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FORT LAUDERDALE CITY COMMISSION
DECEMBER 6, 2005**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
December 6, 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 (arrived at 6:01 p.m.)
Commissioner Carlton B. Moore (arrived at 6:05 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 Frank Sebregandio

Invocation was offered by Chaplain Rick Braswell of the Broward Sheriff's Office, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the minutes of the November 1, 2005 Regular Meeting minutes, the minutes of the November 15, 2005 Conference and Regular Meetings, and the agenda be approved. Roll call showed: YEAS: Commissioners Moore, and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

Presentations

OB

1. Victims of Violent Crimes Day

Vice Mayor Teel and the City Commission presented a proclamation designating December 19, 2005, as "Victims of Violent Crimes Day" to actor, Dennis Cole.

Dennis Cole congratulated the City Commission for having the foresight in creating the victims advocates, and thanked everyone for their kindness in presenting such an award.

2. Rick Case Bike for Kids Day

Commissioner Trantalis and the City Commission presented a proclamation to Rick Case of Rick Case Dealerships and designated December 6, 2005 as "Rick Case Bike for Kids Day." Rick Case thanked the Commission for the proclamation. Mr. Case stated that it was not a Rick Case program but a community program that gives those with unused bicycles the opportunity to take them to Rick Case dealerships and have them distributed to kids in time for the holidays. He also thanked the Boys and Girls Club and the Salvation Army for being partners in helping pick up the bicycles and distribute to the kids.

3. Lillian Deal Edden Day

Commissioner Moore and the City Commission presented a proclamation designating December 11, 2005 as "Lillian Deal Edden Day" to the family. The City's sailboat was presented to the family. The family thanked the City for the proclamation honoring Lillian Deal Edden.

4. Outstanding City Employees

Bruce Roberts, Chief of Police, said that he wanted to honor Officers John Clark, Doug Silk, Raphael Boyett, and Mark Wrenner as Officers of the Month for December, 2005. He said that Officer Diaz initiated a felony traffic stop in an attempt to arrest an individual impersonating a police officer. Later Officer Diaz died during the event. The above-named Officers assisted and attempted to help Officer Diaz during the arrest.

Chief Roberts said that they received a Memoriam from the International Association of the Chiefs of Police as a tribute to Officer Diaz for his service to the community.

5. Expression of Sympathy

Mayor Naugle and the City Commission offered an expression of sympathy to the family of Tex Allison.

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 – AIDS Walk Fort Lauderdale

(M-1)

A motion authorizing and approving execution of an Event Agreement with AIDS Healthcare Foundation, Inc. for AIDS Walk Fort Lauderdale, to be held at Huizenga Plaza, Riverwalk and Las Olas Boulevard sidewalks on Sunday, April 30, 2006, 8 AM – 3 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1345

Event Agreement – Get Downtown (M-2)

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Get Downtown, to be held at Plaza at Las Olas Place, 333 East Las Olas Boulevard, on Friday, March 24, 2006, 5:00 PM – 8:30 PM

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1235

Event Agreement – Inaugural 5K Run/Walk (M-3)

A motion authorizing and approving execution of an Event Agreement with the United Way of Broward County, Inc. for the Inaugural 5K Run/Walk, to be held at South Beach and along State Road A1A on Saturday, February 11, 2006, 6 AM – 12 Noon.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1358

Event Agreement – Chanukah Fair (M-4)

A motion authorizing and approving execution of an Event Agreement with Chabad of Downtown, Inc. in connection with the Chanukah Fair, to be held Sunday, January 1, 2006, 12 Noon – 5 PM at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1323

Event Agreement – 2006 New Year's Eve Celebration (M-5)
Closing SW 2 Avenue and SW 2 Street

A motion authorizing and approving execution of an Event Agreement with Old Town at Riverwalk Merchants Assoc. along with the City of Fort Lauderdale for 2006 Downtown Countdown New Year's Eve Celebration, to be held on SW 2 Street, from 6 PM Saturday, December 31, 2005, to 2 AM Sunday, January 1, 2006; and authorizing closing SW 2 Avenue and SW 2 Street for the event.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1329

Use of Fort Lauderdale Swimming Pool Agreement – School Board of Broward County (M-6)

A motion authorizing the proper City Officials to execute five-year agreement with the School Board of Broward County for shared use of Fort Lauderdale High School swimming pool.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1333

Children’s Services Council of Broward County - \$154,654 – Grant Renewal – Delinquency Prevention Program – Carter Park (M-7)

A motion authorizing the proper City Officials to execute an agreement with Children’s Services Council of Broward County to accept renewal grant funding in the amount of \$154,654 – delinquency prevention programming for at-risk youth – Carter Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1335

Disbursement of Funds – Joint Investigation – O.R. Number: 03-40467 – Law Enforcement Trust Fund (M-8)

A motion authorizing the equitable disbursement of funds in the amount of \$332.56, with each of the twelve participating agencies to receive \$27.71.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1324

Grant Acceptance – U.S. Department of Justice - \$9,091.67 – Bulletproof Vest Partnership (M-9)

A motion authorizing the proper City Officials to accept a grant in the amount of \$9,091.67 from U.S. Department of Justice, Bureau of Justice Assistance, to transfer amount from FD001, 9129 to 129, GBVP07 and authorize proper City Officials to execute all necessary documents to obtain and expend these funds for Bulletproof Vest Partnership project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1304

Change Order 2 – Ric-Man International, Inc. - (M-10)
(\$1,677,460.21) Credit – Sailboat Bend Basin B

A motion authorizing Change Order 2 with Ric-Man International, Inc., in the amount of (\$1,677,460.21) CREDIT, for closure of the contract – Project 10542B – Sailboat Bend Basin B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1339

Task Order 27 – CH2M Hill, Inc. - \$8,310,120 (M-11)
2006 Program Management Services – Waterworks 2011

A motion authorizing the proper City Officials to execute Task Order 27 with CH2M HILL, Inc. in the amount of \$8,310,120, for provision of program management services in 2006, in conjunction with implementation of 10-year Water and Wastewater Capital Improvements Program – WaterWorks 2011 – Project 10547.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1294

Change Order 2 – Lanzo Construction Co., Florida - (M-12)
\$16,823.59 – River Oaks Septic Area 6 Phase II – Jacob’s Landing

A motion authorizing Change Order 2 with Lanzo Construction Co., Florida, in the amount of \$16,823.59, for unforeseen conditions encountered during construction of Project 10705B – River Oaks Septic Area 6 Phase II – Jacob’s Landing Sanitary Sewer, Pump Station and Water Main.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1336

Change Order 1 – Foster Marine Contractors, Inc. - (M-13)
\$48,207.08 – Peele-Dixie Concentrate Forcemain

A motion authorizing Change Order 1 with Foster Marine Contractors, Inc., in the amount of \$48,207.08, for additional items necessary for construction of Project 10656 – Sanitary Sewer and Water Main Improvements – Peele-Dixie Concentrate Forcemain.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1337

Reject Bid and Re-Advertise – City Park Garage Rehabilitation (M-14)
Phase II Elevator Replacement

A motion authorizing the proper City Officials to reject the sole bid and re-advertise for Project 10708 – City Park Garage Rehabilitation Phase II Elevator Replacement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1355

Contract Award – F. & L. Construction, Inc. - \$303,040 (M-15)
2005-2006 Annual Contract – Concrete and Paver Stone Repair

A motion authorizing the proper City Officials to award and execute a contract with F. & L. Construction, Inc., in the amount of \$303,040 – 2005-2006 Annual Contract for Concrete and Paver Stone Repair – Project 10983.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1360

Solid Waste Collection Services – Rock Island & Twin Lakes (M-16)
North – Republic Services of Florida, LP D/B/A All Service Refuse

A motion authorizing the proper City Officials to execute an amendment to the Broward County Amended and Restated Agreement for furnishing solid waste collection services between Republic Services of Florida, Limited Partnership d/b/a All Service Refuse and the City for Rock Island and Twin Lakes North.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1036

Change Order 2 – Lanzo Lining Services, Inc. – (\$331,538) (M-17)
Credit - Wastewater Conveyance System Sub-Basin A27.1 and A27.2

A motion authorizing Change Order 2 with Lanzo Lining Services, Inc., in the amount of (\$331,538) CREDIT, for additional work and final quantity reconciliation related to Project 10749 – Wastewater Conveyance System Long-Term Remediation Program Sub-Basin A27.1 and A27.2.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1342

Architectural Design – Southside School (M-18)
R.J. Heisenbottle Architects, P.A.

A motion accepting the Consultants' Competitive Negotiation Act Selection Committee recommendation of ranking firms and authorizing proper City Officials to commence negotiations with top ranked firm, R.J. Heisenbottle Architects, P.A. for Southside School architectural design services – Project 10777.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1317

Joint Participation Agreement – Broward County (M-19)
Annual Household Hazardous Waste Collection Event

A motion to approve and authorize the proper City Officials to execute a Joint Participation Agreement with Broward County to host a Residential Household Hazardous Waste (HHW) Collection Event on January 22, 2006 at 101 North Andrews Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0883

Change Order 2 – Pino Kaoba & Associates, Inc. - \$90,301.32 (M-20)
Bayview Park Improvements

A motion authorizing Change Order 2 to Pino Kaoba & Associates, Inc., in the amount of \$90,301.32, for additional improvements to Bayview Park – Project 15010A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1359

Change Order 9 – Seldin Construction Co., Inc. & Adding (M-21)
35 Days to Contract – War Memorial Auditorium - \$72,594.90

A motion authorizing Change Order 9 to Seldin Construction Co., Inc., in the amount of \$72,594.90, for improvements to War Memorial Auditorium and the addition of 35 days to the contract period – Project 10423.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1364

Precinct Boundary Line Changes (M-22)
February and March, 2006 Elections

A motion approving precinct boundary line changes recommended by Broward County Supervisor of Elections effective for February and March, 2006 municipal elections.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1373

Shadowood II Lien Waiver (M-23)

A motion authorizing donation of delinquent service fees, by eliminating the fees for alarm responses by the Police and Fire Departments, for Shadowood II, a non-profit HOPWA subrecipient.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1394

Disaster Relief Funding Agreements (M-24)
2006 Hurricanes Katrina, Rita and Wilma

A motion authorizing the proper City Officials to execute Disaster Relief Funding Agreements with Florida Department of Community Affairs – reimbursement from FEMA and the State of Florida – 2005 Hurricanes Katrina, Rita and Wilma.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1370

Revocable License – Museum of Art (M-25)
King Tut Exhibit – Bus Staging at 130 NW 19 Avenue

A motion authorizing proper City Officials to execute a Revocable License with Museum of Art to stage buses at the Old Helistop property for the King Tut Exhibit – December 15, 2005 through April 23, 2006.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1332

PURCHASING AGENDA

PAVE Police Vehicle Purchase

(PUR-1)

Approval to purchase 13 additional PAVE vehicles for fiscal year 2005-06 from the current Florida Sheriff's Contract No. 04-12-0823 is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Various Vendors

Amount: \$511,061.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1340

The Procurement Services Department has reviewed this item and recommends approving purchases from Florida Sheriff Contract.

252-9269 – Police Nylon Duty Gear

(PUR-2)

One-year contract for nylon duty gear is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Lawmens & Shooters Supply, Inc.
Vero Beach, FL

Amount: \$26,125.80 (estimated)

Bids Solicited/Rec'd: 501/6

Exhibit: Commission Agenda Report 05-1315

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

Proprietary – Automated Fingerprint Identification System Maintenance

(PUR-3)

Police Department fingerprint equipment maintenance.

Recommend: Motion to approve.

Vendor: Printrak International, Inc.
Anaheim, CA

Amount: \$11,708.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1334

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

Annual Computer Purchase Plan

(PUR-4)

Annual computer purchase plan for fiscal year 2005-06 is being presented for approval by the Information Technology Department.

Recommend: Motion to approve.

Vendor: Dell Marketing L.P. and Various other Vendors
Round Rock, TX

Amount: \$427,650.00 (estimated – not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1347

The Procurement Services Department has reviewed this item and agrees with the recommendation.

**252-9183 – Non-Motorized Watercraft Concession
Reject Bids and Extend Current Contract**

(PUR-5)

Rejection of the non-motorized watercraft concession bid and authorization to extend current contract until a rebid can be done is being presented by the Business Enterprises Department.

Recommend: Motion to reject bids and extend current contract.

Bids Solicited/Rec'd: 11/2

Exhibit: Commission Agenda Report 05-1320

The Procurement Services Department has reviewed this item and recommends rejecting all bids and extending the current contract until a re-bid can be done.

**252-9283 – Marine Consultants, New River Floating
Day Dockage Project**

(PUR-6)

Authorization to approve ranking and commencement of negotiations with the top-ranked firm, to provide design, permitting, and related construction services for the New

River Floating Day Dockage project is being presented by the Business Enterprises Department.

Recommend: Motion to approve.

Vendor: Sea Diversified, Inc.
Delray Beach, FL

Amount: N/A

Bids Solicited/Rec'd: 81/6

Exhibit: Commission Agenda Report 05-1328

The Procurement Services Department recommends approval to negotiate with first-ranked proposer.

B-05-69 Co-Op Contract for Fertilizers

(PUR-7)

One-year contract for the purchase of fertilizer is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Various Vendors

Amount: \$111,011.44 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1350

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

Proprietary – Parkeon Meter Components/Parts and Supplies

(PUR-8)

Approval to purchase components, parts and supplies for repair and maintenance of Parkeon multi-space meters on an as-needed basis is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Bytewise Solutions, Inc.
Opa Locka, FL

Amount: \$12,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1288

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

362-9327 – Panel Van Truck

(PUR-9)

Purchase of a panel van truck for the storage of material used by Police Department following Hurricane Wilma is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Maroone Ford
Fort Lauderdale, FL

Amount: \$23,976.00

Bids Solicited/Rec'd: 37/2

Exhibit: Commission Agenda Report 05-1330

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

582-7986 – Extension of Credit Card Processing Contract (PUR-10)

Approval to extend current contract for Credit Card processing Services six months with A First Data Sun Trust Bank alliance (Sun Trust Merchant Services, LLC).

Recommend: Motion to approve.

Vendor: SunTrust Merchant Services, LLC.
Greenwood Village, CO

Amount: \$75,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1348

The Procurement Services Department recommends continuing the existing service arrangement for a six-month period.

752-9228 – Indirect Cost Allocation Plan (PUR-11)

Approval to purchase indirect cost allocation plan related to the administration of grant projects is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: Maximus, Inc.
Pompano Beach, FL

Amount: \$44,950.00

Bids Solicited/Rec'd: 1371/1

Exhibit: Commission Agenda Report 05-1352

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

352-9274 – Home Funds Award – Community Housing (PUR-12)

Development Organization

Award of 2005-2006 HOME Community Housing Development Organization (CHDO) Funds is being presented for approval by the Planning & Zoning Department.

Recommend: Motion to approve.

Vendor: Broward County Community Development d/b/a Broward Housing Solutions

Fort Lauderdale, FL

Amount: \$158,803.00 (grant award)

Bids Solicited/Rec'd: 256/2

Exhibit: Commission Agenda Report 05-1277

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

762-9275 – North U.S. 1 Urban Design Plan**(PUR-13)**

A proposal for planning services for development of North U.S. 1 Urban Design Plan is being presented for approval by the Planning and Zoning Department.

Recommend: Motion to approve.

Vendor: Civic Design Associates, LLC
Houston, TX

Amount: \$83,000.00

Bids Solicited/Rec'd: 205/2

Exhibit: Commission Agenda Report 05-1344

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

Proprietary – Rebuild & Repair – Cryogenic Turbine Expander**(PUR-14)**

Approval to rebuild and repair a cryogenic turbine expander is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Air Products & Chemicals, Inc.
Allentown, PA

Amount: \$46,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1303

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

Purchase of Sports Lighting Repair and Replacement Services – Floyd Hull Stadium**(PUR-15)**

Approval to purchase sports lighting repair and replacement services for Floyd Hull Stadium is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Florida Electric Contracting Service, Inc. (MBE)
Fort Lauderdale, FL

Amount: \$214,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1378

The Procurement Services Department recommends awarding from the Broward County School Board contract.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis that Consent Agenda Item Nos. M-1, M-5, M-11, M-17 and Pur-13 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

Event Agreement – AIDS Walk Fort Lauderdale**(M-1)**

Commissioner Trantalis said that he pulled this item, and asked if East Las Olas Boulevard is going to be closed for a period of time.

Dr. Scott Howell, physician in Broward County for 16 years, said that East Las Olas Boulevard is not going to be closed.

Commissioner Trantalis asked further where the monies raised during this event would be going. Dr. Howell said that monies would go partially to the AIDS Healthcare Foundation which is the largest international organization for HIV/AIDS care. He is the Bureau Chief for the southeast and Caribbean regions. Also certain 501C3's would be designated to receive some monies, which would represent the epidemic taking place within Broward County. Commissioner Trantalis asked if the Foundation is considered a transfer company. Dr. Howell said no, within the State of Florida, they have the disease management contract with the Agency for Healthcare Administration for Disease Management which has over 9,000 patients that are HIV positive and AIDS. There are also pharmacies within Florida, along with medical clinics. Commissioner Trantalis asked if this is all being undertaken under the auspices of the AIDS Healthcare Foundation, Inc. Dr. Howell confirmed that as correct. It is a 501C3.

Commissioner Trantalis said that there was a request to have this item tabled so there could be a better understanding of the organization and where the monies would be spent. Therefore, he asked if any other individuals wish to speak on this matter.

Bradford Gammell said he is involved with various AIDS organizations in the area and they are concerned about the production company. They have done AIDS walks in other communities and there have been problems. He also had concerns about the local organizations that would be benefiting. There is a track record with the production company and that is where most of the concerns are. He asked if more time could be given. The production company is Greg Miller & Production. There are a few lawsuits that are pending against them.

Commissioner Trantalis asked if there would be any negative impacts if the matter was deferred until the Commission's next meeting.

Dr. Howell said they have a letter from Troutman Sanders, MZA's attorney. MZA is an event coordinator, nationally known and would be doing this event pro-bono. Waiting two weeks would be a problem considering the holidays.

Mayor Naugle said that the City has never done any research regarding the recipients of the benefits nor have any requirement for local. Commissioner Trantalis felt the question should be asked.

Commissioner Moore did not understand the impact of two weeks, but expected staff to have reviewed the sponsor, and therefore, asked if staff has any concerns.

Phil Thornburg, Director of Parks and Recreation, said they do not review each event by the promoter, but through the Attorney's Office they are reviewed to determine that they are not-for-profit, but their financials are not investigated, nor is research conducted as to where the monies would be distributed.

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

Event Agreement – 2006 New Year's Eve Celebration
Closing SW 2 Avenue and SW 2 Street

(M-5)

Commissioner Hutchinson said she pulled this item, to thank the Parks and Recreation staff, along with the City Manager, for working with the Old Town Merchants in order to have such an event in the City once again.

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

Task Order 27 – CH2M Hill, Inc. - \$8,310,120

(M-11)

2006 Program Management Services – WaterWorks 2011

Commissioner Moore said he pulled this item, and he wants to compliment staff, as well as the contractor in following through with their obligations in this endeavor.

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

Change Order 2 – Lanzo Lining Services, Inc. – (\$331,538) (M-17)
Credit Wastewater Conveyance System Sub-Basin A27.1 and A27.2

Commissioner Hutchinson said that she made an error in pulling this item.

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

762-9275 – North U.S. 1 Urban Design Plan (Pur-13)

This item was pulled by Commissioner Trantalis. He said he is pleased this project is moving forward, but the back-up material does not indicate any geographical parameters.

Marc LaFerrier, Director of Planning and Zoning, said that will be a part of the scope of services that would be undertaken by the consultant when the project begins. General parameters have been provided, north of Sunrise Boulevard to the City limits. When meetings are held with stakeholders, they will narrow down the scope.

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

PUBLIC HEARINGS

Evaluation and Appraisal Report – Comprehensive Plan (PH-1)

Public hearing to consider adopting the Evaluation and Appraisal Report of the City's Comprehensive Plan.

Mayor Naugle said that due to an error in the advertising of this item by the Sun-Sentinel, the matter will be deferred.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer this matter until December 20, 2005 at approximately 6:00 p.m. Roll call showed: YEAS: Commissioners Moore and Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

ORDINANCES

Rezoning – Case 10-Z-05 – North Side of David Boulevard (O-1)
Between SW 28 Terrace & SW 28 Avenue

Applicant: St. Thomas Aquinas High School, Inc.
Location: North Side of Davie Blvd., between SW 28 Terrace & SW 28 Avenue
Zoning: Residential Single Family/Low Medium Density RS-8 to Community Facility (CF)

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-05-37

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RS-8 TO CF; LOTS 13, 14 AND 15, BLOCK 7, "GILLCREST 1ST ADDITION," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF DAVIE BOULEVARD, BETWEEN SOUTHWEST 28TH TERRACE AND SOUTHWEST 28TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Water Conservation – Surcharges – New Section of (O-2)
City Code – Chapter 28

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to deter this item until March 21, 2006 at 6:00 p.m.

ORDINANCE NO. C-05-20

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY

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

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

CITIZEN PRESENTATIONS

Fenel Antoine – Drug Problems in the Area of Bethel Evangelical Baptist Church (CIT-1)

Mr. Antoine was not present.

RESOLUTIONS

One-Year Extension of Grant – Riverland Park Aquatic Center – Broward County – Swim Central Grant Program (R-1)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-201

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE A ONE-YEAR EXTENSION TO THE GRANT AGREEMENT WITH BROWARD COUNTY – SWIM CENTRAL GRANT PROGRAM FOR THE RIVERLAND PARK AQUATIC CENTER AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE EXTENSION OF THE GRANT AGREEMENT.

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

Broward County – Right-of-Way Easement – West Six Feet – SW 27 Avenue – Riverland Park

(R-2)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-202

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE A ONE-YEAR EXTENSION TO THE GRANT AGREEMENT WITH BROWARD COUNTY – CHALLENGE GRANT PROGRAM FOR THE BAYVIEW PARK PROJECT.

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

Maintenance of Landscape Improvements – State Road 736 (Davie Boulevard) Memorandum of Agreement – Florida Department of Transportation

(R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-203

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS TO STATE ROAD 736 (DAVIE BOULEVARD) FROM SW 38TH AVENUE TO SW 25TH AVENUE.

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

Grant Acceptance – Florida Communities Trust - \$51,956.06 Acquisition of Conservation Site 141A

(R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-204

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH FLORIDA COMMUNITIES TRUST FOR PROJECT 05-002-FF5- REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$51,956.06

FOR ACQUISITION OF CONSERVATION SITE 141A FROM BROWARD COUNTY TO BE USED AS PARKLAND.

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

Construction Loan Agreement – State Revolving Fund - (R-5)
\$20,393,500 – Water and Wastewater Capital Improvement
Program – WaterWorks 2011

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-205

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING DECLARATIONS OF OFFICIAL INTENT UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR PAYMENTS PRIOR TO ISSUANCE AND RELATED MATTERS.

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-206

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

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

Site Plan Level II Review – Development Agreement - (R-6)
500 East Las Olas Blvd – Request for Extension of Time

Applicant: Coolidge-South Markets Equities, L.P.
Location: 500 East Las Olas Boulevard
Zoning: Downtown Regional Activity Center – City Center District (RAC-CC)

Mayor Naugle said that this matter involves R-6, review of a development plan submitted for the Hyde Park Market site (Planning and Zoning Case No. 83-R-05) and approval of an extension of time for site plan approval and a development agreement.

A prior development plan for this location had been submitted for approval to the City and was the subject of litigation between the City and the Applicant. The Circuit Court entered a Consent Final Judgment which in part found this prior development plan in compliance with the Unified Land Development Regulations, but gave the Applicant the option to submit an alternate development plan to the City. Tonight, the Commission is reviewing the alternate development plan to determine if it complies with the United Land Development Regulations in effect on September 8, 1999.

This is a quasi-judicial matter which means the hearing is conducted in a manner similar to a court hearing. Each Commissioner will disclose any ex-parte communications.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WOULD BE SWORN IN.

All exhibits presented to the Commission as part of this hearing will be numbered by a staff member and listed as exhibits.

At the conclusion of the public hearing, the Commission will consider a resolution approving the alternate development plan, extension of time or site plan approval and development agreement.

Mayor Naugle proceeded to open the public hearing.

Commissioner Moore left the meeting at approximately 6:35 p.m. and returned at approximately 6:39 p.m.

Wayne Jessup, Planning and Zoning Department, said this application is for the review and approval of the alternate site plan in accordance with the Consent Final Judgment issued for the Hyde Park Market site. The project site is located in the RAC-CC Zoning District along Las Olas Boulevard, between SE 5th and 6th Avenues. A portion of the site extends from Las Olas south to the New River where it is adjacent to the Stranahan House to the east.

Mr. Jessup further said that the proposed building is to be 42 stories in height containing 272 residential units for a density of 184 units per acre. Also, there will be approximately 16,000 sq. ft. of retail space. The FAR, including the parking garage, is 11.84.

Mr. Jessup further said that the original site plan included a building which wrapped around the Stranahan House on the north and west sides. The alternate site plan provides that the building is situated entirely on the western portion of the site. In addition, public access areas will be provided along the New River and to the east between the proposed building and the Stranahan House, as well as a public plaza on the north side of the Stranahan House and Las Olas Boulevard.

Donald Hall, representing the Applicant, said that Mr. Sieger and his architectural team would be happy to answer any questions the Commission may have. He believed the buildings speak for themselves.

Mr. Hall said further that on September 8, 1999 an application was submitted to the Development and Review Committee to construct a project on the subject site that would consist of a 38-story building and 312 dwelling units. The ULDR provides that a Level II Site Plan only requires staff and DRC approval. At that time the ULDR did not contain a provision regarding call-up by the Commission of a staff approved site plan. On January 19, 2000, the Commission adopted Resolution 00-10 which declared a public necessity to acquire the property. On March 14, 2000, a referendum was passed authorizing the issuance of \$8 million in general obligation bonds to acquire the subject property through eminent domain. On July 6, 2000, the City authorized the filing of a petition to attempt to take the property, and on July 22, 2000 such petition was filed. On March 21, 2002, the Circuit Court entered a Summary Judgment finding that the City failed to establish a public necessity and dismissed the petition, and on that date, the client had pending counter-claims filed. During the summer of 2004, negotiations began with the City and culminated in the adoption of a recommended Consent Final Judgment at a public hearing, and on November 17, 2004, the Consent Final Judgment was entered into Court. He said that this Judgment is being entered as his client's Exhibit "1."

Mr. Hall said that tonight they are present to bring this matter to a successful conclusion. He said that he wants to highlight the important points of the Consent Final Judgment. There was no reasonable necessity to take their client's property; the resolution approving the condemnation was rescinded; the site plan submitted on September 8, 1999 was found to comply with all regulations of the ULDR and was consistent with the City's Comprehensive Plan; the City waived its right to appeal; and the Court directed the parties that an alternate plan would be submitted.

Mr. Hall said the plan being presented tonight provides a public plaza between the building and the Stranahan House, it repositions the footprint of the building to the west, and the height is being limited to 42 stories with the dwelling units decreased to 272. Therefore, the alternate plan complies with the requirements set forth in the Consent Final Judgment. Mr. Hall proceeded to show a drawing of the proposed project plan. He also displayed a drawing, showing how the building, the plaza and the Stranahan House would appear from the waterway, the property looking southwest. He then proceeded to show a view of the public plaza, along with a detailed view of the entrance to the public plaza from Las Olas Boulevard.

Mr. Hall further said that the project would also complete Riverwalk at this point. The footprint of the building has been moved west in order to minimize impact to the Stranahan House.

Mayor Naugle said that the plans show 271 dwelling units; and asked if it is now 272. Enrique de la Pezuela said no; 272 were the units they had to change because some bathrooms were moved.

Mr. Hall said that in judging the height of the project, an issue which was raised in 1999, since it is located in the heart of the RAC-CC, that buildings on the edge of the area should be limited to 150' in height. A letter was written on October 18, 1999 by Cecelia Hollar to the City Manager providing evidence that this was not the case in this matter was entered into the record as an exhibit.

Mr. Hall said the heart of tonight's presentation is not only if the project was Code compliant, but its impact on the Stranahan House. He said that Janus Research was

commissioned by the City to update the report done in 2000, and such report was submitted during the summer of this year which is a thorough analysis of the former project, along with the proposed project, and which considers the differences of the impact of this project on the Stranahan House. He continued to state that the shape of the building was changed, the footprint repositioned thereby reducing the mass of the project and its impact on the Stranahan House. The Janus report stated: "This alternate plan demonstrates a conscientious and substantive attempt to move the mass of the building away from the Stranahan House. The additional height which results from the reconfiguration of the building footprint does not overwhelm Stranahan House, and the additional height of 42 stories versus the height of the first building, is not an adverse impact because of the change of the massing and the change of the shape of the building, the shadow effect has been drastically decreased, and the new mass does not create excessive shadow. The alternative plan creates open space on what has previously been a parking lot and allows a clearer view to the Stranahan House. This is a generous well-thought solution." The report concludes with the following statement: "The alternate plan achieves a satisfactory solution to the potential negative effect reported in our 2000 report." Mr. Hall further said that the report establishes the compatibility of the project with its neighbors.

Mr. Hall said that in regard to the archaeological impacts to be considered in connection with this project, a testimony was provided by Bob Carr at the Planning and Zoning Board meeting on September 21st. He said further that Mr. Carr will be on site at the project during various stages of construction to ensure that archaeological findings will be properly handled.

Alan Ward, urban designer and landscape architect, said that he worked on the original Riverwalk Master Plan. He said that there is a gap in the continuity of Las Olas Boulevard. The site deserves something better. He said this project provides the opportunity to create a link from Las Olas to the River, along with a pedestrian connection, and have a gateway on Las Olas to the Riverwalk. He said there is also an opportunity to provide an enhanced setting for the Stranahan House while healing the gap in the continuity on Las Olas.

Mr. Ward further said that the planned area outlined in red on the map being shown extends beyond the property lines. The idea is to make this one unified area irrespective of the property lines. In looking down SE 6th Avenue, one sees the vent shaft from Federal Highway which blocks the view to the River, but that will be reduced by 2/3 and re-open the view to the River. The parking would be removed from the site, but an open space would be created for public use and for activities associated with the Stranahan House. The paving of Riverwalk would be extended from 6th Avenue to the River, and along the path adjacent to 500 Las Olas and into the public plaza. The plaza would have a fountain which would be the key focal point directing one's eye southward to the River, and the east side of the Stranahan House. The fountain would be programmed with variable characteristics making it a magnet for gathering in the area providing animation for attracting children and individuals that would be illuminated at night and controlled with wind sensors.

Mr. Ward said the balance of the plaza would contain Live Oak trees to provide shade, along with a restaurant at the edge of the area. Planning research for urban areas indicate that such a restaurant use keeps the area alive. The perimeter is flexible; the tables and chairs can be moved back for other activities. He said the red area being

shown on the map along the sidewalk indicates a shaded trellis or arbor structure providing shade while maintaining an edge along Las Olas. He said there is a second option for the plaza space rather than the fountain, a major piece of sculpture. It would not have the drama of the fountain at night. It would be selected in the future.

Mr. Ward further said that in looking at the site from the northern portion of the street, it appears open while implying an edge and providing shade. At SE 6th they are proposing a gateway contemporary structure with nautical influences, marking the beginning of the Riverwalk along Las Olas, and defining the Stranahan House. The plaza would make this the most significant space in the downtown while promoting pedestrian activity.

Mr. Hall said that negative comments will be made regarding this project tonight, including some about the process. He said the City has an obligation to settle all litigation, while following the Code when approving projects. In this case, every procedure was followed and there were no "back room deals." The City has to balance its interests when fulfilling their obligations. All requirements of the ULDR have been met. The project would not have an adverse impact on the Stranahan House, but would highlight and honor it. He felt this project would anticipate the future growth of the City and be the link between the urban office Las Olas and the hotel/commercial Las Olas, while completing the Riverwalk.

Jim Blosser, representing Stranahan House, said they are requesting a quasi-judicial hearing regarding this matter tonight. He said they are asking the Commission to deny the approval of such a mammoth condominium project because it would not be compatible adjacent to H-1 zoning, and the Stranahan House may likely be damaged during construction and thereafter. The Commission approved the Settlement Agreement by a 3-2 vote on November 16th allowing for a 42-story building. He said they objected to the approval at the time and the settlement issue is now in Court. They argued that this proposed gigantic condominium project should not be permitted adjacent to H-1 zoning, which was the identical consideration the City faced and would continue to face regarding construction around the Bonnet House and the remaining Historic District, and that compatibility is an issue in this case.

Mr. Blosser further said that the Board of Directors of the Stranahan House, which is a 501C3 not-for-profit corporation, has by law a fiduciary obligation to protect the assets of the corporation, which are namely the preservation and financial integrity of this historic property and its operation as a museum. The Stranahan House was built in 1901 and restored in 1981 as a public property. They are obligated to ensure that the City and developer comply with all legal requirements for the approval and construction of the proposed development plan. A legal story would be provided including the applicable administrative code and planning requirements, along with the true historical importance and meaning of this house and property to the heritage of this City, along with the foreseeable impact this project would have on the site. He also said that information would be provided regarding the Janus report.

Mr. Blosser said that this would be their last opportunity within the administrative and political process to present their case. He asked that the Commission truly evaluate whether the proposed gigantic condominium project would be a compatible neighbor to the old, important, and fragile structure built by the first family of this City in 1901. He said that this would be the moment of truth in the care and concern of the history of the

City, along with the philosophy of this Commission regarding preservation versus overly dense development.

Tucker Gibbs, attorney for Stranahan House, said that his client's property is adjacent to this project which would have an incredible impact on their property. Since this is a quasi-judicial hearing, to limit them to 15 minutes, without allowing them to present their entire case, limits the ability of the Commission to make a proper decision. He said that he objects to this procedure tonight. A record needs to be established by his client in case there would be legal ramifications after tonight's meeting.

Mr. Gibbs said he is representing the Stranahan House, adjacent property owner. They are objecting to the proposed site plan because it does not meet the City's Code requirements as to process, procedure or substance. Also, the site plan has been processed through the City's departments and boards and is before the Commission as a result of an impermissible contract, a quid pro quo, the Consent Final Judgment or Settlement Agreement. He said the basis for the site plan is the Settlement Agreement that stated the 1999 site plan was approved and allowed the developer to present this alternative plan. According to the agreement, the City was to diligently expedite and cooperate with the developer in obtaining all necessary approvals and permits. He said they are being delivered a pile of documents.

Commissioner Trantalis said they are being asked to participate in a quasi-judicial proceeding, and normally if a Judge is being asked to review volumes of paperwork, he is then permitted to reserve making a decision so all documents could be reviewed. He said there is no way the documents submitted could be reviewed during tonight's meeting. Mayor Naugle said that fact should be mentioned at the end of tonight's proceeding.

Mr. Gibbs said that most of the material submitted, if not all of it, is public record put into a format that could be easily referenced during his presentation this evening. He said the documents involve DRC's comments, along with the history of the project. He said if there was a regulation in the City, that such information had to be provided prior to tonight's meeting, he would have complied but he was not aware of such a regulation. He said further that he has to establish a record as a responsibility to his client.

Mr. Gibbs further said that according to the City's attorney, this deal obligates the City to approve such plan, or the City has to approve the final 1999 plan. In a land use or zoning process, all applicants and objectors are to be treated fairly, but he believed the developer is getting an unfair advantage because the City agreed to expedite and cooperate. He said the dictionary defines expedite as a means to speed up or facilitate, and cooperate means to work together for a common objective and act in combination. Governmental entities are not supposed to do that, they are to act fairly and treat everyone equally. When they agreed to expedite and cooperate, they agreed to treat people differently, and that is a legal concern. The law is clear that even if the agreement in settling litigation states that a developer and the City are to follow formal requirements for approval and provide public hearings such as this, the process is still tainted and the approval is ultra-virus and utterly void. There is case law on this exact point. The City has the obligation to settle litigation because it is in everyone's interest, but it should not be done through bypassing basic due process. He said by having to choose between one plan or another is wrong and illegal, and by doing that, problems are created. The public will bring up various comments. The question is, given the

constraint expressed by the City Attorney on November 16, 2004, in their decision regarding the Settlement Agreement, are they willing to implement mitigation strategies on this property to mitigate its impacts on the Stranahan House and the community.

Mr. Gibbs said the process utilized in reviewing this site plan does not meet the legal requirements on several levels. The City says this is a Level II site plan review pursuant to the 1999 Land Development Regulations, but the ULDR say something else no matter what year. He said the application is dated 2005, and therefore, should be evaluated pursuant to the Code in effect at that time. Under such Code, Section 40-13 20 J requires a Level IV Site Plan Review because the property is within 100' of the New River and within such Riverfront Corridor. Even if the 1999 Code applied, the site plan would still require a Level III Site Plan Review because it is still within 100' of the New River and such Riverfront Corridor. He said the provision from 1999 states such requirements. He said Planning and Zoning Board was required to hear the matter and decide upon its merits, and then issue a development permit, but that did not occur. The Planning and Zoning Board had been instructed by the Planning Director and Assistant City Attorney that their purpose was to review and comment only, and not vote on the merits of the project. DRC failed to meet the requirements of basic due process because additional evidence was accepted after the initial meeting, deemed as quasi-judicial by the City Attorney, and meetings were held between the developer and the DRC, and then a decision ensued with a recommendation being made. No opportunity was provided to the affected parties to be heard or be allowed to present evidence, even though the Stranahan House specifically requested an opportunity to be heard. He said that 18 documents in the DRC report show that events occurred and decisions were made after the alleged quasi-judicial process involving the DRC.

Mr. Gibbs said that the City's Comprehensive Plan, Policy 11-1.3 states: "All proposed impacts to historic resources shall be reported to the Historic Preservation Board for review and comment." He said in 1999 the DRC required the developer to submit an historic impact report to the Historic Preservation Board for review and comment, and such was done. Such policy is still in place today, but DRC did not make such a requirement. The issue was never discussed. The Consent Final Judgment did not state that there would not be a Historic Preservation review of this matter. DRC asked for a narrative regarding impacts to the adjacent historic structure, and the developer responded that such function was performed when rezoning the Hyde Park property and the Stranahan House. In 2000 a historic impact report was presented; it evaluated the original project and not the alternative project. Therefore, how could an evaluation of a project not before the Commission be an evaluation of a project now before the Commission.

Mr. Gibbs further said the Historic Preservation Board is necessary to evaluate the impacts of a particular development adjacent to an historic structure. The City Attorney, on November 16, 2004, in response to questions from Commissioner Hutchinson stated the alternative plan would also have to go to the Historic Preservation Board for review and recommendation to the City Commission. The City Attorney stated to Vice Mayor Trantalis that the new alternative plan would also have to go through the Historic Preservation Board before it comes to you. It did not and this is a necessary step in the evaluation. DRC required it in 1999 and 2000, and it should be required now. This is a simple error to correct by sending it back and keeping the commitment made at the public hearing on November 16, 2004. The site plan, including the demolition of the Hyde Park building, would impact the Stranahan House, and therefore, it is their position

pursuant to the City Code, that a Certificate of Appropriateness is also necessary. He said the bottom line is this would affect the property. The original Janus report said that it deserved a Certificate of Appropriateness.

Mr. Gibbs said that the site plan is a 2005 application and requires a Level IV Site Plan Review. The site plan does not adequately address the transition in neighborhood compatibility issues. He said that Section 47-25.3 it defines neighborhood compatibility standards regarding mitigation, shadow, scale and visual nuisance, along with the developer being responsible to ameliorate such problems, but this developer has not done so. Under the 1999 Code, which is the Code the City Attorney and Applicant have said applies, the site plan is to be reviewed as a Site Plan Level III and requires Planning and Zoning review. Section 47-13.2 provides the same transitional requirements as the ones in place this year, yet when DRC asked about neighborhood compatibility this year, the developer responded as follows: "The project will meet neighborhood compatibility requirements." Reference was added to specific portions of the site plan drawings, but after 7 years, he asked if this is the best the developer could do in publicly addressing what is to be done to mitigate. He said that DRC requirements are not being met.

Mr. Gibbs further said that tonight the Commission has the authority to direct that this project be changed to lessen its impact on the Stranahan House. He asked the Commission to listen to the public's comments, and to look at modifications regarding the building mass, its location, and buffering to help reduce negative impacts. He further asked the Commission to consider asking the developer to provide more information regarding compliance with the neighborhood compatibility standards and the impacts on the Stranahan House, refer the matter to the Historic Preservation Board, and to refer the matter for a Certificate of Appropriateness.

Commissioner Trantalis asked, if based on comments made by Mr. Gibbs, is it proper for the Commission to review this matter since it has not been presented to the Historic Preservation Board.

The City Attorney said the matter is properly before the Commission at this time. The issues raised by Mr. Gibbs are presently being litigated, with the exception of the matter being presented before the Historic Preservation Board. He said further that during the settlement discussions, conversation had risen about sending this through the process for review and comment, and not for Site Plan Level III or anything else because according to the Statute in effect at the time, no such requirement was necessary. For two reasons it had not been presented to the Historic Preservation Board. One reason was futility because under the consent decree, there had been a determination specifically made and ordered by the Judge that the plan provided definite design restrictions which were compatible with the neighborhood, and reasonably protect the historical resource of the adjacent Stranahan House and property, and that had been the only thing to be decided. He said the other reason was time because they had six months to get the plan submitted reviewed, and since the developer granted an extension of time, the City is not yet in default of the agreement.

Commissioner Trantalis said that due to expediency, the City had bypassed the Historic Preservation Board's review because the Court felt no goals were being violated that such Board would have sought to accomplish. He further asked if they were violating their own processes by not going through that Board.

The City Attorney said that argument is now being litigated as to which law would apply. The City believes that the law in effect on September 8, 1999 did not have neighborhood compatibility as a part of it. There was a specific finding that it did protect the resource, and neighborhood compatibility did not come into effect until December, 1999 which was well after the application had been made. Therefore, it did not apply to this application, and the Judge specifically found this fact.

Commissioner Trantalis further said that the volumes of information provided tonight would not be part of his decision, but he wanted to know if the transcript accurately reflected the discussion whereby the City Attorney apparently stated that the matter should be presented to the Historic Preservation Board. The City Attorney said that he believed his comments in the transcript were that it was to go back through the process, and at that time they believed the Historic Preservation Board's review would be appropriate. Subsequent to that and the other reason why it was taken there, was that the Stranahan House had applied to make this site an historic site, and the City informed them that the Judge had decided that was not the case and refused to take it there. In that litigation the Judge agreed with the City. This is now under appeal.

Commissioner Trantalis asked if it is proper for this matter to go before the Historic Preservation Board before having the Commission review it, or is it merely a suggestion that it be done. The City Attorney said in this case it is purely permissive, and by futility he means that the Court has already decided that it is compatible and protects the historical resource of the Stranahan House. Therefore, the only thing that could be gotten out of the determination by the Historic Preservation Board is something that would be diametrically opposed to the Court's order and consequently there is no reason to go there.

Sarah Stewart, planner with SS Consulting, said that she has been engaged by the Stranahan House to review the plan. The Settlement Agreement states that the Unified Land Development Regulations as they existed on September 8, 1999, define applicable regulations and applicable regulations shall govern the criteria and procedures for approval. She referred to Exhibit 64 presented to the Commission in June, 1997, containing the applicable regulations, obtained from the Gold Book in the Planning Department, and indicated she compared these with all ordinances subsequent to that time, obtained from the City Clerk's Office, to September, 1999. She found no changes. On the New River waterfront corridor, the regulations state that development on parcels located within 100' of the New River shall be reviewed pursuant to the process of Site Plan Level III. She continued to state DRC reviews the application to ensure that all standards are met, and then the project is to be reviewed by the Planning and Zoning Board. There is 50' of right-of-way on the street and that is not necessary. The building could be moved 10', which 10' could be taken off the parking lot, then structured parking could be provided. With structured parking, even more could be provided that they have now. It does not interfere with the number of units. This would allow more space for the Riverwalk in relation to the Stranahan House to better connect the area to Las Olas. Presently it is not possible to put a 10' sidewalk there.

Mr. Hall wanted to ask Ms. Stewart questions since this is a quasi-judicial hearing. He asked if the comments Ms. Stewart made based on the Gold Book or the Code. Ms. Stewart said her comments were from the Gold Book in the Planning Department. The City Clerk's Office did not have Exhibit 64 as it was presented and approved in 1997. Mr. Hall indicated he was still not sure what the Gold Book is, but it does not seem to be

the Code. He asked if Ms. Stewart is an architect. Ms. Stewart replied she is not. Mr. Hall asked if Ms. Stewart directed the preparation of the model she has shown this evening and if it was built to scale. Ms. Stewart said she did not direct its preparation, but it is built to scale because she had been informed by the person who prepared it. In response to Mr. Hall, Ms. Stewart said that she redesigned the project.

Art Seitz, 1905 North Atlantic Boulevard, said about a decade ago there had been an American Assembly process in Fort Lauderdale that said the City's beaches, waterfront and waterways are precious assets to be enhanced and protected. This is the birthplace of the City and he hoped the Commission would reverse their course and save it. He yielded his remaining time to Stranahan House.

Gregory Saldana, 39 West Newton Street, Boston, Massachusetts, said he has a professional degree in architecture from the Rhode Island School of Design, and a Master of Science in Historic Preservation from the University of Pennsylvania. He said that he has 20 years of experience as an architectural consultant. He said that he worked on various projects such as the National Gallery of Art in Washington, D.C., the Colony Theater in the Art Deco District of Miami Beach, the Glen Curtis Mansion in Miami Springs, Viscaya Museum and Gardens, and citywide survey for the City of Fort Lauderdale regarding its historic resources.

Mr. Saldana said that he analyzed both Janus reports, 2000 and 2005, and in both reports there are significant inconsistencies between their evaluations. In the Janus 2000 report there are a number of adverse effects cited that were not cited in the more recent report. A process was referred to regarding a consultation with the State and other parties which he assumed to be the Historic Preservation Board, but the later report did not make such reference. The issue of height was considered that the 38 level height was inappropriate for a setting adjacent to a historic house, but the later report did not address the height issue. The most striking and immediately discernible revisions to the 2000 plan are the dramatic changes in the siting and footprint of the building. He showed an elevation drawing by the architect of the project adjacent to the Stranahan House. He showed a constructed photographic view of the proposed tower adjacent to the Stranahan House which is cropped not to show the top of the building. The issue of shadow was considered an adverse effect in the 2000 report, but the 2005 report states that the developer and architects reduced the amount of shade particularly in the summer months, but that is the hottest time of the year with the highest levels of humidity and conservation issues arise regarding mold.

Bill Saunders, 717 Middle Street, said he was born and raised in Philadelphia which has the oldest residential street in the U.S. Every picture of it shows huge office buildings behind it. There have been no detrimental effects to the street from those buildings. He said that Fort Lauderdale is becoming a city and there is going to be density, and everyone has to be accommodated. The proposed building will not be detrimental to the Stranahan House. He wondered why the Stranahan did not purchase the adjacent property years ago.

Elicia Blackwell, 2901 NE 36 Street, Lighthouse Point, President of Stranahan House, said she is probably the only person in the room who knew Ivy Stranahan. Her family lived with the Stranahans during the war, and they operated the Pioneer House for a long time. This is a special asset of the community, and she believed the Commission would protect it in the best way possible.

Jacqueline Ackerina, 333 Las Olas Way, said that as a child she believed South Florida to be the place where people retired, aged, and died. She realized as she grew older that it is just a slower paced area. She said historical sites are essential for future generations, but not at the expense of progress and change, and urban development is also essential. The unsightly Hyde Park Market is what she envisioned as a child for Florida, old and dying. The developer has proposed an amazing project for the site, while preserving the house and generating much needed revenue for South Florida. The website for Stranahan House says where the old meets the new. She felt they should stop hindering this project. Winston Churchill stated, Pessimists say there's difficulty in every opportunity, but optimists see every opportunity in every difficulty.

Irv Bowen, Chairman and President of Las Olas Company and Riverside Hotel, said they are involved in the planning process for the area over the tunnel. They have not been involved in this process. He found this evening that the property could involve some of their property. When and if this plan is approved, they want to be involved in review of the plan.

Theodore Levy, 501 South Federal Highway, said he has lived just across the river for the last 22 years. Certain areas are run down and he is glad for the changes that are occurring even though he did not agree with all of them. People on boats are afraid to come into the downtown with all the tall buildings, and the riverboat captains feel the buildings create a funnel effect on the river and raise wind speeds in storms. Boats were damaged because of it. He referred to recent years of development and said some of the good things have been disposed with to create the way for newer construction, but he liked change and wanted to see sites like the Hyde Park Market be redeveloped. It is unfortunate Stranahan House did not purchase the property a long time ago. Some of the units in the high-rises have been flipped. Beautiful places are being built that an average person cannot afford. This needs to be looked at.

Barbara Keith, 1732 SE 11th Street, said she is passionate regarding the Stranahan House and its place in the future growth of this City. She said the book entitled "The Stranahans of Fort Lauderdale, a Pioneer Family of New River" by Harry Kersey, Jr. tell of many things that Frank and Ivy had done for the City to make it what it is today. She submitted it into the record. She asked for everyone to work together and focus on the area where everything began. She asked further that all of this information be considered by the Commission, including compliance with the City Code, and the Certificate of Appropriateness, or at least a review and comment by the Historic Preservation Board. During the past years, Vice Mayor Teel and Mayor Naugle have been very supportive. She asked them to remain so during this crucial time that would affect the future of this City. She referred to Commissioner Trantalis' statement to her that the property owner has a right to develop their property. She asked Commissioner Trantalis to be the one to bring everyone together so the City could achieve what would be the best for both worlds. She stated that Commissioner Moore believes that the Stranahan House does not serve the African-American population. It is her hope that he would understand that they are reaching every segment of the City's population. She said that school tours bring children and their parents to the site which is heart-warming and rewarding. She commended Commissioner Hutchinson on her recent article in the October issue of the Gold Riverwalk Magazine wherein she stated meeting the future needs of our City also means having an appreciation for our past and working to ensure that historic preservation remains a priority in years ahead. With the Commission's

support, Commissioner Hutchinson initiated and established the City's first full-time historic preservation specialist which position has been included in the 2006 budget. This specialist would oversee the City's preservation efforts and ensure that the City's unique heritage would be protected through recognizing, preserving, and protecting the City's historic landmarks. A good legacy would then be left for future generations to appreciate and emulate. She hoped this would be reflected in the Commissioner's vote this evening.

Ms. Keith further said that the Stranahan House and this project can co-exist and the Commission can make sure that this will happen. All suggestions should be considered, the plan should be referred to the Historic Preservation Board and changes should be required to protect the Stranahan House.

George Cannes, 2449 Nassau Lane, said he is concerned about the continuance of developers to exploit this tract of land adjacent to the Stranahan House. Alterations could continually be made, but there would still be a catastrophic impact on the most historic area in the city as well as a visual nuisance for individuals on the river. It is another concrete jungle at the expense of the City's historic centerpiece. He said further that there is a 30-year maturation rate for Live Oak trees, and therefore, the trees proposed for planting would not have an effect on the site for a long time. Traffic is very congested in the downtown area already, and with another high-rise, there would only be an increase in that congestion. Additional open space is needed on this site. The project should be more downsized based on the impact of the City's water, sewers, traffic and garbage. Simply because Philadelphia has not paid attention to its history does not mean Fort Lauderdale should not pay attention.

Alan Gleichmann said he lived in the City for a long time and enjoyed its amenities. Progress continues and some of it is good and some of it is bad. This project is a great opportunity for continued progress. People have made moves to meet the middle of the road. The City needs to make that extra move. The history needs to be enhanced and protected. He said the Stranahan House is worthy of support. He is a designer and illustrator and has worked in the City for many years. He believed that moving the building is a good idea, along with the widening of the corridor. He said the building could be enhanced to be more compatible with the historic property next door or even extend the Stranahan House. Perhaps it should be named Stranahan Tower. He said constructing a pedestrian bridge linking the north and south sides of the river is a great idea. This matter should be resolved without assistance from the legal field.

Eric Von Salzen, 2112 NE 44th Street, said he is a member of the Board and Executive Committee of the Stranahan House, but tonight he is going to speak as an individual. This project presents various risks to the structural integrity of the Stranahan House, as well as to its historic integrity. These are serious grounds for concern. The Commission is not in the position tonight to evaluate such concerns since the evidence has not been presented, and it is not the Commission's job to evaluate such matters without the assistance of the City's Historic Preservation Board. This City has a small amount of historic landmarks, and therefore, they should be protected. The Stranahan House is the most powerful of those landmarks tying the City to its pioneer past, yet there is little concern for such a unique historic resource. He asked the Commission if they want to be remembered as the group who approved a plan that would do to the Stranahan House what they know it will do. He urged the Commission to not approve this project.

Jules Lang, Andrews Avenue, said he and his wife feel this project would be an adjunct to the community. It appears the developer has made a lot of modifications in order to pacify the Stranahan House, and he hoped the right course would be taken this evening.

Ray Dettmann, 1900 Miami Road, said the Judge approved this project, but he wondered if the Judge had the background that enabled him to make such a decision besides his legal training. Professional people are not being used in regard to this project, and he asked if the Judge's decision could be appealed. This is like a slap in the face.

Jeffrey Feuerman said the developer for this project has a fine reputation and would protect the integrity of the Stranahan House. The property now is a blight on the City and creates a gap between the fine hotels and restaurants and the City district. He said he would like to live in a condominium like this. He is a resident of Boca but would like to live here.

Anthony Abate, architect and graduate professor at FAU in Fort Lauderdale, with degrees from Catholic University and Washington University, said he lived in the Stranahan House one summer as an intern to prepare drawings submitted to the State for their application for historic designation. He said a misstatement was made by staff this evening, which was that the proposed project is not entirely situated west of the Stranahan House, but occupies a significant portion of the land north of the property. The developers and designers are known for their award winning work in Miami, but it is clear and apparent that minimal design efforts are being applied toward this project. Better work could be done than what is being presented at this time. The project presents a critical design challenge in addressing the impacts and compatibility of the City's most important and precious historic resource. It is within the Commission's power to make sure that the project's design not only meets the Code, but respects the memory of the Stranahans and their legacy so the citizens and future generations can continue to enjoy such a historic resource. A high-rise can be designed appropriately in this context, and therefore, further consideration is warranted. He felt the developer and the design team should be held to their task. The City is mired in a swamp of legalities and need to rise above this, and look at the broader and more long-term picture for the future. It is clear what legacy was left by the Stranahans, but now the City has to decide what legacy they want to leave for future generations.

Miranda Lopez, Fort Lauderdale resident, said it is sad to see such a high-rise being proposed next to such a precious home. She hoped the City would consider this situation seriously and purchase property ahead of time that is needed to protect historic properties. More open space is needed in the downtown and she asked how large the public plaza being proposed would be.

Scott Strawbridge, 1400 Coral Ridge Drive, said he is speaking tonight as President of Friends of the Park at Stranahan House, and a member of various other boards for the City. He said that he is unsure about a lot of the legal issues involved in this matter, but he wondered why every issue involved in this case went before the same Judge. Every time the City goes to court they get the same judge even though it is supposed to be a random system. Construction of the project will hamper school tours of the historic site. He did not think any consideration has been given to this. Many groups and organizations in the City want more information regarding this project which is part of the full process that is to be followed. There are more questions than answers regarding this

matter. He wondered when the Commission ratified the settlement 3-2 was it done on flawed legal advice. He referred to Commissioner Hutchinson's comments that it would go through the full process and that she did not want a concrete canyon and that Chris Eck's input would be important, yet the next time he sat on the Board, the City Attorney removed him and would allow him to perform his job. That was the last time the Historic Preservation Board heard this. He commented that Commissioner Trantalis also asked about the process and Mr. Stewart said what the process would be, but that it not what has happened. Either the advice was flawed or he forgot. He asked if, after seven years, is the City really out of time. He said normal community input was not accepted in this case and no meetings appeared to have been held without lawyers being present. It appears to have been my way or the highway all along. This is not leadership. A gun was put to their heads and they laid down. He was concerned in Commissioner Moore's lack of interest and thought he should learn more from the documents before he votes. He said no drawings were shown of the Riverwalk and where are the agreements, stating that the Stranahan House would be able to utilize the plaza. He is very disappointed at the lack of resolve and respect for the members of the community who deserve to provide input regarding such an important project. He respects the property owner's right to build on the site, but this is a Site Plan Level III requiring Historic Preservation Board and a lot that skillfully has been bypassed. On tonight's agenda the item was listed as an extension of time. He felt that was very misleading.

Steve Spergel, 101 SE 15 Avenue, said he moved from New York to South Florida about 26 years ago, and in that time many large buildings were built. He felt this project would be the marquee building for the City. There is a gap between portions of the City and the Stranahan House. In the past Stranahan House has been hidden. Now there will be an entry feature and a park. Fort Lauderdale is finally becoming a city with a capital "C." Years ago, there was no skyline. The project is not a gigantic building, but rather a monumental building for the City.

Commissioner Moore left the meeting at approximately 8:28 p.m. and returned at approximately 8:31 p.m.

Lou Deaner, 411 North New River Drive East, said she lives in the Las Olas Grand. She said that she has been fighting for parks and green space in the City for a long time because it is direly needed. She referred to the eminent domain process being attempted in other cities in the area and stressed the need for green space and a place to sit.

Christopher Eck, 1428 NE 17th Avenue, said he has spoken about preservation issues many times, and served as Chair of the Historic Preservation Board, along with serving on the Stranahan House Board and Broward County Historical Commission. This is a difficult issue before the Commission. In preservation, the City needs to look at its landmarks and how they can be protected. The role of law is an important part. There is a disagreement regarding interpretation. The City has to look at this development because they must look at preserving the City's sense of place. Other cities have developed around important sites, but in each instance there is an area around the landmark separating it from the adjacent properties by 100' or more. There is a transition from the new to the heritage of the past, and in this case that is not occurring. Possibly the City feels they are being backed into a corner and he does not ascribe any ill intentions towards the developer, but the City should uphold what it has to do in order to protect the transitional zones and the City's heritage, along with what is new which is

important to its vitality. He did not think that is occurring here tonight. He said he has supported the City in many issues, and he does not speak out to beat up the City, but he believed it is the City's responsibility to its citizens to look at the ordinances and act accordingly. He did not feel that has been done in the past in connection with the settlement agreement. In various other cities, it has been the citizens petitioning the cities to protect their landmarks from development.

Patsy Mennuti, 308 Royal Plaza Drive, said she is the Executive Director of the Riverwalk Trust. She indicated their primary mission is to encourage the acquisition and preservation of public access to the Downtown New River waterfront and promote a pedestrian friendly, inviting, safe and attractive waterfront setting to the Riverwalk Park. They recently hired a consultant to evaluate the proposed Riverwalk connection being shown this evening, and their vision is to have a primary connection of Riverwalk Park going south along the New River over the tunnel and north on Las Olas Boulevard. She was encouraged by the response of the developer in addressing some of their specific issues and they applaud the City in working toward a final resolution. They hope that Stranahan House will provide an unconditional easement in front of their home, the most important part of the Riverwalk, the most important public access to this historic waterfront. She entered into the record the specific comments and recommendations about the Riverwalk link and Hyde Park project previously discussed with the Mayor, Commissioners, Stranahan House and the developer.

L. Thomas Chancey said he is a landscaping architect, consulting arborist and tree preservationist. He said it sounds like David and Goliath here tonight. He is sensitive to an issue that has not been discussed which is a memorial Oak tree at the site. Mrs. Stranahan planted it as a memorial. He mentioned other trees in that area that he considered as memorial trees. The urban canyon being created affects the tree life in this area. Everyone needs to consider the closeness of the building and its shadowing which would bring moisture and change to the vegetation in the area although it may not happen overnight. When they die a couple years later, it is too late.

Bill Sydnor, 1900 S. Ocean Drive, said that Ivy and Frank had the foresight to know change is inevitable, but with change comes responsibility and decision making. One of the things the Stranahans always did was to facilitate responsible change. He mentioned some things the Stranahans did when they saw change occurring. He asked if the City is defending itself intelligently, and are they aware of procedures and policies which should be in place or are in place but not being honored. In order to compromise, people need to be educated and be able to make a responsible choice. He said that Ivy Stranahan was strongly disliked in many cases because she fought for what she believed in whether or not it was popular. Frank Stranahan was not always liked either because he fought for civil rights at a time when it was not popular. These people stood steadfast for what they believed in. Everything done is for this generation and future generations, otherwise there is no point to anything. He urged the Commission to think carefully, remember the legacy of the Stranahans, and responsible decision making.

Diane Smart, President of Broward Trust for Historic Preservation, said that one fact cannot be stated firmly enough which is that the City's Code must be followed. The Historic Preservation Board appointed by the Commission should be able to fulfill the duties they were assigned. The Code states that any activity that impacts historic properties must receive a Certificate of Appropriateness from the Historic Preservation Board. The Commission must allow such review. The Stranahan House is a historic

property being impacted by the proposed project, and the process to be followed is very clear. Mr. Hall said the City needs to balance their obligations. Those obligations are also to the voters. There was a huge public outpouring for a bond issue, and those who voted for the purchase of a park did not envision a tiny opening filled with chairs and tables for restaurants. The Board feels strongly that the Code should be followed, and it is the Commission's responsibility to see that happens.

Michael Moskowitz, 1900 NE 8 Court, said that in Virginia Young's 1976 book entitled "*Mangrove Roots of Fort Lauderdale*," she writes on the last page, the downtown area will be built up, but whether it will be parks or buildings, only the future will tell. Well the future is now and 90% of District II constituents prefer to see a park, rather than another 300-car garage on a one lane road. People say the Stranahan House case is based on emotion and if that is so then that is great because it is that type of emotion that fueled women's suffrage in the 1920's and that which fought civil rights in the 1960's. Such movements were successful because in everyone's heart of hearts, they knew it was the right thing to do. People did not settle but succeeded. When one gives up on the right thing to do, then what are they really fighting for. He felt there needs to be a park at this site so people can look at the New River and reflect on the City's past. In today's society, money is an omnipotent force and few people care about character or upholding constituents' desires or preserving pioneers' legacies because such enterprises are not profitable; they only profit the soul. The owner of this land does not live in Fort Lauderdale and does not care about the City's future. He said he cares, and therefore, encourages the Commission to do the right thing in this matter. Ideally, he wants his children and grandchildren to play at this park. He wants a plaque at the site if a 42-story condominium project is built saying that here lies what should have been a City park and instead is a 42-story condominium. Unfortunately, that may be the legacy followed.

Connie Hoffman, 7664 Courtyard Run, Boca Raton, said she served the City for over 15 years, and in all those years she had never seen such a perplexing situation. She said a public hearing is being held regarding something that has already been approved. She is going to assume this is a true public hearing and the Commission's hands are not tied by the settlement agreement, and their minds are not made up one way or the other, and the purpose of tonight is to take public comment about the development. She reiterated what a very good architect said earlier that this developer can do better. The role of the Commission is to determine whether this development is compatible with an important adjacent historic site. In looking at the proposed development, it is obvious it is too large for the site and totally incompatible with the Stranahan House. She thought Tony Abate provided good advice which is for the Commission to play their role and look at the development, along with the adjacent Stranahan House, and direct the developer to go back and modify the design to make it more compatible with the City's most important adjacent historic site. The Commission needs to take that leadership role.

Charlotte Rodstrom, 66 Nurmi Drive, said she has lived in this City for 50 years and she does not have a problem with the developer or his building even though some adjustments could be made, but she does have a problem with the City, its process, the ULDR, zoning and everyone's individual interpretation. She was bypassed in the process as a member of the Planning and Zoning Board. She could only comment and not vote and felt insulted by such direction. She said she is passionate about the Stranahan House and has served on their board. She is also passionate about Fort Lauderdale. She believes with H-1 zoning, there is a need to go before the Historic

Preservation Board, and the Planning and Zoning Board should do more than review and comment. The City owes it to their citizens not to expedite the process. The project needs to go before the Historic Preservation Board before any decision is made because that Board could have an impact not only on the House, but on the citizens.

Ms. Rodstrom further said that, in regard to site plan review, the plaza looks beautiful but does not compliment the Stranahan House at all because the House is not visible from the road. The retail parking is inadequate, and the project is not compatible with the neighborhood in connection with the H-1 adjacent property. She urged the Commission to think very carefully.

Romney Rogers, 1101 SE 7th Street, said he is a past President of the Stranahan House and past Chair of the Chamber of Commerce, and past member of the City's Historic Preservation Board. The City missed the boat in going through the process. He thought that the City Attorney said there were two reasons it was not presented to the Historic Preservation Board was due to time and futility. Those are not adequate excuses. The process allows for input from various experts. He urged the Commission to send this matter to that Board so more compatibility would be shown to the Stranahan House which is a jewel of the City and a piece of history that needs to be preserved.

Debra Vogel, 6173 Woodbury Road, Boca Raton, said she works across from the proposed site and serves on the Board of the Stranahan House. She was hopeful a park would be placed at the site, but that appears not to be the case. Now everyone is attempting to compromise, but the City has the obligation to protect, and therefore, they should give the matter their deepest consideration.

Linda Brown, 826 SW 11th Court, was concerned about the City's Comprehensive Plan which is a well-written blueprint for how the City is to be developed, and it deserves more respect than what has been given to it, not only in regard to this project but throughout redevelopment of the City. The plan states that building heights along the New River should be moderated, yet the tallest buildings in the downtown are along the New River. She urged the Commission not to continue ignoring this plan by approving this project.

Commissioner Trantalis left the meeting at approximately 8:59 p.m. and returned at 9:01 p.m.

Charles Jordan, 1216 SW 4th Court, said he has been involved with the Historic Preservation Board, and never has a public official made it so clear that his service and the service of the other members of that Board was a futile effort. He hoped that perception could be reversed this evening. If the City continues down this path, then the birthplace of the City would be obliterated. This site was defined as a park over 70 years ago, and that covenant is now being broken and traded for nothing. This project makes the original purchase of Manhattan years ago look like an equitable exchange. The project will require infrastructure that is not available and a bill for it which everyone will pay. The park commemorating the founding of this City will be buried under tons of concrete and steel. The project is being accomplished behind closed doors without due process mandated by the ULDR. The Commission promised a full review process, a quasi-judicial process, and a specific review by the Historic Preservation Board, but that has not occurred. Tonight an extension is being requested. He asked the Commission to send this project through the full review process as promised last November. It is too

convenient for the Commission to hide behind the opinions of staff. He asked for a full process and for the matter to be sent back to the Board.

Commissioner Moore left the meeting at approximately 9:02 p.m. and returned at approximately 9:05 p.m.

Birch Willey, 818 SE 4th Street, said he is not speaking for or against the Stranahan House, nor is he going to speak for or against the individuals involved with the project. He is here to speak about the City's history. He does not envy the Commission regarding their vote taken tonight. He referred to citizens who were involved in the past who said it was the citizens' job to take a small town and birth a city which has been done. That is what is happening now. He felt that the Stranahan House and a nice new tall building could exist together. He felt they are just at a stage when some said this City would be the diamond in the setting of Broward County. He felt this project would help the City move forward and make it more of the diamond he envisioned in the '70's.

Bill Hahne, 600 West Las Olas Boulevard, said he truly believes in this project. Many arguments were given this evening and there is something to be said for each side, but he believes personally and professionally that the City is finally coming into its own. The City was desolate four years ago and now many new buildings that were only on paper then have been constructed making the City look better than ever. This project impacts the Stranahan House, but how the old relates to the new is a problem that comes before every city as they grow, and people begin to move back into the city center. He referred to other cities and their downtowns. This project does respect the Stranahan House and helps to create a visual corridor from Las Olas to the river. There may need to be some fine tuning, but the past should be respected and something built that would respect today, 2006. This project is an elegant solution to a problem. It reflects the time while reflecting the past.

Paula Russo, 3103 North 19th Avenue, Hollywood, Florida, said she is a volunteer at Stranahan House. She is in favor of urban development when it is done well. She felt cramming high-tower buildings close together is not doing things well, and she did not feel it is appropriate to place such a tall building next to the Stranahan House. Tall buildings are fine in some areas as long as open space is provided in between them, otherwise, there is overcrowding. The Stranahan House has always been prominently listed as a historic site. Events are held at the Stranahan House which is not uncommon to assist in helping them financially survive. She did not feel the proposed building would ultimately serve the citizens of the City and people who visit, but that it will make a lot of money for a few people and benefit a few people.

Edward Stone, 2012 Coral Shores Drive, said he is not opposed to tall buildings, but he wants to support the Stranahan House and say that this is more important than just a house. It is important in regard to quality urban planning, and with how the City is looking forward to their future. By changing the rules, this project would dwarf this historic site is unfair and uncalled for. There are opportunities to negotiate with the developer and arrive at another solution. This is a critical beacon in the community. This is an opportunity to recapture what would have been the historic square in the downtown area. That is where it would have been situated had there been a planning team a 100 plus years ago. It is not just about protecting the house, but also about protecting this one opportunity. There has not been the opportunity in modern times to buy this property and reestablish a focal point for the entire community, not just a few very

wealthy. As open space, this adds a dollar value to the community far in excess of what it will add in the hands of a few people.

Mr. Hall said the Stranahan House will be highlighted and preserved by the proposed project. Many people have indicated this evening that in order to construct the proposed project, it would be necessary to dismantle Stranahan House. For the first time, by creation of this plaza, people will be invited to view Stranahan House and to take advantage of the resource. This is not about preservation. The property is zoned RAC-CC and was so zoned in 1998. No one objected at that time to such zoning. The property is not zoned H-1. In reference to comments about sending it to the Historic Preservation Board for a certificate of appropriateness, the Code does not require such a certificate in this situation. In reference to the comment to send it back to the Board for comment, he noted that Judge Andrews found it was not necessary or required. He said he is biased in regard to this matter. Some suggest that the property owner holds this property in trust for the public, but that is not correct. The developer is required to design a project that meets Code and this project does so. They have met numerous times with representatives of Stranahan House. It is being said today that if they meet one or two more times, there would be a suitable plan. They have asked for comments as late as the summer of this year and nothing was forthcoming. He referred to Mr. Abate's comment that they could do better and asked why he has not suggested this in the last 7 ½ years. Public hearings bring forth good feelings and suggestions to meet one more time and give more and things would be better, but history has proven that is not the case. The developer has done everything he can and will do. The developer wants a decision by the Commission tonight. He referred to the architect speaker that said the big flaw in the Janus Report was that there was no discussion of height. He referred to pages 7 and 8 of that report where height is discussed in detail, and where it is stated the additional height does not exacerbate the problem because the building has been moved further away to the west and the additional height has no adverse effect.

Mr. Gibbs said it has been made clear that their presentation is limited tonight. He was concerned and objected to the fact that their expert witnesses were not permitted to complete their testimony. He said Mr. Hall stated that they had met with Stranahan House for seven years, and they have never responded. He said that they have been told that changing the building was non-negotiable, therefore, how could they respond to such a statement. They want to work with the developer. Tonight was the first opportunity they have had to discuss the proposed building in front of a body that has the authority to tell the developer to do something. They want the building moved 10'. He further said the City Attorney said the Consent Final Judgment stated that the agreement deals with the alternative plan. It says that the revised site plan submitted on March 13th met compatibility requirements for historic preservation. There is nothing in the Consent Final Judgment or the Summary Judgment that discusses the plan before the Commission tonight not being presented to the Historic Preservation Board. This Consent Final Judgment specifically states the revised site plan submitted on March 13, 2000 which is the original plan.

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

Commissioner Moore asked if Mr. Gibbs is stating that he is representing the legal aspects of the Stranahan House. Mr. Gibbs said that he is attempting to do so.

Commissioner Moore asked if this structure was moved 10', the Stranahan House would be happy and things would be settled. Mr. Gibbs said that is not the case. He understood from the Riverwalk people that this is a proposal, moving it back, that they could buy into. Cutting 10' would go a long way toward helping and makes the differences between the parties small and solvable.

Commissioner Moore said he read a book about the Stranahans. The Stranahans made efforts that were unpopular. He said that all of his votes are about his conscience in the mirror. He referred to comments that he was concerned about the availability of people of African descent utilizing or having opportunities with the Stranahan House and was perplexed because he understood the Stranahans to have been inclusive. He does not feel activists and board members with the House have been or are inclusive. He noted that when these discussions began 7 ½ years ago, the Stranahan House could not be seen from Las Olas Boulevard. Things mentioned to make the property more accessible to the public were not done. Even when the Commission put several million dollars on the table to deal with beautification for a Riverwalk, Stranahan House was in the way again when it came to giving the public accessibility to the waterway. Yet they indicated tonight if 10' was given for accessibility, they would be more happy with the process. On numerous occasions individuals in this room have spoken about compromise, but tonight he has not seen any compromise from the Stranahan House. He referred to the times the matter was before the Court and the same judge was assigned. Each time he has reviewed the process, he has always felt this project was slowed because of development interests of other projects along the New River. He wondered where the \$2 million came from to deal with this matter. He put that aside along with the inadequacy regarding the legacy of Stranahan when he does not see the Board advocating for the things he read that they did. He follows the legal counsel of the City Attorney. He respects Connie Hoffman as a city manager and her concern about the process. The law is the missing piece of pie in tonight's discussion: the law about the property being zoned RACC and when zoned such, the owner having the opportunity to develop it to the extent of the zoning, which is what this proposal has presented. The City Attorney has explained why the matter was not taken before the City's Historic Preservation Board.

Commissioner Moore said in the early stages of this project, the development team, which he complimented, stated that they wanted to provide a visual impact to the Stranahan House. Every comment about development included a comment about how could it be developed to have a positive impact on the Stranahan House. He felt in an urban area when one talks about compatibility, if the rest of the historic homes were situated and there were tall buildings hanging over, there would be a concern. But there is only one property falling out of the envelop of development issues around it that is a different matter. He referred to previous discussions about acquiring open green space in the downtown area but people did not want to put a burden on the taxpayers. He said that his vote is still going to be the same.

Commissioner Hutchinson did not think that anyone on the Commission wants to do anything that would affect the integrity of the Stranahan House. Tonight's meeting should not be under estimated. She has worked with many people in the audience and respects their work. She wanted the City Attorney to clarify some of his statements. She said she reads all of the documents provided and read the minutes of the Planning and Zoning Board where they had the opportunity to review and comment. They could not vote but could supply their comments on the record for the Commission. As it

relates to the Historic Preservation Board, she asked why, when she as well as Commissioner Trantalis asked the question, the City Attorney had responded that the project would go through the process.

The City Attorney said his exact words were that it would go through the process. The specific question as to whether the project would go before the Historic Preservation Board, he felt at the time that would occur and indicated to Commissioner Trantalis that he thought it would go to the Historic Preservation Board. When the meeting ended and later the Stranahan House had filed an application to ask that this site be designated historic, at that time, he had reviewed the Consent Order and the determination of the Judge, that the site was not an historic resource. The decision was appealed. The Judge agreed with the City that it was not an historic resource, which case is on appeal. Time was running out and it was futile to go back because the only thing that the Planning Board could find was that it was incompatible. The Judge had already made a determination that it was compatible. Therefore, he saw no reason to take the project to the Historic Preservation Board because the only answer that could be given was that it would be incompatible with the Judge's decision.

As it relates to the Settlement Agreement, Commissioner Hutchinson asked if the Commission does not agree about this project tonight, what happens. The City Attorney said that the Consent Decree provides that the old building that the Judge found compatible with the adjacent site and met the requirements of the ULDR at the time, September 8, 1999, was a larger building and surrounded the Stranahan House on both sides as opposed to primarily the west side would be built. When entering into the Consent Decree, they thought a better plan could be had. They gave themselves six months to work out a better plan. The developer indicated that the elements of such a plan would be, being open space as they have given approximately 1/3 of their property.

Commissioner Hutchinson said if an agreement is not reached tonight, then the first project shown could be built. The City Attorney confirmed that as correct.

Mayor Naugle referred to the City Attorney's comment and said the original building was 682,000 sq. ft., but the new building is 792,000 sq. ft. and over 100,000 sq. ft. more. The height is going from 360' to 454' making it the largest building in Fort Lauderdale adjacent to H-1 zoned property. He asked how is the original building larger than the new building.

The City Attorney said that his response referred to the footprint of the building which has moved back, and to accommodate for that move, the building is higher.

Commissioner Hutchinson wanted to review the document provided by the Riverwalk Trust. Regarding the Riverwalk section at the Stranahan House, she indicated it has never been the intention to not complete it, but the City has not been able to acquire an easement agreement from the Stranahan House. The City Attorney said the grant money is gone in regard to that portion behind the Stranahan House, but concerning the portion of the FINE grant for the improvement of the park area over the tunnel, an extension of time has been secured. Commissioner Hutchinson said it has always been their intention to keep the Riverwalk connection behind the Stranahan House if and when the easement agreement was secured from the Stranahan House. The City Attorney confirmed that as correct.

As it relates to the development documents, Commissioner Hutchinson said the Riverwalk Trust discusses a broad public access area along the Riverwalk area. She asked how much of the Riverwalk area would extend from the proposed building to the property line.

Charles Sieger, architect, Sieger Suarez Partnerships, said the bulkhead along the river is variable, and the distance to the property line on the drawings shows 42' 1", and the distance to the bulkhead varies, but is no closer than 60' to the building.

Commissioner Hutchinson said their letter states, the development agreement should establish who should pay for and construct the public improvements, and indicated it will be the developer. Mr. Hall confirmed that is correct. Commissioner Hutchinson said they also requested that the operation of retail and restaurants be used for public use. She felt it is important for the riverwalk to be viable, and she wanted that to be a condition should the project be approved. Mr. Hall agreed to such a condition.

Commissioner Hutchinson said there is an issue regarding the seawall in this area, it is in poor condition. It is not linear. She asked if there is an opportunity for the developer to assist in making a more clear connection which would meet one of the Riverwalk Trust's conditions. Mr. Hall also agreed to such a condition.

Commissioner Hutchinson said the Riverwalk area and Las Olas Plaza are not green enough. She encouraged the developer to contact Mr. Chancey regarding trees in the area before, during and after construction of the project so the trees by the Stranahan House are kept viable. She felt a promise should be made to the Stranahan House that the trees placed in memorial for individuals would be retained. Mr. Hall agreed to that condition also and said that Mr. Chancey would be invited and welcome.

As it relates to the easement behind the Stranahan House, Commissioner Hutchinson encouraged working with the Stranahan House, and toward returning to such discussions, even though it has been difficult in the past. It is the worst possible position in which to be tonight. She would rather be anywhere else at this time.

The City Attorney said that he needs to make a correction regarding a previous statement. The City had two grants. The one for behind the Stranahan House was for \$145,000, and the one for over the tunnel was for \$397,000 and both were matching grants. The one over the tunnel was to expire this year and has been extended for one year. The one for behind the Stranahan House has not been extended, but it has not yet expired and is still pending until the summer of '06. Commissioner Hutchinson said there is the opportunity to work together and not lose grant money that everyone worked hard to secure.

Commissioner Hutchinson pointed out that the City lost the condemnation lawsuit, and legal counsel, hired by the Commission, provided direction to get out of a lawsuit that was lost so damages up to \$30-\$50 million would not be incurred. The City just got out of a financial crisis and is heading in the right direction. Millions of dollars of damages occurred due to Hurricane Wilma. She encouraged the developer to make one last effort and meet with the Stranahan House, and that the Stranahan House pick specific individuals to attend. She suggested Christopher Eck be invited. She asked that they try again.

Mr. Hall asked what is to be gained by having such a meeting. Commissioner Hutchinson said if this is approved, they will be neighbors for a long time. As it is not her meeting, she did not know what would be on the table. Mr. Hall indicated that the developer would be happy to meet with them at any table of their choice.

Commissioner Hutchinson said she does not like what she has to do tonight, but they have to get out of a lawsuit that was lost. The \$8 million does not cover attorney costs and they do not want to sell it to the City.

Mayor Naugle said what he cannot accept and could not accept the agreement because the building shown tonight, along with the original building proposed, did not comply with the City's laws. He commented that he took an oath to uphold the laws of the City. He is convinced beyond a shadow of a doubt that neither building complies with the City's laws. In reading the Zoning Code, what it gives on one page, it takes away on another. It is clear in the Zoning Code and the Comprehensive Plan, the 1999 edition, that properties at the edge of the RAC-CC are to be compatible with the neighborhood and will be at a lower height. In building New River Village and Marketplace, Wayne Huizenga ran into much controversy. The Commission, based on the law then, which was the 1999 Code, limited the height to seven stories because the property was at the edge of the city center, even though it was across from B-1 property. This site is at the edge of the city center and contiguous to H-1 zoned property, a single family house that is operating as a museum, and the City is going to treat this developer differently and ignore the laws of the City. He said that he cannot ignore the law. This matter went before a judge who ruled against the City. Cases of this nature are lost all the time in the local court, but always reversed on appeal. He said cities have a right to take property for parks. The matter needed to be appealed, and maybe if the matter went before a jury, there would be a decision that the park was worth \$5 million, \$10 million, \$30 million. If it was \$30 million, the City would have to walk. Then, the developer would have to request a permit to build the building. Possibly the developer might have been given 20 stories, but not 38, and definitely not the tallest building in Fort Lauderdale adjacent to H-1 property. The City did not give it a chance by getting the judge reversed.

Mayor Naugle said Smoker Park was limited to seven stories, but the City Manager at that time gave two additional stories after the Commission voted. He referred to developments near H-1 property. A couple hundred yards from the Bonnet House, developed was restricted to 5-8 stories. Because this property is located downtown, he questioned why the same is not being done. The laws need to be applied fairly which was not done in this case. People have been saying that the Stranahan House had the opportunity to buy the proposed site, but it was never on the market and even the City did not have the chance to purchase it. It was a chain of grocery stores and one would have had to buy the entire chain to acquire that parcel. There is controversy taking land for economic development, but this was to be for a park which cities all over the U.S. have a right to do. He asked why the Commission would allow a judge, who does not have a degree in architecture or is not a city planner, to make such decisions for the City. Any commissioner who would allow a judge to do his or her job is not fulfilling their oath of office.

Mayor Naugle asked if his vote would be symbolic in voting against the settlement that he previously lost on a 3-2 vote. He did not think it is. He asked about the size of the building footprint for the 38-story building. Marc LaFerrier, Director of Planning and

Zoning, said the building footprint for the plan submitted in 1999 was a calculation they had to do because it was not in the plans submitted tonight, but a rough estimate would be approximately 33,000 to 34,000 sq. ft.

Mayor Naugle said the new building is larger, 39,000. The old building is smaller in all respects. The units average 1,200 sq. ft., where the new units average 1,500 sq. ft. and 100,000 sq. ft. more in apartments. In today's market, the developer needs that 100,000 sq. ft. to make the project profitable. If the Commission votes no tonight, the developer will have permission to build the original building, but he did not think they want to do that. If it is not built, the City might be able to go back to what it should have done and open the compromise plan for a medium-size condominium on the beach with a park and town square. This was offered and it was a no cost settlement, no legal fees. In today's economy the beach building might look more attractive. He could not support the site plan presented this evening.

Commissioner Trantalis said it is important to understand this issue in perspective. Two points need to be highlighted that will influence his decision this evening. One is that the City did attempt to make the site into a park, but the attempt was lost through the judicial process. The condemnation process is wide-ranged and the City has a lot of latitude in that regard. What if the case had been won, then the City could have bought the property from the owner. Winning might have been something they would not have wanted due to the cost involved. It is not just the cost of the land, but the value of the profits. He did not know if the number was \$15 million or doubled. The Commission had to consider what they wanted to impose on future generations in terms of tax burden to pay the condemnation win. He did not feel such a burden could be sustained by this City. The recent hurricane, classified as a medium one, is going to cost the City millions. The City needs to be prepared for that more than anything else.

Commissioner Trantalis said they also have to understand the context in which the RAC was developed. This was an attempt on the part of a previous Commission to generate interest in the downtown. These things cannot be done halfway; no city center can flourish without a critical mass to sustain the kinds of amenities being pursued. He did not know if the RAC boundary line should have been drawn right next door to the Stranahan House. Across the street is the Riverside Hotel which is not small and it is not in the RAC, yet it was built and it shadows the Stranahan House, but no one objected at that time. There is surely artifacts under that site. The reality is that decisions were made in the past that they are stuck with trying to reconcile which is not easy. The City is being painted into a corner through judicial decisions, Commission decisions, and through options being presented this evening. The options are not the best. He does not want to see a 42-story building built here. He would love to see a park, but at least they agree that the Stranahan House is not being moved, demolished or inhibited from flourishing for future generations. People need to begin agreeing on things, otherwise they would not have their finest hour. Everyone needs to use common sense and make the best out of what they have to work with. In this case he sees a parcel of land adjacent to a historic site which is important to the City and its heritage.

Commissioner Trantalis said he would like the developers to tone down the project, but the reality is they have a right that cannot be inhibited. He respects that they changed the footprint and tried to create an open space between the Riverside Hotel and the proposed site. He preferred to leave design up to the staff. The reality is that the way the law works, reality has to be faced regarding financial burdens that the City could not

impose on future generations. If a \$30 million debt is imposed upon the City because of this park, he did not think it would be the right decision. If the community wants to spend that money, it should be to buy 20 or 30 acres in new areas where the City is emerging, Flagler Village, Progresso, where land is less expensive, and in the future will be the center of downtown activity. He wanted there to be vision of where the city will be tomorrow. He felt his vote will be the deciding vote and it will be in support of the project.

Vice Mayor Teel said that one of the things not discussed this evening is the extension of time requested for site plan approval. The back-up material states that the Applicant believes the site plan will be challenged by third parties and anticipates litigation of such challenges to finality will take in excess of 18 months. She was concerned about the time involved, and how for the past seven years citizens have looked at the blight at this site. She felt this shows disrespect by a developer allowing property to remain in such condition. She suggested that the building be demolished as soon as possible. Mr. Hall said that they will immediately apply for a demolition permit for the building as a condition of the approval. A sales center would be placed at the site with appropriate landscaping. Prior to its demolition, Mr. Chancey would have the opportunity to inspect the trees on both properties.

Vice Mayor Teel said that it had been her understanding that the project would go before the Historic Preservation Board, along with the Planning and Zoning Board. She attended the Planning and Zoning Board meeting. She understood how some members of advisory boards could feel that their service is not valued as much as it should be. However, the board had the opportunity to hear the presentation and make their comments. She believed that Commissioners Hutchinson and Trantalis relied on the information provided by the City Attorney when they were told it would go through the process and go those other steps. Out of respect for the Historic Preservation Board, this project should still be presented to them because it would not be a burdensome thing to do. She felt the Code should be followed. This property should not be treated any differently than the Bonnet House. She referred to the work of the Mayor and Mr. Perez for a compromise, an exchange, and probably construction would be going on now. She understood that the developer does not want to do that again. Sometimes opportunities are missed that could have been the better solution. She said she is not changing her vote from her previous one. She thanked the developer for wanting to make the site more presentable. She felt it shows the right intentions.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to follow staff's recommendation regarding the extension of time.

RESOLUTION NO. 05-207

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, APPROVING A DEVELOPMENT PLAN TO DEVELOP A MIXED USE DEVELOPMENT UNDER CASE NO. 83-R-05, LOCATED AT 500 EAST LAS OLAS BOULEVARD, FORT LAUDERDALE, FLORIDA, IN THE RAC-CC ZONING DISTRICT; TO AUTHORIZE EXECUTION BY THE PROPER CITY OFFICIALS OF A DEVELOPMENT AGREEMENT WITH COOLIDGE-SOUTH MARKETS EQUITIES, L.P., A DELAWARE LIMITED PARTNERSHIP; AND TO GRANT A REQUEST FOR AN

EXTENSION OF TIME FOR THE EXPIRATION OF A
DEVELOPMENT PLAN.

Which resolution was read by title only.

Commissioner Moore said he appreciated the work of the Board of the Stranahan House, but he hoped they would take his comments positively in that it is more than a house that the Stranahans stood for.

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

Advisory Board/Committee Appointments

(OB)

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

Audit Committee	John Aurelius Harry Sweeney Mark LaFontaine Kevin Blair Norman Thabit
Board of Adjustment	Birch Willey
Board of Trustees Police & Firefighters Retirement System	Mark T. Burnam
Beach Redevelopment Advisory Board	Shirley Smith
Citizen Board of Recognition	Eugenia Ellis Birch Willey
Citizens Police Review	George Trudell Linda Shallenberger Stephen Muffler Roosevelt Walters Ron Wright James Fling
Community Appearance Board	Michael Freedman Tom O'Loughlin John Barranco Patrick McTigue Bill Hahne Dennis Cole Ree Cole Greg Stuart Marilyn Mammano Cindy Wallick

	Annette Ross
Community Services Board	Fenel Antoine
Downtown Development Authority	Charles B. Ladd, Jr. Alan C. Hooper
Economic Development Board	Patricia DuMont Adam Sanders Mark Budwig Robert E. Boyd
Historic Preservation Board	Susan Bryan Jordan
Insurance Advisory Board	Christopher Prestera Randall S. Swenson Ted Hess Roger G. Bond Mark Schwartz Joseph Cobo Joseph J. Piechura, Sr.
Planning and Zoning Board	Steve Glassman
Unsafe Structures and Housing Appeals	John Scherer
Utility Advisory Committee	Terry Moro

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-208

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

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

Historic Designation; 1610 NE 2 Court

Commissioner Trantalis said there is a house in Victoria Park built in 1926 and an individual recently purchased the land and wants to demolish the building for redevelopment. He asked if the Commission could seek to preserve the home and asked if the Commission would consider being the applicant for historic designation. The address is 1610 NE 2nd Court.

Mayor Naugle asked, for the purpose of zoning in progress, if the Commission could have an item on the agenda to discuss this issue.

Commissioner Trantalis asked if the Commission could be the applicant in the filing of an application for historic preservation.

The City Attorney asked if the owner of the property has filed an application. Commissioner Trantalis said the owner of the property would be adverse to such an application. The City Attorney asked if the owner filed an application for demolition. Commissioner Trantalis said no, this is an attempt to precede such an application; they have filed an application for a building permit. The City Attorney said there is ongoing litigation on this subject. At the trial court level the City won the case, but a notice of appeal has been filed. This is on the old Gill properties. If no application has been filed, the discussion tonight could be zoning in progress or a designation in progress.

Mayor Naugle said the Commission could hear the item. He asked that an application be brought forward to consider a designation.

The City Attorney was not certain who on the Manager's staff does this, but the matter would be brought back to the Commission at their next meeting.

Mayor Naugle concluded that a demolition permit would not be issued until the Commission discusses it.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson that an application be submitted by the City for historic designation of the property located at 1610 NE 2nd Court.

The City Attorney cautioned that this is the kind of thing that makes new case law.

Commissioner Hutchinson said that this matter would probably end up in court; they would be making history in this regard.

Commissioner Moore left the meeting at approximately 10:18 p.m.

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

There being no other matters to come before the Commission, the meeting was adjourned at 10:19 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk