

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
SEPTEMBER 28, 2005**

Agenda Reso./Ord. Item No.	Page(s)
<u>Presentations</u>	1
1. High Priest Osemwegie Ebohon Day	1
2. Broward Kiddie's Carnival	2
3. Edgewood River Oaks Drainage Project	2
4. Lu Deaner Day	2
5. Annual Achievement of Excellence in Procurement Award	2
6. Expressions of Sympathy	2
CA Consent Agenda	3
M-1 Event Agreement – Halloween Rod Run Car Show	3
M-2 Event Agreement –NCPA Fun Run Walk	3
M-3 Air & Sea Show Agreement – Pro Series, Inc.	3, 19
M-4 Sistrunk Historical Festival, Inc. – Sistrunk Historical Festival and Parade Events – Debt Settlement	4
M-5 Disbursement of Funds – Joint Investigation – O.R. Number: 99-133681 – Law Enforcement Trust Fund	4
M-6 Disbursement of Funds – Joint Investigation – O.R. Number: 99-133681 – Law Enforcement Trust Fund	4
M-7 Donation from Lauderdale Beach Homeowners Association Yamaha YFM45FASET ATV – Police Patrol of Beach Area	4
M-8 Executive Airport – Air Traffic Control Tower Operation Reimbursable Agreement – Federal Aviation Administration	5
M-9 Dockage Lease Agreement & Sightseeing & Charter Operations – Harbor Tours, Inc. – Fiscal Year 2005-2006	5
M-10 Dockage Lease Agreement & Sightseeing & Charter Operations – Sightseeing Cruises, Inc. – Fiscal Year 2005-2006	5
M-11 Dockage Lease Agreement & Sightseeing & Charter Operations – CARFI Enterprises, Inc. – Fiscal Year 2005-2006	5
M-12 Dockage Lease Agreement – Searock, Inc. – Fiscal Year 2005-2006	6
M-13 Las Olas Municipal Marina Dockage Use Agreement 2005 Fort Lauderdale International Boat Show	6
M-14 Dockage Lease Agreement – Marine Hospitality, Inc. Fiscal Year 2005-5006	6
M-15 Revocable License Agreement – Costa Dorada Associates - Ltd. – Closures and Covered Walkways – Q Club Construction Site	6
M-16 Contract Award – VIP Painting, Inc. - \$33,500 John Fuhrer Downtown Helistop – Painting and Fireproofing	7
M-17 Contract Award – Williams Earth Sciences, Inc. - Engineering Testing and Laboratory Services	7
M-18 Contract Award – Green Acres LN Service Inc. - \$1,733,325 – Right-of-Way Restoration Services – Waterworks 2011	7

M-19		Contract Award – MBR Construction, Inc. - \$1,143,000 Sunset Memorial Gardens Administration Building	7
M-20		Sanitary Sewer Easement Agreement – 744 NE 18 Avenue Cynthia L. West	8
M-21		Task Order 05-02 – Hazen and Sawyer, P.C. - \$48,223 – Fiveash Water Treatment Plant Improvements	8
M-22		Task Order – Keith and Schnars, P.A. - \$19,975 A1A Seabreeze Blvd “3 Plus 2” Plan – Transportation Improvements	8
M-23		Change Order 1 – Pino Kaoba & Associates, Inc. - \$38,061.81 – Bayview Park Improvements	8
M-24		Change Order 2 – Danella Companies, Inc. - \$197,058.20 Work Order 10507F – River Run, Flamingo Park, Oak River (Sewer Area 4 Basin F)	9
M-25		Change Order 1 – Homeside Dredging, Inc. - \$75,000 Dredging Two Outfalls – North Fork of New River	9
M-26		Change Order 1 – Weekley Asphalt Paving, Inc. - \$15,374.64 – Lauderdale Manors Utilities Improve- ments Phase II	9
M-27		Tri-Party Access Agreements – Mills Pond Park Conservation Area – Conservation Land Site 121	9
M-28		Funding for Bicycle & Pedestrian Coordinator Position Florida Department of Transportation – Highway Safety Grant	10
M-29		Co-Sponsorship – Fort Lauderdale International Film Festival 20 th Anniversary	10
Pur-1		Public Safety Annual Maintenance Contracts	10
Pur-2		512-8493 – Helpdesk Software Contract Assignment	10
Pur-3		442-9055 – Additional Landscape Maintenance Services, Riverwalk South	11
Pur-4		252-9200 – Inventory Control System – Fire Rescue	11
Pur-5		Proprietary – Grants Locator System Software Subscription	11
Pur-6		452-9246 – Purchase of Curbside Recycling Bins	12
Pur-7		252-9253 – Reject Single Bid for 12' Service Body and Re-Bid	12
Pur-8		252-9242 – Purchase of Brush Chippers	12
Pur-9		252-9241 – Purchase of Vibratory Roller	13
Pur-10		252-9205 – Purchase of 20 Multi-Space Parking Meters With a Seven Year Maintenance Agreement	13
PUBLIC HEARINGS BUDGET			
PH-1	05-162 & C-05-24	Fiscal Year 2005-2006 Tentative Millage Rate and Budget	13
PH-2	05-163 & 05-164	Sunrise Key Neighborhood Improvement District Millage Rate and Budget – Fiscal Year 2005-2006	18
O-1	C-05-23	Voluntary Annexation of School Board Property at Dillard High School – 3.7 Acres – Northeast Corner of NW 27 Avenue and NW 11 Street	21
O-2	C-05-28	Name Change – Citizens Police Review Board	22
O-3	C-05-29	Firefighters Supplemental Share Plan	22
O-4	C-05-30	Amendment to the Pay Plan – Schedule I	22
O-5	C-05-31	Amendment to the Pay Plan – Schedules I and II	23
O-6	C-05-26	Water, Sewer, and Stormwater Rate Increase	23
O-7	C-05-25	Rezoning-Four Townhouses – 1400-1402 NW 2 Street Case 5-Z-05	24
R-1	05-165	Florida Department of Transportation – Joint Participation Agreement – Executive Airport – Aircraft Rescue and Firefighting Vehicle	24

R-2	05-166	Florida Department of Transportation – Joint Participation Agreement – Rehabilitation – Airfield Pavement Markings – Executive Airport	25
R-3	05-160	Rescheduling October 4, 2005 City Commission Meetings To October 5, 2005	25
R-4	05-167	Ratification of Contract – Teamsters Local Union 769	26
R-5	05-168	Ratification of Contract – Federation of Public Employees	26
R-6		Site Plan Review – Mixed Use Allocation of Post 2003 Dwelling Units – Case 41-R-05	27,29,39
R-7	05-169	Site Plan Review – Mixed-Use; Allocation of Post 2003 Dwelling Units – Case 96-R-05	27,29,31
R-8	05-170	No Objection – Amendment to Note on Plat - Beta Plat 2323 West State Road 84 and SW 15 Avenue Case 11-P-03	28
R-9	05-171	Cypress Creek Florida, LLC – Sierra Business Phase I - Case 6-M-05 – Vacate utility Easements – Fort Lauderdale Industrial Airpark Section 2	28
R-10	05-172	Site Plan Review – Mixed Use – Nola Lofts – Phase II Allocation of Post 2003 Dwelling Units – Case 48-R-04	27,29,42
OB	05-173	Advisory Board/Committee Appointments	46
WALK-ON		Police System Hardware an Software Proprietary Purchase From Unisys	46
WALK-ON	05-161	Filing of Complaint Against Broward County – Annexation Of Twin Lakes and Rock Island Areas	46

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
SEPTEMBER 28, 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 (arrived at 6:15 p.m.)
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

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

Invocation was offered by Dr. Harold McSwain, Jr., Senior Pastor of First Congregational Church of Fort Lauderdale, 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 Hutchinson and seconded by Commissioner Moore that the minutes of the September 7, 2005 Conference and Regular Meetings, and agenda be approved. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioners Trantalis and Moore, and Mayor Naugle. NAYS: None.

Presentations

OB

High Priest Osemwegie Ebohon Day

Commissioner Moore, on behalf of Mayor Naugle and the City Commission, issued a proclamation designating Friday, October 21, 2005, as the High Priest Day in the City of Fort Lauderdale and encourages all residents to participate in the activities held in the recognition of outstanding contributions to African History. Commissioner Moore said that Tanya Simons Oprah is an advocate for libraries and teaching.

High Priest Osemwegie Ebohon from the Great Kingdom of Ebohon and the Osem African Empire said he wanted to thank the City and the County for the award. He said the door has been swung fully open between the City of Fort Lauderdale and the Ebohon Kingdom.

1. Broward Kiddie's Carnival

Commissioner Moore on behalf of Mayor Naugle and the City Commissioners announced a proclamation for Broward Caribbean Carnival, designating October 2, 2005, as Broward Kiddie's Carnival Day in the City of Fort Lauderdale.

2. Resource Recovery System; \$1,466,782 Excess Reserve

Deferred

3. Edgewood River Oaks Drainage Project

Representative Elyn Bogdanoff thanked the Commission and the City Manager for their support and assistance. She presented a check in the amount of \$500,000 to the City on behalf of the Florida Legislature for the Edgewood River Oaks Drainage Project.

Commissioner Hutchinson said that her District wants to thank Tallahassee, along with Senator Atwater, and she said this is the beginning of the checks to help solve the drainage problems in her district.

4. Lu Deaner Day

OB

Commissioner Trantalis on behalf of Mayor Naugle and the City Commission presented a proclamation designating September 20, 2005, as Lu Deaner day in the City of Fort Lauderdale to Ms. Deaner.

5. Annual Achievement of Excellence in Procurement Award

OB

The City Manager, Mayor Naugle and the City Commission recognized the Procurement Department for earning the 10th Annual Achievement of Excellence in Procurement Award for 2005 awarded by the National Institute of Purchasing, and the National Institute of Governmental Purchasing. This is the third year that the department has won this prestigious award, and is one of seventy-seven government agencies to receive this designation multiple times.

Kirk Buffington, Procurement Director, said he could not do the job without his staff, including Jim Hemphill – Sr. Procurement Specialist, and David Nash – Procurement Specialist II in Public Services.

6. Expression of Sympathy

OB

Mayor Naugle and the City Commission offered an expression of sympathy to the families of Bruce Garland and Daniel Adams.

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 – Halloween Rod Run Car Show**(M-1)**

A motion authorizing and approving execution of an Event Agreement with the Downtowner Saloon, Inc. for the Halloween Rod Run Car Show, to be held Sunday, October 30, 2005, 11AM – 5 PM; and authorizing closing of South New River Drive from Andrews Avenue to SE 3 Avenue, 8 AM – 7 PM on October 30, 2005.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0994

Event Agreement – NCPA Fun Run Walk**(M-2)**

A motion authorizing and approving execution of an Event Agreement with Greater Fort Lauderdale Convention and Visitor's Bureau – Broward County for the NCPA Fun Run Walk, to be held Monday, October 17, 2005, 6:30 AM – 8 AM, along the beach promenade.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0999

Air & Sea Show Agreement – Pro Series, Inc.**(M-3)**

A motion authorizing the proper City Officials to execute an agreement to provide exclusive rights to Pro Series, Inc. to conduct the Air & Sea Show on Fort Lauderdale Beach for an initial term of five years beginning in 2006, with an option to extend term of agreement by one additional five year term.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0889

Sistrunk Historical Festival, Inc. (M-4)
Sistrunk Historical Festival and Parade Events –
Debt Settlement

A motion approving a request from the Sistrunk Historical Festival, Inc., for payment of \$20,000 to settle the \$72,873.54 debt owed to the city from past Sustrunk Historical Festival and Parade events.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1034

Disbursement of Funds – Joint Investigation - (M-5)
O.R. Number: 99-133681 – Law Enforcement
Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$7,000, with each of the seventeen participating law enforcement agencies to receive \$411.76.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0983

Disbursement of Funds – Joint Investigation - (M-6)
O.R. Number: 99-133681 – Law Enforcement
Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$2,352.36, with each of the seventeen participating law enforcement agencies to receive \$138.37.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0984

Donation From Lauderdale Beach Homeowners (M-7)
Association – YAMAHA YFM45FASET ATV – Police
Patrol of Beach Area

A motion to accept a donation from the Lauderdale Beach Homeowners Association of a 2005 Yamaha YFM45FASET ATV for use by the Fort Lauderdale Police Department to enhance the patrol capabilities in the beach area and to authorize the proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1005

**Executive Airport – Air Traffic Control Tower
Operation – Reimbursable Agreement – Federal
Aviation Administration (M-8)**

A motion authorizing the proper City Officials to execute a Reimbursable Agreement with the Federal Aviation Administration for the 24-Hour Air Traffic Control Tower at the Executive Airport.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0992

**Dockage Lease Agreement & Sightseeing &
Charter Operations – Harbor Tours, Inc. –
Fiscal Year 2005-2006 (M-9)**

A motion authorizing the proper City Officials to execute a lease agreement with Harbor Tours, Inc. for dockage at New River Riverwalk (northeast of SE 3 Avenue bridge), October 1, 2005 through September 30, 2006, and authorizing Harbor Tours, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1015

**Dockage Lease Agreement & Sightseeing & Charter
Operations – Sightseeing Cruises, Inc. – Fiscal Year 2005-2006 (M-10)**

A motion authorizing the appropriate City Officials to execute a lease agreement with Sightseeing Cruises, Inc. for dockage at New River Riverwalk (northeast of SE 3 Avenue bridge), October 1, 2005 through September 30, 2006, and authorizing Sightseeing Cruises, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1016

**Dockage Lease Agreement & Sightseeing & Charter
Operations – CARFI Enterprises, Inc. – Fiscal
Year 2005-2006 (M-11)**

A motion authorizing the proper City Officials to execute a lease agreement with Carfi Enterprises, Inc. for dockage on southside of New River Riverwalk, October 1, 2005 through September 30, 2006 and authorizing Carfi Enterprises, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1017

Dockage Lease Agreement – Searock, Inc. (M-12)
Fiscal Year 2005-2006

A motion authorizing the proper City Officials to execute a lease agreement with Searock, Inc. d/b/a Allied Richard Bertram Marine Group for use of space along New River seawall, October 1, 2005 through September 30, 2006.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1018

Las Olas Municipal Marina Dockage Use Agreement (M-13)
2005 Fort Lauderdale International Boat Show

A motion authorizing the proper City Officials to execute a dockage use agreement with Yachting Promotions, Inc. and the Marine Industries Association of South Florida, Inc. for use of Las Olas Municipal Marina in connection with the 2005 Fort Lauderdale International Boat Show, October 26, 2005 to November 1, 2005.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1019

Dockage Lease Agreement – Marine Hospitality, Inc. (M-14)
Fiscal Year 2005-2006

A motion authorizing the proper City Officials to execute a lease agreement with Marine Hospitality, Inc. for dockage at the New River Riverwalk (northwest of SE 3 Avenue bridge), October 1, 2005 through September 30, 2006.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1026

Revocable License Agreement – Costa Dorada (M-15)
Associates, Ltd. – Closures and Covered Walkways -
Q Club Construction Site

A motion authorizing the proper City Officials to execute a revocable license agreement with Costa Dorada Associates, Ltd. to allow street, sidewalk and lane closures, and installation of covered walkways during construction of the Q Club located at 505 North Atlantic Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0659

Contract Award – VIP Painting, Inc. - \$33,500 (M-16)
John Fuhrer Downtown Helistop – Painting
And Fireproofing

A motion authorizing the proper City Officials to award and execute a contract with VIP Painting, Inc. in the amount of \$33,500 for painting the spaceframe fireproofing supports and western staircase of John Fuhrer Downtown Helistop.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0996

Contract Award – Williams Earth Sciences, Inc., (M-17)
Engineering Testing and Laboratory Services

A motion authorizing the proper City Officials to award and execute a contract with Williams Earth Sciences, Inc. to provide engineering testing and laboratory services for an initial period of three years and renewable for two additional one year periods – Project 10938.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1011

Contract Award – Green Acres LN Service Inc. - \$1,733,325 (M-18)
Right-of-Way Restoration Services – Waterworks 2011

A motion authorizing the proper City Officials to award and execute a contract with Green Acres Ln Service Inc. in the amount of \$1,733,325 for construction of general right-of-way restoration services in conjunction with WaterWorks 2011 projects – Project 10945.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1022

Contract Award – MBR Construction, Inc. - \$1,143,000 (M-19)
Sunset Memorial Gardens Administration Building

A motion authorizing the proper City Officials to award and execute a contract with MBR Construction, Inc. in the amount of \$1,143,000 for Sunset Memorial Gardens Administration Building – Project 10443.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1038

Sanitary Sewer Easement Agreement (M-20)
744 NE 18 Avenue – Cynthia L. West

A motion authorizing the proper City Officials to execute a Sanitary Sewer Easement Agreement with Cynthia L. West to provide sanitary sewer service to property located at 744 NE 18 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1025

Task Order 05-02 – Hazen and Sawyer, P.C. - \$48,223 (M-21)
Fiveash Water Treatment Plant Improvements

A motion authorizing the proper City Officials to execute Task Order 05-02 to Hazen and Sawyer, P.C. in the amount of \$48,223, for design, regulatory permitting assistance, bidding and award of a construction contract to replace filter media and underdrains in three filters at the Fiveash Water Treatment Plant – Phase I, Project 10387.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0898

Task Order – Keith and Schnars, P.A. - \$19,975 (M-22)
**A1A Seabreeze Blvd “3 Plus 2” Plan –
Transportation Improvements**

A motion authorizing the proper City Officials to execute a Task Order to Keith and Schnars, P.A. in the amount of \$19,975, Right-of-Way Appraisal Support and Cost-to-Cure Analysis for State Road A1A Seabreeze Boulevard “3 Plus 2” Plan – Fort Lauderdale Beach Transportation Improvements – Project 10088.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1009

Change Order 1 – Pino Kaoba & Associates, Inc. - \$38,061.81 (M-23)
Bayview Park Improvements

A motion authorizing Change Order 1 with Pino Kaoba & Associates, Inc. in the amount of \$38,061.81 – Bayview Park Improvements – Project 15010A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0931

Change Order 2 – Danella Companies, Inc. - \$197,058.20 (M-24)
Work Order 10507F – River Run, Flamingo Park, Oak River (Sewer Area 4 Basin F)

A motion authorizing the proper City Officials to execute Change Order with Danella Companies, Inc. in the amount of \$197,058.20 for contract quantity adjustments and additional costs for Work Order 10507F – River Run, Flamingo Park, Oak River – Sewer Area 4 Basin F.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1028

Change Order 1 – Homeside Dredging, Inc. - \$75,000 (M-25)
Dredging Two Outfalls – North Fork of New River

A motion authorizing Change Order 1 to Homeside Dredging, Inc., 2004-2005 annual dredging contract, in the amount of \$75,000 to dredge two outfalls in the North Fork of the New River – Project 10640.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1013

Change Order 1 – Weekley Asphalt Paving, Inc. - \$15,374.64 (M-26)
Lauderdale Manors Utilities Improvements Phase II

A motion authorizing Change Order 1 with Weekley Asphalt Company Inc. in the amount of \$15,374.64 for interim resurfacing work in Sewer Area Basin C – Lauderdale Manors Utilities Improvements Phase II – Project 10855.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1014

Tri-Party Access Agreements – Mills Pond Park (M-27)
Conservation Area – Conservation Land Site 121

A motion authorizing the proper City Officials to execute three Tri-Party Access Agreements with Broward County and contractor (Oaks at Oakland Park, LLC, Lowell at Provence, Inc. and Rockefeller Center Management Corporation) to allow mitigation at Mills Pond Park Conservation Area (Conservation Land Site 121).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0991

Funding for Bicycle & Pedestrian Coordinator Position (M-28)
Florida Department of Transportation – Highway Safety Grant

A motion to accept and authorize the proper City Officials to execute an agreement with Florida Department of Transportation to fund year three of City's Bicycle and Pedestrian Coordinator position in the amount of \$46,642 plus benefits with a 25% funding match by the City estimated to be \$13,873.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1037

Co-Sponsorship – Fort Lauderdale International Film (M-29)
Festival 20th Anniversary

A motion approving co-sponsorship of the Fort Lauderdale International Film Festival's 20th anniversary event, October 1, 2005 – November 13, 2005.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1048

PURCHASING AGENDA

Public Safety Annual Maintenance Contracts (PUR-1)

One-year subscription renewals for the Public Safety System maintenance contracts are being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Various Vendors

Amount: \$384,826.38

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0998

The Procurement Services Department recommends approving the annual subscription renewals.

512-8493 – Helpdesk Software Contract Assignment (PUR-2)

An assignment of the contract for helpdesk software is being presented for approval by the Information Technology Department.

Recommend: Motion to approve.

Vendor: Pathlore Software Corporation
Chicago, IL
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-1002

The Procurement Services Department recommends approving the contract assignment.

442-9055 – Additional Landscape Maintenance Services, (PUR-3)
Riverwalk South

Additional landscape maintenance services for the new Riverwalk South location is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.
Vendor: DynaServ Florida, Inc.
Davie, FL
Amount: \$7,206.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-0980

The Procurement Services Department recommends approving the additional contract expenditure.

252-9200 – Inventory Control System – Fire Rescue (PUR-4)

Approval to purchase an inventory control system is being presented by the Fire-Rescue Department.

Recommend: Motion to approve.
Vendor: Advanced Public Safety, Inc.
Deerfield Beach, FL
Amount: \$136,050.00
Bids Solicited/Rec'd: 1231/5
Exhibit: Commission Agenda Report 05-1031

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

Proprietary – Grants Locator System Software Subscription (PUR-5)

One-year subscription renewal for Grants Locator System Software is being presented for approval by the City Manager's Office.

Recommend: Motion to approve.
Vendor: eCivis – a Division of Ferguson Group
Washington, DC

Amount: \$15,500.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-0988

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

452-9246 – Purchase of Curbside Recycling Bins

(PUR-6)

One-year contract for curbside recycling bins is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: SCL A-1 Plastics Limited
Bronpton, ON
Amount: (per unit pricing)
Bids Solicited/Rec'd: 583/3
Exhibit: Commission Agenda Report 05-0907

The Procurement Services Department recommends awarding to the low responsive and responsible bidder.

252-9253 – Reject Single Bid For 12' Service Body and Re-Bid

(PUR-7)

A request to reject the single bid received in an effort to re-bid and increase competition is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Fontaine Truck Equipment Co.
Birmingham, AL
Bids Solicited/Rec'd: 55/1
Exhibit: Commission Agenda Report 05-0977

The Procurement Services Department recommends rejecting the single bidder and re-bidding item.

252-9242 Purchase of Brush Chippers

(PUR-8)

An agreement to purchase two brush chippers is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Vermeer Southeast Sales & Service, Inc.
Orlando, FL
Amount: \$69,336.00

Bids Solicited/Rec'd: 150/1
Exhibit: Commission Agenda Report 05-0981

The Procurement Services Department recommends awarding to the single responsive and responsible bidder

252-9241 – Purchase of Vibratory Roller (PUR-9)

An agreement to purchase a vibratory roller is being presented for approval by the Parking and Fleet Services.

Recommend: Motion to approve.

Vendor: Flagler Construction Equipment, LLC
Maitland, FL
Amount: \$20,900.00
Bids Solicited/Rec'd: 219/4
Exhibit: Commission Agenda Report 05-1008

The Procurement Services Department recommends awarding to the lowest responsive and responsible bidder.

252-9205 – Purchase of 20 Multi-Space Parking Meters With a Seven Year Maintenance Agreement (PUR-10)

Purchase of 20 multi-space parking meters with a seven year maintenance agreement is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Digital Payment Technologies Corp.
Burnaby, BC
Amount: \$316,026.00 (includes 7-year maint agreement)
Bids Solicited/Rec'd: 344/5
Exhibit: Commission Agenda Report 05-1039

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

PUBLIC HEARINGS BUDGET

Fiscal Year 2005-2006 Millage Rate And Budget (PH-1)

Final Public Hearing to consider proposed millage rate and budget of the City of Fort Lauderdale for fiscal year beginning October 1, 2005 and ending September 30, 2006.

Mayor Naugle said that this is the second of two public hearings to be held as required by law on the millage rates and the City of Fort Lauderdale Budget for Fiscal Year 2005-2006. The purpose of the hearing is to receive requests and comments regarding the City's budget, tax levies and to explain the budget and any amendments thereto.

Mayor Naugle announced that the Director of the Office of Management and Budget will present the millage rates tentatively adopted by the City Commission.

Allyson Love, Director Management and Budget, said the purpose of the second public hearing is to present the tentatively approved property tax millage. Time would be provided for public comment regarding property taxes, and the tentatively approved budget. Staff is seeking final approval of the millage rate and the Fiscal Year 2006 Budget.

Ms. Love said of the General Fund appropriation is \$251.9 Million, and the All Funds Budget is \$435.7 Million. The totals do not include the projected fund balance of \$16.6 Million for the General Fund. The operating mill rate is 5.0924, and the total operating plus debt is 5.4313. The total operating plus debt millage revenue is \$122.7 Million. In terms of the property tax impact to the homeowners, the tentatively approved operating plus debt millage of 5.4313 for the average homesteaded property for a single family would decrease by \$49.10 and \$31.56 for a condominium. For non-homesteaded assessed property, it would be \$212.64, and \$147.86 for a condominium.

Ms. Love further said that the City's millage rate is only part of the total tax bill; it represents 22%. She said that 34% of the tax bill goes to the School Board, 29% to Broward County, 10% to the Hospital District, 3% to the South Florida Water Management District, and the remaining percentage of 3% is for "Other" including Children's Services, Hillsboro Inlet and FIND (Florida Inland Navigation District). This is based on the average assessed value of a single-family home at \$337,717.

Ms. Love said that the All Funds Budget of \$452.4 Million represents the following: 60% for the General Fund, 35% Enterprise Fund, 3% Debt Service Fund, and 2% for Other Funds. The General Fund of \$268.6 Million - 46% represents property taxes, 7% fines, forfeitures, transfer balances and reserves, 13% miscellaneous, 6% charges for services, 6% intergovernmental, 4% licenses and permits, and 17% other taxes.

Ms. Love said the money is distributed as follows: 10% to the Parks and Recreation Department, 6% to Public Works, 51% to Police and Fire, 6% to the Building Department and Planning and Zoning, and 13% to Other.

Ms. Love said that All Funds regarding staffing levels includes permanent full-time positions totaling 2,445; 5 temporary full-time positions; 138 temporary part-time positions, and 53 new fulltime equivalent (FTE) positions. She said the total number of positions is 2,641 serving over 173,000 citizens. As requested by the City Commission at the First Public Hearing, one Historic Resource Planner was added in the Budget for 2006.

Ms. Love said that a summary of the City's fees included in the budget are 5% for storm water rate increase, and 2.5% for water and sewer rate increase. She said no increases are being made for sanitation or the fire assessment fees.

Ms. Love further said that the proposed 2006 budget and related financial documents are available at the Fort Lauderdale location for the Broward County Library, and the City's website.

Commissioner Hutchinson said that today at their Conference Meeting, the Commission discussed the Broward Urban River Trails. She was under the impression that this would be added to the budget. Commissioner Moore thought there are discretionary funds for that item.

Dennis Ulmer, 1007 NW 11th Place, said that the budget was presented at District III's meeting. He commended the City Manager for his efforts in restoring the City's Bond Rating, which he felt is critical to the future health and economic prosperity. He said that at the first Public Hearing for the Budget, the Commission discussed adding a position of Historic Resource Planner. He supported that decision because the City would be 100 years old in a short while, and historic preservation has been discussed for years. It is past due that the City make an effort to determine what is historic and what should be preserved in all areas of the City. He commended the Police Department for their current recruiting efforts to fill their vacancies. Public safety is everyone's responsibility. Citizens need to help the police to reduce crime. The best way to reduce crime is to try harder not to be victims.

Mr. Ulmer said that City employees had made many sacrifices in the past during the City's economic hardship. Great cities are not made by bricks and mortar, but by people. The citizens are grateful to the employees for their help and cooperation in making the City a better place to live.

Kate Healey said that she is not happy about her taxes. They have increased from \$4,900 to \$9,600. She went to the County Commission meeting and heard all of the excuses. She realizes that taxes have to increase at some point, and that there is a constitutional issue that ties people's hands. There is a windfall in Broward County this year, along with the City, to the tune of \$44.8 Million of extra revenue. She said that is extra property tax collected each year when the rate is compared to how much would have been raised had the government adopted the rollback rate. She asked why the City could not adopt the rollback rate since they made so much money from the extra taxes due to construction and annexation. Some City employees have City vehicles to take home. The City needs to begin trimming the fat. Everyone has benefited from the increase in property values, but actually the developers, real estate agents, and investors are the ones that really benefited. She was outraged at the increase in property taxes being imposed. Individuals can no longer afford to rent in this City due to the increase in property taxes and insurance rates. Low and middle income individuals cannot afford to live in this City. She felt it is up to the government to get affordable housing.

Ms. Healey said that at the last meeting, Commissioner Hutchinson had said the following: "Proposing legislation through the State to give residents a one-time freebie."

Commissioner Hutchinson said that she did not make that statement.

Mayor Naugle said that there is a proposal that would allow a once in a lifetime ability to transfer Save Our Homes value to another property to free properties and increase the supply of real estate so the prices would not be so high. Commissioner Hutchinson added that discussion is taking place at the State level. Mayor Naugle said it would be a State Constitutional Amendment.

Ms. Healey asked if something could be done to reduce the millage rate. She was appalled that more citizens are not present and coming forward to speak about this issue. People are going to start moving, but the rates will continue to rise.

Larhonda Ware, President of Dorsey Riverbend Civic Association, residing at 417 NW 16th Avenue, said she is present tonight to address the issue of funding regarding programs in the City, specifically the northwest and southwest sections. She said the closing of Sutherland Park in the northwest area created issues and concerns for the residents, and with the closing of Lincoln Park created a hazard for the community. Since Joseph C. Carter Park is now open, there will be more programs. She asked why the City is not going to continue funding programs that impact the children's lives in the northwest portion of the City. Northwest area residents do not understand the logic of removing these programs. Residents feel the City has been neglecting the children in that part of the City. For many years the children ran rampant due to park closures. She asked the Commission to fund these programs (Dart Team and Judo), so the children would have activities in the northwest section of the City.

Dee Maynard thanked Commissioner Trantalis for informing her that the millage rate has been lowered slightly. She recently purchased a small condominium in Riverside which was all she could afford in Fort Lauderdale. She said she wants to retire in her home, but it doesn't look like it will be possible. She is fighting developers and investors who are purchasing condominiums around her in order to rent and flip them. She said that her homestead would kick-in until next year, but her unit would be appraised at about \$250,000, which is not affordable. She is afraid that she would not even be able to afford to rent in Fort Lauderdale. She feared that by the time the Commission does something about this for teachers, firemen or City employees who cannot afford to live in the city, it would be too late for her. She asked if it was possible for the City to penalize individuals who flip their units in the first year or lower taxes for people every year that they live in the same place. She hoped that teachers like her could be grandfathered in when a decision is made regarding affordable housing. She noted that there are no special benefits to her knowledge that are afforded to teachers trying to purchase homes.

Commissioner Trantalis said that people who purchase homes even under \$200,000 are finding it difficult to pay the upkeep. In the Commission's discussions regarding affordable housing, they are talking about \$300,000 as the affordable housing benchmark. Based on a rough calculation, someone paying \$300,000 for a house, would pay \$7,000 to \$8,000 for taxes. Ms. Maynard, a teacher, purchased property well below the so-called affordable housing benchmark. Everyone needs to keep in mind that most people cannot afford \$6,000 to \$7,000 in taxes in a so-called affordable housing level. He wondered if the Commission fully appreciates the impact that taxes have on residents, in addition to the cost for upkeep of the property. He said they should be more holistic in their approach in determining what is truly affordable.

Mayor Naugle agreed and noted that the mortgage payment eventually goes away, but taxes are forever.

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

Mayor Naugle said that the City of Fort Lauderdale will be levying the following millage rates on all real property within the City of Fort Lauderdale:

The millage rate for all general City purposes exclusive of debt service will be 5.01924, which represents a 7.03% increase in the millage rate over the roll-back rate of 4.7581 mills, which by State Statute is characterized as a 7.03% increase in property taxes.

The millage rate for debt service for the combined 1987/1992/1998 General Obligation Refunding Bonds is .1664 which represents a 13.82% decrease in the millage rate over the roll-back rate of .1931.

The millage rate for debt service for the 1997/2002 General Obligation Bonds is .190 which represents a 9.15% decrease in the millage rate over the roll-back rate of .1310.

The millage rate for debt service for the 2005 General Obligation Bonds is .0535. This is a new bond issued in June of 2005.

Commissioner Moore introduced the following millage resolution:

RESOLUTION NO. 05-162

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006.

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

Commissioner Moore introduced the following final budget resolution:

RESOLUTION NO. C-05-24

AN ORDINANCE ADOPTING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006.

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

**Sunrise Key Neighborhood Improvement District (PH-2)
Tentative Millage Rate and Budget – Fiscal Year 2005-2006**

Final Public Hearing to consider the proposed millage rate and budget for Sunrise Key Neighborhood Improvement District for Fiscal Year beginning October 1, 2005 and ending September 30, 2006.

Mayor Naugle said that this is the second of two public hearings to be held as required by law on the millage rate and the Sunrise Key Neighborhood Improvement District budget for Fiscal Year 2005-2006. The purpose of the hearing is to receive requests and comments regarding the Sunrise Key Neighborhood Improvement District's budget and tax levies and to explain the budget and any amendments thereto.

Mayor Naugle proceeded to open the public hearing. He said that the Director of the Office of Management and Budget would present the millage rate tentatively adopted by the City Commission.

Allyson Love, Director Management and Budget, said that the Sunrise Key Neighborhood Improvement District decided to keep their millage rate at 1.000 and the same budget for Fiscal Year 2006. She said the budget is as follows: Insurance \$5,000; Accounting Audit & Administration \$3,000; Vehicle Rental \$4,200; Building and Equipment, Repair and Maintenance \$6,000; Security \$35,000; Landscaping, Lawn Maintenance and Pest Control \$5,000; and Contingencies \$3,000. The total budget for 2006 is \$61,200.

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

Mayor Naugle said that the City of Fort Lauderdale will be levying the following millage rate on all real property within the Sunrise Key Neighborhood Improvement District:

The millage rate for all Sunrise Key Neighborhood Improvement district purposes will be 1.0 mill, which represents an increase of 20.22% over the roll-back rate of .8318 mills, which by State Statute is characterized as a 20.22% increase in property taxes.

Commissioner Moore introduced the following millage resolution:

RESOLUTION NO. 05-163

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006.

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

Commissioner Hutchinson introduced the following budget resolution:

RESOLUTION NO. 05-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006.

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

The City Manager said that the City Commission last year at this time approved a restructuring plan that included the creation of the Office of Management and Budget. He thanked Budget Director Allyson Love and her staff for their hard work and help regarding the budget.

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

Motion made by Commissioner Hutchison and seconded by Commissioner Trantalis that Consent Agenda Item Nos. M-3 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

Mayor Naugle noted the Pur-4 (Inventory Control System-Fire Rescue) has been removed from the agenda by the City Manager.

Mayor Naugle announced that Item No. Pur-5 has a correction. This year's subscription fee is \$16,585..

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

Air & Sea Show Agreement
Pro Series, Inc.

(M-3)

Commissioner Moore said he pulled this item. He was happy to know that the City is negotiating and working out a five-year contract. He said he is still disappointed that the City and Pro Series could not come together to deal with the pins being sold as a revenue source. He wanted to know if they are willing to work with the City in offering the community an opportunity so they could work together to create the funding

necessary to do special events in this City. He found worldwide companies willing to manufacture pins at their expense, but have been denied the opportunity to bring this as a revenue source for special events that would help underwrite costs.

Johnny Williams, President of Pro Series, Inc., said they did look into this matter last year, and they were faced with various issues. One issue was funding. He asked who is going to pay for the pins. It goes beyond organizations being willing to pay for these pins, but establishing promotions and retail locations, along with building interest in the community. The question became whether their organization could handle such a task, and they decided they could not do it. They are always willing to look into ways of generating revenue to help underwrite costs of the event, but they have to make sure it is a viable option. He was more than willing to continue discussions regarding the pin promotion. He liked the idea and discussed it with some corporate partners, but they could not get it to come to fruition.

Commissioner Moore said the company that did the promotions for the USA Olympics had been to a Commission meeting, and provided several opportunities to work with them in producing and manufacturing such pins. He saw these at the Kentucky Derby and the program is called Thunder. The Derby has found such pins and the exchange of the pins to be a mechanism in generating revenue for the special event. A company came forward and said they would underwrite the pins, distribute them, and they felt it would be a success. That company produced the pins for the Thunder program. He wanted to vote for this item with the understanding that if there is the capability of the underwriting of the pins and distribution and marketing, and the revenue generated would help underwrite the expense afforded to the City for the event, as well as Pro Series' cost for providing revenue to the City for expenses incurred, and all others would share a percentage. He asked if this is an acceptable position.

Mr. Williams said he is more than willing to look into any such programs, but it is his understanding that there is no expense for the event for the City. They are covering the cost for the event based upon the new arrangement. If such a promotion is established, then the costs could go back and help underwrite the costs of the event, he would be willing to look into it.

Commissioner Moore said if there is a cost to the City, then he would want that cost to be taken care of first. Then they would deal with the expenses Pro Series is paying to the City. Any revenue generated would be returned to Pro Series, and all proceeds above and beyond those costs would be shared. It is his belief that such a program may take 3-5 years to be a real revenue generator.

Mr. Williams said he would agree to such terms.

Vice Mayor Teel referred to Mr. Williams' statement that the show is not going to cost the City any money, and asked for the Director of Parks and Recreation to comment on that remark.

Phil Thornburg, Director of Parks and Recreation, said the estimate for the 2006 show in regard to costs to the City would be \$19,382.

Vice Mayor Teel asked if there are any in-kind services being provided. Mr. Thornburg said there is not much at all, if any. Most of the in-kind has been removed; it is all a

direct cost either to the City or the promoter. Vice Mayor Teel commended staff for working on this matter. Previously the show cost the taxpayers over \$500,000. She supported the pin concept as long as it does not cost the taxpayers any money, and the City would not have to front any funds.

Commissioner Moore thanked the Air & Sea Show for bringing such a fine product to this City. The event brings international exposure to the City.

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

Mayor Naugle thanked Commissioner Moore for the pin idea, and he offered him to serve as the chair of such a committee. Commissioner Moore accepted the offer.

ORDINANCES

**Voluntary Annexation of School Board Property
At Dillard High School – 3.7 Acres – Northeast Corner
Of NW 27 Avenue and NW 11 Street**

(O-1)

An ordinance annexing to the City of Fort Lauderdale all of Block 4, New Town, together with rights-of-way for NW 11 Street, NW 11 Court and NW 25 Avenue.

Commissioner Moore introduced the following ordinance on 2nd reading:

ORDINANCE NO. C-05-23

AN ORDINANCE ANNEXING TO THE CITY OF FORT LAUDERDALE, FLORIDA, ALL OF BLOCK 4, "NEW TOWN," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGE 9, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; TOGETHER WITH PORTIONS OF THE RIGHTS-OF-WAY FOR NORTHWEST 11TH STREET, NORTHWEST 11TH COURT AND NORTHWEST 25TH AVENUE; ALL BEING BOUNDED ON THE NORTH BY THE SOUTH LINE OF BLOCK 3 OF SAID "NEW TOWN;" BOUNDED ON THE EAST AND SOUTH BY THE CORPORATE LIMITS OF THE CITY OF FORT LAUDERDALE AND THE SOUTH LINE OF SAID BLOCK 4; AND ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 27TH AVENUE; SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

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

Commissioner Moore introduced and recognized Nikita Raymond, a Senior at Fort Lauderdale Christian School, who is completing an assignment for school.

Name Change – Citizens Police Review Board (O-2)

Commissioner Moore introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-28

AN ORDINANCE AMENDING DIVISION 4, CITIZEN REVIEW BOARD, SECTIONS 2-248, 2-249 AND 2-250 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO CHANGE THE NAME OF THE CITIZEN REVIEW BOARD TO THE CITIZENS' POLICE REVIEW BOARD.

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

Firefighters Supplemental Share Plan (O-3)

Commissioner Moore introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-29

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE CREATING A NEW DIVISION 4, ENTITLED "FORT LAUDERDALE FIREFIGHTERS' SUPPLEMENTAL SHARE PLAN" BY CREATING SECTIONS 20-136 THROUGH 20-142; PROVIDING FOR CREATION AND PURPOSE; DEFINITIONS; FUNDING; PARTICIPATION; ALLOCATION AND DISTRIBUTION TO ACCOUNTS; LIMITATIONS ON ALLOCATIONS AND DISTRIBUTIONS; BENEFITS; FORFEITURES; VESTING; PAYMENT OF BENEFITS; DIRECT ROLLOVER OF CERTAIN DISTRIBUTIONS; MISCELLANEOUS PROVISIONS; EFFECTIVE DATE.

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

Amendment to the Pay Plan – Schedule I (O-4)

Commissioner Moore introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-30

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE ADDITION OF NEW CLASSES, THE TITLE CHANGE OF TWO CLASSES, THE TITLE CHANGE, PAY RANGE AND MANAGEMENT CATEGORY ADJUSTMENT OF ONE CLASS, AND THE PAY RANGE ADJUSTMENT OF ONE CLASS, ALL IN SCHEDULE I.

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

Amendment To The Pay Plan – Schedules I and II (O-5)

Commissioner Moore introduced the following ordinance on 1st reading:

ORDINANCE NO. C-05-31

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR MODIFICATIONS IN THE SCHEDULES AND PAY RANGE AMOUNTS FOR UNREPRESENTED SCHEDULE I, SUPERVISORY, PROFESSIONAL, AND MANAGERIAL EMPLOYEES, AND SCHEDULE II, CONFIDENTIAL EMPLOYEES TO PROVIDE FOR A TWO PERCENT COST-OF-LIVING ADJUSTMENT TO BE EFFECTIVE THE PAY PERIOD BEGINNING 10/09/05 AND AN ADDITIONAL ONE PERCENT COST-OF-LIVING ADJUSTMENT TO BE EFFECTIVE THE PAY PERIOD BEGINNING 4/09/06; AMENDING ALL CITATIONS IN SCHEDULE I OF THE CITY’S PAY PLAN THAT REFER TO “SUPERVISORY, PROFESSIONAL AND MANAGERIAL” EMPLOYEES TO “SUPERVISORY PROFESSIONAL AND MANAGERIAL – P.E.R.C. EXEMPT” EMPLOYEES AND PROVIDING FOR AN EFFECTIVE DATE FOR THE CITATION MODIFICATIONS.

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

Water, Sewer, and Stormwater Rate Increase (O-6)
Fiscal Year 2005-2006

ORDINANCE NO. C-05-26

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 28-76, 28-141, 28-143, 28-144, 28-145, AND 28-197 THEREOF TO INCREASE WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES AND STORMWATER MANAGEMENT PROGRAM RATES.

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

Rezoning- Four Townhouses – 1400-1402 NW 2 Street - (O-7)
Case 5-Z-05 – Pamela Adams

Applicant: Pamela Adams
Location: 1400-1402 NW 2 Street (Location Map attached as Exhibit 4)
Zoning: CF Community Facility to RMM-25 Residential Multi-Family

Commissioner Moore introduced the following ordinance on 2nd reading:

ORDINANCE NO. C-05-25

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM CF TO RMM-25; LOTS 25 AND 26, BLOCK 9, “SEMINOLE FOREST,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE SOUTHWEST INTERSECTION OF NORTHWEST 14TH AVENUE AND NORTHWEST 2ND 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: Commissioner Hutchinson, Vice Mayor Teel, Commissioners Trantalis and Moore, and Mayor Naugle. NAYS: None.

RESOLUTIONS

Florida Department of Transportation – Joint Participation Agreement (R-1)
Executive Airport – Aircraft rescue and Fire Fighting Vehicle

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT (JPA) WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), FOR THE PURCHASE OF AN AIRCRAFT RESCUE AND FIREFIGHTING (ARFF) VEHICLE AT THE FORT LAUDERDALE EXECUTIVE AIRPORT FOR THE APPROXIMATE COST OF \$720,000 OF WHICH FDOT WILL CONTRIBUTE UP TO FIFTY PERCENT (50%), UP TO A MAXIMUM OF THREE HUNDRED SIXTY THOUSAND DOLLARS (\$360,000) (FINANCIAL PROJECT NO.:418249-1-94-01).

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

100 East Las Olas, Ltd – Case 17-P-05 (R-2)
Vacate Non-Vehicular Access Line – New River Center

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT (JPA) WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), FOR THE REHABILITATION OF AIRFIELD PAVEMENT MARKINGS AT THE FORT LAUDERDALE EXECUTIVE AIRPORT FOR THE APPROXIMATE COST OF \$100,000 OF WHICH FDOT WILL CONTRIBUTE UP TO EIGHTY PERCENT (80%), WITH A MAXIMUM CONTRIBUTION OF EIGHTY THOUSAND DOLLARS (\$80,000) (FINANCIAL PROJECT NO.: 412370-1-94-01).

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

Rescheduling October 4, 2005 City Commission Meetings (R-3)
To October 5, 2005

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE OCTOBER 4, 2005, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO OCTOBER 5, 2005.

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

Ratification of Contract – Teamsters Local Union 769

(R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND TEAMSTERS LOCAL UNION 769, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO, REGARDING THE COLLECTIVE BARGAINING UNIT DEFINED IN FLORIDA PUBLIC EMPLOYEES RELATIONS COMMISSION CERTIFICATION NUMBER 1519 DATED NOVEMBER 16, 2004.

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

Ratification of Contract – Federation of Public Employees

(R-5)

A resolution ratifying contract – Federation of Public Employees effective upon ratification through September 30, 2007.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND FEDERATION OF PUBLIC EMPLOYEES, A DIVISION OF THE NATIONAL FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES, AFL-CIO, REGARDING THE COLLECTIVE BARGAINING UNITS DEFINED IN FLORIDA PUBLIC EMPLOYEES RELATIONS COMMISSION CERTIFICATION NUMBERS 1521 AND 1523 DATED

NOVEMBER 30, 2004.

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

Site Plan Review – Mixed Use (R-6)
Allocation of Post 2003 Dwelling Units – Case 41-R-05

Applicant: Broward GP, LLC (Groupe Pacific)
Location: 111 East Broward Boulevard

Site Plan Review – Mixed Use; Allocation of Post 2003 Dwelling (R-7)
Units – Case 96-R-05

Applicant: Lauderdale Lumber Company, Inc.
Location: 405 NE 2 Street

Site Plan Review – Mixed Use; NOLA LOFTS – PHASE II (R-10)
Allocation of Post 2003 Dwelling Units – Case 46-R-04

Applicant: Downtown Lofts, LLC
Location: Between NE 2 and 3 Streets, between Federal Highway and NE 3 Avenue

Commissioner Trantalis referred to items R-6, R-7 and R-10. If R-6 is approved by the Commission it would preclude the other two items from being approved; it would become moot. He asked if the Commission might want to reshuffle the order of the items and possibly review R-6 after R-7 and R-10 to determine if the items have any merit before consuming the balance of the units that R-6 would require.

Mayor Naugle said that is an interesting point. He recalled that when this was first on the Commission's agenda, it was stated that they would take up both items at the same time when there were only two to deal with. He asked what the City Attorney's position is regarding these matters.

When there were 10,000 units available, Commissioner Moore asked if they had been ranked before the units became available. He asked if a number issue came about at that time, and why should this be done at this time.

The City Attorney said this is an unusual situation that he believed has not occurred before. It is the first time in over 30 years of local government representation that they have run out of units. From that standpoint, it is incumbent upon the Commission to make a determination and policy, since they are at the very end of such units, as to how the units should be allocated. No Applicant has any right to any particular place on the agenda. The agenda can be moved around by the Commission. Many times things have been taken out of order. Or the items can be discussed at the same time. It is up to the Commission.

Mayor Naugle said at the last meeting, the Commission talked about discussing both items at the same time. He said input could be taken on all three items, and then a discussion about all three.

Commissioner Trantalis said it is important to be realistic and to recognize the fact that they have reached the point where they have come to a limit of the number of units, and he did not want to find themselves in a situation where they could not look at two proposals if one is approved. At the same time he did not want to reject an Applicant on the basis that they may be looking to approve another Applicant. All three may have merit. He agreed with reviewing all of the items at the same time, if they are made a single item on the agenda.

Commissioner Hutchinson was concerned about the people present tonight for Items R-8 and R-9. Possibly those items could be dispensed with first.

No Objection – Amendment to Note on Plat (R-8)
Beta Plat – 2323 West State Road 84 and SW 15
Avenue – Case 11-P-03

Applicant: Hibiscus LLC
Zoning: B-2 General Business

Amendment to note on Beta Plat, restricting to 34,092 sq. ft. of office use on Tract A; 60,000 sq. ft. of office use and 1,965 sq. ft. of commercial use on Tracts B and C; and 54 two-bedroom villas and 8 three-bedroom villas on Tract D.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
 OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION
 TO A CHANGE TO A NOTE ON A PLAT KNOWN AS "BETA PLAT."

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

Cypress Creek Florida, LLC – Sierra Business Phase I - (R-9)
Case 6-M-05 – Vacate utility Easements – Fort Lauderdale
Industrial Airpark Section 2

Applicant: Cypress Creek Florida, LLC.
Location: 1200 NW 62 Street

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT PORTION OF THE UTILITY EASEMENTS DESCRIBED IN OFFICIAL RECORD BOOK 4984, PAGE 875; AND OFFICIAL RECORD BOOK 4942, PAGE 380, LYING OVER AND ACROSS, LOT 48, "FORT LAUDERDALE INDUSTRIAL AIRPARK – SECTION 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 63, PAGE 8; AND LOT 49, "RESUBDIVISION OF LOTS 49, 50 & 51, FORT LAUDERDALE INDUSTRIAL AIRPARK – SECTION 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 69, PAGE 18, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LYING SOUTH OF A LINE BEGINNING ON THE WEST LINE OF SAID LOT 48, AT A POINT 5.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 48; AND TERMINATING ON THE EAST LINE OF SAID LOT 49, 50.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 49, LOCATED ALONG THE NORTHERN PERIMETER OF FORT LAUDERDALE EXECUTIVE AIRPORT, WEST OF NORTHWEST 10 TERRACE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Site Plan Review – Mixed Use (R-6)
Allocation of Post 2003 Dwelling Units – Case 41-R-05

Applicant: Broward GP, LLC (Groupe Pacific)
Location: 111 East Broward Boulevard

Site Plan Review – Mixed Use; Allocation of Post 2003 Dwelling Units – Case 96-R-05 (R-7)

Applicant: Lauderdale Lumber Company, Inc.
Location: 405 NE 2 Street

Site Plan Review – Mixed Use; NOLA LOFTS – PHASE II (R-10)
Allocation of Post 2003 Dwelling Units – Case 46-R-04

Applicant: Downtown Lofts, LLC
Location: Between NE 2 and 3 Streets, between Federal Highway and NE 3 Avenue

Commissioner Moore said he does not like what he sees happening here. He referred to the City Attorney's statement that this is the first time in history that they are going to be out of units, and the Commission always has had the ability to place items on the

agenda based on time issues, but not on the opportunity of a development potential that would end the opportunity for units. He said that he is not going to sit here and be a part of something that he believes would challenge the City and himself as an individual. This is a lot of money being proposed by each developer. If the Commission decides it is going to mix these presentations into one, then he is leaving the dais. He said he would not be a part of something he believes is inappropriate. This is an extra ordinary situation, and developers are in this room attempting to deal with one of these developmental sites, have gone through a process governed by this municipal entity, and then this is thrown into the mix. If the City Attorney believes this is an appropriate thing to do, he will leave the dais and allow the Commission to proceed.

Mayor Naugle believed the City Attorney said that this has not occurred for 30 years. He said that he remembers when the City had the moratorium and it was based on a situation where the 6th Street sewage plant was shut down by the state government, and they could not give any building permits in the City. He does not recall how the Applicants were handled, but this is not the first time this has happened.

Commissioner Trantalis said if the items are addressed in the order in which they appear, and if the Commission has favorites that come later in the agenda, it would require them to reject Item R-6 which they might not object to if it was viewed in an equal standing with the other two development proposals. They would automatically have to vote out Item R-6 if someone wanted one of the other two items. Item R-6 might be very meritorious and the building important to the City, but there may be people on the Commission that have a reason to want to vote in one of the other two building proposals. He said if the Commission looked at them all at the same time, they would be placed on equal standing. If someone feels he is suggesting something underhanded, then he would withdraw his proposal. He did not want anyone stampeding off the dais in protest because they feel something wrong is being done. He said he does not want even the appearance of impropriety. It is important for the Commission to be above board. He proposed this to save time and aggravation on the part of the petitioners that are present tonight.

Commissioner Hutchinson said she voiced her opinion a lot lately about this entire fiasco. The Commission has never before been placed in such a position, and she is uncomfortable. This "horse race" so to speak has always been, as units go, a first-come, first-serve basis, and she would still go back to that. Her question has never been answered, and she felt the Commission is being put in a very bad position to have all three of these projects listed on the agenda at one time. She has been uncomfortable with this from the beginning.

Commissioner Trantalis withdrew his request.

Mayor Naugle said that the Commission has decided to take the items one at a time.

The City Attorney wanted to make a correction to a statement made by Commissioner Hutchinson, which is that their policy in the past has been first complete, first served. Often someone could put in an application, and someone will come later but get through the process earlier because all information has been submitted.

Mayor Naugle asked who was first to complete.

Of all three of the developments being proposed, Commissioner Moore asked how many units are available.

Marc LaFerrier, Director of Planning and Zoning, said there are 256 dwelling units available in the Downtown RAC. There are 470 units being requested tonight. The Commission could not approve all of those this evening because there are a limited number of units that can be approved. He said this is a situation that is not only unique to this City, but one that is countywide. The Regional Activity Center is one that is undergoing a lot of redevelopment.

Mr. LaFerrier said further that the City Attorney is correct. Anecdotally, it has been first-come, first-serve, but in reality it has been who has completed all of the DRC comments, and found in compliance with the Downtown Master Plan, and received sign-offs from all departments. Then, it is brought forward to the Commission or the Planning and Zoning Board depending on the route of approval process. One of the three projects listed tonight was submitted in 2004. Groupe Pacific, R-6, submitted in January, 2005, and EDI submitted in May, 2005, but there are some clear distinctions in their submittals. Groupe Pacific submitted for a 55-story building, consisting of 481 units, and with the floor plate size, it was about 50% to 60% greater than the size allowed by the Downtown Master Plan. They made about 8-9 revisions over the last six months. In contrast EDI came forward in May and their plans were generally consistent with the Unified Land Development Regulations (ULDR) and the Downtown Master Plan. The revisions were minor, and therefore, completed in a more efficient fashion. The other distinction between the two is that at the very end of the process, both submitted their plans for final review by City staff, Groupe Pacific was on August 9th and EDI was on August 8th. In the case of EDI, they had some small changes relating to the size of parking spaces, and Groupe Pacific had more dramatic changes. He said they reduced their dwelling units from 355 to 255, but did not make changes regarding the size of the parking garage. Recent changes have also been made regarding the height of the building from 48 stories to 42 stories. No revised plans have been submitted, only revised renderings consisting of the 12th story downward. EDI also reduced the height of their building from 31 stories to 28 stories, and resubmitted all of their plans.

Mayor Naugle said that based on this information, the Commission would move forward with R-7 and then R-6.

**Site Plan Review – Mixed Use – Allocation of
Post 2003 Dwelling Units – Case 96-R-05**

(R-7)

Applicant: Lauderdale Lumber Company, Inc.
Location: 405 NE 2 Street
Zoning: Downtown Regional Activity Center – City Center District (RAC-CC)

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

Commissioner Hutchinson said she was asking the question, but did not know it would change the order of the agenda.

Mayor Naugle asked if anyone objects to taking the first completed application first.

Commissioner Moore said they need to have some conversation regarding this issue amongst the Commissioners. He wanted to feel comfortable with this issue. Of the three Applicants for the remaining 214 available units, he asked if they were going through the process at the same time. Three developers came in at almost the same time with their development proposals.

Mr. LaFerrier said that is not correct. Commissioner Moore said there are three developers who completed the development process almost at the same time. Mr. LaFerrier said that two clearly completed the process at the same time, which are Groupe Pacific and EDI. EDI submitted final plans on August 8th, Groupe Pacific on August 9th, and both were signed off on August 24th. The third, Nola Lofts, submitted final plans on August 19th and their sign-off on September 1st. Commissioner Moore asked why the third application is even on tonight's agenda.

The City Manager said staff did not know what would happen with the first two. There is the possibility if one is approved, some units would be left and the Commission would have the opportunity to act on the third one, if there are enough units left to do so. He said if the first is approved and there are no remaining units, then the third is moot.

Commissioner Moore concluded it is important who the Commission hears first.

Mayor Naugle said that is the reason they considered hearing all of them at once, but the idea was rejected. He noted that Commissioner Hutchinson said the usual procedure should be followed, and the City Attorney said it should go by completed applications. Sworn testimony is that the first completed application was Lauderdale Lumber.

Commissioner Moore asked if the Commission was to attempt to find additional units, what would be the process or time to increase the number of units so all three applications could be considered. He asked if there is a process to take units from one area and float them to another. If so, in what time period could that be done.

The City Attorney said there is such a process by which flex units could be moved to the RAC, but it requires County Commission approval, and is a process that takes a minimum of four months. The City will have the additional units from the County in late February or March. Staff recommends that those units not be given out under the same terms and conditions as the old units. Any new units provided for in the RAC would be given out on a different basis, requiring additional criteria that they are now in the process of adopting.

Commissioner Moore asked if that meant affordable units and open green space. The City Attorney said that all those things are involved. Commissioner Moore asked if the Commission is going to attempt to get the flex units that could be moved from another zone into the RAC, and if so, what number are they considering.

The City Attorney said staff is not recommending that route at this time, because the City will get the additional units for the RAC without exercising the flex units. In exercising the flex units, they would be taking density out of one area and giving it to the County. Then, asking the County to return it to the City which they can do in a lump or unit-by-unit. There is no guarantee the County will give the units to the City or get them where the City wants them.

Commissioner Moore said, in utilizing the process being proposed, it would be March, 2006, before units would be available. He asked how many units would be available. The City Attorney said that 3,000 units would be available. Commissioner Moore asked if, when the Commission made the attempt to get 13,000 units, the County arbitrarily picked 3,000, and the City has no input as to a larger number of units.

Mr. LaFerrier said another application would have to be made for a plan amendment. The plan has to be consistent with the County's plan, and they adopted a plan amendment for 3,000 units. He said the City's plan would not be certified and not valid unless consistent with the County's plan. The approach mentioned by the City Attorney is one they could undertake at some point, which is known as collapsing the flex zones. There are about 19,000 flex zone units throughout the City. It would still require County Commission approval, but it would not require Regional Planning Council approval or Department of Community Affairs' review. It could be closer to nine months before such a process is completed.

Debbie Orshesky, representing the Applicant for Item R-6, said that it appears the Commission is acting upon sworn testimony given by Mr. LaFerrier, and therefore, she would like to ask a question.

Mayor Naugle said he is probably going to give each Applicant 10 minutes to make their presentation. He would see that she is called upon first.

Donald Hall, representing the Applicant, agreed with staff's presentation. The building being proposed consists of 170 dwelling units, 4,400 square feet of retail, and would consist of 28 stories. On August 31, 2005, he sent a letter to the City agreeing to certain voluntary conditions which are as follows:

1. The height and units are as stated.
2. The Applicant voluntarily agrees that 25 of the 170 dwelling units would be sold at a price not to exceed \$325,000 per unit.
3. The Applicant would voluntarily pay a fee of \$2,500 per unit as a contribution to the park improvement fund.
4. The Applicant would also voluntarily pay \$250,000 to the City's attainable housing fund.

Mr. Hall referred to concern that the Applicant has not yet purchased the property, which is true, but that is not a problem. The closing was to have taken place in June, 2005, but Mr. Parker asked for it to be extended until January, 2006. Everyone agreed and that is when the closing will take place.

Scott Bakos, architect, said they are presenting a project that will raise the quality of architecture, the streetscape experience, and the overall City skyline. They had three specific objectives. One was to craft an appropriate scale and size project for not only the site, but the neighborhood, along with the urban fabric around that neighborhood. Another was to create and promote a strong pedestrian streetscape, and encourage that with wide sidewalks and retail spaces. The last was to create a dynamic state-of-the-art condominium project for the downtown with spectacular views and great units.

Mr. Bakos said the project is located between 2nd and 3rd Streets, about mid-point to NE 3rd Avenue and Federal Highway. He showed a rendering of the proposed project. The building is being broken into two components with a five-story base, and a twenty-five story tower. The total height of the building is 28 stories with 170 units. The south elevation would consist of glass, and the north elevation would have larger balconies, facing the garage. The ground floor would consist of retail. The streetscape is 15' to 18' with Live Oaks and other landscaping.

Mr. Bakos said they want a very modern and clean building, having a strong presence during the day with a dramatic look at night.

Mr. Hall said that people in the audience do support this project. He asked those individuals to show their support with the raise of their hands.

Mike Parker, owner of Lauderdale Lumber Company, said his family began working at the company in 1960. He wanted to emphasize that they are not being forced to sell their property. It was important for his family to find a quality developer to develop the property in a manner they felt consistent with their hometown. He wanted something on the site that they could be proud of. He did not want to sell the property to investors who would continually flip the property. Given the reputation of Ellis Diversified (EDI), he is 100% confident that this project would be something to be proud of. He said he and his wife plan on purchasing one of the units and to remain tied to the Fort Lauderdale community. He further said that EDI extended the closing so they could seek other options regarding relocation for their business. He recommended that the Commission approve this project.

Commissioner Trantalis asked when the closing would take place. Mr. Hall said the closing is to be in January, 2006. Commissioner Trantalis asked if that is the final extension to be granted to the owner of the property, and other extensions would not be granted.

Jim Ellis, EDI, said a cash situation is not needed to purchase the property. The only reason he hesitates is that for EDI to purchase the property, they are paying a fair market rate, and if an extension makes sense for both EDI and the owner, that could be done. If the Commission conditions approval of this project on the fact that they purchase the property in January, 2006, that would be done.

Commissioner Trantalis said that from time-to-time people have looked to build projects, and a lot of them don't get built. One hurdle that could delay the building of this project is the fact that they do not yet own the land. If there is something that might interfere with their owning the land, the Commission needs to make sure that such hurdles would be removed. The Commission's priority is to move forward and continue building the City, and that is why they are seeking additional units. He said they are on a path to create a new downtown. Recently a project was approved, Downtown Fort Lauderdale Lofts, and the Commission thought the builder was going to build it. However it is now on the market. This is not what they want to see. They want people committed to the City and the future of building the downtown. He did not want people selling their projects, after approval, to other people who do not have the same level of commitment.

Commissioner Trantalis asked what entity is purchasing the property.

Mr. Ellis said the entity is Second Street Land Development LLC.

Commissioner Trantalis asked if EDI or the current people who own this entity will always remain the legal and beneficial owners of the property from now until the project begins construction. Mr. Ellis confirmed that statement as correct. Commissioner Trantalis asked if they no longer would be the entity, would they agree that the units would no longer be available and they would have to be put back in the pile, and the approval of the project would be withdrawn. They have to build this building and not anyone else. Mr. Ellis agreed to those terms. Commissioner Trantalis said the City does not want to be hoodwinked by the development community that make a commitment towards redevelopment, but then things fall apart.

Debbie Orshesky said she represents Groupe Pacific, the Applicant for Item R-6. She said that the action to be considered by the Commission tonight should not be her project versus the project presently being discussed, or any other project. This is not what this debate is about. She said the City Code requires and provides that the Commission is to determine compliance with the Downtown Master Plan. It is not a beauty contest.

Ms. Orshesky said that there was previous discussion with Mr. LaFerrier regarding the first to be complete. The question is when were the applications ready to come before the Commission. When did the staff determine that they were in compliance with the Downtown Master Plan. This occurred for Groupe Pacific on July 8 in the City Manager's conference room with the City Manager, City Attorney and many others. It was the last of many meetings regarding how the first project on Broward Boulevard would look, and this is what took revision after revision. This was three weeks before Mr. Ellis's project went to DRC. Nola Lofts did not even submit for DRC and final review for compliance until this past Summer. There is a fundamental issue of fairness, due process, and property rights. This is a difficult decision, but there is a process that has been consistently applied. She distributed a graphic showing every project approved for allocation of units north of Broward based on DRC records. In each case, a project submits to DRC, has their review, and comes forth for an allocation. Suddenly, on July 8th when they got to the end of the road of the 3,000 units, some people were asked to wait and not go on the Commission's July 19th agenda. There were already more units than could have been approved if Groupe Pacific was considered. They agreed to wait until September. Now they are being bumped which could preclude them to move forward with their project. The Applicant has spent over \$10 million, purchased the property and has been working with the City for a project that would be a tremendous addition to the City's skyline. She submitted a letter, dated September 14, 2005, to the Commission. (Please refer to support material for Item R-6 for the September 14, 2005 letter.)

Commissioner Moore asked if Ms. Orshesky's client already owns the property. Ms. Orshesky said they took title to the property in December, 2004.

Mayor Naugle said he did not think it is right to ask questions on a different project when it was decided they would not be discussed together. The projects are to be heard in the order of completed plans.

Commissioner Moore said this is the first time he heard that the property is not owned by Mr. Ellis. He did not understand it was not in his ownership until this evening. He asked

if the property could have been closed on at the completion of the property owner finding a viable site for his business.

Mr. Hall said it could have been possible, but Mr. Parker asked for the extension from June to January. Mr. Ellis committed to close in January, 2006. It was an accommodation to Mr. Parker, and not Mr. Ellis's reluctance to move forward with the project. If the entity and principals sell the property, Mr. Ellis agreed that the allocated units would return to the pool of units. Mr. Hall said that probably more than 90% of the projects that come to the City, come with a contract purchaser and not a closed sale. He understood that the Commission does not want to allocate the units to a speculator, but he believed the conditions proposed by Commissioner Trantalis and agreed upon by Mr. Ellis protect against such eventuality.

Sheila Franklin, resident, said in February, 2005, she was the first person to move into Nola Lofts, Phase I. She said she was highly motivated to move into Flagler Village because of the vision and promise of what it was to be. The promise and vision was communicated to her through the advertising for the Village which would be quaint, citizen friendly, unusual, arty and have an atmosphere tantamount to a village and not a city like Manhattan. She said that Avenue Lofts has been used as a prototype to convey the atmosphere that the Village was to portray, low-rise, low density, and quaint. She felt it also conveyed the vision and was compatible to the neighborhood. She was shocked to discover that a mega tower was to be built adjacent to her home, and would utilize all the space and block the eastern part of the second phase of their building community. She said this is not harmonious with the promise of Flagler Village. Progress is not always user friendly for citizens, but a giant mega-building being built next door would be very disharmonious and aesthetically displeasing. She felt it would present a David and Goliath appearance to the street. She did not feel it is compatible to the neighborhood.

Ms. Franklin said she is also concerned about the traffic pattern on Second Street which is very narrow. The additional parking proposed on the street would make the traffic flow even more difficult. The Baptist Church utilizes Second Street as a main traffic artery for their congregation. The proposed building on the Lumber Company site would exacerbate the situation.

Ralph Dinlocker, Nola Lofts, said he has lived in many big cities, and now there is a no-man's land of high rises from Las Olas and Route 1 to the entertainment center. He asked if Fort Lauderdale should be a suburb where people go for entertainment surrounded by high rises. The area is not pedestrian friendly. He asked what the City wants as their vision for this area.

Commissioner Trantalis said he appreciates all the comments made. The only way to have a livable downtown is to have a friendly one. High-rises are not the most pedestrian friendly environment. He asked if a Master Plan had not been created for the downtown, and a certain area designated for high-rises, and an area to the north for a village atmosphere. Mr. LaFerrier confirmed that as correct. The City spent about two years creating a Downtown Master Plan which speaks directly and clearly on matters relative to pedestrian streetscape, along with the scale and massing of buildings. They recognized the dense area of the downtown should be the area along Broward Boulevard up to First, and then to Las Olas. As one goes north, there is an area known as the Near Downtown, which would allow for a mixture of buildings ranging from mid-

rise to high-rise. The Flagler Village area is generally north of 4th Street and would have projects of a lower scale, 4, 5 and 7 stories.

Commissioner Trantalis said the areas referred to this evening are not in the Village area. Mr. LaFerrier confirmed that is correct, they are located in the Near Downtown and the Urban Core.

Maria Zenil said she is one of the first residents in the new Flagler Village. She is concerned about what is taking place in the area. She thanked the people who had the vision to create a small unique village atmosphere in Downtown Fort Lauderdale. She said she is only expressing her own concerns and not taking sides for or against developers. She said she is concerned about good planning. She said Nola Lofts consists of Phase I and II and the second phase has been deterred as an unapproved project. She asked why the Commission is concerned about Phase II. She said plans for these units were presented 3 years ago to the City. She felt questioning the project at this time is very unsettling due to the ramifications to the existing owners in the area.

Commissioner Moore left the meeting at approximately 8:17 p.m.

Ms. Zenil said if the project is not completed, the existing residents would be faced with the costs of a half project and have to carry the load with increased taxes. She said the Commission should be faithful to the projects they committed to in Flagler Village. She said that Nola Phase II should be a priority over other projects. She said the Village is taking on various sizes and shapes of buildings that she believes is not keeping within the original village concept. She said it is the responsibility of the Commission to look carefully at projects on a project basis.

Commissioner Moore returned to the meeting at approximately 8:19 p.m.

Ms. Zenil said the proposed building is not Nola Loft friendly. She said the new building would encourage property values and she encourages growth, but she felt it is important to retain integrity regarding the structures and structural design, and respect for those already in place. As an alternative, she said she wants the Commission to hear the plans that Nola Loft builders had in mind for the Lumber Company parcel which she is aware of offering mixed and retail spaces.

Jackie Gonzalez, representing Groupe Pacific, said she objects to any consideration of the allocation of units to this project or the other project. She also objects to Mr. LaFerrier's blatant misrepresentation as to why it took Groupe Pacific so long. She said they worked hand-in-hand with the community, the City, and the Commission's directives to meet multiple changes. She said the statement that their plans had not been complete, is incorrect. She said plans get completed and submitted for final. She noted that Lauderdale Lumber Company noted this evening that they just designed a new crown for the building. In such case, she asked if their plans are complete. She believed that units being considered for this project is a violation of due process and their property rights. They own the land and have done so since December, 2004, and are ready to move forward. She said the City Manager agreed on July 9th at their meeting that they would be the first project heard and considered. She said that they have been complete since July 9th, and 100% compliant with the ULDR and the Downtown Master Plan.

Commissioner Moore said he is surprised about the ownership, and he agreed that most individuals coming before the Commission with proposals may not have total control of their property at the time. He asked whether or not this application is approved tonight regarding the allocation, would they still close in January. Mr. Hall said they would not close without the allocation. Mr. Hall subsequently clarified that Mr. Ellis has indicated that he would close in January, 2006. Commissioner Moore asked if this allocation appropriation would not disallow the completion of the purchase of the property. Mr. Hall confirmed that it would not. Commissioner Moore asked when the units would be available and how many would there be.

The City Attorney said that they would have on line approximately 3,000 units somewhere near March.

Mayor Naugle wanted to congratulate Valerie Bohlander on the great job she is doing in the Building Department. He asked how long would it take before a developer of this type could obtain a building permit to start construction on the projects being discussed this evening. Ms. Bohlander said they like to get the initial review completed in 4-5 weeks. She said that working drawings depend on the developer's design professionals, but normally it would take about 1-2 months. She further said that the larger the project, the longer the process takes to complete. It would then take 4 to 6 weeks for initial review.

Commissioner Moore said that dates of completion were given to him of August 8th and August 9th. One of the Applicants is now saying they were complete on July 8th. He asked what date is correct.

The City Manager said that the Applicant's attorney made some misrepresentations and Mr. LaFerrier would explain exactly what took place.

Mr. LaFerrier said that his previous presentation followed an outline that is in staff's report. The dates and information submitted has been well researched and documented by staff. They knew at some point that this situation could arise. Everything was documented. The Groupe Pacific representative is correct saying that plans were resubmitted on July 8th, but the deadline for the July 19th meeting was prior to that time. Therefore, they could not be scheduled for the July 19th meeting. Dialogue took place regarding them coming forward in September. However, since they did not make it to the July 19th meeting, some of the dwelling units were approved, thereby, diminishing the number of units available. After July 19th, there were 256 units available. Their proposal on July 8th was for 355 units. After submitting late for the July 19th deadline, their plans had to be resubmitted and the number of dwelling units reduced. The plans for 255 units were not resubmitted until August 9, 2005.

Commissioner Moore asked if there is an overlay district or just a vision concept for Flagler Heights.

Mr. LaFerrier said that this is not in the Flagler Heights area, which actually begins on 4th Street, but there is a clear vision for the downtown which was promulgated by the Downtown Master Plan. He said that maps, policies and specific illustrations are included in that plan showing guidelines and dimensions as to how these buildings should be built in the character areas.

Commissioner Moore asked if the Downtown Plan was a vision or was it an overlay district. Mr. LaFerrier said that it is a vision, and when the Commission adopted the Master Plan, they required that all residential developments in the downtown comply with that plan. It is not an overlay zone from the legal sense of the word, but it is binding from the fact that the Commission's ordinance requires that all projects be consistent and implement the Downtown Master Plan.

Commissioner Moore asked if the attainable cost of the units proposed for this development could be supplied. Mr. Hall said the price would be \$325,000 for 15% of the units. An amount of \$250,000 will be contributed to the attainable housing fund, and \$2,500 per unit for parks and open space.

Commissioner Trantalis introduced the following resolution:

RESOLUTION NO. 05-169

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 A CONDOMINIUM PROJECT WITH RETAIL LOCATED AT 405 N.E. 2ND STREET, FORT LAUDERDALE, FLORIDA, IN A RAC-CC ZONING DISTRICT.

Which resolution was read by title only.

Commissioner Trantalis said this is also subject to the conditions outlined in the dialogue with the Applicant's attorney.

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

Site Plan Review – Mixed Use
Allocation of Post 2003 Dwelling Units – Case 41-R-05

(R-6)

Applicant: Broward GP, LLC (Groupe Pacific)
Location: 111 East Broward Boulevard

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

Mayor Naugle asked if Item R-6 would not be heard, and whether the Commission should proceed to Item R-10.

The City Attorney said that based upon the fact that they have taken items out of order, at some point in time Item R-6 would have to be addressed and it would have to be denied due to the lack of units.

The City Attorney said when the Applicants first applied, staff asked that they sign a waiver, indicating that they knew there may not be units at the end of the process. Each of them have signed the waiver.

Commissioner Trantalis asked if the Commission listened to the presentation by Groupe Pacific, and the application was approved, what would happen if a previous approval made by the Commission for another project somehow forfeited their rights to the units and the units were returned to the pool of available development units, would Groupe Pacific then be eligible for the units, even though they are not completely available at this time.

The City Attorney said that the units cannot be approved unless they are available. They could put them on hold and defer action, and when units become available, bring the item back to the Commission for action.

Commissioner Hutchinson asked what is the process at this point in time. She said it would only be respectful to give Groupe Pacific an opportunity to say something, or does the Commission just say thank you, but you are denied.

Commissioner Moore said there are no units to be allocated, and therefore, the Commission would be wasting their time.

Commissioner Hutchinson asked if a formal vote should be taken.

Commissioner Moore thought that when units are available, they make their presentation.

Commissioner Hutchinson asked what would now happen regarding Item R-6.

The City Attorney said the Commission could not approve R-6 at this time. The City Attorney said if the developer wants to make a presentation, they could but there are no units to be allocated.

Mayor Naugle asked the Applicant their desire.

Ms. Orshefsky said she appreciates the sentiment of the Commission and the sharing of the frustration. One of the things that could be done by the Commission tonight is approve the project, the allocation, subject to the recertification of the next round of units that would come into play some time in March. She said they would prepare the working drawings over the next four months, and therefore, the delay would not pose a problem.

Mayor Naugle asked if they are willing to apply for units for which the Commission has not received criteria. Ms. Orshefsky said there is a very extensive Master Plan, and they have made a commitment regarding affordable housing, along with parks. There has been a precedent set since April of 2005, concerning affordable housing and parks. Mayor Naugle said that they did not have a policy as of this time. Ms. Orshefsky said Mayor Naugle believed the new criteria would be more extensive for the next 3,000 units. Ms. Orshefsky said they would agree to be subject to the future criteria to the extent that such criteria is a monetary obligation. She said that has been stated in a letter, dated July 19, 2005, to the Commission. She said they want to start on this project.

Commissioner Moore said he understands the concern regarding future allocation. If that was the case, they would have dealt with the issue in the order presented. The allocation is the issue of merit, and without an allocation, he felt it would be inappropriate

for the Commission to place the item on the table. The loss took place when the presentation process changed. He did not like to take such a position, but it is the right thing to do.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to defer this matter to be the first developmental item when there are units that meet the suggested amount of the development.

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

Commissioner Trantalis wanted to confirm that the Applicant would be subject to any future development criteria developed by staff and approved by the Commission. The project is not to be based on existing development criteria.

Commissioner Moore said the reason to take advantage of the time of having no units is to give a clear define opportunity of the allocation of attainable units, their price range, the open green space contribution, and any other obligations that would be imposed. He hoped that all future development presentations be done in a 3-D format. The answer is yes.

Commissioner Hutchinson hoped the Commission did not just set a precedent. This group was placed in a bad position, but she did not want to be set up now in setting a precedent and everyone begin getting in line for units that are not available. She would not be part of it. She wanted to make sure that the criteria would be in place first.

Motion made by Commissioner Moore that in dealing with the timeline issue of available units, the Commission request that staff take no units until the allocation and requirements for such units are in place and approved.

Mayor Naugle said there are some units remaining, and there is another item on tonight's agenda to be heard. Even if that item is approved, there are still some units remaining.

Commissioner Moore said he is referring to a development that meets the availability of the units that are remaining.

Commissioner Trantalis said if the Commission voted in favor of that proposal, it would then slow down the process insofar as putting a virtual moratorium on any review of any future projects while they are waiting for the additional 3,000 units. The interim time period would be lost while waiting for such availability of units. Commissioners Hutchinson and Moore confirmed that is correct. Commissioner Hutchinson said criteria has to be set up for staff. Commissioner Moore said if the knot is tightened and the Commission says there are no units to be allocated, there would not be developers, attorneys and community interest groups sitting on the fence when the County does not give the City an appropriate allocation of units. It would then be a movement of individuals in this community together to have government function in a manner allowing them to develop the community correctly. The City should shut the door and deal with all issues, then everyone would work together and not just the ones who got in under the wire.

If a developer comes in next week and all units are allocated, but they want to submit plans for review, Vice Mayor Teel asked if would they be accepted. Mr. LaFerrier said the plans would not be accepted nor reviewed. Vice Mayor Teel said she also does not want people lining up at the door with development proposals to get first, second or third in line.

The City Manager asked for the Commission's patience so that staff could return in a week with a recommendation. While Mr. LaFerrier is referring to a formal process of submission, developers could still come in and speak informally to everyone.

Vice Mayor Teel said one of her concerns is if such informal meetings take place and reference is made to the existing criteria, but then months from now new criteria is developed, she did not want the developers to start crying "foul." She did not want people disappointed or misled.

The City Manager said that all aspects as to what would be the best approach would be considered.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis that no additional units be allocated above the present allocation until all issues regarding the development review process, attainable cost, and open green space are addressed, along with any other issues to be determined.

Commissioner Trantalis asked if this would affect the available units that the Commission has on the table this evening. Commissioner Moore said that is correct.

Commissioner Trantalis asked if the motion is the status of the law anyway. The City Attorney confirmed that is correct.

Commissioner Moore said he is aware that allocations could not be made, but he wanted to give a message to the community this evening that there would not be any individuals vying for the lineup mentioned by Commissioner Hutchinson.

Mayor Naugle noted that this motion could be altered or rescinded at any given Tuesday.

The City Attorney said what is being proposed would simply memorialize staff's position which is that they are not going to allocate any additional units until such time that new criteria is developed.

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

Site Plan Review – Mixed Use – Nola Lofts – Phase II
Allocation of Post 2003 Dwelling Units – Case 46-R-04

(R-10)

Applicant: Downtown Lofts, LLC
Location: Between NE 2 & 3 Streets between Federal Highway & NE 3 Avenue
Zoning: Downtown Regional Activity Center – City Center District (RAC-CC)

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

Jason Robertson, Downtown Lofts, said they came to Fort Lauderdale and developed a site on 2nd Street where no one was developing residential at that time. They applied for 106 units. Due to the unit allocation at that time, they were only able to build the first 52. They are present this evening to request the second 54 units. Residents are expecting the second phase to be built.

Mr. Robertson said this project represents the needs in design Master Plan Guidelines prior to their establishment. The units enter onto the street, there are shaded arcade areas, and they have varied and articulated elevations. In an area where other developers are building 30 stories, they felt 11 stories are appropriate. There is varied architecture. They have appealed to downtown workers. Some 75% of the units when sold were below the \$325,000 attainable housing cost. Their priority is to build the City mentioned by Commissioner Trantalis. They intend to complete the property. The developer is present on the site each day, and is not looking to flip the property.

Ms. Orshefsky said that she wants all her previous remarks made under Item R-7 to be incorporated into the record of these proceedings.

Elizabeth Dinlocker, resident, said the building is not in any ozone layer, but is built to Code and very beautiful. She asked the Commission to consider this approval.

Commissioner Moore asked what the price range is for the units at this time, and is there a percentage that would be set aside for attainable housing.

Mr. Robertson said that 15% of the units would be below the attainable price point of \$325,000.

Commissioner Moore referred to Mr. Robertson's statement that 75% of the units when sold were at the range of \$325,000. He asked if individuals made purchases, the value increased and they did not occupy the units. He asked if the units are being sold as owner occupied units. With respect to the 15%, is there any condition requiring purchasers to remain in the unit for a specific period of time.

Mr. Robertson said the construction window requires that all contracts be non-assignable and non-flippable. Commissioner Moore asked what is the market price for the other units. Mr. Robertson said that the prices range from \$275,000 to \$550,000.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 05-172

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 PHASE II OF A MULTI-FAMILY RESIDENTIAL DEVELOPMENT LOCATED BETWEEN N.E. 2ND AND N.E. 3RD STREETS, BETWEEN FEDERAL HIGHWAY AND N.E. 3RD AVENUE, FORT LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.

Which resolution was read by title only.

Commissioner Moore asked if contributions are being made for open green space and the attainable housing trust. Mr. Robertson said they have not been asked to make any such contributions. Commissioner Moore asked if the Applicant, as everyone else has done, would agree to make a contribution for open green space of \$2,500 per unit and \$250,000 for attainable housing.

Mayor Naugle thought it was a certain amount per unit for attainable housing. Commissioner Moore did not believe it should be a sliding scale.

Mr. Robertson said he believes their project, more than any other development, contributes to the attainable work force because everyone who lives at the property is in the workforce. Attainable workforce housing is their market. In response to Commissioner Moore, Mr. Robertson felt that \$550,000 is an attainable housing price. Commissioner Moore disagreed. Mr. Robertson asked if Commissioner Moore's vote is conditioned upon their contribution. Commissioner Moore said his vote is conditioned as it was with every other developer during the time that criteria did not exist; they showed a certain allocation of units for attainable; a contribution to the open green space and a contribution to the housing trust. Mr. Robertson said they would agree to contribute \$1,000 per unit for the open green space, but they believe they are providing attainable work force housing as part of the development.

Commissioner Trantalis asked if \$2,500 per unit was what other developers were asked to contribute for open green space. Commissioner Moore confirmed that was the Mayor's recommendation.

Mayor Naugle recalled that had been Peter Feldman's figure. Commissioner Moore indicated that it may have been offered by Mr. Feldman as a number of units that the Mayor decided to calculate to arrive at \$2,500. Mayor Naugle noted that he actually had proposed \$6,500 or something. Commissioner Trantalis asked if \$2,500 per unit was the number previously used as a benchmark. Commissioner Moore indicated yes.

Commissioner Trantalis asked if that was an amount, \$2,500, to which the Applicant could commit. Mr. Robertson agreed to do so. In response to Commissioner Moore's question about a contribution for attainable housing, Mr. Robertson reiterated that they are not developing a luxury project. On a price per square foot, they are the most affordable in Fort Lauderdale. It is a project of are working individuals. Commissioner Moore said this has nothing to do with the cost of the unit, incomes of individuals who have purchased units in the past. Previous units were much more affordable because the cost of construction was less. He was concerned about people who want to reside in Fort Lauderdale and cannot afford to do so, therefore he is attempting to gain as much money as possible to make homeownership issues viable.

Commissioner Trantalis asked if the Applicant would be in the position to donate \$100,000 towards the attainable housing program in the City, in addition to the \$2,500 per unit for open green space. Mr. Robertson agreed if they would be paid at the time of the first certificate of occupancy.

Commissioner Hutchinson said that she likes the project, and will support it, but she does not like horse trading.

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

Commissioner Trantalis said he would abstain from voting. He does not want there to be an appearance of impropriety because of previous actions. Commissioner Hutchinson questioned if that is possible.

The City Attorney said in order for anyone to abstain, a conflict has to be declared.

Commissioner Trantalis said he believes he has a conflict. Commissioner Hutchinson said if there is a conflict, then that person is not allowed to participate in the discussion. The City Attorney confirmed that is correct. Commissioner Trantalis did not think that was past practice, and therefore, apologized. Commissioner Moore said such conflicts have to be stated before any discussion commences. Commissioner Trantalis said his participation in the discussion was one of inquiry. Commissioner Hutchinson noted that the City received more money as a part of Commissioner Trantalis' comments. Commissioner Hutchinson asked for clarification.

The City Attorney asked about the nature of the conflict. The conflict has to be of a pecuniary interest, not simply a perceived conflict.

Commissioner Trantalis said that the conflict is perceived only. In the discussing the project, he felt there might be some opportunity that he would benefit in some pecuniary way if the project is approved. Commissioner Hutchinson said the Commission was never under that impression. Commissioner Trantalis explained because he knows, in his heart, he would feel wrong doing it. There has been no agreement; it is just a perceived thing. He did not want there to be any appearance of impropriety.

The City Attorney said although it is best to keep the fountain of justice pure from even the appearance of impropriety, it is not the masthead by which we always meet.

Commissioner Hutchinson concluded if she perceives a conflict at every meeting, she can abstain from voting.

The City Attorney said the individual has to declare the nature of the conflict, and file a report with the City Clerk, declaring the conflict. In order to maintain the integrity of the Commission, Commissioner Trantalis felt anyone who even has a perceived conflict, should admit it and not vote. Commissioner Hutchinson felt the admission should be at the beginning of the hearing, not at the end which is wrong.

Mayor Naugle asked Commissioner Trantalis to file the form. In the future, he noted that the City Attorney recommends that it be raised at the beginning.

Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: Commissioner Moore. Commissioner Trantalis abstained from voting. A Memorandum of Voting Conflict, dated October 7, 2005, is attached hereto.

Advisory Board/Committee Appointments

(OB)

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

Community Appearance Board	Dennis Cole Ree Cole
----------------------------	-------------------------

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-173

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

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

Police System Hardware and Software Purchase (Walk-On)
Proprietary Purchase from Unisys Corporation - \$87,800
Purchase from Prosys, Inc. using state contract pricing - \$54,955

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

Filing of Complaint Against Broward County (Walk-On)
Annexation of Twin Lakes and Rock Island areas

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 05-161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING A COMPLAINT TO BE FILED AGAINST BROWARD COUNTY FOR DECLARATORY AND INJUNCTIVE RELIEF AND FINDING THAT AN IMMEDIATE DANGER TO THE PUBLIC EXISTS IF A COURT PROCEEDING DOES NOT TAKE PLACE BEFORE COMPLIANCE WITH CHAPTER 164, FLORIDA STATUTES.

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

There being no other matters to come before the Commission, the meeting was adjourned at 9:10 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk