

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
NOVEMBER 7, 2006**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
November 7, 2006**

Meeting was called to order at 6 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	None Present

Invocation was offered by Dr. Diane Mann, Senior Pastor, 4th 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 October 17, 2006 Regular Meeting, and agenda be approved. Roll call showed: YEAS: Commissioners Teel, Rodstrom, and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

Presentations

OB

1. America Recycles Day – November 15, 2006

Commissioner Teel and the City Commission issued a proclamation declaring November 15, 2006 as America Recycles Day in the City of Fort Lauderdale. Casey Eckles was recognized.

Commissioner Moore welcomed Dr. Bobby Jones who is going to assist the City in the building of the Gospel Museum.

2. Community Appearance Board – WOW Award –

Districts III and IV

Commissioner Moore and the City Commission presented the WOW Award for District III to George Doughty who resides at 885 Pennsylvania Avenue in Melrose Park.

Vice Mayor Hutchinson and the City Commission presented the WOW Award for District IV to Mark & Heidi Engle who resides at 2418 S.W. 30th Avenue in Riverland Manors.

3. Outstanding City Employees

Albert Carbon, Director of Public Works, recognized Jan Dippel, Administrative Aide and Hattie Platt, Service Clerk.

John Hoelzle, Director of Parking and Fleet Services, recognized Security Guard I, Joseph Pascale.

Commissioner Moore left the meeting at approximately 6:16 p.m.

Bruce Roberts, Chief of Police, recognized Officer Sam Pantaleo, Officer Charles Morrow, Officer Derrick Bartlett and Captain Raul Diaz.

4. Don't Forget to Test Your Smoke Detector

Commissioner Moore showed how to test a smoke detector.

Commissioner Moore introduced Dr. Bobby Jones. Dr. Jones announced an upcoming education experience for the youth to help them grow spiritually, emotionally and educationally. This event would be held at the Broward Center of the Performing Arts on Friday, 7 p.m. A star search will then be conducted on Saturday for the youth who possess exceptional talent, and that individual would go forward and attend the International Gospel Industry Retreat to be held in Fort Lauderdale at the end of this month at the Esplanade Walk.

Commissioner Moore thanked the Commission for their support regarding the Lincoln Park Opening. He received contributions from various groups to support the opening with an emphasis on Halloween.

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.

Payment of Final Fiscal Year 2005-2006 Invoices (PUR-04)
First Vehicle Services

Request to transfer \$374,783.06 from Vehicle Rental Fund Net Assets to PAR030101-3240 Management/Operating Services to pay the final Fiscal Year 2005-2006 First Vehicle Services September 2006 invoices is being presented for approval by Parking & Fleet Services.

Recommend: Motion to approve.
Vendor: First Vehicle Services, Inc.
 Cincinnati, OH
Amount: \$374,783.06
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 06-1559

672-9582 – Steel Framed Octagonal Gazebos – Riverwalk (PUR-10)

Approval to purchase two gazebos for Riverwalk is being presented for approval by the Public Works Department.

Recommend: Motion to approve.
Vendor: Advanced Recreational Concepts, LLC
 St. Cloud, FL
Amount: \$36,430.80
Bids Solicited/Rec'd: 175/5
Exhibit: Commission Agenda Report 06-1546

Mayor Naugle announced that Items Pur-04 and Pur-10 have been removed from tonight's agenda by the City Manager.

Mayor Naugle also said that the first reading of the park impact fee ordinance was advertised but it does not appear on tonight's agenda and will not be heard this evening.

Plat Approval – Habitat for Humanity of Broward, Inc. (R-1)
Nine Duplex Lots – 3 Acres – 2224 NW 26 Street – Case 17-P-06

Applicant: Habitat for Humanity of Broward, Inc.
Location: 2224 NW 26 Street

Mayor Naugle said that the applicant has requested this item be deferred to December 12th.

**Event Agreement – City Link Music Fest
Closing of ½ Block of SW 3 Avenue****(M-1)**

A motion authorizing and approving execution of Event Agreement with Gold Coast Publications, Inc. for City Link Music Fest, to be held Friday, November 17, 2006, 5 PM – 11 PM at Revolution Night Club; and authorizing closing of SW 3 Avenue from the north edge of the Revolution Night Club property to SW 2 Street, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1449

**Event Agreement – Home for the Holidays
Closing One Block of SE 15 Street****(M-2)**

A motion authorizing and approving execution of an Event Agreement with Ronald McDonald House Charities of South Florida, Inc. for Home for the Holidays, to be held Thursday, November 30, 2006, 6 PM – 8 PM at Ronald McDonald House – 15 SE 15 Street; and authorizing closing the westbound lane of SE 15 Street in front of the house, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1530

**Event Agreement – Home for the Holidays Party
Closing ½ Block of SW 2 Avenue****(M-3)**

A motion authorizing and approving execution of an Event Agreement with Tarpon Bend Food and Tackle – Riverwalk, Ltd. for Home for the Holidays Party, to be held at Tarpon Bend – 200 SW 2 Street on Wednesday, November 22, 2006, 6 PM – 12 AM; and authorizing closing of City streets, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1532

**Event Agreement – Fiesta Fort Lauderdale - Closing
SE 1 Avenue South of East Las Olas Boulevard****(M-4)**

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 Sunday, November 26, 2006, 11 AM – 5 PM at Huizenga Plaza; and authorizing closing of SE 1 Avenue from East Las Olas Boulevard south to the cul-de-sac at Riverwalk, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1547

**Event Agreement – Hot Gospel Jam
Closing SW 4 Avenue and SW 2 Street****(M-5)**

A motion authorizing and approving execution of an Event Agreement with Gospel Industry Retreat, LLC for Hot Gospel Jam, to be held Saturday, November 11, 2006, 12 Noon – 4 PM at Esplanade; and authorizing closing of SW 4 Avenue, from SW 2 Street to Riverwalk, and SW 2 Street from SW 4 Avenue to SW 5 Avenue, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1552

Event Agreement –Inlet Challenge Bicycle Ride**(M-6)**

A motion authorizing and approving execution of an Event Agreement with Kids in Distress, Inc. for 5th Annual Inlet Challenge Bicycle Ride to be held at Fort Lauderdale's South Beach and on A-1-A north to the City limits on Sunday, December 3, 2006, 5:30 AM – 3 PM, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1555

Event Agreement –St. Jerome Fall Festival**(M-7)**

A motion authorizing and approving execution of an Event Agreement with St. Jerome Catholic Church for Fall Festival to be held on church property – 2601 SW 9 Avenue from Wednesday, November 15 to Sunday, November 19, 2006, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1561

Event Agreement – Winterfest Boat Parade**(M-8)**

A motion authorizing and approving execution of an Event Agreement with Winterfest, Inc. for Winterfest Boat Parade, on Saturday, December 16, 2006, 5:30 PM – 11:30 PM on the Intracoastal Waterway; and authorizing closing South Marriott Drive from SE 17 Street to the Fort Lauderdale Grand Hotel property, from 10 AM to 11 PM on Saturday, December 16, 2006, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1562

Event Agreement – Get Downtown**(M-9)**

A motion authorizing and approving execution of Event Agreement with Riverwalk Fort Lauderdale, Inc. for Get Downtown, to be held at the Plaza at Las Olas Place – 333 East Las Olas Boulevard, on Friday, November 17, 2006, 5 PM – 8:30 PM, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1563

Event Agreement – Christmas on Las Olas and Holiday Happenings – Closing Specified City Streets**(M-10)**

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Christmas on Las Olas and Holiday Happenings, to be held Tuesday, November 28, 2006 and the following Tuesdays in December: 5, 12 & 19; and authorizing closing specified City streets, contingent upon receiving signed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1564

Super Bowl XLI – Co-Sponsorship Banners South Florida Super Bowl Host Committee, Inc.**(M-11)**

A motion approving co-sponsorship with South Florida Super Bowl Host Committee, Inc. for various activities and events taking place in Fort Lauderdale and throughout South Florida in connection with the Super Bowl game on February 4, 2007, and allowing installation of banners at specified locations, subject to permitting regulations detailed in the Code of Ordinances.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1431

Disbursement of Funds/Joint Investigation/O.R. (M-12)
No. 02-134290 – Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$17,156.56, with each of the twelve participating law enforcement agencies to receive \$1,429.71.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1471

Disbursement of Funds/Joint Investigation/O.R. (M-13)
No. 04-59001 – Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$6,379.86 with each of the thirteen participating law enforcement agencies to receive \$490.75.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1472

Disbursement of Funds/Joint Investigation/O.R. (M-14)
No. 06-42994 – Local Law Enforcement Trust Fund

A motion authorizing the equitable disbursement of funds in the amount of \$23,331.94 with each of the thirteen participating law enforcement agencies to receive \$1,794.76.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1498

Bulletproof Vest Program - \$9,027.27 (M-15)
Grant Acceptance and Transfer of Cash Match

A motion authorizing: (1) acceptance of \$9,027.27 from United States Department of Justice for Fiscal Year 2007 Bulletproof Vest Partnership Program, and (2) transfer of funds for a cash match.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1534

Donation to Florida Youth Athletic Association - \$25,000 (M-16)

A motion authorizing: (1) \$25,000 donation to Florida Youth Athletic Association – promote greater participation of youth in organized athletic activities for continuing education, crime and drug prevention, safe neighborhoods, and (2) transfer of funds from DEA Confiscated Property Fund.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1531

**Temporary Use – Fire Rescue Emergency Services Equipment
And Vehicles Agreement – Sheriff of Broward County** (M-17)

A motion authorizing the proper City Officials to execute an agreement with the Sheriff of Broward County – temporary use of fire rescue and emergency services equipment and/or vehicles.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1549

**Change Order 2 – Foster Marine Contractors, Inc. - \$216,654.44
Lauderdale Manors Phase III – Basin C and Add 72 Days** (M-18)

A motion authorizing Change Order 2 with Foster Marine Contractors, Inc., in the amount of \$216,654.44 and adding 72 non-compensable calendar days to construction period for additional work – Lauderdale Manors Phase III – Basin C – Project 10517C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1382

**Change Order 3 – Danella Companies, Inc. - \$271,667.64
River Run, Flamingo Park, Oak River – Area 4 Basin D** (M-19)

A motion authorizing Change Order 3 with Danella Companies, Inc., in the amount of \$271,667.64 – additional work in River Run, Flamingo Park, Oak River – Area 4 Basin D – Project 10507D.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1384

Change Order 2 – Conquest Engineering Group Company - (M-20)

\$47,047.20 – Sunrise Key and Sunrise Intracoastal Infrastructure Improvement

A motion authorizing Change Order 2 with Conquest Engineering Group Company, in the amount of \$47,047.20 – quantity increases and additional items – Sunrise Key and Sunrise Intracoastal Infrastructure Improvement – Project 10698.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1496

Change Order 1 – IR Construction & Hi Tech Painting, Inc. - \$197,100 – Painting Beach Seating Wall and Lifeguard Stands & Add 20 Days (M-21)

A motion authorizing Change Order 1 with IR Construction & Hi Tech Painting, Inc. in the amount of \$197,100 and the addition of 20 days to contract period – Painting Beach Seating Wall and Lifeguard Stands – Project 11090.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1573

Change Order 4 – MBR Construction, Inc. - \$24,370.25 & Add 20 Days – George English Park Recreation Building (M-22)

A motion authorizing Change Order 4 with MBR Construction, Inc., in the amount of \$24,370.25 and an additional 20 days to the contract period – George English Park Recreation building – Project 10347B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1566

Change Order 2 – MBR Construction, Inc. - \$75,535.34 Lincoln Park Improvements (M-23)

A motion authorizing Change Order 2 with MBR Construction, Inc., in the amount of \$75,535.34 for additional work – Lincoln Park Improvements – Project 109050.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1569

Change Order 3 – MBR Construction, Inc. - \$277,510.32 (M-24)

NE 33 Avenue Neighborhood Improvements

A motion authorizing Change Order 3 with MBR Construction, Inc., in the amount of \$277,510.32 – additional work – NE 33 Avenue Neighborhood Improvements – Project 10247.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1570

Change Order 2 – Stealth Construction, USA, Inc. - \$19,481.66 (M-25)
Fire Station 54 Rehabilitation

A motion authorizing Change Order 2 with Stealth Construction, USA, Inc., in the amount of \$19,481.66 – additional work – Fire Station 54 Rehabilitation – Project 10440.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1572

Change Order 1 – West Construction, Inc. - \$128,863.13 (M-26)
Executive Airport Rescue Firefighting Emergency Operations Center

A motion authorizing Change Order 1 with West Construction, Inc., in the amount of \$128,863.13 – additional work – Executive Airport Rescue Firefighting Emergency Operations Center – Project 10363.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1574

Task Order 27 – CMTS Florida, LLC - \$310,368.25 (M-27)
Utility Construction Inspection Services – Edgewood Basin B

A motion authorizing the proper City Officials to execute Task Order 27 with CMTS Florida, LLC., in the amount of \$310,368.25 – utility construction inspection services – Edgewood Basin B – Project 10580B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1438

Task Order 26 – CMTS Florida – LLC - \$134,740.55 (M-28)

Utility Construction Inspection Services – Edgewood Basin A

A motion authorizing the proper City Officials to execute Task Order 26 with CMTS Florida, LLC., in the amount of \$134,740.55 – utility construction inspection services – Edgewood Basin A – Project 10580A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1440

Task Order 24 – Kimley-Horn and Associates, Inc. - \$137,939 (M-29)
Executive Airport Pavement Management Program

A motion authorizing the proper City Officials to execute Task Order 24 with Kimley-Horn and Associates, Inc., in the amount of \$137,939 – development of Airport Pavement Management System for Executive Airport – Project P11120.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1441

Task Order – Fire Station 29 – 2002 NE 16 Street - \$249,980 (M-30)
Evans Environmental & Geological Science & Management, LLC

A motion authorizing the proper City Officials to execute a Task Order with Evans Environmental & Geological Science & Management, LLC, in the amount of \$249,980 – Implement Soil/Ground Water Initial Remedial Action Plan and prepare a Source Removal Report for Broward County Environmental Protection Department – Fire Station 29 – Project 10111.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1548

Installation of Speed Humps – Imperial Point Neighborhood (M-31)
NE 21 Road and NE 20 Way

A motion approving the installation of speed humps on NE 21 Road and on NE 20 Way, Between NE 62 and 68 Streets in the Imperial Point neighborhood.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1480

Contract Award – Paramount Engineering, Inc. - \$11,778.66 (M-32)

Harbour Inlet Neighborhood Improvements – S Ocean Drive Sidewalk

A motion authorizing the proper City Officials to award and execute a contract with Paramount Engineering, Inc., in the amount of \$11,778.66 – Harbour Inlet Neighborhood Improvements – sidewalk and curbing on South Ocean Drive – NCIP Project 10929.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1504

**Curtailable Service Agreement – Florida Power and Light Company (M-33)
George T. Lohmeyer Regional Wastewater Treatment Facility**

A motion authorizing the proper City Officials to execute a Curtailable Service Agreement with Florida Power and Light Company – electrical service at the George T. Lohmeyer Regional Wastewater Treatment Facility.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1497

**Contract Award – Florida Blacktop, Inc. - \$71,242 (M-34)
Dillard Park Neighborhood Improvement – NW 23 Avenue**

A motion authorizing the proper City Officials to award and execute a contract with Florida Blacktop, Inc., in the amount of \$71,242 – installation of five brick paver crosswalks on NW 23 Avenue – Dillard Park Neighborhood NCIP Project 10467.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1553

**Contract Award – MBR Construction, Inc. - \$2,920,000 (M-35)
Riverwalk South Regional Park**

A motion authorizing the proper City Officials to award and execute a contract with MBR Construction, Inc., in the amount of \$2,920,000 – Riverwalk South Regional Park – Project 10754.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1524

Contract Award – Metro Equipment Service, Inc. - \$3,186,460 (M-36)

Imperial Point Large Water Mains

A motion authorizing the proper City Officials to award and execute a contract with Metro Equipment Service, Inc., in the amount of \$3,186,460 – Imperial Point Large Water Mains – Project 10571.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1538

Contract Award – Paramount Engineering, Inc. - \$41,550.20 (M-37)
Middle River Terrace Neighborhood Improvements – Dixie Highway

A motion authorizing the proper City Officials to award and execute a contract with Paramount Engineering, Inc., in the amount of \$41,550.20 – curbing, landscaping, and irrigation along Dixie Highway – Middle River Terrace Neighborhood Improvements – NCIP Project 10923.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1554

Continuing Contract – Electrical – Mechanical Engineering Services (M-38)

A motion authorizing the proper City Officials to award and execute a Continuing Contract for Electrical – Mechanical Engineering Services to DeRose Design Consultants, Inc. for a two-year term.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1577

Mills Pond Park Baseball Fields Lighting – Reject Bid and Re-Bid (M-39)

A motion rejecting the sole bid received for Mills Pond Park Baseball Fields Lighting and Electrical Renovation and authorizing rebidding – Project 11082.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1505

Innovative Recycling Grant Application (M-40)

Florida Department of Environmental Protection

A motion authorizing the proper City Officials to apply for Innovative Recycling Grant from Florida Department of Environmental Protection to purchase additional underground containers for beach recycling.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1517

Payment to Crowder-Gulf Joint Venture, Inc. - \$53,175 (M-41)
Hurricane Aftermath Restoration

A motion authorizing payment to Crowder-Gulf Joint Venture, Inc. in the amount of \$53,175 – hurricane aftermath restoration work at interchange of Sunrise Boulevard and I-95.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1591

Lease Assumption – Bella Pizza, LLC to Bar.Don Development, Inc. – City Park Mall (M-42)

A motion authorizing Bar.Don Development, Inc. to assume the lease of Bella Pizza, LLC – City Park Mall.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1511

Naming Park in Shady Banks – Bill Keith Preserve (CR-01)

A resolution naming the park in Shady Banks as the Bill Keith Preserve.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1528

Outside Counsel – Labor and Employment Issues (CR-02)

A resolution appointing outside counsel – labor and employment issues, and setting hourly rate for such representation – Haliczzer, Pettis & Schwamm, P.A. and Carmen Rodriguez, P.A.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1588

Sunrise Boulevard & I-95 Landscaping – Additional Funding - \$15,000 – Florida Department of Transportation (CR-03)

A resolution authorizing the proper City Officials to execute Amendment One to Joint Participation Agreement with Florida Department of Transportation, accepting an additional \$15,000 for landscaping improvements at interchange of Sunrise Boulevard and I-95.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1560

Florida Inland Navigation District Grant – One-Year Extension Riverwalk at Stranahan House (CR-04)

A resolution authorizing the proper City Officials to execute a project agreement amendment with Florida Inland Navigation District – one-year extension of Grant BR-FL-02-60 – Riverwalk at Stranahan House.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1522

Proprietary – Enhanced Radar Service and Reporting Software (PUR-01)

One-year contract for the enhanced radar service and reporting software at the Executive Airport is being presented by the Business Enterprises Department.

Recommend: Motion to approve.

Vendor: Megadata Corporation
Bohemia, NY

Amount: \$18,900.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1499

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

582-7982 – School Crossing Guard Services - Increased Expenditure and Increased Expenditure and Assignment Of Contract (PUR-02)

Approval to increase expenditure and assign contract for school crossing guard services is being presented by the Department of Business Enterprises.

Recommend: Motion to approve.

Vendor: Adecco USA, Inc.
Melville, NY

Amount: \$80,380.00 (estimated increase)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1523

The Procurement Services Department has reviewed this item and recommends approving estimated increase.

Proprietary – Digital Meter Components, Parts (PUR-03)

And Supplies

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

Recommend: Motion to approve.

Vendor: Digital Payment Technologies Corp.
Vancouver, BC, Canada

Amount: \$26,800.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1509

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

Payment of Final Fiscal Year 2005-2006 Invoices (PUR-04)
First Vehicle Services

Request to transfer \$374,783.06 from Vehicle Rental Fund Net Assets to PAR030101-3240 Management/Operating Services to pay the final Fiscal Year 2005-2006 First Vehicle Services September 2006 invoices is being presented for approval by Parking & Fleet Services.

Recommend: Motion to approve.

Vendor: First Vehicle Services, Inc.
Cincinnati, OH

Amount: \$374,783.06

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1559

The Procurement Services Department has reviewed this item and recommends approval of this increase.

162-9545 – Self-Funded Group Health Plan

(PUR-05)

A five-year contract for self-funded group health plan administrative services, including reinsurance policy and transplant network provider is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: AvMed, Inc. d/b/a AvMed Health Plans
Miami, FL
Combined Insurance Company of America
Chicago, IL

Amount: \$1,082,122.00 (estimated first year)

Bids Solicited/Rec'd: 526/7

Exhibit: Commission Agenda Report 06-1417

The Procurement Services Department has reviewed this item and recommends awarding to the first-ranked proposer.

962-9559 – Trees and Palms – City-Wide (PUR-06)

One-year contract for purchase of various sizes and species of trees and palms is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Gardening Angel Nursery, Inc.
Sylvan Nursery Farms, LLC
Landscape Service Professionals, Inc.
Vila and Son Tree Farms, Inc.

Amount: \$200,000.00 (estimated)

Bids Solicited/Rec'd: 158/5

Exhibit: Commission Agenda Report 06-1399

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

772-9624/773-9626 – Informix License and Software Support

(PUR-07)

Annual renewal of IBM Informix Software Support is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Threshold Consulting Services, Inc.
Clearwater, FL

Amount: \$44,388.89 (not to exceed)

Bids Solicited/Rec'd: 32/4

Exhibit: Commission Agenda Report 06-1503

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

Proprietary – Underwater Valves and Valve Actuators (PUR-08)
George T. Lohmeyer Wastewater Treatment Facility

Approval of proprietary purchase of four underflow valves and valve actuators for George T. Lohmeyer Wastewater Treatment facility is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Diller-Brown & Associates, Inc.
Oviedo, FL

Amount: \$35,727.04 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1500

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

662-9463 – Additional Roofing Products (PUR-09)
Low Slope Re-Roofing and Repair

Approval for additional roofing products to be added to the contract for low slope re-roofing and repair projects is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Advanced Roofing, Inc.
Fort Lauderdale, FL

Bids Solicited/Rec'd: 320/2

Exhibit: Commission Agenda Report 06-1582

The Procurement Services Department has reviewed this item and recommends approving the additional services be added to the contract.

672-9582 – Steel Framed Octagonal Gazebos - Riverwalk**(PUR-10)**

Approval to purchase two gazebos for Riverwalk is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Advanced Recreational Concepts, LLC
St. Cloud, FL

Amount: \$36,430.80

Bids Solicited/Rec'd: 174/5

Exhibit: Commission Agenda Report 06-1546

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

672-9639 – Windows and Doors – South Side School**(PUR-11)**

Approval to purchase windows and doors for South Side School is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Palm City Millwork, Inc.
Creative Windows and Doors, Inc.
Palm City, FL Pembroke Pines, FL

Amount: \$392,032.99

Bids Solicited/Rec'd: 366/2

Exhibit: Commission Agenda Report 06-1578

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

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

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Moore that Consent Agenda Items M-7, M-18 M-19, M-20, M-21, M-22, M-23, M-24, M-34, M-35, Pur-5, Pur-9 and CR-01 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

Regarding Item Pur-11, the City Clerk announced that the Public Works Department is requesting that the fund account shown as being transferred from Fund 344 should be Fund 340.

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

Event Agreement – St. Jerome Fall Festival**(M-7)**

Motion made by Commissioner Moore and seconded by Commissioner Teel to approve this item as presented.

Vice Mayor Hutchinson said that she has a conflict of interest regarding this item, and therefore, would be abstaining from voting.

Roll call showed: YEAS: Commissioners Teel, Rodstrom and Moore, and Mayor Naugle. NAYS: None. Vice Mayor Hutchinson abstained. A memorandum of voting conflict is attached to these minutes

**Change Order 2 – Foster Marine Contractors, Inc. - \$216,654.44
Lauderdale Manors Phase III – Basin C and Add 72 Days****(M-18)**

With regard to this item and M-19 and M-20, Commissioner Rodstrom said there seems to be a recurring situation with regard to change orders. It is running anywhere from 6%-43% of the contracted price. She felt staff needs to negotiate tougher. She wanted to consider authorizing the City Auditor and City Attorney to be present at contract negotiations. Mayor Naugle requested the City Auditor and City Attorney provide a report on how they think this could be handled.

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

**Change Order 3 – Danella Companies, Inc. - \$271,667.64
River Run, Flamingo Park, Oak River – Area 4 Basin D****(M-19)**

See M-18

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

See M-18

**Change Order 2 – Conquest Engineering Group Company -
\$47,047.20 – Sunrise Key and Sunrise Intracoastal
Infrastructure Improvement****(M-20)**

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

**Change Order 1 – IR Construction & Hi Tech Painting, Inc. -
\$197,100 – Painting Beach Seating Wall and Lifeguard Stands
& Add 20 Days**

(M-21)

Commissioner Rodstrom noted the budget for this project is \$775,000. This is a 43% contract amount change in the change order. It is costing approximately \$10,000 per day for 65 days to have this work done.

Mayor Naugle explained when the specifications were written, it was thought it could be cleaned. Now the paint manufacturer wants it taken down to bare plaster in order to guarantee the paint job. An environmentally friendly stripper has to be used; sandblasting is not permitted; it will be labor-intensive. It will take longer than the original specifications provided.

Albert Carbon, Public Works Director, said there is a warranty from the manufacturer, Sherwin Williams. It is a very labor-intensive process. He showed photographs of how the work is being done and a portion that is finished. The wall is two miles.

Commissioner Rodstrom did not think that much should be spent just because there is money in the budget. In response to her question, Mr. Carbon indicated there was only one company that bid on the job; the invitation went out on the City's web service.

Commissioner Rodstrom said there are over 400 painting contractors in Broward County. She felt that one might have responded with a lower bid than \$775,000. It is a lot of money. Staff should negotiate tougher.

Commissioner Moore indicated if the district commissioner does not support the item, he will concur with her.

The City Manager said that the project was bid previously, and no one responded. Mr. Carbon confirmed this is the second bid process.

In response to Commissioner Rodstrom, Mr. Carbon said the specifications were the same for both bids. The project was awarded on June 20 for \$450,000. One of the first tasks assigned to the contractor was to test the process and it was reported the process did not get down to the original plaster.

The City Manager pointed out that staff tried to find the cheapest solution. It has been difficult to find contractors. If Commissioner Rodstrom is aware of contractors, the City could send out applications to them. Commissioner Rodstrom said the County web site indicates over 30 licensed painting contractors in Fort Lauderdale. She wanted to make sure they were given every opportunity to bid. Mr. Carbon said the City advertises in trade publications, including posting on the City's web site, and email blast to contractors who have asked (to be notified).

In response to Commissioner Moore, Mr. Carbon advised there are 7-8 lifeguard stands in this bid.

Commissioner Moore explained even though there may be 400 contractors in the county, the City has a minimum liability insurance coverage requirement, not all contractors meet those specifications in order to bid on City contracts.

Vice Mayor Hutchinson said that this has been a high maintenance wall from the beginning. If this process will make for easier maintenance, then she is in favor of it. This wall takes the most abuse in the city. They have to find an affordable way to maintain it. Any of the 400 contractors are welcome to bid; they need only sign-up.

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

Change Order 4 – MBR Construction, Inc. - \$24,370.25 (M-22)
& Add 20 Days – George English Park Recreation Building

Commissioner Rodstrom indicated she has a problem awarding a contract to a company who has three change orders on tonight's agenda.

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

Change Order 2 – MBR Construction, Inc. - \$75,535.34 (M-23)
Lincoln Park Improvements

This item was removed from the consent agenda at Commissioner Rodstrom's request.

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

This item was removed from the consent agenda at Commissioner Rodstrom's request.

Change Order 3 – MBR Construction, Inc. - \$277,510.32 (M-24)
NE 33 Avenue Neighborhood Improvements

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

Contract Award – Florida Blacktop, Inc. - \$71,242 (M-34)
Dillard Park Neighborhood Improvement – NW 23 Avenue

Mayor Naugle referred to the brick pavers recently installed on Bayview Drive, SE and SW 2nd Street are settling. He knew that the State is using a different process. He questioned if they should continue using it. Also the project is over-budget. Albert Carbon, Director of Public Works, explained the process used by the Department of Transportation known as stamped asphalt. There is also stamped concrete as well as interlocking pavers. There is a history of interlocking pavers which have a tendency to

settle and crack and become disjointed. Staff could review costs and quality for various processes.

Commissioner Teel recalled she raised this at a previous conference meeting. She thought staff was to supply a cost comparison report to the Commission. Mr. Carbon indicated an analysis was done on stamped concrete and interlocking pavers, but stamped asphalt could also be looked into.

Motion made by Commissioner Moore and seconded by Commissioner Teel to table this item until December 12, 2006. Roll call showed: YEAS: Commissioners Teel, Rodstrom and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

Contract Award – MBR Construction, Inc. - \$2,920,000
Riverwalk South Regional Park

(M-35)

Commissioner Rodstrom said this is a sole bidder; they have close to \$400,000 in change orders on tonight's agenda. With it being the sole bid, given this amount of money and history of change orders, she asked if it could be re-bid.

Mayor Naugle was also concerned. When the project was brought to the Commission, the estimated cost was \$2 million, and the low bid was \$4 million. He asked if there is time for this to be re-bid. Albert Carbon, Director of Public Works, said a re-bid would require the City to ask for an extension beyond the normal timelines. The grant would expire in October, 2007. The project has an eleven month construction schedule.

Mayor Naugle felt they are aware of the unavailability of contractors due to the hurricane and therefore, questioned the probability of being granted an extension. Mr. Carbon said they have been successful in getting grants extended this year due to the hurricanes, but since this is a live hurricane season now, he would not speculate.

Vice Mayor Hutchinson did not want to lose the money.

Mr. Carbon noted that MBR has completed the two change orders involving George English and Lincoln parks and both projects have been successful and cost effective. They have been a quality contractor. With those two projects completed, they are ready to move on this.

Commissioner Teel said the contractor did a wonderful job in connection with George English Park. She has never seen a construction site more efficiently run. The change orders are miniscule. In the case of George English Park, the change orders had to be done for a variety of reasons. Change orders are a way of life. She did not feel it would be prudent to hold this against a contractor that does excellent work.

Commissioner Moore said he reviewed a number of projects by this contractor, including Lincoln Park, which is a very quality project. It also had change orders. If this company showed a pattern of bidding low and then putting forward a number of change orders in order to make a profit, he also would be suspicious. In this case, it is costing of the project and staff reviewing their recommendations and rationale for the change order and agreeing with it. Also this neighborhood has been waiting for this project for a number of years.

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

Naming Park in Shady Banks – Bill Keith Preserve (CR-01)

Vice Mayor Hutchinson introduced Heather Keith. On behalf of her family, Ms. Keith thanked the City for the honor being bestowed upon the memory of her father. She discussed how her father worked to preserve this area and how proud he was of Fort Lauderdale.

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 06-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT THE PARK IN SHADY BANKS (GS-125) BE NAMED “BILL KEITH PRESERVE” IN HONOR OF WILLIAM “BILL” KEITH AND HIS WORK AS A COMMUNITY DEVELOPER AND PHILANTHROPIST.

Which resolution was read by title only.

Commissioner Moore said Bill Keith provided him the opportunity years ago to meet Mohammed Ali. He sat with another great man that night, Bill Keith.

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

162-9545 – Self-Funded Group Health Plan (PUR-05)

Vice Mayor Hutchinson asked if a list of providers could be provided to her.

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

662-9463 – Additional Roofing Products – Low Slope Re-Roofing and Repair (PUR-09)

Commissioner Rodstrom wanted to vote on this item separately.

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

MOTIONS

162-9557 Credit Card Processing Services

(MD-43)

Three-year contract with Wachovia Bank, N.A./Nova Information Systems for credit card processing services at an estimated cost of \$550,925.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Hutchinson to reconsider this matter. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

Commissioner Rodstrom said she inadvertently voted in favor of this item and needed to abstain from voting due to a conflict of interest.

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

Roll call showed: YEAS: Commissioners Teel and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None. Commissioner Rodstrom abstained. A memorandum of voting conflict is attached to these minutes.

RESOLUTIONS

**Plat Approval – Habitat for Humanity of Broward, Inc.
Nine Duplex Lots – 3 Acres – 2224 NW 26 Street –
Case 17-P-06**

(R-01)

**Applicant: Habitat for Humanity of Broward, Inc.
Location: 2224 NW 26 Street**

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Moore to defer this item at the request of the Applicant to December 12, 2006 at 6 p.m. Roll call showed: YEAS: Commissioners Teel, Rodstrom, and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

**Site Plan Level IV Review – L & A Holdings, LLC
225 South Ocean Boulevard – Case 127-R-06**

(R-02)

**Owner/Applicant: L & A Holdings, LLC
Location: Mid-block on west side of South Ocean Boulevard (A-1-A)
Between East Las Olas Boulevard and Poinsettia Street
Zoning: Planned Resort District (PRD)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DEVELOPMENT PERMIT FOR A RESTAURANT WITH OUTDOOR DINING AND REQUEST FOR PARKING REDUCTION ON PROPERTY LOCATED AT 225 SOUTH OCEAN BOULEVARD IN FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

**Amendments to Approved Site Plan Level IV Development -
Case 126-R-99 – St. Regis Hotel – 1 North Fort Lauderdale
Beach Boulevard**

(R-03)

Applicant: Castillo Grand, LLC
Location: 1 North Fort Lauderdale Beach Boulevard

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-184

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN FOR A HOTEL, MULTIPLE FAMILY, RESTAURANT AND RETAIL USE, OUTDOOR DINING AND APPROVAL OF SETBACK REDUCTIONS AND YARD MODIFICATIONS LOCATED AT ONE NORTH FORT LAUDERDALE BEACH BOULEVARD, FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT.

Which resolution was read by title only.

Commissioner Teel understood that a number of cabana structures have been added to the project. She asked what is the plan for their removal during hurricane warnings. Ron Mastriana, representing the Applicant, said the poles holding the cabanas are fixed into concrete. The canvas structure would be removed. The poles meet the South Florida Wind Code.

Commissioner Rodstrom was concerned about the bridge over A-1-A. She noted that this project has already been approved by a previous Commission. She noted this goes over two lanes whereas all of the others go over four lanes. She questioned if this is precedent setting. Mr. Mastriana noted that when four lanes goes into two lanes, there is more traffic. There are more people and one would want to take the bridge.

Commissioner Moore said the request is to not air condition the walkway. It was originally approved with air conditioning, but now it is an open walkway. Mr. Mastriana said it was changed due to the wind load. Commissioner Moore pointed out it was a matter of cost. Mr. Mastriana noted that the Department of Transportation has more stringent standards than the building code. The bridge complies with DOT standards.

Commissioner Moore pointed out if this is not approved, the Applicant would either expend the additional money or simply not build the bridge.

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

**Appeal – Planning and Zoning Board Decision -
Case 70-R-06 – Site Plan Level III – 6 Unit Cluster
Home Development – Croissant Village**

(R-04)

Applicant: Edewaard Development Company
Location: 711-721 SW 14 Court – Croissant Village
Zoning: Residential Single-Family Cluster Dwellings/Medium Density RD-15

Jennie Morejon, Planning and Zoning, said this application is for a 6-unit cluster development that was presented to the Planning and Zoning Board on August 16, 2006 and denied. The Applicant has requested an appeal before the City Commission.

Courtney Crush, representing the Applicant, referred to the Planning and Zoning Board hearing and said it is evident that this cluster home met all requirements for such a development, including increased setbacks, open space, architectural variation, lot density, lot size, and compatibility with the neighborhood. At the time, there were neighbors from Croissant Park Civic Association speaking in favor. She reviewed the types of questions raised by the Planning and Zoning Board. A barbecue is proposed which is permissible. In addition there is an interior courtyard with front doors facing the interior, which she felt is desirable in a cluster home. A photograph was shown of the proposed project. She referred to comments of Greg Brewton of Planning and Zoning Department, at the Planning and Zoning Board meeting about the purpose of a cluster home being to address preferable architectural style, amenities, and neighborhood compatibility. This project meets all requirements for cluster homes. She noted the setback footage in excess of the requirements. The courtyard does something that the average duplex will not, that being to encourage superior design, more creative architecture, increased setbacks, variations in rooflines, and a compatible architectural style.

Ms. Crush said that the one or two of the Board members referenced neighborhood compatibility. She quoted that portion of the code concerning the development being compatible with and preserve the character of adjacent neighborhoods. No adverse impacts were raised by the Board. The site plan places this type of development more appropriately on the available property and certainly more desirably than if it was simply six or seven duplexes. It sought to improve upon the standard code. Later in the minutes, the Board discussed cluster and townhomes and how they might like changes in the future. The Board did not have sufficient evidence to find that this project did not meet technical requirements for cluster homes or neighborhood compatibility.

In response to Commissioner Rodstrom, Ms. Crush said the neighboring properties are one to two stories in height. Commissioner Rodstrom saw a problem with neighborhood compatibility, in terms of placing a three-story townhome in a neighborhood of single family residences. Ms. Crush said the project will be two-stories with architectural features on the top. The structure is 34 feet in height.

Mayor Naugle noted if the property owner built a single family residence, it could be 35 feet in height and would never come before the Commission. Ms. Crush noted the property owner could also have built a duplex of 35 feet without going before the Planning and Zoning Board for a cluster home.

In response to Commissioner Rodstrom, Ms. Crush indicated that the project fits the character of the neighborhood with respect to architectural style. The neighborhood compatibility section of the code speaks about character and integrity of adjacent neighborhoods and not slight disparities. Subsequent to this, the neighborhood has solidified its support and feelings on compatibility.

Commissioner Moore did not think a public hearing is necessary. He felt the project should be accepted. He appreciated the fact that the Planning and Zoning Board wants to address additional conditions for clusters, however this developer has met all of the requirements of the existing process. Also, the community supports it.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Moore finding that one or both of the conditions described in Section 47-26.B.1 are found and the Commission conduct a hearing this evening. Roll call showed: YEAS: Commissioners Teel and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: Commissioner Rodstrom.

Mayor Naugle opened the hearing.

Vice Mayor Hutchinson said this developer has done a few cluster home projects in the southwest part of the city. He could build a duplex and not go through the review process. He goes out of his way to build a cluster home which he believes is a better development. A lot of discussion at the Planning and Zoning Board hearing was about the Civic Association. She noted that the Croissant Park Civic Association voted unanimously to support this project at their September 26th meeting. Some changes have been made. She asked Ms. Crush to explain them.

Ms. Crush said the top roofline will be reduced three feet. The secondary roof will be lowered two feet, and therefore, 50% of the surface area of the roof would be lowered by two or three feet respectively. In meeting with Planning staff after the Planning and Zoning Board meeting, a comment was made by a Planner regarding the garage. The Applicant is amenable to turning the two garages that face the street inward so that all garages will face the interior courtyard.

In response to Commissioner Rodstrom, Ms. Crush indicated there are four units on the property; the proposal is for six units; density under the code would permit seven.

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

Greg Brewton, Planning and Zoning, asked if the Commission would place the condition that the project meet all other applicable code requirements. An amended motion was offered.

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve the item with the condition that the project meet all other applicable code requirements.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-185

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN TO CONSTRUCT A CLUSTER DEVELOPMENT LOCATED AT 711-721 S.W. 14TH COURT, FORT LAUDERDALE, FLORIDA IN A RD-15 ZONING DISTRICT.

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

Fraternal Order of Police Lodge 31 – Tentative Agreement (R-05)
Police Lieutenants in Supervisory Bargaining Unit

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-174

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND FORT LAUDERDALE POLICE LODGE 31, FRATERNAL ORDER OF POLICE, REGARDING POLICE CAPTAINS COLLECTIVE BARGAINING UNIT, TO INCLUDE THE CLASSIFICATION OF SWORN POLICE LIEUTENANT, AS PROVIDED IN FLORIDA PUBLIC EMPLOYEES RELATIONS COMMISSION ORDER NO. 06E-182 OF SEPTEMBER 15, 2006 AND AUTHORIZING EXECUTION OF SUCH AMENDMENT.

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

CITIZEN PRESENTATIONS

Robert A. Walsh – Re-Open Investigation – Citizens (CIT-01)
Police Review Board

Robert Walsh said he is gainfully employed and has lived in Fort Lauderdale for ten years. On July 27, 2002 he was brutally beaten by the Fort Lauderdale Police Department. An internal affairs investigation took three years to complete. It was

determined that their actions were not sustained. He was to go before the Citizens Review Board. It had to be rescheduled because of a hurricane. He never received the second notice of hearing. He was told that the matter was closed and he had the opportunity to go before the Citizens Review Board and did not. On September 11th, he went to the board's meeting, and they indicated his case had already been heard however neither side was present. They ruled with the Police Department. He asked this matter be re-opened so he could go before the board and state his case.

Mr. Walsh further said that the captain of Internal Affairs sits on the Citizens Review Board which he felt is a conflict of interest.

Commissioner Moore said this subject was discussed earlier today. It was agreed that the Commission would have some discussion about the process. He asked if a registered letter is sent to individuals regarding their hearing before on the Board. Police Chief Bruce Roberts noted that the captain of Internal Affairs does not sit on this board. Captain Maglione stated that a letter was sent when it was originally to go to the Board. The investigation also went to the State Attorney's Office and was returned on September 9, 2004 and was put on the September 13, 2004 agenda. The letters are not sent registered or certified mail.

Commissioner Moore wanted the letters of notification in the future to be sent by certified mail.

Under the circumstances with respect to notice, Commissioner Rodstrom questioned about the possibility of hearing the case again.

Mayor Naugle said the decision was already made. There could be issues with civil service and the Policeman's Bill of Rights. He suggested that Mr. Walsh speak with the Chief of Police and see if anything could be done.

If no one was present to represent Mr. Walsh or from the Department, Commissioner Moore thought possibly the matter could be readdressed. He asked the Commission be informed as to whether a determination of action has been rendered and whether it can be reconsidered. He also asked that the information be furnished to Mr. Walsh via certified mail.

Captain Maglione indicated that there were phone conversations and the agenda was mailed to Mr. Walsh twice. Mr. Walsh spoke to the department secretary and the agenda was mailed to his new address. There was quite a bit of dialogue between Mr. Walsh and the department office manager about the agenda and Mr. Walsh provided a new address.

Chief Roberts indicated a lot has been said to which staff would like to respond.

The City Manager asked what was the board's rationale in denying the citizen the opportunity to be heard. Captain Maglione said he was present and Mr. Muffler, Chairman of the Citizens Review Board, stated that he did not believe it was within the Board's power to re-open a case that has been closed for two years. Mr. Muffler suggested that Mr. Walsh appeal to the City Commission.

Commissioner Moore left the meeting at approximately 7:32 p.m.

PUBLIC HEARINGS

Historic Designation – 742 NE 17 Avenue – Case 12-H-06**(PH-01)**

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

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 06-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE BUILDING LOCATED AT 742 N.E. 17TH AVENUE, FORT LAUDERDALE, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

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

**Historic Designation – Sea Club Resort – Jolly Rogers Hotel
619 North Fort Lauderdale Beach Boulevard – Case 26-H-05****(PH-02)**

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to defer this matter until February 6, 2007 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

ORDINANCES

**Rezoning to Planned Unit Development and Site Plan -
Case 7-ZPUD-05 – Marina Mile Properties, LLC – Northeast
Corner of State Road 84 and I-95****(O-01)**

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to defer this matter to January 4, 2007 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

**Above-Ground Fuel Storage – Case 11-T-06 - Amending
Unified Land Development Regulations and Code****(O-02)**

Vice Mayor Hutchinson introduced the following ordinance on the second 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 asked what would be the largest diesel fuel tank that would be permitted in a single family residential district in accordance with this ordinance and state and federal regulations. Donald Morris, Planning and Zoning, replied it would be 550 gallons.

Commissioner Moore returned to the meeting at approximately 7:35 p.m.

Commissioner Teel was concerned about individuals not having enough room to mount these tanks and have placed them on boat trailers in their front yard or driveway. She asked if that is permitted by the code. Mr. Morris said that would not be legal. There are requirements regarding accessory structures. Also, the tanks must meet the building and fire prevention codes.

Jeff Lucas, Fire Rescue, said the Department of Transportation regulates such vehicles. It would have to be constructed as a tanker trailer and carry a label for a fuel tank. He thought it would be considered a commercial vehicle and would not be permitted to be parked in a residential area.

Vice Mayor Hutchinson left the meeting at approximately 7:37 p.m. and returned at 7:38 p.m.

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

Amending Code – Section 2-18 - Waiver of Formal Bid Requirements (O-03)

Commissioner Moore introduced the ordinance on second reading:

ORDINANCE NO. C-06-38

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 2-181 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDASLE, FLORIDA, TO AUTHORIZE THE PURCHASE OF SUPPLIES AND CONTRACTUAL SERVICES WITHOUT FORMAL BIDDING PROCEDURES BASED ON THE TERMS

OF CONTRACTS LET BY NOT-FOR-PROFIT ENTITIES FOLLOWING A FAIR AND COMPETITIVE PROCESS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Amendment to the Pay Plan – Schedule I (O-04)

Commissioner Moore introduced the ordinance on the second reading:

ORDINANCE NO. C-06-39

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, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Local Law Enforcement Block Grant Advisory Board – Abolishment (O-05)

Commissioner Moore introduced the ordinance on first reading:

ORDINANCE NO. C-06-40

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING DIVISION SIX OF ARTICLE VII OF CHAPTER TWO OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO WIT: ORDINANCE NO. C-96-36, THEREBY DISSOLVING THE LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS ADVISORY BOARD.

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

Construction of New Courthouse Facilities (OB)

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 06-182

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CONFIRMING THE CITY'S SUPPORT OF BROWARD COUNTY'S CURRENT PROPOSAL TO CONSTRUCT NEW COURTHOUSE FACILITIES IN FORT LAUDERDALE CITY LIMITS.

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

Advisory Board /Committee Appointments (OB)

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

Citizens Committee of Recognition	Eugenia Ellis Birch Willey
Northwest Progresso Flagler Heights Advisory Board	Ron Centamore
Parks Beaches and Recreation Advisory Board	Shirley Small Robert Payne Ed Angelbello

Vice Mayor Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 06-176

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

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

Charter Revision Board (OB)

Commissioner Moore asked the Commission to support his nomination to the Charter Board of Dan Lewis.

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

There being no other matters to come before the Commission, the meeting was adjourned at 7:42 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk