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FORT LAUDERDALE CITY COMMISSION
MAY 23, 2006**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
MAY 23, 2006**

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: Commissioner Christine Teel
Commissioner Charlotte E. Rodstrom
Commissioner Carlton B. Moore
Vice Mayor 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 T. J. White

Invocation was offered by Dr. Diane Mann, Senior Pastor Fourth Avenue International Worship Center, 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 Vice Mayor Hutchinson that the minutes of the May 2, 2006 Conference and Regular Meetings and agenda be approved. Roll call showed: YEAS: Commissioners Teel, Rodstrom, and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

Presentations

OB

1. National Maritime Day – May 22, 2006

Commissioner Teel and the City Commission presented a proclamation declaring May 22, 2006 as "Maritime Day" to James Stevenson, Vice President of the American Merchant Marine Veterans.

Mr. Stevenson presented a plaque to the City as a sign of appreciation for all the help given to the organization. He thanked the City for the proclamation. He said that the Merchant Marine is essential to the United States and critical to the war effort.

2. First Annual Medical Director Grant Awards**OB**

Vice Mayor Hutchinson and the City Commission recognized the first annual medical director grant awards to the following recipients: Ms. Jo-Ann Lorber, Mr. James Carroll, the Fort Lauderdale Ocean Rescue Team (Sean Maxwell, Mike Walsh and Christine McCrady). Dr. Sanadie presented the awards. The first award was presented to Hugh Baine who was recognized by Broward General Medical Center for his valor and courage.

Chief Jeff Justinak recognized Jason Morris and Jason Bohan, members of the SWAT Medic Team. He presented an award to James Carroll for his outstanding work in developing a post-exposure educational handbook "What You Need To Know." Awards were then presented to Brian McAdam, Jill Serano, members of the Ocean Rescue Team. Two teams competed at the competition in Orlando.

3. Public Works Week – May 21-27, 2006**OB**

Commissioner Rodstrom and the City Commission issued a proclamation declaring May 21-27, 2006 as "Public Works Week" to Albert Carbon, Director of Public Works.

Albert Carbon thanked the Commission for the proclamation, and congratulated the Fort Lauderdale Knights, five dedicated Public Works employees in the Utility Division who won the Florida American Water Works Operators Challenge at the State Conference for the 6th consecutive year, and will represent the City and State at the National Conference in Dallas in October.

4. Expression of Sympathy

The Mayor and City Commission offered an expression of sympathy to the family of Pulanie Avon earlier in the month, and to the family of Dan Gustafson, including his partner, Ted Fling.

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 – Tri Fort Lauderdale Triathlon**(M-1)**

A motion authorizing and approving execution of an Event Agreement with Children's Home Society of Florida for the Tri Fort Lauderdale Triathlon to be held at Birch State Park, Fort Lauderdale Beach, and beach area streets on Sunday, June 11, 2006, 7 AM – 9:30 AM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0694

Event Agreement – Fiesta Fort Lauderdale**(M-2)**

A motion authorizing and approving execution of an Event Agreement with Luz Del Mundo (Light of the World), Inc. for Fiesta Fort Lauderdale, to be held on Sundays, May 28, June 25 and July 23, 2006, 11 AM – 5 PM at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0700

**Event Agreement – Disaster Preparedness Drill
Closing SW 12 Court****(M-3)**

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Seventh Day Adventist Church – Affiliate of Florida Conference Association of Seventh Day Adventists for Disaster Preparedness Drill, to be held at the church on Sunday, June 11, 2006, 11 AM – 4 PM; and authorizing closing of SW 12 Court.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0708

**Tri-Party Access Agreement Amendment – Broward County
And Joseph Mondelli Mitigation – Mills Pond Park – Conservation
Land Site 121****(M-4)**

A motion authorizing the proper City Officials to execute amended Tri-Party Access Agreement with Broward County and Joseph Mondelli, contractor, to allow mitigation at Mills Pond Park Conservation Land Site 121.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0681

Donation of Law Enforcement Trust Funds - \$8,000 (M-5)
Drug Free Youth in Town Program

A motion authorizing the donation of \$8,000 from Law Enforcement Trust Fund to Broward County Commission on Substance Abuse in support of its Drug Free Youth in Town Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0695

Disbursement of Funds/Joint Investigation/O.R. Number: (M-6)
05-119468 – Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$1,539.86 with each of the twelve participating law enforcement agencies to receive \$128.32.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0651

Disbursement of Funds/Joint Investigation/O.R. Number: (M-7)
05-119470 – Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$33,123.86 with each of the twelve participating law enforcement agencies to receive \$2,760.32.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0652

Disbursement of Funds/Joint Investigation/O.R. Number: (M-8)
05-119473 – Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$15,519.86 with each of the twelve participating law enforcement agencies to receive \$1,293.32.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0653

Disbursement of Funds/Joint Investigation/O.R. Number: (M-9)
05-119475 – Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$13,003.86 with each of the twelve participating law enforcement agencies to receive \$1,083.65.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0654

Summer Youth Employment Program (M-10)

A motion authorizing the proper City Officials to execute an agreement with WorkForce One for a Summer Youth Employment Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0726

Change Order 2 – Danella Companies, Inc. - \$123,852.42 (M-11)
Harbor Beach – Wastewater System and Water Main
Improvements

A motion authorizing Change Order 2 with Danella Companies, Inc., in the amount of \$123,852.42, for quantity adjustments and additional work for Harbor Beach Wastewater System and Water Main Improvements – Project 10671.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0214

Work Order 10542B – Danella Companies, Inc. - \$1,592,975.59 (M-12)
Sanitary Sewer and Water Main Improvements – Sailboat
Bend Basin B

A motion authorizing the proper City Officials to execute Work Order 10542B to Danella Companies, Inc., in the amount of \$1,592,975.59 – construction of sanitary sewer and water main improvements in Sailboat Bend Basin B – Project 10859C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0660

Work Order 10705F – Man-Con, Incorporated - \$2,255,007 (M-13)
Sanitary Sewer and Water Main Improvements – River Oaks Basin F

A motion authorizing the proper City Officials to execute Work Order 10705F, General Construction Services Contract 2 to Man-Con, Incorporated, in the amount of \$2,255,007 – construction of sanitary sewer and water main improvements in Area 6 – River Oaks Basin F – Project 11070B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0714

Work Order 10705D – Foster Marine Contractors, Inc. - (M-14)
\$3,360,199.41 – Sanitary Sewer and Water Main Improvements -
River Oaks Basin D

A motion authorizing the proper City Officials to execute Work Order 10705D – General Construction Services Contract #2 to Foster Marine Contractors, Inc., in the amount of \$3,360,199.41 – construction of sanitary sewer and water main improvements in Sewer Area 6 – River Oaks Basin D – Project 11070A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0710

Work Order 10769C – Intercounty Engineering Inc. - (M-15)
\$933,391.05 – Sanitary Sewer and Water Main
Improvements – Sewer Area 7

A motion authorizing the proper City Officials to execute Work Order 10769C – General Construction Services Contract 2 to Intercounty Engineering Inc., in the amount of \$933,391.05 – construction of sanitary sewer and water main improvements in Sewer Area 7 – Basin C – Project 11070C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0711

Work Order 10769B – Conquest Engineering Group Company - (M-16)
\$2,772,695.62 – Sanitary Sewer and Water Main Improvements – Croissant Park Basin B

A motion authorizing the proper City Officials to execute Work Order 10769B General Construction Services Contract No. 2 to Conquest Engineering Group Company in the amount of \$2,772,695.62 - construction of sanitary sewer and water main improvements in Sewer Area 7 – Croissant Park Basin B – Project 11070E.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0713

Work Order 10578B – Globetec Construction, LLC - \$6,046,878.85 (M-17)
Sanitary Sewer and Water Main Improvements – Riverside Park Basin B

A motion authorizing the proper City Officials to execute Work Order 10578B – General Construction Services Contract 2 to Globetec Construction, LLC, in the amount of \$6,046,878.85 – construction of sanitary sewer and water main improvements in Sewer Area 1 – Riverside Park Basin B – Project 11070D.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0709

Work Authorization 16724.G8 – Keith and Schnars, P.A. - \$218,076 (M-18)
Pump Station Rehabilitation – Birch Road and Vista Mar Forcemain

A motion authorizing the proper City Officials to award and execute Work Authorization 16724.G8 with Keith and Schnars, P.A., in the amount of \$218,076 – utility construction inspection services – Pump Station D-40/D-41 Rehabilitation, Birch Road and Vista Mar Forcemain – Project 10823.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0662

Work Authorization 16724.G9 – Keith and Schnars, P.A. - \$274,416 (M-19)
Utility Rehabilitation – East Las Olas – Seven Isles

A motion authorizing the proper City Officials to execute Work Authorization 16724.G9 with Keith and Schnars, P.A. in the amount of \$274,416 – utility construction inspection services for East Las Olas – Seven Isles Utility Rehabilitation – Project 10751.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0663

Task Order 53 – Camp Dresser and McKee, Inc. - \$35,687 (M-20)
Pump Station Design Modifications – Sewer Areas 6, 7 and 11

A motion authorizing the proper City Officials to execute Task Order 53 with Camp Dresser and McKee Inc., in the amount of \$35,687 – consulting engineering services associated with the design modifications of pump station bid documents for Sewer Area 6, 7, and 11 – Project 11122.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0555

Contract Award – Tenex Enterprises, Inc. - \$84,420 (M-21)
Victoria Park Neighborhood Improvements

A motion authorizing the proper City Officials to award and execute a contract with Tenex Enterprises, Inc., in the amount of \$84,420 – Victoria Park Neighborhood Improvements – Project 10479.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0692

Contract Awards – Sanitary Sewer and Water Main Improvements (M-22)

A motion authorizing the proper City Officials to award and execute contracts to: Foster Marine Contractors, Inc. - \$15,911,344.64, Man-Con, Incorporated - \$16,849,169.54, Intercounty Engineering Inc. - \$16,902,500.80, Globetec Construction, LLC - \$17,283,450.24, Conquest Engineering Group Company - \$17,462,548.40 – General Construction Services Contract 2 – Project 11070.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0705

Dorsey Riverbend Neighborhood Improvements – Supplemental Agreement – Florida Department of Transportation (M-23)

A motion authorizing the proper City Officials to execute a Local Agency Program Supplemental Agreement with Florida Department of Transportation to expand project boundaries and transfer \$40,000 from design to construction – Dorsey Riverbend Neighborhood Improvements – Project 10435.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0707

Grant – NE 15 Avenue Beautification - \$250,000 (M-24)
Local Agency Program Agreement – Florida Department Of Transportation

A motion authorizing the proper City Officials to execute a Local Agency Program agreement with Florida Department of Transportation to receive Transportation Enhancement Funding in the amount of \$250,000 – design and construction of NE 15 Avenue beautification project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0717

Reject Bid – Annual Marine Facilities Maintenance (M-25)

A motion rejecting sole bid received for 2005-2006 Annual Marine Facilities Maintenance Contract – Project 11034.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0685

Solid Waste Collection Services – One Time Credit (M-26)
Twin Lakes North and Rock Island Residential Customers

A motion authorizing a one-time rate credit of \$14.34 to residential solid waste collection services customers – Twin Lakes North and Rock Island neighborhoods.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0670

Continuing Contract for Miscellaneous Structural Engineering (M-27)
Services – DeRose Design Consultants, Inc.

A motion accepting the Consultants' Competitive Negotiation Act Selection Committee's recommendation of ranking firms a continuing contract for miscellaneous structural engineering services and authorizing proper City Officials to commence negotiations with top-ranked firm, DeRose Design Consultants, Inc. or successively ranked firms, if necessary.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0677

Annual Speed Hump Contract Extension – Florida Blacktop, Inc. (M-28)

A motion authorizing the proper City Officials to execute an extension to contract with Florida Blacktop, Inc. to December 31, 2007 – 2005-2006 Annual Speed Hump Contract – Project 10757.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0704

**Second Amendment – Task Order – Keith and Schnars, P.A.
Beach CRA Streetscape Improvements** (M-29)

A motion authorizing the proper City Officials to execute a second amendment to the Task Order with Keith and Schnars, P.A. for Beach Community Redevelopment Agency Streetscape Improvements – Project 10946.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0724

Settlement – General Liability Claim GL 01-381 (M-30)

A motion authorizing settlement of General Liability Claim GL 01-381 in the amount of \$30,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0682

Settlement of Police Professional Liability Claim PP L 01-817 (M-31)

A motion authorizing settlement of Police Professional Liability Claim PP L 01-817 in the amount of \$65,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0689

Settlement of Automobile Liability Claim VA GL 04-127**(M-32)**

A motion authorizing settlement of Automobile Liability Claim VA GL 04-127 in the amount of \$180,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0580

Settlement of Workers' Compensation Claim WC-02-11423**(M-33)**

A motion authorizing settlement of Workers' Compensation Claim WC-02-11423 in the amount of \$25,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0608

Local Option Gas Tax – Interlocal Agreement Amendments - Broward County**(M-34)**

A motion authorizing the proper City Officials to execute amendments to Interlocal Agreements with Broward County for: (1) Local Option Gas Tax, (2) Local Option Gas Tax on Motor Fuel for Transit, and (3) Additional Local Option Gas Tax on Motor Fuel.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0683

Museum of Discovery and Science – Repairs – Hurricane Wilma Aftermath Reimbursement Agreement**(M-35)**

A motion authorizing proper City Officials to execute an agreement with the Museum of Discovery and Science, authorizing City to reimburse the Museum for funds received from FEMA – repairs to building and property – Hurricane Wilma.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0686

Budget Public Hearing Dates – Fiscal Year 2006-2007

(M-36)

A motion setting the City’s Fiscal Year 2006-2007 Budget Public Hearing dates: September 6, 2006, at 6:00 PM and September 19, 2006 at 6:00 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0691

Greater Fort Lauderdale Sister Cities International, Inc. 2007 International Conference - \$20,000

(M-37)

A motion authorizing transfer of \$20,000 from General Fund Contingencies for 2007 International Conference – Greater Fort Lauderdale Sister Cities International, Inc.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0697

PURCHASING AGENDA

Purchase of Police Radios

(PUR-1)

An agreement to purchase 100 newer model radios from Motorola is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Motorola, Inc.
Schaumburg, IL

Amount: \$248,307.00

Bids Solicited/Rec’d: N/A

Exhibit: Commission Agenda Report 06-0718

The Procurement Services Department has reviewed this item and recommends approving the purchase with transfer of funds.

262-9413 – Reject Turf Spreader and Material Handler Bids

(PUR-2)

A motion rejecting all bids for purchase of a turf spreader and material handler is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Bids Solicited/Rec’d: 313/2

Exhibit: Commission Agenda Report 06-0693

The Procurement Services Department recommends rejecting all bids.

Emergency Response and Recovery Vehicle Purchases

(PUR-3)

An agreement to purchase two mobile fuel trucks, a refrigerated van and a forklift to enhance emergency preparedness, response, and recovery capabilities is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Allied Tank Caompany Kelly Tractor Company
 Norristown, PA Davie, FL
 Sopp Ford
 Los Angeles, CA

Amount: \$317,290.00

Exhibit: Commission Agenda Report 06-0671

The Procurement Services Department has reviewed this item and recommends awarding to low responsive and responsible bidders with transfer of funds.

262-9446 – Purchase of All-Wheel Steer Loader

(PUR-4)

An agreement to purchase an all-wheel steer loader is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Bobcat of Broward, Inc.
 Pompano Beach, FL

Amount: \$40,630.12

Bids Solicited/Rec'd: 73/3

Exhibit: Commission Agenda Report 06-0675

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

562-9330 – Plants and/or Plants and Installation

(PUR-5)

Two-year contract for purchase of plant material and/or plants including installation is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Landscape Service Professionals, Inc.
 Tamarac, FL

Amount: \$100,000.00 (estimated)

Bids Solicited/Rec'd: 144/7
Exhibit: Commission Agenda Report 06-0664

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

562-9354 – Reject Tree Bids (PUR-6)

A motion rejecting all bids for the purchase of trees is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to reject.

Bids Solicited/Rec'd: 35/4
Exhibit: Commission Agenda Report 06-0676

The Procurement Services Department recommends rejecting all bids.

762-9407 – Scanning and Media Conversion Services (PUR-7)

Three-year contract for City scanning and media conversion services is being presented for approval by the Public Information Office.

Recommend: Motion to approve.

Vendor: CD-COM Systems of Chicago, Inc.
Riviera Beach, FL
Amount: Per unit price
Bids Solicited/Rec'd: 136/5
Exhibit: Commission Agenda Report 06-0678

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

762-9349 – Non-Motorized Watercraft Concession (PUR-8)
Tiki Beach Watersports, Inc.

A three-year contract for a non-motorized watercraft concession is being presented for approval by the Business Enterprises Department, along with the consent of the City to assign the concession to a newly formed Corporation, Tiki Beach Watersports, Inc.

Recommend: Motion to approve.

Vendor: Tiki Beach Watersports, Inc.
Fort Lauderdale, FL
Amount: \$49,950.00 (revenue)
Bids Solicited/Rec'd: 159/4
Exhibit: Commission Agenda Report 06-0578

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

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

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel that Consent Agenda Item Nos. M-8, M-29, and M-34 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 Teel, Rodstrom, and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

762-9349 – Non-Motorized Watercraft Concession (PUR-8)
Tiki Beach Watersports, Inc.

Mayor Naugle announced that the City Manager removed this item from the agenda.

Disbursement of Funds/Joint Investigation/O.R. Number: (M-8)
05-119473 – Law Enforcement Trust Fund

Commissioner Moore said in the past the City received federal matching funds through the Weed & Seed Program. He asked why the City is not applying anymore. Bruce Roberts, Chief of Police, was not aware that funds are still available through that program.

Commissioner Moore asked if the Chief of Police could determine if Weed & Seed is still an opportunity and if so, he wanted to consider it.

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

Second Amendment – Task Order – Keith and Schnars, P.A. (M-29)
Beach CRA Streetscape Improvements

In answer to Mayor Naugle's question, Peter Partington, City Engineer confirmed that this is the project that includes the streetscape at Las Olas Boulevard, west of A-1-A.

Mayor Naugle asked when the conceptual design would be presented to the City Commission. The City Manager said that this conceptual design was on the Community Redevelopment Agency's agenda this afternoon, and no questions were asked.

Mayor Naugle noted that the CRA item had to do with an easement, not the design. The City Manager indicated a presentation could be made if the Commission wishes.

Continued on page 17.

**Local Option Gas Tax – Interlocal Agreement
Amendments – Broward County**

(M-34)

Commissioner Moore wanted staff to explain why they believe the City should accept this process.

Bob Mays, City Treasurer, said this program has been in place for many years. The City has participated, and received substantial revenue. Until last year, there was opposition to one of the amendments due to the population formula used. A study determined that since the City's population has grown substantially in the last decade that the previous objections to the formula were no longer warranted. The Commission approved the amendments presented last year. This year staff is recommending approval of the same amendments again this year.

Commissioner Moore said population has increased, but asked if the methodology and formula proposed is meritorious. Mr. Mays confirmed that is correct.

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

PUBLIC HEARINGS

**Beach Boating Restricted Waiver - Non-Motorized
Watercraft Concession – Tiki Beach Watersports, Inc.**

(PH-1)

Applicant: Tiki Beach Watersports, Inc.

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to defer this item until June 6, 2006 at 6:00 p.m.

Commissioner Teel said that in the past the voting order has been rotated on a monthly basis. At the first meeting in May there was an order where Vice Mayor Hutchinson was first and she was second and so on, and tonight the order was changed. She asked why this is being done in the middle of the month. She prefers to stay with the schedule followed in the past. There was consensus to stay with the schedule followed in the past.

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

Rezoning to Planned Unit Development, Site Plan, Flex Allocation – Miceal O’Leary/A1A Condominiums North Parcel - 2950 NE 33 Avenue (PH-2)

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Moore to defer this matter until June 6, 2006 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Hutchinson, Commissioners Tee, Rodstrom, and Moore, and Mayor Naugle. NAYS: None.

Historic Designation – Sea Club Resort – Jolly Roger Hotel – 619 North Fort Lauderdale Beach Boulevard - Case 26-H-05 (PH-3)

Owner: Shimon Levy
Applicant: Broward Trust for Historic Designation
Zoning: A1A Beachfront Area

Vice Mayor Hutchinson asked how many public hearings have been scheduled for June 6, 2006 as it appears there are several being deferred to that date.

Motion made by Commissioner Moore and seconded by Commissioner Teel to defer this item until June 6, 2006 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel, Rodstrom, and Moore, and Mayor Naugle. NAYS: Vice Mayor Hutchinson.

Commissioner Moore said that if too many items are scheduled for June 6th, then the City Manager could post them accordingly and defer the items further.

Second Amendment – Task Order – Keith and Schnars, P.A. Beach CRA Streetscape Improvements (M-29)

Continued from page 16.

Mayor Naugle referred to a proposal to remove all of the Coconut palm trees along Las Olas Boulevard and replace them with the Arizona Date palms. He felt the Coconut palms provide a sense of place and define the City. He wanted a public discussion.

Vice Mayor Hutchinson said that Coconut palms are good along the beach, but this entrance way creates a signature for the beach, and these trees are impressive and stately. They do not take away from the Coconut palms along the beach. These trees would offer some shade unlike Coconut palms. She supported the usage of the proposed trees, with the Coconut palms in the other areas.

Commissioner Moore said this is a method of making a statement that one is entering something different than the rest of the beach. The proposal offers a meaningful entranceway and destination to the beach.

Earl Prizlee, Engineering Design Manager, Community Redevelopment Agency, said the purpose of this project is to provide a signature entranceway to the Las Olas area and

the beach. The roadway has been shifted to provide new 15 foot sidewalks on the north and south sides. The proposed trees give a formal appearance and give one the feeling that they have arrived some place. As one moves further into the beach, there are more informal Coconut palms.

Mr. Prizlee responded to various questions posed by Mayor Naugle as follows: The trees are Medjool, Date Palms; 16' of wood. The price of each tree is about \$5,000; approximately 50 trees would be purchased. There will also be a few trees coming off the bridge. There are presently about 25 Coconut palms which will be relocated to Alexander Park.

Mayor Naugle felt the City would lose their sense of place in replacing the Coconut palms, with the Arizona palms. Both types hold up well in storms and require about the same maintenance.

Commissioner Teel asked about lethal yellowing. Bruce Reed, Keith & Schnars, Landscape Architect, said both types of trees are resistant to lethal yellowing.

Commissioner Teel commented how well the Date palms held up during the recent storms. She believes they would make a statement at the entranceway. She agreed with the design and mixture of Coconut palms as noted by Vice Mayor Hutchinson.

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve the item as presented.

Commissioner Moore wanted assurance that once the sidewalk is widened by the Elbo Room, there would not be anything approved for use of that area.

Mr. Partington said that length of Las Olas is under the City's jurisdiction. If it is the Commission's desire, staff can make sure that is not allowed in the future.

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

**Lofts on Las Olas – Case 77-R-05 – Northwest Corner -
East Las Olas Boulevard and SE 15 Avenue**

(PH-4)

Applicant: Lucky 13, LLC

Mayor Naugle said the City Commission request for review of a decision of the Planning and Zoning Board, approving the application for Site Plan Level III development permit. The City Commission approved a motion at its meeting of April 4, 2006 to conduct a de novo hearing to review the application for a development permit. The Commission will consider a motion to strike the approved motion of call-up filed by the Applicant.

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

Although the Applicant requested one hour for a presentation, there was consensus to grant a period of 25 minutes.

Courtney Crush, representing the Applicant, said this project was approved as a conditional use application for allocation of flexibility units by the Planning and Zoning Board on March 15, 2006. On April 4, 2006, the Commission voted to call up this item.

Ms. Crush further said that during the April 4th hearing, they called to the Commission's attention that while there is a call-up provision for conditional use applications, the call-up provision provides specifically in 47-26.A.2 that the Commission make findings that there are issues or concerns that would affect the adjacent neighborhoods that would be of importance enough to take away the decision from the Planning and Zoning Board and bring it forth in a call-up hearing for a de novo hearing. The Commission was asked to review the testimony and minutes of the Planning and Zoning Board meeting on the issue of neighborhood compatibility. The Commission commented they did not feel the Planning and Zoning Board had taken to heart staff's comments. She believed that review of the testimony finds that to be the opposite, since there had been exhaustive discussion of such matters. Therefore, they object to this call-up.

Ms. Crush said, in addition, the call-up hearing on May 4, 2006, pre-dated the filing of a request for a call-up from the Planning and Zoning Department to the City Clerk's Office. Section 47-26.A.2 requires that a call-up be initiated by a request from a commissioner and then filed with the City Clerk's Office. This was not the case as shown in Exhibit A. It was not done until April 10th. It was within the 30-day period following the March 15th hearing, but the Commission did not take any action after the call-up request was properly filed with the City Clerk's Office. Therefore, they are asking the Commission to move to strike the call-up and uphold the decision of the Planning and Zoning Board of March 15th.

In response to Commissioner Moore, the City Attorney said their proposal is simply to hear the presentation, both arguments and then have the Commission make one motion.

Vice Mayor Hutchinson asked if the City Attorney could elaborate on the comments made by Ms. Crush regarding the call-up procedure.

In response to Vice Mayor Hutchinson, the City Attorney said the proper section of the Code has been cited. It provides that it may be initiated by a statement of intent, but does not indicate how such statement is filed. The call-up was done by the Vice Mayor telephoning the City Clerk. It was orally filed with the Clerk. The Commission considered it; it was within the time frame. A hearing was set and tonight it is on the agenda. He believed the developer's arguments with regard to failure to meet the Code are misplaced.

Vice Mayor Hutchinson wanted to take separate votes. The City Attorney said that it could be done either way.

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 06-213

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A MOTION MADE BY LUCKY 13, LLC FOR A PROPOSED DEVELOPMENT KNOWN AS LOFTS ON LAS OLAS DEVELOPMENT LOCATED AT LAS OLAS BOULEVARD AND

S.E. 15 AVENUE, TO STRIKE A CITY COMMISSION REQUEST FOR REVIEW OF THE PROPOSED DEVELOPMENT.

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

Commissioner Moore left the meeting at approximately 6:44 p.m. and returned at approximately 6:45 p.m.

Courtney Crush, representing Lucky 13, LLC., said this is a site plan hearing on a project that is before the Commission as a result of the request to introduce a mixed-use project on Las Olas Boulevard. The project consists of 30 condominium units with 2,000 square feet for a proposed restaurant, and 8,000 square feet for retail. It is located at the northwest corner of 15th Avenue and Las Olas Boulevard, north of the Floridian. This is a redesigned project based on comments received from staff, Planning and Zoning Board and public input. It was approved by the Planning and Zoning Board on March 15, 2006 by a 5-4 vote. Four areas were of concern. The original project was to be 110' in height, over 200' in length, along with several stories of above-grade parking. The significant changes in the project as present this evening involve mass, scale, traffic and access.

Ms. Crush further said that, in regard to mass, the project has been divided into two buildings consisting of 77' in height, and 72' and 108' in length, respectively. In between the two buildings is a 26' wide corridor, public plaza with outdoor seating for the restaurant. Another change is access points. Residents were concerned about the level of traffic on 15th Street. Instead of accessing the project off the alley on the north side of 15th, the project now accesses off the far western corner of the site and as far away as possible from the intersection of 15th and Las Olas. Secondly, it eliminates the impact of the appearance of a parking garage. The parking garage would be located below grade so residents of Colee Hammock would not be affected. She showed various elevations of the project. This is an opportunity to introduce a pedestrian experience to this area of Las Olas.

Ms. Crush noted applicable Code sections: B-1 zoning under Section 47-6.11; the mixed-use requirements of Section 47-18.21; the conditional use requirements of Section 47-23; neighborhood adequacy and compatibility requirements of Sections 47-25.2, and 47-25.3. The B-1 zoning district contemplates and permits mixed-use development and requests the applicant to apply for flexibility units. There are over 900 flex units available in this flexibility zone. The conditional use process is followed which is then subject to neighborhood compatibility. In B-1 mixed use is a permitted use provided the flexibility units are allocated. This project meets every other dimensional requirement of the B-1 zoning district. In fact, it is about half the minimum height for this district.

Ms. Crush further said that it is important to remember what is a zoning district. This is a corridor which bisects a residential community and as one proceeds east, it is B-1 business. It is a high-intensity major arterial business district. Zoning districts are created for a reason; Section 47.1.6 states that the districts are designated on the City's zoning map in order to regulate and limit the height and bulk of structures erected or altered, to regulate the limit, and limit the density of the population, to regulate and determine the area of yards and other open spaces, to regulate and restrict the location of uses and the location of structures erected and altered for specific uses.

Ms. Crush said the second part of the Code that the project needs to meet is mixed-use, which is allowed provided flexibility units are requests. The applicant is then asked to go through the conditional use process. Code Section 47-24.3 provides the Commission the ability to evaluate whether it is appropriate to have this type of use at this site. There are neighborhoods to the north who support this project. She noted surrounding uses. The applicant has to demonstrate that the use would not conflict with the City's Comprehensive Plan. This is a commercial district which permits mixed-use that allows the allocation of flexibility units, and therefore, this is considered appropriate with the Plan. In addition, staff report of November 16, 2005 indicates that the project is compatible with the City's Land Use Plan. The Code requires that the applicant examine whether there are any on or off-site conditions that would reduce the impact of permitting the use or structure. In a commercial zoning district, if one builds a commercial building of 150' or less, what would be the impact. The applicant wants to build 30 residential units which would produce 846 peak hour trips per day, which would be significantly higher if the use was commercial. Given concerns about traffic already in the area, this is actually mitigating potential impact of a commercial building. The Code adequacy requirement has been addressed by the applicant. The Code does not define neighborhood or compatibility. She quoted Webster's dictionary definition of compatibility. Broward County is considering a definition for compatibility as it applies to flexibility which is consistent with Webster's dictionary. The question is whether residential can exist in harmony with the commercial corridor of Las Olas and a residential neighborhood to the north. The Code has criteria for neighborhood compatibility which has been addressed in the applicant's narrative.

Commissioner Moore left the meeting at approximately 6:56 p.m. and returned at approximately 6:57 p.m.

Ms. Crush indicated that they believe that the project meets or exceeds all of the criteria. Staff was concerned with mass, scale and height. Thirty percent of the building was removed with respect to height and separated the building into two buildings, introduced a pedestrian arcade. Staff found in March that the project was still not compatible in regard to height and mass, but their report submitted for the May 23 hearing now finds there are additional adverse impacts. At the Planning and Zoning meeting in March, the applicant quoted the Code on neighborhood compatibility. It provides for a finding of adverse impact that cannot be mitigated. She referred to City Exhibit 4 to the March 15th Planning and Zoning hearing. They reviewed 40 buildings in the area. She presented photographs of mixed use buildings that seem to function well along Las Olas, and photographs of residential neighborhoods, calling attention to height, architecture and parking.

Ms. Crush said that after redesigning the building and addressing everyone's concerns and comments, the staff report now indicates that there is an adverse impact. However, staff actually regurgitated the same statements about mass and scale. Staff does not comment about adverse impact regarding height. The building is taller than some existing buildings, but it is also shorter than some and less massive and either less or more attractive according to the individual. This building does not produce an adverse impact. The project is the best appropriate use for this location.

Ms. Crush said that staff commented there is an adverse impact in connection with shadow. In March they were advised that shadow was not a consideration for staff, and

therefore, they were not asked for anything in their subsequent submittal. Staff's report now indicates there is a shadow at certain times of the day in the winter. It does not suggest that the shadow is problematic or has an adverse impact. She claimed the building does not create an adverse impact from shadow.

Ms. Crush noted that the applicant has taken into consideration every comment with respect to neighborhood compatibility. She submitted approximately 900 plus letters in support of the project, and therefore, submitted them to the City Clerk. The applicant is also submitting some items they did not find in staff's file but were put into the record at the Planning and Zoning meetings, along with transcript from the prior hearings.

Marc LaFerrier, Director of Planning and Zoning, said in 1997 the City adopted Neighborhood Compatibility Standards to be part of the Unified Land Development Regulations which are particular to properties developed along the waterways adjacent to neighborhoods to ensure compatibility between new and existing developments. Many examples shown by the applicant are projects built in the mid-century and long before neighborhood compatibility existed. Since 1997, the Commission and residents have determined that neighborhood compatibility is important. Another important fact to recognize is that neighborhood compatibility does not come into play at the site because of the use and staff's comments have never been that this use is incompatible, but it is the scale and mass. Even if this project was totally commercial, the City Code would still require that the project be reviewed for neighborhood compatibility and be heard by the Planning and Zoning Board with a possible Commission call-up because the project is within 100' of a neighborhood.

Mr. LaFerrier said that staff has been on record and with all meetings with the applicant, voicing concern regarding neighborhood compatibility. It is not relative to use, but to the scale and mass of the building. Some presentation materials provided by the applicant show that there is clearly a distinct change in the scale and mass in moving from the site east and west along Las Olas to adjacent properties because it is a pedestrian area consisting of lower scale individual buildings. Even though the applicant has reduced the height, staff has continued to go on record that it is still not compatible. North and south adjacent properties are zoned as some of the lower single-family and multi-family categories and those maximum heights are typically 35, consisting of 1-3 stories on tree-lined streets. The idea that this would be a compatibility study that would continue from the terminus of Las Olas on the west to the east at the ocean does not determine neighborhood compatibility. Staff's analysis hinges on the neighborhood compatibility aspect of the review. All developments are subject to neighborhood compatibility. They should preserve the character and integrity of adjacent neighborhoods and mitigate impacts such as traffic, noise, odor, shadow, scale, visual nuisance and other adverse impacts. The shadow study shows that there will be a shadow for a half-a-block in the winter. Staff also reaffirms that the project does not meet the goal of the City's Comprehensive Plan which is to encourage land use in a manner which will preserve and enhance the character of the City and ensure the compatibility of land uses.

Peggy McCormick, 111 SE 17 Avenue, Colee Hammock resident, opposed the project due to its massive size outside of the area's character.

Commissioner Moore left the meeting at approximately 7:16 p.m. and returned at approximately 7:17 p.m.

Ms. McCormick said that despite traffic studies by the developer, it is common sense that traffic and congestion.

Bernard McCormick, 111 SE 17 Street, said they are 35-year residents of Colee Hammock. In the previous hearings 25-30 individuals spoke against this project. Those who spoke in favor were residents. In most case they were people with some other interest. Approval of this development will cause neighboring properties to make the same request. This is a neighborhood killer. He urged denial.

Phillip Royce-Wolfson, 2420 SE Foxpoint Trail, Palm City, noted properties in the Las Olas area owned by his aunt. He asked if the developer could submit a site plan showing the exact location of the buildings relative to the proximity of his aunt's property lines. He felt the development would have a positive economic value to her property. He asked what would be the project completion date.

Chung Park, 1423 NE 26 Avenue, said they need to look at the big picture. The City has had tremendous growth. He felt Las Olas needs revitalization. This project would add to job and economic stability. He supported the project.

Marvin Sanders, resident of Colee Hammock, said he has a land planning firm and served on the Planning and Zoning Board. He presented a map of the neighborhood boundaries that have been in existence for years. The project is located in the center of the neighborhood. The entire strip of Las Olas east of the central business district was shown as community business, but it was made B-1, which should be on large arterial streets. He referred to Section 47-62. The concepts of community business still apply. B-1 was to be located on major arterials. Las Olas is a collector street. He quoted other sections of the Code regarding height and having to do with neighborhood compatibility. He noted the old central business district on the map which was moved to mid-block between 8th and 9th, which is where it should remain. He noted zoning in surrounding areas of RM-15 and RC-15 which have a 35' building height, and a 200' building length. The real issues are the mass, height and scale. The height is significant in comparison with neighboring structures.

Tony Beall, 924 NE 16 Street, Executive Director of Las Olas Association, representing over 100 merchants and businesses along Las Olas Boulevard. The Board of Directors support mixed-use development maintaining retail continuity on the ground level of this world-class commercial corridor within the current zoning ordinances of the City.

Mike Reilly, 1280 SE 2nd Court, supported the project and feel the diversity would be a welcome addition to the neighborhood. It would be an improvement to the converted gas station which sits on the site at this time.

Robert English, 820 NE 16 Avenue, said that in 1989 he moved to Fort Lauderdale. He loves the feel the City is attaining with mixed housing and businesses in the same area. He understood that this project will take over 60 vehicles off the residential streets.

Jacqueline Scott, 1626 SE 5 Street, said she is a forty eight year resident of Fort Lauderdale and twenty year resident of Colee Hammock. She is past president of the homeowners association and Council of Civic Associations. She is a real estate broker with an office 100' east of the proposed project. In the mid-'80's, Colee Hammock organized as a homeowners association. She enumerated some of the association's

accomplishments. Their master plan was created to protect their community from massive buildings such as the proposed project, and to keep the downtown from coming into their neighborhood and destroying their quality of life. She noted their boundaries. This project is in the middle of their neighborhood. There is character and ambiance in this area, where the residential maximum is 35 feet. She opposed the building. It is in the wrong place. If approved, it will begin the canyonization of Las Olas Boulevard. The area will never be the same. Neighborhood compatibility is a City-wide issue. She submitted letters from the neighborhood. A copy of the body of the letter that she read is attached to these minutes.

Bernie Diaz, 1600 NE 6 Street, said he is a twelve year resident of Victoria Park. He supported the project. He felt it would ensure prosperity of the community by attract people with buying power. He felt the design respects the elegance and style of Las Olas.

Lawrence Wald, 548 NE 11 Avenue, resident of Victoria Park with a business on Las Olas Boulevard, was concerned about Colee Hammock Association having the ability to make decisions about his property on Las Olas and he does not have a vote on that association. He presented a photograph of a single-family house in Colee Hammock that was converted to a two-family home, increasing congestion, occupancy and mass. This does not preserve compatibility but it is in compliance with zoning regulations. The project across the street from this project is 80 feet in height. The distance in that area across the street is 79 feet. There is no canyon effect. There are no shadow problems. It would not impede pedestrian usage.

Mason Varley, 1114 Middle Street, resident of Sailboat Bend, felt this project would be an asset to the area and attract more business. He supports the project.

Gordon McNichols, 1499 NE 36 Street, resident and business owner since 1991, felt this building would be the beginning of a new era on Las Olas, modernization. He felt Fort Lauderdale should be a modern and progressive city. He believed this building will add to the character of the street. As long as it meets all zoning requirements, he sees no problem.

Molly Taylor, 1620 SE 2 Street, Colee Hammock resident since 1977, claimed the building has not been divided into two, even though there is an alley in the middle. It is 216 feet long and 77 feet tall. Only two of the buildings presented by Ms. Crush are in her neighborhood. She commented at the Planning and Zoning meeting about exhaust fan noise from the parking garage, and has not heard any response. She also had expressed concern about light reflection from the glass. She presented photographs of a building that will abut the project. It is 23 feet in height. Comments and implications were made at previous meetings about the building being half the size of the proposed project. Rather it is a two-story building. She was concerned about such untruthful statements.

Scott Belding, 548 NE 11 Avenue, Victoria Park resident with a business on Las Olas, said they all agree that Las Olas Boulevard is the jewel of the City. If this building is approved, it too will be a jewel of Las Olas. He felt it is an ideal use of the site. He felt it brings the neighborhood of Colee Hammock onto Las Olas. He urged approval of the project.

Helen Surovek, 608 Poinciana Drive, said she is a thirty year resident of Fort Lauderdale. She is a realtor and past chair of her neighborhood association and the Council of Civic Associations. She has heard concerns about what will happen next, if this happens, and what about traffic. She believed that allowable does not mean compatible, and the developer's rendering does not show a visual of the incompatibility that exists with surrounding buildings. She objected to the project due to lack of neighborhood compatibility. She submitted petitions opposing the project.

Marshall Silk, 1314 East Las Olas, four year resident of Colee Hammock, felt the project is the wrong one for this neighborhood. There is a problem with scale and materials. He felt it is destroying the neighborhood's character.

Matthew Schwartz, 2400 East Las Olas Boulevard, representing the Broward Group of the Sierra Club, indicated the Club has voted to oppose this project. There are almost 3,000 members in Broward County. He lives east of the proposed project and works west of it. He submitted maps to the Commission. Las Olas is a corridor that connects the beach to Las Olas Isles to the main Las Olas shopping area, downtown and Riverwalk. 15th Avenue is a two-lane road. He was concerned about traffic congestion. He also commented about existing availability of parking. Las Olas does not need revitalization. Hurricane evacuation should be considered. Access is essential.

Veronica DePadro, 1405 SE 2 Street, thanked staff for their work in addressing neighborhood compatibility. They need projects that will enhance the character of the City, and that Las Olas Boulevard is the City's signature street. She urged the Commission to not approve this project. She suggested B-1 zoning in the neighborhood from 12th Avenue to 17th Avenue be addressed. She submitted letters of opposition to the project.

Charles Jordan, 1216 SW 4 Court, resident of Sailboat Bend, said to have such a massive, monolithic project on Las Olas in the area screams there is something wrong with the process. There is inappropriate zoning in this area. It is incompatible with Colee Hammock neighborhood. He urged the Commission to reject this application.

Barbara Krakower, 1612 East Broward Boulevard, an 18 year resident of Colee Hammock, did not favor the project. She read a letter from Debbie Scott-Queenen who chaired the special committee created by their homeowners association to oppose this project, but is not able to be present this evening. A copy is attached to these minutes.

Commissioner Moore pointed out that this testimony is from someone who was not sworn in. The City Attorney said this is a quasi-judicial hearing, however they are not bound by strict rules of evidence. It is not uncommon for a witness to read a statement of another individual who could not attend. The Commission will give whatever weight to the testimony it wishes.

Matthew Hakaim, 1921 SW 11 Street, said progress and growth are essential elements for a city's economic survival. This project is the epitome of both. It appears the project has met all requirements of neighborhood compatibility. He supported the project.

Christopher Ruehlmann, 1960 SW Riverside Drive, supported this project because everyone benefits from tourism. Extending Las Olas would be progress for the City.

Anne Hilmer, 621 Idlewyld Drive, 13 year resident of Fort Lauderdale, said she is a past president of her homeowner association. The issues are traffic, compatibility, and flooding at that intersection are vital facts that will negatively affect the community. The renderings did not show the complete surrounding area. This is the primary egress for all of the people from Las Olas Isles and the beach going west. She encouraged the Commission not to set a precedent for other massive development on Las Olas.

Gerry Jordan, 1109 SE 4 Street, a 25+ year resident of Colee Hammock, said he is a local general contractor, realtor, and Vice President of Colee Hammock Homeowners Association. He opposed the project due to height and mass. The intersection will be very congested. He commented on problems with Himmarshee Landings development, including a fire alarm from 1:30 am to 8 am. He urged the Commission to deny it.

Mary Fertig, Idlewyld Drive, Planning & Zoning Board member, said the issue is not about the number of people in support or in opposition, but whether staff's report is correct. She felt a dangerous precedent would be to consider Las Olas as the neighborhood, and not viewing it as one of many streets running through this neighborhood. The neighborhood has clearly defined boundaries. She asked the Commission to consider other neighborhoods and how streets run through multiple neighborhoods. This 7-story building is replacing one restaurant. Some 2,000 feet of retail is being replaced by 8,000 and thirty residential units where there are currently none. Age does not have anything to do with opinion about this building. The project is 3 buildings totaling 240' across and 85' high. Progress is not increased mass and scale.

Steven Chapman, 3031 NE 51 Street, said in 2004 he was the Assistant Finance Director, there was \$875,000 in the City's bank account, the City Manager was new to South Florida, and Commissioner Rodstrom was not on the Commission. Change happens. The City has control over change, with zoning regulations. He favored the project because he is a proponent of private property rights as long as rules are followed. The project means \$60 million of taxable value or about \$500,000 in taxes to the City, which is worth about 4 police sergeants could be funded for 24/7 service to Las Olas if the City so chooses. The project is half the height allowable. The applicant has talked to the community. Las Olas is a main business district and an economic driver. He urged the Commission to support the project.

Mike Cobb, 100 SE 17 Avenue, said he is a past president of Colee Hammock Homeowners Association. He is concerned about traffic and height. The project is too big for the site, and he was curious how the developer manipulated the traffic studies to make them work. He urged the Commission to vote against it.

Robert Weber, 22 SE 17 Street, opposed the project. He is not opposed to developing something that could have commercial success, but the project is too massive. He commented about area traffic congestion. He urged a more compatible use. He urged the Commission to deny this application.

Carl Karmin, Applicant, said that Debbie Scott-Queenin's letter read earlier appeared to be an expert opinion. He objected to it without having the opportunity to cross examine.

In response to Mr. Karmin, Mr. LaFerrier said he has been employed by the City for two years as Planning and Zoning Director. Mr. LaFerrier said Ella Parker was the author of the staff report, but he reviewed the report. In further response to Mr. Karmin, Mr.

LaFerrier indicated he was under oath at this time. Mr. LaFerrier said he did not make any changes to the report but he reviewed it. Mr. LaFerrier indicated he signed the report, but did not recall if he signed it.

The City Attorney objected. If there is cross examination, it would be limited to the testimony of the witness. Mr. Karmin believed the staff report is part of the record and Mr. LaFerrier as head of staff was responsible overall for the report. The City Attorney said if there are specific questions about the staff report, then those questions should be asked.

Mr. Karmin asked if Mr. LaFerrier directed Ms. Parker to recommend against approval in the staff report. Mr. LaFerrier said the DRC and staff review found the project not to be compatible with the neighborhood under the neighborhood compatibility requirements of the Code.

Mayor Naugle did not know if that is part of the testimony. Mr. Karmin said staff is against the project as indicated in their report. Mayor Naugle said it is a question about how the City arrived at their decision.

Mr. Karmin said he is attempting to ensure that there is a clear record of what has taken place tonight and prior to tonight. Mayor Naugle felt it would be fair to ask questions about what Mr. LaFerrier stated about the report.

Mr. Karmin asked if Mr. LaFerrier said in his testimony that his concern was with the mass and scale of the building. Mr. LaFerrier confirmed that as correct. In response to Mr. Karmin, Mr. LaFerrier said he would defer to the Zoning Administrator in regard to the definition of mass. The City Attorney said that the Code speaks for itself and staff's report speaks for itself. If Mr. Karmin has questions specifically about staff's report or Mr. LaFerrier's testimony, he could proceed. In response to Mr. Karmin, Mayor Naugle said this is a ruling.

Mr. Karmin asked if the decision that the mass was too large was it based on something in the Code or opinion. Mr. LaFerrier said it is based on the criteria defining neighborhood compatibility in the Code. Mr. Karmin asked if Mr. LaFerrier determined the mass of the proposed building. Mr. LaFerrier replied yes. Mr. Karmin asked what was the result. Mr. LaFerrier said that quantifiably he does not know. Mayor Naugle said it is what is shown on the plan as to height and width.

Mr. Karmin asked if Mr. LaFerrier agrees the project contained two separate buildings with lengths of 72' and 108'. In response to Mr. LaFerrier, Mr. Karmin said the separation between the two is 26'. In response to Mr. LaFerrier, Mr. Karmin said they are connected by an elevated walkway. Mr. LaFerrier said the structure is considered as one. Mr. Karmin said that in determining if the mass is compatible with the character of buildings on Las Olas, he asked if he had computed the mass for other buildings on Las Olas. Mr. LaFerrier said generally speaking, yes, for most of the existing buildings. In response to Mr. Karmin, Mr. LaFerrier did not have the answer at the time to quantify the mass for the Las Olas Hospital; he believed the building is 4-5 stories.

Mayor Naugle said the height of the building is part of the record.

Mr. Karmin said that staff's report says their building is too large and not in character with other existing buildings on Las Olas. He did not believe that the Director of Planning could answer such questions because the work has not been done. There are other buildings within a block and a half of the proposed building with a larger mass and height. Staff's report is disingenuous in saying the structure is not within the character of the buildings on Las Olas Boulevard. Mayor Naugle did not think the witness could recite the height of each individual building in the City, but could provide such information once he is back at his office. Mr. Karmin said he is requesting such information for only two buildings that are within a block of the proposed project. He has measured the Smoker property and the Las Olas Hospital. The masses of both buildings and the height of one is greater than the proposed project.

Mr. Karmin asked how the Code defines scale. The City Attorney said the purpose of this evening is not to go over the Land Development Regulations and define each term. Mr. Karmin should ask any questions about Mr. LaFerrier's testimony. The record, staff's report and the Code speak for themselves.

Mr. Karmin felt the City Attorney is trying to pre-empt his questions because the answers will be devastating to the City. The Code does not talk about scale. Yet, staff's report discusses scale which is not quantifiable. Mass is not defined in the Code. This is a subjective standard. This Code is inartfully written and will cause problems in the future.

Mayor Naugle said that staff's opinion of the building is part of the evidence that the Commission weighs in making their decision. Information is provided by the applicant, staff, and the community. They try to apply the law and do what is fair while recognizing property rights and the rights of the neighborhood.

Mr. Karmin referred to witnesses' testimony as scare tactics. The boulevard is an arterial. The zoning on this street is different than to the north and south. The zoning is B-1 which allows mixed-use buildings up to 150' in height. He has been meeting with the Colee Hammock Association for over a year and on this project for over two years. Substantial changes have been made. The height has been reduced 30', along with the width. The entrance and exit has been moved and parking is now underground. The building has been split apart with 26' of a public arcade to make it pedestrian friendly. He talked about the pedestrian traffic in the area and claimed that it stops at the bridge. The east part of Las Olas needs redevelopment. They have worked with the Association and the City and they are trying to bring a world-class building to this street. They have done everything asked of them. They are not requesting any variances. The Code does not define neighborhood or compatibility. The Code is not well-drafted and does not define terms, and staff is trying to stick labels on it, saying the building is not in conformance. Traffic studies, accepted by the City, show that traffic would go down by 56%. The present problems on this street have nothing to do with this building. The evidence shows that this building will improve conditions. They will provide 123 parking spaces in comparison with the 23-24 that exist today.

Mr. Karmin presented a study showing the various heights of the tall buildings from the Riverside Hotel to 1700 Building, and an architect's rendering of the back of the building showing how it breaks back on the north side to be compatible with residential properties to the rear, as required by the Code.

Mayor Naugle referred to previous questions during the public hearing with respect to ventilation of the parking garage, and the construction time frame.

Mr. Karmin said the ventilation will be addressed in the plans and provision will have to be made so as not to adversely affect the neighborhood. Once a permit is received they estimate it would take 12-14 months. Plans have been made for staging. He promised silent alarms so as not to disturb anyone.

Commissioner Moore left the meeting at approximately 8:32 p.m. and returned at approximately 8:31 p.m.

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

Commissioner Rodstrom said she has lived in Las Olas Isles for 20 years. She was elected on a smart growth platform. The developer does not have the right to allocate themselves the residential flex units needed to make the project mixed-use one. She supported staff in regard to height and mass which is contingent upon the allocation of residential flex units.

In response to Commissioner Rodstrom, Molly Hughes, Applicant's traffic consultant, said the trip generation analysis, that was reviewed by staff and the City's outside consultant, is not based on maximum use. They compared the trips for the Subway shop and Louie Louie Restaurant with the proposal. The Institute of Transportation Engineers, an industry standard, publishes trip generation rates, and the code for this type of situation requires that this manual be used and applied to the square footage. It proves that the trips will be reduced over 50%. After review, City staff concurs.

Mayor Naugle said that the subway shop is not at the site at this time; it is a dress shop. He did not think it would generate as many trips. Ms. Hughes said she just noticed that fact. When her work was completed, the restaurant was still at the site. It would be considered specialty retail. Mayor Naugle thought it would be a lot less traffic.

Commissioner Rodstrom supported staff's recommendation. She did not support moving 30 residential flex units to this site.

Commissioner Teel felt that neighborhoods are one of the gems of this City that the Commission protects. When scale is out of proportion with surroundings, it is clear. The proposed building is very attractive, but in the wrong location. As one moves from the center city into the neighborhoods, they should step down in height, density and scale to protect the neighborhoods. This neighborhood is one of the City's oldest with one of the most precious tree canopy. She agreed with staff. The length and height of the building concern her. It still looks like one long, solid building. This is not neighborhood compatible. She was not in support of the project.

Commissioner Moore felt there is a different standard and position when it comes to defining a neighborhood when it is a particular neighborhood. When the City was dealing with the corridor of 6th, staff had no position, but staff has taken a position in this case. He referred to the comment about the City's tax base, and expressed a concern about losing sight of community. People are the most important ingredient of a

government. Commissioner Moore referred to traffic and 15th Avenue and comments by people using cars as a mode of transportation. Because of neighborhood compatibility, it is two lanes; otherwise it would be four. It is causing traffic congestion but there are no county commissioners or the District Commissioner suggesting that the roadway be opened to four lanes.

Commissioner Moore referred to a comment that the community business designation was mysteriously changed to a B-1 designation. This neighborhood received \$100,000 to develop a master plan. The zoning change was done in the sunshine. In response to Commissioner Moore's question on traffic impact and use of the site for retail only, Peter Partington, City Engineer, said generally for equal floor space, retail would generate significantly more traffic than a residential. In response to Commissioner Moore, Mr. LaFerrier said with the present zoning, 8,000 square feet of retail use, single story would be tight. If it was a high trip generator, depending on the use, a much smaller building would be necessary. In response to Commissioner Moore, Mr. LaFerrier said the site could accommodate that amount of retail use if the parking was underground. Commissioner Moore said the generation of trips will impact the retail more than the flex units. Commissioner Moore raised questions about two buildings versus one building. Mr. LaFerrier said the structure is connected with three stairwells. Greg Brewton, Zoning Administrator, referred to the Unified Land Development Regulations. If there are two buildings that are separated and not connected in any way, then those would be considered two buildings. In this case there is a bridgeway and according to the Code, it is considered one structure. Jennifer Briley, Architect, noted the stairwells are not in the bridgeway. What connects are three 6' wide glass bridges. If eliminated, two internal stairwells would have to be added, which may not necessarily be in the 26'. The applicant believes the public plaza created by the bridges is a wonderful architectural feature. There is a certain efficiency in having two stairwells. The parking is smaller because one does not have to deal with internal stairwells in the center of the traffic aisles. It makes the units above more efficient.

Commissioner Moore said this development site is utilizing some designs that would allow the flow of the building to be a better asset. He felt staff is leaning slightly in regard to the 6' crosswalk that evaluates the building mass. He did not feel it is positive when there is 26' of separation. He felt they are looking for reasons to say no, rather than to be creative in architectural design.

In response to Commissioner Moore concerning soil conditions, Mr. Karmin said soil boring tests have been done, they met with engineers and the contractor who have indicated it is possible. Commissioner Moore asked about potential flooding from 15th Avenue. Mr. Karmin explained there are redundant pumps. Since the entrance and exit is to the far west, it is the least likely to flood. There is also a secondary system in case there is the 100 year, three day flood, and to protect the parking and the building.

In response to Commissioner Moore, Mr. Beall, Executive Director of Las Olas Association, explained it is important to the Association to expand pedestrian traffic east of the Himmarshee Canal. In response to Mayor Naugle, Mr. Beall said the concept in general was endorsed, not this particular project.

In response to Commissioner Moore, Mr. Beall said the Association prefers mixed use.

In response to Commissioner Moore, the City Attorney said compatibility is one of many issues involved; there are a host of criteria with respect to moving flex units. Commissioner Moore did not think it could be a negative to the residential community when the developer is proposing residential units, other than height. He did not think 30 units would add to the traffic. Mayor Naugle said when the Las Olas merchants proposed that Las Olas be two lanes. Neighborhoods were concerned, therefore, a sharing plan for parking was devised. It was done to keep traffic from being forced into Colee Hammock streets. The Commission said no to the merchants. He hoped they continue to do this in other parts of the City. Commissioner Moore referred to comments made before the election and subsequently. They considered widening 15th Avenue, which has now changed.

Vice Mayor Hutchinson said she has listened to everyone’s comments. She supported mixed-use. The issue is staff’s report. Mass and scale is too big for this site. They will be double that of most of the neighbors who are close in proximity. B-1 is too intense for Las Olas.

Vice Mayor Hutchinson proceeded to introduce the following resolution:

RESOLUTION NO. 06-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A CONDITIONAL USE PERMIT FOR A DEVELOPMENT PLAN INCLUDING ALLOCATION OF FLEX UNITS TO CONSTRUCT A MIXED-USE DEVELOPMENT OF RESIDENTIAL, RETAIL, RESTAURANT AND OUTDOOR DINING LOCATED AT LAS OLAS BOULEVARD AND S.E. 15TH AVENUE, FORT LAUDERDALE, FLORIDA IN A B-1 ZONING DISTRICT.

Which resolution was read by title only.

In making his decision Mayor Naugle indicated he listened to the audience and staff, read the Planning and Zoning minutes and tried to apply the Code to the project.

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

ORDINANCES

**Future Land Use Plan – Small Scale Map Amendment
3.38 Acres – Medium High Residential to Commercial –
Case 2-T-05**

(O-1)

**Applicant: Marina Mile Properties, LLC
Location: 2075 West State Road 84**

Mayor Naugle said the Comprehensive Plan Citizen Courtesy Information list is available with the Assistant City Clerk, and provided for any citizen who wants to receive a personal notice from the State Department of Community Affairs.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-06-11

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 1999 FORT LAUDERDALE COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE PLAN MAP LOCATED ON STATE ROAD 84 BETWEEN I-95 ON THE WEST AND THE OSCEOLA CANAL TO THE EAST FROM MEDICUM HIGH RESIDENTIAL TO COMMERCIAL.

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

Comprehensive Plan Text Amendment – South Regional Activity Center Adding 475 Residential Dwelling Units Transfer From Flex Zone 56 – Case 5-T-05 (O-2)

Location: South of Tarpon River, East of Flagler Drive, West of Federal Highway, North of State Road 84.

Mayor Naugle said the same form (Comprehensive Plan Citizen Courtesy Information list) as previously announced is available for this item also.

Commissioner Moore introduced the ordinance on the second reading:

ORDINANCE NO. C-06-12

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 1999 FORT LAUDERDALE COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO INCREASE PERMITTED RESIDENTIAL UNITS IN THE SOUTH REGIONAL ACTIVITY CENTER FROM 461 TO 936 BY TRANSFERRING 475 UNITS FROM FLEXIBILITY ZONE 56 TO THE SOUTH REGIONAL ACTIVITY CENTER.

Which ordinance was read by title only.

In response to Commissioner Moore, Liz Holt, Planning and Zoning, said there will be 470 remaining flex units in addition to affordable housing units.

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

Commissioner Rodstrom said this would be a good time to adopt a change. She referred to this being in the hospital district and thought some of the flex units could be considered for the affordable workforce component.

In response to Commissioner Moore, Mr. LaFerrier said the proposed ordinance would include setting aside some of these units (15%) for workforce housing. Staff will before the Commission in the next 3-4 months with a land development regulations specifically for future development in the South Regional Activity Center (RAC), at which time the matter could be addressed. Commissioner Rodstrom asked if they would have the opportunity to place conditions on the development at that time for workforce and affordable housing. Mr. LaFerrier said it could also be done as part of the regulations.

RESOLUTIONS

Vacation of Utility Easement – 4241 North Ocean Drive - **(R-1)**
Galt Ocean Mile – Flamingo West, LLC – Case 1-M-06

Applicant: Flamingo West, LLC
Location: 4241 North Ocean Drive – Galt Ocean Mile – along north portion
Of Lot 1, Block B, Bermuda-Riviera Subdivision

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE UTILITY EASEMENT LYING OVER THAT PORTION OF FLAMINGO AVENUE, LYING NORTHERLY OF AND ADJACENT TO LOT 1, BLOCK “B”, “BERMUDA-RIVIERA SUBDIVISION OF GALT OCEAN MILE,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND LYING SOUTH OF THE NORTH LINE OF SECTION 19, TOWNSHIP 49 SOUTH, RANGE 43 EAST, LOCATED BETWEEN STATE ROAD A-1-A AND NORTHEAST 34TH AVENUE, NORTH OF NORTHEAST 41ST STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Additions to Harbordale Park – Open Space Sites 92.2 and 92.3 **(R-2)**
Interlocal Agreement – Broward County

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-72

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE ACQUISITION, IMPROVEMENT, ENHANCEMENT, OPERATION AND MANAGEMENT OF OPEN SPACE SITES 92.2 AND 92.3 AND APPROVING THE INCLUSION OF FUNDING FOR THEIR DEVELOPMENT IN THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENT PLAN.

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

**Grant Contract Extension – North Fork Riverwalk Park
Florida Communities Trust** (R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EXTENSION TO THE GRANT AGREEMENT WITH FLORIDA COMMUNITIES TRUST AND BROWARD COUNTY TO ALLOW SUFFICIENT TIME TO COMPLETE THE NORTH FORK RIVERWALK PARK PROJECT.

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

**Executive Airport – Pavement Rehabilitation of Runway
13/31 – Joint Participation Agreement – Florida Department
of Transportation** (R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-74

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT (JPA) WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE REHABILITATION OF RUNWAY 13/31 AT THE FORT LAUDERDALE EXECUTIVE AIRPORT FOR THE ESTIMATED COST OF \$2,411,600 OF WHICH THE FLORIDA DEPARTMENT OF TRANSPORTATION AGREES TO PROVIDE FINANCIAL ASSISTANCE IN THE AMOUNT OF \$60,290, NOT TO EXCEED 2.5% OF THE TOTAL PROJECT COST.

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

Executive Airport – Extending Executive Airport Way - Perimeter Road – Joint Participation Agreement – Florida Department of Transportation (R-5)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT (JPA) WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), FOR THE CONSTRUCTION OF A PERIMETER ROAD AT THE FORT LAUDERDALE EXECUTIVE AIRPORT FOR THE ESTIMATED COST OF \$700,000 OF WHICH FDOT AGREES TO PROVIDE FINANCIAL ASSISTANCE IN THE AMOUNT OF FIVE HUNDRED SIXTY THOUSAND DOLLARS (\$560,000), NOT TO EXCEED EIGHTY (80%) (FINANCIAL PROJECT NO.: 409858-1-94-01).

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

Executive Airport – Ground Lease Assignment – Parcel 8G 2400 Building Corporation to K.S.R. LLC (R-6)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF LEASE AGREEMENT FROM 2400 BUILDING CORPORATION, A FLORIDA CORPORATION, TO K.S.R. LLC, A FLORIDA LIMITED LIABILITY COMPANY, PERTAINING TO PARCEL 8G AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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

City Cemeteries General Price List (R-7)

The City Clerk announced that this item was removed from the agenda.

Disposition of Surplus Property – 1034 NW 4 Avenue

(R-8)

Commissioner Rodstrom wanted to hold this property in inventory until the City addresses workforce and affordable housing.

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

Street Name Addition – Dolphin Avenue

(R-9)

SW 29 Avenue – From SW 17 Street to SW 19 Street

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT THE LENGTH OF SW 29TH AVENUE FROM SW 17TH STREET TO SW 19TH STREET SHALL ALSO BE KNOWN AS “DOLPHIN AVENUE.”

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

Disposition of Surplus Property – South of SE 17 Street - South of III T Plat

(R-10)

Vice Mayor Hutchinson provided some history on this property. She did not understand why the City wants a lease on this property; she preferred an easement agreement. The City Attorney referred to Charter requirements. The City owns the property; in order to divest themselves of the property and give others the right to use it for more than a year at a time, there has to be a competitive process. It was designed so that the applicant would be the only person applying. The Commission may want to negotiate the cost to set as a minimum bid, but it would be inappropriate to give an easement over property as it would be tantamount to a lease giving them rights to use City property. They purchased the parent parcel of 21,000 square feet at \$64.50 per square foot. The City acquired the property by operation of the right of way vacation. The options are to declare it surplus, set a minimum bid, and sell it at a competitive bid, or do a lease. The applicant's title company agrees with the City Attorney's Office. He explained why the entire vacated right of way went to the City, which dedicated it originally, and not just half of it.

Vice Mayor Hutchinson asked about an easement. The City Attorney felt a competitive process would be required. Vice Mayor Hutchinson asked if it could for \$5 per year. She was concerned about it being maintained. The City Attorney said that could be done on an annual basis without competitive bid. The process provided will accomplish the job.

In response to Vice Mayor Hutchinson, the City Attorney indicated that the Commission may set the price as a minimum bid. Commissioner Moore said it might be advisable to accept the recommendation and at a later date readdress the lease amount.

Robert Lochrie, representing the applicant, pointed out in 1999 the predecessor of this property owner granted the City an easement across its property in consideration and in response to vacating the right-of-way. The area was to be vacated, the property owners could utilize it for parking and landscaping, but the City wanted something from the predecessor which was an easement across the property. The easement was granted and recorded. Today, they are requesting to keep that in place because they want to utilize the property for landscaping and parking, nothing else. The RFP and lease are cumbersome.

Mayor Naugle believed that this City Attorney is rescinding the attachment to the resolution that the Commission previously adopted. Commissioner Moore understood the City was being given total control over the easement because of what is underground. The City Attorney said that was the attempt.

In response to Commissioner Rodstrom, the City Attorney said the lease will be on a competitive basis, and that is why a sum of money is being suggested.

Mr. Lochrie said they granted an easement to the City in consideration of using the property for this purpose. Someone else might be able to use the property even though the City has an easement across the applicant's property and in addition, they will have to pay for what was done in 1989.

Vice Mayor Hutchinson referred to the roadway easement, and that they granted the City the ability to have a turn-around and landscaping, along with parking.

The City Attorney said there is no doubt that there was a misunderstanding when this took place. By operation of law the City is stuck with what happened to the title of the property, and the City has the title. The question is how to divest themselves of the property. Vice Mayor Hutchinson felt they should be good neighbors.

Mayor Naugle said they should choose the path to get this accomplished as quickly as possible. Mr. Lochrie said if this is the approach the City wants to take, vis-a-vis a lease, it is acceptable, however, a lower lease amount would certainly make up for the fact that they have already granted something to the City in return.

Commissioner Teel did not understand why the comps are the same as those for property on A-1-A. Victor Volpie, Senior Real Estate Officer, said the rental value of the property is very subjective. The property on the beach had already been improved, but this property has not been improved. They met with the City Attorney and arrived upon an amount, which is a minimum bid, and they may bid lower.

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 06-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THAT CERTAIN LANDS. WITH AN APPROXIMATE STREET ADDRESS SOUTH OF AND CONTIGUOUS TO 1540 S.E. 17TH STREET, FORT LAUDERDALE, FLORIDA, AND MORE PARTICULARLY DESCRIBED BELOW, ARE NOT PRESENTLY NEEDED BY THE CITY FOR GOVERNMENTAL PURPOSES OTHER THAN FOR UTILITIES AND ROADWAY EASEMENT PURPOSES, AND DECLARING THE INTENTION OF THE CITY COMMISSION TO OFFER SUCH LANDS FOR LEASE UNDER COMPETITIVE CONDITIONS, UPON CERTAIN TERMS AND CONDITIONS AND IN ACCORDANCE WITH SECTION 8.09 OF THE CITY CHARTER; AND FURTHER DIRECTING THE CITY CLERK TO PUBLISH PUBLIC NOTICES REGARDING THE OFFERING OF SUCH LANDS FOR LEASE.

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

Commissioner Moore asked if the Commission may discuss at a conference meeting the order in which matters are addressed at meetings. He felt public hearings should be at the end of the agenda.

Advisory Board/Committee Appointments

(OB)

Mayor Naugle said he has been advised that his appointee to the Aviation Advisory Board had reached term limit, but one of the years he served was not a full year. It appears he has not served a full six years, and he is still eligible to serve. Commissioner Moore said he does not agree with that. Mayor Naugle concluded this should be established as a rule for the City.

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

Aviation Advisory Board

Christopher Pollock
Bill Aston
John Milledge
Joseph Scerbo
Cynthia Turner-McDonald
Sharon Woods

Charter Revision Board

Chris Fertig
Ronald Wright

Education Advisory Board

Jacquelyn Bradley
Jackie Gross
Paula Haliczzer
Pamela M. Brown
Pearl Maloney

	Frances Payne Niara Sudarkasa
Board of Commissioners, City of Fort Lauderdale Housing Authority	James Kemp, III
Marine Advisory Board	Alan Gabriel Norbert McLaughlin Steve Tilbrook
Northwest-Progresso-Flagler Heights Redevelopment Advisory Board	Laura Mutti Ella Phillips
Planning and Zoning Board	Mary Graham

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 06-78

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: Vice Mayor Hutchinson, Commissioners Teel, Rodstrom, and Moore, and Mayor Naugle. NAYS: None.

Housing Authority of the City of Fort Lauderdale

(OB)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING FUNDING TO PAY THE PARKS AND OPEN SPACE FEE REQUIREMENT ASSOCIATED WITH THE APPROVAL OF THE PLAT OF PROPERTY OWNED BY THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE.

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

Mayor Naugle thanked the Commission for the opportunity to visit Washington last week.

There being no other matters to come before the Commission, the meeting was adjourned at 9:40 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk