

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
JULY 10, 2007

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
July 10, 2007**

Meeting was called to order at 6 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Charlotte E. Rodstrom
Vice Mayor Carlton B. Moore (Arrived at 6:09 p.m.)
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	George Gretsas
	City Auditor	John Herbst
	City Clerk	Jonda K. Joseph
	City Attorney	Harry A. Stewart
	Sergeant At Arms	Sergeant Brian Fitzgerald

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

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel that the minutes of the June 5, 2007 Regular Meeting, the June 19, 2007 Conference and Regular Meetings, and agenda be approved. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

Presentations

1. National Public Parks Tennis Week – July 28 Through August 3, 2007 (PRES-01)

Commissioner Teel and the Commission issued a proclamation designating July 28 through August 3, 2007 as National Public Parks Tennis Week in the City of Fort Lauderdale. Whitney Kraft, Recreation Program Coordinator, accepted the proclamation and thanked the Commission and City staff for the honor. He elaborated on details of the event.

The City Manager said that Mr. Kraft has been with the City for nine years. He recently accepted an offer as the Tennis Director at the United States Tennis Association's Billie

Jean King Tennis Center in Flushing Meadows, New York. He thanked him for his efforts and wished him well in his new endeavor.

2. Community Appearance Board - WOW Award – District IV (PRES-02)

Commissioner Hutchinson presented the Community Appearance Board WOW Award to Joe Kras and Randy Fischer who reside at 2211 Anchor Drive in Harbor Inlet.

Vice Mayor Moore entered the meeting at approximately 6:09 p.m.

3. Outstanding City Employees (PRES-03)

Bruce Roberts, Chief of Police, honored Officer Nicky D. Bruce for his assistance in locating a vehicle whose passengers were arrested for armed robbery and attempted murder.

4. Expression of Sympathy (PRES-04)

Mayor Naugle and the Commission offered an expression of sympathy to the family of Carl Mayhue.

Mayor Naugle and the City Commission also offered an expression of sympathy to the family of a former Commissioner of Plantation and resident of Galt Ocean Mile and attorney, Jack LaMare.

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 – Family Fitness Weekend (M-01)

No budgetary impact

A motion authorizing and approving execution of an Event Agreement with Exclusive Sports Marketing, Inc. for Family Fitness Weekend to be held at Birch State Park, Fort

Lauderdale Beach and beach area streets on Saturday, July 4, 2007, 5:30 AM – 8 PM and Sunday, July 15, 2007, 7AM – 5 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1062

Settlement Agreement – Florida Alliance For Retired Americans – Organization of American States (M-02)

Funds available through Risk Management

A motion approving a settlement agreement relating to Florida Alliance for Retired American vs. City – Organization of American States events.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1116

Amendment 1 – Task Order 16 – Camp Dresser and McKee, Inc. (M-03)
\$16,367 – Group II Wastewater Pump Stations A-9, B-5, B-6, B-13
Rehabilitation

\$18,331.04 to be transferred from Water and Sewer Revenue Bonds to Fund 482, subfund 01, P10541.482, 6599

A motion authorizing the proper City Officials to (1) execute Amendment 1 to Task Order 16 with Camp Dresser and McKee Inc., in the amount of \$16,367 – design engineering services during construction – Group II Wastewater Pump Stations A9, B5, B6, B13 Rehabilitation Design and Construction services – Project 10545, and (2) transfer \$18,331.04 from Water and Sewer Revenue Bonds to fund this task order amendment and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1041

Amendment 1 To Task Order 26 – Camp Dresser and McKee Inc. – Harbor Beach Pump Station Rehabilitation – Credit (\$28,618) (M-04)

Credit \$32,052.16 to Fund 454, Subfund 01, P10671.454,6599

A motion authorizing the proper City Officials to (1) execute Amendment 1 to Task Order 26 with Camp Dresser and McKee, Inc., in net credit of (\$28,618) – additional design engineering services required during construction – Harbor Beach Pump Station Rehabilitation – Project 10671; and (2) credit \$32,052.16.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1045

**Amendment 2 – Task Order 13 – Camp Dresser & McKee, Inc. - (M-05)
Credit (\$64,604) – Group I Pump Stations A11, B8, D47, E5, D39
Rehabilitation**

Credit \$64,604 to Fund 482, subfund 01, P10488.482

A motion authorizing the proper City Officials to (1) execute Amendment 2 to Task Order 13 with Camp Dresser & McKee, Inc., in net credit amount of (\$64,604) – additional design engineering services required during construction – Group I Pump Stations A11, B8, D47, E5, D39 Rehabilitation – Project 10488; and (2) credit \$64,604.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1050

**Continuing Contract – Kittelson & Associates, Inc. (M-06)
Traffic and Transportation Engineering Consultant Services**

No budgetary impact

A motion authorizing the proper City Officials to execute agreement with Kittelson & Associates, Inc. for Consultant Services – continuing contract – Professional Traffic and Transportation Engineering Consultant Services RFQ 662-9532.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1052

**Executive Airport Taxiway Alpha Relocation (M-07)
Reject Bids and Re-Bid**

No budgetary impact

A motion rejecting all bids received for Executive Airport Taxiway Alpha Relocation Project and authorizing re-bidding – Project 10802.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1086

**Grant Application – Executive Airport Taxiway Alpha Relocation (M-08)
Federal Aviation Administration - \$9,000,000**

No budgetary impact

A motion authorizing the proper City Officials to apply for and accept, if awarded, a grant in a maximum amount of \$9,000,000 from the Federal Aviation Administration – relocation of Taxiway Alpha – Executive Airport.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1087

One-Year Contract Extension – Stoner & Associates, Inc. (M-09)
Surveying and Mapping Services

No budgetary impact

A motion authorizing the proper City Officials to extend contract with Stoner & Associates, Inc. for one year – Surveying and Mapping Services – Project 10712.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1055

Change Order 1 – Danella Companies, Inc. - \$206,544.91 & Add (M-10)
228 Days – Sanitary Sewer and Water Main Improvements –
Area 4 Basin A

Transfer \$77,017.89 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10507.482, 6599 and transfer \$154,312.41 from Water/Works Non Region SRF. Construction Loan #4 Fund to Fund 490, Subfund 01, P10507.490, 6599 to fund this change order and estimated engineering fees.

A motion authorizing: (1) Change Order 1 with Danella Companies, Inc., in the amount of \$206,544.91 and addition of 228 non-compensable calendar days to contract period for additional work and quantity adjustments – Sanitary Sewer and Water Main Improvements – Area 4 Basin A – Project 10507A; and (2) transfer \$77,017.89 from Water and Sewer Revenue Bonds, and \$154,312.41 from WaterWorks Non-Region State Revolving Fund Construction Loan to fund this change order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1057

Final Change Order 2 – Globetec Construction, LLC - Credit (M-11)
(\$47,095.05) – Sewer and Water Main Improvements - Riverside
Park Basin D

Reduce encumbrance in Fund 482, Subfund 01, P10578.482, 6599 by \$47,095.05 to account for the net credit detailed in this change order.

A motion authorizing: (1) Final Change Order 2 with Globetec Construction, LLC, in the CREDIT amount of (\$47,095.05) for additional work and final quantity adjustments – Sanitary Sewer and Water Main Improvements – Riverside Park Basin D – Project 10578D, and (2) reduction of encumbrance to account for net credit.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1060

Change Order 3 – Foster Marine Contractors, Inc. - Credit (M-12)
(\$29,178.45) – Lauderdale Manors Phase III – Basin C

Transfer \$5,811.12 from the Water and Sewer Revenue Bond Fund 482, Subfund 01, into P10517.482-6599 – On February 7, 2006 the Commission authorized Work Order 10517C for Lauderdale Manors Phase III – Basin C, in the amount of \$3,892,305.81 for the construction of sewers in the Lauderdale Manors area.

A motion authorizing: (1) Change Order 3 with Foster Marine Contractors, Inc., in the CREDIT amount of (\$29,178.45) – additional work and quantity adjustments – Lauderdale Manors Phase III – Basin C – Project 10517C; and (2) transfer \$5,811.12 from Water and Sewer Revenue Bonds and reduce encumbrance by \$34,366.95 to account for credits in this change order.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1054

Water Service – Portion of Broadview Park – Broward County (M-13)

No budgetary impact

A motion authorizing the proper City Officials to enter into agreement with Broward County to relieve the City of providing water service to a portion of Broadview Park residents – unincorporated Broward County and transferring water service responsibility to Broward County.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1071

General Environmental Engineering Consultant Services (M-14)
Continuing Contract

No budgetary impact

A motion accepting the Consultants Competitive Negotiation Act Selection Committee's recommendation of ranking firms and authorizing the proper City officials to commence negotiations with three highest ranked firms: E-Sciences, Incorporated, EE&G

Environmental Services, LLC, and Miller Legg and Associates, Inc. – Continuing Contracts for General Environmental Engineering Consultant Services – RFQ 673-9733.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1053

Task Order 11 – Chen and Associates Consulting Engineers, Inc. (M-15)
Roundabout Improvements – NE 15 Avenue at NE 18 Street - \$30,671

\$30,671.00 is Budgeted in Fund 331, Subfund 01, P11210.331, 6599. An M143 transfer document has been submitted and is pending approval in the City Manager's Office. Upon approval by the City Manager, \$50,000.00 will be transferred from Fund 331, Subfund 01, P11236.331.

A motion authorizing the proper City Officials to execute Task Order 8 with Post, Buckley, Schuh & Jernigan, Inc., in the not-to-exceed amount of \$582,403.60 – architectural, engineering and other services related to Hurricanes Katrina and Wilma.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0973

Task Order 8 – Post, Buckley, Schuh and Jernigan, Inc. - (M-16)
\$582,403.60 – Architectural, Engineering and Other Services – Hurricane Aftermath

Task Order to be funded as follows: P16066.125=\$582,403.60. Commission approved funding in Budget Amendment 4, approved on second reading. On June 6, 2006 the City Commission authorized negotiations with the top-ranked firm, Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) for a continuing contract for engineering, architectural, project management

A motion authorizing the proper City Officials to execute Task Order 8 with Post, Buckley, Schuh & Jernigan, Inc., in the not-to-exceed amount of \$582,403.60 – architectural, engineering and other services related to Hurricanes Katrina and Wilma.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1037

Task Order 9 – Post, Buckley, Schuh and Jernigan, Inc. - \$59,891.50 – Architectural, Engineering & (M-17)
Other Services – Landings Entrance Wall

Funding was approved in the 6/5/07 budget amendment Item O-1. Finance is trying to determine how to book the amendment. In July, 2006, the City Commission authorized a continuing services contract with Post, Buckley, Schuh

and Jernigan, Inc. for engineering, architectural, project management, construction management and miscellaneous services.

A motion authorizing the proper City Officials to executive Task Order 9 with Post, Buckley, Schuh and Jernigan, Inc. in the not-to-exceed amount of \$59,891.50 – architectural, engineering and other services related replacement of The Landings Entrance Wall.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1040

Settlement of Workers Compensation Claims - \$74,750 (M-18)
WC-03-11586 and WC-05-12796

The expenditure of \$74,750 is budgeted in Fund 543, subfund 01, INS010101-5125 (Workers Compensation Claims)

A motion authorizing settlement of Workers Compensation Claims WC-03-11586 and WC-05-12796 - \$74,750.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1070

Document Recording Fees – Broward County - \$20,000 (M-19)

Estimated increase of annual expenditure of \$20,000. Funds for this service are budgeted in Fund 001, Subfund 01, FIN040201/3216 (costs/fees/permits).

A motion approving an increase of \$20,000 to annual estimated expenditure of funds for document recording fees paid to Broward County.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1022

Grant Project Amendment – Urban Area Security Initiative (M-20)
French Barricades - \$30,000

No budgetary impact; grant funds budgeted in GUASI07

A motion authorizing a change to 2006 Fort Lauderdale Urban Area Security Initiative Grant project list – ballistic helmets to French barricades - \$30,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1082

**Operating Agreement Lease – Broward County Lot II (M-21)
Metered Prking – 80 SW 1 Avenue**

\$71,465 are for receipt of revenues only (Fund 461/01 PAR020101-J412). No expenditures are impacted.

A motion authorizing the proper City Officials to execute a five-year Operating Agreement Lease with Broward County – County Lot II Metered Parking – 80 SW 1 Avenue – option to renew for two, five-yar terms.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1044

**City Property Insurance Policy – State Assessments - \$28,144 (M-22)
Affiliated FM Insurance Company**

Fund 543/Subfund 01; INS010101/Subobject 5101, ALL RISK PROPERTY CARRIER, in the amount of \$28,144. There are sufficient funds for this expenditure

A motion authorizing payment of Florida Hurricane Catastrophic Fund Emergency Assessment and Florida State Fire Marshal Regulatory Assessment and Surcharge – City property insurance policy renewal – Affiliated FM Insurance Company.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0944

CONSENT RESOLUTION

**Grant Acceptance – NE 15 Avenue Beautification - (CR-01)
\$250,000 – Florida Department of Transportation**

Appropriate \$250,000 of Grant funds to Fund 129, Subfund 01, P11294.129, D479, and expenditure in 6599 – no cash match required

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0977

RESOLUTION NO. 07-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO RECEIVE TRANSPORTATION ENHANCEMENT

FUNDING FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR THE DESIGN AND CONSTRUCTION OF THE NE 15 AVENUE BEAUTIFICATION IMPROVEMENT PROJECT.

Financing Procurement Application Software Upgrade - (CR-02)
\$184,013.86 – SunTrust Master Lease Program

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1129

RESOLUTION NO. 07-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE USE OF THE SUNTRUST LEASING CORPORATION MASTER LEASE FINANCE PROGRAM TO FINANCE THE PURCHASE OF PROCUREMENT APPLICATION SOFTWARE UPGRADE.

South Middle River Terrace Park – Open Space Site 146 - (CR-03)
\$530,000 – Capital Improvement Plan – Interlocal Agreement – Broward County

\$530,000 est. cost of development. \$30,000 approved in current year CIP budget, \$500,000 submitted in 5-year CIP plan, fy 08/09. Funded by future park impact fees.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1059

RESOLUTION NO. 07-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE ACQUISITION, IMPROVEMENT, ENHANCEMENT, OPERATION AND MANAGEMENT OF OPEN SPACE SITE 146 AND APPROVING THE INCLUSION OF FUNDING FOR THEIR DEVELOPMENT IN THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENT PLAN.

PURCHASING AGENDA

Proprietary – Computer Docking Stations (PUR-01)

\$38,485 budgeted in Fund 001, subfund 01, FIR030101/3946 (Tools & Equipment less than \$1,000).

Purchase 43 laptop computer docking stations is being presented for approval by the Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: 899418 Alberta Ltd. O/A Precision Mounting Technologies
Calgary, Canada

Amount: \$38,485.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-0923

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

Proprietary – Closed Circuit TV Replacement Camera System Parts (PUR-02)

\$50,000 is available in Fund 450, Subfund 01, PBS060101, 3999

Purchase Pearpoint brand sewer closed-circuit TV replacement camera parts is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Pearpoint, Inc.
Thousand Palms, CA

Amount: \$50,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-1018

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

472-9753 – Knuckle Boom Crane (PUR-03)

\$32,460 is available in Fund 470, Subfund 01, PBS 660502, 6499.

Purchase of a knuckle boom crane is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Advanced Truck Equipment, Inc.
Boynton Beach, FL

Amount: \$32,460.00 (not to exceed)

Bids Solicited/Rec'd: 252/2
Exhibit: Commission Agenda Report 07-0984

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

472-9790 – Water Distribution System Fittings (PUR-04)

\$53,743.46 is budgeted in PBS704135, Subobject 5401, Fund 450, Subfund 01.

Purchase water distribution system fittings from various vendors is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: A&B Pipe & Supply, Inc.
 Miami, FL
 HD Supply Waterworks, Inc.
 Orlando, FL
 Corcel Corp.
 Miami, FL

Amount: \$53,743.46 (estimated)

Bids Solicited/Rec'd: 416/4

Exhibit: Commission Agenda Report 07-1065

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

Proprietary – Procurement Application Software Upgrade (PUR-05)

Transfer \$10,000 from GF 001, Subfund 01, ITS010201, 3199 to GF 001, Subfund 01, PMM010101, 6405. \$35,000 is currently budgeted in GF 001, Subfund 01.

Purchase of procurement application software upgrade utilizing SunTrust Leasing Corporation Master Lease Finance Program to finance the purchase is being presented for approval by the Procurement Services Department.

Recommend: Motion to approve.

Vendor: Periscope Holdings, Inc.
 Austin, TX

Amount: \$184,013.86 \$45,000 1st yr., finance over five years.

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-0837

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

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

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Moore that Consent Agenda Items M-10, M-14, CR-02, PUR-05, 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 Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

**Change Order 1 – Danella Companies, Inc. - \$206,544.91 & (M-10)
Add 228 Days – Sanitary Sewer and Water Main Improvements –
Area 4 Basin A**

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

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

**General Environmental Engineering Consultant Services (M-14)
Continuing Contract**

In response to Commissioner Rodstrom, Peter Partington, City Engineer indicated that E-Sciences, Incorporated is not local, and thought that EE&G Environmental Services, LLC is local. He would need to confirm the accuracy. Commissioner Rodstrom believed the City should try to use local firms.

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

**Financing Procurement Application Software Upgrade (CR-02)
\$184,013.86 – SunTrust Master Lease Program**

Commissioner Rodstrom asked why the City is leasing instead of paying outright. Kirk Buffington, Director of Procurement Services, said there is no money budgeted for this. If the software is not upgraded in the near future, there could be network and integration issues.

Commissioner Rodstrom was not disputing the upgrade. She asked interest being paid. Commissioner Hutchinson said that information was included in the back-up materials. Commissioner Rodstrom asked what is the Reserve Fund balance. Betty Burrell, Finance Director, said the City ended fiscal year 2006 with \$43 million.

Commissioner Rodstrom said last month a lease for fire trucks was approved. She questioned why a purchase is not recommended. When labor negotiations begin, they

will think there is plenty of money. She felt these items should be purchased. Ms. Burrell said that the Commission would have to make an appropriation; it is not currently budgeted. Mr. Buffington said the fire engine lease was deferred until July 17. It was to borrow money to finance and purchase equipment through the SunTrust Master Lease Program. The City Manager said the City's policy is not to use the Reserve Fund for recurring expenses.

Commissioner Rodstrom asked what is the minimum and maximum that the City should have in their Reserve. The City Manager said the national standard is five to fifteen percent of the expense budget. The City is now at 15.5% or 16% at this time.

Commissioner Rodstrom wanted to schedule this subject for discussion at a future conference.

Vice Mayor Moore said union negotiations could not impact the Reserve. He felt 16% of the expense budget is a comfortable amount. It was used in the past and he believed this is the level the Commission wants it to remain. The leasing concept is acceptable because of the interest rate and the program is needed.

Commissioner Teel said the Reserve Fund is sacred. The City struggled from 2003 to build this fund. In the past money was taken here and there and eventually there was only \$875,000 left. She does not want to see those funds spent. They are emergency funds. With the mandates from Tallahassee, it is good to have as a cushion.

Mayor Naugle said in 2003 when there was \$800,000 in the General Fund Reserve, there was over \$100,000 in the Enterprise Fund Reserve. A 15% Reserve is healthy for the General Fund. Vice Mayor Moore corrected the Mayor to say \$100,000,000.

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

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

Mayor Naugle suggested Commissioner Rodstrom raise this topic when the budget presentation is made at the conference meeting.

Proprietary – Procurement Application Software Upgrade

(PUR-05)

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

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

MOTIONS

City Commission Request For Review – Las Olas Beach Club – 101 South Fort Lauderdale Beach Boulevard – Case 51-R-01(A) **(MD-23)**

No budgetary impact

Mayor Naugle said that he requested this matter be called up. The Applicant has answered his questions and he no longer wishes to call it up.

Commissioner Rodstrom called up this item. There was no second to the call-up.

RESOLUTIONS

Lot Clearing and Cleaning – Special Assessment Liens For Associated Cost **(R-01)**

No budgetary impact

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-129

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 Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

Yacht Haven Site Plan and Conditional Use Review - 2323 W. State Road – Mixed-Use – Allocation of 329 Residential Flexibility Units – Case 23-R-05 **(R-02)**

No budgetary impact

Applicant: Azurite Corp. Ltd.

Location: 2323 West State Road 84
Zoning: General Business B-2

Mayor Naugle said this is a hearing set as a result of a Commission Request for Review from a decision of the Planning and Zoning Board approving an application for a Site Plan Level III development permit. The Commission adopted a motion at its March 20, 2007 meeting to set a date to conduct a de novo hearing to review the application for a development permit.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN

Jenni Morejon, Planning and Zoning, said the Applicant is requesting a conditional use permit to construct a mixed-use development, consisting of 329 residential units, 75,468 square feet office space, 4,266 square feet convenience store with a restaurant and 48 boat slips. She noted the current zoning and location. She noted the various reviews by the Development Review Committee, Marine Advisory Board and Planning and Zoning Board. She reviewed the prior Commission action on this matter. The item was deferred in order the Applicant to submit a revised traffic study which has been provided and reviewed by the City's Traffic Consultant. No significant concerns were found.

Ms. Morejon said that per Section 47-28.1 the City may allocate residential flexibility units on commercial land use parcels through the approval of a mixed-use development subject to meeting neighborhood compatibility requirements and obtaining a conditional use permit. This project requires allocation of 329 units from Flex Zone 56 or 41% of the 799 units currently available. Staff finds that the number of units requested is significant and that the number of available units will be reduced by almost half, thereby limiting potential for future mixed-use redevelopment throughout the remainder of this flex zone. Regarding neighborhood compatibility, the project varies significantly from existing development area patterns. It does not promote a gradual transition in building mass and scale. Based upon the criteria outlined for waterway use - Section 47-23.8, the proposal does not appear to harmonize with existing development patterns and creates a dramatic change in the area character along the New River.

Ms. Morejon noted should the Commission approve this item, conditions are recommended and included in the backup materials including an item from the last meeting that 15% of units be contributed to Broward County's definition of workforce housing.

Vice Mayor Moore left the chamber at approximately 6:32 p.m.

Gerry Knight, representing the Applicant, said this is a mixed-use development on approximately 20 acres located on the north side of State Road 84 west of Interstate 95. This development consists of 75,468 square feet office, 329 multi-family residential units, and a marina with a restaurant. The property is zoned B-2 and designated commercial on the City's Land Use Plan. People will be able to live, work and enjoy the amenities of boating. It will be well planned and each element is essential to the overall success. With approval, the 30-year old recreational vehicle park will be replaced with a new multi-use development, including a new marina and provide economic stimulus to redevelopment of the State Road 84 corridor. The property taxes would increase from over \$30,000 to over \$700,000 per year. This property together with other properties along State Road 84 was annexed in November, 1994 into the City. Before annexation,

it was zoned Broward County B-3 which would have allowed multi-story commercial development on the New River at this location. City officials met with the property owner before annexation and as a result of those meeting, the property owner understood that the proposed City zoning for the property would allow a development with buildings up to 150 feet in height, which is permitted in the City B-2 Zoning District, and a mix of uses. The property owner believed in good faith that a development essentially as is presented this evening would be acceptable. An application was submitted in December, 2004 and the Applicant has been going through the development approval process since then. He outlined the decisions of the Marine Advisory Board, Planning and Zoning Board and Development Review Committee. He noted the conditions of the Planning and Zoning Board: 10% workforce housing and that all permits for the marina be obtained before any other construction could occur. The owner has agreed to all conditions. At Vice Mayor Moore's request, the Applicant will offer 15% workforce housing. The proposed development is a permitted use at this site. The Applicant is not requesting any variances or waivers. The tallest building proposed is 34 feet below the maximum height permitted in this district. There are sufficient flexibility units in the flex zone to accommodate the development and they have been consistently available since the application was first submitted. At that time the development would have used 25% of the available flex units in this flex zone. Since that time 475 of the units have been assigned to the South Regional Activity Center. He was not aware of any other use of flex zones in the past two years or today.

Vice Mayor Moore returned to the dais at approximately 6:36 p.m.

Mr. Knight said this matter was deferred at the last meeting, June 19, so that the traffic study update could be reviewed by staff. They have reviewed it and find it acceptable. There are sufficient parking spaces. The Marine Mile Association and the Marine Industry Association of South Florida support the project. On June 26, 2007 the Broward County Commission approved the boat facility siting plan and upon that plan taking effect, the Applicant may apply for a plan modification to include a dry stack facility. They expect to provide a minimum of 48 slips and possibly up to 120 slips depending on size. The Greater Flamingo Park Civic Association, which is the only association with views of the site, supports this project. No objections have been raised by the Oak River or River Landing homeowners associations. Andrew Deme, a homeowner on the north side of the river, expressed concerns which have been addressed. The Commission should have received an email today from him expressing support.

As to neighborhood compatibility, Mr. Knight said that today it is difficult to determine what would be compatible with the neighborhood on the south side of the New River. To the east is Marina Bay which is a multi-story rental residential project with a marina, the Ramada Inn and the Village Lodge buildings which are also zoned B-2 with a maximum height of 150 feet. To the west and south are primarily heavy industrial and commercial. To the north across the river are single-family homes. If this project is approved, it would introduce a residential component that would make the development more similar to the residential uses on the north side of the river. These residents current view a 30 year old RV park with Marina Bay to the east and the Interstate 95 bridge. The proposal would present a more aesthetically pleasing vista.

Bernard Zyscovich, Applicant's architect, said the project began with the idea to continue the marine business and create a new basin directed toward mega yachts. Along State

Road 84 there would be two office buildings, 75,000 square feet office space, that would support the river industry. There will be a continuation of the Marina Mile character with continuation of all available linear feet for boat docks. A higher quality of mooring will be available. New job opportunities will be created. Mega yachts come with their own crews and bring business to the City. He referred to visual aide provided in the backup materials depicting the various building heights. There are only two buildings that are as high as nine stories. There is almost 1,000 feet from the nine-story building to the house directly across the river (diagram displayed). The parking structures will not be exposed to view. A significant attempt has been made to step the building away from the residential uses and the river. There is a varied, gradual increase in height. There is a significant amount of open space, which allows for surface drainage and less water into the system for ultimate disposal into the sea. There will be a minimal traffic impact and by having parking in a structure, heat islands are eliminated. It is a high quality project which they believe is aesthetically pleasing and compatible with the neighborhood. The water to land ratio is significantly less than that of Marina Bay which skews the numbers in comparison with Marina Bay. When looking at available land area, this project is very similar in terms of density.

Sarah Stewart, Applicant's project manager, referred to the staff's comparative zoning and massing analysis and massing analysis included in the back-up materials. There are two ways of looking at things. This project has never been meant to be a single-family development; it is in a business district. Marina Bay lot size is 47% larger, but the land mass is only 21% larger. In looking at density, Marina Bay is 376 units and this project is 329 units. The difference is two units per acre when considering the land and not the water. Staff's computation of the floor area ratio is 2.68 including parking and without parking it is .53. The parking is enclosed so there is more green space. Staff used the project's largest building and one of Marina Bay's smallest buildings with respect to footprints. The project's biggest building on the New River is not the one used by staff. The maximum height is 150 feet; the project's tallest structure is 116 feet. The distance from the New River to the tallest building on the site is 50 feet. Staff asked that the three-story townhouses around the main building be separated. There is 50 feet setback to the tallest building nearest the river. The project's tallest structure is only two stories taller than Marina Bay's tallest structure. Staff shows Building C as one mass; however there are fifteen unconnected buildings in Building C. There are three-story buildings around a larger building in the middle that have no windows from the Yacht Haven side; they are blank walls some 11,500 square feet. In total they are 310,500 square feet instead of 264,000. The open space for Marina Bay is 56,400 square feet. Most of the open space for the project is accomplished within the waterways. The project's open space requirement is 49,350 square feet, but they have provided 540,000 square feet of open space.

Commissioner Hutchinson left the chamber at approximately 6:56 p.m.

Margaret Croxton, Marina Mile Association, said developers have the right to develop their property. Government's responsibility is to make sure that happens with attention to the traffic, public safety and neighborhood compatibility. The Association is composed of 30,000 employees, 70 corporations. There is no one else but Marina Bay and Secret Woods Park in the neighborhood. Secret Woods is part of the Association. The Association unanimously supports this project. The marina will be maintained. It will be an improvement over the RV park. This will be workforce housing. Old properties on marina mile are being improved and this is one.

John Stephens, 409 Coconut Isle, said he is Vice President of Lewis Marine Supply which employs one hundred individuals. They are southeast of the project. Affordable housing for mid-level managers is important. It is difficult to recruit from other parts of the country because of housing costs. He felt this project will be helpful.

Charles Slater, 2350 SW 26 Avenue, said his family resides directly across the waterway from the project; seven acres with another three acres across Riverland Road. His goal is to offer the property to the City for a future park. His preference is to minimize structures like the proposed project, although he realized that housing is important. The most beautiful places in the world have maximized their natural things. This project goes quickly in the direction of Galt Ocean Mile. He distributed unacceptable issues concerning the project that is attached to these minutes.

Keith Bender, 2000 SW 23 Avenue, did not feel the project is compatible with the area.

Gypsy Miller, 1425 SW 22 Avenue, President of Flamingo Park Civic Association, said Flamingo Park is a 300 home residential area of which half are waterfront. In November, 2006, this project was presented to the Association. The Association supports it.

Stephen Stella, 2170 Tanbark Lane, said he owns property on New River across from this project. He commented that they were not informed of the project. The posted P&Z sign was turned so that only those in Yacht Haven could see it. He talked with several people in Flamingo Park and they had no idea it was going to be nine stories. He talked about the heights and expressed the opinion that it is excessive. In the twelve years he has lived on Tanbark Lane Yacht Haven has not performed as they should and their property has gone down hill. He felt it is about getting as many units as possible to make money. He presented photographs of low flying aircraft over the project. Aircraft are allowed to go to 380 feet. A building of 116 feet is very close especially during storms. He opposed the project.

There being no one else wishing to speak, Mayor Naugle closed the public hearing.

Commissioner Hutchinson said her neighborhood sits in the cross-wind runway flight pattern and four blocks from the north runway. The project is not the maximum height. She realized redevelopment that needs to occur along State Road 84 and the hard work done by businesses to improve the area. Marina Bay went through extensive redevelopment. It was highly contested. It is a showcase for State Road 84. She fully supported the project.

Mayor Naugle was concerned about the project. Fort Lauderdale is known as a yachting capital; the marine industry is important. This is twenty acres of business zoned land. The Commission is being asked to apply flex or residential units to business zoned land on the waterway. This would be a great boating facility. This is clearly discretionary as to whether residential units should be assigned to commercially zoned property. There are so many units available in the southwest and southeast part of the city and where flex units can be applied. This is where the hospital sits and there has been discussion about mixed use projects so that people could walk to work. About 40% of available flex units would be applied to one project, business zoned and sitting under a runway. He received phone calls from the Las Olas Beach Club about music from the entertainment district. There is an entertainment district, outdoor dining and music. People should not

move into an entertainment district if they are concerned about music. If this is approved, he knew he would get calls from residents about airplanes. It is foolish to apply residential units to business zoned property under a runway. There will be complaints about noise from the boatyards. He has talked with many members of the Marina Mile Association who do not favor it. The Applicant is a dues paying member of that association. It is hard for the City to say no to a developer wanting to build condominiums in a residential area. For a developer who wants to rezone from commercial to residential, there is clearly the ability to say no, considering accommodating more people and water supply for example. The property owner conceived the idea two years ago when the condominium market was hotter than it is today. If he would return with a more marine-oriented facility the City would probably be doing him a favor. Evidence received from a former member of the Aviation Advisory Board and a pilot was good. He also referred to Mr. Slater. The Commission has heard from most of the property owners directly across from the project who oppose it.

Commissioner Rodstrom supported this project. She believed this part of State Road 84 is ripe for redevelopment. She was pleased about the 15% affordable housing. She also believed that the marine industry is important. She referred to the mixed-use and thought whoever buys there will know exactly what they are buying.

Vice Mayor Moore thought the City should be more aggressive with respect to acquiring an adequate number of units for this city. He referred to this city having waterways, downtown and governmental centers and the need for additional housing units. Critical mass is key. The City should look at mixed use development along transportation corridors. In this case there is a dry and wet corridor. The uniqueness of this property gives someone with vision the opportunity to propose a use change. This is a logical place for mixed use development and to continue the marine industry. He complimented the architect for the green space and other aspects including building separation, the parking garage and shielding the visual impact. He applauded the 15% attainable housing units. Workforce housing is essential. He commented that employees for Key West are bussed in. He supported the project.

Vice Mayor Moore left the dais at approximately 7:24 p.m.

Commissioner Teel asked if there are any valuable trees on the site, excluding palm trees. Fred Stresau, Applicant's Landscape Architect, said there are approximately 660 trees on the site; about 40% are considered junk trees. He does not know the species names of 30 trees and the balance are palm trees: Coconuts, Washingtonians and Sables and of those, they would save at least 50% to 60%. The Washingtonians would be utilized around the marina complex and along the driveways. During permitting, he expected there would be a second look at the trees to see if there are any valuable ones and they will be moved.

Commissioner Teel was impressed with the green space and tree canopy on the plan. She strongly agreed with Vice Mayor Moore. This is a good example of placing people near their workplace. The people living there may be working there because the price points will make it possible. She commended the developer for placing the parking in protected areas. She asked if the documents would disclose that the residential units are close to the airport. Ms. Stewart said yes, an affidavit will be filed in the public records. Commissioner Teel wanted the print size to be large.

Vice Mayor Moore returned to the dais at approximately 7:28 p.m.

Mr. Knight said there will be a disclosure in the condominium documents and sales contract.

Vice Mayor Moore asked with the present zoning, what is the maximum height. Marc LaFerrier, Director of Planning and Zoning, said 150 feet, but there are FAA restrictions and business on a waterway requiring neighborhood compatibility analysis. In order to reach this level in the process, the Applicant already had to obtain a sign-off from FAA as to permissible height.

Mayor Naugle asked if these flex units would be taken away from the hospital area. Mr. LaFerrier said no, the hospital area is in the south regional activity center. The units could be used around the hospital with a local plan amendment to move the units. Mayor Naugle concluded and Mr. LaFerrier confirmed if these units are moved, they could never be moved to the hospital area if the units are depleted.

Vice Mayor Moore said that would be the case if the units are depleted. There are other methods to provide units in a regional activity area.

In response to Commissioner Hutchinson, Mr. LaFerrier confirmed there was a recent local plan amendment, adding 473 units to the south regional activity center.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 07-130

A RESOLUTOIN OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN TO CONSTRUCT A MIXED-USE DEVELOPMENT INCLUDING MULTI-FAMILY RESIDENTIAL, OFFICE, RETAIL AND RESTAURANT, STRUCTURED PARKING AND BOAT SLIPS ON A WAERWAY, LOCATED AT 2323 WEST STATE ROAD 84, FORT LAUDERDALE, FLORIDA IN A B-2 ZONING DISTRICT.

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

Site Plan Level IV – Aquatania – Case 136-R-06
Two, Ten-Story Towers – Multi-Family – Premier
Bayshore Developers, LLC

(R-03)

Applicant: Premier Bayshore Developers, LLC
Location: East Side of Bayshore Drive, South of Terramar Street
Zoning: Intracoastal Overlook Area IOA

Vice Mayor Moore left the chamber at approximately 7:32 p.m.

Debbie Orshefsky, representing the Applicant, submitted the Planning and Zoning Board hearing transcript on this matter, experts' qualifications, graphics, affidavit of Chris Barton and project endorsements.

Ms. Orshefsky said part of the application was to permit a swimming pool in the 24 foot rear setback, but they have found a way to accommodate the pool without that request. They are withdrawing such request. They are requesting a site plan kevel IV in order to seek an alternative setback provision. The site has a long history but the Applicant would like the Commission to consider the information presented this evening and make a fair decision.

Seth Yeslow, Applicant's Architect, said there are two, ten-story buildings each with private rooftop decks and cabanas; 63 units total. He described measures taken to breakup the mass and minimize scale.

Mr. Yeslow said 105 of the required 140 parking spaces will be situated in a sub-grade garage. There is no above-grade parking in the south building and a few at-grade covered from the street. There are two levels of above-grade parking in the north building. A green screen element would be utilized along the building to screen the parking and provide architectural identification as well. There is no parking on the western Intracoastal side of the buildings.

Mr. Yeslow described the setbacks. There is a 60 foot separation between the glass curtain wall elements and 80 feet between the two buildings. He also explained that the property line tapers away as you go to the Intracoastal. While the building could have been oriented in that way, the decision was to keep the core of the building as a solid volume. A three-story glass punch-out follows the taper angle of the property line 26 feet away. He provided more footage detail of the structure in relation to the property line.

Vice Mayor Moore returned to the dais at approximately 7:38 p.m.

Mr. Yeslow said there is a U-shaped drive lane that functions within the setback which preserves a continuous 20 foot landscape buffer along Bayshore Drive. The ramp into the sub-grade from this drive lane is situated between the buildings with no need for additional curb cuts.

Cecelia Ward, Applicant's Planner, recalled in 2003 when she was the City's Director of Construction Services, this project was found to be inconsistent with Code Section 47-25.3, providing for community compatibility and design guidelines. She noted the specifics of that finding.

Ms. Ward noted there were numerous design revisions demonstrating Code compliance. Staff has also stated that the project meets the Intracoastal Overlook Area (IOA) dimensional, parking and density requirements, height maximums and so forth.

Ms. Ward further said that the Central Beach District requires that they look at the Beach Revitalization Plan created in 1988. This plan encourages revitalization and redevelopment in the Central Beach. The staff report provides language as to how this project meets the IOA intent and purpose provided by the plan. Since 1989 numerous hearings and community charettes to address code provisions to determine what should

be amended to specifically address intensity, mass and bulk of developments in the Central Beach. A consensus was reached and code changes were enacted that restrict height, reduce density, limit the length of buildings and require parking garages to be included in the floor area ratio calculations. The ability to request alternative side and rear yard setbacks in the IOA through site plan level IV was not removed from the code.

Ms. Ward said that the project meets all of the recently adopted building regulations. Staff confirms that the project meets those dimensional regulations as well. The Applicant is not asking for more than what the code allows, but has requested a variation in the rear and side yard setbacks to those modifications permitted under site plan level IV review. The key difference between level III and level IV that the level III requires Planning and Zoning Board review only and level IV requires both a Planning and Zoning Board and City Commission review.

Vice Mayor Moore left the dais at approximately 7:47 p.m. and returned at approximately 7:48 p.m.

Ms. Ward reviewed slides submitted to the Commission. The first two slides show the difference from what is proposed under site plan level IV versus what would have been permitted under site plan level III. The area to the north is most closely adjacent to the Panama Club was identified by staff as an area to be addressed because it casts a shadow on the Panama Club's pool. The Applicant proposes to mitigate that impact by providing pool heating to the Club. To the south, there is a significant setback predominantly in relation to Bayshore Towers and to ensure sufficient light and air between the Towers and the project and views to the Intracoastal from existing structures has also been preserved.

Ms. Ward reviewed a slide concerning rear yard setback. The minimum requested is 20 feet which accommodates approximately 7% of the entire length of the rear yard. It exceeds up to 50 feet.

Ms. Ward showed slides, a comparative analysis of similar situated properties in the IOA including view corridors, building height, floor area ratio, units and densities.

Ms. Orshefsky submitted additional support letters from existing residents in the La Rive development which is situated to the north.

John Shubin, representing the Applicant, outlined the Commission's role to act as a quasi-judicial body separate from their legislative function. The property owner has a right to know the code is applied equally. If there is an issue of neighborhood compatibility, the City is duty bound to advise the developer of adverse impacts and how the developer can best address them. The Commission has to separate the evidence from advocacy. Staff's report does not identify any adverse impacts created by this project. In fact it demonstrates compliance with all of the critical code provisions. There is no evidence to support anything but affirmation of this project.

Joe Holland, 1919 NE 32 Avenue, said he is a licensed civil engineer and member of the Central Beach Alliance, speaking as an individual opposed to the project. He wanted to clarify some of his comments from the Planning and Zoning Board meeting. He believed the inherent definition of the IOA District is the setbacks from the Intracoastal with the intent to control height and canyon effect by half the height requirements for yards. The

code has a base code which is the right to build or requirements in the code without the public hearings, but simply submitting a building application. The modifications really feed the profit lines. He was concerned about the canyon effect especially across the Intracoastal from single family. On a re-vote the Central Beach Alliance opposed this project after receiving further information on the rear setback. He pointed out that the slide for the side setback was at elevation but the rear setback was satellite view. It does not show the impact of the height allowed 20 feet from the property line.

Salvatore Tranchida, 600 Intracoastal Drive, opposed the project because it affects the Intracoastal and beauty of the city.

Barbara Scerbo, 608 Intracoastal Drive, said she resides directly across from the proposed project. A lego nightmare along the Intracoastal has been created. What is frightening about the approval of this project is that it opens the only remaining property as the next target for a mega-building. She was not opposed to a building at the site, but one that would be more compatible. The photographs are deceiving. She urged the Commission to reject this project so the Applicant could submit a project more compatible with the neighborhood.

Joseph Scerbo, 608 Intracoastal Drive, said he develops property and when acquiring property, one looks at the value based on the zoning requirements. If property is purchased with the intent of securing variances, the City is being used in the wrong way. The buildings are too massive. The photographs are deceiving; a 40 foot separation is not enough. It is not compatible with the neighborhood. He urged the Commission to reject this project and ask that they build what is permitted.

Joe Hessmann, 2005 Birch Road, said he is a member of the Central Beach Alliance Board and representing fifty condominiums and approximately two hundred members. The CBA has reviewed several site plans over the years for this project. He noted previous proposals that were rejected. In September, 2006 the membership was presented with this plan. Even though the once promised linear park was no longer being provided, the membership voted to support the plan. Subsequently, the site plan was pulled because of new staff concerns. In that time questions arose at the Central Beach Alliance about the information presented to the membership. In March, 2006 the plan was reviewed again and the membership voted 84-0 withdrawing their prior support. Although the development team was invited, they chose not to attend. Reasons for rejection had to do with setbacks, canyon effect along the Intracoastal and neighborhood compatibility. He did not see how the current plan is anymore compatible. On May 16, 2007, the CBA testified against this project at the Planning and Zoning Board. He urged the Commission to support the Planning and Zoning Board's recommendation to deny this application.

Ms. Orshefsky said this is a quasi-judicial proceeding and they have the right to ask questions of various witnesses whenever it is appropriate.

Mayor Naugle asked for individuals who have spoken not to leave the room in case they are to be cross-examined by the Applicant. If anyone in the room wishes to rebut anything said by the Applicant, they will be also given that opportunity.

Geri Udell, 520 Intracoastal Drive, President of Sunrise Intracoastal Homeowner Association. The neighborhood reviewed the project on January 9, 2007 and voted

unanimously to oppose it. They have several concerns. The buildings will span 317 feet along the waterway at its narrowest point and go up almost 120 feet. The building is too massive. Their neighborhood is to the west, consisting of one and two-story single family homes. The area where this is proposed is mostly one to five story buildings. They are concerned about compatibility and about creating a canyon. She presented a letter that the Association submitted to the Planning and Zoning Board along with fourteen homeowners who oppose the project. It is difficult to get residents to attend during the summer. She expanded on the history of her experiences with the developer and municipal election where predevelopment commissioners were voted out of office. There has been no sensitivity to the neighborhood's feedback. They do not support a waiver for the rear yard setback. It should be 58.25 feet. The north and side yard setbacks should also be 58.25 feet. There should not be a rooftop entertainment area due to the noise. There should not be any office or retail use due to the inadequacy of parking. She noted her neighborhood has been built according to the zoning code. She felt the developer should do the same. She urged denial.

Chuck Malkus, 900 River Reach Drive, said that sometimes change is not easily understood. The city has benefited from the change on the beach with 5-star hotels and restaurants. The one thing lacking on the beach is luxury residences that will support the restaurants and amenities that have been brought to the city. Fort Lauderdale is no longer a small beach town or a spring break destination. He encouraged the Commission to give the right consideration to this project.

Cindy Galiette, 715 Bayshore Drive, representing La Rive Condominium Association, was tired of looking at boarded up buildings and empty lots. She urged the Commission to support this project.

Steven Crombe, 715 Bayshore Drive, said he is a member of the La Rive Board of Directors and urged the Commission to approve this project that will provide residences for people that will support the amenities that have been brought to the city.

Debrah Spring, 200 South Birch, Leisure Beach Condominium, believed the project will be an asset to the area and blend into the environment. She believed the Applicant is conforming to the building codes.

Fred Matthews, 616 Intracoastal Drive, felt the project is too large for the site. It is a narrow section of the Intracoastal; it will canyonize the waterway and spoil the view. He asked what happens with sub-grade parking during a storm. He opposed the project.

Joe Vallillo, 1040 Seminole Drive, believed the project is compatible with the area and is needed. He urged the Commission to approve the project.

Karen Turner, 550 Bayshore Drive, said she resides across the street from the project and is also a realtor. She opposed the project. She submitted two area photographs. If the Applicant followed the code, the project would be 200 feet long and sixty feet high, with 58.2 foot rear and side setbacks. When the Applicant purchased the property, he knew the code. If he had simply followed the code when he purchased the property, he could have profited during that good market and this would not be happening now. The purpose of this evening's meeting is for a level IV review and request for something that is not in the code. The project would be taller than Bayshore Towers shown in the photograph. She said she is opposed to the project.

Mayor Naugle noted there is no one else wishing to speak.

Ms. Orshesky asked Joe Hessmann if he was aware that after the Central Beach Alliance withdrew their support without the benefit of the developer's input at the March meeting that the developer submitted plans showing no changes from that which had been presented and approved by the CBA in September. Mr. Hessmann did not believe the developer attended the meeting when invited. Ms. Orshesky said there is no evidence that they were invited. She noted the Board was provided with plans showing interior modifications for their April meeting. She asked if Mr. Hessmann recalled this. Mr. Hessmann said the developer was not in attendance at the meeting.

Ms. Orshesky asked Karen Turner if she was aware of how setbacks are measured in the Central Beach and that the wedding cake approach is taken for setbacks. Ms. Turner understood the wedding cake effect, but that is not necessary; one could simply build what is allowed by code. Ms. Orshesky said that the wedding cake provisions of the code have arisen out of the site plan level III. Ms. Turner said one still has to request that to happen. Ms. Orshesky asked if Ms. Turner is aware that nothing could be approved on this site without a minimum site plan level III approval. Ms. Turner thought it had to do with the height. Ms. Orshesky noted the waterway provisions of the code necessitate coming to the Planning and Zoning Board and a public hearing for any approval.

Mayor Naugle asked how long Ms. Turner has worked in the real estate industry. Ms. Turner replied eleven years. Mayor Naugle asked if she specializes in a certain area. Ms. Turner said she works in Fort Lauderdale and has resided here twenty some years.

There being no further questions, Mayor Naugle closed the public hearing.

Commissioner Hutchinson left the chamber at approximately 8:28 p.m.

Commissioner Rodstrom asked if the rear yard modification would be considered an exception. Marc LaFerrier, Director of Planning and Zoning, clarified in order to request a reduction of the yard requirements, which is half the height of the building in this zoning category, the applicant could do so before the Commission and with a neighborhood compatibility review.

Commissioner Rodstrom asked if staff found that the project met neighborhood compatibility requirements. Mr. LaFerrier said this project was reviewed from the standpoint of setbacks which were generally consistent with other area projects. He discussed the wedding cake approach, setbacks and indicated that other projects in the area are somewhat consistent.

Commissioner Rodstrom asked what would be the height permitted without the wedding cake approach.

Commissioner Hutchinson returned to the chamber at approximately 8:30 p.m.

Don Morris, Planning and Zoning, said he would have to calculate it.

Commissioner Rodstrom noted this has been going on for a long time. The neighborhood is not against redevelopment, but they have a problem with the height. She considered the canal a wet street. She did not support the project as presented. She wanted the Applicant to address the height.

Commissioner Teel said she represents the area directly across the water from this project and has been involved for a number of years. She disclosed that she received e-mails both supporting and opposing the project, met with the President of the Association and members of Sunrise Intracoastal. She resides in Sunrise Intracoastal on the Middle River. She served on the Marine Advisory Board for a number of years. One thing considered by the Board was that the boating experience should continue to be an excellent one. In the Intracoastal Overlook Area, the concrete canyon effect is coming to life. This project has four continuous buildings of a large mass. She discussed developments in the area. This area is where the Intracoastal narrows to around 305 feet in width. She did not think the project meets neighborhood compatibility. As the developer continued to purchase property, she thought he was going to create a park like setting, meet side yard setbacks and provide neighbors on that side of the water with access to the Intracoastal. With this project, that is totally removed. Building to the maximum and requesting waivers is counter-productive to neighborhood compatibility. She does not feel this project meets neighborhood compatibility as put forth by the ULDR. There is no wedding cake in the back of the building, which is the most sensitive side. She was very troubled by the shadow effect on The Panama Club pool. She did not consider the developer purchasing them a pool heater as mitigation. She felt the application should be denied.

Commissioner Hutchinson disclosed that she received many e-mails on this, spoke with the President of Sunrise Intracoastal and the Applicant's attorney.

Commissioner Rodstrom disclosed that she visited the site several times and spoke with everyone at the Central Beach Alliance and the Applicant and their attorneys. She has listened to several expert opinions of people over the years both as a member of the Planning and Zoning Board and a commissioner whose names are in the record.

Vice Mayor Moore disclosed that he has spoken with everyone mentioned.

Mayor Naugle disclosed that he had spoke with the Applicant and Attorney Blosser, Ms. Turner and Dr. Udell, and received e-mails from residents for and against that are part of the public record.

Commissioner Hutchinson introduced the following resolution:

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 MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH RETAIL/SERVICE USES AND REQUEST FOR SETBACK REDUCTIONS ON PROPERTY LOCATED ON THE WEST SIDE OF BAYSHORE DRIVE BETWEEN TERRAMAR STREET AND RIOMAR STREET IN FORT LAUDERDALE, FLORIDA IN AN IOA 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 Moore, Commissioner Hutchinson, and Mayor Naugle.

Commissioner Hutchinson introduced the following resolution denying the request:

RESOLUTION NO. 07-131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH RETAIL/SERVICE USES AND REQUEST FOR SETBACK REDUCTIONS ON PROPERTY LOCATED ON THE WEST SIDE OF BAYSHORE DRIVE BETWEEN TERRAMAR STREET AND RIOMAR STREET IN FORT LAUDERDALE, FLORIDA IN AN IOA 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 Moore, Commissioner Hutchinson and Mayor Naugle. NAYS: None.

**RECESS WAS TAKEN AT 8:41 P.M.
MEETING RECONVENED AT 8:47 P.M.**

**Library At Holiday Park – 1300 East Sunrise Boulevard (R-04)
Special Collection Library by Stonewall Library and Archives, Inc.**

Jeff Modarelli, Economic Development Director, said this resolution would authorize the City Manager to execute written permission for approximately 4,350 square feet of the library at 1300 East Sunrise Boulevard to be used by ArtServe, Inc. through September 30, 2009 for a special collection owned and operated by Stonewall Library and Archives, Inc. Any additional extensions would require approval by the Commission and City Manager.

Ted Verdone, 2224 NW 6 Terrace, urged support of this request. He is the Building Committee Chair for the Stonewall Library. They have been working for three years to find the appropriate site. This building has everything they are looking for. It will also provide another cultural institution to the community.

Mayor Naugle recognized former Commissioners Jack Latona and Dean Trantalis.

Jack Latona, 815 Coconut Drive, member of Stonewall Library and Archives Board of Directors and Broward County Cultural Council. He recently rescued the bulk of materials from the bankruptcy of Graves Museum of Natural History. This collection will benefit not only the gay community, but everyone in Broward County. He drew an analogy to the Commission support in the amount of \$50,000 to the African American Library and Research facility even though it is not actually situated within the municipal limits. Everyone can benefit from that facility. An Hispanic collection will be situated at the main library. It is part of the community's cultural maturity. Stonewall is one of the

highest regarded facilities of its kind in the U.S. These kinds of facilities increase tourism. He urged support of the request.

Reverend O'Neal Dozier, 560 NW 29 Avenue, said he is the Pastor of Worldwide Christian Center Church in Pompano Beach, but has many members reside in this city. He is a property owner in this city also. He said that God loves homosexuals and he believed all Christians do also. He opposed this item and having a homosexual library anywhere. God is against the homosexual lifestyle. He had reviewed some of the materials to be housed in the library and found them disgusting. If people keep going down such a slippery slope, God will do something to America.

Dean Trantalis, 1430 NE 18 Avenue, felt the City would benefit from this opportunity and if forsaken, it will be recalled for years to come. The Stonewall Library and Archives represents the cornerstone of the gay and lesbian community that has been an important part of the City's rebirth and remains a growing component in its revitalization. This library contains one of the biggest repositories of books, periodicals, and memorabilia incorporating the experience and stories of generations of those gay and lesbian individuals. It evolved from a lending library to a place for lectures, meetings and a place to discover a world many too often fail to understand and are quick to condemn. The Stonewall Library seeks a place large enough to shelter all of its offerings and embrace all who seek it out. The vote to approve the assignment of this lease would prove to constituents that Fort Lauderdale is a welcome city whose arms are opened to all who share its vision for greatness. The City cannot turn their backs on the gay and lesbian community which has recently been the subject of unfounded ridicule. He asked the Commission to vote in favor of this request.

Robin Bodiford, 2550 North Federal Highway, said she served on the City's Parks, Recreation and Beaches Advisory Board for five years and currently on the Oakland Park Planning and Zoning Board. She is also a member of Stonewall Library and Archives Board. The City is setting history by approving this library to move into the ArtServe facility. It is the largest freestanding gay and lesbian, bi-sexual transgender archives in the U.S. and perhaps the world. The library would provide a wide array of educational programs and cultural events. She felt that God speaks through all of us. She read a quote: "I think the health of our civilization, the depth of our awareness about the underpinnings of our culture and our concern for the future can all be tested by how well we support our libraries." She asked the Commission to approve this request.

Marc Paige, 2421 NE 65 Street, said when he purchased property in the city in 2002 he was blown away at the amount of information and professionalism of the Stonewall Library and Archives. Many people volunteer for this organization. It is a gem for the City and a national treasure. The history of the gay rights movement is still being written and this library is recording that history. The Holiday Park location is wonderful, centrally located and accessible. He urged the Commission to support this request.

Steve Williams, 2365 NE 7 Place, said that Holiday Park is one of the best facilities in Broward County. He talked about the growth of youth sports programs and need for additional parking. He wanted the City to terminate the lease, take the property back and utilize it as part of the Parks Department.

Nate Klarfeld, President of Stonewall Library and Archives, said three years ago Stonewall was chosen by the U.S. Holocaust Museum, division of the Smithsonian, to

host the first traveling exhibit of gay institution. He discussed fundraising efforts that took place and the names of prominent individuals and organizations that committed their names to be placed on the exhibit literature. This exhibit is now traveling the country. Over eight hundred high school students participated in the program. He quoted from "*The Guide*" Magazine: "The Stonewall Library has set a new standard for education and historical exhibits." Nine thousand people visited the library last year and thousands attended the public exhibits. He referred to information he thought was provided from the Visitors and Convention Bureau about the economic impact of the gay and lesbian community. According to the Bureau, in 2007 the Fort Lauderdale gay market was estimated at 243,252 people and a buying power of \$20 billion annually; 860,000 gay and lesbian visited thirty-three gay guesthouses in Fort Lauderdale and spent approximately \$850,000.

There was no one else wishing to speak.

Mayor Naugle said cities throughout the county used to operate their own libraries. In the 1970s many cities turned over their libraries to the County so that they would be funded through county taxes. Fort Lauderdale turned over its library to Broward County. It was 33,000 square feet at the time. The City signed an agreement allowing the County to have the building for \$1 per year. A few years ago they asked to reduce the library size to 15,000 square feet to allow ArtServe to have 9,000 square feet. It is still a City building; the rent remains \$1 per year. The main library downtown was built afterwards. The amendment sought this evening would reduce the library size to around 7,000 square feet. Governments are cutting back, economizing and looking at things differently. If ArtServe has 20,000 square feet in a City building, it amounts to a contribution of about \$400,000 per year from the City in free rent. He felt Broward County violated the spirit of the lease when they committed to operate a neighborhood library at 15,000 square feet and now reduced it has been reduced without the City's permission.

Mayor Naugle said today he received information from the City Manager's office regarding some of the contents in the library which he found shocking. He showed the material to the City Attorney and he thought it was hardcore pornography. He was troubled that the City would house such material in a City building in a City park which is the main facility for the little league and so forth. It was shared with other commissioners. He provided it to the City Attorney. Some titles of the collection should not be aired during this meeting. He felt betrayed. Material that people in the past have been arrested for having and dispensing would be housed in a public building.

Commissioner Hutchinson referred to disparaging words in the news media by a member of the dais this past week. She was excited about the different cultures in this City. She looked forward to visiting the archives. The diversity is what makes a city great and a country great. She supported the Stonewall archives relocation.

Commissioner Rodstrom was proud to have this collection in her district and ArtServe will host Stonewall and other cultural venues. With this inclusion, the library will be larger. As a member of the Broward Cultural Council, it is her job, duty and responsibility to support cultural diversity, interest or experience in this City. She does not share the Mayor's opinion. She does not believe in censorship because this is a free country with freedom of choice and association. She believed that Christians accept all

living creatures equally without any prejudices. She also considers herself a good American, and therefore, would be supporting the Stonewall Library.

In response to Vice Mayor Moore, Bob Cannon, Director of Broward County Library, said a part of the main library adjacent to the parking lot will be carved out. It will be the new entrance. These are two separate institutions for members aged 18 and above only. The library is open to the general public. There are two sets of rules. Stonewall will raise all monies for the work; the County will not spend any money on this project.

Vice Mayor Moore asked if Stonewall would be located at the mobile book location. Mr. Cannon replied no. Vice Mayor Moore asked if the City has any input in that decision. Mr. Cannon said they will be phasing out the bookmobile as soon as the new budget year begins. The space will be used for a staff support area for the Fort Lauderdale Branch. Vice Mayor Moore thought the City should have input on that before making a decision in an effort for the best utilization of space.

Vice Mayor Moore said that in the past people were being double taxed for library services. The same thing happened with the jail. There was a 33,000 square foot library, but now there is the main library downtown. Mr. Cannon indicated it is 250,000 square feet. The facility has been expanded with art and theatre events. As the community grows, interests grow. The City attempts to satisfy all of the people as interests change. He felt that parking could be addressed at this site. He mentioned a garage for example.

Vice Mayor Moore asked when the agreement with Broward County sunsets. Mr. Modarelli indicated September 30, 2009. Vice Mayor Moore felt the seated Commission at that time should rethink the use of this property as it should for any property at the conclusion of an agreement. His only issue is that City staff have input as to situating the necessary square footage.

The City Attorney said the lease expires in 2009, but Broward County has the unilateral right to extend the lease for another twenty years.

Commissioner Teel referred to difficulties Florida municipalities are facing this and the next fiscal years. The State has mandated that expenditures be reduced. This year it is \$10 million but the following year may be catastrophic. She was concerned with the County's request because they are providing the service and receiving monies from the taxpayers to do this. With a collection one is responsible to provide housing for it. There are expenses involved other than just collecting it. The prospect of losing their facility and having to acquire another is difficult. Broward County should bear the burden of providing free space. There is a central library consisting of 250,000 square feet. She understood that there is available space in that facility. In the future she thought the County would be looking to cut costs and may decide to close the Sunrise Boulevard Library. The City will also be looking for ways to condense space and so forth. She believed the County has not been living up to the intent of the lease. There is good reason to believe that in 2009 the building should be returned to the City. Stonewall may have to move again in two years. She felt the County should place the collection in the building where it could be permanently housed.

Commissioner Teel said the City is faced with the prospect of the State continuing to dictate to them and give them unfunded mandates. If the Commission votes to move the

collection into the Sunrise Boulevard facility, in 2009 it should have the County honor the lease and return the building to the City and pay for relocation of the collection. She could not support the move to the Sunrise Boulevard facility because it would not serve their needs for a long enough time to make it financially viable.

Mayor Naugle said this is not about censorship, but the taxpayers funding something that many would not choose to pay for. Someone may collect whatever they want in their own facility provided it is lawful. In response to Mayor Naugle, the City Attorney referred to the material that the Mayor showed him and that if it was found on the computer of a City employee, they would probably be dismissed. The issue of obscenity is a question of community standard and he could not answer that question. Mayor Naugle said the City Attorney told him today that the material was likely pornographic. The City Attorney confirmed that is correct.

In response to Commissioner Rodstrom, Mr. Cannon said that maintenance for the building is handled by Broward County. He did not know the exact amount, but it is significant. Commissioner Rodstrom understood Broward County is responsible for major maintenance items to the building. Mr. Cannon confirmed that is correct for the last twenty years.

Vice Mayor Moore said that sometimes he has a difficult time trying to be consistent. When one talks about how tax dollars should be used, it is based upon what that individual believes the tax dollars should be used for. He referred to use of a baseball stadium costing the taxpayers a considerable amount of money. However no one is arguing about subsidizing it. At one time there was only a need for a baseball diamond, then football, tennis, soccer, cricket. As a public entity one or a majority of the Commission may believe that many taxpayers may not want monies used in a certain way, but the issue is that everyone is a taxpayer. If it is a public property, the City should attempt to allow the public equal accessibility. In the past he was denied access to a public beach because of the color of his skin.

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-132

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO A LEASE AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY FOR PROPERTY WITHIN HOLIDAY PARK TO BE USED AS A LIBRARY, TO EXECUTE WRITTEN PERMISSION FOR 4,350 SQUARE FEET OF SAID FACILITY TO BE USED BY ARTSERVE, INC. TO PROVIDE FOR A SPECIAL COLLECTION LIBRARY OWNED AND OPERATED BY STONEWALL LIBRARY AND ARCHIVES, INC.

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

PUBLIC HEARINGS

Amend Operating Budget – Grant Acceptance - \$11,600 (PH-01)
Community Emergency Response Team

Appropriate \$11,600 of Grant Funds to Fund 129, Subfund 01, GCERT08, C594 (Rev. – US Dept. of Homeland Security). Expenditure subobjects in Exhibit #1. No cash match required.

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

Commissioner Hutchinson introduced the ordinance on second reading:

ORDINANCE NO. C-07-59

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 \$11,600 FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT GRANT AWARD TO FUND 129, SUBFUND 01, FOR USE IN SUPPORT OF THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) PROGRAM, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Interfund Transfer - \$23,250 Horse Paddock Expansion - (PH-02)
Holiday Park

Transfer \$23,250 from Fund 001, Subfund 01, PBS030102, 6499, to Fund 331, Subfund 01, P11243.331, 6599

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

Commissioner Hutchinson introduced the ordinance on second reading:

ORDINANCE NO. C-07-60

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, 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 \$23,250.00 FROM FUND 001, SUBFUND 01, PBS030102-6499 AND TRANSFERRING-IN TO FUND 331, SUBFUND 01, P11243.331-6599 FOR EXPANDING THE HORSE PADDOCK AT HOLIDAY PARK, WITHIN THE FINAL OPERATING BUDGET, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

**Interfund Transfer and Appropriation – South Beach
Parking Lot**

(PH-03)

Transfer \$400,000 from Fund 331/01, P11236.331/6599, to fund 461/03, P11283, 461/6599 & transfer \$400,000 from unrestricted Parking Fund balance (Fund 461) to Fund 461/03, P11282.461, 6599.

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

Vice Mayor Moore introduced the ordinance on second reading:

ORDINANCE NO. C-07-61

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, 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 \$400,000 FROM FUND 331, SUBFUND 01, P11236.331-6599 AND TRANSFER-IN TO FUND 461, SUBFUND 03, P11283.461-6599 FOR SOUTH BEACH ADA COMPLIANCE AND APPROPRIATE \$400,000 FROM THE UNRESTRICTED PARKING FUND BALANCE (FUND 461) TO FUND 461, SUBFUND 03, P11282.461-6599 TO CONVERT THE SOUTH BEACH PARKING LOT FROM AN ATTENDANT LOT TO A METERED LOT, WITHIN THE FINAL OPERATING BUDGET, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

**Amend Operating Budget – Transfer \$95,000
Parking Services Administration Building Parking Lot –
290 NE 3 Avenue**

(PH-04)

\$95,000 in budgeted funds needs to be transferred from Fund 461/01 PAR020103-6510 (Site Improvements) to P11278.461, Fund 461/03

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

Commissioner Hutchinson introduced the ordinance on second reading:

ORDINANCE NO. C-07-56

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FIISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007, BY APPROPRIATING \$95,000 FROM PARKING'S CAPITAL OUTLAY FUND 461/01 PAR020103-6510 (SITE IMPROVEMENTS) AND TRANSFERRING-IN TO PARKING PROJECT P11278.461 FOR THE RENOVATION AND ADA UPGRADE OF THE PARKING SERVICES ADMINISTRATION BUILDING PARKING LOT, WITHIN THE FINAL OPERATING BUDGET, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Birch Park Beach Finger Streets – Residential Parking Permit District (PH-05)

No budgetary impact (revenue neutral program) Fund 461.

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

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-133

AN RESOLUTION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING A RESIDENTIAL PARKING PERMIT DISTRICT 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, PURSUANT TO DIVISION 5, OF CHAPTER 26, TRAFFIC, OF THE CODE OF ORDINANCES; PROHIBITING VEHICLES FROM PARKING ON CERTAIN RIGHTS-OF-WAY IN THE DISTRICT DURING CERTAIN HOURS; ESTABLISHING THE DATES, TIMES AND AREA FOR RESTRICTED PARKING; PROVIDING PERMITS FOR PARKING AND ESTABLISHING A FINE FOR VIOLATIONS.

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

**Historic Designation – Americana Motor Inn
2150 SE 17 Street – Case 11-H-06**

(PH-06)

No budgetary impact

Commissioner Hutchinson did not want this matter delayed any longer. She referred to the letter of agreement entered into by the Broward Trust for Historic Preservation regarding whether they would continue with their battle of this historic designation. They have not met the requirements of the agreement. She had provided information to the Commission.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Moore to withdraw this item.

Mayor Naugle had received a call from Diane Smart who wants this item deferred. Commissioner Hutchinson offered the idea of next Tuesday. The City Attorney said this is an application and not something that the Commission can withdraw. At some point in time the Commission would have to hear this item and make a determination. Commissioner Hutchinson pointed out that no one is present tonight for this matter. Mayor Naugle said everyone was anticipating it would be deferred. Deferral is printed on the agenda. Both sides agreed to defer it. He did not feel it would be proper to hear the matter tonight. Commissioner Hutchinson did not think that both sides agreed to defer it. Commissioner Teel said matters are deferred often. It keeps the door open for further agreements to take place. She did not object to deferring, but she did not think the next meeting is enough time.

Mayor Naugle understood the motion to withdraw was ruled out of order by the City Attorney.

Commissioner Rodstrom favored deferring; she also heard from Diane Smart who is out of town.

Motion made by Commissioner Teel and seconded by Commissioner Rodstrom to defer this matter until October 2, 2007 at 6 p.m. Roll call showed: YEAS: Commissioners Teel and Rodstrom and Mayor Naugle. NAYS: Vice Mayor Moore and Commissioner Hutchinson.

**Small Scale Land Use Map Amendment – Konover Site -
3.19 Acres – Case 10-T-06**

(PH-07)

No budgetary impact

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

Vice Mayor Moore introduced the ordinance on second reading:

ORDINANCE NO. C-07-58

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 1999 FORT LAUDERDALE COMPREHENSIVE PLAN TO INCLUDE AN ANNEXED AREA LYING IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF WEST BROWARD BOULEVARD, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 25TH AVENUE, BOUNDED ON THE NORTH BY THE SOUTH LINE OF "THE R.E.B. PLAT," PLAT BOOK 74, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BOUNDED ON THE EAST BY THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 5, AND KNOWN AS THE KONOVER PROPERTY LOCATED ON THE NORTH SIDE OF WEST BROWARD BOULEVARD BETWEEN I-95 AND NORTHWEST 27TH AVENUE, AND AMENDING THE FUTURE LAND USE MAP TO DESIGNATE THE LAND USE AS COMMERCIAL..

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

**Rezoning to Community Business – 200 Corporate Drive
Case 4-Z-07 – ACPRE RCC Realty, LLC c/o Archon Group**

(PH-08)

No budgetary impacts

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

Commissioner Hutchinson introduced the ordinance on first reading:

ORDINANCE NO. C-07-62

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM BROWARD COUNTY ZONING DISTRICT B-2 TO CITY OF FORT LAUDERDALE ZONING DISTRICT CB, ALL OF "TRACT 2," "SHELL AT I-95," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 102, PAGE 25 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING SOUTH OF A LINE PARALLEL WITH AND 205.78 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, THE NORTH LINE OF SAID "TRACT 2," LOCATED AT THE NORTHEAST CORNER OF NORTHEAST 7TH AVENUE AND NORTHEAST 62ND STREET (CYPRESS CREEK ROAD), IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE

OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Future Land Use Plan – Small Scale Map Amendment (PH-09)
Fire Station 3 – Case 15-T-06

No budgetary impact

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

Vice Mayor Moore introduced the ordinance on first reading:

ORDINANCE NO. C-07-63

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE 1999 FORT LAUDERDALE COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM CONSERVATION TO COMMUNITY FACILITIES OF THE NORTH 250.00 FEET OF THE EAST 260.00 FEET, BOTH AS MEASURED AT RIGHT ANGLES OF THE WEST ONE-HALF (W ½) OF THE SOUTHEAST ONE-QUARTER (SE ¼) OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 22, TOWNSHIP 50 SOUTH, RANGE 42 EAST; LESS THE NORTH 30 FEET, THE EAST 40 FEET AND THE SOUTH 207 FEET THEREOF, LOCATED AT THE INTERSECTION OF S.W. 28TH STREET AND S.W. 4TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND REQUESTING THE BROWARD COUNTY PLANNING COUNCIL TO RECERTIFY THE AMENDMENT.

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

ORDINANCES

Vacate Right-of-Way – NE 18 Street Old Florida Corporation – Case 20-P-06 (O-01)

No budgetary impact

Commissioner Hutchinson introduced the ordinance on second reading:

ORDINANCE NO. C-07-55

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE NORTH 20.00 FEET OF NORTHEAST 18TH STREET AS SHOWN ON "LERO DEVELOPMENT PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 76, PAGE 41, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE SOUTHERLY PROJECTION OF THE EAST LINE OF PARCEL "A" OF SAID "LERO DEVELOPMENT PLAT" AND BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; LESS AND EXCEPT THE EAST 20.00 FEET OF THE WEST 46.00 FEET OF THE SOUTH 10.00 FEET THEREOF, LOCATED ALONG THE NORTH SIDE OF NORTHEAST 18TH STREET, BETWEEN NORTHEAST 15TH AVENUE AND THE FLORIDA EAST COAST RAILROAD, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA..

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

Police and Firefighters Retirement System – Cost of Living Adjustment One-Year Extension (O-02)

No budgetary impact

Vice Mayor Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-64

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESPECTING THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM BY READOPTING SECTION 20-129(f) OF THE RETIREMENT SYSTEM EXTENDING COST OF LIVING ADJUSTMENT FORMULA, PROVIDING FOR A REPEAL DATE OF JULY 15, 2008, UNLESS READOPTED BY THE CITY COMMISSION, AND PROVIDING THAT NO COST OF LIVING ADJUSTMENTS SHALL BE MADE BASED ON THE RETIREMENT SYSTEM'S PERFORMANCE FOR CALENDAR YEAR 2007; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Budget Amendment 5 – Fiscal Year 2006-2007 Police and Fire Pension Fund (O-03)

Appropriating & adjusting the General Fund as shown in Exhibit 1.

Vice Mayor Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-65

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, 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 INCREASING REVENUE IN THE FINAL OPERATING BUDGET IN INDEX CODE FIR03101, SUBOBJECT A501 IN THE AMOUNT OF \$914,590.00; BY INCREASING REVENUE IN THE FINAL OPERATING BUDGET IN INDEX CODE POL030201, SUBOBJECT A502 IN THE AMOUNT OF \$19,125.00; BY INCREASING EXPENDITURES IN THE FINAL OPERATING BUDGET UNDER INDEX CODE FIR030101, SUBOBJECT 4299 IN THE AMOUNT OF \$914,590.00; BY INCREASING EXPENDITURES IN THE FINAL OPERATING BUDGET IN INDEX CODE P9L030201, SUBOBJECT 4299 IN THE AMOUNT OF \$19,125.00; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Amend Operating Budget – Transfer \$265,657 Fleet Vehicle And Equipment Replacement Program (O-04)

Transfer \$265,657.00 from Vehicle Rental Fund Net Assets, Fund 583/01 to PAR030101-6416 Vehicles.

Vice Mayor Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-66

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, 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 \$265,657 FROM THE VEHICLE RENTAL FUND NET ASSETS, FUND 583/01 AND TRANSFERRING-IN TO PAR030101-6416 VEHICLES TO COMPLETE THE FY 06/07 VEHICLE AND REPLACEMENT PROGRAM, WITHIN THE FINAL OPERATING BUDGET, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Amend Operating Budget – Transfer \$71,765.31 Tractor-Loader-Backhoe Purchase (O-05)

Transfer \$71,765.31 from PBS660407-6416 Vehicles, Fund 450/01 to PAR030101-6416 Vehicles, Fund 583/01.

Vice Mayor Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-67

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, 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 \$71,765.31 FROM PBS660407-6416 VEHICLES, FUND 450/01 AND TRANSFERRING-IN TO PAR030101-6416 VEHICLES, FUND 583/01 TO PURCHASE ONE CASE 580 TRACTOR-LOADER-BACKHOE, WITHIN THE FINAL OPERATING BUDGET, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Amend Operating Budget – Grant Appropriation - \$250,000 NE 15 Avenue Beautification – Florida Department of Transportation (O-06)

Appropriate \$250,000 of grant funds to Fund 129, Subfund 01, P11294.129, D479, and expenditure in 6599 – no cash match required.

Vice Mayor Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-68

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 \$250,000 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO FUND 129, SUBFUND 01, FOR THE DESIGN AND CONSTRUCTION OF THE NE 15 AVENUE BEAUTIFICATION PROJECT, 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 Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

Amend Operating Budget – Florence C. Hardy Park - \$487,000 (O-07)

Purchase Boundless Playground Equipment and Safety Surface

Grant Appropriation - \$175,000 to be appropriated to P10777.129A-6599 Construction. Playground Equipment/Safety Surfacing Purchase - \$487,000 total cost, \$252,000 from P10777.129-6599 Construction; \$150,000 from P10777.129(A)-6599 Construction; and \$85,000 from P10777.129(B)-6599 Construction.

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson to approve the purchase and installation as presented, contingent upon adoption of ordinance on second reading. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

Vice Mayor Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-69

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 \$175,000 FROM THE CHILDREN'S SERVICES COUNCIL OF BROWARD COUNTY GRANT AWARD #05-2912 TO P10777.129A FOR USE IN THE PURCHASE OF PLAYGROUND EQUIPMENT AND RESTROOM RENOVATION FOR FLORENCE C. HARDY PARK, 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 Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

Amend Operating Budget – Transfer \$200,000 – Five Lifeguard Stands – North Beach (O-08)

\$200,000 is available in Parking Fund 461/01 Unrestricted Fund Balance for transfer to Fund 001/01 FIR010102.N597 and increase Appropriation in Fund 001/01 FIR010102.6499.

Vice Mayor Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-70

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 \$200,000 FROM THE PARKING REVENUE FUND 461 TO THE FIRE FUND FOR PURCHASE OF FIVE NEW LIFEGUARD STANDS FOR THE NORTH BEACH AREA. .

Which ordinance was read by title only.

Commissioner Rodstrom asked if the \$200,000 is for the lifeguard stands only and what is the source of funding for staffing. John Hoelzle, Director of Parking and Fleet Services, said this is only to approve purchase of five lifeguard stands. Staff is developing a hiring plan for lifeguards so they would be in place at the same time the meters would be put in place.

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

Code Amendment – Solid Waste Definition – Adding Cigars and Cigarettes (O-09)

No funds will be appropriated or transferred.

Vice Mayor Moore introduced the ordinance on the second reading:

ORDINANCE NO. C-07-57

AN ORDINANCE AMENDING CHAPTER 24, SOLID WASTE, ARTICLE I, IN GENERAL SECTION 24-1, DEFINITIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO INCLUDE CIGARS AND CIGARETTES, WHETHER INTACT OR COMBUSTED, IN THE DEFINITION OF SOLID WASTE SO AS TO SPECIFICALLY PREVENT THE LITTERING OF CIGARETTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Advisory Board /Committee Appointments (OB)

None.

There being no other matters to come before the Commission, the meeting was adjourned at 10:05 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk

