be addressed is the grocery store that is desired for the community to augment housing, provide employment, while still providing a store of repute for the neighborhood. An attempt was made to solicit bids from grocers, but the only response was Neighbors which has mixed results from the community. Other grocers did not

want to come to the location because they felt there was not a market for their store. Therefore, the question is what develops a market. He said a market for a business establishment is residential housing. The debate is leading to the obvious answer which is housing in order to obtain their goals. Maybe it is not good planning to think that a grocery store could come to this site unless there was a sufficient demographic base to support such a store. He favored residential housing for this location.

Commissioner Trantalis said that another question is whether the developer should be allowed to sell the units at market rate. He said he also wants to be consistent. A discussion did take place earlier today regarding another development, and one of his questions was whether land should be given to a developer for free, and then allow them to profit from market rate housing. He asked if the City is in the business of subsidizing upper to middle income families regarding their housing purchases. The City is not in such a business. Allowing this project to move forward with market rate development and allowing this developer to move forward and sell such housing would be such a subsidy.

Commissioner Trantalis said that Commissioner Moore said he was surprised that market rate housing would be sold. He also was surprised because it did not make sense. It appears the answer is that housing should take place at the site, but the next question is what type of housing and who should be allowed to build it. The original commitment was for housing for low income or those in the affordable housing range concept since the houses were to be subsidized with government funds. If that type of housing is not to be provided, then why should government subsidize private enterprise for market rate housing. He was against that. If that is the goal of Mr. Jones, then it would make sense to put this out for a rebid and allow other individuals to bid on a project that was not envisioned for this site to begin with. The reality is that it was never intended to be market rate housing and allow a developer to profit from government subsidy. If that is the case, he could not be a part of it. If the housing is to be at market rate, then a new RFP should be put out to see what the best price would be for the units.

Vice Mayor Teel said she has followed this issue very closely and is aware of the community's needs. Many issues were involved and not one entity should be blamed. Possibly timing was just off. Market forces often times direct what happens in business and our lives. She complimented the Jones family. They have done many wonderful things and very successfully. Regal Trace is a beautiful community maintained to such a fine quality level. It is time for this project to move forward. She commented on grocery stores built since this discussion began. She is in support of Jones moving forward with this project. She felt there should be different financial groups considered for the housing portion of the development, different income levels. She believes there should be some housing at market rate because it makes for a better community. She said this would be developed further in the development agreement.

Commissioner Moore said in order to expedite this matter, the developer needs to know the direction for the project so he can move forward. He asked how many units are proposed for this development.

Sean Jones, Milton Jones Development Corporation, said the number of units is 390, and in the proposal presented to the City, they said that HUD's regulations would be followed.

Commissioner Moore asked how many units are in Regal Trace. Mr. Jones said there are 408. Commissioner Moore asked how many acres are involved with Regal Trace. Mr. Jones said Regal Trace consists of 28 acres. Commissioner Moore said 390 units are to be placed on five acres, along with the commercial mixed use. He asked what would be the height of the buildings. Mr. Jones said they would conform with the zoning regulations, which is 150 feet., varying from 13 to 14 stories.

Commissioner Moore said he did not want to see a product that has not been well thought out. He was very concerned about this project. He did not think it could be a mixed-use project because they used Federal Block Grant monies to purchase it. He said he is not sure how to proceed with this, but he felt the community needs more dialogue and a more planned development. A majority of the Commission is going against the desires of the District Commissioner. He was sorry to have that happen, especially in regard to this project, but he will always accept the majority of his colleagues.

Motion made by Commissioner Hutchinson to move forward with a development agreement with Milton Jones Development Corporation.

Commissioner Moore asked if that agreement would provide 390 units or are they going to negotiate the development of the housing, along with the pricing, and how many square feet of commercial is to be developed.

Commissioner Hutchinson asked how far they have gotten with the development agreement because a make-shift resolution has been signed relating to this project. She said the letter of intent from Neighbors is dated June 24, 2004. The City Attorney said they have not reached the point of a site plan. Tonight, staff needs direction to move forward with the development agreement because it will be determined by HUD and zoning. He said that probably flex units will have to be transferred since it is outside of the Regional Activity Center and therefore, it is not a matter of assigning units.

Commissioner Hutchinson said direction would be given tonight regarding negotiations for a site plan.

The City Attorney said there is no letter of intent at this time. The letter referred to by Commissioner Hutchinson is not being; it is a letter of interest.

Commissioner Hutchinson said Mr. Fogel, President of Neighbors Food Market, stated in his letter as follows: "Please consider this letter to represent our formal letter of intent outlining our proposal for the lease of the above-referenced premises." The City Attorney said that it is a proposal; it is not legally binding.

Commissioner Moore asked if 390 units are not permitted, what is the least density the developer would consider for this project in order to make it work.

Mr. Pettis said that in all fairness that is a question that cannot be answered tonight. They need to begin the process and have the negotiations move forward regarding the number of units.

Commissioner Moore said he could not support a 15-story unit on this site. He said he wanted an indication as to where the developer was headed regarding this project.

Vice Mayor Teel seconded the motion regarding this matter.

Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: Commissioners Moore and Trantalis.

Commissioner Moore left the meeting at 8:22 P.M.

Vacate Right-of-Way
Flagler POP I & II, LLC – Case 15-P-04

(PH-2)

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-27

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THAT PORTION OF THE 14 FOOT ALLEY IN BLOCK 10, "TOWN OF FORT LAUDERDALE," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B," PAGE 40, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; BOUNDED ON THE NORTH BY THE NORTH LINE OF SAID BLOCK 10, SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 2ND STREET; AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6, OF SAID BLOCK 10, LOCATED BETWEEN NORTHWEST 3RD AVENUE AND NORTHWEST 4TH AVENUE, SOUTH OF NORTHWEST 2ND STREET AND NORTH OF BROWARD BOULEVARD, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Historic Designation – Annie Beck House -
310 SE 11 Avenue – Case 34-H-03

(PH-3)

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel to defer this matter until October 18, 2005 at 6:00 p.m. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

**Appeal – Historic Preservation Board Decision -
Case 12-H-05 – Certificate of Appropriateness for
New Construction – 307 SW 12 Avenue**

(PH-4)

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

James Cromar, Planning and Zoning Department, said the Applicant requested a Certificate of Appropriateness for Demolition that was approved by the Historic Preservation Board by a vote of 8-0 on June 6, 2005. At that same meeting, the Applicant requested a Certificate of Appropriateness for new construction of four 3-story townhouse units. Such request was denied by a vote of 4-4. The Applicant appealed to the City Commission, and tonight a De Novo Hearing will be held regarding the request for a Certificate of Appropriateness for new construction.

Mr. Cromar said a record of all proceedings had been forwarded to the City Commission. At the conclusion of the hearing, the City Commission will approve, reject, or amend the Board's decision.

Pieter Coetzea, owner of Southwest Dale, LLC, said he is speaking as the architect and developer. He is requesting a Certificate of Appropriateness for new construction. He feels the Historic Preservation Board was not fair in their decision since it was a tie vote. He believed some members were pre-disposed against this project because some of his 3-D models disappeared at the outset of the project, and one of his courtesy plans was published in the civic association's yellow pages they have, and statements were made that are not true. All codes and rules were followed. He met with City Staff early in the process. He attended all association meetings and changes were made due to input received. He received support from the Sailboat Bend Civic Association. He said he wants to defend his property rights.

Mr. Coetzea said he bought the property more than one year ago, and he attended all civic association meetings. He said that the community was against Victoria Park 3-story designs. They wanted different ideas and he was willing to comply, and therefore, came up with a 2 ½ story design. There is a dormer under the roof and inside the roof space. The zoning permits 5 units, but he would build 4 units. He said when designing a new structure in a historic area, one is not to duplicate what exists, but to compliment the structures by introducing elements in the design. During his career he has won awards for historic preservation. He proceeded to show a Floridian design that he would use in this project. He elaborated on particular features.

Mr. Coetzea further said that he worked closely with Dave Gennaro regarding the landscaping. The landscaping requirement is very small. He has supplied in excess of what is required.. All palm trees are to be replaced with hardwood trees. Some trees will be removed, but the Oak in the back will remain, giving a nice canopy to the alleyway. Another Oak will be moved.. The 32" Slash Pine is already damaged. He discussed problems with the root systems of Slash Pines. He felt the issue for the residents is the tree canopy that he is going to increase by 500 square feet. He said that Fred Stresau has submitted a letter supporting his decisions regarding the landscaping including the Slash Pine. He felt this is a no win situation, but yet other individuals like Dunkin Donuts in the area have removed trees during the night. He said that he is also contributing money to the City's tree fund due to the removal of some trees. They have also introduced environmental pavers in this project. Green space is 37%.

Mr. Coetzea showed other developments approved for this area by the Historic Preservation Board. He further said that he followed the Code and feels that he has encountered hardships on this project. He mentioned that with the sewer contractor's departure, he will have to install a pump and incur more costs. If Sailboat Bend residents want to change the rules, they need to change through due process and representation from all citizens. He felt that his project is a scapegoat for the overturned project previously brought to the Commission.

Bill Saunders, Chair of the Historic Preservation Board, said he is present tonight to answer any questions that may arise in regard to the Board's decision.

Daryl Jolly, 312 Seminole Avenue, Vice Chair of the Historic Preservation Board, said that he owns several properties in the neighborhood. He said that he has never heard of a 2 ½ story structure. The project is being compared to buildings in the rear that are 95 feet from 12th Avenue and not readily visible due to the canopy. It is common thinking that townhouses can continually be built next to each other, but in this case that is not true. 12th Avenue is composed of one-story structures, except for one small two-story structure with a small footprint. This project would be massive and goliath on the street. The homes across the way were not shown in tonight's presentation by the developer. He urged the Commission to uphold the Historic Preservation Board's decision and not approve this project.

Richard Locke, 305 SW 4th Street, said that in 1988 he wrote a report for a Historic District's Conceptual Approval adopted by the SBCA. In 1992 it was partially incorporated into the study attached to the ordinance, and then the City Attorney issued an opinion regarding the Waverly demolition using his words in the study to interpret the overlay for the first time. The Commission approved the opinion. He said that he agrees with the City Attorney regarding the prevention of incompatible townhouses. He asked why they are now being accepted. He said the neighbors approve the projects on paper, but then don't like them after they are built. A 1924 home is now surrounded by massive, gaudy, three-story condominiums on three sides. The vertical symbol is incompatible, unhistoric excess because the homes in the community have either vertical or horizontal direction, not both. That is Rule #10 of visual compatibility.

Mr. Locke further said that one of the legal foundations is the right of residents to give evidence to interpret the overlay through the Historic Preservation Board. Compatible in-fill elsewhere is not necessarily so in the City of Fort Lauderdale, and their ambiance is subjective and personal, and guided by the overlay's implicit sense of the past and historic character. It is the Commission's duty to understand the feeling about their homes, living green space and the quality of life. The neighbors don't always speak with one voice, but eventually a consensus is reached. Tonight's hearing is one step in the process to reinterpret the meaning of the City's history. He asked the Commission to support the independent process of the advisory board. If not, there will be another beautiful but yet incompatible townhouse in the area.

Mitchell Lambert, 231 SW 8th Avenue, said he wants to put the Civic Association's vote in perspective. The vote took place after 10:00 p.m. when most members had left, and of the 18 members that remained, 3 voted against the project and 2 abstained. In the developer's presentation, the two Pine trees and the Live Oak that are to be removed were never mentioned. Three of the members who voted in favor of the project feel that

all information had not been presented by the developer, and therefore, were no longer in favor of the project. Therefore, the vote of the neighborhood at most consists of 10 votes. His presentation tonight consists of photographs of the homes located in the subject block. He asked for everyone to note that the homes are surrounded by gardens, trees and lawns. He asked the Commission to consider how the proposed building would compare to the existing homes in the neighborhood. He then asked the Commission to vote against this project.

Nolan Haan, Historic Preservation Board, said he wanted to speak tonight as a resident of Sailboat Bend. He showed the Historic Preservation Board Handbook, and said that this project fails to comply with certain criteria outlined in the historic ordinance. In Section 47-24.11.C, it says: "The height of the proposed building shall be visually compatible with adjacent buildings or historic buildings in the neighborhood." This project clearly would tower over every house on the block and on both sides of the street. Section 47-24.11.C goes on to say: "The relationship of a building to open space shall be visually compatible to the buildings and places to which it is visually related." Every neighboring house is small in scale as shown in the previous photographs and each home is surrounded by trees, grass and gardens. This building would take up the entire site with only two narrow strips of grass on either side.

Mr. Haan further said that Section 47-24.11.C it also says: "The size of the building, the mass of the building shall be visually compatible with the buildings and places to which it is visually related." Not only does this project dwarf every house on the block, it also dwarfs 99% of the historic buildings in the neighborhood. He said that his historic building, consisting of 16 apartments, is smaller than the proposed building, and their lot is 25' wider. There is no historic precedence for the scale and mass of this project. Sailboat Bend, due to their historic status, is the only neighborhood where visual harmony comes into play. Developers need to study the historic ordinance and become familiar with its guidelines by which they will be judged. They should ask questions early in the design process. If the ordinance is ignored, then they are doing so at their own peril.

Mr. Haan also said that another feature of this proposal to which he objects is the quadruple garage doors and wide expanse of driveways which make up the front and back yards. By adding four swimming pools, decks, walkways and sidewalks, there is no room left for landscaping. He questioned the lack of green space when first viewing this proposal. The developer returned with driveways made of green pavers surrounded by little tufts of grass. The site plan presented at the Civic Association meeting showed a building swimming in a vast sea of green. Green cement is not what he had in mind.

Mr. Haan further said that during the past few years, at least five developments have been sent back to the drawing board either by the Civic Association, the Historic Preservation Board or the Commission, and each time vast improvements were made in the proposal. He urged the Commission to send this project back to the drawing board.

Alysa Plummer, 1123 W. Las Olas Boulevard, said she recently purchased a home in Sailboat Bend down the street from the proposed development. She said that she is a Florida master gardener and she strongly supports responsible and sustainable development. Years ago when the Indians sat under the canopy of what is now Sailboat Bend, they could not possibly imagine that individuals would eventually be discussing ordinances and technical points as to why trees and canopies should be saved. The

trees, canopy, and habitat are so integral to their life that destruction in this manner would never have been considered. In part, this is what residents of Sailboat Bend are clinging to today. The tree canopy and houses are part of history and Sailboat Bend is one of the oldest and historically unique areas left in the City. In honor of these items, she wants to offer the following considerations. A canopy is a collection of large trees that create shade, and typically the temperature is 10 – 15 degrees cooler under a canopy. In regard to wildlife, the upper canopy attracts unique forms of wildlife that is not normally found at lower levels, such as nests for eagles, falcons, ospreys and woodpeckers. In Florida the canopies are normally comprise of hardwoods and some palm trees. The canopy in Broward County is in great jeopardy. She said the overall canopy in the County is at 14% while the nation's canopy is at 28%. Even larger cities, such as New Orleans and Washington, D.C., have greater canopy than Broward County.

Ms. Plummer further said that Broward County recognizes this lower percentage of canopy and is instituting some wonderful programs to restore it, such as Nature Scape and replanting Broward County. The irony is not missed because if you destroy the canopy, the County will help you replace it. If one has a canopy in their area, they must come to meetings such as this in order to fight to retain it. In regard to the Seminole Avenue project, Slash Pines, the City's native trees, are rare and most of the pine trees are Australian Pines which crowd out native trees and plants because their growth is aggressive. She proceeded to show photographs of the existing canopy, and what is being proposed. She further said that canopy is not just what is present in someone's yard, but is an area which impacts all the neighborhood.

Ms. Plummer said that she could not imagine that this developer would purposefully act against the broader interest of the community. This townhouse project is to be known as Sangito which means miracle and references the South African Sangito Private Preserve that is one of the most stunning natural preserves in the world. Development in this City has been rampant and overgrown trees make way for new developments that are neatly landscaped with grass, sod and palm trees. Palm trees are accents and not true canopy, and are liked by developers because they take up less space and increase the footprint of their buildings. By cutting the old growth canopy, the City will lose their habitats, natural cooling processes, and more importantly their history.

Commissioner Trantalis asked for some further clarification of the photographs shown regarding the canopy. He asked if all the existing canopy is to be removed. Ms. Plummer said that the developer is retaining one of the pine trees unless the plan has been changed.

Mr. Coetzea showed a photograph of what the canopy would look like at maturity. He said that he is only removing one Slash Pine and moving one Oak tree to where another fell down during a hurricane in front of the street. He showed what trees he is going to plant and said they would increase the canopy by 300%.

Commissioner Trantalis said the plan is not to remove all the trees. Mr. Coetzea confirmed that is correct. He said the photograph shown is not the subject property.

Ms. Plummer further said that the plan has been changed based on input from the residents. Commissioner Trantalis said that the Commission is attempting to gather facts at this time. Mayor Naugle asked if the photograph shown is one of Mr. Coetzea's property. Ms. Plummer confirmed that it is, and said that, based on earlier discussions,

the trees are to be removed. She wanted to have that issue clarified. Commissioner Trantalis asked if Ms. Plummer heard the developer's presentation this evening as to what canopy is to be retained and what is to be removed or replaced. Ms. Plummer said they recently found out that due to input received from the neighborhood's last meeting, some additional trees are to be retained. She is attempting to address the issue of canopy. Commissioner Trantalis said they understand the issue of canopy. Ms. Plummer said that this is beyond a yard, and the idea that grass, sod, palm trees, and a vine on a trellis can be called canopy is not true.

Paul Boggess, 804 SW 4th, said during the past 5 years he has seen the historical district and old homes be destroyed by one three-story townhouse after another. He showed a picture of an old historical house and what is to be built next to it. He further said that people are proud of the improved environment in the neighborhood. They have seen new Redbirds staying year round and a variety of butterflies. He said even Blue Herrings are being seen. When this developer approached the Board, railroad ties were to be used as a barricade. People instantly objected because there is arsenic in them and the residents suggested that other things be used such as landscaping ties, but the developer suggested concrete. He said the residents asked for additional green space, and the developer returned with pavers with holes so grass would grow through them. That is not increasing green space, but parking space. He showed a photograph of the existing canopy. He took a survey in the area. There are only 12 Slash Pines remaining. In regard to Dunkin' Donuts removing trees legally, it is untrue because one morning they were just down. This project does not belong in a historic district; it would destroy it.

Christopher Palamara, 1200 SW 4th Street, said he lives four doors down from the proposed building. Development and redevelopment would occur since demolition was granted by the Historic Preservation Board. Section 47-26.b says: "If the City Commission determines that there was not a departure from the essential requirements of law or that competent substantial evidence exists to support the decision then the decision will be upheld. If the City Commission finds either subsection A.1.a or b, then the City Commission shall conduct a de novo hearing..." In looking at the minutes of the June 6, 2005 Historic Preservation Board, he felt there is substantial evidence to support the Board's decision, and there has been no deviation from the requirements of law as set forth in the ordinance. The developer said the closeness of the vote could influence the Commission overturning the decision of the Board, but no proof has been shown nor any specific allegations made. He said that the Burt Harris Act has been mentioned, but he believed the Sailboat Bend District preceded that Act, thereby grandfathering it in.

Mr. Palamara further said that the developer indicated rules had changed during this process, but to his knowledge no changes have been made to the ordinance or Sailboat Bend Historic District. There has been no showing of financial hardship; only allegations have been made. His concern is in regard to the "slippery slope" argument and many photographs were shown of existing townhouses in the area, but 2 or 3 wrongs do not make a right. He said if this building would be constructed, a precedent would be set. Despite the best efforts of the developer, constructing this building would be like putting a defensive lineman next to Commissioner Hutchinson. He did not think there is any legal basis to overturn the Historic Preservation Board's decision based on the criteria set forth in the statute, but there is substantial basis to justify their decision. There is no hardship on the part of the developer because he could go back to the drawing board, and submit a new application. He asked the Commission to deny this appeal.

Stephen Knell said he is a potential investor in this project and did some research regarding this proposal. He discovered that this project is lower in density than others proposed and already built. He hoped the issues would be resolved so the project could move forward.

Patrick Desvojoli, resident of Sailboat Bend and First Vice President of their Association, said the developer made a presentation twice, listened to suggested changes, returned with appropriate changes, and then approached the membership for a vote regarding the project. The project was accepted by a majority vote of the members. There is a wide spectrum of residents in their community, and the eclectic and diverse homes represent their diverse residents. Their community is like a family. They don't always agree, but are passionate in their feelings. It would be a grave mistake on anyone's part to think that the residents do not want to preserve the historic character and charm of their neighborhood. The bottom line is that they find a middle road and then stand as one. They want to be fair to the neighborhood, its residents, and to the developer. Since the rise of property values in the City, this community has become an appealing area to developers. They welcome these new times and embrace compatible development.

Mr. Desvojoli said further that what is now taking place is not about the developer, the members of the Historic Preservation Board, nor the staff, but it is about a process that is no longer working well. Clearer guidelines need to be created so as not to provide such wide interpretation by everyone on all sides. Therefore, they have formed a review committee to address the issues that appear to be at the root of their problems. He said they want to work together with the City to make positive modifications to the historic ordinance and other rules affecting this historic district so they can move away from the game of "Russian roulette" and one developer having a project approved, while another is being rejected. The outcome has become inconsistent and unfair to many. Too often decisions are based on how many people attend the meetings. He said effort and time is being spent by City staff and elected officials on these matters, where such time could be put to better use if there were clearer guidelines to follow. Until such positive changes can be made, he wants to appeal to fairness and to reason and urge the Commission to support the Sailboat Bend Civic Association's position and permit the project to move forward.

Bill Nielson, President of Sailboat Bend Civic Association, said that the developer attended their board meetings on two occasions and appeared to listen to all input being provided. He said that the two members who abstained during the voting were members of the Historic Preservation Board. He also said that a letter was provided from the general membership in support of this project.

Commissioner Trantalis asked why Mr. Nielson felt that this project is consistent with the spirit and intent of the Sailboat Bend Historic District. Mr. Nielson said it fits within the guidelines of the Unified Land Development Regulations (ULDR) and no variances have been requested. Commissioner Trantalis said that the ULDR is uniformly applied throughout the City with regard to certain residential density. Sailboat Bend area has the benefit of an overlay and an additional set of rules specifically for the area. He asked why Mr. Nielson felt this project goes beyond compliance with the ULDR, and comports with the historic district goals. Mr. Nielson said it is based upon what else has been put in the area because there are some three-story structures in the area. This goes up two stories and then steps back with the third story. He said it is set back

properly, and no variances with respect to setbacks have been requested. The height blends. The project falls within the Sailboat Bend guidelines.

Ruchel Louis Vice President of the Economic Advisory Board, said she has been very involved in the City and is a successful business owner. She joined the Economic Advisory Board because she wanted to see the City grow constructively. The facts are that Mr. Coetzea did his due diligence and attended board meetings before submitting his plans, researched betterment of the canopy and did not want to destroy it. With respect to architecture, what has been build and what is here is not a vast improvement. She asked the Commission to be consistent in their decisions and what is being done in the City. This is not a deviation of what already exists in the neighborhood.

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

Commissioner Trantalis said that clearly by the vote of the Historic Preservation Board, the decision was not an easy one. He said what is disturbing to him is the homes, that appear to be what the Sailboat Bend Historic District is attempting to preserve, were built at an earlier time but many of the residents are permitting them to deteriorate. The homes surrounding the proposed site are in stages of deterioration, and therefore, he asked what is being done to preserve their character. If they are trying to respect a historic concept in a community, there has to be pride shown in the properties.

Commissioner Trantalis said a developer has bought property in the area and wants to create a development for profit. He is looking at what characteristics he should copy in order to blend in with the community. He said he does not need to copy the deterioration. He went to great lengths to replicate some architectural details found in the Old Florida style. There are always discussions regarding setbacks and footprints, and there are many examples where developers have maxed out the land in this historic district, but the law allows that to happen. No variances are being requested tonight. The developer has complied with the laws. The question is has he complied with the spirit of the historic district. Architectural features have been replicated and trees are being moved and added. He felt to the extent they want economic revival in the City, there has to be a point in the middle where compromises have to be made in order to ensure that such revival continues and it is not stifled.

Commissioner Trantalis said several photographs were shown of non-historic homes in the area probably built post WWII that would eventually be torn down for other development. He said the owner of the property would decide what gets built on his property. If zoning needs to be changed, then such discussions need to be held. He did not think the neighborhood only wants single-story structures or some of the developments would not have been approved and built. There are some cottages in the neighborhood and some have been replaced with large structures, and if the residents did not want that to occur, then the laws should have been changed. In trying to prevent over development in some neighborhoods, they are looking for compromise which is an attempt to have the developer reduce the structure in size, add some architectural features that are appealing, ensure that the landscaping and canopy are respected and increased. Based on such criteria, he felt that this particular landowner has complied, and he felt this project should be approved.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Teel to approve the project as submitted.

Commissioner Hutchinson said it is interesting that a majority of the members of the Historic Preservation Board live in Sailboat Bend, but that the Board and the Sailboat Bend Civic Association always appear to be on a different page. What is sad is that it puts the Commission in a bad position. She said there has to be continuity, but she did not know how to get it or where to start. She said they always appear to be at odds, and she did not know how to get from that position with a group she admires. She said that 97% of the testimony at the Historic Preservation Board meeting pertained to the landscaping, but the Board has no jurisdiction over landscaping. Therefore, there was not much evidence from the Board, except from Marilyn Rathbun who is paid by the City for such work. She said further that most comments were about the Certificate of Demolition. She felt that the developer did a good job on the project and went above what could be done. She said that she would support the project. She wanted to find a way to get the Board that rules the Sailboat Bend Overlay Historic District on the same page. She felt that possibly Mr. Locke could assist them in reaching that even keel and get everyone back on track. She said something is broken, but she did not know how to fix it.

Mayor Naugle said that one of his appointees to the Board lives in the neighborhood and supports the project, while another appointee lives elsewhere and is against the project. His appointees were with the neighborhood. Zoning codes are great because rights are given on one section, but taken away in another. It is clear from the evidence presented by the neighborhood that this project is not compatible with what exists on that street. It is a great design and sensitivity was shown regarding the three-story issue. This is a difficult decision. This is a developer he knows, respects, has great talent and has contributed a lot to the City.

Commissioner Hutchinson said that one member was missing the night of the voting, and asked if anyone knew how that individual felt about the project. Mayor Naugle said that one of his appointees was absent, but he had not been able to contact her. .

Commissioner Trantalis said that in terms of respecting the character and quality of the neighborhood, this developer is attempting to create a positive well-thought out image and a beautiful structure, but then others sit back and say they have a home built in 1937 but are not maintaining it. Are such individuals contributing positively to the neighborhood. Historic preservation does not mean that paint should continue to peel; it means that they are to keep the places safe and beautiful. On those criteria alone, the proposal should be supported.

Mayor Naugle said some of the homes shown do cause criticism, but some are not in bad shape. This community has always been a working class neighborhood. It might not be as pristine as Victoria Park. He said he developed property over there and retained the canopy. He felt this developer did a good job in regard to the canopy. He said the pine trees are difficult to maintain during construction. He was impacted by the manual presented by the residents this evening and what they want to go by in this area. The reason for the tie vote was because one of the members was missing. He wished he would have been able to contact that person.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE DE NOVO HEARING ON THE APPEAL OF THE HISTORIC PRESERVATION BOARD'S ACTION DENYING A CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION OF FOUR THREE-STORY TOWNHOUSE UNITS WITH THIRD-STORY DORMERS AT 307 SW 12TH AVENUE, IN AN RML-25 ZONING DISTRICT, WITHIN THE SAILBOAT BEND HISTORIC DISTRICT OVERLAY; AND REJECTING THE DECISION OF THE HISTORIC PRESERVATION BOARD.

Roll call showed: YEAS: Commissioners Moore and Hutchinson, Vice Mayor Teel, and Commissioner Trantalis. NAYS: Mayor Naugle.

Appeal – Planning and Zoning Board Decision - (PH-5)
Case 60-R-04 – MaCabi Cigars – Parking Reduction

Mayor Naugle said this is an appeal of a decision of the Planning and Zoning Board denying an application for a parking reduction. The City Commission approved Resolution No. 05-04 at its meeting of January 4, 2005 to conduct a De Novo Hearing to review the application for a parking reduction.

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

Don Morris, Planning and Zoning Department, said the Applicant is appealing the Planning and Zoning Board's denial of an application for a parking reduction at 1221 E. Las Olas Boulevard. The minutes of the Planning and Zoning Board Meeting of October 20, 2004 have been distributed to the Commission, along with staff's report, the parking study, the site plan, and the August 27, 2003, Planning and Zoning Board minutes. The City Commission may reject, approve or amend the decision of the Planning and Zoning Board, and shall consider resolution for approving the parking reduction.

Dick Coker, representing the Applicant, said the parking reduction application went before the Planning and Zoning Board and was denied. The matter went on an appeal before the City Commission who decided that the Planning and Zoning Board had not received competent substantial evidence to deny the application. A De Novo Hearing was set. There were several continuances, but hearing is finally this evening.

Mr. Coker said the parking standard itself in staff's report says this is an application for 11 parking spaces, a 100% waiver. This is a 700 sq. ft. cigar shop, requiring 3 parking spaces. The old buildings on Las Olas Boulevard do not provide parking, and are grandfathered in for what the use has been. In this case, it is 3 parking spaces for the retail use of selling cigars.

Mr. Coker said that in addition to selling retail cigars, the Applicant wants a wine bar. There is no category in the City for such an establishment. The City has chosen to categorize this business as a bar, which has a parking ratio of one space for 65 gross sq. ft., and in this case the gross square feet is 700, which is how one arrives at 11 spaces. There is nothing in the Code to allow for the determination that it is mostly

retail, but also sells wine. This is far from a bar as contemplated in the parking standards of the Code. Even though the application is for 11 spaces, it is based on a stricter standard for bar use.

Mr. Coker further said the process under Section 47-23 is defined and sets forth standards that state if such requirements are met, a parking reduction can be granted. Specific issues have to be addressed in the Code, a parking study has to be done which is then submitted to the City Engineer. In this case, the study was submitted to the City Engineer and sent back with comments. After the Engineer approves it, the study goes to a consulting traffic engineer working for the City who reviews the study, and then it can move forward. In this case the parking study that finally went forward was one prepared by a professional engineer, and approved by two other professional engineers working for the City. The traffic study shows the standard in the Code, which is that one has to count legal parking spaces within 700' of the business as measured through a safe pedestrian walkway. It also provides maps showing the location of the business, along with the parking spaces on Las Olas Boulevard, SE 2nd Court, SE 12th Avenue, Tarpon Drive and SE 13th Avenue. The study shows that peak hours in the area for this business occur between 7 p.m. and midnight on Saturdays, as determined by the City engineering staff. The study shows a minimum of 30 available spaces with a maximum of 59 spaces during the peak hours. It was measured on an hourly basis over two nights. There was never a time when there were less than 30 available legal spaces within the 700 feet. He felt there is no parking problem in the area at any time.

Mr. Coker said that further down the street parking problems do exist, but this business does not cause a problem or exacerbate one. This is exactly the kind of use envisioned when the parking reduction process was created. It is the exact use to compliment restaurant and entertainment uses along Las Olas. It is a walk-in and walk-out type of facility. All Code criteria have been met. Even though there is some neighborhood opposition in connection with parking in the area, it is not the customers of this establishment. There are many spaces available right in front of MaCabi Cigars every night.

Imtiaz Ahmed, Traffic Engineer, said he prepared the subject traffic study and physically made the calculations. He said he is a professional engineer, registered in Florida.

Commissioner Trantalis said observations were made during two evenings, and he asked what nights and during what time of year were such observations made. Mr. Ahmed said the observations were made on Friday and Saturday nights during the winter season (February), showing a minimum of 30 available parking spaces within 700' of the subject store.

Mayor Naugle asked what the temperature was at the time the calculations were made. Mr. Ahmed said he did not know what the temperature was, but he was only wearing a shirt at the time, no jacket.

Ray Giacobby, 1832 S. Ocean Drive, said he has been a customer of this establishment for many years. He said he patronizes the business at least 3 times per day, and 90% of the time there are available spots in front of the business. Otherwise, he said parking is available across the street. He further said that many of the customers are walk-ins from the neighborhood, and that this is a mom 'n pop business and he did not see any parking problems at the site.

Ray Ferrero, 333 Sunset Drive, said he was born and raised in this community, has a law practice, serves as a Public Defender for Broward County representing youths with drug and alcohol problems, along with being a professor. The question of adequate parking for this quaint neighborhood gathering spot is not a problem. He has seen many changes on Las Olas Boulevard over the years. This is a hard working family and if the business closes, it would be a travesty. It reminds him of a European pub. He said during the entire time he has lived in the area, he has never been aware of a parking problem at this location.

Nathan Byars, 501 SE 2nd Street, said this place is like a community. He never has experienced a parking problem in the area. This is like the local "Cheers" for the neighborhood. He felt the parking issue is a mask for something else.

Bryan Checchis, 3316 NE 16 St., said he never has a problem finding a parking place for this establishment.

Veronica DePadro, President of Colee Hammock, said the area has been opposed to this issue for the last three years. Historically they have fought to preserve their quality of life. They have nothing against the business, but are being consistent regarding sending a message that there is a parking problem in the neighborhood, and the City should not continue giving parking variances to the businesses. The City does not maintain a list of variances that have been granted. This application was denied twice by the Planning and Zoning Board. She said further that they fought the parking reduction for the Bass property. They are being consistent in their opposition. The individuals in favor of this application do not appear to live in the neighborhood, but drive to the business. Trash litters the street and is not picked up. She urged the Commission to vote against the application.

Mayor Naugle asked if trash is not being picked up due to it being blocked by parked cars. Ms. DePadro confirmed that is correct and added that the trash also gets moved. Sometimes cars remain throughout the entire night, and then the trash is left behind and not picked up. It is a 24/7 problem.

Commissioner Moore asked if cars are parking on the swale. Ms. DePadro said there are no swales in the area; it is all on-street parking. She said that the engineer counted meter and non-meter spaces in front of private homes. Commissioner Moore asked if the parking is designated for residents. Ms. DePadro said it is City parking and open to everyone, but there are no meters. She felt the spaces are not being counted correctly.

Tom Welsh, Colee Hammock, said there is a serious parking problem in the neighborhood. He said that he is in favor of historic preservation and serves on that Board. The Bass family went through the process for a parking variance of 1-2 spaces, but their association is consistently against such parking reductions. He felt that too many variances have been granted. He said that he lives four blocks away from this business, and over the weekend individuals park in the neighborhood to avoid metered parking. This affects the quality of life for the neighborhood. There is a lot of noise after the businesses close, and they cause extra pedestrian traffic through the community. The Commission needs to help the residents stop such traffic and parking in the community. He felt this request should not be granted.

Gerry Jordan, Colee Hammock, said there is a parking problem in the neighborhood. He said they are not against any of the businesses, but the area is a mess. Across the street there is a mixed-use development which received a major parking reduction in the past, and has added to the parking problem. The residents do not want Las Olas to turn into one large food court; they want different and distinctive stores to open in the area. He is concerned about all the bars moving into the area. He proceeded to remind the Commission of the parking requirements needed for a bar.

Richard Mancuso, Beverly Heights Association, said that he is supporting the opposition to this request. This started out as a parking issue, but other matters have been raised. They are not opposed to the Applicant personally, and want neighborhood type establishments. The problem is the parking. Counsel for the Applicant spoke about entitlements. He said that Section 47-20.3 does not address entitlements, but lists eligibility and parking reductions. No one is entitled to such a reduction. Criteria have to be met in order to protect the neighborhood. He said Section 47-20.1 addresses protecting existing neighborhoods to require mitigation of potential adverse impacts on adjacent uses. Section 47-20.3 discusses identification of existing zoning and residential uses within 700'. The areas are identified to protect them. Paragraph 5 discusses reducing parking and states "...it will be compatible with and not adversely impact the character and integrity of surrounding properties." Section 7 addresses preserving the character and integrity of the neighborhood. He felt the purpose of the section has to do with protecting the neighborhood.

Mr. Mancuso said he has some questions regarding the methodology used in this matter. Questions arose regarding the types of parking spaces, and whether on-street, metered and non-metered spaces should be marked. He asked how such spaces could be quantified, if they are not marked. Other questions arose regarding the measurements because they do not appear to have been done properly, therefore, leading to conclusions that are not correct.

Mr. Mancuso further said that recommendations have been made by the Beverly Heights Neighborhood at to their vision and the East Cap Initiative. The Planning and Zoning Board has adopted some of these recommendations. He further said they want to work with the merchants, plan for the future and do not want to penalize any of the businesses. The parking situation has gotten worse since the '03 parking study was completed. Other merchants have been impacted by lack of parking, and are asking the neighborhood to consider other solutions.

Marvin Sanders, Colee Hammock, said that he spoke on this matter, case 140-R-02, on August 20, 2003 and took some pictures of the site showing that there were not many available spaces in the neighborhood. He said there is a serious problem precipitated by offices in the area, who direct their employees to park in the neighborhoods instead. He said a zoning concept in the Code under Section 47-45 states there is a prohibition of any parking in residential districts for bars and nightclubs and other establishments conveying liquor. This section was replaced with the exclusive use district. The question is should anything considered for such businesses come under such exclusive use rezoning or should they comply with the concept followed historically regarding neighborhood compatibility.

Mr. Sanders asked if there are any parking spaces being counted that are for residential use. He believed some have been counted. He asked if staff went out and "ground

truth" the application to see whether crosswalks were used in measuring the distance. The drawing shows center lines of streets. Previously, there were dimensional issues with the plan submitted. He asked if staff has confirmed that the metered spaces being shown do exist because of changes that have taken place over the years. He requested that the Commission tell Mr. Coker thanks, but no thanks.

Mayor Naugle asked Mr. Sanders to provide his background. Mr. Sanders said that he has a land, planning and landscape architecture firm, and served on the Planning and Zoning Board for eleven years as chairman and vice chairman.

Mayor Naugle said that while the City does not have a formal rebuttal process, but he asked if Mr. Coker had any brief comments that he might want to add.

Mr. Coker said that he wanted Mr. Ahmed, Traffic Engineer, to answer some further questions. He asked if Sketch #1 of the Traffic Study shows the location of all the parking spaces. Mr. Ahmed confirmed yes. Mr. Coker said that pages 2 and 3 listed the number and location of parking spaces available, and asked how non-metered spaces are measured and how it was determined they are legal parking spaces. Mr. Ahmed said the non-metered spaces are primarily located on Second Court and Tarpon Drive. In measuring the first and end space, he used 20', and 22' for the middle spaces. Some spaces were occupied by cars during the time of his study, so he knew a car would fit. He said this is a general standard used in measuring. He counted the cars himself and prepared the study. He is a professional engineer, registered in Florida. The study was prepared under his seal.

Mr. Coker further said that the City has a detailed ULDR, along with a process and applicants are entitled to rely on that process, and they spent a lot of money doing so. The parking reduction process is a standard one, and it says if one meets the criteria, one is eligible for a parking reduction. The applicant has spent in excess of \$30,000 to go through the City's process. People rely upon the Code and the fairhandedness of the Commission.

Mayor Naugle asked if any of the speakers wanted to add any comments not made previously. Mr. Coker said he objects to this process because he is representing the Applicant. Mayor Naugle said that he informed Mr. Coker that the City did not have a rebuttal process.

Ray Giacobby said that the property owner has purchased a \$100 card from the City and fills the meters for his customers. Therefore, it is not a financial burden to park in the area.

Gerry Jordan said that he and Mr. Mancuso counted parking places on a Friday afternoon. On the south side of Las Olas, from Tarpon to 15th Avenue, the study listed 23 parking spaces, but he only counted 19 spaces. He said meters were removed in front of Himarshee Landings and the office building being constructed, there are 6-7 remaining parking spaces that are not metered.

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

Commissioner Hutchinson said that she did not support this appeal and would be consistent in that effort. There is no evidence shown from August 27, 2003 to October 20, 2004 that would change her decision.

Mayor Naugle said evidence has been presented by the neighborhood that a parking problem exists in the area. Even though the traffic study shows otherwise, he felt that such a parking problem does exist with the evidence presented by the neighborhood. Las Olas is a special place and if the variances are granted improperly, it could end up as a large food court. He said the special mix of businesses with bars and restaurants and the ambiance would be lost. The owner needs to look for a place with adequate parking for his business.

Commissioner Moore said that eligibility is not the issue. Zoning opportunities provide for a reduction, but it does not mean that it would be granted. In this case he feels such a request should be granted. The Las Olas corridor is a special place. If the Commission wants diversity in the area that would attract a lower user for parking space required, then the City has stepped up to the plate. There is parking availability like no other place in the City. This is a location that he hopes always has parking problems because this is the magic of the area. The County and City consistently talk about vehicles being used for transportation to get from point a to point b. Due to the fact that public parking is provided, individuals drive their vehicles to the neighborhood. If there is no metered spot along the roadway and it is not restricted for residential use, then it is considered a public parking space.

Commissioner Moore said this business owner has made an investment and now is requesting a parking reduction. There have been many parking reductions. Further down the road, there is no requirement for parking. He hoped the Commission would provide the opportunity for this business to continue in the neighborhood. He said that he and the Mayor recently went through something called a creative class, which is a book that states an individual has the opportunity to be creative, and to create an opportunity for business and employment. It is something the City should be attempting to empower. This is his first vote toward such creativity. He hoped the Applicant receives the parking reduction.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to grant the parking reduction as requested.

Commissioner Trantalis said that when individuals move to an area such as Las Olas, it is for a reason such as wanting to be close to the downtown and its activity. This is the inner part of the City. To think that you will not have visitor parking along the street in front of your home is not a genuine comment. This is part of the downtown. This activity should be encouraged and the City should be thankful for such good problems. If parking is not available at a given time, how could the variance change the situation. Spaces will not be increased through the granting of the variance. The reality is there will always be competition for the spaces available. It would behoove the City to consider re-thinking how to address the parking on Las Olas, and that possibly garages should be built where surface lots exist. There are an insufficient number of parking spaces to address the demand for the Las Olas retail area. Parking garages are the next step. The City needs to address the issue. This is a vibrant and exciting retail district; it is not a food court. He said the area is diversified, and to call the subject business another bar is unfair. This is a unique establishment and caters to a unique

clientele. Such an establishment adds to the distinction of the street, and he is in favor of the request.

Commissioner Hutchinson said she represents the subject area. She felt they are exacerbating the problem because they are counting the same spaces over and over again. All criteria have to be met, but until the Commission figures out what they want Las Olas to be, then possibly additional surface lots should be allowed. She is not against what the property owner wants to do. The problem is that the same spaces are counted over and over for these reduction requests. The office buildings mentioned by Commissioner Moore are not required to have parking in the RAC, but all of them have parking garages. They are not solving the problem by continuing to allow reductions. A solution has to be found.

Commissioner Moore said that the point he was making regarding the office buildings not having sufficient parking spaces is that they do not build enough parking for the individuals utilizing the building and it causes spillage. Possibly they should now require dedicated parking for developments because it is no longer necessary to attract such development. This would be more appropriate than to request a small entrepreneur to provide parking spaces.

Commissioner Hutchinson said all the little businesses add up to the big parking reduction in the big picture. The City needs to find a solution.

Commissioner Trantalis agreed, but did not think it should not be done on the back of this property owner.

Roll call showed: YEAS: Commissioners Moore and Trantalis. NAYS: Commissioner Hutchinson, Vice Mayor Teel and Mayor Naugle.

Rezoning – Office/Retail Building – Sistrunk Blvd. - (PH-6)
Case 1-ZR – 05 – E.E.C. Group, LLC./Fort Lauderdale
Community Redevelopment Agency

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the public hearing be closed. Roll call showed: YEAS: Commissioners Moore and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-05-17

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO XP; LOTS 31, 32 AND 33, BLOCK 331, "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF NORTHWEST 11TH AVENUE, BETWEEN NORTHWEST 6TH STREET AND NORTHWEST 7TH STREET, THAT

INCLUDES DEVELOPMENT PLAN APPROVAL ON LANDS LOCATED AT 1033 NORTHWEST 6TH STREET (SISTRUNK BOULEVARD), 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 and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

ORDINANCES

Rezoning – 2.19 Acres – East of SW 4 Avenue Between SW 27 & 28 Streets – Case 3-Z-05 (O-1)

Mayor Naugle said that he was informed that Item O-1 should have been listed as a public hearing. Therefore, he would open the public hearing and see if anyone wanted to speak on this item.

Commissioner Moore asked if the item should have been properly advertised as a public hearing. Mayor Naugle said that it was advertised as such.

Mayor Naugle asked if anyone in the audience was against the rezoning.

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

Michael Ciesielski, Planning and Zoning Department, said that this is a request to rezone 11 lots and one tract of land consisting of 2.19 acres, from B-3 (Heavy Commercial and Light Industrial) to CF (Community Facility). He proceeded to show a map of the subject site. The property is located on the east side of SW 4 Avenue between SW 27 & 28 Streets and within the Edgewood Civic Association boundaries.

Mr. Ciesielski said that the Applicant is seeking this rezoning in order to bring the current use of the site into conformance with the City's zoning regulations. The current uses on the site consist of Broward County Health Department's Fort Lauderdale Clinic, and the Broward School for Girls that provides temporary shelter for girls under the age of 18. The land is currently zoned as B-3 and has a commercial land use designation. Although these uses are permitted under the commercial land use designation, they are not considered permitted uses in a B-3 zone. Therefore, the Applicant is seeking a rezoning.

Mr. Ciesielski further said that the Applicant has provided written response as to how they meet the criteria for rezoning which was distributed to the Commission. The Planning and Zoning Board on May 18, 2005 unanimously approved the request for rezoning, and such meeting minutes have been included in the Commission's backup material.

Arnold Ramos, representing Broward County, said the County has a substance abuse program, but have outgrown their site and need to expand. This site is owned by the County. The Broward School for Girls is no longer at this site. Therefore, the County wants to rezone the site to community facilities (CF). He said it is across the street from the Broward County Juvenile Facility, the Armory, warehouses, the Siegal School, and is an ideal location serviced by public transportation. The zoning needs to be in compliance for the site. There is another small patch of land not included in this site that is owned by another entity and leased by a church.

Brian Patchen, representing Christian Romeny Church, said this is not simply a matter of trying to use the property for the Broward Addiction Recovery Center (BARC). A portion of the subject property is adjacent to the west of property being occupied by the church. He said they left out asking for the other parcel that remains, and the reason they did so is because the church is in the middle of an eminent domain case where the County is attempting to take their property. The judge abated the proceedings in the matter because if they did not have the appropriate zoning, the County could not use the site for the purpose they intended. He said that is the only public purpose the County has authorized for use of the property. They should not destroy the church first, and then see if the property can be used for their intention. The County submitted a plan to the City, and he showed such plan marking the area in red that is needed for the recovery center, consisting of about 100,000 square feet. There is another building to the east. The County's plan is to demolish it and use it for another purpose that is not part of the County Commission's authorization.

Mr. Patchen presented a map showing what property the County owns. They have over 100,000 sq. ft. but the corner lot is not contiguous. No attempt has been made to negotiate with the church so that everyone concerned could continue using the property. The church is willing to negotiate. That lot could be swapped for the corner lot, giving them 100,000 sq. ft. of property. The project could then go forward and the church could also remain. They are intent on destroying the church. Part of the church's mission is to care for persons that are addicted, and therefore, they are in support of the recovery center. He asked the Commission to either delay this item or request the County to meet with the church so the matter could be resolved to everyone's benefit. The request is not being made for the City to rezone the site for the recovery center, but the Applicant is here to satisfy the court's order to come back to Court and take the Church property, and then ask the City to rezone the property so they can construct a project not authorized by the County. The County's resolution says the site is for the recovery center, and not the spousal abuse treatment center they intend on building in conjunction with the recovery center. He asked the Commission to not support the rezoning request. If the Church goes to court and defeats the taking, because they have other grounds to present, the entire project could be jeopardized.

Joanne Richter, Assistant Director of Broward County Substance Abuse and Health Care Services, said they are here to rezone their property and to move the recovery program from the Sailboat Bend area to one that is more compatible. When this process first began, the Church was not leasing the land. The buildings had been abandoned for about 10 years. The owner was approached regarding purchase of the property. There is an eminent domain case pending. The owner subsequently leased the land to the Church. They do not want to destroy the Church because it was not there at the beginning.

Mayor Naugle asked what is to be done with the Sailboat Bend property. Ms. Richter believed the City has the first right of refusal on the property.

Rocky Rodriguez, President of Broward County Substance Abuse Advisory Board, said they are in the business of putting residents back into society as productive human beings. They have the largest and most efficient program in the State of Florida. They have tried to move the facility out of Sailboat Bend for quite sometime. The proposed site is compatible for the center. It would provide a state-of-the-art facility for individuals who need such help. He asked the Commission to support the rezoning request regarding the property owned by the County.

Dan Tennis, Pastor of Christian Romeny Church, for church & Tennis(Both are OK) said they took over the Church about 1 ½ years ago. He said the Community Church had been at the site previously. The building had been abandoned for over 2 years. He showed photographs of the previous church, and the site as it presently exists. They have nothing against the rehabilitation center, and believe they could help them. There has been talk about people coming back to newness in the City, people being revived and giving testimony. He said that is biblical speaking. They want to help the City and County because the Church's vision is to help people in the area. Their congregation consists of 125 members. They spent over \$100,000 to repair the building and leased the building from Russell Bratt with the option to purchase. He said the County went to purchase the site, but did not say they were going to demolish the building. The church is trying to purchase it, but the banks and mortgage companies do not want to issue a loan due to the pending eminent domain proceedings.

Pastor Tennis said they are here this evening to request the Church be left alone. They are willing to help the County help its residents. The Lord Jesus Christ is here to help and save everyone. They believe the Lord wants to help everyone so they can work together. There are other issues people need help on besides alcohol and drugs, such as marriages, relationships, families, and financial issues. They have a summer school program for children and hope to have an elementary school, along with plans for a day care center. He said they don't want to mess up the County's plans, but the County should not mess up the Lord's plans.

Commissioner Trantalis asked how long is the Church's lease. Pastor Tennis said it expires September 30, 2005 with an option to purchase. The Church is presently in negotiation with a bank, but it has been difficult. Commissioner Trantalis asked if there is an option to renew the lease. Pastor Tennis said they talked about such option, the owner might hold the mortgage, or they will purchase it. Commissioner Trantalis questioned if money was invested in the property even though they knew the lease was to expire in September of 2005., but the hope to purchase the property.. Pastor Tennis confirmed that is correct. He said they have money in a building fund to purchase the property. He said they have faith that things would move forward. Commissioner Trantalis said that the government is an ungodly process and he did not think that would help him arrive at an answer this evening. Commissioner Trantalis said that if eminent domain occurs, money would be reimbursed to the owner of the property, and a tenant who can prove that monies were invested in improvements on the property would also be reimbursed. He did not fully believe that the Church's entire investment would be lost. Even if the City did not grant the rezoning, the County could still continue with the eminent domain process. He felt that one has nothing to do with the other.

Pastor Tennis said they have vision and have heart to help individuals who need it. If they have to leave, he does not know where the Church will go. Commissioner Trantalis said there are not many churches on the east side. Pastor Tennis said the building was built in 1952 and has only been vacant for the last two years. Since there are not many churches in the area, why take away one that exists.

Commissioner Hutchinson said that is not the issue before the Commission this evening. Commissioner Trantalis said they are not trying to take the Church from them.

Pastor Tennis further said that if a deal could be made with the County, it could benefit everyone.

Commissioner Trantalis said that the issue of eminent domain has nothing to do with the issue of rezoning. The County could proceed even if the rezoning is denied by the City. The Commission's decision would not change the point of view of the County in their attempts to acquire the Church's property. The Commission has to make a decision tonight based on the facts presented to them regarding the issue. The Church appears to think that the City's decision would impact the County's decision regarding eminent domain, but he does not know how the County administrators are thinking.

Pastor Tennis asked if an agreement could be reached to leave the Church as it exists. Commissioner Trantalis said they are not touching the Church and the City's decision has nothing to do with the Church's property. The Commission is sympathetic to the situation, but they cannot control the hand of the County. He said an admonition could be sent or a suggestion, but the reality is the County government is the forum where the Church's entreaty must take place. He has not heard any evidence to make him want to deny the rezoning, other than statements made regarding the impact of eminent domain on the Church, which he did not know to be the case.

Ronald Mallek, Acting Director of Real Property for Broward County, said that at the time the County filed the eminent domain suit, the lease with the Church did not exist. It is regrettable that Mr. Bratt did not share that information when entering into negotiations on the lease. The County has no vendetta against the Church.

Mr. Patchen said when the County filed the suit, they did not go and look at the property before the filing. They were in place. After the CAE proceeded and it came to light that they were there, they then amended the complaint to include the tenant in the suit. The County did not inform the property owner about their intentions regarding demolition of the property. Mayor Naugle asked if suit for condemnation was filed before the lease was entered into. Mr. Patchen replied no..

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

Commissioner Moore was surprised that the County would go after a church. He felt there must be some opportunity to get counsel based on the eminent domain laws so the Church could be afforded their "day in court." The City's issue is not about eminent domain, but regarding the Community Facility zoning. He said that even the Church should be zoned as Community Facility. The City's decision this evening would not impact the Church's situation in a court of law. If there is a lease agreement, part of the

taking would be to buy out the lease, and an opportunity of compensation would be provided. Most governments do whatever possible in dealing with a church. May be they plan to provide for fair compensation so that other options could be found. The recovery center is a great program with great people running it. The City should support the request for rezoning. The earlier the City resolves their part, the better opportunity the Church will have in settlement.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the request for rezoning as submitted.

Commissioner Hutchinson said that this property is in her district and only seven blocks from her house. The rezoning will move a facility from Sailboat Bend and put it in a more appropriate location. It is unfortunate the Church feels things are being done to them. The rezoning has no bearing on the Church. She supports the request for rezoning, and the neighborhood is aware of what is going in at the site.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-05-18

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM B-3 TO CF, LOTS 7 THROUGH 13 AND LOTS 18 THROUGH 21, BLOCK 12 OF THE CORRECTED PLAT OF "EVERGLADE LANDS SALES COMPANY'S SECOND ADDITION TO LAUDERDALE, FLORIDA," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 52, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; TOGETHER WITH TRACT "A" OF "RESUBDIVISION OF PORTION OF BLOCK 12 OF EVERGLADE LAND SALES COMPANY'S 2ND ADDITION TO LAUDERDALE, CORRECTED," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 48, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF SOUTHWEST 4TH AVENUE BETWEEN SOUTHWEST 27TH STREET AND SOUTHWEST 28TH STREET, 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 and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

Increasing Utility Fees, Charges and Deposits
Amending Chapter 28 – Code of Ordinances

(O-2)

Commissioner Moore introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-19

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTIONS 28-58, 28-140, 28-141, 28-146, 28-148, 28-168, 28-169, 28-186 AND 28-190 THEREOF, TO INCREASE FEES RELATING TO MAKING CONNECTIONS TO SEWERS, CONNECTIONS, DISCONNECTIONS AND NAME CHANGES, TAPPING CHARGES, FIRE HYDRANTS, DIVERTING WATER FROM CITY'S DISTRIBUTION SYSTEM, INSTALLATION CHARGES, TESTING, DEPOSITS – SCHEDULES, AND DISCONNECTION OF SERVICE; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only.

Commissioner Trantalis asked if the charges are being increased to reflect the actual cost to the City for providing the service in connection with what is delineated in this ordinance.

Albert Carbon, Director of Public Works, confirmed that is correct.

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

Water Conservation – Surcharges
New Section of City Code – Chapter 28

(O-3)

Commissioner Moore introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-20

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTION 28-1 TO IMPLEMENT A SURCHARGE ON THE WATER, WASTEWATER, AND WATER SPRINKLING METER COMMODITY CHARGES ESTABLISHED IN SECTIONS 28-76, 28-143 AND 28-144 AND ON THE USER AGREEMENTS AND INDUSTRIAL USER CHARGES ESTABLISHED IN SECTIONS 28-77 AND 28-78 OF THE CODE OF ORDINANCES UPON DECLARATION OF A WATER SHORTAGE BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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

**Utility Capital Expansion Fees, Charges
Amending Chapter 28 – Code of Ordinances**

(O-4)

Commissioner Moore introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-21

AN ORDINANCE AMENDING CHAPTER 28, "WATER, WASTEWATER AND STORMWATER," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND THE WASTEWATER PLANT AND COLLECTION SYSTEM CAPITAL EXPANSION FEES AND POTABLE WATER AND DISTRIBUTION SYSTEM CAPITAL EXPANSION FEES AND REPEALING RESOLUTION NO. 85-27 ESTABLISHING SAID FEES.

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

**Special Event Parking Rate Scale
Amending Chapter 26 – Code of Ordinances**

(O-5)

Commissioner Moore introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-22

AN ORDINANCE AMENDING SECTION 26-161, "RATES AND HOURS FOR ON AND OFF-STREET PARKING," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR A STANDARD PARKING RATE SCALE FEE FOR APPLICANTS WHO WISH TO USE THE CITY'S PARKING FACILITIES FOR SPECIAL EVENTS; PROVIDING FOR A DEFINITION OF SPECIAL EVENT; PROVIDING FOR POLICIES AND PROCEDURES; PROVIDING FOR PREPAID RATE SCHEDULE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Teel and Commissioner Trantalis. NAYS: Commissioner Hutchinson and Mayor Naugle.

RESOLUTIONS

Naming New Park Land – Coontie Hatchee Landing

(R-1)

Riverside Park

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-123

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROCLAIMING THAT THE NEWLY ACQUIRED PARKLAND AT 1116 SW 15 AVENUE IN RIVERSIDE PARK HEREINAFTER SHALL BE KNOWN AS "COONTIE HATCHEE LANDING."

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

Grant Agreement – Broward County Children’s Services Council “Inclusive” Playground at Florence C. Hardy Park - \$175,000 (R-2)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-124

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH BROWARD COUNTY CHILDREN’S SERVICES COUNCIL TO ACCEPT A GRANT IN THE AMOUNT OF \$175,000 FOR ASSISTANCE WITH THE CONSTRUCTION OF AN "INCLUSIVE" PLAYGROUND AT FLORENCE C. HARDY PARK.

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

Grant Agreement – Florida Communities Trust - \$404,510 Reimbursement of Acquisition Funding – Open Space Site 232 – New Park Land (R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-125

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH FLORIDA COMMUNITIES TRUST FOR PROJECT #04-009-FF4, WHICH WILL PROVIDE REIMBURSEMENT OF FUNDS FOR THE ACQUISITION OF OPEN SPACE

SITE 232 FROM BROWARD COUNTY TO BE UTILIZED AS
PARK LAND.

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

Rescheduling September 6, 2005 City Commission Meetings to September 7, 2005 (R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE SEPTEMBER 6, 2005, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO SEPTEMBER 7, 2005.

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

Maintenance of Landscape Improvements - Broward Boulevard – Memorandum of Agreement – Florida Department of Transportation (R-5)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-127

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS TO STATE ROAD 842 (BROWARD BOULEVARD) AT THE I-95 INTERCHANGE

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

Green Space Site 125 – Acquisition, Improvement, Operation & Management – Interlocal Agreement & Deed of Conservation Easement – Broward County (R-6)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-128

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO INCLUDE FUNDING FOR THE DEVELOPMENT OF GREEN SPACE 125 (DENISON PROPERTY) IN THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENT PLAN AND TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH FUNDING FOR THE PROPERTY PURCHASE.

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

**Preliminary Fire-Rescue Special Assessment
Fiscal Year 2005-2006**

(R-7)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-129

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF FORT LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**Vacate Portions of Storm Drainage & Utility Easements
Stanley R. Gumberg Jr. – Case 5-M-03**

(R-8)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING PORTIONS OF THE STORM DRAINAGE EASEMENT, RECORDED IN OFFICIAL

RECORD BOOK 3572, PAGE 257; AND "UTILITY EASEMENT NO. 1," RECORDED IN OFFICIAL RECORD BOOK 2202, PAGE 428, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND LYING IN TRACT "A," "RESUBDIVISION OF A PORTION OF CORAL RIDGE GALT ADDITION NO. 2," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 36, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHEAST CORNER OF OAKLAND PARK BOULEVARD AND FEDERAL HIGHWAY, IN THE CORAL RIDGE MALL, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Plat Approval – Lake Ridge Key – Case 6-P-05
1200 NE 18 Avenue**

(R-9)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT KNOWN AS "LAKE RIDGE KEY."

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

**Site Plan Review – Downtown Lofts – Mixed Use
Allocation of Post 2003 Dwelling Units – Case 111-R-04**

(R-10)

Commissioner Moore said it is his understanding that additional comments are to be made regarding this matter.

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

Ella Parker, Planning and Zoning Department, said the Applicant is proposing to build Downtown Lofts, a mixed-use development consisting of 210 multi-family residential units and approximately 4,542 sq. ft. of ground level retail space located along the south side of NW 2nd Street between NW 3rd Avenue and NW 4th Avenue. She said that in staff's report 5 levels of parking is mentioned. It was reduced to 4 levels. The ground level has mixed uses, with four levels of parking on top of it.

Robert Lochrie, representing the Applicant, said the request tonight is for an allocation for 210 post-2005 units pursuant to the City's Master Plan. The request comprises a ground level project consisting of 5 levels containing a garage completely wrapped by

residential units on 2nd and 4th. There is a 5,000 sq. ft. retail portion on the ground level. The project has changed during the last few weeks with the reduction of one residential tower that resulted in the reduction of the ground floor and ground level podium. The podium exceeds all City zoning codes. An example is that setbacks have been exceeded. The City's Code requires that 21,000 sq. ft. of open space be included on the site; the Applicant is providing 61,000 sq. ft. Code requires 263 parking spaces; the Applicant is providing 279.

Mr. Lochrie further said there were originally three residential towers, which have been reduced to two with a small footprint consisting of 12,500 sq. ft. each. The Master Plan provides for 18,000 sq. ft. footprints. The overall height of the structures is 140', and including to the parapet the height is 160'.

Commissioner Moore asked about the affordability of the units.

Mr. Lochrie said that 15% of the units will be set aside as attainable units, and a contribution of \$250,000 would be made to the City, along with an impact fee of \$2,500 per unit for downtown RAC parks.

Mayor Naugle felt that 100 units per acre is out of scale with the surrounding streets.

Commissioner Trantalis said this is in a warehouse district. He believed a building was approved recently on the railroad tracks that was 25 stories. Mayor Naugle thought that project was in the Central Business District. Commissioner Moore said it was in the transition area and started out at 35 stories. In response to Mayor Naugle, Ms. Parker indicated that project was east of the railroad tracks.

Commissioner Trantalis did not think it was fair to use the railroad tracks as a line of demarcation any more. He felt they should look at the area collectively. Mayor Naugle said that is what is reflected in the Code. Commissioner Moore indicated it was in the transition area.

Commissioner Trantalis asked if the residents of City View are in support of this project.

Lori Dolan said that the residents are tired of old dilapidated buildings and vacant lands. They want more residences in the area. She further said that the community wants enhancements and for their property values to increase. Many people at City View are in favor of this project. She felt she was speaking on behalf of the majority of City View residents.

Nancy Devanny said she owns property in City View for the last eight years, and the immediate entrance by the 2nd Street lot has been vacant land for that entire time. She said that this project is welcomed by the community. It will transform the street, and she did not think it would negatively impact the neighborhood.

Paul Herman, 251 City View Drive, said that it appears lately that new development projects come under criticism because they displace current residents. No one is being displaced in this case; the project would only enhance the neighborhood. Another issue is historic significance and compliance with the existing neighborhood. This is not an issue in this matter. He felt this would breathe new life into the existing neighborhood and improve it.

RESOLUTION NO. 05-132

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN INCLUDING ALLOCATION OF POST 2003 DWELLING UNITS TO DEVELOP MULTI-FAMILY RESIDENTIAL UNITS, RETAIL AND PARKING STRUCTURE LOCATED AT 300 N.W. 2ND STREET, FORT LAUDERDALE, FLORIDA IN A RAC-WMU ZONING DISTRICT.

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

Commissioner Trantalis asked the architect if he could try to make the parking platform look less like a platform and integrate it more into the style of the building. The architect agreed.

Commissioner Moore commended the developer with respect to his actions concerning affordability and open green space.

Conservation Land Site 142B – Acquisition, Improvement, Operation & Management – Sailboat Bend Preserve – Interlocal Agreement – Broward County

(R-11)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-133

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO INCLUDE FUNDING FOR THE DEVELOPMENT OF CONSERVATION LAND SITE 142B (SAILBOAT BEND PRESERVE) IN THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENT PLAN AND TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH FUNDING FOR THE PROPERTY PURCHASE.

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

Sale of Surplus Property – Rebid – Northwest Corner Of SW 4 Avenue and SW 17 Court

(R-12)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 05-66 WHICH DECLARED CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE, SUCH AMENDMENT PROVIDING FOR A MINIMUM BID OF \$160,700.00, A REVISED DATE FOR SUBMISSION OF BIDS BY AUGUST 2, 2005, AND SCHEDULING FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON SEPTEMBER 7, 2005, RELATIVE TO REVIEW OF THE BIDS AND PROCEEDINGS IN ACCORDANCE WITH SECTION 8.04 OF THE CITY CHARTER.

Which resolution was read by title only.

The City Clerk said that SW 17th Court is actually SW 17th Street.

Roll call showed: YEAS: Commissioners Moore, Hutchinson and Trantalis. NAYS: Vice Mayor Teel and Mayor Naugle.

**Water and Wastewater Capital Improvement Program -
WaterWorks 2011 – State Revolving Fund Construction
Loan Agreement Addendum - \$11,869,692.**

(R-13)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ADDENDUM TO AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE STATE REVOLVING FUND LOAN PROGRAM TO INCREASE THE AMOUNT OF BORROWED FUNDS.

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

**Fire Station 8 – 1022 West Las Olas Boulevard
Lease as a Firefighter Museum and Fire Safety
Education Center**

(R-14)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSUANT TO SECTION 8.13 OF THE CITY CHARTER, THE CITY COMMISSION'S INTENT TO LEASE PREMISES COMMONLY KNOWN AS FIRE STATION NO. 8, 1022 WEST LAS OLAS BOULEVARD, MORE PARTICULARLY DESCRIBED BELOW, TO FORT LAUDERDALE FIREFIGHTERS' BENEVOLENT ASSOCIATION, INC. A FLORIDA NOT-FOR-PROFIT CORPORATION TO BE USED AS A FIREFIGHTER MUSEUM AND FACILITY FOR EDUCATION FOR FIREFIGHTERS SAFETY FOR A TERM OF FIFTY (50) YEARS AT AN ANNUAL RENT OF TEN DOLLARS (\$10.00), SUBJECT TO FURTHER TERMS AND CONDITIONS AND SCHEDULING A PUBLIC HEARING BEFORE THE CITY COMMISSION ON SEPTEMBER 7, 2005 FOR CONSIDERATION OF THE TERMS OF THE LEASE AND AUTHORIZATION FOR EXECUTION OF SAME BY THE PROPER CITY OFFICIALS.

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

Tentative Annual Budget; Fiscal Year 2005-2006

(R-15)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY MANAGER'S BUDGET MESSAGE, ESTIMATES AND RECOMMENDATIONS FOR FISCAL YEAR 2005-2006 AND AUTHORIZING THE CITY MANAGER TO COMPUTE PROPOSED MILLAGE RATES AND TO ADVISE THE BROWARD COUNTY PROPERTY APPRAISER OF SUCH PROPOSED MILLAGE RATES.

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

City Manager's Annual Performance Review

(R-16)

Commissioner Hutchinson said they now have to determine what to give the City Manager. She needs to go back in time because she wants to see the City Manager get the maximum base as it relates to his merit increase. She said they have come a long

way since 2003, and for herself she specifically remembers September 16, 2003 because it was a hard night, and the City changed the direction in which they were headed. She said that was the night she made the motion to remove Mr. Johnson as City Manager. She said there was chaos and sometimes it is needed to get to the end. She said they are not yet at the end. Comments were made that the new City Manager was not qualified and he should not have been hired, but he has done an outstanding job for the City. He has put a team in place that is beyond a team that she has ever seen in this City. Once again morale is high, and they have a budget with little to debate about it.

Commissioner Hutchinson referred to an unsolicited editorial in the newspaper on Saturday that said: "The City Administration has done a good job getting Fort Lauderdale's finances in shape." She said the City's bond rating had dropped, and with the help of the City Manager and his team the City got their bond rating back. She wanted to present to the City Manager a great editorial and a great review. She hoped the Commission would support his maximum merit increase.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve a maximum base salary increase for the City Manager, and that his evaluation stands at outstanding.

Commissioner Trantalis concurred with Commissioner Hutchinson's comments. The City has come a long way in the last two years. It was a trying time. Being a new Commissioner he was expected to respond to things that he was unfamiliar with, and firing the City Manager was not an easy decision for anyone. Trying to rebuild was also not an easy process for anyone. As a Commission, he believed they should applaud themselves for the effort and success they collectively have achieved in the last two years in an attempt to rebuild the City. Part of that process was selecting a new City Manager. He felt they got lucky. There was an uneven process of selection, but through determination and dumb luck they came forth with a candidate who has been able to lead the City in a very practical and pragmatic way. The City Manager has brought together a team that has permitted the City to move forward. They are at the beginning of the success that his career will show. He also felt the City Manager should be rewarded with the maximum merit pay. He believed the increase is to \$193,000. Considering the City Manager has saved the City millions of dollars and the City has received many good wishes since he began work here, the raise is a small testament of thanks for the work he has done so far. This does not mean that there will be a free ride in years two or three.

Commissioner Moore said that his most embarrassing moment as a Commissioner was what took place that September 16, 2003. He saw an extremely professional manager publicly embarrassed and he felt the Commission could have handled the situation in a different manner, but things have been overcome. In allowing a person to be Acting Manager for the period of time that occurred, the City could have been destroyed. If not for the grace of God and the policymakers taking the punch on the chin, seeing they made a great mistake by making that public move and bringing in an interim manager who caused more chaos than harmony. The best man does not always take the test best. People are often judged by test scores instead of their integrity or having the tenacity to do the job. He said the Commission as a policymaking board gave the City Manager a foundation of a budget under which one could function. They need to deal with the constituents they represent, and explain that they have to have the intestinal

fortitude to do things like raise taxes when they have to do so. He believed that is why they are now able to have a competent City Manager, as well as the Manager having the opportunity to do recruitment and bring in individuals of quality to the table. He felt that is his greatest strength, putting competent individuals around him. He gives great compliment to the City Manager for hiring such people who will be the ones to make the difference.

Commissioner Moore said he did not give the City Manager an outstanding evaluation not because he isn't outstanding, but because he feels there is only one perfect person, who is his mother, and therefore, he wants the City Manager to continue striving to be the best. The City Manager has done an excellent job. He wants to continue dealing with policy issues that will give the City Manager a budget under which to function so he can continue hiring quality individuals to get the City through the next decade. The Commission's choice has benefited everyone. Therefore, he agreed with the raise as proposed.

Mayor Naugle said that he too supports the raise as proposed.

Vice Mayor Teel said she is also pleased with the City Manager and how he had so much energy and enthusiasm for the job. She thanked the City Manager for his excellent work, and said that she also supports the raise as proposed.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-138

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, SETTING THE
CITY MANAGER'S SALARY EFFECTIVE AUGUST 1, 2005.

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

Advisory Board/Committee Appointments

(OB)

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

Audit Advisory Board	Mark LaFontaine
Budget Advisory Board	Kenneth Strand
Community Services Advisory Board	Avery A. Dial
Utility Advisory Board	Robert B. Caine Joe Holland

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 05-139

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 and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 11:40 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk