

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
OCTOBER 2, 2007**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
OCTOBER 2, 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
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 Hugo Fontalvo

Invocation was offered by Reverend Sherod Mallow, All Saints Episcopal Church, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson that the minutes of the September 18, 2007 Conference and Regular Meetings, and agenda be approved. Roll call showed: YEAS: Vice Mayor Moore, Commissioners Hutchinson, Teel, and Rodstrom, and Mayor Naugle. NAYS: None.

Presentations

1. "Put The Brakes On Fatalities Day" (PRES-01)

Commissioner Teel presented the proclamation designating October 10, 2007 as "Put The Brakes On Fatalities Day" in the City of Fort Lauderdale. Inter-traffic North America is being held at the Broward County Convention Center on October 10-12, 2007.

Peter Partington, City Engineer, thanked the Commission for recognizing such an important subject.

2. Fort Lauderdale High Heel Hike Day (PRES-02)

Commissioner Hutchinson presented the proclamation designating October 6, 2007, as "Fort Lauderdale High Heel Hike Day" for the benefit of breast cancer awareness.

Jules Burt thanked everyone for their participation in this event.

Tammy Gail, Floridata Market Research, thanked the Commission for the proclamation.

3. Commendation – Megan Massagee (PRES-03)

Commissioner Hutchinson presented a commendation to Megan Massagee for life-saving cardio pulmonary resuscitation she performed successfully on her grandfather.

The Fire Rescue Department also presented a life-saving award to Ms. Massagee.

4. Community Appearance Baord – WOW Awards - Districts II and III (PRES-04)

Commissioner Rodstrom presented the WOW Award for District II to Joseph Pierre of 1020 NW 4 Avenue.

Vice Mayor Moore presented the WOW Award for District III to Marion S. Christie of 1616 NW 4 Street. Mrs. Christie thanked the Commission for this award.

5. "Customer Service Week" (PRES-05)

Commissioner Teel presented a proclamation designating October 1-5, 2007 as Customer Service Week in the City of Fort Lauderdale to Linda Gee, Customer Operations Manager, Public Works. Ms. Gee recognized and introduced City staff: Fred Ross representing the 24 Hour Customer Service Center; Maxine Singh representing the City Commission Office; Gina Rizzuti, Adrienne Lloyd-Shedrick and Cheryl Ellison representing Building Services; Eugenia Hankerson representing Treasury Department; Jaye Garcia representing Parking Services; and Paul Brown representing Customer Service Field Operations.

Vice Mayor Moore left the Chamber at approximately 6:20 p.m.

6. Distinguished Budget Presentation Award - Office of Management and Budget (PRES-06)

The City Manager presented an award from the Government Finance Officers Association for fiscal year 2006-2007 to Allyson Love, Director of Office of Management and Budget.

Ms. Love thanked the staff of the Office of Management and Budget.

Vice Mayor Moore returned to the Chamber at approximately 6:30 p.m.

7. Florida City Government Week – October 21-27, 2007 (PRES-07)

Commissioner Hutchinson read a proclamation designating October 21-27, 2007 as Florida City Government Week.

8. Medical Director Grant Awards (PRES-08)

James Eddy, Fire Rescue Chief, said the Medical Director Grant Awards are awarded to those who submit proposals to improve patient care and further promote EMS education and to participate in EMS research. The recipients of the awards are: Shelley Lozier, Driver Engineer/Paramedic; James Carroll, Firefighter/Paramedic; Timothy Heiser, Lt./Paramedic; William Medlin, Captain; and John Heiser, Firefighter/Paramedic.

Chief Eddy also thanked Dr. Nabil ElSanadi for his guidance and professionalism to the Fire Rescue Department during the last year.

9. Outstanding City Employees (PRES-09)

Bob Montagano, Assistant Police Chief, presented the Life-Saving Award for September, 2007 to Officers Grassi, Ramirez and Clark for their assistance in the prevention of a suicide and for October, 2007 to Officer Chad Cosgrove who assisted in the prevention of a suicide.

Assistant Police Chief Montagano presented the Officer of the Month Award for October, 2007 to Officer Matthew Mocerri who apprehended two suspects in a robbery and one suspect in connection with a burglary.

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 - Our Lady Queen of Martyrs Church (M-01)
Fall Carnival – Closing SW 11 Court**

No budgetary impact.

A motion authorizing and approving the execution of an Event Agreement with Our Lady Queen of Martyrs Church, a parish of the Archdiocese of Miami, Inc., for the Fall Carnival to be held Thursday, October 18 through Sunday, October 21, 2007; and authorizing the closing of SW 11 Court from SW 27 Avenue to SW 28 Avenue, from 9 AM Monday, October 15 to 5 PM Monday, October 22, 2007.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1099

Event Agreement – Making Strides Against Breast Cancer

(M-02)

No budgetary impact.

A motion authorizing and approving the execution of an Event Agreement with the American Cancer Society Florida Division, Inc. for Making Strides Against Breast Cancer to be held at Huizenga Plaza, Riverwalk, and downtown area sidewalks on Saturday, October 13, 2007 from 7 AM to 1 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1346

**Event Agreement – 20th Annual Las Olas Art Fairs
Closing East Las Olas Blvd. and Neighborhood Streets**

(M-03)

No budgetary impact.

A motion authorizing and approving the execution of an Event Agreement with the Las Olas Association, Inc. for the 20th Annual Las Olas Art Fairs, to be held on the following weekends: October 6-7, 2007, January 5-6, 2008, and March 1-2, 2008, from 10AM to 5 PM each day; and further authorizing the closing of East Las Olas Blvd. and neighborhood streets.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1473

**Event Agreement – Healthy Lifestyle Longer Life Health
Fair – Closing SW 12 Court**

(M-04)

No budgetary impact.

A motion authorizing and approving the execution of an Event Agreement with Fort Lauderdale Seventh Day Adventist Church – Affiliate of Florida Conference of Seventh Day Adventists for the Healthy Lifestyle Longer Life Health Fair, to be held at the church on Sunday, November 4, 2007 from 12 Noon to 5 PM; and also approving the closing of

SW 12 Court, contingent upon approval of signed agreement from the City Attorney's Office.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1541

Event Agreement – Downtowner Music Fest (M-05)
Closing South New River Drive

No budgetary impact.

A motion authorizing and approving the execution of an Event Agreement with It's Only Zeros, Inc. for the Downtowner Music Fest, to be held Friday, November 16 from 8 PM to 10 PM, Saturday, November 17 from 12 Noon to 10 PM, and Sunday, November 18, 2007 from 10 AM to 4 PM; and authorizing the closing of S. New River Drive from SW 1 Avenue to SE 3 Avenue, from 6 PM Friday, November 16 to 6 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1545

Event Agreement – 14th Annual Cranberry Jam (M-06)
Closing Sunrise Lane

No budgetary impact.

A motion authorizing and approving the execution of an Event Agreement with Covenant House Florida, Inc. for the Young Professionals for Covenant House 14th Annual Cranberry Jam, to be held Wed., Nov. 21, 2007 from 6 PM to 12 midnight; and further authorizing the closing of Sunrise Lane from NE 9 St. to the north end of the Parrot Lounge, contingent upon approval of signed agreement from the City Attorney's Office.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1547

Fort Lauderdale International Film Festival - (M-07)
Co-Sponsorship Banners

No budgetary impact.

A motion approving co-sponsorship of Fort Lauderdale International Film Festival's 22nd anniversary event, October 15, 2007 – November 11, 2007, and allow installation of banners at specified locations, subject to permitting regulations detailed in the Code of Ordinances.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1579

Dockage Lease Agreement – Charter Vessel Operations (M-08)
Princess Lady, LLC – Fiscal Year 2007-2008

\$44,256.24 is for receipt of revenues only in FY 07-08, General Fund 001, Subfund 01, BUS020103-K184, Commercial Yacht Fees. No expenditures are impacted.

A motion authorizing: (1) proper City Officials to execute dockage lease agreement with Princess Lady, LLC. For dockage at New River Riverwalk, southeast of SE 3 Avenue Bridge, October 1, 2007 – September 30, 2008; and (2) Princess Lady, LLC to conduct private day and evening charter operations only.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1540

2007 Fort Lauderdale International Boat Show (M-09)
Las Olas Municipal Marina

\$48,060.00 is for receipt of revenues only in FY 07-08, General Fund 001, Subfund 01, BUS020105-K186, Yacht Fees. No expenditures are impacted.

A motion authorizing the proper City Officials to execute a dockage agreement with Yachting Promotions, Inc. and Marine Industries Association of South Florida, Inc., for use of Las Olas Municipal Marina in connection with 2007 Fort Lauderdale International Boat Show – October 24-30, 2007.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1553

Water Taxi License Transfer Application (M-10)
Water Transportation Alternatives, Inc.

\$500 is for receipt of license fee revenues for FY 06-07 in General Fund 001, Subfund 01, BUS 020101, sub-object B103-Water Taxi License.

A motion authorizing transfer of water taxi license from Water Taxi, Inc. to Water Transportation Alternatives, Inc. subject to certain terms and conditions.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1330

General Liability Settlement Claim GL 06-589C - \$46,000 (M-11)

Funds are budgeted in Fund 543/01, INS010101-5113 (General Liability Claims). There are sufficient funds to pay the \$46,000.

A motion authorizing settlement of General Liability Claim GL 06-589C – Margaret Hodges - \$46,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1538

Artspace Projects, Inc. and Historic West Side School, LLC - (M-12)
\$200,000 – Community Development Block Grant Funds –
Participation Agreement

\$200,000 in Grant funds budgeted in Fund #108, Index Code CD1466, SOB 8309.

A motion authorizing the proper City Officials to execute participation agreement and all necessary documents with Artspace Projects, Inc. and Historic West Side School, LLC – disposition of Community Development Block Grant funds in the amount of \$200,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1567

Interlocal Agreement – Broward County (M-13)
Courthouse Shuttle Service

No budgetary impact.

A motion authorizing the proper City Officials to execute a one-year agreement with Broward County for Courthouse Shuttle Services between the Riverwalk Arts and Entertainment Parking Garage and the Broward County Courthouse for transportation of jurors.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1544

Disbursement of Funds/Joint Investigation/O.R. Number: (M-14)
06-116715 – Law Enforcement Trust Fund

\$3,939.29 is available in Fund 107 [DEA Confiscated Property] in account GL 219-06-116715 [Deposits Trust]

Recommend equitable disbursement of funds. Thirteen agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$303.02.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1528

Disbursement of Funds/Joint Investigation/O.R. Number: (M-15)
05-30048 – Law Enforcement Trust Fund

\$11,015.04 is available in Fund 107 [DEA Confiscated Property], in account GL 219-05-30048 [Deposits Trust].

Recommend equitable disbursement of funds. Thirteen agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$847.31.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1529

Disbursement of Funds/Joint Investigation/O.R. Number: (M-16)
07-17146 – Law Enforcement Trust Fund

\$17,969.93 is available in Fund 107 [DEA Confiscated Property], in account GL 21907-17146 [Deposits Trust].

Recommend equitable disbursement of funds. Twelve agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$1,382.30; however, Sunrise Police Department is to receive an additional share for a total sum of \$2,764.60 [As of October 16, 2007, Sunrise Police Department increased their participation with an additional agent assigned to the Task Force.]

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1530

Disbursement of Funds/Joint Investigation/O.R. Number: (M-17)
03-45757 – Law Enforcement Trust Fund

\$57,533.16 is available in Fund 107 [DEA Confiscated Property], in account GL 219-03-45757 [Deposits Trust].

Recommend equitable disbursement of funds. Twelve agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$4,794.43.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1531

Disbursement of Funds/Joint Investigation/O.R. Number: (M-18)

06-140565 – Law Enforcement Trust Fund

\$61,027.45 is available in Fund 107 [DEA Confiscated Property], in account GL 219-06-140565 [Deposits Trust].

Recommend equitable disbursement of funds. Twelve agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$4,694.41; however, Sunrise Police Department is to receive an additional share for a total sum of \$9,388.82. [As of October 16, 2007, Sunrise Police Department increased their participation with an additional agent assigned to the Task Force.]

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1532

Disbursement of Funds/Joint Investigation/O.R. Number: (M-19)
07-54834 – Law Enforcement Trust Fund

\$5,589.85 is available in Fund 107 [DEA Confiscated Property], in account GL 219-07-54834 [Deposits Trust].

Recommend equitable disbursement of funds. Twelve agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$429.98; however, Sunrise Police Department is to receive an additional share for a total sum of \$859.96 [As of October 16, 2007, Sunrise Police Department increased their participation with an additional agent assigned to the Task Force.]

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1533

Continuing Contract – Miller, Legg & Associates, Inc. (M-20)
General Environmental Engineering Consultant Services

No budgetary impact.

A motion authorizing the proper City Officials to execute agreement with Miller, Legg & Associates, Inc. – Continuing Contract for General Environmental Engineering Consultant Services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1492

Surveying Services – Keith & Schnars, P.A. - \$21,210 (M-21)
ADA Compliance Parking – East Commercial Boulevard

\$21,210 will be available in P10768.461, 6599, Fund 461, Subfund 03, upon recording the transfer approved in PH-11 at the September 5, 2007 Commission meeting.

A motion approving proposal for Professional Surveying Services from Keith & Schnars, P.A., in the amount of \$21,210 – ADA Compliance Parking Services – East Commercial Boulevard – Project 10768.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1495

Surveying Services – Stoner & Associates, Inc. - \$30,002 (M-22)
ADA Compliance Parking – East Oakland Park Boulevard

\$30,002 will be available in P10768.461-6599, Fund 461, Subfund 03, upon recording the transfer approved in PH-11 at the September 5, 2007 Commission meeting.

A motion approving proposal for Professional Surveying Services from Stoner & Associates, Inc. – ADA Compliance Parking Services, in the amount of \$30,002 – East Oakland Park Boulevard – Project 10768.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1496

Contract Award – Proficient Construction Company, Inc. (M-23)
\$74,572 – Bass Park – Storefront Door Replacement

Transfer \$28,333.58 from P11072.331-6599, Fund 331, Subfund 01 to P11297.331-6599, Fund 331, Subfund 01. \$66,000.00 is also available in Funding P11297.331-6599, Fund 331, Subfund 01.

A motion authorizing the proper City Officials to: (1) award and executive contract with Proficient Construction Company, Inc., in the amount of \$74,572 – Project 11297 – Bass Park, DeGraffenreidt Center Storefront Door Replacement, and (2) transfer \$28,333.58 to complete funding of this project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1546

Contract Award – Tenex Enterprises, Inc. - \$76,985 (M-24)
Decorative Street Name Posts – Lake Ridge Civic Association

\$32,485 is available in P11100.331, Fund 331, Subfund 01, and \$35,000.00 is available in CD1487, Fund 108, Subfund 01 and transfer \$9,500 from P00411.331-6599, Fund 331, Subfund 01, to P11100.331-6599, Fund 331, Subfund 01.

A motion authorizing proper City Officials to: (1) award and execute contract with Tenex Enterprises, Inc. in the amount of \$76,985 – Lake Ridge Civic Association Neighborhood Improvements – Installation of decorative street name sign posts in the neighborhood, and (2) transfer \$9,500 to complete the funding.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1548

Contract Award – Tenex Enterprises, Inc. - \$68,385 (M-25)
Decorative Street Name Posts – South Middle River

\$33,384 is available in P10925.331-6599, Fund 331, Subfund 01 and \$35,000 is available in CD1237-8001, Fund 108, Subfund 01.

A motion authorizing the proper City Officials to award and execute contract with Tenex Enterprises, Inc., in the amount of \$68,384 – South Middle River Civic Association Neighborhood Improvements – Installation of decorative street name sign posts within the neighborhood – Neighborhood Capital Improvement Project 10925.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1549

Work Authorization 16724.J2 – Keith and Schnars, P.A. - (M-26)
\$215,876 – Systemwide Pump Station Upgrades - Utility
Construction Inspections

Transfer \$241,781 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10874.482, 6599 to fund this task order and engineering fees.

A motion authorizing the proper City Officials to: (1) execute Work Authorization 16724.J2 with Keith and Schnars, P.A., in the amount of \$215,876 – utility construction inspection services for Phase I Systemwide Pump Station Upgrades – Project 10874, and (2) transfer \$241,781 to fund task order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1488

Amendment 1 To Task Order 04-10 – Hazen and Sawyer, P.C. (M-27)
\$27,950.14 – Central River Area Large Water Main River Crossing

Transfer \$31,304.16 from the Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10814.482, 6599 to fund the amendment and estimated engineering fees.

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 04-10 with Hazen and Sawyer, P.C., in the net amount of \$27,950.14 – additional engineering design services associated with Central River Area, Large Water Main River Crossing – Project 10814, and (2) transfer \$31,304.16 to fund this amendment and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1256

Amendment 1 To Task Order 04-06 – Hazen and Sawyer, P.C. - (M-28)
\$43,710.27 – South Andrews Avenue Water Main Improvements

Transfer \$48,955.50 from the Water and Sewer Revenue Bonds to Fund 482, subfund 01, P10815.482, 6599 to fund this amendment and engineering fees.

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 04-06 with Hazen and Sawyer, P.C., in the amount of \$43,710.27 – additional engineering design services associated with South Andrews Avenue Water Main Improvements – Project 10815, and (2) transfer \$48,955.50 to fund this amendment and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1259

Amendment 2 To Work Authorization 16724.A1 – Keith and (M-29)
Schnars, P.A. – N Andrews Avenue & NE 41 Street - Water
Main Improvements - \$32,825

Transfer \$36,764 from the Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10875.482, 6599 to fund amendment and engineering fees.

A motion authorizing the proper City Officials to: (1) execute Amendment 2 to Work Authorization 16724.A1 with Keith and Schnars, P.A. in the amount of \$32,825 – additional design services associated with North Andrews Avenue and NE 41 Street Water Main Improvements – Project 10875, and (2) transfer \$36,764 to fund this amendment and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1406

Change Order 5 – Danella Companies, Inc. & Add 188 Days (M-30)

**River Run, Flamingo Park, Oak River – Area 4 Basin D –
(\$572,319.29) CREDIT**

Reduce the encumbrance in P10507.482-6599 by -\$1,638.24 and reduce the encumbrance in P10507.490-6599 by -\$570,681.05 to accurately account for the net contract reductions detailed in this change order.

A motion authorizing: (1) Change Order 5 with Danella Companies, Inc., in the CREDIT amount of (\$572,319.29) for additional work, quantity adjustments and the addition of 186 non-compensable calendar days to contract period – Project 10507D – Sewer and Water Main Improvements, Sewer Area 4 Basin D, and (2) a reduction of encumbrance to account for net contract reductions detailed in this change order.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1415

**Change Order 1 – Metro Equipment Service, Inc. - \$42,926.75 (M-31)
Imperial Point Large Water Main**

Transfer \$48,077.96 from the Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10571.482-6599 to fund this change order and estimated engineering fees.

A motion authorizing: (1) Change Order 1 with Metro Equipment Service, Inc., in the amount of \$42,926.75 for additional work – Project 1057 – Imperial Point Large Water Main, and (2) transfer \$48,077.96 to fund this change order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1417

**Change Order 3 – Globetec Construction, LLC - \$25,355 (M-32)
Sewer and Water Main Improvements – Riverside Park Basin B**

Transfer \$28,397.60 from the Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10578.482-6599 to fund this change order and estimated engineering costs.

A motion authorizing: (1) Change Order 3 with Globetec Construction, LLC, in the amount of \$25,355 for additional work – Project 10578 – Riverside Park Basin B, and (2) transfer of \$28,397.60 to fund this change order and engineering costs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1419

Change Order 3 (Final) – Mora Engineering Contractors, Inc. (M-33)

\$123,717.03 – State Road A-1-A – Water Main and Wastewater Force Main Replacement

\$123,717.03 is available in P10568.331-6599, Fund 331, Subfund 01.

A motion authorizing Change Order 3 with Mora Engineering Contractors, Inc., in the amount of \$123,717.03 – additional work – Project 10568 – State Road A-1-A Water Main and Wastewater Force Main Replacement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1502

Change Order 2 – Conquest Engineering Group Company - \$171,974.41 – Sewer Area 4 Basin E Phase II (M-34)

Transfer \$192,611.34 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10507.482-6599 to fund this change order and estimated engineering costs.

A motion authorizing: (1) Change Order 2 with Conquest Engineering Group Company, in the amount of \$171,974.41 – additional work and quantity adjustments for Sewer Area 4 Basin E Phase II – Project 10507E2, and (2) transfer \$192,611.34.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1515

Change Order 2 – Foster Marine Contractors, Inc. - \$85,080.70 (M-35)
Lauderdale West & Sunset Areas – Sewer Area 3 Basin B

Transfer \$95,290.38 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10506.482-6599 to fund this change order and estimated engineering costs.

A motion authorizing: (1) Change Order 2 with Foster Marine Contractors, Inc., in the amount of \$85,080.70 – additional work for Lauderdale West and Sunset Areas, Sewer Area 3 Basin B – Project 10506B, and (2) transfer \$95,290.38 to fund this change order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1518

Change Order 4 – Man-Con, Incorporated & Add 217 Days (M-36)
Dixie Wellfield Improvements – (\$181,149.20) Credit

Reduce encumbrance in P10824.482-6599 Fund 482, Subfund 01 by \$181,149.20.

A motion authorizing: (1) Change Order 4 with Man-Con, Incorporated, in the CREDIT amount of (\$181,149.20) for additional work and quantity adjustments – Project 10824 – Dixie Wellfield Improvements, and (2) reduction of encumbrance by \$181,249.20.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1519

Final Change Order 1 – Intercounty Engineering Inc. - CREDIT (M-37)
(\$151,581.78) Shady Banks – SW 15 Avenue and SW 16 Street
Water Main Replacement

Reduce encumbrance in P10543.482-6599, Fund 482, Subfund 01 by \$151,581.78.

A motion authorizing: (1) Change Order 1 (Final) with Intercounty Engineering, Inc., in CREDIT amount of (\$151,581.78) – additional work and quantity adjustments for Shady Banks – SW 15 Avenue and SW 16 Street Water Main Replacement – Project 10543D, and (2) reduction of encumbrance.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1521

Change Order 2 – Ric-Man Construction, Inc. - \$15,411 (M-38)
& Add 30 Days – Northeast Large Water Main Improvements

Transfer \$17,260.32 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10567.482-6599 to fund this change order and estimated engineering costs.

A motion authorizing: (1) Change Order 2 with Ric-Man Construction, Inc., in the amount of \$15,411 – additional work, quantity adjustments, and the addition of 30 non-compensable calendar days to contract period for Northeast Large Water Main Improvements – Project 10567, and (2) transfer \$17,260.32 to fund this change order and engineering costs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1526

Change Order 4 – Padula and Wadsworth Construction, Inc. (M-39)
Fire Station 47 Replacement - \$98,220.01

\$98,220.01 to be transferred from P10905.336, Fund 336 Subfund 01 to P10766.336, Fund 336 Subfund 01.

A motion authorizing: (1) Change Order 4 with Padula and Wadsworth Construction, Inc., in the amount of \$98,220.01 – Fire Station 47 – Project 10766, and (2) transfer \$98,220.01.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1554

Agreements – Encroachment and Corner Chord - (M-40)
One Las Olas Broward County and Las Olas & Andrews, LLC

No budgetary impact.

A motion authorizing proper City Officials to execute: (1) Encroachment Agreement with Broward County and Las Olas & Andrews, LLC, and (2) Agreement regarding corner chord with Las Olas & Andrews, LLC – One Las Olas Plat.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1558

CONSENT RESOLUTION

Supplemental Joint Participation Agreement - Executive (CR-01)
Airport – Florida Department of Transportation – Taxiway
Relocation - \$360,225

Appropriate funds to Airport Fund 468, Subfund 02, P10802.468C, Subobject 6599 and Revenue Subobject D479, \$360,225.

A resolution authorizing: (1) proper City Officials to execute a Supplemental Joint Participation Agreement with Florida Department of Transportation, and (2) amend fiscal year 2007-2008 final operating budget, by accepting and appropriating \$360,225 grant funds – relocation of Taxiway Alpha – Executive Airport – Project 10802.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1568

RESOLUTION NO. 07-186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, TO AMEND THE FUNDING AND EXPIRATION DATE OF THE JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, FOR

CONSTRUCTION OF TAXIWAY "A" (ALPHA) AT THE EXECUTIVE AIRPORT (FINANCIAL PROJECT NO. 409857-1-94-02 AND AMENDING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$360,225 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Amend Operating Budget – Grant Appropriation - (CR-02)
\$8,999,999 – Executive Airport – Taxiway Relocation

Appropriate funds to Airport Fund 468, Subfund 02, P10802.468C, Subobject 6599 and Revenue Subobject D479, \$360,225.

A resolution authorizing the proper City Officials to amend fiscal year 2007-2008 final operating budget, by appropriating \$8,999,999 of grant funding from the Federal Aviation Administration – Relocation of Taxiway Alpha – Executive Airport – Project 10802.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1570

RESOLUTION NO. 07-187

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING A GRANT IN THE AMOUNT OF \$8,999,999 FROM THE FEDERAL AVIATION ADMINISTRATION FOR THE RELOCATION OF TAXIWAY ALPHA AT THE FORT LAUDERDALE EXECUTIVE AIRPORT.

Federal Aviation Administration 2008 Budget (CR-03)
Appropriations for Safety Inspections of Aircraft and Airmen

No budgetary impact.

A resolution urging the United States Congress to approve the Federal Aviation Administration 2008 budget to include sufficient appropriations for safety inspections of aircraft and airmen operating in the Fort Lauderdale area and requesting prompt and efficient investigations of aircraft accidents and implementation of measures to prevent such accidents from occurring in the future.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1603

RESOLUTION NO. 07-188

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE UNITED STATES CONGRESS TO APPROVE THE FEDERAL AVIATION ADMINISTRATION 2008 BUDGET TO INCLUDE SUFFICIENT APPROPRIATIONS FOR SAFETY INSPECTIONS OF AIRCRAFT AND AIRMEN OPERATING IN THE FORT LAUDERDALE AREA, TO PROVIDE THE PROMPT AND EFFICIENT INVESTIGATION OF AIRCRAFT ACCIDENTS, AND IMPLEMENTATION OF MEASURES TO PREVENT SUCH ACCIDENTS FROM OCCURRING IN THE FUTURE.

Fire-Rescue Apparatus Financing - \$4,150,000 (CR-04)
SunTrust Master Lease Program

The estimated annual debt service payment of \$689,387 is budgeted in FIR030101, 4373, Fleet O & M – Budgeted in 2008.

A resolution authorizing financing of five (5) pumper trucks, one (1) air/light support vehicle, and one (1) aerial ladder truck in the amount of \$4,150,000 through SunTrust Leasing Corporation Master Lease Financing Program.

Exhibit: Commission Agenda Report 07-1581

RESOLUTION NO. 07-189

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 FIVE PUMPER TRUCKS, ONE AIR/LIGHT SUPPORT VEHICLE AND ONE AERIAL/LADDER TRUCK.

Grant Acceptance – South Side School - \$78,375 (CR-05)
Historic Preservation Challenge Grant – Broward County

Appropriate \$78,375 of grant funds to Fund 129, Subfund 01, P10777.129C, F213, revenue and expenditure in Subobject 6599, Construction. No match required.

A resolution: (1) authorizing the proper City Officials to execute an agreement with Broward County to accept a Historic Preservation Challenge Grant, and (2) amending the fiscal year 2007/2008 Final Operating Budget, by accepting and appropriating \$78,375 in grant funding for the South Side School Renovation project.

Exhibit: Commission Agenda Report 07-1534

RESOLUTION NO. 07-190

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH BROWARD COUNTY TO ACCEPT A HISTORIC PRESERVATION CHALLENGE GRANT FOR THE SOUTH SIDE SCHOOL RENOVATION PROJECT AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$78,375.00 FROM BROWARD COUNTY.

Grant – Children’s Services Council of Broward County - (CR-06)
\$139,826 – At Risk Youth Delinquency Prevention –
Joseph C. Carter Park

Appropriate \$139,826 of grant funds to Fund 129, Subfund 01, GROKN08, F210, revenue, and expenditure in Subobject 1107, part-time salaries. Appropriate matching funds \$17,502 from Fund 001, Subfund 01, N968, revenue, and expenditure in Subobject 1107 part-time salaries.

A resolution amending the fiscal year 2007/2008 Final Operating Budget by appropriating grant funding in the amount of \$139,826 from the Children’s Services Council of Broward County and transferring \$17,502 in matching funds from the General Fund to the Miscellaneous Federal, State and County Grants Fund to provide at-risk youth delinquency programming at Joseph C. Carter Park.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1555

RESOLUTION NO. 07-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$139,826 FROM CHILDREN’S SERVICES COUNCIL OF BROWARD COUNTY FOR AT-RISK YOUTH DELINQUENCY PROGRAMMING AT JOSEPH C. CARTER PARK AND TRANSFERRING \$17,502 IN MATCHING FUNDS FROM THE GENERAL FUND TO THE GRANTS FUND.

Police Vehicle Rental – Appropriation and Transfer \$20,000 (CR-07)

Transfer \$20,000 from Law Enforcement Property Fund (Fund 104-Unbudgeted Fund Balance) to POL050201 (Police Confiscation) Subobject 3307 (Vehicle Rental).

A resolution appropriating and transferring \$20,000 for the purpose of renting vehicles.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1436

RESOLUTION NO. 07-196

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY TRANSFERRING APPROPRIATE UNDESIGNATED FUND BALANCES IN THE AMOUNT OF \$20,000.00 FROM THE LAW ENFORCEMENT CONFISCATED PROPERTY FUND TO THE POLICE CONFISCATED PROPERTY-OPERATIONS ACCOUNT.

Grant Acceptance – Local Law Enforcement Block Grant (CR-08)
\$139,937 – 2007 Justice Assistance Grant – Edward Byrne Memorial

Appropriate \$139,937 of grant funds to Fund 129, Subfund 001, GLLEBG09, F204 (Rev) Expenditures in 3946 (\$100,000) and 4101 (\$39,937). No cash match required.

A resolution accepting Local Law Enforcement Block Grant – Justice Assistance Grant in the amount of \$139,937 from the Edward Byrne Memorial and authorizing proper City Officials to execute all necessary documents to receive and disburse these grant funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1443.

RESOLUTION NO. 07-192

A RESOLUTION ACCEPTING GRANT FUNDS AWARDED TO THE CITY BY THE BROWARD COUNTY SHERIFF’S OFFICE THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL, IN THE AMOUNT OF \$139,937.00 TO APPROPRIATE FUNDS FOR POLICE EQUIPMENT AND TRAINING.

Grant Acceptance – Enhanced Marine Law Enforcement Grant (CR-09)
Broward County - \$136,234

Appropriate \$136,234 of grant funds to Fund 129, Subfund 01, GEMLEG08, F204 (Rev), expenditures in 3199 (\$121,506), 3299 (\$14,728). No cash match required.

A resolution accepting 2007-2008 Enhanced Marine Law Enforcement Grant in the amount of \$136,234 from Broward County and authorizing proper City Officials to execute all necessary documents to receive and disburse these grant funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1449.

RESOLUTION NO. 07-193

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY ACCEPTING GRANT FUNDS AWARDED TO THE CITY BY BROWARD COUNTY, IN THE AMOUNT OF \$136,234.00 TO APPROPRIATE FUNDS FOR ADDITIONAL WATERWAY POLICE ENFORCEMENT.

Grant Acceptance – Gang Resistance Education and Training (CR-10)
Department of Justice - \$143,788

Appropriate \$143,788 of grant funds to Fund 129, Subfund 001, GGREAT08, F204), 4104 (\$15,070), 4352 (\$75,888).

A resolution accepting Gang Resistance Education and Training (G.R.E.A.T.) grant from the Department of Justice, Bureau of Justice Assistance in the amount of \$143,788 and authorizing proper City Officials to execute all necessary documents to receive and disburse these grant funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1550

RESOLUTION NO. 07-194

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY AUTHORIZING ACCEPTANCE OF A UNITED STATES DEPARTMENT OF JUSTICE – BUREAU OF JUSTICE ASSISTANCE GRANT (BJA) FOR GANG RESISTANCE, EDUCATION & TRAINING [G.R.E.A.T.] IN THE AMOUNT OF \$143,788.00

Grant Acceptance – Operation Last Call - \$59,340 (CR-11)
Florida Department of Law Enforcement

Appropriate \$59,340 if grant funds to Fund 129, Subfund 01, GCALL07, F204 (rev.), Expenditures in 3201 (\$2,250), 3307 (\$9,600), 3999 (\$1,786), 4352 (\$43,104), 6404 (\$2,600). Cash match \$7,389 from FD001, Subfund 01, Rev. Q001. Expenditures in 3234 (\$3,610), 4355 (\$485), 3201 (\$1,500), 4101 (\$1,560) 3616.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1552

RESOLUTION NO. 07-195

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY AUTHORIZING ACCEPTANCE OF A FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE)/UNITED STATES DEPARTMENT OF JUSTICE ASSISTANCE GRANT PROGRAM (JAG) IN THE AMOUNT OF \$59,340.00 AND AUTHORIZING A CITY OF FORT LAUDERDALE CASH MATCH IN THE AMOUNT OF \$7,389.00.

PURCHASING AGENDA

Office Copier Plan – Fiscal Year 2007-2008**(PUR-01)**

Contract authorization for FY 07-08. \$4800 is budgeted in Fund 001, Subfund 01, BLD010101-3304; \$4800 is budgeted in Fund 001, Subfund 01, BLD020101-3304; \$4800 is budgeted in Fund 001, Subfund 01, COM010101-3304; \$4800 is budgeted in Fund 001, Subfund 01, BLD020101-3304; \$4800 is budgeted in Fund 001, Subfund 01, COM010101-3304; \$4800 is budgeted in Fund 106, Subfund 01, EDV02101-3304; \$2600 budgeted in Fund 543, Subfund 01, FIN030101-3304; \$4800 is budgeted in Fund 001, Subfund 01, FIR010101-3304; \$1300 is budgeted in Fund 001, Subfund 01, FIR010501-3304; \$5200 is budgeted in Fund 001, Subfund 01, HRD010101-3304; \$1300 is budgeted in Fund 581, Subfund 01, ITS020101-3304; \$2600 is budgeted in Fund 001, Subfund 01, OMB010101-3304; \$4000 is budgeted in Fund 001, Subfund 01, OPS010101-3304; \$2600 is budgeted in Fund 461, Subfund 01, PAR020101-3304; \$2600 is budgeted in Fund 583, Subfund 01, PAR030101-3304; \$2600 is budgeted in Fund 108, Subfund 01, HP07ADM-3304; \$4800 is budgeted in Fund 001, Subfund 01, PUB010101-3304; \$2600 is budgeted in Fund 450, Subfund 01, PBS670302-3304; \$5200 is budgeted in Fund 001, Subfund 01, PKR010101-3304; \$3900 is budgeted in Fund 001, Subfund 01, PKR032901-3304; \$1300 is budgeted in Fund 001, Subfund 01, PKR033001-3304.

Add and replace leased office copiers during fiscal year 2007-08 is being presented for approval by the Business Enterprises Department.

Recommend:	Motion to approve.
Vendor:	Xerox Corporation Stamford, CT Copyco, Inc. d/b/a Toshiba Business Solutions Florida Tamarac, FL
Amount:	\$78,900.00
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 07-1401

The Procurement Services Department recommends approval from City of Miami and Putnam County contracts.

375-9669 – Renewal Review – Electrical Franchise Agreement (PUR-02)

\$248,980 is available in Fund 001, Subfund 01, PBS030101, 3199.

Agreement to purchase consultant services to examine feasibility of electrical franchise agreement is being presented for approval by the Public Works Department.

Recommend: Motion to approve.
Vendor: PowerServices, Inc.
Wake Forest, NC
Amount: \$248,980.00
Bids Solicited/Rec'd: 1227/2
Exhibit: Commission Agenda Report 07-1608

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

562-9318 – Increase Expenditure – Pest Control Services (PUR-03)

Funds associated with this item are budgeted by the user departments under subobject 3299. Other Services all General Fund 001, PBS030301, \$6,056; PBS030401, \$318; PBS010101, \$795; PBS090101, \$305; PBS090201, \$623; PBS090501, \$833; BUS070201, \$3,000; BUS020104, \$590; BUS020105, 4590; FIR010101, \$2,850; PKR010101, \$3,040; TOTAL OF \$19,000.

Increase in estimated expenditure for pest control services is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.
Vendor: Orange Pest Control & Services, Inc.
Sunrise, FL
Amount: Per unit price
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 07-1421

The Procurement Services Department has reviewed this item and recommends increase of expenditure of existing contract.

752-9144 – Contract Assignment – Propane Gas (PUR-04)

No budgetary impact.

Assignment of existing contract for purchase of propane – liquefied petroleum gas – is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Blue Gas Propane
Miami, FL

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-1507

The Procurement Services Department has reviewed this item and recommends assignment of contract.

State – 80 Ballistic Resistant Vests (PUR-05)

\$48,400 is budgeted in GF 001, Subfund 01, POL020406, 3949.

Purchase 80 Ballistic Resistant Vests for scheduled replacements, new hires, and expired vests is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: GL Distributors, Inc.
Pembroke Pines, FL

Amount: \$48,400.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-1511

The Procurement Services Department has recommends approving the purchase from the State of Florida Contract.

Proprietary – Two Warning Gates for SW 11 Avenue Bridge (PUR-06)

\$33,980 is available in PBS030102-6499, Fund 001, Subfund 01 (subobject Capital other equipment).

Purchase two warning gates for SW 11 Avenue Bridge is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: B&B Roadway, LLC
Russellville, AL

Amount: \$33,980.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-1280

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

Reject All Bids – Concrete and Metal Litter Receptacles**(PUR-07)****No budgetary impact.**

A motion to reject all bids as non-responsive for concrete and metal litter receptacles is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1340

The Procurement Services Department has reviewed this item and recommends rejecting all bids.

**432-8790 – Increase Expenditure – Setting – Removal
Streetlight Poles****(PUR-08)****\$17,535.44 is budgeted in Fund 106, Subfund 01, EDV020101-3299.**

Increase annual estimated expenditure for existing setting – removal of streetlight poles annual contract is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Signal Technology & Installation Corp.
Fort Lauderdale, FL

Amount: \$17,535.44 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-1490

The Procurement Services Department has reviewed this item and recommends the increase of existing contract.

Contract Renewal – Verizon Wireless Data Services**(PUR-09)****\$12,000 is available in Fund 450, Subfund 01, PBS 010601-3628 - \$6,598.68 and
PBS 060101-3628 - \$5,401.32.**

Renewal of high-speed wireless data services from Verizon is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Verizon Wireless Personal Communications, LP
Bedminster, NJ

Amount: \$12,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-1520

The Procurement Services Department has reviewed this item and recommends awarding the use of the Florida State Contract.

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

No Objection To Plat Note Amendment – H.A.C.F.L. (R-05)
Plat 1 – Multi-Family Development – 324 West Dixie Court – 20-P-07

Vice Mayor Moore said that a meeting will be held at City Hall tomorrow at 6 p.m. regarding this matter. He commended the Director of the Housing Authority who met with residents on Saturday. He anticipated the Commission would not act on the item until the community has met on it.

Interlocal Agreement – Broward County (M-13)
Courthouse Shuttle Service

Mayor Naugle said that Item M-13 is being amended to include transportation of County employees.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Moore that Consent Agenda Items M-08, M-23, M-28, M-33, M-34, M-35, M-36, M-39, CR-04, PUR-02, and 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: Vice Mayor Moore, Commissioners Hutchinson, Teel, Rodstrom, and Mayor Naugle. NAYS: None.

Dockage Lease Agreement – Charter Vessel Operations (M-08)
Princess Lady, LLC – Fiscal Year 2007-2008

Mayor Naugle noted members from the public have requested that this item be removed from the consent.

Judd Rosen, representing Princess Holdings, said this is a dock space lease which was unanimously approved by the Marine Advisory Board. He asked the Commission agree with the Board's recommendation.

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

Contract Award – Proficient Construction Company, Inc. (M-23)
\$74,572 – Bass Park – Storefront Door Replacement

Commissioner Hutchinson understood money would be transferred from Herman Park and she did not want to lose money for that park. Phil Thornburg, Parks and Recreation Director, noted the City received a guaranteed \$200,000 Florida Recreation Development Assistance Program grant for \$200,000 for Herman Park and therefore will have money to do what is necessary.

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

Amendment 1 To Task Order 04-06 – Hazen and Sawyer, P.C. - (M-28)
\$43,710.27 – South Andrews Avenue Water Main Improvements

Commissioner Hutchinson was concerned that the Florida Department of Transportation will dig up the intersection where WaterWorks 2011 just finished. Albert Carbon, Public Works Director, said the water lines were stubbed out for both north and south of Andrews Avenue, and therefore, that intersection is complete.

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

Change Order 3 (Final) – Mora Engineering Contractors, Inc. (M-33)
\$123,717.03 – State Road A-1-A – Water Main and Wastewater Force Main Replacement

Commissioner Rodstrom said since the audit review is not completed, she wanted to vote no.

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

Change Order 2 – Conquest Engineering Group Company - (M-34)
\$171,974.41 – Sewer Area 4 Basin E Phase II

Commissioner Rodstrom said since the audit review is not completed, she wanted to vote no.

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

Change Order 2 – Foster Marine Contractors, Inc. - (M-35)
\$85,080.70 – Lauderdale West & Sunset Areas – Sewer Area 3 Basin B

Commissioner Rodstrom said since the audit review is not completed, she wanted to vote no.

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

Change Order 4 – Man-Con, Incorporated & Add 217 Days (M-36)
Dixie Wellfield Improvements – (\$181,149.20) CREDIT

Commissioner Rodstrom said she has a conflict of interest.

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson to approve the item as presented. Roll call showed: YEAS: Vice Mayor Moore, Commissioners Hutchinson and Teel, and Mayor Naugle. NAYS: None. Commissioner Rodstrom abstained from voting. A memorandum of voting conflict is attached to these minutes.

Change Order 4 – Padula and Wadsworth Construction, Inc. (M-39)
Fire Station 47 Replacement - \$98,220.01

Commissioner Rodstrom was opposed to an additional \$98,000 above what was approved by the voters for these improvements.

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

Fire-Rescue Apparatus Financing - \$4,150,000 (CR-04)
SunTrust Master Lease Program

Commissioner Rodstrom questioned financing instead of paying cash for the trucks. John Hoelzle, Director of Parking and Fleet Services, said when the trucks were first purchased, they were purchased with a finance lease like this one. The City Manager decided at that time not to pay both debt service and monthly replacement fees for the Vehicle Rental Fund. No monies were placed into the Vehicle Rental Fund for replacement of the vehicles.

In response to Commissioner Rodstrom, Mr. Hoelzle said there is no deficit in that account. Debt service for the trucks is already budgeted in the 2007-2008 budget.

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

Commissioners Hutchinson and Teel, and Mayor Naugle. NAYS: Commissioner Rodstrom.

375-9669 – Renewal Review – Electrical Franchise Agreement

(PUR-02)

Commissioner Hutchinson thought it was decided at the conference meeting to remove this from the agenda and possibly re-advertise an RFP. Albert Carbon, Public Works Director, said on September 18, 2007, this item was deferred until tonight so that it could be split into two phases. The first phase is for \$145,000 which includes a kick-off meeting, a data review, FPL infrastructure within City limits condition review of the FPL, preliminary financial and economic model, including revenue impact, preliminary separation and integration of an electrical grid analysis and a complete evaluation of the franchise agreement and two meetings for presentation of analysis and review. At the conclusion of Phase I, the Commission would be requested to consider Phase II of approximately \$133,000 which would finalize the preliminary separation and integration reviews, start-up cost estimates, additional presentation meetings and preparation of draft and final reports.

Commissioner Teel wanted to go back out for an RFP because there was only one responder.

Motion made by Commissioner Teel and seconded by Commissioner Hutchinson to reject all bids and rebid with the new scope.

Bobby Dubose, 429 NW 11 Terrace, encouraged the Commission not to waste this money for these consulting fees. He felt the money could be used for better purposes. One example is a park in his neighborhood that is not well lighted or equipped. He felt the money should go toward undergrounding.

Larhonda Ware, 417 NW 16 Avenue, encouraged the Commission not to waste this money for these consulting fees. She wanted the money put back into the community and for the children.

Edna Elijah, President of Lauderdale Manors Homeowners Association, preferred this money be used for different purposes in the communities, possibly for undergrounding.

Don McClosky, 200 East Broward Boulevard, favored the motion.

Raymond Parker, 625 2 Key Drive, Utility Advisory Committee, asked this action be postponed to allow for discussions with FPL regarding the franchise agreement renewal.

Vice Mayor Moore was concerned about the methodology used to roll-out the opportunity for saving the possible interruption of utility service in the event of inclement weather. It appears that communities in his district had a long period of interruption of service. Therefore, District III discussions ensued concerning undergrounding. He referred to discussions about allowing communities willing to pay up for undergrounding to proceed. He felt this is the same as a digital divide. Therefore he asked the Commission to reconsider. He wanted to rebid to seek more than one responder. He also wanted to change the RFP scope. Communities want undergrounding, and not municipalization. It is not necessary for the City to own the power company in order to

have lines underground. FPL made it clear in their presentation that there are certain advantages to undergrounding. He enumerated problems with aboveground wiring. He referred to FPL's September 14, 2007 letter expressing a willingness to find a methodology for citywide undergrounding. He wanted a new RFP to evaluate undergrounding utilities citywide and if the Public Service Commission could participate to a greater extent in reducing the cost, revenue ideas to pay for undergrounding. He wanted to work with FPL and AT&T toward the maximum cost reduction. He did not want any community left out based on their ability to pay for it upfront.

Commissioner Rodstrom said the idea of undergrounding was never meant to produce any utility divide. She agreed with citywide undergrounding. She supported the motion.

Commissioner Teel asked if the way the RFP is written for the first phase, would that work be helpful if the move toward undergrounding or municipalization or is it specific to one issue. Albert Carbon, Public Works Director, said this is specific to review of electrical infrastructure as it exists today. The City recently received only one proposal on their RFP for undergrounding from the same firm.

Commissioner Teel felt the City should be doing several things at the same time. The City is not obligated to accept a response. She did not want to waste time, but still wanted to look for more than one bid.

Commissioner Hutchinson did not favor municipalization, but she was interested in getting the best franchise agreement from FPL, and getting undergrounding.

Commissioner Rodstrom said she is not a big advocate of a sole bid process and agreed with deferring until they could receive additional bids especially if the sole bid is for undergrounding and municipalization.

Vice Mayor Moore said the municipalization issue has to do with getting the best contract possible and the best service delivery. Undergrounding has advantages when talking about getting the best service delivery. He suggested re-bidding for the evaluation of undergrounding and dealing with the contractual obligations at a later date. Even though the contract expires in 2009, it does not mean the City needs to enter into a long-term contract. The City could offer a one year extension. The City will enter into a long-term relationship when they get what they want, a less interruptible deliverable by being underground. The Commission could do what is recommended in the motion tonight, or they could direct staff to find a competitive process to evaluate undergrounding. If that goes nowhere, the Commission could return to the topic of municipalization or extension of the contract until they get what they want.

Mayor Naugle said the most politically powerful company in Florida, FPL, appeared tonight. A discussion is taking place whether to renew the electric franchise that has been in effect for 30 years and expires in 2009. Staff and the Commission previously discussed hiring a consultant to study the terms of a franchise renewal and whether the City should exercise the clause in the agreement that says they have the right to purchase the poles and equipment in the county and hire a company to hire a utility for the City. If that was done, then all undergrounding discussions would then be with the City and not a third party. A study was put out for bid on the feasibility of renewing the franchise or hiring a company to run the electric utility. There were two responses. One bidder was hired by the power company and had a conflict. FPL's attorney appeared

before the Commission tonight, requesting the matter be re-bid. In other words, they are not comfortable with the company staff has worked hard to obtain who has great experience in franchise negotiation agreements around the state and who has enabled other cities to run their own power and make their own decisions about undergrounding such as Orlando, Jacksonville and Tallahassee; cities that have lower rates and better reliability than Fort Lauderdale. If FPL opposes the consultant, they must be a pretty good consultant. One idea is to delay and perhaps find a responder that FPL approves. asked if there could be an option to renew the agreement for one year with the same terms and conditions as the existing agreement.

Mayor Naugle asked if the City has the option of extending the franchise for one year with the same terms and conditions. Rod Macon, representing FPL, said he could not comment on that question. They would be happy to sit down and discuss all terms and conditions they might be able to entertain in a new franchise agreement. Mayor Naugle asked if FPL would be agreeable to grant a one-year extension while the City comes to a decision. Mr. Macon could not answer that question.

Vice Mayor Moore indicated that Mr. Macon may not know the answer to the question. If the City does not enter into an agreement for any length of time, FPL must still deliver the service until the City enters into an agreement. Service would have to be delivered by FPL until an agreement is reached for whatever period of time.

Commissioner Teel agreed; she did not think FPL will cease service until an agreement is signed. She did not see the downside in doing two things at once: open negotiations with FPL and obtain information through this process from this bidder or another who may bid. The contract amount has been reduced to a more manageable level. If the City may buy infrastructure, they need to know its condition and value. She felt it is wise to delay this matter, enter into negotiations with FPL and reissue the RFP.

Vice Mayor Moore commented if FPL is the most powerful utility company in Florida, it might have conflicted with the best. Therefore he questioned whether the company pulled away was pulled away because they are the best.

The motion was restated as follows:

Motion made by Commissioner Teel and seconded by Commissioner Hutchinson to reject all bids and issue a new RFP for Phase I, and continue negotiations with FPL, AT&T and Comcast regarding undergrounding.

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

Commissioner Rodstrom understood Greg Booth may be hired separately from the RFP to do individual work on underground AT&T cabinets. She asked if that report would be completed by the October 16 meeting. Mr. Carbon said Mr. Booth is a principle of Power Systems. Staff has been trying to get Power Systems to provide industry information about undergrounding of utility cabinets. He could not confirm the timeline until an agreement and scope of services is received from them.

Vice Mayor Moore asked about the status of an ordinance concerning undergrounding for future development. The City Attorney said before the ordinance could be drafted,

they need the specifications for what the City would require. Mr. Carbon explained staff is attempting to secure information from a profession as to what can be put underground and then provide the information to the City Attorney to draft an ordinance.

State – 80 Ballistic Resistant Vests

(PUR-05)

When taxpayers money is used to purchase these vests, Vice Mayor Moore questioned if it is mandated that the vests be worn by the officer. Assistant Police Chief Montagano replied that it is not mandatory.

Vice Mayor Moore asked why officers are not required to wear the vests when on duty.

Assistant Police Chief Montagano explained they are uncomfortable; heat sometimes becomes an issue. It is difficult to create a policy to address all situations. Most officers on patrol duty choose to wear them. Vice Mayor Moore questioned why the City does not mandate patrol officers to wear them. He likened it to requiring a uniform be worn. Assistant Police Chief Montagano indicated it could be done, but in review of the department, it is not felt to be the best course of action at this time.

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

The Flying L Drive Street Name Addition

(OB)

Commissioner Rodstrom said the civics class of Fort Lauderdale High School is present tonight, along with School Board member Maureen Dinnen and the school principal.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Moore to adopt naming a portion of NE 4 Avenue from NE 13 Street to Middle River Bridge to Flying L Drive.

RESOLUTION NO. 07-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADDING THE NAME "FLYING L DRIVE" TO A PORTION OF NE 4TH AVENUE FROM NE 13TH STREET TO THE MIDDLE RIVER BRIDGE.

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

Commissioner Rodstrom showed a mock sign that will be installed.

John Pellegrino thanked the Commission on behalf of the Pre-Law Magnet and Public Affairs class of Fort Lauderdale High School.

RESOLUTIONS

Ratification of Contract – Teamsters Local Union 769

(R-01)

For fiscal year 2007-2008, the approximate all funds cost for the Teamster’s 5% cost-of-living adjustment is \$2,128,245.

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND TEAMSTERS LOCAL UNION 769, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO, FOR THE PERIOD BEGINNING OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2010, AND AUTHORIZING EXECUTION OF THE COLLECTIVE BARGAINING AGREEMENT.

Which resolution was read by title only.

In response to Commissioner Rodstrom, the City Manager said that the first year of the contract has been included in the budget.

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

_____:

Performing Arts Center Authority Budget – Fiscal Year 2007-2008

(R-02)

No budgetary impact.

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-180

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE BUDGET OF THE PERFORMING ARTS CENTER AUTHORITY FOR FISCAL YEAR 2007/2008.

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

_____:

Property Conveyance To Northwest Neighborhood Improvement District – 723 NW 2 Street – In-Fill Housing Program – Lisa Foreman

(R-03)

No budgetary impact.

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-181

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.02 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE DETERMINING AND DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTIES TO THE NORTHWEST NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE DEVELOPMENT OF AFFORDABLE HOUSING AND DESIGNATING A DATE AND TIME FOR A PUBLIC HEARING UPON SUCH PROPOSAL.

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

**Appeal – Historic Preservation Board Decision – Case 18-H-07
Certificate of Appropriateness For New Construction – The Icon****(R-04)****No budgetary impact.**

Mayor Naugle announced that this is an appeal from the August 6, 2007 decision of the Historic Preservation Board, denying a certificate of appropriateness for new construction to be built at 500 East Las Olas Boulevard. The Commission has been provided with the record of the proceedings before the Historic Preservation Board and will now hold a public meeting to determine whether the record shows either: There was a departure from the essential requirements of law in the proceedings before the Historic Preservation Board; or that competent substantial evidence does not exist to support the decision of the Historic Preservation Board. If neither condition is found, the Commission should consider a resolution to uphold the decision of the Historic Preservation Board. If the Commission determines that one or both of these conditions exist, the Commission shall conduct a de novo hearing of the case. The Commission can either: consider a motion to conduct the hearing immediately; or a resolution to set the date for the public hearing within 60 days from today.

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

Commissioner Hutchinson asked if the site plan was done in December, 2005. The City Attorney confirmed. Commissioner Hutchinson asked what issues are to be resolved tonight. The City Attorney said the primary issue is whether the Commission could retroactively apply the historic designation to a permit they approved previously.

Commissioner Hutchinson understood at the August Historic Preservation Board meeting, the City Attorney's Office advised that the Hyde Park and Stranahan House sites would be designated separately by two individual resolutions. The City Attorney said they were listed as two sites on the application and handled as two separate sites. They were handled at the Commission level as two also.

Commissioner Hutchinson understood that the Historic Preservation Board was also advised by the City Attorney's Office that the only certificate of appropriateness criteria that applied to the Hyde Park site was the general criteria. She asked if that is still the City Attorney's opinion. The City Attorney said first he advised that he did not feel any of the criteria applied; that it was a retroactive application which would be inappropriate. If they applied any criteria at all, it would be the general criteria.

Commissioner Rodstrom said she has a long history with the Stranahan House, as a civic activist and sitting on the Planning and Zoning Board when this matter was heard. She appreciated the City Attorney's expertise, but felt this has become more than the one issue being reviewed tonight. She requested deferring for 30 days and the possibility of hiring Bruce Rogow to review this file because the developer has hired the big guns. During the Palazzo matter, outside counsel was hired. She distributed copies of Mr. Rogow's resume. His fee would be \$25,000.

Mayor Naugle said he has been sitting on this Commission for 23.5 years and for the first time he received a recommendation from the City Attorney that was not requested, as to how he should vote before he hears the evidence. This is a quasi-judicial hearing and yet a member of his staff has made a conclusion without hearing evidence and is making a recommendation on how he should vote. He does not feel he uphold the laws of the City and represent the citizens and be represented by a City Attorney who has made a decision before hearing the evidence. He also felt the City needs special counsel. The Commission entered into an agreement that has been modified by the Appeals Court, reversing the trial court's decision.

Commissioner Hutchinson was not in favor of deferral. In response to Commissioner Hutchinson's question, the City Attorney confirmed this evidence was heard previously before it was sent to the Historic Preservation Board. Commissioner Hutchinson understood the matter is before the Commission because the Historic Preservation Board chose not to issue a certificate of appropriateness.

The City Attorney addressed the Mayor's comments. He would never presume to suggest to the Commission how they would find facts because that is the Commission's job. As a matter of law, the opinion he wrote and provided to the Commission was an interpretation of the law. He believes, as a matter of law, it is his job to inform the Commission when there is little or no choice on the Commission's part. He believes that as a matter of law in this instance, the City cannot retroactively apply a historic designation of this property to an agreement that has already been entered into. The City has done this in two separate occasions and lost significantly. The City was in court on one matter for 22 years. For another matter across the river from this project by one of the attorneys representing the Stranahan House this evening an argument was made there could not be a retroactive application of a new rule put in place by the Commission. The City lost \$1.5-2 million.

Mayor Naugle read the City Attorney's statement: It is my legal opinion and recommendation that Coolidge should be granted a certificate of appropriateness in light of Coolidge's vested rights in the development of the Hyde Park Market site. Mayor Naugle felt the City Attorney is telling the Commission how to vote before the evidence is heard. He believed the facts are very different on this case than the one mentioned. The Commission needs to follow the advice of attorneys, but also act on their own

feelings. He mentioned an example of a Hollywood commissioner who followed the advice of the city attorney and that individual is about to enter prison.

Vice Mayor Moore said this is the first time he has heard an elected official negotiating a contract for services with private sector, including fixing the fee. That is why there is a manager form of government. He was very angry about what lengths people would go to prevent something that has been decided through the review process and the courts. He was frightened that the City Attorney's integrity is being questioned. He has seen professional managers walk away due to comments made by leadership about their integrity. He asked the City Attorney not to walk away.

In response to Vice Mayor Moore, the City Attorney indicated that he has taken an oath to the Florida Bar and it dealt with offering his clients information that is factual. Vice Mayor Moore felt the Commission gets in a deeper hole each time they discuss this property. He was glad the City Attorney attempted to inform the Commission of what threshold they were crossing. He was ready to follow the City Attorney's recommendation. The courts have spoken and they have gone through the process.

Commissioner Teel asked if one or all of the commissioners decided they wanted additional legal counsel who would select that attorney. The City Attorney said the practice has been that he would bring forward a resolution to hire whoever is selected as the best in the field., and then the Commission approves it. The charter is not a model of clarity. If the Commission wanted someone else, he felt they could do that. He noted that he is not the only lawyer involved in this matter. The City has outside counsel from the law firm of Adorno Yoss on this, three lawyers who collaborated on the opinion. It is a collegial opinion, not just his opinion. He said he knows of Mr. Rogow, but not about his qualifications as far as this kind of case. He is an excellent professor at Nova University and great on constitutional law.

Commissioner Teel felt the memorandum provided by the City Attorney is valuable for her as a newer commissioner to this case. It is clear that the matter should be heard tonight. She found it out of the ordinary to have a commissioner offer a name and make that type of suggestion. Commissioner Rodstrom said she by no means is telling the Commission what to do. She felt more is going to be entered into than what is on the table today and she is concerned about tax dollars. She believed the City Attorney and his staff are wonderful, but not of the caliber needed. Mr. Rogow is extremely qualified.

Greg Brewton, Deputy Director of Planning and Zoning, said the Historic Preservation Board at their August meeting voted 3-6 to deny a certificate of appropriateness for the subject site. The request involves a 42-story mixed-use project with ground floor retail and 272 condominium units. He noted the setbacks. The project has gone through all appropriate City reviews. Part of the reason the applicant appealed the Board's decision is their belief that substantial evidence was not provided to the Board to make their decision.

Vice Mayor Moore left the dais at approximately 7:58 p.m.

Donald Hall, representing the Applicant, said the record provided to the Commission consists largely of the appeal. He provided an outline of their remarks and list of the record. It is their opinion that the Historic Preservation Board's decision was clearly erroneous and departed from the essential requirements of law. By not applying the

correct law which is the City's Unified Land Development Regulations' general criteria for considering certificates of occupancy. The only competent substantial evidence they relied upon related to the impact of the Icon project on Stranahan House which is clearly not the case. These are two separate sites, and therefore, the impacts of Icon were to be measured only upon the Icon project. In reading the Board's hearing transcript, one would see they relied upon the testimony of their consultant who said that from 1895 to 1903 a portion of the property, which was not identified, was occasionally used as temporary campsites for people crossing the New River and for trading. Based upon that, the consultant concluded the property should be denied a certificate of appropriateness. The Board substituted its views for the language of the Code; their decision in effect is a veto power over the City's Comprehensive Plan, its zoning ordinances and actions taken by the City and the Applicant over these years. There are six criteria that compose the general criteria. He believed the criteria were not written to be applied, and could not be applied, to undeveloped land. All six criteria must be considered and applied together, although one criteria in connection with the designation process could be chosen. Such language is omitted from the certificate of appropriateness general criteria because one could not choose one of the six as a reason to deny a certificate, particularly for undeveloped land.

Mr. Hall explained that in order to determine appropriateness, many factors must be considered, which he listed. The site has been in the Comprehensive Plan and zoned RAC-CC for many years; not historic nor located in a historic district. The Commission should consider actions taken prior to the designation by the Applicant and the City. The Board only considered Criteria 6, which asks whether the Secretary of the Interior's standards for rehabilitating historic buildings have been met. This standard does not apply because this is undeveloped land. The standards could apply if the site was located in a historic district. The theme of the Board was that this was an easy decision; the property should not have been zoned this way; they have to protect Stranahan House. The issue of protecting Stranahan House was considered when the site plan was approved in December, 2005. This was not the issue before the Board, but clearly the sole basis for their decision. The record is clear that the Board had one goal in mind, to protect Stranahan House and used inapplicable Secretary of Interior standards to do so. It is a departure from the essential requirements of law by misapplication of the law.

Michael Marcil, also representing the Applicant, they are going to focus on Criteria 6. Ms. Anne Adams, also representing the Applicant, will mention three departures from the essential requirements of law that the Board made in relying solely on this criteria.

Anne Adams, architectural historian for the Applicant, noted her qualifications and experience in this field. She noted that the Historic Preservation Board failed to understand that the rehabilitation standards and guidelines for rehabilitating historic buildings do not and cannot be applied to the proposed project at the Stranahan campsite and trading post. These standards and guidelines were first developed in the 1970's to guide the treatment of historic buildings for federal preservation programs. They assume that work is being done on an existing historic building. They are not standards by which to review new construction and not relevant in the evaluation of this matter. Even when they are applicable for federal preservation standards and regulatory for purposes of federal grants and aid, the document notes that otherwise the standards and guidelines are intended only as general guidance for work on any historic building. Building keeps coming up as a recurring theme. She believed the Board misunderstood and misapplied the concepts of site and setting as defined by the rehabilitation

standards and the guidelines for rehabilitating historic buildings by focusing on the effect of the proposed project on Stranahan House, not the Stranahan campsite and trading post. In essence, the Board ignored the subject site as defined in the rehabilitation standards in the context of the Unified Land Development Regulations. She quoted the rehabilitation standards' definition of a site. In this case, there is a legally defined parcel of land according to the standards' definition of a site, which has been clearly defined by the Board and Commission as the Stranahan campsite and trading post only. This is the legally defined site for which the certificate of appropriateness has been applied. It is separate by designation, ownership, and legal description from the Stranahan House. This site is bare ground, asphalt parking lot and a temporary, contemporary building. No historic buildings associated with this site and its period of significance, 1893 to 1903 or even up to 1928 or 1929. There are no landscape features associated with the period of significance, nor have there ever been. The property is not part of a planned development. This site cannot and has no means of conveying to anyone, anything about that for which it was theoretically deemed significant. A preservation professional would wonder if the site retained its integrity at the time of designation. The Board inappropriately looked at the proposed project for which the certificate was applied with respect to their concept of the effect of the project on Stranahan House.

Ms. Adams noted the definition of setting, consisting of the Stranahan parcel and the developing city around it. That historic site has long been gone for both the subject site and the Stranahan House site. The current setting is Fort Lauderdale with its highrise buildings. One specific standard addressed by staff was rehabilitation standard 2 which she quoted. No distinctive features are being altered or materials removed. This does not apply because new construction is being applied for. The Board failed to understand the rehabilitation standards as well as the concepts of site and setting.

Mr. Hall reiterated that it is clear that the Board in good faith conducted a hearing focused on the Stranahan House site, not the site before it. They seized upon only one of the six standards which does not apply. There was no competent substantial evidence upon which they could have based their decision; it was simply their desire. He quoted a statement from the minutes: This property should have never been zoned to allow this, but it was our job today to do what we can to protect the Stranahan House. He felt that was the job of the Commission which it did on September 6, 2005 when they approved the site plan. The request is for approval of a certificate which would allow construction of the project approved by Resolution 5-207 approved on December 6, 2005 and make it subject to all conditions included in it.

William Scherer, representing Stranahan House, believed that the Commission is immune from the extortionate ridiculous claims that the Commission, individually, or the City will be responsible for \$120 million for going through this quasi-judicial process mandated by the Court of Appeals. The \$120 million threat by the developer made against the Commission individually, the City and his clients and the Stranahan House Board is hollow. There has never been a \$1 award in favor of a developer against a city or city commissioners in a land use matter in Florida in federal or state court under 1983 that they could find.

Mr. Scherer noted that the campsite property has been deemed historic and the Commission has upheld the Historic Preservation Board's finding. As such he questioned the developer making a claim for damages for not being able to build on a historic site when they could not do it anyway. He referred to the settlement agreement

and the alternative site plan for 42 stories approved in November 16, 2004. At that time, the Commission asked on two or three occasions what it would mean as to the settlement agreement with respect to the alternative site plan. He quoted the City Attorney's comment from that proceeding that it would also have to go through the Historic Preservation Board for their recommendation to the Commission. Later in the meeting, the City Attorney said that the new plan will go through the process, will get a full-blown level of site plan review, and it would also go through the Historic Preservation Board before it comes to the Commission. The opinions that this was already determined in the consent judgment are wrong. It was not determined. In going through the historic process that was on the books since 1997, the Board found that this site was historic. The Commission affirmed that decision and it is on petition to cert. As a part of the process, the certificate of appropriateness had to go back. The Board found that it was inappropriate to build a 42-story building on that site was well within their powers granted in the Unified Land Development Regulations. The Court of Appeals opinion says that the City responded that a Circuit Court in an eminent domain proceeding had already determined that the City had failed to present substantial and competent evidence showing that the land was a historical resource. The City suggests that the Board's conclusion was therefore a *fait accompli* that Judge Andrews had decided it and the City was bound by it. In regard to the decision not to designate the property as a historic landmark, the Court of Appeals ruled it was not a decision of the Board, but of another trial court in an eminent domain proceeding involving the same property. While the Board may reach the same conclusion reached in the trial court, the application should be processed in compliance with the Unified Land Development Regulations. It clearly says that the Board may or may not designate it as historic or as appropriate, which is the job the Commission gave them to do. The Commission's job is just to review what the Board did and see if any errors were made. It is the Commission's job to process the application in good faith, not to rubber stamp it. He urged the Commission to go through the process as quasi-judicial officers and not allow a 42-story structure on already designated historic land.

Tucker Gibbs, representing Stranahan House and Friends of the Park at Stranahan House, objected to the testimony brought out by an expert witness. The Commission is hearing an appeal pursuant to Section 47-26B, which says, an appeal from an Historic Preservation Board's decision to the City Commission. The record compiled by the Department, Development Review Committee, Historic Preservation Board and Planning and Zoning Board shall be forwarded to the City Commission for review. The City Commission shall hold a public meeting on the record and determine if (a) there was a departure from the essential requirements of law in the proceedings appealed or (b) if competent substantial evidence does not exist to support the decision. He felt that means the Commission is limited to their record. This is an appellate standard of review. By allowing the developer to introduce new evidence into this proceeding, the Commission has tainted that record. This appeal is illegitimate at this point because the Commission asked for new evidence and new evidence was presented that had not been on the record.

Mr. Gibbs referred to a memorandum regarding his response to the appeal letter, indicating he provided it to the Commission, City Attorney, City Manager and City Clerk prior to this meeting. He asked it be incorporated into the record. (not produced at this hearing) On the 28th or 29th he filed with the Commission, City Attorney, City Manager and City Clerk his response to the City Attorney's memorandum discussed earlier. He

also asked that be incorporated into the record as well as Mr. Scherer's letter. (not produced at this hearing)

Mr. Gibbs said the Unified Land Development Regulations spell out a process and the Commission's job is simply to review the Historic Preservation Board's meeting record and determine if they followed the correct law and whether there is competent and essential evidence. The Unified Land Development Regulations are the essential requirements of law which is applied by the Board. This is what they did. The Board has an historic preservation consultant to present expert testimony, opinions and recommendations regarding applications before them. The consultant report is the competent and substantial evidence. Merrilyn Rathbun reviewed each criteria in the certificate of appropriateness provisions of the Unified Land Development Regulations. She focused on the Secretary of Interior Standards. The updated 2007 copy is titled Secretary of Interior Standard for the Treatment of Historic Properties with guidelines for preserving, rehabilitation, restoring and reconstructing historic buildings. It also applies to what the Applicant is calling vacant land. This was discussed at the Board meeting and is part of the record. In looking at competent and substantial evidence the City's Code specifically says the only thing that may be considered is whether there was any competent and substantial evidence to support the decision of the Board. The law and City Code provides that the Commission cannot consider any evidence that opposed that position. It must find that there is no competent and substantial evidence to support the decision of the Board. There was competent and substantial evidence; it was the recommendation of the City's professional staff. Florida case law says the recommendation of professional staff is competent and substantial evidence. The Board applied the law correctly. The Board in its motion focused on the staff's recommendation of staff.

Mr. Gibbs objected to the presentation made today because it does not deal with whether there was any substantial or competent evidence. They are only saying that they disagree, which is not an appellate argument. The Commission is sitting as an appeals court. If the Commission grants this appeal, that is the time to present testimony.

Mr. Hall said it boils down to the fact that the City's consultant, unqualified to hold the position by experience and training, wrote a report. It is evidence to a point, but not competent and substantial. This is clearly made in their appeal and clear when reading the City Code. A misapplication of the law, which is what happened here, is a departure from the law. It is not enough to say they rely on Criteria 6. There has to be evidence supporting the applicability of Criteria 6 which he believed without question is inapplicable because it only applies to buildings.

As to Ms. Adams' testimony, Mr. Hall said they could have read Ms. Adams' transcript since she testified at the Historic Preservation Board meeting and what she said tonight is what she told them.

Mr. Hall referred to Mr. Scherer's statement that he could not find a 1983 case, awarding damages against a city in a land use case. However, the City Attorney had referred the Commission to the L. L. Profiles case where damages were paid and it was a 1983 case. He explained that is not the Applicant's case which is the counter-claims set for trial on November 26 and the specter of the Bert J. Harris Act, not an 1983 case. It is apples and oranges. Those are not the potential damages.

Mr. Scherer said there never has been a Bert Harris claim for damages against any city. The 1983 case referenced by Mr. Hall was reversed. There was never a 1983 case against a city commissioner or a city individually for millions of dollars. The retroactivity argument of the City Attorney is wrong. It had to do with New River Village and he was one of the lawyers on that case. The City passed an amendment to the Unified Land Development Regulations to call-up the development after they had received a development order. That is a far cry from this case where the regulations mandated the Board process in 1997-98 long before this alternative site plan was approved.

Mr. Gibbs noted that Merrilyn Rathbun is a professional hired by the Historic Preservation Board to provide advice and counsel. To call her unqualified, when in previous proceedings, no objection has ever been made over the years regarding her qualifications. He referred the Commission to the record.

Mayor Naugle outlined the three actions available to the Commission.

Vice Mayor Moore asked if the Commission has to disapprove the Historic Preservation Board's recommendation in order to conduct the hearing. The City Attorney said they first have to find whether there was a departure from the essential requirements of law or lack of competent, substantial evidence. Upon that finding they could uphold or reject the Board's decision or accept the appeal and reject the decision of the Board tonight or accept the appeal and deny the certificate of appropriateness tonight. Alternatively, they could accept the appeal and amend the Board decision however they care to.

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson to immediately hold the hearing on the appeal. Roll call showed: YEAS: Vice Mayor Moore, Commissioners Hutchinson and Teel. NAYS: Commissioner Rodstrom and Mayor Naugle.

**MEETING RECESSED AT 8:42 P.M.
MEETING RESUMED AT 8:52 P.M.**

Mr. Hall said there are six applicable criteria and their application only to the Hyde Park Market site, not the Stranahan House site combined.

Mr. Hall said that Criteria 1 is the effect of the proposed work on the landmark site or the property upon which such work is to be done. In this case the project approved in 2005 will be constructed. The effect of the work on the landmark site would be to build a project authorized by the City's Plan and Zoning Code. The construction of the project as approved requires the Applicant to build at his expense a public plaza in front of the Stranahan House and adjacent to Las Olas Boulevard and to donate the land to the City. Another effect is that Stranahan House will have a view to Las Olas, along with a public park directly in front of their property and the citizens will have an urban park in the downtown. He summarized the effect and noted it is positive.

Mr. Hall referred to the relationship between the work and other structures on the landmark site or other property in the historic district, noted that there are no structures on the landmark site today except a temporary sales center and the property is not in a historic district. Therefore, Criteria 2 does not apply.

Mr. Hall further referred to the next criteria, the extent to which the historic architectural archaeological significance, style, design, arrangement, texture and materials and color of the landmark or the property would be affected, and noted could not be applied to land to be developed. The project was not designated as archaeologically significant, nor was the certificate judged on that basis by the Historic Preservation Board. If that is a question, Bob Carr, an archaeologist for the Applicant, is present. His analysis was presented to the Commission in 2005 when the site plan was approved.

Mr. Hall referred to the next criteria, denial of the certificate would deprive the owner of all reasonable and beneficial use of his property, and noted this is a departure from the constitutional taking standard of all beneficial economic use and instead shows reasonable beneficial use. Clearly, the denial, given the property's history and its present approved status, would be an unconstitutional taking. While Mr. Scherer is correct that there has yet been a case tried in a court of final jurisdiction in the Bert J. Harris Private Property Rights Protection Act, there have been dozens settled with monetary damages.

Mr. Hall referred to the next criteria, whether the plans may be reasonably carried out by the applicant. He noted that the Applicant has been vigorously pursuing this project for over eight years at great expense and with no income. In addition in spite of the troubles surrounding this property and the real estate market today, the project is about 47% sold. He felt that standard applies and it is met.

Mr. Hall referred to the final criteria 6, whether the United States Secretary of the Interior's standards for buildings apply, and noted his earlier argument and Ms. Adams' testimony.

In regard to Mr. Gibbs' objection, Mr. Hall indicated that Ms. Adams could testify again or he could proffer her testimony from the transcript heard earlier and accept it now.

Vice Mayor Moore left the dais at approximately 8:59 p.m. and returned at approximately 9:00 p.m.

Hearing no requests, Mayor Naugle indicated the Commission is satisfied with what they heard previously from Ms. Adams. Mr. Hall asked that Ms. Adams' testimony, previously transcribed, be incorporated into the record.

Mr. Marcil focused on Criteria 3 which deals to the extent to which the historic architectural and archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property would be effected by the proposed project. He presented slides and photographs of the site in 1895 and forward, showing by 1910, the Chickee is gone and nothing significant on the site west of the house except trees; then construction of the gas station and subsequently Hyde Park Market; and how it will look if this project is approved and a park will be built. There is nothing of any integrity left to restore; it has been gone for 107 years. A copy of Mr. Marcil's slide presentation is attached to these minutes.

Bob Carr, archaeologist with Archaeological and Historical Conservancy for Applicant, said he has done work in Fort Lauderdale for over thirty years, including excavations at the Stranahan House and a survey of the New River.

Mr. Carr referred to Slide M-21, that shows that portion of the New River encompassing the project parcel. In this area, there are fourteen recorded archaeological sites. The New River has always been an important focal point of prehistoric occupation. During the last 20-25 years there have been four other sites documented and assessed as part of the developmental process. He enumerated each (Performing Arts Center, Symphony structure, Las Olas Grant and Riverwalk) and commented that they are comparable in terms of the developmental process and similar to what is located at the Stranahan House. In 1980-82, he did archaeological excavations at the Stranahan House. Slide M-22, part of the archaeological report, shows the footprint of the Stranahan House in terms of historic elements and location of the structure used as a focal point for some of the Seminoles staying on the property. Slide M-23, shows directly south of the house, a trash dump of important scientific materials to reconstruct archaeological information. Evidence, including beads, was found on the Stranahan House of Seminole activity (Slide M-25). They are now at the Fort Lauderdale Historical Museum and some may be at the Stranahan House. In 2006, excavations were conducted at the Hyde Park Market site (Slide M-21). He elaborated upon what was found. A portion of the creek will be impacted by the development, but will be subject to archaeological documentation and recovery. He noted some of the things found in the creek and noted it was a focal point for the dumping of garbage. They are part of the story of what is on the Hyde Park parcel and will be placed in a repository. Relative to the camp, the Hyde Park construction really destroyed a lot of the cultural materials except for the creek and the area by the river. The Hyde Park Market site was documented and if there is additional development on the parcel, such archaeological recover would continue. The overall preservation quality is very poor because of the disturbances which have occurred. Some 80-85% of the parcel has been intensely disturbed. Based on his archaeological expertise, a certificate of appropriateness could be issued with the understanding that has already been agreed upon that any archaeological remains would be documented. A copy of Mr. Carr's slide presentation is attached to these minutes.

Mr. Hall referred to the six criteria and noted they were not written to be applied to undeveloped land with the possible exception of some truly significant site which is still attached in the public memory with the events of that site. Examples are Custer battlefield and Gettysburg. This is not the case here. All six have been either satisfied or do not apply. The focus is to determine what is appropriate for this property. A complex of factors have to be considered such as the history of the city. This site did play a part in that history for a brief period of time. The question is how should the City appropriately commemorate such activity. He did not think it would be reasonable to deny a certificate of appropriateness. The best way is what the Applicant is doing, a park. Perhaps other sites along the river would be appropriate markers or a commemorative exhibit. They would be happy to accept this as a condition. The site has had a commercial use for a very long time. The Applicant complies with the City's zoning regulations and Comprehensive Plan. One must consider all of the actions to date by the Applicant and the City. All considered, a certificate of appropriateness restating conditions of the December, 2005 site plan approval and perhaps a discussion of commemorative features on other sites in addition to the park would be reasonable.

Jorge Perez, Applicant, noted his education, experience and recognition he has received in the development field. He noted the exhaustive research conducted before purchasing the property. He found the same year that the City had done an exhaustive review of their zoning codes and had prepared a master plan in which there was extensive citizen

participation. In that review and process, the property did not come out either as a park or a historic site. All of Fort Lauderdale participated. It was never mentioned by the Mayor in that process that the site should be or have any resemblance of being historic. In his many meetings with the Mayor concerning a land swap, the Mayor never mentioned that he felt the site was historic. Before the renaissance of Fort Lauderdale and any of these things happening, he approached City staff and they greatly encouraged the site as being the best urban site to start a renaissance in the downtown. Nothing was ever done with the site other than a market and a gas station, and when they are ready, it suddenly becomes a historic site. They honored their commitment with an alternative plan, building a park. He asked the City to honor their commitment.

Mr. Gibbs urged the Commission to reject this application for a certificate of appropriateness. To this date, there has been no input from Stranahan House which is adjacent to the site. He presented a scale model of Stranahan House in relation to the subject project.

Mr. Marcil objected to the model as not being a fair and accurate depiction. Testimony is needed if this is to be admitted into evidence.

Mr. Gibbs said this depiction is based on the architectural drawings that are superimposed on the plate. The certificate of appropriateness allows for Stranahan House's input on the impacts of this project on Stranahan House Trading Post and campsite. The criteria focuses on the impact of the alteration or new construction on the designated property. The designated property as stated at the March 5, 2007 Historic Preservation Board meeting and the June 5, 2007 Commission designation hearing is the Stranahan House Trading Post and campsite, which was set out in the application for landmark designation. The application was for one property consisting of two sites owned by different entities. He quoted a statement of the Assistant City Attorney from the March 5, 2007 Historic Preservation Board meeting that this was one application, one case, and one case number.

Mr. Gibbs said the application was deemed inappropriate by the City Attorney because it would be futile to bring the matter forward to the Historic Preservation Board. The issue was litigated and the Fourth District Court of Appeals determined that the application for designation deserved to be heard pursuant to the City's Unified Land Development Regulations. The Court referred to the application, which is the two pieces of property. The testimony focused on the interrelationship between the house, trading post and the campsite. The campsite surrounded the house and trading post and extended from what is now the Stranahan House property into what is now the Hyde Park property. This development will have a profound impact on the historic resource of the Stranahan House, campsite and the trading post. To ignore the impacts on the entire landmark site essentially nullifies the Commission's decision to designate this as a landmark site.

Mr. Gibbs noted that the State recognizes this as one archaeological site. In the 1980's the Stranahan House archaeological site was given a master site file number 8BD259 as a result of Mr. Carr's archaeological excavations. In 1999, the Hyde Park archaeological site was given master site file number 8BD3280. Prior to March 15 2005, the State merged the two files into one, 8BD259, noting "since it is considered part of the Stranahan House and store site". The State recognized this as one archaeological site. It took a court order in order to require the City to follow its own laws and place this

designation application before the Commission. The Historic Preservation Board recommended designation and the Commission made the designation. (Visual aid used in presentation was not produced at hearing; not provided to Clerk.)

Mr. Gibbs felt the issues cited by the developer are not related to the application. Once the Fourth District Court of Appeals required the City to follow its laws and designation process, a certificate of appropriateness was necessary. The only issue is whether the development meets the criteria. He believed the City Attorney wants the Commission to ignore the criteria and that the consent final judgment says that the Commission has to approve this; that the 2005 decision requires the Commission to approve the certificate. The consent final judgment is not relevant because it does not relate to certificate of appropriateness review. Nowhere did Judge Andrews ever talk about the certificate of appropriateness or even the City's land development regulations relating to historic designation. Judge Andrews only said he did not think it was historically significant based on testimony, but not on the City's land development regulations. The consent final judgment is silent as to the designation and certificate of appropriateness issues and irrelevant to the Commission's decision this evening. The only thing relevant are the standards.

Mr. Gibbs said when the Commission approved the alternative site plan in 2005, historic designation was never raised because the City Attorney and developer delayed the application for historic designation. If the City Attorney had not said do not consider this, the entire issue would have been in front of the Commission before they approved the project on December 6, 2005.

Mr. Gibbs referred to comments about the zoning, that the district permits unlimited height. He explained that they want to argue that the certificate of appropriateness language and the criteria are irrelevant; and that the Zoning Code trumps it, using the City of Tampa case. He did not think that case applies. He outlined his reasoning. He noted *Las Olas Towers vs City of Fort Lauderdale* concerning neighborhood compatibility and unlimited height. The Fourth District Court of Appeals ruled no, that the Commission has the authority to reduce height and if that was a problem, the Commission should address it in a legislative forum, change the code. Zoning regulations do not trump the historic designation issues, neighborhood compatibility or certificate of appropriateness language.

Mr. Gibbs referred to Mr. Perez's statement that the project is already under construction. It is not. The tunnel issue is not on their property and has nothing to do with the certificate of appropriateness for this project on this site. He wanted to incorporate by reference all documents placed in the record at the Historic Preservation Board meeting, concerning the criteria. This project is not an island. If the Commission ignores its impact on the Stranahan House and the community, they essentially would be saying that historic designation is not real. This does not stop this developer from building a project. It is not a taking. This project is inappropriate for this setting.

Greg Saldana, historic preservation consultant for Stranahan House, said that he understands that the issue of setting applies to the site. As the property was designated as a historic landmark site, it includes the Stranahan House, trading post and campsite. There is a structure on the site. Much attention was given to the fact that setting does not apply. National Register Bulletin 15 clearly states how setting applies here. He quoted: "Setting is the physical environment of a historic property. Whereas location

refers to the specific place where a property was built or an event occurred. Setting refers to the character of a place in which the property played a historical role. It involves how, not just where the property is situated and its relationship to the surrounding features and open space." Mr. Saldana pointed out that there is no mention of building. The statement made by the historic consultant, Merrilyn Rathbun, is absolutely correct. She read the same standards and made the same interpretation. Physical features that constitute the setting of a historic property may be either man-made or natural, including topographic features, vegetation, simple manmade features, and relationships between buildings and other features that are open spaces. Mr. Saldana noted that the proposed structure is not compatible with the adjacent historic site. He displayed an aerial photograph of 2007 showing the Stranahan House surrounded by open space. He showed another photograph of Stranahan House from the other side of the river. There is open space, a view and vegetation. He referred to the standards' criteria and noted every reasonable effort shall be made to provide a compatible use for a property. It does not say building. It should require minimal alteration of the building, structure or site in its environment or to use the property for its original intended purpose. He displayed a photograph of the proposed forty-two story Icon tower and the Stranahan House ridge at 26 1/2 feet. The tower by its very nature is an incompatible use with a historic landmark. He showed photographs of the proposed Icon and how it will alter the setting. He noted his comments about the City ordinance and how that criteria applies, which was submitted August 6th. In Mr. Carr's technical report 758, he points out there are two components of the archaeological site exist on the subject parcel; one being an area of shell and black earth midden on the north bank of the New River and the creek bed which traverses north to south across the parcel. The report indicates those two components are significant and could very well qualify for listing on the national register. For example, if George Washington was born in a house on that site and it was destroyed by fire, the site itself would still retain its significance. The creek bed is important because it promoted a piece of Fort Lauderdale's history. He showed a photograph of Indians in their canoes, arriving at the trading post via the creek. He showed portions of Mr. Carr's report showing items recovered from the site investigations. He noted that what is remaining of the creek and is in tact will be greatly affected by the proposal. A copy of Mr. Saldana's slide presentation is attached to these minutes.

Bob Moss, 2101 North Andrews, said he is a friend of Stranahan House. He owns one of the largest construction companies in Florida with one of the best safety records in the United States. He is also a friend of Jorge Perez, the Applicant, who is known for high-quality projects and sensitivity to being fair to their neighbors. His company supervised the demolition of Hyde Park Market. He mentioned that it was done as a coordinated effort with Stranahan House. His company is the builder for this project. He believed a safe working plan could be executed, working with Stranahan House.

Reed Morgan, 911 SW 9 Avenue, referred to historic preservation efforts in the City, Hardy Park and South Side School. He considers himself a friend of Stranahan. He had opposed the project the revised plan with the park came about. He felt it will be a good addition to the Las Olas area. He supported the project, although he did not like the height.

Michael Egdes, 1101 SE 5 Court, said he is a realtor and resident of Rio Vista. He has no direct relationship with the developer or the attorneys. He supported the proposed project without any further modifications or delay. The downtown has improved since

1981 but it has not reached its full potential. As a restaurant owner on Las Olas from 1995 to 2000, it was evident that the downtown could never survive without a large population of nearby residents which only high density high-rise housing could deliver. The Icon should be restricted to the downtown area. There is no dispute that Stranahan House should be preserved and accessible to the public. The \$2 million donation from the Icon developers would provide that assurance. Icon's development of public space adjoining Stranahan House would undoubtedly enhance the monument's appeal, visibility and accessibility.

David Arnold, 5450 NW 33 Road, said he is a Fort Lauderdale business owner since 1993. He talked about his experience in technology. He supported Vice Mayor Moore's and Commissioner Hutchinson's past votes. An agreement was made in 2004 and now it should be honored. He urged the Commission to vote in favor of this project to enhance the city's skyline.

Philip Danforth, 901 NE 16 Avenue, supported the project. Growing up in Jamestown, Virginia, he appreciates the need for historic preservation. The real issue is that the remnants of what was at this site no longer exist on the property.

Bob Clark, 10073 NW 53 Street, supported the Icon development. This project is needed to keep this city alive. Stagnation is not beneficial for any municipality. He shared his community involvement experience in another Florida community, including serving on their historic preservation board. Special interest groups, although important to the community, can hamper city government in its decision making process. Cities must continually widen their tax base which is more evident today due to government tax cuts. Trying to accomplish that delicate balance between the past and the ever-increasing needs of today is where cities and special interest groups come into conflict. Nowhere is such a struggle more evident than in inner city development. The balance produces the best result. The Icon brings upscale housing, strengthens the tax base, and creates lavish parks and green areas, while ensuring the continued preservation of Hyde Park and the Stranahan House and providing access to the south branch of the New River. City management has the daunting task of making decisions based on the good of the entire community, which may not always be the most popular.

Tom McDonald, 3563 NW 53 Street, said he is the president of Craven Thompson Associates. In the past twenty-eight years working for Craven Thompson, he has never come before the Commission for any developer. He does not feel this developer has been treated fairly. He has known and worked with Jorge Perez for several years. He commented on Mr. Perez's efforts to put quality into his work. He supported the City allowing the Icon project to move forward as the deal was already struck.

Doug Rogers, 504 SW 11 Court, commented about his history in Fort Lauderdale. He commented about the West family being in Fort Lauderdale prior to the Stranahans. Miss West commented that one must look at their options and then they continue to develop and grow responsibly. He asked the Commission to search their hearts whether this is a true and responsible growth and vote accordingly.

Jim Baxter, 1900 NE 8 Court, said he is co-founder of Home Fort Lauderdale Magazine. He favored historic preservation when appropriate. He noted that the Stranahan House is not going away, although altered by this project, which has happened in many cities.

A highrise building next to a historic structure has happened in many American cities. He felt the project is well designed and urged approval.

Shari Hall, 2100 South Ocean Lane, said she is a realtor. There has been a real stall in the real estate market recently. This is a developer committed to this project. She wanted the City to stand by its commitment to him. She urges the Commission to vote in favor of this project.

Gordon Nimmo, 156 Cape Point Circle, said he resides in Palm Beach County and originally from Dade County. He has witnessed tremendous growth. His business is modular building and their office is in Fort Lauderdale. He urged the Commission to award the certificate of appropriateness to The Related Group.

Mr. Marcil asked Bill Eager to explain his relationship to this project. Mr. Eager of Sieger Suarez said he is the architect for this project. Mr. Marcil asked about any shadow effects from the Las Olas Grand on the Stranahan House. Mr. Eager indicated that about six months out of the year during a portion of the day the Las Olas Grand does shadow the Stranahan House. There are two months out of the year when the Riverside Hotel also shadows the Stranahan House early in the morning. Mr. Marcil asked if the Stranahan House has had any input on the project. Mr. Eager said the redesign of the tower is what was looked for on behalf of Stranahan House and the City. Mr. Marcil asked the distance at ground level between Stranahan House and the tower. Mr. Eager said for the residential portion of the tower that begins on the 8th floor, the distance to the House is 77 feet, 10 inches measured to the overhang of the House roof. At the ground level the arcade which is part of the Riverwalk connection, the distance is 58 feet 10 inches, and the overhang of the garage pedestal between levels three and seven, the distance is 43 feet 1 inch.

Vice Mayor Moore left the dais at approximately 10:18 p.m.

Mr. Marcil referred to Mr. Gibbs' point as to whether this is an application for one or two properties. The Historic Preservation Board voted on March 5, 2007 that there were two separate properties that were to be separately considered. The Commission agreed on June 5, 2007 and said both properties should be considered separately and, in fact, they were separately designated.

Vice Mayor Moore returned to the dais at approximately 10:19 p.m.

Mr. Marcil noted that the ruling was not appealed by the Stranahan House. This is not an appropriate time because that issue was waived. The only thing to consider for this hearing is the Hyde Park Market site itself under the criteria. Its effect on the House is not important. A comment was made that the Hyde Park Market site is not an island and it may be appropriate to consider setting, but setting is not just the Hyde Park Market site and its adjacent property to the east. The setting is the district or neighborhood. He showed Photograph 18 and said this is the setting or neighborhood to consider. There are highrises all around. It is appropriate. This was the point of the Comprehensive Plan and the downtown area zoning.

Mr. Marcil referred to the statement that they were not going to discuss evidence or criteria discussed at the Historic Preservation Board and they wanted it incorporated by per reference. He objected because this is a de novo hearing. Any evidence presented

to Historic Preservation Board should be presented unless there was a presentation without objection and he is objecting.

Mr. Marcil referred to the historic preservation expert for Stranahan House who looked at pictures and discussed whether the project is compatible with the historic use of the property. He referred to pictures that he had presented and noted that nothing historic has occurred for the last 107 years. No one knows the name of anyone who camped on the property. In regard to mitigation, he noted discussion about Mr. Carr's report and that some artifacts in terms of historic trash that was found in the creek and river site. Mitigation means that the artifacts discovered were taken out and sent to academia for study. They would not be replanted on the property. The creek will not be restored or ever exist again. However, it can be mitigated, removed, studied and documented just as the Symphony project and Center for the Performing Arts. There is no reason to treat this site separately.

Mr. Marcil summarized by suggesting the Commission look only at the site when considering the criteria; look at the entire neighborhood when considering setting; remember the Comprehensive Plan; and remember the consent final judgment and the City's commitment to the developer. The developer has kept his commitment to the City.

The City Manager left the dais at approximately 10:23 p.m.

Mayor Naugle said this concludes the public input. The process is to give the applicant rebuttal time, but not another member of the public or the Stranahan House.

Mayor Naugle noted the reference made regarding a statement he allegedly made to Mr. Perez. The Commission authorized him to come up with a compromise and settlement. He met mostly with the property owner. At every meeting, he explained that the project did not meet the Code and used Smoker Park as an example. What the Code give in one section, it takes away in another. The Code always anticipated in the RACC that development near the edge would be tapered down to the neighborhoods. Wayne Huizenga was restricted to seven stories because he was near the edge of the RACC. Las Olas Tower was also restricted. A few months ago the Commission voted to maintain The Orion project, which is two blocks away from the Bonnet House, at nineteen floors instead of the twenty-four permitted by code. This development is contiguous to H-1 property. There is plenty of evidence in the Comprehensive Plan and the minutes of Commission meetings in adopting the Unified Land Development Regulations that a pyramid would exist; development in the middle would be high tapering down to the neighborhoods. The notion that the developer has the right to build this is not true. The City signed an agreement that states a judge found that this development is in compliance with the Unified Land Development Regulations. A Circuit Court Judge declared himself to be the Commission and the government. The judge declared that the development met the criteria; that historic preservation does not matter; the Unified Land Development Regulations do not matter and the certificate of appropriateness is unnecessary. He referred to another instance where the court ruled that the School Board did not have a right of condemnation and it was reversed by the appeals court. If this matter was taken up on appeal, he was certain that the Appeals Court would have told Judge Andrews that he was not the Commission and that the Commission makes the decision.

Mayor Naugle said today they are talking about what the Appeals Court did; they said that historic preservation matters and the City did not process the application for a certificate of appropriateness. The ordinance says, shall. The Commission did not go back on its agreement, but the agreement was based on a judge saying it met the City's laws, but the Appeals Court reversed the decision of the local judge. Therefore, the Commission is hearing the evidence of whether this development is appropriate.

Mayor Naugle felt the developer and property owner have a right to build something on this site, but the developer should not be an untouchable and be held to the same standards as other developers in this city. A certificate of appropriateness would be appropriate for a suitable development next to the Stranahan House. He felt a planner would probably say an appropriate height would be somewhere between the height of the Riverside Hotel, 15 stories, and the Las Olas Grand, 33 stories. The City did not renege.

Mayor Naugle noted the three options set out by the City Attorney. He felt the Commission should amend the Historic Preservation Board's decision and instruct the developer to come back with something that would give him a reasonable profit and still meet the City's standards, laws. The developer has the right to reasonable use of the property, but not ignoring the City's laws.

Commissioner Rodstrom said she has sat through many of these proceedings. She asked the Commission consider hiring outside counsel as she believed there may be a pending lawsuit. She did not believe that the developer has followed the Unified Land Development Regulations and the City's codes. She is here tonight due to her strict values, integrity and commitment to the residents to watch out for developers taking advantage of any part of the Code or Unified Land Development Regulations. There has to be sensitivity. The small site of the Stranahan House, zoned H-1, is all that is left of all the property originally owned by the Stranahans along both sides of the river. She supported denial of the certificate of appropriateness.

Vice Mayor Moore felt the appropriateness of this site goes back to his first year on the Commission when they were working closely with the Downtown Development Authority and the Chamber of Commerce. Everyone was in agreement. Parking requirements were even waived as such density was wanted in the downtown. A public garage was built to ensure intensity of development in the downtown. Las Olas returned and investors were smiling. He disagreed with comparing this situation with the Bonnet House and The Orion that is on the barrier island with different goals than the downtown. When this property became available, it was not discussed for a park, nor was historical significance raised. The Stranahan House has always been a productive provider of social events, but one cannot see the house from the street. Development continued even with discovery of historical artifacts in the ground

Vice Mayor Moore recalled discussion about a compromise to build with intensity on the beach, and lowered height on Las Olas. He asked what height was proposed. Mayor Naugle said that the restaurant was to be one story on the Las Olas site with a two-acre park on the river, and a one-story hotel along Las Olas Boulevard. The building on the Alhambra lot on the beach was eighteen stories. Mr. Hall confirmed that is correct. Vice Mayor Moore recalled there was nothing about historical significance. Mr. Hall did not recall any discussion regarding historical significance. Vice Mayor Moore did not find this development to be inappropriate, considering the surroundings. The eight year

delay harms the government's integrity if the certificate of appropriateness is not issued. Year after year regional development has been expressed as desirable and everyone else who has asked to do it has been allowed. A private developer is now offering to provide accessibility to the waterway when a not-for-profit has not even provided an easement.

Mayor Naugle agreed with Vice Mayor Moore that it is a different set of rules for the Bonnet House and the beach. He questioned how the new development at Smoker Park could be limited to nine stories even though it had the same unlimited height designation. Vice Mayor Moore said he has often wondered, especially with it being an Indian burial site.

Commissioner Hutchinson disclosed who she met with and exchanged emails. She pointed out that the Commission approved the site plan in 2005. The City Attorney said that was the alternate site plan and the issue which culminated the final condition subsequent to the consent decree.

Commissioner Hutchinson understood it to be two separate issues, Stranahan House and the trading post. The City Attorney concurred; two separate parcels.

Commissioner Hutchinson said the minutes from the Historic Preservation Board only reflect discussion about the Stranahan House. They did not appear to address the trading post site. She complimented Mr. Carr on his work. Conducting an archaeological study on a site does not mean one cannot build on it, but there needs to be some sensitivity. She did not feel the Historic Preservation Board followed the criteria. If a certificate of appropriateness is not issued, she felt the City would incur some sort of damages.

Mayor Naugle noted the Commission approved a site plan based on the information of the judge's ruling which was reversed by the Appeals Court.

Commissioner Teel said she has been a big supporter of the Stranahan House for a long time and would always be because history is an integral part of the community and the younger generation. She commented about the mix of historic and modern buildings in Philadelphia. The sites that are preserved are treated with respect and are put in the position of being able to be seen and honored. Fort Lauderdale does not have the degree of history of cities like Philadelphia, but she felt the City is doing a pretty good job in this regard.

Commissioner Teel disclosed who she met with and exchanged emails, phone calls. Overall she believed there was a departure from the essential requirements of the law and that competent substantial evidence does not exist to support the decision of the Historic Preservation Board. The dye was cast when the Commission several years ago entered into the consent final agreement. She could not see the Commission backing out of it now and serve the citizens in a responsible way. She felt the City Attorney's opinion letter deserves respect. His opinion, along with that of the outside counsel, is the right information to follow. She felt the best course is to support the certificate of appropriateness.

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson to reject the decision of the Historic Preservation Board in issuing the certificate of appropriateness.

RESOLUTION NO. 07-182

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE HISTORIC PRESERVATION BOARD'S DENIAL OF THE APPLICANT'S REQUEST FOR A CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION FOR THE PROPERTY LOCATED AT 500 EAST LAS OLAS BOULEVARD (HPB CASE NO. 18-H-07) MAKING CERTAIN FINDINGS REJECTING THE AUGUST 6, 2007 DECISION OF THE HISTORIC PRESERVATION BOARD, AND DIRECTING THE CITY MANAGER TO ISSUE THE REQUESTED CERTIFICATE OF APPROPRIATENESS.

Which resolution was read by title only.

Commissioner Rodstrom disclosed that she spoke to many interested individuals on both sides of the issue, including e-mails.

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

Vice Mayor Moore disclosed that he spoke to everyone.

No Objection To Plat Note Amendment – H.A.C.F.L. - (R-05)
Plat 1 – Multi-Family Development – 324 West Dixie Court – 20-P-07

Applicant: Dixie Court Associated, Ltd. – Dixie Court II, Ltd.
Zoning: Residential Mid-Rise Multi-Family/Medium High Density
RMM-25

No budgetary impacts.

Vice Mayor Moore asked that this item be removed from the agenda. A meeting will be held tomorrow.

Tam English, Fort Lauderdale Housing Authority, did not object to delaying this item to the next meeting. If it is delayed further, it will have serious impacts on the financing and viability of the project.

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson to defer this item until October 16, 2007 at 6 p.m. Roll call showed: YEAS: Vice Mayor Moore, Commissioners Hutchinson, Teel and Rodstrom, and Mayor Naugle. NAYS: None.

Yankee Trader Hotel – Amendments to Site Plan (R-06)

Level IV – 15-R-07A

Applicant: A-1-A Trader, LLC
Location: 303 and 331 North Fort Lauderdale Beach Boulevard
Zoning: A-1-A Beachfront Area District ABA

No budgetary impact.

Commissioner Rodstrom wanted to make sure the Applicant will be working with the neighborhood. Jeff Falkanger, representing the Applicant, said they are working with the neighborhood.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 07-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING AN AMENDMENT TO A DEVELOPMENT PLAN TO ALTER THE FACADES AND ARCHITECTURAL STYLE OF A HOTEL, RETAIL AND RESTAURANT USE KNOWN AS THE YANKEE TRADER ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF A-1-A AND GRANADA STREET IN FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

CITIZEN PRESENTATIONS

Michael Emanuel Rajner – HIV/AIDS Prevention and Education (CIT-01)

Michael Rajner encouraged the Commission to embrace a greater roll of leadership and ownership in the epidemic in this area. In St. Lucy County the racial disparity of HIV infection is 20 African-American persons for every one Caucasian. In Broward County the racial disparity is 3.6 African-American persons for every Caucasian. He discussed a program recommended by St. Lucy County School Superintendent called, Get Real About Aids, a school-based and skills-based HIV prevention intervention for students in grades 9-12.

Vice Mayor Moore left the dais at approximately 11:04 p.m.

Mr. Rajner implored the Commission to learn more about the program and recommend that Broward County School Board follow this action. Other urban cities have implemented local funding for such programs. Broward County is in need of additional funding for this crisis. Florida leads the nation with a very aggressive HIV testing initiative, however, they need to further the effort and reduce the factors that fuel stigma

and prevent individuals from learning their status and accessing care and treatment. Funding is needed for massive campaigns.

Vice Mayor Moore returned to the dais at approximately 11:05 p.m.

Mr. Rajner felt a comprehensive HIV prevention program would be most powerful with strong political leadership. While promoting such initiatives they also should promote human rights and legislate against many forms of stigma and prevention. He asked the Commission to assume a greater role of leadership.

Frank Jay Hall – City Expenditures

(CIT-02)

Frank Hall, resident of Fort Lauderdale, President and founder of Exec Searches.com, said this company helps non-profit and government organizations to recruit senior management talent. He has a staff of ten. Both he and his staff vote. He also works with Broward County Health Department on AIDS prevention. The City needs attention to priorities such as the recruitment and retention of police, emergency services, education, pedestrian death, child protection, AIDS prevention and crime. He referred to the proposal of a \$250,000 toilet. The only benefit for that proposal was political. It served as the Mayor's platform to vilify gays. History is filled with political and religious figures who condemned homosexuals and denied them rights. The Mayor's anti-gay propaganda reminds him of those figures. Mr. Hall relayed a story concerning his father's belief that God does not exclude homosexuals. Mr. Hall was concerned about the Mayor's comments have been hurtful. He wanted the Mayor removed from office. He applauded the efforts of Broward County and called upon the State to help.

Louise C. Dowdy – Pit Bull Dogs, Use of Cell Phones While Driving, Improper Attire

(CIT-03)

Mayor Naugle said this speaker is not present tonight but would attend another meeting.

James Farah – Noise – Code Violations

(CIT-04)

This speaker was not present.

PUBLIC HEARINGS

Bay Colony Special Recreation District Disposal of Real and Personal Property

(PH-01)

No budgetary impact.

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

Vice Mayor Moore introduced the ordinance on second reading:

ORDINANCE NO. C-07-96

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY AMENDING SECTION 3, POWERS OF THE DISTRICT, OF ORDINANCE NO. C-81-38 WHICH ORDINANCE CREATED BAY COLONY SPECIAL RECREATION DISTRICT BY EXPANDING THE POWERS OF THE DISTRICT TO INCLUDE THE POWER AND AUTHORITY TO DISPOSE OF REAL PROPERTY AND PERSONAL PROPERTY OWNED BY THE DISTRICT UPON TERMS THAT ARE DEEMED EQUITABLE AND JUST BY A SUPER MAJORITY VOTE OF THE BOARD OF SUPERVISORS OF THE DISTRICT, PROVIDING FOR AN EFFECTIVE DATE.

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

Fiscal Year 2006-2007 Budget Amendment (PH-02)
Hurricane Wilma Reimbursement – Canal Cleanup - \$134,608.47

Appropriating funds as shown in Exhibit 1 as attached.

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

Vice Mayor Moore introduced the ordinance on second reading:

ORDINANCE NO. C-07-91

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, 2006 BY INCREASING THE REVENUES AND EXPENDITURES IN THE AMOUNT OF \$134,608.47 DUE TO ADDITIONAL FUNDS RECEIVED FROM THE NATURAL RESOURCES CONSERVATION SERVICE FOR WILMA CANAL CLEANUP.

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

Fiscal Year 2006-2007 Budget Amendment and Transfer (PH-03)
Additional Tax Increment Revenue For CRA Districts

Appropriating and transferring funds as shown in Exhibit 1 – see attached.

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

Vice Mayor Moore introduced the ordinance on second reading:

ORDINANCE NO. C-07-90

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE AND THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY ("CRA") FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY INCREASING THE REVENUES AND EXPENDITURES IN THE CRA BUDGET IN THE AMOUNT OF \$2,973,423 DUE TO RECEIPT OF ADDITIONAL FUNDS FROM TAX INCREMENT FINANCING AND TO TRANSFER \$1,320,540 FROM THE CITY BUDGET FUND 001, CURRENT OPERATING TAXES ACCOUNT TO THE CRA TO PAY ADDITIONAL TAX INCREMENT FUNDS DUE.

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

Amend Operating Budget – Acceptance and Appropriation (PH-04)
\$8,650 Lake Ridge Civic Association – Decorative
Street Name Sign Posts

\$8,650 to be appropriated to P11100.331-6599, Fund 331, Subfund 01.

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

Vice Mayor Moore introduced the ordinance on second reading:

ORDINANCE NO. C-07-98

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007, BY ACCEPTING AND APPROPRIATING \$8,650 FROM LAKE RIDGE CIVIC ASSOCIATION FOR THE NEIGHBORHOOD CAPITAL IMPROVEMENT PROGRAM FUND.

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

Dock Waiver Application – Distance Limitations - (PH-05)
808 and 810 NE 20 Avenue - Dixie

Southland Corporation

Applicant: Dixie Southland Corporation
Location: 808 and 810 NE 20 Avenue

No budgetary impact.

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

Rezoning To Boulevard Business – 608 and 614 SE 21 Street (PH-06)
Office Building Expansion and Surface Parking Lot –
6-Z-07 and 7-Z-07

Applicant: 2110 Trust – John Aurelius, Trustee
Location: 608 and 64 SE 21 Street
Rezoning: From Residential Multi-Family Mid-Rise/Medium High Density
RMM-25 to Boulevard Business B-1

No budgetary impacts.

Jim McCulla, owner and president of JMI and authorized agent of the Applicant's 2110 Trust and John and Marie Zullo. The 2110 Trust owns lots 12 through 16 and lot 7, and John and Marie Zullo own lots 8 and 9, adjacent to Federal Highway. Lots 12 and 13 have an existing building consisting of approximately 5,000 feet. He noted the zoning of the subject lots. They are seeking to have the zoning for each of the Applicants' properties zoned B-1 which makes it consistent with their eastern properties. Such rezoning would be consistent with the City's Comprehensive Plan and the future land use designation in the area, employment center.

Ray Dettmann, 1900 Miami Road, President of the Harbordale Civic Association and as an individual, said a letter was sent to the Planning and Zoning Director, expressing approval of the project and rezoning. If the development is appropriate, there will not be a problem with traffic and so forth for residents of his neighborhood. As with Colonial Bank on 17th Street, he suggested it be site specific in order to avoid something larger being constructed in the future that could cause traffic, congestion problems.

Paula Pereira, 2105 South Miami Road, did not believe this project was correctly advertised; 22nd Street is not listed. She favored the proposed office or retail space. She would be opposed to massage parlors that existed previously and she would not favor a multi-story hotel because of traffic. She wanted it to be site specific.

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

Vice Mayor Moore asked if this item was properly advertised. Greg Brewton, Acting Director of Planning and Zoning, indicated there were two separate cases. He believed the case for this agenda was advertised correctly.

Commissioner Hutchinson said the individuals proposing this redevelopment have worked hand-in-hand and accommodating with the Harbordale neighborhood. She believed that relationship would be maintained.

Vice Mayor Moore introduced the ordinance on first reading:

ORDINANCE NO. C-07-99

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RMM-25" TO "B-1," LOTS 7, 8, 15 AND 16, BLOCK 27, "EVERGLADES LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED EAST OF FEDERAL HIGHWAY, WEST OF MIAMI ROAD, BETWEEN SOUTHEAST 22ND STREET AND SOUTHEAST 21ST STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

The Commons At Cypress Creek – Lightspeed Broward Center Development Order Amendment – 109-R-00 (PH-07)

Applicant: Cypress Creek Partners, LLC
Location: Southeast Intersection of Cypress Creek Road and Andrews Avenue

No budgetary impact.

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

Vice Mayor Moore introduced the ordinance on first reading:

ORDINANCE NO. C-07-100

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-02-11, WHICH ORDINANCE APPROVED A DEVELOPMENT ORDER FOR THE LIGHTSPEED BROWARD CENTER DEVELOPMENT OF REGIONAL IMPACT (NOW KNOWN AS THE COMMONS AT CYPRESS CREEK DEVELOPMENT OF REGIONAL IMPACT) WHICH CONSISTS OF APPROXIMATELY

11.5 ACRES WITHIN THE CITY OF FORT LAUDERDALE AND THE CITY OF OAKLAND PARK, LOCATED GENERALLY SOUTH OF CYPRESS CREEK ROAD, NORTH OF N.W. 60TH STREET, EAST OF ANDREWS AVENUE AND WEST OF I-95 CONSISTING OF AN OFFICE, HOTEL AND COMMUNICATION FACILITY; PROVIDING FOR THE EXTENSION OF THE DATES FOR COMMENCING PHYSICAL DEVELOPMENT; RESTRICTION ON DOWNZONING, BUILDOUT, TERMINATION AND EXPIRATION OF DEVELOPMENT ORDER; DESIGNATING CYPRESS CREEK PARTNERS, LLC AS THE AUTHORIZED AGENT OF THE DEVELOPER; AND PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

ORDINANCES

Sexual Offender Residential Restrictions

(O-01)

No budgetary impact.

Gus Kein, 1800 North Andrews, urged the Commission to vote against the extension of the boundaries for sexual offenders from 1,000 feet to 1,400 feet. He felt it is unnecessary because Florida law already keeps such offenders from places where children congregate. No illusion of an ordinance will stop anyone intent on harming a child. Such ordinances offer a false sense of protection. The sexual offender law permanently stigmatizes people who have engaged in non-violent sexual offenses, consensual sexual activities between adults, particularly if the individual is gay, a member of certain minority groups or a nineteen year old dating a seventeen year old. The result of such law is that offenders go underground to live in peace and find jobs. He felt it is disgraceful that the government can keep someone permanently on a list, locked up in administrative detention or keep someone arrested once their sentence is complete because they might commit another crime.

Commissioner Rodstrom wanted more research conducted to increase the distance. She noted that Sunrise has adopted 2,500 feet.

Vice Mayor Moore noted that the City can always expand the boundary in the future. He believed the Commission is doing the right thing based on the City Attorney's comments. He supported the ordinance in its present form.

Mayor Naugle said on first reading he asked if the distance could be extended to 1,500 feet, but the City Attorney said such an amendment would cause a delay. Therefore, he supported the 1,400 feet, but would support 2,000 feet, which might direct a lawsuit toward Sunrise first.

The City Attorney said his recommendation has not changed, however in anticipation that the Commission might not follow it, the advertising was changed to provide for a separation as opposed to a specific number of feet. Therefore, the Commission could expand the distance, but if gets below 10% of the areas left, the City would be challenged.

Commissioner Hutchinson asked about enforcement. Assistant Police Chief Montagano said the individuals are required to register and once they do so, the City would receive notification. A GIS program is being created to assist. Fort Lauderdale is very dense. The actual footage used could differ from city to city. A city not as dense may need 2,500 feet to encompass the same amount of area.

Commissioner Hutchinson requested a map be provided to the Commission.

Vice Mayor Moore introduced the ordinance on second reading:

ORDINANCE NO. C-07-97

AN ORDINANCE AMENDING CHAPTER 16, MISCELLANEOUS PROVISIONS AND OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN A CERTAIN DISTANCE OF SPECIFIED LOCATIONS WITHIN THE CITY OF FORT LAUDERDALE.

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

Amend Operating Budget – Transfer \$2,500 (O-02)
Task Force For Ending Homelessness

Transfer \$2,500 from LEPF's undesignated/unbudgeted fund balance to Police State Confiscation (POL050201) sub-bject 4299 (Miscellaneous Appropriation).

Vice Mayor Moore introduced the ordinance on Second reading:

ORDINANCE NO. C-07-95

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY TRANSFERRING UNDESIGNATED FUND BALANCES IN THE AMOUNT OF \$2,500.00 FROM THE LAW ENFORCEMENT CONFISCATED PROPERTY FUND TO POLICE CONFISCATED PROPERTY-OPERATIONS TO DISBURSE SUCH FUNDS.

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

Relief From Zoning For Public Purpose Use Including Site Plan Review Firefighter Museum and Fire Safety Education Center – 64-R-07 (O-03)

Applicant: City of Fort Lauderdale
Location: 1022 West Las Olas Boulevard
Zoning: Residential Low-Rise Multi-Family Medium Density RML-25

No budgetary impact.

Vice Mayor Moore introduced the ordinance on the second reading:

ORDINANCE NO. C-07-94

AN ORDINANCE APPROVING A FIRE STATION MUSEUM THAT DOES NOT MEET THE USE, BUFFERYARD AND SETBACK REQUIREMENTS IN A RML-25 ZONING DISTRICT, WHICH SITE IS MORE FULLY DESCRIBED AS LOTS 12, 14 AND 16, BLOCK 107 "WAVERLY PLACE," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 19, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED AT THE SOUTHEAST CORNER OF SOUTHWEST 11TH AVENUE AND WEST LAS OLAS BOULEVARD; AND GRANTING RELIEF FROM THE REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

Event Agreement and Co-Sponsorship– Homestead Miami Speedway LLC (OB)

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson to authorize execution of an agreement with Homestead Miami Speedway LLC to close two downtown streets: SW 1st Avenue and East Las Olas Boulevard from Andrews Avenue to SE 2nd Avenue and co-sponsorship to allow banners at specified locations subject to permitting regulations was adopted.

The City Clerk said the event is to be held on November 15, 2007.

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

Sunrise Bay – Opposing filling of a portion of Sunrise Bay to create an island for development of single family residences (OB)

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-185

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, STRONGLY OPPOSING THE FILLING OF A PORTION OF SUNRISE BAY TO CREATE AN ISLAND FOR THE DEVELOPMENT OF SINGLE-FAMILY RESIDENCES.

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

Advisory Board /Committee Appointments

(OB)

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

Community Services Advisory Board	Babatunde "Tunde" Ogunlani Chris Prister
Northwest Progresso-Flagler Heights Redevelopment Advisory Board	Sam Williams

Vice Mayor Moore introduced a written resolution entitled:

RESOLUTION NO. 07-184

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

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

There being no other matters to come before the Commission, the meeting was adjourned at 11:40 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk