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FORT LAUDERDALE CITY COMMISSION
SEPTEMBER 19, 2006**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
SEPTEMBER 19, 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 Auditor	John Herbst
	City Clerk	Jonda K. Joseph
	City Attorney	Harry A. Stewart
	Sergeant At Arms	Sergeant John Rendo

Invocation was offered by Father Ken Schwanger, Pastor, St. Jerome Catholic Church, 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 September 6, 2006 Regular Meeting and agenda be approved. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

Commissioner Rodstrom announced that the Property Appraiser is here this evening to answer questions for the public.

Mayor Naugle welcomed former Commissioner Dean Trantalis who was present.

Presentations

(Pres-01)

1. Saint Jerome Church and School Day

Vice Mayor Hutchinson and the City Commission issued a proclamation declaring September 19, 2006, as Saint Jerome Church and School Day in the City of Fort Lauderdale. She also recognized: Sr. Vivian Gomez, the Principal of Saint Jerome's,

and Father Jesus Alberto, Associate Priest and all of the Sisters of Saint Philip Mary that are in the audience.

Father Ken Schwanger thanked the City Commission for the proclamation and said they are thankful for all their blessings. He was touched that the people of Fort Lauderdale are recognizing their church and school.

2. Certified Public Purchasing Officer

(Pres-02)

The City Manager said the Universal Purchasing Certification Council is recognizing Kirk Buffington, Director of Procurement Services, who has obtained the designation of Public Purchasing Officer. He thanked Mr. Buffington for all his hard work. Mr. Buffington thanked the City Manager for acknowledging him, along with the City Commission and his staff.

Commissioner Moore announced that he has been given the opportunity to lead the NAACP membership drive over the next 60 days.

PUBLIC HEARINGS BUDGET

Fiscal Year 2006-2007 Millage Rate & Budget

(PH-1)

Final public hearing to consider adopting proposed millage rate and budget of the City of Fort Lauderdale for fiscal year beginning October 1, 2006 and ending September 30, 2007.

Mayor Naugle said that this is the second of two public hearings to be held as required by law on the millage rates and the City of Fort Lauderdale budget for Fiscal Year 2006-2007. The purpose of the hearing is to receive requests and comments regarding the City's budget and tax levies and to explain the budget and any amendments thereto.

Allyson Love, Director of Management and Budget, said the purpose of this meeting is to present a tentatively approved budget, along with the tentatively approved property tax millage. She said they are seeking final approval of the millage rate, as well as the 2007 budget which is \$307.4 million, and that is a 14.4% increase from last year's operating budget. A copy of the slide presentation provided to the Commission and reviewed by Ms. Love is attached to these minutes.

Dr. Barbara Weinstein, CEO and President of Family Central, thanked the Commission for including their organization in the budget. The City's contribution of \$38,000, with matching state and federal funds, brings in over \$2.5 million to the City. One hundred percent goes to placing children in care. No administrative fees are charged. This year they have served 5,211 children in this City from low-income families, and 360 residents have used their child care library, and nine employees working in their main office reside in Fort Lauderdale.

James Curry, 536 NE 12 Avenue, said he also attended the County's hearing. He now understands the tax problem and what needs to be done. The core of the problem is a state structural tax issue. Save Our Homes and the homestead laws never anticipated

the extreme property appreciation caused by the Federal Reserve's historic interest rate reductions. The result is a real and growing property tax crisis that must be dealt with immediately. In addition the crisis has been exacerbated by local, county, and city, along with school tax authorities, that appear to have been caught off-guard. Local budgets continue to be increased well in excess of inflation at unprecedented rates. First, everyone must collectively work to have the State restructure taxes at the quickest possible timing. He suggested that this be done in less than six months, otherwise there will be some significant problems in the State of Florida. Second, the City must not increase their budget and taxes until this is accomplished. The short-term action is the only responsible thing to do. He asked that the City defer any increase for a year and work on this problem.

Jennifer Stewart, representing Women in Distress, thanked the City for their continued support. Fort Lauderdale residents represent 20% of the crisis calls received each year, and 30% of the shelter and outreach service calls are Fort Lauderdale residents. She outlined the services provided by Women in Distress.

Tom Andrew, 717 SW 14 Avenue, thanked the City for taking care of their full-time employees and providing them with good health benefits. He encouraged the City to save money where possible. He suggested that the City discontinue picking up non-eligible bulk trash. Another suggestion is to purchase laptops for code inspectors who are in the field so they could be more effective. He suggested the City foreclose on the most egregious of liens. When the City regains the reputation of being formidable regarding code enforcement, fewer inspectors will be needed.

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

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve the budget as recommended.

Mayor Naugle clarified this is with the \$1.5 million reduction.

Commissioner Moore left the meeting at approximately 6:30 p.m.

Commissioner Rodstrom felt the City needs to establish a leadership position in regard to budget cuts and spending. She asked if the City could return to the pre-hurricane budget for overtime. She asked how much overtime is in the proposed budget. Ms. Love said there is \$5,393,850 budgeted for overtime. No reduction is proposed for overtime in the \$1.5 million reduction. Commissioner Rodstrom asked why overtime is not being reduced because it is not the norm, but the exception. Ms. Love said that overtime has been added to the police and fire budgets because there is a need. Commissioner Rodstrom asked if the need is based on the hurricanes and past history. Ms. Love indicated that the budgets were not increased due to the hurricane.

Commissioner Rodstrom inquired about the overtime budget in 2003 or 2004. Mayor Naugle indicated those numbers are probably not available this evening. Mayor Naugle said that Exhibit 6 included in the back-up, the City Manager arrived at several plans showing various budget cuts: \$1.5 Million, \$2 Million, \$3 Million, and \$4 Million. In

regard to the \$4 Million, it appears that the City Manager has removed \$150,000 of overtime from one department.

Commissioner Rodstrom believed there could be more of a reduction in overtime.

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

Commissioner Rodstrom asked how much in salaries and compensation does the 32 new employees represent. Ms. Love said there is a net effect of 13 employees in the General Fund. Commissioner Rodstrom asked if all vacancies were filled for the 2005-2006 fiscal year. Ms. Love said there are vacant positions rolling over to the new year. Mayor Naugle said that depending on the departments, there is usually a 5% vacancy rate. Ms. Love said there is a 7% vacancy rate of all funds at this time, based on an analysis done on September 14.

Commissioner Rodstrom asked if the assessed valuations decrease and revenues decline, would layoffs be a consideration. Ms. Love said her office is responsibility for monitoring revenues and expenditures and make any necessary adjustments., such as delaying the filling of positions. Commissioner Rodstrom felt the City could save more on overtime and employees.

Commissioner Rodstrom asked if all employees receive a salary increase or COLA. Mayor Naugle said that all employees receive a COLA in each bargaining unit and management and confidential, excluding the City Commission. Averill Dorsett, Director of Human Resources, said performance increases are given to employees based on their work. They can be given anywhere from 2.5% for satisfactory to 7% for outstanding. However, if an employee has reached the top of the salary ceiling, he or she would not receive any further performance increases. COLAs would be applied irrespective of performance. The COLA is 3%. The bargaining units' COLAs have already been negotiated. The other group of employees is managerial and confidential. In response to Commissioner Rodstrom, Mayor Naugle indicated it is possible an employee could receive a 3% COLA and a 7% increase for exemplary service. Ms. Dorsett indicated that everyone received the same percentage COLA.

Commissioner Rodstrom asked if an employee got one increase or the other, how much money could be saved. Ms. Dorsett said one would have to take into account all of the employees who are maxed out and it would also depend on the employee's length of service.

Commissioner Rodstrom felt a lot of money is being spent on studies. She thought study is the code word for delay. She said the beach has 13 studies sitting on the shelf, and one of those cost almost \$1 million. She felt money could be saved in this area, and possibly a hold could be placed on consultant studies or a cap on the number done each year, with the idea of trying to finish them or get an accounting of them.

Commissioner Rodstrom referred to the cost of fuel rising and people leaving the City, and that eventually this City will be a different place. Something needs to be done. She felt the City needs to take a leadership role on cutting spending and trimming the budget.

Commissioner Teel believed the \$4 million reduction proposal should be adopted this evening. She felt they should proceed in an orderly fashion. Otherwise there is no

examination of what the impact would be. She referred to previous practice of tapping into the Reserve Fund, which she felt is wrong. A reserve of \$30 million has been built, which is needed. If Wilma had hit when the City's Reserve Fund was \$875,000, she did not want to think of what situation the City would be in. A realistic budget is needed. If the number of employees was to be cut, it should have been addressed during the budget workshop. In 2003 drastic steps were taken. It has taken years to rebuild the City. \$4 million is not a small amount to cut, but she felt it is realistic. With the proposal, the \$1 million Contingency will not be there. Next year, the Commission will be able to look at other things to cut. The City has been trying to put things back together that are falling apart without spending the necessary money to do it.

Commissioner Moore said a few years ago the Commission dealt with the lack of financial responsibility. He explained the purpose of a budget. If money is not put in the budget for overtime, the Fund Balance would be raided. He referred to the suggestion of increasing the budget by the same amount as the cost of living increase. He discussed the pension deficit. He mentioned the fuel cost increases. COLA and merit increases must be included in the budget or refused during the collective bargaining process or taken from the Reserve. He was concerned about not properly budgeting for such things. He disagreed that the City has to negotiate the matter of gasoline cost being paid by the employees participating in the take-home car benefit when they are out of a certain range. He was not in support of the \$4 million reduction, and that is why he suggested \$1.5 million.

Commissioner Moore said some issues need to be addressed state-wide in regard to taxes, but such reform could not get done in six months. He agreed that Fort Lauderdale could assist. The Commission agreed today to join four committees with the League of Cities to deal with legislative matters that may assist. Most increases are based upon the actual cost of delivery of service, the actual labor negotiations with the City's bargaining units, and the desires of the Commission. The Commission wanted some of the 36 new positions based upon comments from the community. The Commission saw the advantage of the ad valorem increase. There were years when the number of employees were reduced in order to meet the budget, and employees were asked to take furlough days to meet budget. Because of the revenues and ad valorem, this is the opportunity to do it, but he wanted it reduced by \$1.5 million. He felt it is the right thing to do, establishing an adequate budget now to do the things that citizens missed over the last three years of financial crisis. The citizens wanted better neighborhood services, greater code enforcement, a police force that could deliver the safety they wanted to rely upon, a fire bond for fire stations. The people voted for these things and insisted upon that level of service.

Vice Mayor Hutchinson supported the \$1.5 million reduction because she was concerned about the other options. Overtime will be needed. The budget is built around the needs of the City on a daily basis, and not the potential for a hurricane. Overtime will have to be funded in some way. She was not willing to go back to the 2003-2004 budget and the depleting of the City's Reserve Fund. The Reserve Fund is for those crucial times when there are disasters. Her biggest concern is the Contingency Fund because there are many unforeseen things that occur, and money has to come from somewhere. The Commission cut their budget today. She was not in favor of it. The Commission budget totals \$178,000 to run the office, and \$70,000 was eliminated, but the needs will still be the same. She was concerned that cuts are being made on paper in excess of \$4 million but the money is still going to be needed. There are positions

that can be cut, but that is something the City Manager has done. She did not see that as her role, the City Manager runs the City. She did not want to fool anyone about cutting overtime and use out of the Reserve Fund. The Reserve Fund is not for reoccurring expenses, but for one-time expenses in the time of a disaster, and she was not willing to use it for anything but that. She emphasized the City is in good shape now. There are daily expenses and a lot of bills. She was concerned that some of the cuts being considered will not go away; they will just have to look for the money and some of the money they would use will be gone.

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

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to reduce the budget by \$2.5 million, looking at the \$1.5 million reduction and removal of the \$1 million Contingency. Roll call showed: YEAS: Commissioner Moore and Vice Mayor Hutchinson. NAYS: Commissioners Teel and Rodstrom, and Mayor Naugle.

Motion made by Commissioner Teel to reduce the budget by \$4 million. The motion died for lack of a second.

Motion made by Commissioner Rodstrom to not add the 32 full-time employees in order to save money. Services will remain the same because these are new enhancements. Motion died for lack of a second.

Motion made by Commissioner Rodstrom to cut \$1.5 million from overtime. Overtime is a big problem. It has something to do with the pensions. Motion died for lack of a second.

Commissioner Moore asked if the Commission does not approve a budget this evening, what budget would be followed and how would the City operate. The City Attorney said that last year's budget would be in place.

Motion made by Commissioner Rodstrom that no employees receive both the COLA and salary increase for the next year.

Vice Mayor Hutchinson said for those bargained, they would receive both. Mayor Naugle did not think that could be accomplished because that has already been decided through collective bargaining. Commissioner Moore said this could be accomplished by stating that there would be no further merit pay increases to any employee. The cost of living is negotiated in bargaining. The other increases are not a negotiated issue. Ms. Dorsett said the increase is not automatic, but based on performance which is included in the bargaining agreement. A zero increase would only be possible if the evaluation was unsatisfactory.

Motion died for lack of a second.

Motion made by Commissioner Teel and seconded by Vice Mayor Hutchinson to reduce the budget by \$4 million, with \$75,700 savings from the Commission budget to be put in the Contingency Fund.

Vice Mayor Hutchinson said she seconded this motion because it could take all night making cuts that are not appropriate.

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

Mayor Naugle said the City will be levying the following millage rates on all real estate property within the City of Fort Lauderdale: The millage rate for all general City purposes exclusive of debt service will be 4.8066, which represents a 10.56% increase in the millage rate over the rolled-back rate of 4.3489 mills, which by State Statute is characterized as a 10.56% increase in property taxes. The millage rate for debt service for the combined 1987/1992/1998 General Obligation Refunding Bonds is 0.1295 which represents an 8.84% decrease in the millage rate under the rolled-back rate of 0.1421. The millage rate for debt service for the 1997/2002 General Obligation Bonds is 0.1025 which represents a 0.85% increase in the millage rate over the rolled-back rate of 0.1016. The millage rate for debt service for the 2005 General Obligation Bonds is 0.0440 which represents a 3.68% decrease in the millage rate under the rolled-back rate of 0.0457.

Commissioner Moore asked Commissioner Teel if the Commission will deliberate the reduction particulars. He did not think the motion necessarily means they agree with the recommendations of the City Manager. Commissioner Teel said she was using the formula produced by the City Manager. She felt he believed those cuts would have the least negative impact on the citizens and the operation of the City. This does not mean that a budget amendment could not be considered in the future. She felt the Manager did this in an orderly way; each department was consulted. She made the motion based on the document provided.

Commissioner Teel introduced the following resolution:

RESOLUTION NO. 06-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007.

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

Commissioner Teel introduced the following ordinance on second reading:

ORDINANCE NO. C-06-26

AN ORDINANCE ADOPTING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007.

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

**Sunrise Key Neighborhood Improvement District
Millage Rate and Budget – Fiscal Year 2006-2007**

(PH-02)

Final Public Hearing to consider adopting proposed millage rate and budget of Sunrise Key Neighborhood Improvement District for fiscal year beginning October 1, 2006 and ending September 30, 2007.

Mayor Naugle said this is the second of two public hearings to be held as required by law on the millage rate and the Sunrise Key Neighborhood Improvement District budget for Fiscal Year 2006-2007. The purpose of the hearing is to receive requests and comments regarding the Sunrise Key Neighborhood Improvement District's budget and tax levy and to explain the budget and any amendments thereto.

Commissioner Moore left the meeting at approximately 7:04 p.m.

Allyson Love, Director of Management and Budget, said the Sunrise Key Neighborhood Improvement District taxes the residents of this special district to provide security to their neighborhood. At the May 15, 2006 meeting, the district voted to increase their millage to 1.5000 mills to generate revenue to provide the following services: insurance, \$12,000; accounting, audit and administration, \$3,000; vehicle expenses, \$4,200; repair and maintenance, \$9,000; security, \$35,000; landscaping and pest control, \$5,000; contingencies, \$6,000; and security camera, \$23,800. The budget totals \$98,000.

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

Mayor Naugle said that the City of Fort Lauderdale will be levying the following millage rate on all real property within the Sunrise Key Neighborhood Improvement District: the millage rate for all Sunrise Key Neighborhood Improvement District purposes will be 1.5000 mills, which represents an increase of 63.20% over the rolled-back rate of 0.9191 mills, which by State Statute is characterized as a 63.20% increase in property taxes.

Commissioner Teel introduced the following resolution:

RESOLUTION NO. 06-151

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007.

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

Commissioner Teel introduced the following resolution:

RESOLUTION NO. 06-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007.

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

State Road 84 – Maintenance of Landscaping Agreement - (M-12)
Florida Department of Transportation

Mayor Naugle announced that Item M-12 should be a consent resolution.

Community Development Block Grant & Home Investment (PH-03)
Partnership Programs – Amendments to Annual Action Plans

Mayor Naugle announced that Item PH-03 should be a motion only, not a resolution.

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 – Fall Carnival (M-1)
Closing SW 11 Court (Happy Hoyer Street)

A motion authorizing and approving execution of an Event Agreement with Our Lady Queen of Martyrs Church, a parish of the Archdiocese of Miami, Inc. for the Fall Carnival to be held Thursday, October 19 through Sunday, October 22, 2006; and authorizing closing SW 11 Court from SW 27 Avenue to SW 28 Avenue, from 9 AM Monday, October 16 to 5 PM Monday, October 23, 2006.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1279

Event Agreement – Blow the Whistle on Asthma Walk**(M-2)**

A motion authorizing and approving execution of an Event Agreement with American Lung Association of Florida, Inc. for 6th Annual Blow the Whistle on Asthma Walk, to be held at Huizenga Plaza, Riverwalk, and downtown area sidewalks on Saturday, October 7, 2006 from 6 AM to 1 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1280

Event Agreement – Broward Kiddies Carnival Closing Streets Along the Parade Route**(M-3)**

A motion authorizing and approving execution of an Event Agreement with Broward Caribbean Carnival, Inc. for Broward Kiddies Carnival to be held Sunday, October 1, 2006, 1 PM – 7 PM at Stranahan Park and Huizenga Plaza; and authorizing the closing of various downtown streets for the parade portion of the event.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1284

Event Agreement – Halloween Classic Car Show Closing South New River Drive**(M-4)**

A motion authorizing and approving execution of an Event Agreement with Downtowner Saloon, Inc. for Halloween Classic Car Show to be held Sunday, October 29, 2006, 8 AM – 6 PM; and authorizing closing South New River Drive from Andrews Avenue to SE 3 Avenue, 8 AM – 7 PM on October 29, 2006.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1285

Executive Airport – Air Traffic Control Tower Operation Reimbursable Agreement – Federal Aviation Administration**(M-5)**

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

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1247

Temporary Sanitary Sewer Agreement – River Oaks Village, LLC – Three Townhomes – 1715-1755 SW 23 Street (M-6)

A motion authorizing the proper City Officials to execute a temporary sanitary sewer agreement with River Oaks Village, LLC, to provide wastewater service to a three-townhome development – 1715-1755 SW 23 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1228

Revocable License – Courthouse Place, LLC Periodic Closure of SE 7 Street and SE 8 Street (M-7)

A motion authorizing the proper City Officials to execute a revocable license with Courthouse Place, LLC for periodic closure of SE 7 Street (on Saturdays only) and SE 8 Street, east of Andrews Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1290

Contract Award – Padula & Wadsworth Construction, Inc. – \$3,866,700 – Fire Station 47 Replacement (M-8)

A motion authorizing the proper City Officials to award and execute a contract with Padula & Wadsworth Construction, Inc. in the amount of \$3,866,700 – Fire Station 47 Replacement Project 10766.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1274

Structural Engineering Services – Continuing Contract DeRose Design Consultants, Inc. (M-9)

A motion authorizing the proper City Officials to award and execute a contract with DeRose Design Consultants, Inc. – miscellaneous structural engineering services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1277

2006-2007 Annual Marine Facilities Maintenance Contract Award - \$684,518 – Engineer Control Systems Corporation (M-10)

A motion authorizing the proper City Officials to award and execute a contract with Engineer Control Systems Corporation, in the amount of \$684,518 – 2006-2007 Annual Marine Facilities Maintenance Contract – Project 11034.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1282

Community Bus Service Agreement – United Residents Council (M-11)

A motion authorizing the proper City Officials to execute a one-year agreement with United Residents Council for provision of community bus services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1214

State Road 84 – Maintenance of Landscaping Agreement Florida Department of Transportation (M-12)

A motion authorizing the proper City Officials to execute a maintenance of landscaping agreement with Florida Department of Transportation – State Road 84, from the east side of I-95 to SE 4 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0902

Civil Engineering Services – Continuing Contract (M-13)

A motion accepting the Consultants' Competitive Act Selection Committee's recommendation of ranking firms for continuing contract for civil engineering services and authorizing the proper City Officials to commence negotiations with top ranked firm, Chen and Associates Consulting Engineers, Inc.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1268

Change Order 2 & 172 Day Reduction to Contract – Danella Companies, Inc. – Davie Boulevard Water Main - \$20,637.94 (M-14)

A motion authorizing Change Order 2 with Danella Companies, Inc., in the amount of \$20,637.94 – cost associated with additional work; and net reduction of 172 calendar

days of project duration – Project 10553E – Davie Boulevard 24” Water Main – I-95 to South Federal Highway Package E.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1222

Change Order 3 – Danella Companies, Inc. – Harbor Beach (M-15)
Wastewater System and Water Main Improvements - \$128,400.76
& Add 28 Days

A motion authorizing Change Order 3 with Danella Companies, Inc., in the net amount of \$128,400.76 – additional work; and the addition of 28 non-compensable calendar days to construction period – Harbor Beach Wastewater System and Water Main Improvements – Project 10671.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1224

Change Order 2 – Mora Engineering Contractors, Inc. - \$140,580.52 (M-16)
A-1-A – Water Main and Wastewater Force Main Replacement

A motion authorizing Change Order 2 with Mora Engineering Contractors, Inc., in the amount of \$140,580.52 – modifications and quantity increases for A-1-A – Water Main and Wastewater Force Main Replacement – Project 10568.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1225

Task Order 06-07 – Hazen and Sawyer, P.C. - \$101,600 (M-17)
Filter Rehabilitation – Fiveash Water Treatment Plant

A motion authorizing the proper City Officials to execute Task Order 06-07 with Hazen and Sawyer, P.C., in the amount of \$101,600 – construction services associated with filter rehabilitation at Fiveash Water Treatment Plant – Project 10387A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1265

Dockage Lease Agreement – Searock, Inc., D/B/A (M-18)
Allied Richard Bertram Marine Group – Fiscal
Year 2006-2007

A motion authorizing the proper City Officials to execute a lease agreement with Searock, Inc., d/b/a Allied Richard Bertram Marine Group, for private vessel storage in

conjunction with a repair and maintenance facility – south side of the New River Riverwalk (east and west of the Andrews Avenue Bridge), October 1, 2006 through September 30, 2007.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1305

Dockage Lease Agreement and Sightseeing and Charter Operations – Riverfront Cruises & Anticipation Yachts, LLC – Fiscal Year 2006-2007 (M-19)

A motion authorizing the proper City Officials to execute a lease agreement with Riverfront Cruises and Anticipation Yachts, LLC for dockage at New River Riverwalk (northeast of Andrews Avenue Bridge), October 1, 2006 through September 30, 2007, and authorizing Riverfront Cruises to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1306

Dockage Agreement and Sightseeing and Charter Operations Carfi Enterprises, Inc. – Fiscal Year 2006-2007 (M-20)

A motion authorizing the proper City Officials to execute a lease agreement with Carfi Enterprises, Inc. for dockage on the south side of the New River Riverwalk, October 1, 2006 through September 30, 2007, and authorizing Carfi Enterprises to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1307

Dockage Lease Agreement and Sightseeing and Charter Operations – Harbor Tours, Inc. – Fiscal Year 2006-2007 (M-21)

A motion authorizing the proper City Officials to execute a lease agreement with Harbor Tours, Inc. for dockage on the north side of New River Riverwalk, October 1, 2006 through September 30, 2007, and authorizing Harbor Tours to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1308

Event Agreement – RamJam United Beach Bash**(M-22)**

A motion authorizing and approving execution of an Event Agreement with RamJam United Cultural Assoc., Corp. for RamJam United Beach Bash, to be held Monday, October 9, 2006, 1 PM – 12 Midnight at Fort Lauderdale South Beach.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1318

Dockage Lease Agreement and Sightseeing and Charter Operations Sightseeing Cruises, Inc. – Fiscal Year 2006-2007**(M-23)**

A motion authorizing the proper City Officials to execute a lease agreement with Sightseeing Cruises, Inc. for dockage at New River Riverwalk (northeast of SE 3rd Avenue Bridge), October 1, 2006 through September 30, 2007, and authorizing Sightseeing Cruises to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1303

Grant Acceptance – Florida Department of Law Enforcement Buffer Zone Protection Program - \$150,000**(M-24)**

A motion authorizing acceptance of a grant in the amount of \$150,000 from the Florida Department of Law Enforcement for Fiscal Year 2005 U.S. Department of Homeland Security Buffer Zone Protection Program – secure and protect critical infrastructure sites; and authorize the proper City Officials to execute all necessary documents to receive and disburse the grant funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1249

Fiscal Year 2005-2006 Budget Amendment 6**(M-25)**

A motion authorizing an amendment to reflect revisions to the Fiscal Year 2005-2006 adopted budget.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1234

Huizenga Plaza Security Lighting**(M-26)**

A motion approving the donation of \$50,000 to Downtown Development Authority for security lighting in Huizenga Plaza to increase safety and security in the plaza and along Riverwalk and Las Olas Boulevard – total estimated cost of \$161,809.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1292

Convention Center Shuttle Service**(M-27)****Purchase Eight Trolleys – Limousines of South Florida**

A motion authorizing the City to exercise an option to purchase eight trolleys from the Transportation Management Association pursuant to their agreement with the City.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1304

Army Career & Alumni Program Job Fair – Hold Harmless Agreement – Police Department Recruiting Unit**(CR-01)**

A resolution authorizing the proper City Officials to execute a hold harmless agreement with U.S. Department of the Army, XVIII Airborne Corps – Fort Lauderdale Police Department Recruiting Unit participating in Army Career and Alumni Program Job Fair – Fort Bragg, North Carolina on October 13, 2006.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1260

Executive Airport – Parcel 8H – Fourth Lease Amendment Southeast Toyota Distributors, LLC – Adding Square Footage**(CR-02)**

A resolution authorizing the proper City Officials to execute a fourth amendment to the City's Lease Agreement with Southeast Toyota Distributors, LLC – Parcel 8H at Executive Airport – adding approximately 3,483 square feet at \$0.25 per square foot.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1248

Replacement Housing Program – Funding Level Increases**(CR-03)**

A resolution approving increases in funding levels for Replacement Housing Program component of the City's Substantial Rehabilitation Program from \$145,000 to \$198,000 and Emergency Repair Program from \$10,000 to \$15,000 and authorizing submission of these amendments to Florida Housing Finance Authority.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1272

Performing Arts Center Authority Budget – Fiscal Year 2006-2007**(CR-04)**

A resolution approving the Performing Arts Center Authority's budget – Fiscal Year 2006-2007.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 06-1264

**Florida Inland Navigation District Grant – One-Year Extension
Riverwalk South Regional Park Project – Phase III****(CR-05)**

A resolution authorizing the proper City Officials to execute a project agreement amendment with Florida Inland Navigation District (FIND) providing for a one-year extension – Grant BR-FL-04-70 – Riverwalk South Regional Park Project – Phase III.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1267

**Amendment One – Florida State Revolving Fund Loan Agreement
WaterWorks 2011 Financing****(CR-06)**

A resolution authorizing the proper City Officials to execute Amendment One to Florida State Revolving Fund Loan Agreement with Florida Water Pollution Control Financing Corporation – WaterWorks 2011 Financing.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1289

PURCHASING AGENDA

673-9554 – Osswald Park Golf Course Barrier Netting**(PUR-01)**

Approval to purchase golf course barrier netting for Osswald Park is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Golf Range Netting, Inc.

Tarpon Springs, FL

Amount: \$39,900.00

Bids Solicited/Rec'd: 355/2

Exhibit: Commission Agenda Report 06-1250

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

Proprietary – eCivis Grants Locator Software Subscription**(PUR-02)**

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

Recommend: Motion to approve.

Vendor: eCivis, a subsidiary of the Ferguson Group

Washington, DC

Amount: \$17,414.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1257

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

Proprietary – New Site for Institutional Network - Poinciana Park – Voice and Data Communications**(PUR-03)**

Approval to have Comcast run the necessary fiber optic lines to add Poinciana Park to the I-Net is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Comcast of Florida, LP

Philadelphia, PA

Amount: \$11,610.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1263

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

262-9544 – Garage Elevator Repairs and Modifications - (PUR-04)
Arts and Science District

Approval of repair and modification of two elevators inside the Arts and Science District Garage is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Florida Coast Elevator, Inc.
Fort Lauderdale, FL

Amount: \$70,000.00 (estimated)

Bids Solicited/Rec'd: 82/1

Exhibit: Commission Agenda Report 06-1266

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

562-9600 – Beach Cleaner (PUR-05)

Approval to purchase an additional beach cleaner to be used by Parks and Recreation Department is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve

Vendor: Florida Municipal Equipment, Inc.
Lakeland, FL

Amount: \$41,430.00

Bids Solicited/Rec'd: 219/4

Exhibit: Commission Agenda Report 06-1281

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

U.S. Communities – Office Supplies (PUR-06)

One-year agreement with U.S. Communities for the purchase of office supplies is being presented for approval by the Procurement Services Department.

Recommend: Motion to approve.

Vendor: Office Depot, Inc.
Delray Beach, FL

Amount: Per Unit Prices (estimated)
 Bids Solicited/Rec'd: 4
 Exhibit: Commission Agenda Report 06-1269

The Procurement Services Department has reviewed this item and agrees with awarding from the U.S. Communities Agreement.

462-9584 – Aqueous Ammonia

(PUR-07)

One-year contract for the purchase of aqueous ammonia is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Airgas Specialty Products, Inc.
 Duluth, GA
 Amount: \$62,580.00 (estimated)
 Bids Solicited/Rec'd: 251/4
 Exhibit: Commission Agenda Report 06-1176

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

462-9572 – Water Distribution System Fittings

(PUR-08)

Approval to purchase water distribution parts is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: National Waterworks, Inc. Corcel Corp.
 Atlanta, GA Miami, FL
 Amount: \$43,757.32
 Bids Solicited/Rec'd: 196/3
 Exhibit: Commission Agenda Report 06-1229

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

**Contract Extension – Telephone Notification Services
 (Code Red) – Emergency Communications Network, Inc.**

(PUR-09)

Approval of a one-year contract extension with Emergency Communications Network, Inc. for telephone notification services (Code Red) is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Emergency Communications Network, Inc.
Ormond Beach, FL
Amount: \$6,250.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 06-1261

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

462-9571 – Flanged Check and Plug Valves

(PUR-10)

Approval to purchase flanged check and plug valves is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Hughes Supply, Inc.
Orlando, FL
Corcel Corp.
Miami, FL
Ferguson Enterprises, Inc.
Newport News, VA
Amount: \$54,000.76
Bids Solicited/Rec'd: 183/4
Exhibit: Commission Agenda Report 06-1227

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

762-9594 – Cut Paper – MAC Papers, Inc.

(PUR-11)

One-year contract with MAC Papers, Inc. for the purchase of cut paper is being presented for approval by the Business Enterprises Department.

Recommend: Motion to approve.

Vendor: MAC Papers, Inc.
Jacksonville, FL
Amount: \$69,236.16 (estimated)
Bids Solicited/Rec'd: 273/2
Exhibit: Commission Agenda Report 06-1220

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

Office Copier Plan Fiscal Year 2006-2007

(PUR-12)

Approval to add and replace leased office copiers during Fiscal Year 2006-2007 is being presented for approval by the Business Enterprises Department.

Recommend: Motion to approve.

Vendor: IKON Office Solutions, Inc.
Malvern, PA
Xerox Corporation
Stamford, CT
Toshiba Business Solutions
Deerfield Beach, FL

Amount: \$107,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 06-1256

The Procurement Services Department recommends approval from Miami-Dade School Board, State of Florida and other competitively bid governmental contracts.

**775-9593 – Rejection of Proposals
Competitive Dive Team and Instructional Programs**

(PUR-13)

Rejection of all bids for competitive dive team and instructional programs is being presented for approval by the Business Enterprises Department.

Recommend: Motion to reject..

Bids Solicited/Rec'd: 268/3
Exhibit: Commission Agenda Report 06-1299

The Procurement Services Department has reviewed this item and recommends rejecting all proposals and re-bidding.

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-11, M-14, M-25, M-27, and Pur-3, 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: Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

Community Bus Service Agreement – United Residents Council (M-11)

Vice Mayor Hutchinson said that she pulled this item, and asked for further details regarding the United Residents Council.

Commissioner Moore returned to the meeting at approximately 7:10 p.m.

In response to Vice Mayor Hutchinson, Peter Partington, City Engineer, explained the United Residents Council is a volunteer group that grew out of the Housing Authority, and they service Housing Authority sites.

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

Change Order 2 & 172 Day Reduction to Contract – Danella Companies, Inc. – Davie Boulevard Water Main - \$20,637.94 (M-14)

In response to Vice Mayor Hutchinson, Paul Bohlander, Assistant Utilities Services Director, said the schedule shows that the Department of Transportation will start as soon as the City has completed their work. The bid for that portion of the work was higher than they wanted to pay.

Commissioner Moore said the community needs to be informed that particular part of the project that FDOT was going to do is not going to occur.

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

Fiscal Year 2005-2006 Budget Amendment 6 (M-25)

In response to Commissioner Rodstrom, Jeff Modarelli, Director of Business Enterprises, said they anticipate that the funds to be expended up to \$40,000 will be made back in revenue above the budgeted revenue amount.

The City Manager said this is a business enterprise and business was good. Mr. Modarelli said this is for this year.

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

**Convention Center Shuttle Service – Purchase Eight
Trolleys – Limousines of South Florida****(M-27)**

In response to Commissioner Rodstrom, Peter Partington, City Engineer, said the trolleys are brand new and have been in service for 2-3 months. They came with a full warranty which he believed was more than a year. They were inspected and appraised.

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

**Proprietary – New Site for Institutional Network – Poinciana Park
Voice and Data Communications****(PUR-3)**

In response to Vice Mayor Hutchinson, Tim Edkin, Director of Information Technology Services said this is at the water tower.

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

**775-9593 – Rejection of Proposals - Competitive
Dive Team and Instructional Programs****(PUR-13)**

Commissioner Teel thought there may be some confusion regarding the swim team. Kirk Buffington, Director of Procurement Services, said this is a separate RFP from the swim team and the Learn To Swim Program. The swim team and Learn to Swim Program was released, responses have been received and evaluated. An award recommendation will probably come before the Commission in October on the swim team and Learn To Swim.

Commissioner Moore did not feel the bid should be rejected because individuals responded to the bid and met the minimum requirements.

Motion made by Commissioner Moore to enter into a contract with the individual who met the timeline and requirements for the bid. Individuals responded, and the evaluation team evaluated and did not disqualify these individuals as not being able to deliver the service, which would be the only reason he could see for rejecting the bids.

Motion died for lack of a second.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to reject all proposals as recommended. Roll call showed: YEAS: Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: Commissioner Moore.

Mayor Naugle complimented City staff on their work regarding the fire station and seawall projects that had to be re-bid. Commissioner Moore said that staff evaluated the projections of the cost for the development of the fire station and the seawall. The bids were higher than what the consultant evaluated the cost to be. Bids were put out again. In this case, the individual responded and nothing disqualified them regarding the delivery of service.

RESOLUTIONS

**Dock Permit Application – Craig Robert Schembri -
1516 Ponce De Leon Drive**

(R-01)

Commissioner Rodstrom asked if this dockage is being given free of charge. Mayor Naugle believed there is an application fee involved. Only the property owners can apply. It is against the law to rent a dock in the R-1 District, so the City could not rent it out, but the taxes would be a higher because it is waterfront.

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 06-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, THE USE BY CRAIG ROBERT SCHEMBRI, OF A DOCK ON PUBLIC PROPERTY LOCATED ON CORDOVA ROAD IMMEDIATELY EAST OF HIS RESIDENCE WHICH HAS A STREET ADDRESS OF 1516 PONCE DE LEON DRIVE THE LEGAL DESCRIPTION OF WHICH IS MORE PARTICULARLY DESCRIBED BELOW, UNDER CERTAIN TERMS AND CONDITIONS.

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

**Baltimore Orioles – Fort Lauderdale Stadium Spring
Training**

(R-02)

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 06-161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, COMMITTING TO MEET THE LEGAL REQUIREMENTS FOR ELIGIBILITY FOR STATE FUNDING OF A FACILITY FOR RETAINED SPRING TRAINING FRANCHISE, PROVIDING FOR THE CITY OF FORT LAUDERDALE'S FINANCIAL

COMMITMENT, APPROVING A TERM SHEET SETTING FORTH THE TERMS AND CONDITIONS TO BE INCORPORATED INTO AN AGREEMENT WITH THE BALTIMORE ORIOLES, AUTHORIZING EXECUTION AND SUBMISSION OF AN APPLICATION FOR FUNDING OF A FACILITY FOR RETAINED SPRING TRAINING FRANCHISE, AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only.

The City Attorney said that tonight he was given a new term sheet that he is distributing to the Commission. He asked the Orioles to provide further explanation regarding the changes.

John Angelos, Vice President of the Baltimore Orioles, said this vision of a sports complex was first presented to the Commission in 2004. He gave a brief chronology. The term sheet is being presented after negotiations with the City over the last several weeks. Certain changes have been made due to requests made by the County and from comments made at the Commission's Conference meeting today. This project is a good example of a public/private partnership that would create wealth and benefits for the City's residents. The City is not being asked to contribute to construction costs, but to work with them in identifying non-general revenue sources to deal with parks and recreational maintenance issues specifically identifiable to the uses of City residents. If the project is completed, it will create a 60-70 acre City park, while serving as a home to the Baltimore Orioles; it will be one of the four or five largest parks in the City.

Mayor Naugle said that normally the Commission does not permit material to be distributed during the meeting. He suggested that this matter be tabled until the end of the meeting thereby providing the City Attorney and his staff sufficient time to review the proposed changes.

The City Attorney felt that the matter could continue at this time because he reviewed the changes, and there is only one that he is concerned about. He referred to page 2, County's \$1 million is to be paid exclusively from excess revenues of the \$.02 bed tax presently being applied to Panther Stadium. He asked whether there is enough money to pay the \$1 million from such fund, and that is not presently known. The City is looking for the commitment of \$1 million, and it does not matter from which fund. He could live with the rest of the changes.

Alan Koslow, representing the Baltimore Orioles, said the term sheet states that the Orioles' contribution is an approximate \$550,000 per year, and also states that they pay the balance. In the event there is a problem at the County level, then the Club will pay the balance, and therefore, the City is protected. In addition, he spoke with the County today and that language came directly from the County; it is the source of funds that they are looking to pay. There is sufficient funding, but they need approval of the Tourist Development Council and the County Commission to obtain the monies. The City's obligations under the term sheet are conditioned and subject to the Orioles obtaining such approvals. The Orioles will be seeking those approvals next week.

The City Attorney wanted to make sure that is the understanding because he was not certain that is exactly what the language states. He referred to the term sheet saying

that those cost overruns to the extent they are not currently anticipated. Mr. Koslow said not cost overruns, but debt service.

The City Attorney felt the City could live with the changes if that helps to bring the County along because the City will still have the opportunity in the final agreement to specifically itemize the City's costs and limit the City to such amount.

Mr. Koslow further said the City is still protected if the County does not come on board because the City's obligations would then not click in.

Commissioner Moore referred to page 4, and asked if the City would be doing a 30 year bond for this. Ms. Betty Burrell, Director of Finance, replied yes. Commissioner Moore asked if the Club was willing to do a 30 year lease agreement. He was concerned about the fifteen year term and five-year intervals and renegotiations that would take place.

Mr. Koslow said that typically agreements around the state are 15 years with options to extend. The Orioles' financial obligation to the City is to make the City and the bondholders whole if they should leave after 15 years. The Orioles have no incentive therefore to leave. If they leave, they have to find a new tenant of the same caliber approved by the City.

Commissioner Moore asked why not then agree to a 30-year lease instead.

The City Attorney said the City suggested that the lease be coterminous with the bond indebtedness. The Orioles wanted a shorter lease with time periods for extensions. The City agreed but said that at the end of the period when the lease is canceled, the Orioles would pay off the indebtedness.

Mr. Koslow said the Orioles would consider that, but they could not agree to it formally at this time.

Mr. Koslow noted that the language on maintenance and utilization of the fields has been provided.

Commissioner Moore was satisfied with both issues.

Commissioner Rodstrom did not notice any adjustments to the repair fund, taxes or insurance.

Mr. Koslow said the taxes have been addressed. Regarding the repair fund, both parties are to identify a source that would be included in the formal agreement. Some sources, other than the Club, may be tapped into. This fund does not have to be funded for quite some time, until the new facility is opened.

Commissioner Rodstrom understood the intent is that the facility would remain tax exempt. Mr. Koslow confirmed that is the intent like the Broward Arena.

Betty Burrell, Director of Finance, said the City does not have excess insurance coverage with the City's carrier, F.M. Global. There is a provision in the City's policy excluding the Orioles' stadium. In reviewing their insurance certificates that were provided, it appears they have taken advantage of a clause within the lease saying they

would reimburse the City for the cost, or they would provide the City with a certificate of insurance on the property which has been done.

The City Attorney said the intent is that the property remain exempt, and if it is not, then the document will include that it is the Orioles' responsibility.

Commissioner Moore was concerned about the word, access.

Mr. Koslow said the three main taxing entities, the City, School Board, and Broward County, which are using the facility, would figure out a solution. It is tax exempt now. Everyone's intent is to keep the property tax exempt. He did not think it would ever lose that exemption.

Mayor Naugle noted the agreement states the Club would be responsible. Mr. Koslow concurred the Club is responsible.

The City Attorney said the agreement says the City intends the property to be tax exempt. When the contract is in final form, it is the City's intent that the contract provide if there is any change, the Club will pay.

Commissioner Rodstrom said the term sheet also states, the City agrees to have any hurricane-related debris removed from the project by December 31st of the year in which the hurricane debris was created. She asked if a hurricane occurs in November, would that be sufficient time to remove the debris and use the facility.

Albert Carbon, Director of Public Works, said that it would depend on the amount of debris and the availability of sites, but there should not be a concern.

Commissioner Moore asked why taxes are not being addressed at this time.

The City Attorney felt that sticker shock is a factor in any negotiations. The City's position will not change because the City is not going to pay the taxes. The issue is being left somewhat open-ended, but with the caveat that this is the City's intent.

Commissioner Moore wanted language to be included in the document.

Mr. Koslow said the Orioles have agreed that the intent is to keep the property tax exempt. The Broward County Arena is also tax exempt and has always remained so. There is a precedent for the tax exemption. Also, the document is to be structured so that the tax exemption is maintained. Then, there are a number of appeals for the Orioles if the property became taxable. After all appeals would be exhausted which could take up to ten years, and it is ultimately determined by a court that the property is taxable, then the Orioles understand they are to pay the taxes. His point earlier is what happens with those funds and that could be discussed at another time. If it is ultimately determined after all appeals are exhausted that there is a valid taxation of the facility and the Club is still the user of the facility, then for that period of time, the Club will pay the taxes. The payments, if ever made, would be negotiated as to how they are applied.

The City Attorney said that on page 5 under Taxes, Use Charges and Surcharges, insert after the second sentence "In the event the project is found by a court of competent

jurisdiction to be taxable, and after all appeals are exhausted, such taxes will be paid by the Club."

Motion made by Commissioner Moore to approve the item including the term sheet as submitted with the above referenced change.

Commissioner Teel said they are talking about a possible ten years of appeals. There could be extensive legal fees involved. She asked who would pay potential late fees, penalties and legal fees.

The City Attorney said the Club would be responsible.

Commissioner Moore said the Club would have the responsibility of going through the legal process to reduce the taxability. Mr. Koslow said they are not going to lose. Seconded by Vice Mayor Hutchinson. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioner Teel, and Mayor Naugle. NAYS: Commissioner Rodstrom.

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

PUBLIC HEARINGS

Community Development Block Grant & Home Investment Partnership Programs – Amendments to Annual Action Plans

(PH-03)

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

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

Rezoning to Community Facility – 1700 North Andrews Avenue - Case 8-Z-05 – Uptown Village Tarragon A, LLC – Gay and Lesbian Community Center

(PH-04)

Applicant: Uptown Village Tarragon A, LLC
Location: 1700 N. Andrews Avenue
Rezoning: From CFS (Community Facility – School) & RDS-15 (Residential Single-Family/Medium Density) to CF (Community Facility)

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioner Moore, Vice Mayor

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

Commissioner Moore introduced the ordinance on first reading:

ORDINANCE NO. C-06-31

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "CFS" TO "CF;" LOT 12, LESS THE EAST 5 FEET THEREOF; LOT 13, A PORTION OF LOT 27; ALL OF LOTS 14, 15, 28, 29 AND THE NORTH 25 FEET OF LOT 30, "PLACIDO PLACE RESUBDIVISION," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 36, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT OF WAY LINE OF NORTH ANDREWS AVENUE AS CURRENTLY CONSTRUCTED AND LAID OUT; AND TO REZONE FROM "RDS-15" TO "CF," LOT 30, LESS THE NORTH 25 FEET THEREOF, OF SAID "PLACIDO PLACE RESUBDIVISION," LOCATED ON THE EAST SIDE OF NORTH ANDREWS AVENUE, BETWEEN NORTHEAST 16TH PLACE AND NORTHEAST 17TH COURT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

ORDINANCES

**Water, Sewer and Stormwater Rate Increase
Fiscal Year 2006-2007**

(O-01)

Commissioner Moore introduced the ordinance on the second reading:

ORDINANCE NO. C-06-29

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTIONS 28-76, 28-141, 28-143, 28-144, 28-145 AND 28-197 THEREOF, TO INCREASE WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES AND STORMWATER MANAGEMENT PROGRAM RATES.

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

Commissioner Rodstrom felt the City needs to work on a re-use program.

Vacation of Alley – 1720 South Federal Highway – Case 27-P-05 (O-02)
Robert Williamson – CVS Pharmacy

Commissioner Moore introduced the ordinance on second reading:

ORDINANCE NO. C-06-28

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE 15 FOOT ALLEY IN BLOCK 18, "CORRECTED PLAT OF EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE, FLORIDA," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED ON THE EAST BY THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 13 OF SAID BLOCK 18 AND BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 15.00 FEET OF LOT 17 IN SAID BLOCK 18, LOCATED EAST OF FEDERAL HIGHWAY BETWEEN SOUTHEAST 17TH STREET AND SOUTHEAST 18TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Water Conservation – Surcharges – New Section of (O-03)
City Code – Chapter 28

Commissioner Moore introduced the ordinance on second reading:

ORDINANCE NO. C-06-30

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 CREATE SECTION 28-1(c) 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.

Commissioner Rodstrom did not support this item because she does not believe there is a proper mechanism in place to be able for people to properly conserve water, although it is a good idea. She did not think the City does enough to conserve water or manage water properly.

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

Rezoning To Boulevard Business – Case 11-ZR-05 (O-04)
Robert Williamson – CVS Pharmacy – 1720 South Federal Highway

Applicant: Robert Williamson – CVS Pharmacy
Location: 1720 South Federal Highway – north side of SE 18 Street, 100 feet east of South Federal Highway
Rezoning: From RMM-25 to B-1

Commissioner Moore offered the ordinance on second reading with the condition that there is going to be planting on the opposite side of the wall as agreed at the last meeting:

ORDINANCE NO. C-06-27

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO B-1, LOTS 13 AND 14, BLOCK 18, "CORRECTED PLAT OF EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE, FLORIDA," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED BETWEEN SOUTH FEDERAL HIGHWAY AND MIAMI ROAD, BETWEEN SOUTHEAST 17TH STREET AND SOUTHEAST 18TH STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Rezoning To Planned Unit Development and Site Plan (O-05)
Marina Mile Properties, LLC – Northeast Corner of State Road 84 and I-95

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to defer this matter until November 7, 2006, at 6:00 p.m. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

Vehicles For Hire, Taxicabs – Amending Code – Section 27-84

(O-06)

Commissioner Moore introduced the ordinance on first reading:

ORDINANCE NO. C-06-32

AN ORDINANCE AMENDING CHAPTER 27, VEHICLES FOR HIRE, ARTICLE II., TAXICABS, SECTION 84, REFUSAL TO CONVEY, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Above-Ground Fuel Storage – Amending Unified Land Development Regulations and Code – Case 11-T-06

(O-07)

Commissioner Moore introduced the ordinance on first reading:

ORDINANCE NO. C-06-33

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-18.13, FLAMMABLE LIQUIDS AND FUEL STORAGE, AND SECTION 47-19.2, ACCESSORY BUILDINGS AND STRUCTURES, GENERAL, AND TO AMEND SECTIONS 13-108, 13-109 AND 13-110 OF THE CODE OF ORDINANCES PERTAINING TO FUEL OIL STORAGE AND USE TO REVISE THE REQUIREMENTS FOR ABOVE GROUND STORAGE OF FLAMMABLE LIQUIDS AND SPECIFICALLY INCLUDING GENERATORS REGULATED AS MECHANICAL EQUIPMENT.

Which ordinance was read by title only.

Mayor Naugle felt this is a great idea, but asked what size fuel tank would an individual be permitted to have at their home. Don Morris, Planning and Zoning, said the requirements are tied to the Fire Code, and therefore, it would depend on the location of the tank. This information will be provided at the next reading of the ordinance.

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

Beach Business Improvement District

(O-08)

Commissioner Moore introduced the ordinance on first reading:

ORDINANCE NO. C-06-34

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF SERVICES AND IMPROVEMENTS THROUGHOUT CERTAIN PORTIONS OF THE BEACH AREA BORDERING THE EAST AND WEST SIDE OF A1A FROM HOLIDAY DRIVE TO SUNRISE BOULEVARD LOCATED WITHIN THE CITY OF FORT LAUDERDALE, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF BEACH BUSINESS IMPROVEMENT ASSESSMENTS AGAINST PROPERTY; PROVIDING CERTAIN DEFINITIONS INCLUDING A DEFINITION FOR THE TERM "BEACH BUSINESS IMPROVEMENT ASSESSMENT;" ESTABLISHING A PROCEDURE FOR IMPOSING BEACH BUSINESS IMPROVEMENT ASSESSMENTS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES AND CLAIMS; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING A PROCEDURE FOR COLLECTION OF BEACH BUSINESS IMPROVEMENT ASSESSMENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

Advisory Board /Committee Appointments

(OB)

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

Board of Adjustment Advisory Board	William Nielsen Ken Strand
Community Appearance Board	John Hurley
Education Advisory Board	Elizabeth Hayes
Nuisance Abatement Board	Pat Mayers
Parks and Recreation Advisory Board	Victoria Pristo-Revier John Rude

Rudy Herman
Michael Natale
James B. LaBate
Betty Shelly

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 06-162

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

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

Amendment to Pay Plan – Schedule I

ORDINANCE

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULE I OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING AND ADDING A NEW CLASS, CHANGING THE PAY RANGE OF A CLASS, CHANGING THE PAY RANGE AND MANAGEMENT CATEGORY OF A CLASS, CHANGING THE TITLE OF A CLASS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE.

Motion made by Commissioner Rodstrom to reconsider the first reading of the ordinance defeated on September 6, 2006 amending the Pay Plan, Schedule I.

Averill Dorsett, Director of Human Resources, said this is to add a new class. This is an Enterprise Fund; it does not affect General Fund. and does not require a new position because Mr. Carbon will reallocate a vacant position. The Public Services Facility Superintendent's position is currently vacant. This is a change in the title of that position only, no money involved.

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

The City Attorney said that this item will have to be advertised and placed on a future Commission Agenda.

Vice Mayor Hutchinson said that the City and Broward County will host the 10th Annual Florida Neighborhoods Conference on October 5 – October 7, 2006, at the Convention Center. They are looking for individuals to attend, to host an exhibit, sponsors, and volunteers. Interested parties should call Gerry Pryor at 828-6656.

4th Annual Broward County Mayor's Gala

(OB)

The City Manager referred to his memorandum on this matter. He asked for Commission direction as to whether they wish to participate and attend on October 21, 2006. Commissioner Moore said due to budget restraints, he does not believe that \$3,000 should be spent for this event.

Mayor Naugle said individuals may attend on their own, the City would simply not have a table.

There being no other matters to come before the Commission, the meeting was adjourned at 7:56 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk