

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MARCH 20, 2007**

Agenda

Item	Resolution/Ordinance No.	Page(s)
	<u>Presentations:</u>	
	1. 2007 Aqua Angels Swim Team – 21 st Annual Black History Invitational Swim Meet	1
	2. Excellence in Financial Reporting Certificate - Finance Department	1
	3. Proper Way to Test a Smoke Detector	2
CA	Consent Agenda	2
M-01	Event Agreement – 13 th Annual Imperial Point Race For All Ages – Closing City Streets Along Route	2
M-02	Event Agreement – Las Olas Wine and Food Festival Closing East Las Olas Boulevard	2
M-03	Event Agreement – Get Downtown	3
M-04	Event Agreement – 18 th Annual MS Walk	3
M-05	First Year Extension Option – Ft. Lauderdale Archers, Inc. Archery At Old Police Firing Range	3
M-06	Agreement – School Board of Broward County – Use of School Buses for City Recreational Programs And Events	4
M-07	Settlement of Workers' Compensation Claims – Menisier St. Louis – Case Nos. WC-93-7385 & WC-97-9285	4
M-08	Settlement of Workers' Compensation Claim – Case No. WC-98-9679 – Sandra Valentin	4
M-09	Annual Property Insurance Policy – Emergency Renewal Affiliated FM Insurance Company - \$2,362,853	4, 17
M-10	Interlocal Agreement – Plantation, Margate, Davie, Broward County – Study of Biosolids Processing and Disposal Alternatives	5
M-11	Continuing Contract Award – Engineering Services - Johnson, Avedano, Lopez, Rodriguez & Walewski Engineering Group, Inc.	5
M-12	Continuing Contract Award – Kimley-Horn and Associates, Inc. – Traffic and Transportation Engineering Consultant Services	5
M-13	Continuing Contract Award – Kimley-Horn and Associates, Inc. – Miscellaneous Landscape Architectural Consultant Services	5
M-14	Conquest Engineering Group Company - \$2,928,856.80 - Rescind and Re-Award – Sewer Improvements – Area 4 Basin E	6
M-15	Sewer and Water Main – Conquest Engineering Group Company – Rescind, Re-Award \$3,705,579.03 and Change Order 1 - \$20,000 – Area 4 Basin E	6
M-16	Grant Acceptance – Broward Beautiful Program - \$500 - Installation of Butterfly Garden and Landscaping – Holiday Park	6, 16
M-17	Amendment 1 to Task Order 11 – CMTS Florida, LLC - \$43,906.93 – Sunrise Key and Sunrise Intracoastal Infrastructure	7
M-18	Amendment 2 to Task Order 12 – CMTS Florida, LLC - \$172,395.06 – Progresso Sewer, Water Main and Storm Improvements	7
M-19	Amendment 1 to Task Order 16 – CMTS Florida, LLC - \$133,096.78 – Davie Boulevard Water Main	8, 20
M-20	Amendment 1 to Task Order 1 – Post, Buckley, Schuh and	8, 18

		Jernigan, Inc. Consulting Services – Hurricane Aftermath	
M-21		Work Order 10580G – Man-Con, Incorporated - \$6,592,392.15 – Sewer and Water Main Improvements – Sewer Area 8 – Edgewood Basin G	8
M-22		Sewer and Water Main Improvements – Intercounty Engineering, Inc. – Work Order 10543D \$275,737.10 and Change Order 1 \$98,050 – Shady Banks	9, 18
M-23		Change Order 3 – Conquest Engineering Group Company - \$24,432 – Sewer and Water Main Improvements – Croissant Park Basin B	9, 18
M-24		Change Order 5 – Danella Companies, Inc. - \$59,700.87 & Add 20 Days – Davie Boulevard Water Main	9, 18
M-25		Change Order 1 – Intercounty Engineering, Inc. - Credit (\$204,044.87) Sewer and Water Main Improvements – Croissant Park Basin C	10, 19
M-26		Change Order 1 – Ric-Man Construction, Inc. - \$50,000 Northeast Large Water Main Improvements	10, 19
M-27		Change Order 2 – Weekley Asphalt Paving, Inc. - \$381,883.80 – 2005-2006 Asphaltic Concrete Pavement Surfacing Annual Contract	10, 19
M-28		Task Order 32 – CMTS Florida, LLC - \$354,275.18 Edgewood Basin G	11
M-29		Community Redevelopment Agency Services Agreement Term Extension – September 30, 2016	11, 16
M-30		Mediated Settlement Agreements – Swim School, Swim Team	11, 16, 19
CR-01	07-54	Sidewalk Repairs	11, 14
CR-02	07-55	Reduction in Posted Speed Limit – East Broward Boulevard Between NE 8 Avenue and Victoria Park Road	12, 15, 20
CR-03	07-56	Water Supply Planning and Permitting Efforts	12, 15
CR-04	07-57	Rescheduling April 3, 2007 Commission Meetings to April 10, 2007	12, 15, 17
CR-05	07-58	Grant Application – New River Dredging Feasibility Study And Survey – Florida Inland Navigational District – \$150,000	12, 16
Pur-01		Proprietary – State Criminal History Record Check Services	13
Pur-02		582-7986 Contract Extension – Credit Card Processing	13, 20
Pur-03		Proprietary – Upgrade Data Communications Network	14
Pur-0		772-9592 – Shade Structure For Aquatic Complex	14
MD-31		City Commission Request for Review – Yacht Haven Site Plan – 2323 West State Road 84 – Case 23-R-05	21
R-01	07-47	Extension of Development Plan Approval – Case 46-R-04 Nola Lofts – 115 NE 3 Avenue	21
R-02	07-48	Extension of Development Plan Approval – Case 13-R-04 Marabella – 501, 519, 527 North Birch Road	22
R-03	07-49	Site Plan Review – Orion Resort – Case 46-R-06 Increase Maximum Floor Area Ratio – 20-Story Hotel	17, 22
R-04	07-50	Lot Clearing and Cleaning Special Assessment Liens For Associated Cost	33
R-05	07-51	Disposition of Surplus Property – 1034 NW 4 Avenue	33
R-06	07-52	Lease of City-Owned Property – 5700-6000 Blocks of NW 31 Avenue	34
PH-01	C-07-11	Interfund Transfer – Appropriate Funds - \$11,932,354 Waterworks 2011	34
O-01	C-07-12	Trial Residential Parking Permit Program – Colee Hammock	17
O-02	C-07-10	Budget Amendment 2 – Fiscal Year 2006-2007 - Building Services Appropriating \$1,266,002 to Revenues and	35

		Expenditures	
O-03	C-07-13	Amend Operating Budget – Transfer \$305,850 Cemetery Perpetual Care Trust Fund	35
O-04	C-07-14	Amend Operating Budget – Transfer \$7,450 Bereavement Services for Survivors of Police Action	36
O-05	C-07-15	Amend Operating Budget – Transfer \$319,620 Police Legal Unit Salary and Benefits	36
O-06	C-07-16	Grant Acceptance & Interlocal Agreement – Interoperable Communications Trailer - \$900,000	37
O-07	C-07-17	Trial Residential Parking Permit Program Extension Birch Park Beach Finger Streets	37
O-08	C-07-18	Amend Operating Budget – Transfer \$33,175.58 Vehicle Purchase – Mobile Vacuum Trash Collector	38
O-09	C-07-19	Budget Amendment 3 – Fiscal Year 2006-2007 – Beach Improvement District – New Line Item \$201,562; Appropriate \$170,312 and Transfer \$31,250	38
OB		Riverwalk Spring Tribute	39
OB		Hospice Hundred 5K Run	39
OB		Beach Tennis USA Tournament 2007	39
OB		Good Friday Worship and Baptismal Service	39
OB	07-53	Advisory Board/Committee Appointments	39

Betty Burrell, Director of Finance, said the department received a Certificate of Achievement for excellence in financial reporting for fiscal year ended September 30, 2005 from the Government Finance Officers Association. She described the program, the number of times the City has been awarded in the past, and thanked her employees including the City Controller, Joanne Rizzi who is retiring in a few months, and introduced the new City Controller.

3. Proper Way to Test a Smoke Detector (PRES-03)

Commissioner Teel and the City Commission demonstrated the proper way to test a smoke detector.

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 – 13th Annual Imperial Point Race For All Ages – Closing City Streets Along Route (M-01)

No budgetary impact

A motion authorizing and approving execution of an Event Agreement with North Broward Hospital District d/b/a Imperial Point Medical Center for 13th Annual Imperial Point Race For All Ages, to be held Saturday, March 31, 2007, 6 AM – 11 AM at Imperial Point Medical Center and neighborhood streets and authorizing the closing of City streets along route, contingent upon City Attorney's Office receiving and approving executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0335

Event Agreement – Las Olas Wine and Food Festival Closing East Las Olas Boulevard (M-02)

No budgetary impact

A motion authorizing and approving execution of an Event Agreement with American Lung Association of Florida, Inc. for Las Olas Wine and Food Festival to be held Thursday, May 10, 2007, 5:30 PM – 9 PM and authorizing the closing of East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0345

Event Agreement – Get Downtown

(M-03)

No budgetary impact.

A motion authorizing and approving execution of an 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, March 23, 2007, 5 PM – 8:30 PM, contingent upon City Attorney's Office receiving and approving executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0431

Event Agreement – 18th Annual MS Walk

(M-04)

No budgetary impact

A motion authorizing and approving execution of an Event Agreement with National Multiple Sclerosis Society for 18th Annual MS Walk, to be held at George English Park and beach area sidewalks on Sunday, April 1, 2007, 7:30 AM – 2:30 PM, contingent upon City Attorney's Office receiving and approving executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0464

**First Year Extension Option – Ft. Lauderdale Archers, Inc.
Archery at Old Police Firing Range**

(M-05)

\$3,200 is for receipt of revenue only. No expenditures are impacted

A motion authorizing the proper City Officials to execute the first-year extension option with Ft. Lauderdale Archers, Inc. – use of old Police Firing Range for archery activities – 4590 SW 46 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0393

Agreement – School Board of Broward County (M-06)
Use of School Buses for City Recreational Programs and Events

\$10,000 is budgeted in PKR033201, subject 3246, General Fund

A motion authorizing the proper City Officials to execute an agreement with School Board of Broward County for use of their school buses for City Programs and events – May 17, 2007 through May 16, 2008.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0386

Settlement of Workers' Compensation Claims (M-07)
Menisier St. Louis – Case Nos. WC-93-7385 & WC-97-9285

Funds are budgeted in Fund 543, INS010101-5125 (Workers' Compensation Claims)

A motion authorizing settlement of Workers' Compensation Claims WC-93-7385 and WC-97-9285 in the amount of \$450,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0395

Settlement of Workers' Compensation Claim (M-08)
Case WC-98-9679 – Sandra Valentin

Funds are budgeted in Fund 543, INS010101-5125 (Workers' Compensation Claims)

A motion authorizing settlement of Workers' Compensation Claim WC-98-9679 in the amount of \$30,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0396

Annual Property Insurance Policy – Emergency Renewal (M-09)
Affiliated FM Insurance Company - \$2,362,853

INS010101/Sub-object 5101 ALL RISK PROPERTY CARRIER

A motion authorizing waiver of negotiation process and emergency renewal of Annual Property Insurance Policy for City owned property – Affiliated FM Insurance Company (or its affiliates) - \$2,362,853.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0446

Interlocal Agreement – Plantation, Margate, Davie, Broward County – Study of Biosolids Processing and Disposal Alternatives (M-10)

\$50,000 is budgeted in PBS670503, sub-object 3199 (Other Professional Services)

A motion authorizing the proper City Officials to execute an Interlocal Agreement with Cities of Plantation and Margate, Town of Davie and Broward County – study of biosolids processing and disposal alternatives.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0406

Continuing Contract Award – Engineering Services Johnson, Avedano, Lopez, Rodrigues & Walewski Engineering Group, Inc. (M-11)

No budgetary impact

A motion authorizing the proper City Officials to award and execute a contract with Johnson, Avedano, Lopez, Rodriguez & Walewski Engineering Group, Inc. – Electrical/Mechanical Engineering Services – Continuing Contract.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0410

Continuing Contract Award – Kimley-Horn and Associates, Inc. Traffic and Transportation Engineering Consultant Services (M-12)

No budgetary impact

A motion authorizing the proper City Officials to award and execute a contract with Kimley-Horn and Associates, Inc. – Traffic and Transportation Engineering Consultant Services – Continuing Contract.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0447

Continuing Contract Award – Kimley-Horn and Associates, Inc. Miscellaneous Landscape Architectural Consultant Services (M-13)

No budgetary impact.

A motion authorizing the proper City Officials to award and execute a contract with Kimley-Horn and Associates, Inc. – Miscellaneous Landscape Architectural Consultant Services – Continuing Contract.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0448

Conquest Engineering Group Company - \$2,928,865.80 (M-14)
Rescind and Re-Award – Sewer Improvements – Area 4 Basin E

\$3,280,329.70 needs to be transferred from Water and Sewer Revenue Bonds to P10507.482 sub-object 6599

A motion authorizing the proper City Officials to: (1) rescind Work Order 10507E awarded to Danella Companies, Inc. – Project 10859C; (2) award and execute Work Order 10507E1 to Conquest Engineering Group Company, in the amount of \$2,928,865.80 – sewer improvements – Area 4 Basin E – Project 11070E, and (3) transfer \$3,280,329.70 from Water and Sewer Revenue Bonds to P10507.482 to fund this work order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0433

Sewer and Water Main – Conquest Engineering Group Company (M-15)
Rescind, Re-Award \$3,705,579.03 and Change Order 1 - \$20,000
Area 4 Basin E

Transfer \$4,172,648 from the Water and Sewer Revenue Bonds to P10507.482, sub-object 6599

A motion authorizing the proper City Officials to: (1) rescind Work Order 10507E awarded to Danella Companies, Inc. – Project 10859C, (2) award and execute Work Order 10507E2 to Conquest Engineering Group Company, in the amount of \$3,705,579.03 – sewer and water main improvements – Project 11070E, (3) approve Change Order 1, in the amount of \$20,000 – additional costs for work on Davie Boulevard in Florida Department of Transportation right-of-way, and (4) transfer \$4,172,648 from Water and Sewer Revenue Bonds to P10507.482 to fund this work order, change order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0414

Grant Acceptance – Broward Beautiful Program - \$500 (M-16)

Installation of Butterfly Garden and Landscaping – Holiday Park**\$500 will be credited to P11241.129, 6599 – no cash match required**

A motion authorizing: (1) acceptance of a grant in the amount of \$500 from Broward County through Broward Beautiful Program – landscaping and installation of a butterfly garden in two areas on the northwest side of Joe Wegner Sports Complex inside Holiday Park, and (2) proper City Officials to execute the grant agreement and disburse the funds to P11241.129, Sub-object 6599.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0235

**Amendment 1 to Task Order 11 – CMTS Florida, LLC - (M-17)
\$43,906.93 – Sunrise Key and Sunrise Intracoastal Infrastructure****\$127,763.76 transferred from Water and Sewer Revenue Bonds to P10698.482, 6599, \$3,060 from P00382 to P10698.470, 6599; \$4,957.49 is available**

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 11 with CMTS Florida, LLC, in the amount of \$43,906.93 – utility construction inspection services – Sunrise Key and Sunrise Intracoastal Infrastructure Improvements – Project 10698, and (2) transfer \$127,763.76 from Water and Sewer Revenue Bonds to P10698.482 and \$3,060 from P00382, New Stormwater Facilities, to P10698.470 to fund the cost of this amendment, estimated engineering fees and eliminate negative project balance.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0415

**Amendment 2 to Task Order 12 – CMTS Florida, LLC - \$172,395.06 (M-18)
Progresso Sewer, Water Main and Storm Improvements****\$122,568.10 to be transferred from Water and Sewer Revenue Bonds to P09766.482 sub-object 6599 and \$70,514.36 from P00382 to P09766.470 sub-object 6599**

A motion authorizing the proper City Officials to: (1) execute Amendment 2 to Task Order 12 with CMTS Florida, LLC, in the amount of \$172,395.06 – additional utility construction inspection services – Progresso Sewer, Water Main and Storm Improvements – Phase C – Project 9766C, and (2) transfer \$122,568.10 from Water and Sewer Revenue Bonds to P09766.482 and \$70,514.36 from P00382 to P09766.470 to fund task order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0423

Amendment 1 to Task Order 16 – CMTS Florida, LLC - \$133,096.78 (M-19)
Davie Boulevard Water Main

\$149,068.39 needs to be transferred from Water and Sewer Revenue Bonds to Project 10553.482 sub-object 6599

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 16 with CMTS Florida, LLC, in the amount of \$133,096.78 – utility construction inspection services – Davie Boulevard Water Main – I-95 to South Federal Highway – Package E – Project 10553E, and (2) transfer \$149,068.39 from Water and Sewer Revenue Bonds to Project 10553.482 to fund the task order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0417

Amendment 1 to Task Order 1 – Post, Buckley, Schuh and Jernigan, Inc. (M-20)
Consulting Services – Hurricane Aftermath

No budgetary impact

A motion authorizing the proper City Officials to execute Amendment 1 to Task Order 1 with Post, Buckley, Schuh and Jernigan, Inc. – six-month extension until September 1, 2007 – construction and project management, architectural, engineering and other consulting services related to Hurricanes Katrina and Wilma.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0440

Work Order 10580G – Man-Con, Incorporated - \$6,592,392.15 (M-21)
Sewer and Water Main Improvements – Sewer Area 8 – Edgewood Basin G

\$7,383,479.21 to be transferred from Water and Sewer Revenue Bonds to P10580.482 sub-object 6599

A motion authorizing the proper City Officials to: (1) execute Work Order 10580G with Man-Con, Incorporated, in the amount of \$6,592,392.15 – sewer and water main improvements – Sewer Area 8 – Edgewood Basin G – Project 11070G, and (2) transfer \$7,383,479.21 from Water and Sewer Revenue Bonds to P10580.482 to fund the work order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0342

Sewer and Water Main Improvements – Intercounty Engineering, Inc. (M-22)
Work Order 10543D - \$275,737.10 and Change Order 1 - \$98,050 –
Shady Banks

Transfer \$418,641.55 from Water and Sewer Revenue Bonds to P10543.482, sub-object 6599

A motion authorizing: (1) Work Order 10543D with Intercounty Engineering, Inc., in the amount of \$275,737.10 – sewer and water main improvements, (2) Change Order 1, in the amount of \$98,050 for additional work, and (3) transfer \$418,641.55 from Water and Sewer Revenue Bonds to P10543.482 to fund this work order, change order and estimated engineering fees – Shady Banks – SW 15 Avenue and SW 16 Street – Project 10543D.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0429

Change Order 3 – Conquest Engineering Group Company - (M-23)
\$24,432 – Sewer and Water Main Improvements – Croissant
Park Basin B

\$27,363.84 to be transferred from Water and Sewer Revenue Bonds to P10769.482, sub-object 6599

A motion authorizing: (1) Change Order 3 with Conquest Engineering Group Company, in the amount of \$24,432 – quantity increases – sewer and water main improvements – Croissant Park Basin B – Project 10769B, and (2) transfer \$27,363.84 from Water and Sewer Revenue Bonds to P10769.482 to fund this change order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0413

Change Order 5 – Danella Companies, Inc. - \$59,700.87 & (M-24)
Add 20 Days – Davie Boulevard Water Main

Transfer \$66,864.96 from the Water and Sewer Revenue Bonds to P10553.482, sub-object 6599

A motion authorizing: (1) Change Order 5 with Danella Companies, Inc., in the amount of \$59,700.87 and the addition of 20 non-compensable calendar days to contract period for additional work and quantity adjustments – Davie Boulevard Water Main – I-95 to South Federal Highway Package E – Project 10553E, and (2) transfer \$66,864.96 from Water and Sewer Revenue Bonds to P10553.482 to fund this change order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0402

**Change Order 1 – Intercounty Engineering, Inc. – Credit (M-25)
(\$204,044.87) Sewer and Water Main Improvements –
Croissant Park Basin C**

\$204,044.87 reduction of purchase order in P10769.482, sub-object 6599

A motion authorizing: (1) Change Order 1 with Intercounty Engineering, Inc., in the CREDIT amount of (\$104,044.87) – quantity adjustments and additional work – Sewer and Water Main Improvements – Croissant Park Basin C – Project 10769C, and (2) reducing purchase order in P10769.482 by (\$204,044.87) to account for this credit change order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0403

**Change Order 1 – Ric-Man Construction, Inc. - \$50,000 (M-26)
Northeast Large Water Main Improvements**

Transfer \$56,000 from the Water and Sewer Revenue Bonds to P10567.482, sub-object 6599

A motion authorizing: (1) Change Order 1 with Ric-Man Construction, Inc., in the amount of \$50,000 – Northeast Large Water Main Improvements – permit fees – Project 10567, and (2) transfer \$56,000 from Water and Sewer Revenue Bonds to P10567.482 to fund this change order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0405

**Change Order 2 – Weekley Asphalt Paving, Inc. - \$381,883.80 (M-27)
2005-2006 Asphaltic Concrete Pavement Surfacing Annual Contract**

\$366,737.00 to be transferred from P10247.319, 6599 to P11023.332, 6599 and \$139,252.80 from P10247.331, 6599 to P11023.331, sub-object 6599

A motion authorizing Change Order 2 with Weekley Asphalt Paving, Inc., in the amount of \$381,883.80 – oil price adjustment – 2005-2006 Asphaltic Concrete Pavement Surfacing Annual Contract – Project 11023.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0453

Task Order 32 – CMTS Florida, LLC - \$354,275.18 (M-28)
Edgewood Basin G

A motion authorizing the proper City Officials to: (1) execute Task Order 32 with CMTS Florida, LLC., in the amount of \$354,275.18 – utility construction inspection services – Edgewood Basin G – Project 10580G, and (2) transfer \$396,788.20 from Water and Sewer Revenue Bonds to Project 10580.482 to fund this task order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0360

Community Redevelopment Agency Services Agreement (M-29)
Term Extension – September 30, 2016

A motion authorizing the proper City Officials to execute a Second Amendment to Services Agreement with Fort Lauderdale Community Redevelopment Agency extending the term to September 30, 2016.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0468

Mediated Settlement Agreements – Swim School, (M-30)
Swim Team

A motion authorizing mediated settlement agreements with Swim School and Swim Team to be extended to June 30, 2007.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0469

CONSENT RESOLUTION

Sidewalk Repairs (CR-01)

No budgetary impact

A resolution authorizing the proper City Officials to notify certain property owners of their responsibility to repair the sidewalk abutting their property pursuant to City Code, Sections 25-56 and 25-58.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0411

Reduction in Posted Speed Limit (CR-02)
East Broward Boulevard Between NE 8 Avenue
And Victoria Park Road

No current year budget impact

A resolution supporting reduction of posted speed limit on East Broward Boulevard between NE 8 Avenue and Victoria Park Road from 35 mph to 30 mph.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0455

Water Supply Planning and Permitting Efforts (CR-03)

No budgetary impact

A resolution supporting regional water supply planning and permitting efforts.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0462

Rescheduling April 3, 2007 Commission Meetings (CR-04)
To April 10, 2007

No budgetary impact.

A resolution rescheduling the April 3, 2007 City Commission Regular and Conference meetings to April 10, 2007, due to the Passover holiday.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0441

Grant Application – New River Dredging Feasibility (CR-05)
Study and Survey – Florida Inland Navigational District –
\$150,000

\$150,000.00 budgeted in C.I.P. Fund P11077.331.

A resolution authorizing the proper City Officials to: (1) apply for grant in the amount of \$150,000 under Florida Inland Navigation District Cooperative Assistance Program –

first phases – New River Dredging Feasibility Study and Survey, and (2) execute all necessary documents to receive and disburse these grant funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0436

PURCHASING AGENDA

Proprietary – State Criminal History Record Check Services **(PUR-01)**

\$20,000 is budgeted in HRD010101-3299

An agreement to purchase state criminal history record checks for pre-employment review is being presented by the Human Resources Department.

Recommend: Motion to approve.

Vendor: Florida Department of Law Enforcement
Tallahassee, FL

Amount: \$20,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-0292

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

582-7986 Contract Extension – Credit Card Processing **(PUR-02)**

Estimated Net Revenue \$340,000; No Budgetary Impact

Approval to extend current contract for credit card processing services with Wachovia Bank, N.A./Nova Information Systems for a transitional period not to exceed an additional 120 days is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: SunTrust Merchant Services, LLC
Greenwood Village, CO

Amount: \$67,000.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-0420

The Procurement Services Department recommends extending existing contract during the four-month transition period.

Proprietary – Upgrade Data Communications Network

(PUR-03)

ITS020102-3628 (Telephone Communications Telephone/Cable TV \$15,168)

Approval to upgrade data communications network to 25 remote City offices is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: BellSouth Business Systems, Inc.
Atlanta, GA

Amount: \$15,168.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-0412

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

772-9592 – Shade Structure For Aquatic Complex

(PUR-04)

\$31,436.32 is a Hurricane Katrina related expenditure. FEMA/State/City shared reimbursement is expected. Funds available in Index Code

Approval for purchase of removable/collapsible shade structure is being presented for approval by the Business Enterprises Department.

Recommend: Motion to approve.

Vendor: Hunter-Knepshield Company
Lagrange, KY 40031

Amount: \$31,436.52

Bids Solicited/Rec'd: 86/3

Exhibit: Commission Agenda Report 07-0391

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

CONSENT RESOLUTIONS

Sidewalk Repairs

(CR-01)

No budgetary impact

RESOLUTION NO. 07-54

A RESOLUTION REQUIRING THE OWNERS OF CERTAIN PARCELS OF REAL PROPERTY TO RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING THEIR PROPERTIES WITHIN SIXTY (60) DAYS AND, IN THE EVENT SUCH OWNERS FAIL TO DO SO, AUTHORIZING CITY WORK CREWS OR CONTRACTORS, OR BOTH, TO RECONSTRUCT OR REPAIR SAID SIDEWALKS WITH THE COST OF PERFORMING SUCH WORK CONSTITUTING A CHARGE AND LIEN AGAINST SAID PROPERTY.

Reduction in Posted Speed Limit – East Broward Boulevard (CR-02)
Between NE 8 Avenue and Victoria Park Road

No current year budget impact.

RESOLUTION NO. 07-55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING SUPPORT FOR A REDUCTION OF THE POSTED SPEED LIMIT ON EAST BROWARD BOULEVARD BETWEEN NE 8TH AVENUE AND VICTORIA PARK ROAD FROM THIRTY-FIVE (35) MPH TO THIRTY (30) MPH.

Water Supply Planning and Permitting Efforts (CR-03)

No budgetary impact

RESOLUTION NO. 07-56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RECOGNIZING THE IMPORTANCE OF A SAFE AND COST-EFFECTIVE WATER SUPPLY FOR ITS CITIZENS AND ALL OF SOUTH FLORIDA AND SUPPORTING EFFORTS TO ANALYZE AND DETERMINE SAFE AND SUSTAINABLE YIELDS OF WATER SOURCES.

Rescheduling April 3, 2007 Commission Meetings (CR-04)
To April 10, 2007

No budgetary impact

RESOLUTION NO. 07-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE APRIL 3, 2007, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO APRIL 10, 2007.

**Grant Application – New River Dredging Feasibility Study
And Survey – Florida Inland Navigational District - \$150,000**

(CR-05)

\$150,000.00 budgeted in C.I.P. fund P11077.331

RESOLUTION NO. 07-58

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT FROM THE FLORIDA INLAND NAVIGATION DISTRICT FOR A NEW RIVER DREDGING FEASIBILITY STUDY AND SURVEY AND TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE APPLICATION FOR THE GRANT, GRANT AGREEMENT AND RECEIPT AND DISBURSEMENT OF GRANT FUNDS PURSUANT THERETO.

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 Items M-9, M-20, M-22, M-23, M-24, M-25, M-26, M-27, M-30, CR-02, and PUR-2 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

**Community Redevelopment Agency Services Agreement
Term Extension – September 30, 2016**

(M-29)

Mayor Naugle announced this item was removed from tonight's agenda by the City Manager.

**Grant Acceptance – Broward Beautiful Program - \$500
Installation of Butterfly Garden and Landscaping – Holiday Park**

(M-16)

Mayor Naugle announced a correction; the account number should be GFL07 sub-object F212.

Mediated Settlement Agreements – Swim School, Swim Team

(M-30)

Mayor Naugle said that the motion for this item should be to extend the contractor service agreements and not the mediated settlement.

Reschedulling April 3, 2007 Commission Meetings to April 10, 2007 (CR-04)

Mayor Naugle announced that the Commission meeting date should be April 24, 2007 and not April 10, 2007.

Trial Residential Parking Permit Program – Colee Hammock (O-01)

Mayor Naugle received a request from Vice Mayor Hutchinson to consider tabling O-1 until April 17, 2007.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Rodstrom to table Item O-01 until April 17, 2007 at 6 p.m.

ORDINANCE NO. C-07-12

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING A TRIAL RESIDENTIAL PARKING PERMIT PROGRAM FOR THE AREA KNOWN AS COLEE HAMMOCK LOCATED EAST OF S.E. 12TH AVENUE, NORTH OF LAS OLAS BOULEVARD, WEST OF VICTORIA PARK ROAD AND SOUTH OF EAST BROWARD BOULEVARD; PROHIBITING VEHICLES FROM PARKING ON CERTAIN RIGHTS-OF-WAY IN THE AREA DURING CERTAIN HOURS; ESTABLISHNG A FINE FOR VIOLATIONS AND FURTHER PROVIDING THAT THE ORDINANCE SHALL BE IN EFFECT FOR A PERIOD OF SIX MONTHS.

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

Site Plan Review – Orion Resort – Case 46-R-06 (R-03)
Increase Maximum Floor Area Ratio – 20-Story Hotel

Donald Hall, representing the Applicant, asked if this be tabled until April 17, 2007.

Motion made by Vice Mayor Hutchinson to table this item until April 17, 2007. Motion died for lack of a second.

Annual Property Insurance Policy – Emergency Renewal (M-09)
Affiliated FM Insurance Company - \$2,362,853

Commissioner Rodstrom questioned why the City is waiving the negotiation process and doing an emergency renewal.

Betty Burrell, Finance Director, said the City's insurance broker went through the process of trying to obtain insurance for the City. There appears to be a conflict between the contract accepted by the Commission for the insurance broker to do this and procedures to be followed for the purchase of insurance. The policy expires April 1,

2007. The conflict did not come to the staff's attention until the item was placed on the agenda. The broker is Thomas Rutherford.

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

Amendment 1 to Task Order 1 – Post, Buckley, Schuh and Jernigan, Inc. – Consulting Services – Hurricane Aftermath (M-20)

Commissioner Rodstrom said she removed this item from the consent to vote no.

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

Sewer and Water Main Improvements – Intercounty Engineering Inc. – Work Order 10543D \$275,737.10 and Change Order 1 \$98,050 – Shady Banks (M-22)

Commissioner Rodstrom said she removed this item from the consent to vote no.

Mayor Naugle announced a correction to the item; the change order portion is to be removed from consideration, which requires a change in the transfer amount to \$308,822.55 (\$308,825.55).

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

Change Order 3 – Conquest Engineering Group Company \$24,432 Sewer and Water Main Improvements – Croissant Park Basin B (M-23)

Commissioner Rodstrom said she removed this item from the consent to vote no.

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

Change Order 5 – Danella Companies, Inc. - \$59,700.87 & Add 20 Days – Davie Boulevard Water Main (M-24)

Commissioner Rodstrom said she removed this item from the consent to vote no.

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

Change Order 1 – Intercounty Engineering, Inc. - Credit (M-25)
(\$204,044.87) Sewer and Water Main Improvements –
Croissant Park Basin C

Commissioner Rodstrom said she removed this item from the consent to vote no. Mayor Naugle noted this is a credit.

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

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

Change Order 1 – Ric-Man Construction, Inc. - \$50,000 (M-26)
Northeast Large Water Main Improvements

Commissioner Rodstrom said she removed this item from the consent to vote no.

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

Change Order 2 – Weekley Asphalt Paving, Inc. - \$381,883.80 (M-27)
2005-2006 Asphaltic Concrete Pavement Surfacing Annual Contract

Commissioner Rodstrom said she removed this item from the consent to vote no.

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

Mediated Settlement Agreements – Swim School, Swim Team (M-30)

Mayor Naugle said this item has been modified. The motion should be to extend the contractor service agreements, not the mediated settlement.

Commissioner Rodstrom noted this process began in October. There was to be no more than three months of mediation. It was to be readdressed if it could not be resolved. More time for mediation was granted. In response to Commissioner Rodstrom, the City Attorney said there is a mediated settlement agreement signed by the two parties, not by the City.

Commissioner Rodstrom wanted the coaches to get back to doing their job. They have mediated and signed an agreement and agreed to work well together.

The City Manager said after the mediated settlement, allegations were made of a criminal nature which the Police Department is investigating. At the conclusion of the investigation, the facts will be presented and then the Commission can decide whether to vote on the mediated settlement.

Commissioner Rodstrom asked if the criminal allegations involve the two parties that signed the agreement. The City Manager said it is not appropriate for him to discuss the details of the investigation at this time. He would not advise signing the agreement until the Commission has all of the facts.

In response to Commissioner Rodstrom, the City Attorney said he is not sure what investigation is taking place in connection with the parties involved in this agreement.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve the item as corrected, extending the contractor service agreement until June 30, 2007. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: Commissioner Rodstrom.

Reduction in Posted Speed Limit – East Broward Boulevard (CR-02)
Between NE 8 Avenue and Victoria Park Road

Peter Partington, City Engineer, said Broward County would consider this reduction if the 85% speed is within 9 MPH of the requested speed limit or 30 MPH. A speed study was completed east of 15th Avenue and the 85% speed is approximately 35 MPH. If this resolution is adopted, that length would be worthy of considering a reduction. The speed study for 8th to 15th is not complete.

Mayor Naugle said tonight's resolution is contingent on the study showing it and it will be so worded. Mr. Partington confirmed that is correct.

In response to Commissioner Rodstrom, Mr. Partington indicated there is on-street parking on Broward Boulevard at this time in this area, identical to Las Olas. Commissioner Rodstrom understood from the County that the parking signs would have to be removed if there is a reduced speed limit is to be instituted.

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

582-7986 Contract Extension – Credit Card Processing (PUR-02)

Commissioner Rodstrom said she removed this item from the consent as she has a conflict and would be abstaining.

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

Hutchinson, and Mayor Naugle. NAYS: None. Commissioner Rodstrom abstained from voting. A memorandum of voting conflict filed by Commissioner Rodstrom is attached to these minutes.

MOTIONS

**City Commission Request For Review – Yacht Haven
Site Plan – 2323 West State Road 84 – Case 23-R-05**

(MD-31)

No budgetary Impact

Applicant: Azurite Corp. Ltd.
Location: 2323 West State Road 84
Zoning: General Business B-2

Mayor Naugle asked if the Applicant has a preference for the hearing date. The choices would be April 17th, April 24th, May 1st or May 15th.

Elyssa Criplin Essokovich said they would prefer the May 15th.

Mayor Naugle said that pursuant to ULDR Section 47-26A.2, the City Commission Request For Review, a statement of intent was filed requesting that this item be placed on the agenda to set a public hearing to review the application. The City Commission may adopt a motion to set a public hearing to review the application if it finds that due to characteristics of the project and the surrounding area, the application requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. If a motion is approved a date for hearing no later than sixty days from the date the motion is adopted should be set. If a motion setting a public hearing is not approved, the decision of the Planning and Zoning Board will stand.

Motion made by Commissioner Teel and seconded by Commissioner Rodstrom to set the hearing for this matter on May 15, 2007. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

In response to Vice Mayor Hutchinson, Mayor Naugle said that he called up the item.

RESOLUTIONS

**Extension of Development Plan Approval – Case 46-R-04
Nola Lofts – 115 NE 3 Avenue**

(R-01)

No budgetary impact.

Applicant: Downtown Lofts, LLC
Location: 115 NE 3 Avenue
Zoning: Downtown Regional Activity Center – City Center

District (RAC-CC)

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF TIME OF A DEVELOPMENT PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED BETWEEN N.E. 2ND AND N.E. 3RD STREETS, BETWEEN FEDERAL HIGHWAY AND N.E. 3RD AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA IN A DOWNTOWN RAC-CC ZONING DISTRICT.

Which resolution was read by title only.

The City Clerk announced that the agenda memorandum has an error; it should be to March 28, 2008.

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

Extension of Development Plan Approval – Case 13-R-04 (R-02)
Marabella – 501, 519, 527 North Birch Road

No budgetary impact.

Applicant: Marbella Place, LLC/Marbella
Zoning: North Beach Residential Area (NBRA)
Location: 501, 519, 527 North Birch Road

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-48

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF TIME OF A DEVELOPMENT PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED AT RIO MAR STREET AND BIRCH ROAD IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA IN A NBRA ZONING DISTRICT.

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

Site Plan Review – Orion Resort – Case 46-R-06 (R-03)
Increase Maximum Floor Area Ratio – 20-Story Hotel

No budgetary impact.

Applicant: Transacta Prive Developers, Ltd.
Zoning: A-1-A Beachfront Area District ABA
Location: Bounded by A-1-A, Belmar Street, Breakers Avenue & Vistamar Street

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

Donald Hall, representing the Applicant, renewed his request that this matter be tabled to April 17, 2007. It should be afforded the courtesy of a hearing by the entire Commission. Two other items on tonight's agenda have been continued at the applicant's request.

Mayor Naugle supported tabling this item.

Motion made by Vice Mayor Hutchinson to table the item until April 17, 2007 at 6 p.m.

Commissioner Teel wanted to hear from the attorney for the Bonnet House. Mike McNerney, representing the Bonnet House, said that people have come from D.C. and other places for this hearing, which is a problem.

Commissioner Rodstrom said that the next meeting is not for about one month. She commented that her priest has lobbied her. Mr. Hall promised that it would not occur again.

Motion died for lack of a second.

Discussion ensued as to the amount of time to be given to the applicant to make his presentation and the Mayor granted 25 minutes. Mr. Hall did not feel that affords them due process. He was astonished that the item has not been tabled as the other two items. He did not understand why they are being singled-out. In response to Mayor Naugle, the City Attorney noted that 45 minutes should be sufficient as the Commission generally grants 30 minutes.

Mr. Hall further said that their court reporter is not present because he thought the matter would be tabled. Therefore, he asked if the matter could be reconsidered.

Mr. Hall introduced Bill Spencer and Heidi Davis from his law firm who is representing Sylvia Coltrane, architect Luis Revuelta, historian Lucy Wayne, and planner Valerie Hubbard. He listed the exhibits submitted for consideration.

Mr. Hall noted that this project was approved by the Central Beach Alliance, the Beach Council, and a majority of the property owners within the area of the ABA Zoning District. The project complies with the letter, spirit and requirements of the Central Beach Revitalization Plan adopted in 1988, and the ABA zoning criteria. In 1988 the City determined that the Central Beach would have a revitalization plan which had two primary goals. One was to develop the area as a mixed-use area dominated by hotels, and the other was to create zoning districts within the Central Beach that would provide dimensional requirements and other zoning regulations that would provide bonuses. The purpose and intent of the ABA district is to promote high-quality destination resort uses. The Orion is a high quality destination resort. ABA district provides three

incentives. One is the ability to obtain an increased floor area ratio based on quality of design, and the application of a somewhat subjective set of criteria by which points are awarded. An applicant is also entitled to request additional height. This application does not do so. The third incentive is the ability to request additional length of the structure to a requirement that makes sense given the size of the lot and the design of the project, along with the creation of pedestrian interaction.

Mr. Hall said this project is Code compliant, otherwise it would not have been accepted. This project wanted something different. For a quality project an applicant is allowed to request something more and be granted the request if a quality project is being produced. The project is beautiful because it has taken advantage of the flexibility allowed by two incentive. It is unlike any building on the Central Beach. He understood that while some buildings on the Central Beach are Code compliant, they are not what might have been preferred. Orion is an example of the future.

Sylvia Coltrane apologized to Commissioner Rodstrom regarding the lobbying for the project by her priest. This is a wonderful project which has taken three years to put together. They have met with every member of the immediate community including the Bonnet House. This building is the lowest of all of the buildings in the area. Every property owner and hotel surrounding the Orion has indicated they want the Orion to be situated there, as they feel it will make a big difference in the ABA zoning. She asked the Commission to consider the project and grant the bonus points.

Louis Revuelta, architect for applicant, said two issues are whether this building would have a positive impact on the area and the Bonnet House, and whether the building is designed within the requirements of the ULDR. The issues are height, length and mass. They could have requested 24 stories, but requested 20. The pedestal is the lowest in the area. They believe the pedestal is proportionately correct. More plazas with water features and landscaping than most projects in the area are being provided. At the second and third levels, the pedestal is being broke with hotel units, art work and geometry. They believe the pedestal being dotted with hotel units and art work rather than parking along all of the perimeter is a good thing to do architecturally. The pedestal is 2-3 stories, which is the same height as existing historic buildings in the area. They have the lowest FAR and one of the narrowest buildings in the area. Parking is included in the FAR. All goals and objectives of the incentive criteria have been met. They have one of the largest setbacks from the east, west and south. They believe they have earned 11 points of the criteria.

Mr. Revuelta indicated that staff has agreed with the quantitative 7 points. With regard to the other 4 points, he referred to Item 4, deviation of sameness. He presented a visual showing how the Orion compares to other projects in the area. They believe the Orion does not look the same. The pedestal is the lowest. They are the narrowest. They have curvilinear shapes. The balconies are glass. The detailing is different. He was confused as to why this point was not awarded. Item 3 has to do with color and composition of the area. Tremendous efforts have been made in the building detail, colors, and how they geometrically designed the building, including curvilinear shapes. They believe the color and composition of geometry and features of the building reflect the color and composition of the area. Staff disagrees. Item 2 has to do with reflecting culture and history. They feel the operator of this building will bring the glamour of the hotels that existed in the past. The pedestal is very much in keeping with other buildings along A-1-A that are two-three stories. The building has been set back as far as

possible on the pedestal. The Central Beach Alliance supported the project because they felt they were very sensitive. They have committed to hiring well renown artists to provide sculptures. Natural landscaping will be used as much as possible. If an applicant earns 7 points, he questioned them not being grant Item 1, making a positive impact on the area. In reading Staff's comments, the Bonnet House is cited in almost all of the four points that are not quantitative. If the building was not situated in this location, if it was not the shape or height that it is, they are affecting the view corridor from the Bonnet House. The underlying criteria for not awarding the points was the Bonnet House. He did not feel they would have a negative impact on the Bonnet House because they would be 220' away and 660' away structure to structure. He urged the Commission to vote based on architecture and urban criteria.

Bill Spencer presented a chart prepared by their planner that shows the buildings and their height surrounding the Bonnet House. He said the expansive development of Fort Lauderdale beach is a product of a vision started in the mid-'80's with the City's central beach revitalization plan and the ULDR put into place at the time. The Bonnet House and the applicant's property are surrounded by heights greater than proposed for the Orion. He referred to the existing Howard Johnson's building that will be torn down. The pedestal of 33 feet is essentially being installed in the place of Howard Johnson's foundation. In other words, they are building a 200' building to the west of the existing Howard Johnson's and a 33' additional pedestal that would replace the Howard Johnson's to accommodate the pedestrian and A-1-A beach resort activities that the beach revitalization plan encourages. He showed an aerial photograph of the area and other photos (provided in the backup).

Mr. Spencer said one of the issues has to do with impact of the views from the Bonnet House. He discussed in some detail drawings from the backup material provided to the Commission with respect to views from the Bonnet House site, including one example used by Ms. Rathburn, historian for the Fort Lauderdale Historic Society. The Bonnet House is on the National Historic Register and a recognized historic site for its architecture, art and relationship to the community and Mr. Bartlett. The Bonnet House previously acknowledged that at least a 7-story building could be allowed. The Applicant has made a reasonable assumption of what will be between the Bonnet House and their property and used a 7-story building. He showed drawings of the view from the lilly pond with the 7-story building completed and noted the Orion cannot virtually be seen. From the predominant orientation of the building, looking east over the lagoon, one would have to turn almost 90 degrees to see the Orion. The Bonnet House is a 360 degree experience on a 35 acre site. He did not feel that people who visit the Bonnet House are looking at the art, the building, the property and they are no looking at what the neighbors and those across A-1-A are doing.

Mr. Spencer introduced Valerie Hubbard and reviewed her experience as a planner (see Curriculum Vita of Valerie Hubbard).

Ms. Hubbard indicated that based on her review of staff's analysis of the bonus points, it appears that one reason some of the points are not being awarded is that staff mixed the issue of the Bonnet House impact with the criteria for awarding points. She believed that the additional points should be awarded.

From a planning perspective, Ms. Hubbard referred to the January 19th memorandum from Donald Morris, Acting Zoning Administrator, indicated the first bonus point denied

by staff had to do with distinctive design that would embody a special or notable quality and style. Staff faults the building for being a pedestal and a tower. She explained how the Code leads one in that direction. This project uses a different approach than others in the area. For example, the pedestal is designed to have active uses on all sides, which is a key element from a planning perspective. Another important point is orientation of the tower to the beach to create an openness to the beach. The second issue is the architectural character reflecting a particular sensitivity to the history and culture of South Florida. She felt staff referred to the Bonnet House and discounted some important design features. She agreed that height and orientation needs to be addressed, but on the other hand, other design elements should be considered. She pointed out the height difference in this pedestal and others in the area. It also allows for pedestrian cross-through underneath. Staff ignored the nautical design elements and extensive transparencies, expansive sidewalks and plazas. The next criterion that did not get awarded was coloring composition that reflects the natural colors and composition of South Florida. Staff appears to have focused on a single point while ignoring others. The reason there is not more landscaping at street level is because of the pedestrian plazas, which are lushly landscaped. The color scheme of the entire building is blue and white to match the clouds and the sea. This was not picked up by staff as a plus. The next criterion is architectural design that represents a deviation from sameness. Staff notes there are a number of design elements that are different, but she felt there is a discounting of important features. For example, townhouse treatment on the back of the project is a recognized design solution for this type of structure. With respect to the Bonnet House, she agreed the house site is important. One must ask what is reasonable. She quoted the Code: "The City recognizes that existing and new views to and from the Intracoastal waterway, Atlantic Ocean, Bonnet House and public parks are important to maintain." She felt it is hard to know what that means. In her opinion, the impact on the Bonnet House taken as a whole is very minor and not something for which to deny a project that meets all criteria and intent of the beach revitalization plan.

Vice Mayor Hutchinson left the meeting at approximately 7:28 p.m.

Bruce Rogow, representing the Applicant, said his focus is on the preserve view corridor language. The difficulty with that language is probably a matter of Constitutional law. It has no standards or objective criteria. Standards need to be clear and articulated. If this is the basis for denying the project, he felt the City would have a difficult time.

Vice Mayor Hutchinson returned to the meeting at approximately 7:30 p.m.

Mr. Spencer referred to the 1983 Bartlett property conveyance to the Florida Trust. He introduced the conveyance instrument for the west parcel which is generally all of the property, except the eastern 750' running perpendicular to A-1-A. The deed was first recorded in October, 1983, and the other two recorded deeds in an effort to correct the legal descriptions. The deed actually divides the west property into two parcels, Parcel 2 and 3. The deed notes that in the event the Florida Trust need funds for operations, that the west half of the property could be sold, leased and developed, in order to maintain the Bonnet House proper and Parcel 2 could, in Mrs. Bartlett's view, be developed as residential including a restaurant. The only criteria included was that there be a 200' buffer from the Bonnet House property. In the instrument, Mrs. Bartlett envisioned that if appropriate, Parcel 3 could be used for residential purposes, including highrise and multi-family. The only limitation was a 200' buffer. With reference to the

project in relation to the south boundary, not the house itself, it is approximately 200'. In reference to the City's Comprehensive Plan, Future Land Use Element, it notes that the Bonnet House natural reservation shall be restricted to conservation land use, which he commented may be contrary to the deed of conveyance. It continues to state that the ABA and Central Beach development is in order to recognize a Revitalization Plan as adopted. The Revitalization Plan had no limitations when the land development regulations were adopted and under which they bought. The Applicant requests approval including the pedestal and bonus points.

Donald Morris, Planning and Zoning, noted components of the proposal and highlighted information in the materials provided the Commission. The Historic Preservation Board also reviewed this project regarding potential impacts to the Bonnet House and the Planning and Zoning Board on two separate occasions with the final vote of 2-7. The minutes have been provided. He also highlighted the options before the Commission.

In response to Commissioner Rodstrom, Mr. Morris indicated the application failed by a Planning and Zoning Board vote of 2-7.

During analysis of the Trump, Atlantic and Q Club projects, Mr. Spencer asked if the City considered a view corridor relationship of the project either to the Atlantic ocean, the Intracoastal or the Bonnet House. Mr. Morris said he was not involved with those projects.

In reviewing past policies, land development, and application interpretation of the City's ULDR, Mr. Spencer asked if Mr. Morris did not find it appropriate or reasonable to review the relationship as to view corridors and the Atlantic, Bonnet House and, or the Intracoastal. Mr. Morris said that staff evaluated this proposal and determined there was potential impact on the Bonnet House, and an impact study was provided by the City's consultant, Merrilyn Rathbun. Mr. Spencer asked if Mr. Morris determined whether the City's consultant's expert qualifications met the criteria of the Department of Interior for historic analysis. Mr. Morris said he did not make that determination.

Mike McNerney, representing the Bonnet House, requested the same amount of time to present their case as the Applicant because he felt they have to rebut points raised by them. Mayor Naugle thought their input would be limited to how the project affects the Bonnet House and therefore allotted 25 minutes.

Mr. McNerney said this is the 5th or 6th project on the southern side of the Bonnet House reviewed by the Commission. This discussion is about the impact of this project on the Bonnet House. The Bonnet House is a unique property. It is mentioned nineteen times in the City's Comprehensive Plan. He noted portions of the Comprehensive Plan concerning the Bonnet House and preservation of natural resources, being the only historic site in the coastal area. With respect to the view corridor, he said standing on the front lawn, they are a little to the east and to the south, not 360 degrees. The eastern portion and the house is what Mrs. Bartlett wanted to preserve as it is the most important part of the property and that is what the Applicant is trying to impact.

Doug Coolman of EDSA, planners and landscape architects, representing the Bonnet House, showed a Skyline Profile 3D Visual Study (aerial view) of the Bonnet House and the proposed project and others to the south (provided to the Commission). He did not believe the view corridors are 360 degrees which Mrs. Bartlett reinforced in her

disregard of the view to the west. There are not many views to the west or to the north because the house is oriented for views to the ocean and predominantly to the south. They want to protect the view corridors impacted from the south. Projecting from the Bonnet House to the Trump project establishes a reasonable height restriction. The impact of the Trump project negates any future impact of the Orion. The Trump project is 1450' away from the Bonnet House building proper, while the Orion project is 660' away. The Orion will change the view corridor far more than the Trump project because of the distance and the height. He discussed other view comparisons including one with a 7-story building assumption which the Bonnet House was willing to approve four years ago. The Orion may be slim in relation to the beach, but not in relation to the Bonnet House. It is too big for this location at this time. The slide presentation is attached to these minutes.

Ross Bradford, Assistant General Counsel for National Trust for Historic Preservation, explained their purpose and noted the number of members. The Trust has a strong interest in preserving the Bonnet House. The Trust has the responsibility of enforcing restrictive covenants designed to protect both the historic and environmental character of the site. The Trust feels this house is a rare architectural gem and merits full protection, including the resource itself and its environment and view sheds. The Trust feels that the proposed Orion would adversely impact the historic character and setting of the Bonnet House. The Trust supports the Historic Preservation Board's and Planning and Zoning Board's decisions to deny approval of the Orion. The Trust believes this project would result in a major visual intrusion that would severely compromise the Bonnet House's southern view corridor. When dealing with view sheds, the Trust refers to Section 106 of the National Historic Preservation Act. He noted the definition of adverse effect contained in the act as well as regulations under the act. Historic properties must be evaluated in their entire context, including their setting and landscape. For example, the view shed of Mount Vernon has been protected for decades. He noted another example where the Trust negotiated with the developer to mitigate impact on the historic site. The Trust urges the Commission to take into account its goal of protecting view sheds as outlined in the Comprehensive Plan and not approve the project as it is proposed.

Mr. McNerney said the City's planners gave their evaluation of this project. The Applicant cannot get a planner from Fort Lauderdale to agree, but they have a planner from Tallahassee. He referred to the Applicant referring to the City's historic consultant as a clerk. He noted opposition of the Historic Preservation Board and Planning and Zoning Board. The project cannot be built as proposed. It is not compatible with the neighborhood or the Bonnet House. There are setback issues. He was approached in May, yet they have been working on it for three years. They wanted to talk but indicated there would be no changing the height or mass. He negotiated the acquisition of this property with Mrs. Bartlett, who was 96 years old at the time. The Florida Trust thought they might have to sell the back part in order to preserve the house and grounds on the east side. He commented about her assessed value being raised after she donated the property. The City changed the zoning so the property could not be developed. Mrs. Bartlett wanted the property to be preserved and not ever to change. There are standards for view corridors. City staff has indicated that Bonnet House can be protected simply by applying the standards. He asked the Commission to follow the Code, the Planning and Zoning Board and Historic Preservation Board, along with staff's recommendations.

Scott Strawbridge, President of Bonnet House Museum and Gardens and a Board member of the Florida Trust for Historic Preservation, said he has volunteered at the Bonnet House for 22 years. Bonnet House is a part of Fort Lauderdale and part of the national history. It was recently awarded the distinction of being a Save America's Treasures property. Letters from various individuals were provided in the backup. The Applicant made a presentation to the Board of the Florida Trust. It was unanimously decided to not approve the project as currently proposed. This Commission has to decide if bonus points should be awarded, including whether the project is neighborhood compatible. One comment was that the beach is already built-up and therefore who cares. It is up to the Commission to let the public know that they care.

David Hues, CEO of Boys and Girls Clubs of Broward County, spoke about the family involved in the project and their support of the Boys and Girls Clubs for over 20 years in Broward County. They care about disadvantaged people. They help many charities. The City will get more than a beautiful building, but also people who cared about this community even when they did not live here and will care more when there is a business involvement here. They will add to the quality of life in Broward County.

Michael Mann, Vice President of Olson Hotels (Sea Club Resort) and Vice President of the Golden Square Association (ABA zoning), said no one in the ABA zoning district, composed of 22 properties, opposes this project. He felt the proposed building is a jewel, and noted some of his reasons. The Golden Square Association will be presenting a plan to turn Breakers Avenue into a pedestrian street, such as Lincoln Mall or Mizner Park. People need something to do at the beach and not simply hotels. He talked about his experience as a hotel manager. He referred to the increased number of people on cruise ships and associated increased demand for hotel rooms. As the number of rooms increases, the operational costs decrease. With more hotels, competition will be higher and the price will decrease.

Joe Holland, resident of the Central Beach Alliance, suggested approving the project with five less floors. Otherwise, he would encourage the Commission not to approve it. As an engineer, he was concerned about the perspective. He commended City staff.

Andy Cole, resident of the Central Beach Alliance, said having lived next to the Natchez for 5-6 years, he did not want to see what happened there occur here. He is a past president of the Bonnet House Junior Alliance. It comes down to whether this is a reasonable project. The project was originally approved by the Central Beach Alliance, but when asked to reconsider with Bonnet House presenting, it was overwhelmingly rejected to reconsider. He mentioned the sound of music in the evenings and Bonnet House's affect on him as an immediate neighbor. He hoped something reasonable could be done so the result is not an empty lot, derelict buildings and property that does nothing for the neighborhood.

Rick Case, Rick Case Automotive Group, said he has no financial interest in this project, but have a great interest in the community. He commented on the family (applicant) involvement in working with the Boys and Girls Club, particularly Broward County even though they do not reside in this county. With this project, he felt they will support the community even more. The project will create a lot of jobs and tax dollars. He asked the Commission to support this endeavor.

Karen Beard, Executive Director of Bonnet House Museum and Gardens, said they are not opposed to appropriate development of this property, and in fact would welcome it.

Mary Copeland, Board member of Bonnet House, former member of the City's Historic Preservation Board, and Trustee and former President of the Lauderdale Historical Society, encouraged the Commission to exercise their discretion in a manner to protect the City's history.

James Sadler, Corresponding Secretary of Central Beach Alliance, said they represent the largest organization on the beach. He noted their mission. A presentation was made by the Orion on December 13, 2006 and the vote in favor of the project was 104 – 0. On November 6, 2006, the Bonnet House requested a recall of the vote because they had no input. They support the Bonnet House, however, the membership voted 121-45 to not reconsider but to continue to support overwhelmingly this project. He read a statement by the Central Beach Alliance President, Steve Glassman: "Why does the CBA unanimously support the Orion? The Orion is everything the CBA has been requesting from developers these past 8 years, a 360 degree building with activities on all sides, wide sidewalks, a wrapped garage with hotel units, building treatments that don't turn their back on the neighbors in the back as we clearly see in other development, low-scale podium, expansive A-1-A plaza, beautiful architecture and art work that compliments the beach and the Fort Lauderdale lifestyle. This is the first building that has accomplished the goals and desires of the CBA. In addition, the CBA has always wanted lower pedestals on the beach at a pedestrian scale and if a longer pedestal will accomplish that goal, we are in favor of that link being granted. The longer pedestal also activates the street and pedestrian experience. In short, we also support the expansion of the FAR. We are aware that the Code changed in 2001 that included the garage space so it's not apples in the sense of comparing to the other buildings in the FAR. So in an unusual situation, we heartily and overwhelmingly support this."

Niesen Kasdin said he is a friend of the Applicant and has done work for her in the past. He believed the merits of this project are compelling, not only in and of itself, but for what it means to the City. The big issue that has been framed is the height of this project. The compatibility being alleged is vague and cannot trump what the law clearly permits the property owner to do. They could build a 20-story project. This project is the best that has been proposed for central beach to date. With respect to the criteria of deviation from sameness, there is no objective way to say this project is the same as other projects built on central beach. The pedestal is over 20 feet lower than most others. It does not present a blank wall on any of the four sides. It relates to its neighborhood much better than other preceding projects. It is attractive. It deviates from sameness. Times are changing in local government. Property taxes are going to be flat, and property tax reform is making its way through the State Legislature. He discussed the impact of this. A plan was created for central beach which envisioned it as a center of tourism for development of major hotel properties. Cities that will survive economically will be those with economic vitality. Construction of this hotel creating jobs and business will provide such economic vitality.

Mr. Spencer referred to the deed of conveyance from Mrs. Bartlett to the Florida Trust and noted it permits high-rises along the entire corridor within 200'. He felt this evidences what that property owner felt was a sufficient buffer. High-rises and view corridors were not defined. The Department of Interior or the National Historic Society have also not defined a view corridor. They believe the views have already been

urbanized in the entire area because that is what the City wanted and encouraged over the years through the Central Beach Revitalization Plan. Staff has not applied any Bonnet House or Atlantic Ocean criteria as a compatibility or view corridor issue until now. He asked for the record to reflect staff reports previously for the Trump, Atlantic, Q Club, W Hotel and Le Club. He also wanted to reference the appendices to Dr. Lucy Wayne's report, which is a National Register of Historic Places Form and the Florida Master Site Plan Form. It only describes the eastern portion of this property, and in that regard the application only emphasized the architectural aspects of the property, the art of Mr. Bartlett and association of historical figures, but certainly not anything outside the property, a block away or a highrise which they contemplated in the deed of conveyance.

With reference to changing time, Mr. Spencer said these are changing times, and the legislature is considering new tax considerations. This is a high-quality five-star hotel that would have a massive positive economic impact on the community. He referred to a letter from the Gill Family Holdings that points out the importance of these types of facilities for the airport, convention bureau, downtown, the Galleria, Las Olas. This project will provide 1,000 jobs. This project is needed. He asked the Commission to consider it.

Mr. McNerney said this is a condominium hotel that means the units are for sale. There is no five-star hotel in Florida. There is no evidence that a five-star hotel is coming to this site. The view corridor standard has been applied by the City every time the subject has arisen. One need only look at the staff report provided previously to the Commission. It sounds like he wrote it. The issues of compatibility, height and view have uniformly been applied by the City to the Bonnet House. Repairs had to be done to the house when they received it. The concept that Mrs. Bartlett would want high-rises built in the preserved areas is ludicrous. It was put into the deed to protect the eastern portion of the property if necessary, which this project would impact.

Mr. McNerney did not think the character of the Applicant is relevant, but what is relevant is whether this project would adversely impact the Bonnet House and would the City let that happen. He asked the Commission to follow staff's reports, the laws, Code references and not approve this project.

Commissioner Rodstrom disclosed that she has been to the site many times and spoke with Sylvia Coltrane, Don Hall, Heidi Davis, Luis, the architect, Scott Strawbridge, Mike McNerney, Father Singleton, Steve Glassman, Diane Smart, Marc LaFerrier, and Sadler James. She supported the recommendations of the City's outstanding staff and Planning and Zoning Board who do not endorse this project. She believed the Commission needs to uphold the letter of the ULDR as best as possible.

Commissioner Teel disclosed that she met with Don Hall and the project principal, and Heidi Davis. She also visited the site and met with Mike McNerney, Gerry Udell, Karen Beard, and listened to presentations prepared by EDSA. It is very clear that one of the most important parts of the Bonnet House, is the view corridors. It is foolish to think that the view corridors are measured from 360 degrees. The view corridors come into play when standing on the bridge, attending a function on the grounds, or entering the front door. Now there is a ten-story building. To think this view corridor will have 20 stories and be much longer in length is frightening. She understood the good work of Ms. Coltrane. To have the Bonnet House mentioned nineteen times in the City's

Comprehensive Plan shows its importance. History shows it may not be popular to fight for such historic sites, but not many opportunities are provided to do so. In her opinion, this project would be acceptable if reduced in size. She cannot support anything that is 394' in length, nor the height and mass as proposed. Staff's report is accurate. The mass is detrimental to the Bonnet House. She would not support the plan as presented.

Vice Mayor Hutchinson disclosed that she spoke with the Applicant, Don Hall, Steve Glassman and Eugenia Ellis.

Mayor Naugle disclosed that he spoke with the principal, Bill Spencer, Scott Strawbridge, and Rick Case.

Mayor Naugle said if the FAR was 4.0, there probably would not be such a big discussion, but the project is requesting to exceed the regulations. If the FAR was 4.0, he asked what would be the building height. He felt the building is attractive because of the lower pedestal. Some of the recent buildings that are not wrapped with units are not very attractive. This building seems to have covered many of those bases. Marc LaFerrier, Director of Planning and Zoning, said the FAR is calculated on the site size, which is 86,000 square feet. The Applicant is permitted a FAR four times that amount. They are requesting a 20% increase to 4.8 which means the overall FAR would be increased by 69,000 square feet. In order to reach a 4.0 FAR it would mean removing three floors. Mr. Revuelta said it would account for two floors. The height would still be about 200'. There are ways to remove that square footage. It would be more attractive to do it at an angle rather than from the top. Mr. LaFerrier said that the Mayor's question and his answer was directed on one aspect of the regulation, the FAR. The Applicant would still have to address the issue of neighborhood compatibility, and that section of the Code includes view corridors relative to the Bonnet House.

Motion made by Commissioner Rodstrom and seconded by Commissioner Teel to approve the project as presented.

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A HOTEL WITH RESTAURANT, BAR AND RETAIL USES ON PROPERTY LOCATED AT 700 NORTH ATLANTIC BOULEVARD IN FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

Mr. Hall wanted to make sure that the City Attorney would ensure that this decision would comply with Section 166.033, Florida Statutes. He asked the Commission to direct the City Attorney to do so. He said they will invoke the design arbitration provisions of the beach development permit sanction which would put everything in limbo for a period of time.

The City Attorney said the Commission has to make two motions. One to approve and one to deny. The motion to approve failed, and that is not necessarily a denial. He recommended a motion be made to deny and then a vote be taken.

Motion made by Commissioner Teel and seconded by Commissioner Rodstrom to deny the application.

RESOLUTION NO. 07-49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A HOTEL WITH RESTAURANT, BAR AND RETAIL USES ON PROPERTY LOCATED AT 700 NORTH ATLANTIC BOULEVARD IN FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

**Lot Clearing and Cleaning – Special Assessment Liens
For Associated Cost**

(R-04)

No budgetary impact.

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-50

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

Disposition of Surplus Property – 1034 NW 4 Avenue

(R-05)

No budgetary impact.

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO., 07-51

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE.

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

Lease of City Owned Property – 5700-6000 Blocks of NW 31 Avenue (R-06)

No budgetary impact.

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE PROPOSAL OF LAKEVIEW PLAZA, INC., A FLORIDA CORPORATION, TO LEASE FROM THE CITY LANDS WITH AN APPROXIMATE STREET ADDRESS OF 5700-6000 N.W. 31ST AVENUE, FORT LAUDERDALE, FLORIDA, SUCH LANDS BEING MORE PARTICULARLY DESCRIBED BELOW, AND AUTHORIZING THE PREPARATION OF A FORM OF LEASE FOR EXECUTION, EMBODYING THE TERMS AND CONDITIONS OF RESOLUTION NO. 07-02.

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

PUBLIC HEARING

**Interfund Transfer – Appropriate Funds - \$11,932,354 (PH-01)
Waterworks 2011**

\$11,932,354 to be transferred from Water and Sewer Fund 450 to Water and Sewer Capital Project Fund 454/P11197.454, sub-object 6599

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel 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 ordinance on second reading:

ORDINANCE NO. C-07-11

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY APPROPRIATING \$11,932,354 TRANSFERRED IN FROM WATER AND SEWER FUND 450 TO WATER AND SEWER GENERAL CAPITAL PROJECT FUND 454 – PROJECT 11197.454 WITHIN THE FINAL OPERATING BUDGET FOR USE IN THE WATERWORKS 2011 CAPITAL IMPROVEMENTS PROGRAM, PROVIDING FOR SEVERABILITY, PROVIDING FOR EFFECTIVE DATE.

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

ORDINANCES

Budget Amendment 2 – Fiscal Year 2006-2007 - (O-02)
Building Services Appropriating \$1,266,002 to Revenues
And Expenditures

Appropriate \$1,266,002 to revenues and to expenditures in the Building Services Department as shown in the Exhibit.

Vice Mayor Hutchinson introduced the ordinance on the second reading:

ORDINANCE NO. C-07-10

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY ADDING \$1,266,002 TO THE GENERAL FUND AS NEW REVENUE AND APPROPRIATING IT TO THE BUILDING SERVICES DEPARTMENT ACCOUNT WITHIN THE FINAL OPERATING BUDGET, PROVIDING FOR SEVERABILITY, PROVIDING FOR EFFECTIVE DATE.

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

Amend Operating Budget – Transfer \$305,850 (O-03)
Cemetery Perpetual Care Trust Fund

\$305,850 to be appropriated from the reserve for endowments in the Cemetery Perpetual Care Trust Fund to CEM020101 sub-object 3237 within the same Trust.

Vice Mayor Hutchinson said before any tree removal or tree cutting is done, she wanted a full presentation at a Conference meeting in April.

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-13

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY APPROPRIATING FUNDS FROM THE RESERVE FOR ENDOWMENTS IN THE CEMETERY PERPETUAL CARE TRUST FUND IN THE AMOUNT OF \$305,850 TO CEM020101 SUB-OBJECT CODE 3237 IN THE CEMETERY PERPETUAL CARE TRUST FUND WITHIN THE FINAL OPERATING BUDGET; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

Amend Operating Budget – Transfer \$7,450 Bereavement Services for Survivors of Police Action (O-04)

Transfer \$7,450.00 from LEPF (104-Unbudgeted Fund Balance) to Police Confiscation Account(POL050201/3199- other Professional Services).

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-14

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY TRANSFERRING UNBUDGETED LAW ENFORCEMENT PROPERTY FUNDS IN THE AMOUNT OF \$7,450.00 TO THE POLICE CONFISCATION ACCOUNT TO DISBURSE SUCH FUNDS.

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

Amend Operating Budget – Transfer \$319,620 Police Legal Unit Salary and Benefits (O-05)

Grant funds budgeted in GICT07 (Interoperable Communications Trailer); sub-object C311 (Dept. of Homeland Security Pass/City of Miramar. No cash match).

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-15

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY TRANSFERRING UNDESIGNATED FUND BALANCES IN THE AMOUNT OF \$319,620.00 FROM THE LAW ENFORCEMENT CONFISCATED PROPERTY FUND TO POLICE CONFISCATED PROPERTY-OPERATIONS TO DISBURSE SUCH FUNDS.

Which ordinance was read by title only.

Commissioner Rodstrom asked where the salary and benefit monies would come from next year for the two employees. Bruce Roberts, Chief of Police, said these positions have always come from the Trust Fund.

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

Grant Acceptance & Interlocal Agreement (O-06)
Interoperable Communications Trailer - \$900,000

Grant funds budgeted in GICT07 (Interoperable Communications Trailer); sub-object C311 (Dept. of Homeland Security Pass/City of Miramar. No cash match.

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-16

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY ACCEPTING GRANT FUNDS AWARDED TO THE CITY BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY (OFFICE OF GRANTS AND TRAINING) THROUGH THE FORT LAUDERDALE URBAN AREA SECURITY INITIATIVE AND ITS SPONSORING AND COORDINATING AGENCY, THE CITY OF MIRAMAR IN THE AMOUNT OF \$900,000.00 TO NET ASSETS OF THE GENERAL FUND TO DISBURSE SUCH TRANT FUNDS.

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

Trial Residential Parking Permit Program Extension (O-07)
Birch Park Beach Finger Streets

No budgetary impact at this time.

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-17

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR AN EXTENSION OF THE TRIAL RESIDENTIAL PARKING PERMIT PROGRAM FOR THE AREA KNOWN AS THE BIRCH PARK BEACH FINGER STREETS INCLUDING N.E. 18TH STREET ON THE NORTH TO N.E. 14TH COURT ON THE SOUTH FROM MARCH 17, 2007 TO JUNE 30, 2007 OR UNTIL A PERMANENT RESIDENTIAL PARKING PERMIT PROGRAM IS APPROVED.

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

Amend Operating Budget – Transfer \$33,175.58 (O-08)
Vehicle Purchase – Mobile Vacuum Trash Collector

Transfer \$33,175.58 from PBS090701-6416 to PAR030101-6416. Appropriate \$33,175.58 from PAR030101-6416 for the purchase of a supplemental

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-18

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY APPROPRIATING \$33,175.58 TRANSFERRED-IN FROM PBS090701-6416 SANITATION FUND 409 TO THE FLEET SERVICE CAPITAL BUDGET PAR030101-6416 VEHICLE RENTAL FUND 583 WITHIN THE FINAL OPERATING BUDGET TO FUND THE PURCHASE OF A MOBILE VACUUM TRASH COLLECTOR AS AN ADDITION TO THE FLEET, PROVIDING FOR SEVERABILITY, PROVIDING FOR EFFECTIVE DATE.

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

Budget Amendment 3 – Fiscal Year 2006-2007 – Beach (O-09)
Improvement District – New Line Item \$201,562;
Appropriate \$170,312 and Transfer \$31,250

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-19

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET

OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY ESTABLISHING A NEW LINE ITEM IN THE AMOUNT OF \$201,562 TO FUND THE NEWLY ESTABLISHED BEACH BUSINESS IMPROVEMENT DISTRICT; APPROPRIATING FUNDS IN THE AMOUNT OF \$170,312 TO THE NEWLY ESTABLISHED BEACH BUSINESS IMPROVEMENT DISTRICT FUND, A SPECIAL REVENUE FUND; TRANSFERRING \$31,250 FROM THE GENERAL FUND TO THE NEWLY ESTABLISHED BEACH BUSINESS IMPROVEMENT DISTRICT SPECIAL REVENUE FUND WITHIN THE FINAL OPERATING BUDGET; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Hutchinson asked if one motion could be made for the four walk-on items for tonight's meeting. The City Attorney confirmed that would be acceptable, but asked that they be subject to his office granting approval since they are not yet complete.

Event Agreement - Riverwalk Spring Tribute (OB)

Event Agreement - Hospice Hundred 5K Run (OB)

Event Agreement - Beach Tennis USA Tournament 2007 (OB)

Event Agreement - Good Friday Worship and Baptismal Service (OB)

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve event agreements: Riverwalk Spring Tribute, Hospice Hundred 5K Run, Beach Tennis USA Tournament 2007 and Good Friday Worship and Baptismal Service contingent upon approval by the City Attorney's Office. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

Advisory Board /Committee Appointments (OB)

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

Beach Redevelopment Advisory Board	Brad Fitzgerald
Charter Advisory Board	Ronald K. Wright
Education Advisory Board	Aaron Bass Leola McCoy Elaine Schulze Brian Dassler

	Elizabeth Hays
Marine Advisory Board	Barry Flanigan Rick Schultze John A. Terrill Randolph Adams John H. Baker Alan L. Gabriel Eugene Zorovich
Utility Advisory Committee	Bob Cole Geraldine Udell

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 07-43

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.

Mayor Naugle asked the City Clerk to write a letter to the members of the Budget Advisory Board explaining to them that their services are on hold as per today's discussion.

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

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk