

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**MAY 20, 2008**

**Agenda**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
May 20, 2008**

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

Roll call showed:

Present: Vice Mayor Charlotte E. Rodstrom  
Commissioner Carlton B. Moore (Arrived at 6:06 p.m.)  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: Commissioner Christine Teel

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

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

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the minutes of the April 15, 2008 Conference and Regular Meetings, and minutes of the May 6, 2008 Regular Meeting, and the agenda for the meeting of May 20, 2008. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Hutchinson and Teel, and Mayor Naugle. NAYS: None. (Commissioner Moore was absent.)

**Presentations**

**1. Tennis Public Park of the Year Award (PRES-01)  
Racquet Sports Industry 2007 Champions**

The City Manager recognized the Parks and Recreation Department, recipient of Racquet Sports Industry 2007 Champions – Tennis Public Park of the Year Award.

Phil Thornburg, Park and Recreation Director, thanked the City and recognized the founding director, Jimmy Everett and Whitney Craft, along with their current director, Susan. The award shows what has been done in the City to engage the youth in this sport. The National U.S. Open Clay Court Championships would take place at the Jimmy Everett Tennis Center in the next couple of days.

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**2. Waterworks 2011 Bid Contest Winners (PRES-04)  
Stranahan High School Pre-Engineering Magnet Program**

Commissioner Hutchinson recognized winners of the WaterWorks 2011 Bid Contest – Pre-Engineering Magnet Program – Stranahan High School. CH2M Hill presented the school with a check in the amount of \$500 for engineering activities.

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Commissioner Moore arrived at approximately 6:06 p.m.

**3. Public Works Week – May 18-24, 2008 (PRES-05)**

Commissioner Teel presented a proclamation designating May 18-24, 2008 as Public Works Week in the City of Fort Lauderdale to Peter Partington, City Engineer, for the department's great work.

Peter Partington, City Engineer, thanked the Commission for the honor.

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**4. William Dandy Middle School Day – May 20, 2008 (PRES-02)  
2008 National Excellence in Urban Education Award**

Commissioner Moore presented a proclamation designating May 20, 2008 as William Dandy Middle School Day in the City of Fort Lauderdale, in recognition of the School receiving the 2008 National Excellence in Urban Education Award, to the school's principal, Casandra Robinson. Ms. Robinson thanked the City and recognized the School Superintendents and Area Director. She noted the school has been an "A" school for four years and this year 98% of the students scored 3.5 or higher in their writing skills.

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**5. 6<sup>th</sup> Annual Black Heritage Swim Meet Days - (PRES-03)  
May 24 and 25, 2008**

Commissioner Moore presented a proclamation designating May 24 and 25, 2008, as 6<sup>th</sup> Annual Black Heritage Swim Meet Days in the City of Fort Lauderdale to Gainus Wright, Head Coach at Bass Park, thanked the City. He noted accomplishments of the participants.

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**No Objection To Plat Note Amendment – Port Everglades (CR-06)  
Plat 2 – Case 12-P-08**

Mayor Naugle announced that this item has been removed from tonight's agenda.

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**Anne Beck House – Middle River Terrace Park (PH-03)  
50-Year Lease – Broward Trust For Historic Preservation, Inc.**

Mayor Naugle announced that this item will be deferred until June 10, 2008. This was later corrected to June 3, 2008.

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**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.

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**Event Agreement – Family Fitness Weekend****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Exclusive Sports Marketing, Inc. for Family Fitness Weekend, to be held at Birch State Park, Fort Lauderdale Beach and beach area streets on Saturday, July 12, 2008, 6 AM – 4 PM and Sunday, July 13, 2008, 6 AM – 2 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0638

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**Event Agreement – Power Up Pro Challenge****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Energy Brands, Inc. for Power Up Pro Challenge, to be held at Joseph C. Carter Park on Saturday, May 31, 2008, 8 AM – 8 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0650

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**Fort Lauderdale International Film Festival -  
Co-Sponsorship Banners****(M-03)****No budgetary impact.**

A motion approving co-sponsorship of Fort Lauderdale International Film Festival's 23<sup>rd</sup> anniversary event, October 17 – November 9, 2008 and allowing installation of banners at specified locations, subject to permitting regulations.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0633

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**Easement Agreement – Satori Gardens – 1101 East Sunrise  
Boulevard – Sunrise Investors, LLLP – Park Construction  
And Maintenance – Case 1-ZPUD-05****(M-04)****No budgetary impact.**

A motion authorizing the proper City Officials to execute an easement agreement with Sunrise Investors, LLLP – park construction and maintenance in lieu of park impact fees – Satori Gardens – 1101 East Sunrise Boulevard..

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0678

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**Contract Award – Insituform Technologies, Inc.  
\$844,845 – Wastewater Conveyance System –  
Sewer Basin D-37 South****(M-05)**

**Transfer \$946,226.40 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11343.482-6599.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Insituform Technologies, Inc., in the amount of \$844,845 – rehabilitation of sewers – Wastewater Conveyance System Long-Term Remediation Program – Sewer Basin D-37 South – Project 11343-S; and (2) transfer \$946,226.40 to fund this contract and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0501

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**Contract Award – Lanzo Lining Services, Inc. - (M-06)**  
**Florida - \$718,775 – Wastewater Conveyance System –**  
**Sewer Basin D-37 North**

**Transfer \$805,028 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11343.482-6599.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Lanzo Lining Services, Inc. – Florida, in the amount of \$718,775 – rehabilitation of sewers – Wastewater Conveyance System Long-Term Remediation Program – Sewer Basin D-37 North – Project 11343N; and (2) transfer \$805,028 to fund this contract and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0502

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**Contract Award – Carpenter Electric, Inc. - \$158,316.27 (M-07)**  
**City Hall Electrical Wiring Hook-Up To New Portable Generator Set**

**\$167,300 is available in P00434.344-6599, Fund 344, Subfund 01 and transfer \$31,228.60 from P10349.344-6599, Fire Station 46 Roof and Renovation to P00434.344-6599, both in Fund 344 Subfund 01.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Carpenter Electric, Inc., in the amount of \$158,316.27 – City Hall Electrical Wiring Hook-Up to New Portable Generator Set – Project 00434-B; and (2) transfer funds.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0598

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**Contract Award – Molloy Bros. Inc. - \$768,790 (M-08)**  
**Annual utilities Repairs Contract**

**Transfer \$868,432.50 from P10948.454-6599 to P11373.454-6599, both in Fund 454, Subfund 02; Transfer \$31,051.80 from P10948.470-6599 to P11373.470-6599 both in Fund 470, Subfund 02.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Molloy Bros., Inc., in the amount of \$768,790 – 2008-2009 Annual Contract – Utilities Repairs – Project 11373; and (2) transfer \$899,484.30 to fund this contract and engineering fees.

**Recommend:** Motion to approve.



**Exhibit:** Commission Agenda Report 08-0645

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**Agreement – Craven, Thompson & Associates, Inc. - (M-09)**  
**Surveying Services**

**No budgetary impact.**

A motion authorizing the proper City Officials to award and execute an agreement with Keith and Associates, Inc. for surveying services.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0675

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**Agreement – Craven, Thompson & Associates, Inc. - (M-10)**  
**Surveying Services**

**No budgetary impact.**

A motion authorizing the proper City Officials to award and execute an agreement with Keith and Associates, Inc. for surveying services.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0676

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**Agreement – Stoner & Associates, Inc. – Surveying Services (M-11)**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute an agreement with Stoner & Associates, Inc. for surveying services.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0677

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**Pedestrian Overpass and Right-of-Way Agreement - Sunrise Investors, LLLP – Satori Gardens – Case 1-ZPUD-05** (M-12)

**No budgetary impact.**

A motion authorizing the proper City Officials to execute Pedestrian Overpass and Right-of-Way Agreement with Sunrise Investors, LLLC – installation and maintenance of two pedestrian overpasses and other improvements located above and in NE 11 Avenue, and NE 12 Avenue rights-of-way and abutting public easements – Satori Gardens planned unit development project.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0685

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**Task Order 1 – Post, Buckley, Schuh and Jernigan, Inc. - \$49,641.90 – Emergency Recovery Plan and Facilities Database** (M-13)

**\$34,872.95 is available in PBS030102, Subobject 3199, Subfund 01, Fund 001, (Other Professional Services ) - \$14,768.95 is available in PBS090101, Subobject 3199 (Other Professional Services) Fund 409, Subfund 01.**

A motion authorizing the proper City Officials to execute Task Order 1 with Post, Buckley, Schuh and Jernigan, Inc., in an amount not to exceed \$49,641.90 – Emergency Response Plan and Facilities Database.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0589

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**Task Order 54 – CMTS Florida, LLC - \$376,700.40 Utility Construction Inspection Services – Chula Vista Basin A** (M-14)

**Transfer \$421,904.45 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10940.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Task Order 54 with CMTS Florida, LLC, in the amount of \$376,700.40 – utility construction inspection services for Septic Area 19 – Chula Vista Basin A – Project 10940A; and (2) transfer \$421,904.45 to fund this task order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0652

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**Task Order 53 – CMTS Florida, LLC - \$376,700.40 – Utility Construction Inspection Services – Riverside Park Basin A** (M-15)

**Transfer \$421,904.45 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10578.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Task Order 53 with CMTS Florida, LLC., in the amount of \$376,700.40 – utility construction inspection services – Riverside Park Basin A – Project 10578A; and (2) transfer \$421,904.45 to fund this task order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0655

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**Task Order 08-02 – Hazen and Sawyer, P.C. - \$72,799 Dixie Wellfield – Well Abandonment** (M-16)

**Transfer \$81,534.88 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11399.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Task Order 08-02 with Hazen and Sawyer, P.C., in the amount of \$72,799 – preparation of bid documents and permitting for abandonment of approximately 25 wells and removal of associated structures – Dixie Wellfield Well Abandonment – Project 11399; and (2) transfer \$81,534.88 to fund this task order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0664

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**Change Order 1 – Conquest Engineering Group Company - \$76,374 – Annual Storm Drainage Improvements Contract** (M-17)

**\$76,374 is available in P11362.470-6599, Fund 470, Subfund 02.**

A motion authorizing Change Order 1 to Conquest Engineering Group Company in the amount of \$76,374 – 2008-2009 Annual Storm Drainage Improvements Contract – Project 11362.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0532

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**Change Order 2 – Conquest Engineering Group Company - \$193,027.26 (M-18)**  
**Annual Storm Drainage Improvements Contract**

**\$193,027.26 is available in P10850.482, Victoria Park A North Small Water Mains, Fund 482, Subfund 01, Subobject 6599. The change order work is water main construction for this area and that is why this index code is funding the change order.**

A motion authorizing Change Order 2 to Conquest Engineering Group Company, in the amount of \$193,027.26 – 2008-2009 Annual Storm Drainage Contract – Project 11362 and waiving purchasing requirements.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0615

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**Change Order 5 (Final) – Asphalt Consultants, Inc. – CREDIT (M-19)**  
**(\$789,110.70) – East Las Olas – Seven Isles Utility Rehabilitation**

**Reduce encumbrance by (\$594,771.75) in Fund 482, Subfund 01, P10751.482-6599 and by (\$194,338.95) in Fund 490, Subfund 01, P10751.490-6599.**

A motion (1) authorizing Change Order 5 (Final) with Asphalt Consultants, Inc., in the CREDIT amount of (\$789,110.70) – additional work and final quantity adjustments for East Las Olas – Seven Isles Utilities Rehabilitation – Project 10751; and (2) reducing encumbrance by (\$789,110.70).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0651

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**Change Order 1 – MDM Services, Inc. - \$11,630 – Underground (M-20)**  
**Storage Tank Upgrade**

**\$11,630 is available in Fund 461, Subfund 03, P11118.461-6599.**

A motion authorizing Change Order 1 with MDM Services, Inc., in the amount of \$11,630 – additional work and quantity adjustments – Underground Storage Tank Upgrade – Project 11118.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0668

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**Change Order 1 – Asphalt Consultants, Inc. - \$217,197.02 and (M-21)  
Add 31 Days – Septic Area 2 East Basins A and C**

**Transfer \$243,260.66 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10832.482-6599.**

A motion authorizing: (1) Change Order 1 with Asphalt Consultants, Inc., in the amount of \$217,197.02 and the addition of 31 non-compensable calendar days to contract period – additional work and quantity adjustments – Septic Area 2 East Basins A and C – Project 10832; and (2) transfer \$243,260.66 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0629

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**Change Order 2 – Metro Equipment Service Inc. - \$142,773.61 (M-22)  
And Add 62 Days – Pump Stations – Lauderdale Manors III and  
Melrose Manors South**

**Transfer \$159,906.44 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11160.482-6599.**

A motion authorizing: (1) Change Order 2 with Metro Equipment Service, Inc. in the amount of \$142,773.61 and the addition of sixty-two non-compensable calendar days to contract period – additional work – Pump Stations – Lauderdale Manors III and Melrose Manors South – Project 11160; and (2) transfer \$159,906.44 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0646

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**Change Order 2 – Trintec Construction, Inc. - \$119,220.70 (M-23)  
And Add 20 Days – Southside School Restoration**

**\$114,880.60 is available in P10777.129-6599, Fund 129, Subfund 01 and \$4,340.10 is available in P10777.340-6599, Fund 340, Subfund 01.**

A motion authorizing Change Order 2 with Trintec Construction, Inc., in the amount of \$119,220.70 and the addition of twenty calendar days to contract period – Southside School Restoration – Project 10777A.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0693

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**Amendment 9 To Work Authorization 16724.53 – Keith and Schnars, P.A. - \$3,626.50 – Shady Banks Septic Area 5 (M-24)**

**Transfer \$4,061.68 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10543.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Amendment 9 to Work Authorization 16724.53 with Keith and Schnars, P.A., in the amount of \$3,626.50 – additional design engineering services – Shady Banks Septic Area 5 – Project 10543; and (2) transfer \$4,061.68 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0662

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**Amendment 1 To Temporary Sanitary Sewer Agreement Marina Mile Properties, LLC – Secure Storage at 84 – 2001 State Road 84 (M-25)**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute Amendment 1 to Temporary Sanitary Sewer Agreement with Marina Mile Properties, LLC to provide wastewater service for Secure Storage at 84 – 2001 State Road 84.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0684

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**Amendment 3 – Task Order 43 – Camp Dresser and McKee, Inc. - \$47,000 – Lohmeyer Wastewater Treatment Plant (M-26)**

**Transfer \$52,640 from P00401-6599, Fund 451, Subfund 02, Regional Replacement/Recap to P10767.451-6599, Fund 451, Subfund 02.**

A motion authorizing the proper City Officials to: (1) execute Amendment 3 to Task Order 43 with Camp Dresser and McKee Inc., in the amount of \$47,000 – additional construction services – Equipment Replacement and Immediate Needs for Lohmeyer Wastewater Treatment Plant – Project 10767; and (2) transfer \$52,640 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0523

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**Broward Center For Performing Arts Tri-Party Agreement (M-27)**  
**2008-2009 Fiscal Responsibilities**

**No Current Year Budget Impact.**

A motion authorizing the proper City Officials to execute a tri-partite agreement with Performing Arts Center Authority and Broward County – fiscal responsibilities for October 1, 2008 through September 30, 2009.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0592

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**Local Option Gas Tax – Interlocal Agreements - (M-28)**  
**2008 Annual Amendments – Broward County**

**No Budgetary Impact.**

A motion authorizing the proper City Officials to execute 2008 annual amendments to Interlocal Agreements with Broward County for: (1) original local option gas tax; (2) local option gas tax on motor fuel for transit; and (3) additional local option gas tax on motor fuel.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0594

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**Participation Agreement Extension – Broward Housing (M-29)**  
**Solutions, Inc. – Affordable Housing – Renovation –**  
**416 NW 21 Avenue**

**No budgetary impact.**

A motion authorizing one-year extension of Broward Housing Solutions Participation Agreement to May 25, 2009 – affordable housing – renovation – 416 NW 21 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0743

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**Task Order 39 – Kimley Horn and Associates, Inc. - \$304,055 (M-30)**  
**Expand Hours of Runway 08, I-95 Turn – Executive Airport**

**\$304,055 is available in P10770.468-6599, Subfund 02- Noise Program Enhancements in the Airport’s approved FY 07/08 Capital Improvement Plan.**

A motion authorizing the proper City Officials to execute Task Order 39 with Kimley-Horn and Associates, Inc. – Harris Miller Miller & Hanson, Inc. as sub-consultants, in the amount of \$304,055 – prepare and process a National Environmental Policy Act environmental assessment – expand hours of Runway 08, Interstate 95 Departure Turn – Executive Airport – Project 10770.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0341

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**Damage to Fort Lauderdale Stadium – Hurricane Wilma (M-31)**  
**General Release of All Claims and Sworn Statement For**  
**Proof of Loss**

**No budgetary impact.**

A motion authorizing City Manager to execute a general release of allclaims and Risk Manager to execute a sworn statement of proof of loss – damage to Fort Lauderdale Stadium as a result of Hurricane Wilma.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0719

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**CONSENT RESOLUTION**

**Rescheduling June 3, 2008 City Commission Meetings (CR-01)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0700

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE JUNE 3, 2008,



REGULAR AND CONFERENCE MEETINGS OF THE CITY  
COMMISSION TO JUNE 10, 2008.

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**Change Order 2 and Appropriation – Miguel Lopez, Jr., Inc. (CR-02)**  
**\$361,306.75 – 2007-2008 Annual Parking Lot Repair Contract**

**Transfer \$361,306.75 from Undesignated Fund Balance-Fund 461 (screen 6400-Fund Type 40 Fund 461 Subfund 01 acct 272) to P11154.461-6599, Fund 461 – Subfund 03.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0715

RESOLUTION NO. 08-104

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 AND APPROPRIATING FUNDS IN THE AMOUNT OF \$361,306.75 FROM UNDESIGNATED FUND BALANCE IN THE PARKING FUND 461 TO P11154.461.

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**Change Order 2 and Appropriation – Sun-Up Enterprises, Inc. - (CR-03)**  
**\$268,634.80 – ADA Compliance – Parking Lots Along East Commercial Boulevard**

**Transfer \$268,634.80, Undesignated Fund Balance, Fund 461 (screen 6400-Fund Type 40 Fund 461 Subfund 01 acct 272) to P10768.461-6599, Fund 461, Subfund 03.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0718

RESOLUTION NO. 08-105

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 AND APPROPRIATING FUNDS IN THE AMOUNT OF \$268,634.80 FROM UNDESIGNATED FUND BALANCE IN THE PARKING FUND 461 TO ADA COMPLIANCE REHAB PARKING PROJECT FUND 461.

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**Review of Developer Traffic Impact Studies – Amend (CR-04)**  
**Operating Budget – Increase Revenues and Expenditures - \$210,000**

**Increase the Revenue budget in PBS040701-J019 by \$210,000 and increase the Expenditure budget in PBS040701-3199 by \$210,000 funded by the revenue increase. This all occurs in Fund 001 Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0680

**RESOLUTION NO. 08-106**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO 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 INCREASING REVENUES AND EXPENDITURES FOR COLLECTION AND PAYMENT OF DEVELOPER FEES FOR TRAFFIC IMPACT STUDIES BY CITY CONSULTANTS, IN THE AMOUNT OF \$210,000 TO FUND 001.

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**Amend Operating Budget – Transfer \$825,000 (CR-05)  
Fleet Vehicle and Equipment Replacement Program**

**Transfer \$825,000 from Reserve for Replacement, Subobject 9922, Fund 583, Subfund 01, to PAR030101, 6416, Fund 583, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0522

**RESOLUTION NO. 08-107**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO 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 APPROPRIATING \$825,000 FROM RESERVE FOR REPLACEMENT, SUBOBJECT 9922, FUND 583, SUBFUND 01 AND TRANSFERRING-IN TO PAR030101-6416, FUND 583, SUBFUND 01 TO COMPLETE THE FLEET VEHICLE AND EQUIPMENT REPLACEMENT PROGRAM.

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**No Objection To Plat Note Amendment – Port Everglades (CR-06)  
Plat 2 – Case 12-P-08**

**No budgetary impact.**

**Applicant:** Broward County Board of County Commissioners

Location: 1850 SE 17<sup>th</sup> Street  
Zoning: Port Everglades Development District PEDD  
Future Land Use: Transportation

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0709

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS "PORT EVERGLADES PLAT NO. 2."

**Centennial Celebration Committee**

**(CR-07)**

**No impact to current FY budget.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0711

RESOLUTION NO. 08-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE CENTENNIAL CELEBRATION COMMITTEE; PROVIDING THE PURPOSE AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE NUMBER OF COMMITTEE MEMBERS; PROVIDING CRITERIA FOR COMMITTEE MEMBERSHIP AND PROVIDING FOR LENGTH OF TERM OF THE COMMITTEE.

**Neighborhood Development Criteria Revisions Initiative - \$275,110 – Amend Operating Budget - Appropriation**

**(CR-08)**

**Funds Appropriation/Transfer: \$275,110 from FD 001, Subfund 01, Subobject 9901 Anticipated Year End Balance to PLN010101, Subobject 3199, Fund 001 – Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0688

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND 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 APPROPRIATING FUNDS IN THE AMOUNT OF \$275,110 FOR CONSULTING SERVICES FOR THE NEIGHBORHOOD DEVELOPMENT CRITERIA REVISIONS INITIATIVE.

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**Tarpon River Park – Conservation Land Site 465 - \$200,000 (CR-09)**  
**Interlocal Agreement, Conservation Easement, Management Plan**

**No current year budget impact. Future funds in the amount of \$200,000 will be available under Park Impact Fee Trust Account, 219-450220, Fund type 01, Fund 001.**

**Recommend:** Adopt resolutions.

**Exhibit:** Commission Agenda Report 08-0710

**RESOLUTION NO. 08-109**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF AN INTERLOCAL AGREEMENT, CONCEPTUAL RESOURCE MANAGEMENT PLAN AND DEED OF CONSERVATION EASEMENT WITH BROWARD COUNTY RESPECTING THE ACQUISITION, FUNDING, OPERATION AND MAINTENANCE OF CONSERVATION LAND SITE – 465, TARPON RIVER, AND APPROVING A CONCEPTUAL PARK MANAGEMENT PLAN; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY OR INCIDENTAL TO CLOSING ON THIS LAND ACQUISITION.

**RESOLUTION NO. 08-110**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL PARK MANAGEMENT PLAN FOR TARPON RIVER PARK CONSERVATION LAND SITE OS-465, WILL BE INCLUDED WITHIN THE CITY’S FIVE-YEAR CAPITAL IMPROVEMENT PLAN.

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**PURCHASING AGENDA**

**782-9986 – Lithographic Services (PUR-01)**

**FY 07/08 budgetary impact: \$5800 Fund 581, Subfund 01, BUS080101-3507.**

One-year contract for purchase of lithographic services is being presented for approval by the Business Enterprises Department.

**Recommend:** Motion to approve.

**Vendor:** American Litho Arts Inc.  
Fort Lauderdale, FL

**Amount:** \$17,400.00 (estimated)

**Bids Solicited/Rec'd:** 86/2

**Exhibit:** Commission Agenda Report 08-0667

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

**785-9967 – Beach Equipment Rental Concession** (PUR-02)

**\$250,000 is for receipt of revenues only in Fund 001, Subfund 01, BUS060101, N341. No expenditures are impacted.**

Three-year contract for beach equipment rental concession on Fort Lauderdale Beach is being presented for approval by the Business Enterprises Department.

**Recommend:** Motion to approve.

**Vendor:** Boucher Brothers Fort Lauderdale Beach, LLC  
Miami Beach, FL 33139

**Amount:** \$750,000.00 (estimated three-year revenue)

**Bids Solicited/Rec'd:** 320/2

**Exhibit:** Commission Agenda Report 08-0683

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

**883-9925 – Spare Parts and Service For Security Gates** (PUR-03)

**\$6,340 budgeted in Fund 468, Subfund 01, BUS070201, 3437 & \$9,583.09 budgeted in Fund 468, Subfund 01, BUS070201, 3404.**

One-year contract for purchase of spare parts and service for security gates is presented for approval by the business Enterprises Department.

**Recommend:** Motion to approve.

**Vendor:** Security 101  
Coral Springs, FL

**Amount:** \$15,923.09 (estimated)

**Bids Solicited/Rec'd:** 725/3

**Exhibit:** Commission Agenda Report 08-0691

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

**582-10005 – Aerial Platform Bucket Truck With Forestry  
Body – Vehicle Replacement** (PUR-04)

**\$121,600 is budgeted in PAR030101-6416 Vehicles, Fund 583/01.**

Purchase one vehicle replacement identified in 2007-2008 Fleet Plan and Fleet Services Capital Budget is being presented for approval by Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Vendor:** Rechten International Trucks, Inc.  
Miami, FL

**Amount:** \$121,600.00

**Bids Solicited/Rec'd:** 267/3

**Exhibit:** Commission Agenda Report 08-0647

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

**282-9978 Self-Contained Breathing Apparatus  
Annual Testing and Repair Services** (PUR-05)

**\$28,900 is budgeted in Fund 001, Subfund 01, FIR010501, 3407.**

Two-year contract for Self-Contained Breathing Apparatus annual testing and repair services is being presented for approval by the Fire Rescue Department.

**Recommend:** Motion to approve.

**Vendor:** Fisher Scientific, LLC  
Pittsburgh, PA

**Amount:** \$28,900.00 (estimated)

**Bids Solicited/Rec'd:** 612/2

**Exhibit:** Commission Agenda Report 08-0654

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

**583-9992 – Tree Trimming, Site Clearing and Maintenance Services** (PUR-06)

**\$31,255 available under P10904.129-6510 Site Improvements Fund 129, Subfund 01, \$69,748 under P11056.129 Fund 129, Subfund 01, \$61,358.50 available under P11015.331, Fund 331, Subfund 01.**

One-year contract to provide tree trimming, site clearing and maintenance services is being presented for approval by the Parks and Recreation Department.

**Recommend:** Motion to approve.

**Vendor:** All Florida Tree & Landscape, Inc.  
Coral Springs, FL

**Amount:** \$162,361.50 (estimated)

**Bids Solicited/Rec'd:** 304/6

**Exhibit:** Commission Agenda Report 08-0627

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

**483-9971 – Portable Screening Plant – Eastern Prospect (PUR-07)**  
**Wellfield Hardening – Approve Purchase and Transfer Funds - \$550,000**

**Transfer \$550,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11366.482-6599.**

Transfer \$550,000 to Fund Project 11366 – Eastern Prospect Wellfield Hardening and approve purchase of portable screening plant is being presented by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Sunrise Enterprises of Port Richey Florida, Inc.  
Port Richey, FL

**Amount:** \$32,000.00

**Bids Solicited/Rec'd:** 523/4

**Exhibit:** Commission Agenda Report 08-0510

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

**483-10000 – Worker and Supervisor Uniforms – Public Works (PUR-08)**

**No cost to enter into contract. Staff will spend in accordance with per unit pricing secured through the competitive bidding process and available budget.**

One-year contract for purchase of worker and supervisor uniforms is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Global Trading Co., Inc.  
Miami, FL

**Amount:** per unit prices

**Bids Solicited/Rec'd:** 95/6

**Exhibit:** Commission Agenda Report 08-0656

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

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**483-10011 – Cast Iron Valve Boxes**

**(PUR-09)**

**No cost to enter into contract. Staff will spend in accordance with per unit pricing secured through the competitive bidding process and available budget.**

One-year contract for purchase of cast iron valve boxes and component parts is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Bingham & Taylor Corp..  
Rock Hill, CT

**Amount:** per unit prices

**Bids Solicited/Rec'd:** 528/3

**Exhibit:** Commission Agenda Report 08-0657

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

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**483-10013 – Pipe, 54-Inch Ductile Iron – Davie Boulevard**

**(PUR-10)**

**Approve Purchase and Transfer Funds - \$142,630**

**Transfer \$142,630 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10553.482-6599.**

Purchase 340 linear feet of 54-inch ductile iron pipe for Davie Boulevard along SE 10 Avenue to Lohmeyer Wastewater Treatment Plant – Package C – Project 10553C and (2) transfer \$142,630 to fund this purchase.

**Recommend:** Motion to approve.

**Vendor:** HD Supply Waterworks, Ltd.  
Atlanta, GA

**Amount:** \$142,630.00

**Bids Solicited/Rec'd:** 185/4

**Exhibit:** Commission Agenda Report 08-0679

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

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**285-9966 – Auctioneering Services**

**(PUR-11)**

**\$40,000 is budgeted in Fund 583, Subfund 01, PAR030101, 3299.**



One-year contract for live and on-line auctioneering services is being presented for approval by the Procurement Services Department.

**Recommend:** Motion to approve.

**Vendor:** Rene Bates Auctioneers, Inc.  
McKinney, TX

**Amount:** \$40,000.00 (estimated)

**Bids Solicited/Rec'd:** 530/6

**Exhibit:** Commission Agenda Report 08-0658

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

**682-10026 – Decorative Street Signposts – Davie Boulevard** (PUR-12)

**CD1032 \$49,034; CD1304 \$83,282; CD1435 \$2,260 and CD07081435 \$50,102. All Fund 108, Subfund 01, Subobject 8001.**

Purchase and install decorative street signposts for Davie Boulevard Corridor – Project 11398 is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Tenex Enterprises, Inc.  
Pompano Beach, FL

**Amount:** \$109,510.00

**Bids Solicited/Rec'd:** 378/4

**Exhibit:** Commission Agenda Report 08-0681

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

**385-9946 – Neighborhood Development Criteria Revisions Initiative Consulting Services** (PUR-13)

**\$275,110 will be available in Fund 01, Subfund 001, PLN010101, 3199 after approval of CAR 08-0688, a request to transfer \$275,110, from General Fund anticipated year-end balance, CAR 08-0688, to PLN010101, 3199.**

Purchase consulting services related to the Neighborhood Development Criteria Revisions Initiative is being presented by the Planning and Zoning Department.

**Recommend:** Motion to approve.

**Vendor:** Winter & Company  
Boulder, CO

**Amount:** \$275,110.00

**Bids Solicited/Rec'd:** 1061/10  
**Exhibit:** Commission Agenda Report 08-0689

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

**Annual Motorola Radio, Battery and Accessory Purchase Plan** (PUR-14)

**Staff will spend an amount not to exceed \$75,000 in accordance with Motorola's most favorable unit pricing and available budget on an as needed basis.**

**Recommend:** Motion to approve.  
**Vendor:** Motorola, Inc.  
 Schaumburg, IL  
**Amount:** per unit prices  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-0175

The Procurement Services Department has reviewed this item and recommends approving Motorola purchases.

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Items M-16, M-22, M-23, CR-01, CR-05, CR-08, PUR-02, PUR-12, and PUR-13. be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

**Task Order 08-02 – Hazen and Sawyer, P.C. - \$72,799** (M-16)  
**Dixie Wellfield – Well Abandonment**

Vice Mayor Rodstrom indicated she has a conflict of interest, and therefore, would abstain from voting.

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

**Change Order 2 – Metro Equipment Service, Inc. - \$142,773.61 and Add 62 Days – Pump Stations – Lauderdale Manors III and Melrose Manors South** (M-22)

Vice Mayor Rodstrom noted 6% is customary. As this is 9% she would not support the item.

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

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**Change Order 2 – Trintec Construction, Inc. - \$119,220.70** (M-23)  
**And Add 20 Days – Southside School Restoration**

Vice Mayor Rodstrom supported this project, but she asked the Director of Public Works watch the change orders more diligently.

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

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**Rescheduling June 3, 2008 City Commission Meetings** (CR-01)

Commissioner Teel could not support changing the meeting date. There is a ripple effect. People plan other activities around the schedule established at the beginning of the year. Commissioner Moore concurred.

Vice Mayor Rodstrom introduced the resolution to reschedule the meeting.

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

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**Amend Operating Budget – Transfer \$825,000** (CR-05)  
**Fleet Vehicle and Equipment Replacement Program**

Vice Mayor Rodstrom asked if police officers involved in the accidents are all right. Bruce Roberts, Police Chief, said all of the officers have gone back to work.

Vice Mayor Rodstrom asked if it is unusual to have so many totaled vehicles in such a short period of time. John Hoelzle, Director of Parking and Fleet Services, concurred that it is unusual, although months sometimes go by with nothing.

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

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**Neighborhood Development Criteria Revisions Initiative -** (CR-08)  
**\$275,110 – Amend Operating Budget – Appropriation**

**385-9946 – Neighborhood Development Criteria Revisions** (PUR-13)

**Initiative Consulting Services**

This item was removed from the consent agenda by Charles Siemon, Siemon and Larson. He said they thought they were tailor made for this project. They are home based in Boca Raton. He noted staff that reside in Fort Lauderdale. Every dollar of the bid will be spent on professional services. For the last thirty-two years, they have provided such services in thirty states and Puerto Rico. Back-up materials state that their technical grasp of what occurs in neighborhoods would be too complex for neighborhoods to understand. He felt what they do best is take complex situations and translate them into meaningful things for individuals who live and work in communities so they can understand them and participate. He wanted to bring forth their continued interest to the Commission's interest.

Mayor Naugle wanted to hear from the recommended bidder. Kirk Buffington, Director of Procurement Services, said they are not present this evening.

Vice Mayor Rodstrom said she also wanted to discuss this item. She wanted to defer this until after the budget process because of the dollar amount, although she is supportive of this work. Staff already routinely amends the Unified Land Development Regulations.

Commissioner Hutchinson said this was discussed many times in conference meetings and was put forward by the Council of Fort Lauderdale Civic Associations who spent numerous hours on it with many individuals. It was a Commission priority. It is important. Probably, the recommended company did not know they should be present this evening. She supported the item. He felt that staff's to do list is probably long and there is not enough time to do it.

Commissioner Moore said it is important to show the community that their interests are being followed, and by agreeing tonight, it is a clear indication. He did not want to delay this.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Items CR-08 and PUR-13 as presented.

Vice Mayor Rodstrom did not disagree with reviewing the ULDR. She agreed with Commissioner Hutchinson. However, in the Commission's support of this all along, money was never mentioned. The recommended company is not present for a \$275,000 price tag, which is a concern to her.

Mayor Naugle had a question for the recommended company. Mr. Buffington replied that they were not advised of the need to attend. It is not normal to require it. He noted the process that has already occurred in front of the evaluation and selection committee. Mayor Naugle felt it is a poor business practice.

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

Vice Mayor Rodstrom said she removed this from the consent to make sure that everyone's questions are addressed.

Mayor Naugle wanted to hear a five-minute presentation from both bidders, have public input and then Commission discussion on selection. Commissioner Moore questioned deviating from the normal process. Mayor Naugle said that the bidder ranked 2 offered the City significantly more revenue. In the past, they have provided good service and he believed they are well liked by the customers. He does not understand the committee's recommendation.

Commissioner Moore requested an explanation on the process. Cate McCaffrey, Director of Business Enterprises, said there were several categories ranked by the Selection Committee. She outlined them along with their weight factors. There were presentations made to the Selection Committee. The recommended bidder received more points.

Vice Mayor Rodstrom referred to tight budget years around the state and asked why the financial aspect was only weighted 15%. Mr. Buffington said that staff looked at this as not just a maximization of revenue. Increasing and enhancing the ambiance of the beach environment was discussed over the last year. One must balance both revenue enhancement and increase in quality and ambiance on the beach. The RFP tried to do both. There is no doubt that revenue is an important factor. The Perry brothers and Beached Management have done a great job. When the determination was made that an RFP would go out for this service, staff took the opportunity to discuss with the business owners at the beach enhancement of the amenities. Storage was a very big issue.

In response to Vice Mayor Rodstrom, Ms. McCaffrey was not aware of complaints regarding storage, but noted there was a difference in the RFP because storage of pads was not previously necessary.

Vice Mayor Rodstrom cited the upcoming tight budget year and tough economic times as a country, and questioned if people would pay more for a cushion. She felt the City would be lucky to have continued tourism. If the company had provided poor service and there were complaints, she could see considering it. But for the same service, revenue is very important. She would prefer to award to the existing company or rebid.

Mayor Naugle preferred to hear a five-minute presentation from the two bidders and then have a discussion.

Stephanie Toothaker, representing Boucher Brothers, said in February the City issued an RFP for the beach concession. At that time the current concessionaire had asked the City for a reduction in the minimum guarantee they were required to provide because they were unable to meet the current revenue requirement. In Boucher's discussions with individuals on the beach, it appeared that they were looking for upgraded equipment. She noted Boucher's experience and accomplishments. They adhere to a stringent quality of five star products and services. Fort Lauderdale beach is a world-class city, and therefore, people expect a world-class beach with world-class service. Some changes include personalized concierge service with uniformed staff. They intend to make a \$350,000 capital investment in new equipment which makes them different from the current concessionaire. They would provide enhanced activities and

relationships with residents, hoteliers and tourists. Boucher is already providing services to the Yankee Clipper and Yankee Trader. Other hotels send their guests to those hotels for beach services by the Bouchers.

Ms. Toothaker said that in times that Boucher has taken over concessions in other municipalities, there has always been a market increase in revenues for Boucher Brothers and the municipality. In one year in Miami, a previous concessionaire had \$1.7 million in revenue and the Boucher Brothers had \$2.5 million. In Virginia Beach, the revenue increased in one year from \$455,000 to \$990,000. Their minimum guarantees are lower, at \$250,000, but their percentage increase proposed to be shared with the City is higher, at 8%, as opposed to the other concessionaire's 5%. This will result in a net increase in revenues shared with the City because they have proven revenues can be increased by strong management structure and experience.

Perry Boucher of Boucher Brothers, provided financial information and noted that they have increased revenues as noted by Ms. Toothaker. They provide an amenity program to hotels that includes a resort fee. The City receives 25%. In Miami Beach, the first year equated to \$540,000 in gross revenues of resort fees and the city received 20%.

George Platt, representing Beached Management and the Perry family, acknowledged that the Boucher Brothers are a good company. No complaints have been received about Beached Management. They have served the City well and upheld the City's image of the beach. The City may not want to overly clutter the beach the way it is perhaps being suggested. Beached Management has upgraded equipment and services over the years. Most of the time their ideas regarding upgrades have been rejected by the City. Therefore, he felt it is peculiar that the Boucher Brothers received extra points for adding things that were actually variances from the RFP. When Beached Management sought an extension from the Commission and reduction in the revenue, they were told the RFP would be issued and stakeholders would participate which did not happen. When they asked why the stakeholders like the Central Beach Alliance, hoteliers, beach goers and Parks Board, were not involved in the process, Ms. McCaffrey indicated that staff knew what they wanted. They took that to mean that the mandatory provisions of the RFP meant something, but it turns out that they did not mean too much. The Boucher Brothers submitted eight pages of variances. There were no representatives from the Parks Board, Central Beach Alliance or beach goers on the evaluation committee, but there was representation from the hotel industry. It is a public beach and it has to balance the interests of the public. For every person that rents a beach chair, there are thousands that do not and they should be treated correctly. They have tried to maintain the City's view of a blue wave beach, a natural gem, and they believe they have done a good job. There should be balance with the hotels.

Mr. Platt said there is a difference of \$465,000 for the City guaranteed over the course of the contract. They are prepared to work with all stakeholders and not just the hoteliers.

Charlie Perry of Beached Management, said he abided by the exact specifications of the RFP. He believed that Boucher Brothers deviated tremendously. If it was included in the RFP, he would have responded to it. He distributed what the City said at the pre-bid conference was their vision, which is actually photographs of his business, except that they imposed pads on the chairs. However, he was only awarded 14 points on overall vision in comparison with Boucher at 19 points. In regard to experience and qualifications, including references, he has 45 years of experience with Fort Lauderdale,

and 10-15 years with other cities. Boucher is proposing a new company for this operation. They were awarded 9.8 points, and he was awarded 8.4 points.

Randy Harris said he has known the Perry family and their company since the early 1970's. He is familiar with Beached Management operations. They provide much more than equipment rentals. They are an asset to the tourists and residents in making recommendations regarding restaurants, shopping and sightseeing. They are concerned about the safety and welfare of beachgoers and keep the beaches clean. He has witnessed Beached Management notify lifeguards and police when necessary. The saying of "If it ain't broke, don't fix it." applies to the Perry family. The City is facing a major budget crunch, and the Perry family has offered the City more revenue to the City over the three years. He believed they should be awarded the contract.

Donald Bitler, City resident, said he loves the beach. He came to know and respect the Perry family. They have operated a successful business for over 70 years at this beach. They take pride in ownership. They promote the community and the beach. He has only heard positive comments regarding this family and how they operate their business. They are benefactors of the community, property owners and taxpayers and have raised their families here. Their employees are also Fort Lauderdale residents. He believed the City would have trouble finding another business in the area that has such longevity and a good track record. He asked that their contract be renewed.

Diane Strait, City resident, said she has been a resident since 1959 and knew Charlie Perry's father. She was shocked to hear the City awarded the contract to an outsider that does not have history with the City and did not over-bid Beached Management. The City does not need as much revenue as it can possibly get. Beached Management has been with the City for better and worse. She mentioned examples where the Perry family assisted the City. Beached Management pays on time, every time. They keep the beach immaculate. The employees are respectful and give back to the community. She presented a 1977 postcard of the beach off Las Olas Boulevard in front of the Elbo Room with her son in the photograph. She commented how the Perry family watched over her and her sister as children when her mother worked.

Rob Friedlander, City resident, said he loves going to the beach and the Perry family has stood by his family when they were in trouble and had personal problems. He questioned taking \$150,000 in revenue from the City. Beached Management pays on time. From a health standpoint, he questioned use of beach chair pads at South Beach. He questioned how they are cleaned. There are beautiful, clean chairs on the beach now. It is a family beach. He did not want that taken away.

Mary Jo Whitehurst, Manager of a hotel on the beach, said she has worked with the Perry family for twenty-five years. They have always been available, whether it is a hurricane, helping an old lady across the street, or opening a coconut for a child. They are a part of what makes her guests return and say it is a friendly, wonderful place. She has never received a complaint about the condition of the chairs or that someone wants a more luxurious chair. Everyone has been happy with the service and safety they provide. She hoped the City would award the contract to Beached Management.

Dev Motwani, City resident, said he has been a resident of the beach area for over twenty years and his family also has owned a business on the beach for over twenty

years. He attended both of the Evaluation Committee meetings. He thought staff did an excellent job in representing the residents and business owners.

Chuck Hansen read the following: Dear Commissioners: A little over 40 years ago I blew into town with a wave of spring breakers from the University of Florida. While I was sipping my first beer at the Elbo Room and gazing across the street at the beautiful beach it only took me 11 seconds to realize that this is where I would like to spend the rest of my life. I did return to school to finish my degree but drove straight back here right after the graduation ceremony to start my new life. So far, it has been a dream come true I'm happy to say without any regrets whatsoever. I bring this story to your attention because I want to tell you about the first resident that I met in Fort Lauderdale. He was an ambassador to the City being a friendly, cheerful, outgoing guy with a great sense of humor and a wealth of information besides being a notable historian. His name was John Perry. I met him when I rented my first beach chair from him. Soon after I would meet Billy and Charlie Perry, his two young sons who would come down from school each day and help their father close for the day. All told, the Perry family has been handling the beach services for this City for the past 70 years in a friendly, courteous and professional manner. Not only are their chairs and umbrellas always in good condition, but each employee picks up any trash left on the beach in his area before he leaves for the day. And in the morning, they even rake sometimes any seaweed that washes ashore during the evening that the tractor could not get to. Even though I've always worked full time, I manage to come to the beach about five times per week or 10,000 times during these past 40 years. There is no one else in the City more qualified than myself to testify how wonderful an asset the Perry beach service is to our City. I understand that a new beach service contract is up for bid and that the Beached Management bid was much higher than the rest which leaves me to ask you just one question. Please explain to me your reasoning as to why you would ever remotely entertain a thought of possibly awarding this contract to anyone else other than Beached Management Incorporated who have a remarkable and favorable 70-year track record with the City, and who were also the highest bidder this year while the City is feeling the effects of a budget crunch. Thank you very much."

Thomas Muller, Environmental Engineering Director, Broward County Health Department, said he has been a City resident for more than fifty years and known the Perry family for almost all of that time. He respects Mr. Perry and believed he has done an outstanding job. He hoped the Commission would award the contract to the Mr. Perry. He believed his operation would help continue the Blue Wave status of the beach.

Dr. Paul Madden, City resident, said he has been a City resident for many years. Beached Management has been wonderful. The chairs have always been clean and comfortable and the service excellent. The Perry family provides so many extras they should be named ambassadors of this city. He understands that the Commission wants to add enhancements which he would not touch with a gallon of bleach. As a taxpayer he did not see how the City could turn down this extra money.

John McWilliams said he first knew the Perry family in 1954. The family has kept up with the times. They believe in on-hand management and treated their business like retailing: the customer is always right. The management at the St. Regis and the Hilton are extremely pleased with the Perry family. Times are tough and gas prices are high.



When there are no complaints about the highest bidder and there is a willingness and politeness, these factors should be considered.

Commissioner Moore returned to the meeting at approximately 7:03 p.m.

Steve Glassman, President of Central Beach Alliance, said he is speaking as a resident. The Alliance was left out of the RFP process. The Alliance represents forty-five condominium buildings and 400 individual members. They are questioning the process. He has never heard anything but wonderful comments about Beached Management.

The City Auditor said the hand-out submitted by the Boucher Brothers is mathematically incorrect. The revenues do not add up to the rent proposed. The amount shown is not a relevant comparison because they are comparing 2008 projected revenues for themselves versus actual revenues for Beached Management for 2007.

Commissioner Hutchinson said she her issue is in with the RFP. There are enhancements other than the pads that she did not think were discussed by the Commission. If the Boucher Brothers added the enhancements in their response to the RFP, it ordinarily might have been non-responsive because they were not requested. Mr. Buffington indicated that both responders met the minimum requirements of the RFP.

Commissioner Hutchinson did not think the City should have weighed any enhancements because those enhancements were not fairly distributed to both companies. Mr. Buffington explained the Evaluation Committee looked at the minimum requirements from the qualifications perspective. The other component is revenue enhancements.

Commissioner Hutchinson questioned whether it would have been more fair to allow both companies to bid the same thing and have the opportunity to submit something as it relates to the enhancements. One company chose to do this and go above and beyond the scope of the RFP, and the other chose to follow the letter of the law because that is usually what is requested.

Commissioner Moore noted this was rebid because the existing concessionaire requested a reduction in the revenue paid to the City. Also, there was the matter of services being provided by one vendor on a public beach for a number of years. Members of the motel/hotel association stated that there could be a necessity enhancing services. He thought it had a lot to do with the quality of the equipment. Interested parties at the hotels thought about other opportunities of services, such as beverages. The back-up material shows that the competitor was showing a lower guaranteed revenue than the existing contract, and suggests additional revenues based upon the performance of the past in other areas where they have done business. Staff expressed to him that the evaluation was not done based on the additional revenue. The present contractor shows higher revenue being offered than the competitor.

Mr. Buffington confirmed that the existing contractor did request a reduction in revenue. The RFP did not allow it, therefore, a new RFP was issued.

Commissioner Moore understood the public's comments and indicated he has never heard any complaints about Beached Management. However, he felt it was a fair process because it is a public beach.

In response to Commissioner Moore, Mr. Buffington noted the Evaluation Committee members, including their affiliations. Some of the members were outside of the City for specific reasons that he noted. There was a pre-bid conference for the RFP. Both responders were present. There was no objection raised at that time regarding the point methodology.

Commissioner Teel was troubled to hear that the beach residents were not included in the process. Ms. McCaffrey said she did not contact the Central Beach Alliance, but spoke to the bidders. She believed other staff spoke to entities on the beach who were in attendance at the conference meeting when this was discussed.

Commissioner Teel thought possibly a resident could have been included in the selection process. There are enough irregularities that it should be rebid. She was not comfortable with it. She did not think the process was fair.

In response to Commissioner Teel, Ms. McCaffrey indicated the contract has been extended to the end of May, but she was not certain when the year extension would end. Mr. Buffington thought the RFP could be reissued next week.

**Motion** made by Commissioner Teel to reject all bids and issue a new RFP was later amended.

Commissioner Teel thought there was confusion with the RFP regarding the offer of enhancements. It should state that any included enhancements would be graded separately.

Vice Mayor Rodstrom felt an RFP is a good tool to use to make sure there is competition and to ensure the existing arrangement is good. Her problem is that the RFP has faults. She was uncomfortable with the scoring. The City received valuable information, but from a monetary standpoint, she did not think the recommended vendor was the best one.

Commissioner Hutchinson referred to the City Auditor's memorandum on the subject. The City Auditor felt there are two significant aspects to this RFP that should have been weighted differently. Since it is a revenue contract, even though revenue is not the only criteria to be reviewed. It should be weighted somewhat more heavily, perhaps 50% in total. Other important items in his opinion are experience, qualifications and references. He was surprised to see those at 10%. He thought counting vision so highly is subjective in nature. The RFP is an opportunity for the City to spell out exactly what it wants. He did not feel that was done.

In regard to the awarding of points, the City Auditor noted that the break down was 15% for minimum guarantee and 15% for the percentage of excess. The way in which those points were awarded in the scoring process had the affect of canceling each other out. It did not evaluate the overall amount of revenue to be received. There was no likely scenarios of excess revenue that were plugged in to see what the percentage would be.

He concluded the same as Beached Management that break even is not reached until about \$5 million in revenue. There is nothing indicating they would reach \$5 million in revenue. It is likely to be between \$1 million and \$2 million indicating a significant revenue advantage to Beached Management over Boucher Brothers. Some of that is contingent upon how much of the amenity dollars are raised, but that is a subjective estimate of what they might get. He did not know how realistic it is for them to negotiate deals with the hotels. He felt if Procurement and the Evaluation Committee had looked at some various scenarios of different revenues, they would have come to a different conclusion.

Commissioner Moore seconded Commissioner Teel's motion. He also suggested that this matter be discussed at the Commission Conference of June 3, 2008, so that the points and evaluation process could be approved by the Commission. He suggested all responses be accepted thirty days from June 3 and the contract awarded at the first meeting in July. If there is a difference of opinion about scoring, he hoped it would all be resolved at the June 3 meeting.

Commissioner Moore was not surprised that the public was not involved in the RFQ. If the public participated in RFQ discussions, no contracts were probably be entered into. He encouraged the public to provide their input on June 3. He articulated the differences between an RFP and an RFQ. If the City wishes to have a more exact method to the scoring process, then it should be an RFP and as such it should state exactly what is wanted.

Commissioner Hutchinson clarified that it was an RFP.

Mr. Buffington requested the motion include authority to extend the current agreement which sunsets May 31, 2008 for ninety days.

**Amended Motion** made by Commissioner Teel to reject all bids and issue a new RFP was amended to also extend the current agreement which sunsets May 31, 2008 for ninety days. Commissioner Moore agreed to the amendment.

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

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**682-10026 – Decorative Street Signposts – Davie Boulevard**

**(PUR-12)**

Commissioner Hutchinson asked staff to provide an overview. Greg Brewton, Director of Planning and Zoning, said the money set aside by the Community Development Block Grant funds was for project planning and implementation of the signage, is consistent with the plan presented to the neighborhood. The funding is not being lost.

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

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**RESOLUTIONS**

**Landings Plaza Plat – 5556 North Federal Highway  
Bay Colony Exxon, Inc. – Case 22-P-07**

**(R-01)**

**No budgetary impacts.**

**Applicant: Bay Colony Exxon, Inc.  
Location: 5556 North Federal Highway  
Zoning: Boulevard Business B-1**

Commissioner Moore introduced the following resolution:

**RESOLUTION NO. 08-101**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT KNOWN AS "LANDINGS PLAZA."

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

**Site Plan Level IV – Amendments To Existing Hotel -  
Yankee Trader – Case 143-R-07 North Building,  
Case 144-R-07 South Building**

**(R-02)**

**No budgetary impact.**

**Applicant: A1A Trader, LLC  
Location: 303 and 331 North Fort Lauderdale Beach Boulevard  
Zoning: A-1-A Beachfront Area ABA  
Future Land Use: Central Beach Regional Activity Center**

**All individuals wishing to speak on this matter were sworn in.**

Ella Parker, Planning and Zoning, said the Applicant is proposing modifications and additions to the Yankee Trader Hotel, including the reduction of hotel units. They are also requesting approval for proposed uses and dimensional requirements for setbacks and length of the building, including a 13% parking reduction. The Planning and Zoning Board recommended approval. She noted conditions to any approval as outlined in the staff report.

Debbie Orshefsky, representing the Applicant, was available to answer any questions.

Judy Scherer, President of Birch Crest Condominiums, said they are located directly in back of the Sheraton. She is in support of the project. The original rendering added 40' to the building on the east side of the condominium. It was then suggested that they add to the south side of the hotel. Revisions were made and the new parking garage is directly in back of the existing hotel and would not affect the neighborhood. The CBA

was 100% in support of the new renderings. It is nice that a developer could work with the existing neighborhood. She hoped the Commission would vote in favor of the project.

Steve Glassman, President of Central Beach Alliance, said the project came to their board first on October 25, 2007. The Alliance was not in favor of the first renderings because of an addition at the northwest portion of the property. The plan was rejected on November 29, 2007, with a vote of 151 to 0. Modifications were made and the project was again presented to the CBA on January 4, 2008, and there was not to be a parking reduction. The CBA supported that because the garage is normally empty. Since the hotel rooms are to be decreased that would be an excellent compromise. On January 24, 2008, the CBA supported the site plan with a vote of 258 to 0.

Mel Rubinstein, Treasurer and Board Member of Birch Crest Apartments, said this is a rare occasion when the developer and other interested parties met with a neighborhood and worked together. The plan was presented and approved to the Planning and Zoning Board on April 16<sup>th</sup>. They ask that this Commission continue to work with the neighborhood and approve the application. He said the parking reduction is beneficial to the Yankee Trader, as well as their residents which is located west of the hotel. The hotel would save money on unnecessary construction, and the residents would not face a parking garage.

Vice Mayor Rodstrom thanked everyone for working together on this project.

Commissioner Hutchinson introduced the following resolution for the NORTH Building:

RESOLUTION NO. 08-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING AN AMENDMENT TO A DEVELOPMENT PLAN TO MODIFY EXISTING STRUCTURES, CONSTRUCT ADDITIONS AND APPROVE A PARKING REDUCTION FOR THE HOTEL, RETAIL AND RESTAURANT USE KNOWN AS THE YANKEE TRADER ON PROPERTY LOCATED AT 303 AND 331 NORTH FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA, IN AN ABA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

Which resolution was read by title only.

Vice Mayor Rodstrom disclosed that she had been to the site and spoke with parties as mentioned.

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

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**Ratification of Contract – International Association of  
Firefighters Local 765**

**(R-03)**

**\$1,061,014 or FY07/08 and \$1,114,065 for FY08/09 in the Fire Department, Fund 001, Subfund 01, FIR030101-1101 (Permanent Salaries).**

## RESOLUTION NO. 08-103

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 FORT LAUDERDALE PROFESSIONAL FIREFIGHTERS INC., IAFF LOCAL 765, AND AUTHORIZING EXECUTION OF THE COLLECTVE BARGAINING AGREEMENT.

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

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<b>PUBLIC HEARINGS</b>
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**Sun Trolley – Fare Adjustments – Downtown (PH-01)**  
**Fort Lauderdale Transportation Management Association**

**No budgetary impact.**

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

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

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**Revocation – Certificate of Public Convenience and Necessity (PH-02)**  
**Elite Bicycle, Inc.**

**No budgetary impact.**

Mayor Naugle announced this is a hearing to determine whether to revoke a Certificate of Public Convenience and Necessity issued to Elite Bicycles, Inc. to operate ten pedicabs and ten rickshaw non-motorized vehicles over specific routes in the City for failure to maintain public liability and property damage insurance pursuant to City Code.

**Anyone wishing to speak on this matter should provide their name and address and be sworn in. Also, copies of any documents or visuals shown must be provided to the City Clerk.**

Mike Maloney, Code Enforcement Manager, said that pursuant to City Code Section 27-193, it is required to maintain public liability and property damage insurance to operate a sightseeing vehicle in the City. Based on the failure of Elite Bicycle, Inc. to maintain the required insurance, the Building Department recommends the Commission revoke the certificate of public convenience and necessity granted on December 20, 2005.

Kevin Green of Elite Bicycles said he has proof of insurance and provided copies to the Commission. When he was notified he did not have insurance, he obtained it the next day. He had thought he was insured.

Julie Perry said she is one of the victims from the New Year's Eve accident on the Las Olas Boulevard Bridge. She and Susan Finnerty were taking a pedicab ride from one of Mr. Green's bicycles and were hit from behind by a hit and run driver who was never found. One would think that any business providing public transportation would be able to cover accident victims. The insurance certificate was falsified. In October, 2005, Mr. Green came before the Commission to request permission to operate this business. At that time, the City Police Department recommended that Mr. Green not be given a permit because he had been guilty of three different crimes and had spent time in jail and almost a dozen misdemeanors on his driving record. She questioned allowing such an individual to drive the public around in something pulled by a bicycle amidst traffic. Mr. Green should never have been allowed to operate such a business. After the City redflagged him, someone should have followed up to make sure he had insurance and proper lighting on the vehicles. She commented about the restrictions imposed in the City of Denver for such a business. The public's safety was put in jeopardy. The accident occurred on a poorly lighted bridge where the pedicab should not have been allowed to operate. Since the accident, she has not been able to return to her former job, and she has received no money from the insurance company that Mr. Green claims to have had insurance from.

Susan Finnerty said she was with Ms. Perry in the pedicab on New Year's Eve and both of them were injured. She found contradictory information about Mr. Green in connection first with Elite Bicycles and then Clean Air Taxi. Mr. Green's new insurance policy is dated March 18, 2008. She wanted Mr. Green's license revoked.

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

Commissioner Moore asked if there are any other individuals providing this type of service in the city and if so, are they insured. Mr. Maloney said that there is one company providing this type of service and they are insured.

Commissioner Moore asked about lighting and route requirements. Mr. Maloney said was not aware of any lighting requirements. Lindwell Bradley, Licensing Supervisor, said that a route was provided at the time of the certificate. Mr. Bradley and Mr. Maloney responded to Commissioner Moore's questions concerning route restrictions, enforcement of such restrictions and what would occur when an operator was found to be violating route restrictions.

In response to Commissioner Moore, Mr. Maloney indicated a certificate of liability is submitted as part of the application process which is a 12-month period and each year a new certificate is submitted for renewal. The City is not shown as an additional insured.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to revoke the certificate of public convenience and necessity issued to Elite Bicycle, Inc. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Moore, Hutchinson, and Teel, and Mayor Naugle. NAYS: None.

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**Anne Beck House – Middle River Terrace Park -  
50-Year Lease – Broward Trust For Historic Preservation, Inc.**

**(PH-03)****No budgetary impact.**

Mayor Naugle announced this item has been deferred.

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**Water, Wastewater and Stormwater**

**(OB)**

Mayor Naugle announced a public hearing was advertised regarding the Clean Water Act. It is requested to be continued to June 3, 2008.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to continue the public hearing until June 3, 2008 at 6 p.m.

## ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED THE WATER AND WASTEWATER AND STORM WATER BY AMENDING ARTICLE II – SEWERS AND SEWAGE DISPOSAL DIVISION ONE GENERALLY, SECTION 28-2675 B BY AMENDING ARTICLE V – SEWER USE AND REGULATIONS, DIVISION TWO, GENERAL SEWER USE REQUIREMENTS, SECTION 28-207 DIVISION FOUR – WASTEWATER DISCHARGE PERMIT REQUIREMENTS SECTIONS 28-212 AND 213, DIVISION FIVE REPORTING REQUIREMENTS SECTION 28-221 AND 28-231 PROVIDING FOR MODIFICATION TO THE FLUENT LIMITATIONS PRE-TREATMENT REQUIREMENTS AND STANDARDS OF PERFORMANCE TO COMPLY WITH THE CLEAN WATER ACT AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RULE 62-625 FAC PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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

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**Anne Beck House – Middle River Terrace Park -  
50-Year Lease – Broward Trust For Historic Preservation, Inc.**

**(PH-03)**

**Future Land Use Plan – Small Scale Map Amendment  
Cypress Creek Site – 3.16 Acres – Case 9-T-06**

**(O-04)**

**Creation of Affordable Housing Advisory Committee**

**(O-05)**

The City Attorney announced that second reading will be on June 3, 2008.

<b>ORDINANCES</b>
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**Rezoning To Community Business and Exclusive Use/  
Parking Lot – Pier 17 – 1500 SW 17 Street – Case 12-ZR-07**

**(O-01)**

**No budgetary impact.**

**Applicant:** Pier 17 Marina & Yacht Club, LLC  
**Location:** 1500 SW 17 Street  
**Current Zoning:** Industrial I, Residential Single-Family – Low/Medium Density RS-8  
**Proposed Zoning:** Industrial I, Community Business CB, Exclusive Use – Parking Lot X-P  
**Future Land Use:** Industrial and Low-Medium Residential

**ANYONE WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.**

Robert Gargano, 1329 Orange Isle, said that he is speaking on behalf of his neighbors, who listed and noted that all of them face the subject property. He favored the project except they would like any parking to be obscured from their properties including via the New River. They would like a six foot hedge, although a letter was sent by the Shady Banks Neighborhood Association requesting four feet minimum.

In response to Mayor Naugle, Courtney Crush, representing the Applicant, said they are comfortable providing a five foot hedge because they feel six feet could pose security issues. Five feet was previously discussed.

Commissioner Moore introduced the following ordinance on SECOND reading:

**ORDINANCE NO. C-08-21**

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RS-8" TO "XP" WITH COMMERCIAL FLEX ALLOCATION AND APPROVED DEVELOPMENT PLAN, THE EAST 183.5 FEET MORE OR LESS, OF TRACT "A", "BOSSERT ISLES," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, PAGE 42; AND TO REZONE FROM "RS-8" TO "CB" WITH COMMERCIAL FLEX ALLOCATION AND APPROVED DEVELOPMENT PLAN, BLOCK "A," "AMENDED PLAT OF YELLOWSTONE PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 3, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, 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 Rodstrom, Commissioners Moore, Hutchinson, and Teel, and Mayor Naugle. NAYS: None.

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**Rezoning to Community Business With Site Plan  
And Flex Allocation – Depot Offices – Professional  
Office Building – Case 3-ZR-07**

**(O-02)**

No budgetary impact.

**Applicant: AZD, LLC**  
**Location: 421 NE 11 Street**  
**Current Zoning: Residential Multi-Family Mid-Rise – Medium High  
Density RMM-25**  
**Proposed Zoning: Community Business CB**  
**Future Land Use: Medium High**

Commissioner Moore introduced the following ordinance on SECOND reading:

**ORDINANCE NO. C-08-20**

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM “RMM-25” TO “CB” WITH COMMERCIAL FLEX ALLOCATION AND APPROVED DEVELOPMENT PLAN, THE SOUTH 12.4 FEET OF THE WEST 64.5 FEET AND THE SOUTH 3.09 FEET OF THE EAST 70.5 FEET OF LOT 20 AND ALL OF LOTS 21 THROUGH 24, BLOCK 144, “PROGRESSO,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED AT THE NORTHWEST CORNER OF NORTHEAST 11<sup>TH</sup> STREET AND NORTHEAST 5<sup>TH</sup> AVENUE, 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 Rodstrom, Commissioners Moore, Hutchinson, and Teel, and Mayor Naugle. NAYS: None.

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**Amendment To The Pay Plan – Schedule I**

**(O-03)**

**\$72,680 is budgeted in Parks & Recreation Department, SF & Admin Division PKR01-character 10, object 110 salaries, Fund 001, Subfund 001. Specifically index code PKR010101-1101 Permanent Salaries, Fund 001, Subfund 001. The recommended title change for the Information Technology Services Director has no financial impact and the Environmental Services Manager Salary Range is being decreased by two (2) ranges resulting in a future net salary savings.**

Commissioner Moore introduced the following ordinance on SECOND reading:

**ORDINANCE NO. C-08-22**

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULE I OF THE PAY PLAN OF THE CITY OF FORT

LAUDERDALE, FLORIDA, BY CREATING AND ADDING A NEW CLASS, CHANGING THE PAY RANGE OF A CLASS, AND CHANGING THE TITLE OF A CLASS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

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**Future Land Use Plan – Small Scale Map Amendment (O-04)**  
**Cypress Creek Site – 3.16 Acres – Case 9-T-06**

**No budgetary impact.**

**Applicant: City of Fort Lauderdale**  
**Location: Andrews Avenue and Interstate 95 south of Park-n-Ride lot**  
**Current Future Land Use: Broward County Commercial**  
**Proposed City**  
**Future Land Use: Commercial**

Commissioner Moore introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-23

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 1999 FORT LAUDERDALE COMPREHENSIVE PLAN TO INCLUDE AN ANNEXED AREA AND ASSIGN A COMMERCIAL LAND USE DESIGNATION TO AN AREA KNOWN AS CYPRESS CREEK, LOCATED BETWEEN ANDREWS AVENUE AND I-95 SOUTH OF N.E. 62<sup>ND</sup> STREET AND SOUTH OF THE CYPRESS CREEK PARK AND RIDE AND AMENDING THE FUTURE LAND USE MAP TO DESIGNATE THE LAND USES AS COMMERCIAL.

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

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**Creation of Affordable Housing Advisory Committee (O-05)**

**No budgetary impact.**

In response to Commissioner Hutchinson, Margarete Hayes, Community Development, said it is a requirement as of the 2007 legislative session, that the committee be brought back into service. It is necessary in order to continue to receive SHIP funding.

Commissioner Moore introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING THE SHIP AFFORDABLE HOUSING ADVISORY COMMITTEE PURSUANT TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM; PROVIDING THE PURPOSE AND DUTIES OF THE COMMITTEE, THE NUMBER OF MEMBERS, THE CRITERIA FOR MEMBERSHIP AND THE LENGTH OF TERM.

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

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**Advisory Board/Committee Appointments**

**(OB)**

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

- |                                  |  |
|----------------------------------|--|
| Aviation Advisory Board          | Lloyd J. Evanson<br>Joseph Scerbo<br>Richard McDonald<br>Sharon Woods  |
| Cemeteries Board of Trustees     | Gerald Armbrister  |
| Centennial Celebration Committee | E. Clay Shaw (Chair)<br>Pat Dumont<br>Kristina Hebert<br>Charlie Palmer<br>Pat Hale<br>Claire Crawford<br>Susan McClellkon<br>Leroy Tunnage<br>Beauregard Cummings<br>Mary Rizor |
| Historic Preservation Board      | Beauregard Cummings  |

Commissioner Moore introduced the following resolution entitled:

RESOLUTION NO. 08-112

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

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**Calypso Deepwater Port****(OB)**

## RESOLUTION NO. 08-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, OPPOSING THE PROPOSED CONSTRUCTION OF A DEEPWATER PORT FOR THE OFFLOADING OF LIQUEFIED NATURAL GAS (LNG) TO BE LOCATED APPROXIMATELY 8 TO 10 MILES OFF THE COAST OF THE CITY OF FORT LAUDERDALE

Dan McGinnis, Project Manager, Calypso liquefied natural gas project, explained the purpose of the project and that it is port to be located 8-10 miles off the coast of Fort Lauderdale. Calypso is designed to augment Florida's acute need for natural gas in the future which has been made more acute with the cancellation of approximately 5,000 megawatts of coal-fired electric capacity in the past year as part of the Governor's movement toward climate change enhancement. They have been meeting for the last 2 1/2 years with citizens, along with governmental officials, regulators, community leaders, and special interest groups. They are about to complete the environmental impact statement. There is still time for individuals to comment on this before a decision has to be made at the federal level.

Mr. McGinnis said they have recently become aware of a letter of opposition from the Galt Mile Community Association to the Governor. He believed that their claims are unqualified, unfounded and wrong in most cases. The project has been deemed safe by the U.S. Coast Guard. He respected every citizen's right to comment on the project; they have been meeting with the Galt Mile Community Association and plan to bring the U.S. Coast Guard to a meeting next week to answer questions about the issue of safety.

Mr. McGinnis referred to the City's comments submitted on December 17, 2007 to the Coast Guard and asked the City to wait for a reply before taking action.

Richard Dodge, Dean of NOVA Southeastern University Oceanographic Center, said their institution has worked on this project for many years investigating environmental issues and concerns. NOVA has found Tractebel to be environmentally sensitive and conscious. He believed the ten-mile offshore distance would minimize any visual pollution. He was impressed with their willingness to share the results of their environmental investigations.

Amy Hirons, a research professor at NOVA Southeastern University Oceanographic Center, said that she was contacted two years ago when Suez Energy was required to do scientific studies concerning the viability and survivalship of plankton in the area of the pipeline and the deepwater port. She has been actively involved with the company. U.S. Coast Guard, Florida Wildlife Commission, National Oceanic and Atmospheric Administration. She found that Suez Energy has been very open and accepting of NOVA's scientific recommendations. They have been very forthcoming in trying to meet the needs and requirements of the public and interested parties. As far as the scientific information is concerned, it will have a very negligible impact. The pipeline layout was chosen to protect the hard bottom community. She urged the Commission to listen to all parties, especially the U.S. Coast Guard.

Vice Mayor Rodstrom asked if the company has indicated they will incorporate NOVA's recommendations into their plan. Ms. Hirons responded yes. In their environmental impact statement state and federal agencies' comments have been addressed along with those of the public and placed in the environmental statement.

Commissioner Moore referred to the Wingate incinerator site where the EPA funded a community based group to select a consultant to evaluate the process. He asked if NOVA is that party for the community in this case. Ms. Hirons said that NOVA has been contracted by Suez Energy.

Fred Nesbitt said the Government Accountability Office in Washington, D.C. in their report of December, 2007 reiterated that this kind of facility is a perfect target for terrorist attacks, and that the U.S. Coast Guard does not have the resources for protection of such a facility. Although the City has no yes or not say in this, if there is a breach in the facility, the City would still be responsible. It will be the City's police and fire departments. One tanker holds 33 million gallons of liquefied natural gas. He went on to note volumes involved. There could be a breach in the magnitude of 800 million cubic feet over the ocean with winds blowing. If it ignites, there would be a major problem. The ships are three football fields in length and about 17 stories in height. Calypso has indicated they will have one boat circulating the facility, and if there is any problem, they would notify the U.S. Coast Guard. He believed the possibility for disaster is tremendous. He understood only the governor can stop this project. He urged the Commission to adopt a resolution in opposition to this project.

Chris Chiari said he lives about one-half mile from the beach. This project dates back some ten years; it was to be built in Grand Bahama Island to pump natural gas along the ocean floor into Port Everglades. He questioned why the Bahamian government has never approved this project. The deepwater port permit portion of this date back to 2006. It is only now that the public is finding out enough information to react. This goes further than the Galt Ocean Mile; the path for catastrophe extends further. The unattended consequences should be considered. There is a need for new forms of energy. He wanted to support domestic innovation. He noted that they have applied for over two dozen permits throughout the country in hopes of obtaining a handful. He hoped the Commission would support the proposed resolution.

Dr. David Marshall, a resident of Plaza South, Galt Ocean Mile, said people are scared. He did not see the sense of taking such risk. Governor Patterson vetoed the project when it was proposed in New York. He urged the Commission to support the proposed resolution.

William Claire, a resident of Galt Ocean Mile, pointed out that tourists do not want to see such a port in the ocean. The City's economy relies on tourism. Citizens should not be put at risk. He opposed delaying consideration of the resolution. There are no other ports of this nature in the U.S. They have been denied in New York, California and other places. It does not belong near a populated area.

Barry Heimlich, President of Florida Energy Imperative, said this is an independent non-profit organization that conducts research and education regarding practical environmental solutions relating to energy alternatives and climate protection. He is a retired chemical engineer. This society and economy depend on energy. There are only a handful of alternatives for producing electricity; some are good and some are bad.

He elaborated upon the alternatives and information about supply. The only practical alternatives at this time are nuclear power and natural gas. Natural gas is clean and produces virtually no sulphur fumes and zero mercury. Florida needs gas to meet its growth; an alternative supply is needed. All of the state's supply come from two sources in Louisiana and Texas. If a disaster occurs in the Gulf of Mexico, there will not be enough power in Florida. Eighty percent of the power is produced by natural gas. He has reviewed this project over years and spent hours with Suez Energy as an independent environmental advocate. He has been convinced that this project is well conceived, well designed and safe. The Coast Guard would not otherwise permit it.

Mayor Naugle asked if Mr. Heimlich has been compensated by Suez Energy or any of their affiliates. Mr. Heimlich replied no.

Mayor Naugle said that one of the dirtiest power plants in the U.S. is at Port Everglades. Recently, they have installed some pollution control devices, but there are still a lot of pollutants.

Mr. Heimlich noted that FP&L has announced they are converting two oil powered plants to natural gas and new plants being built in Palm Beach County. With more gas capacity, they will hopefully be able to shut down the Everglades plant.

Mayor Naugle noted the City Attorney has indicated there is time. He wanted to defer this until after the Coast Guard hearing. He did not think all of the facts are in front of the Commission at this time. He wanted the vote in opposition to be unanimous, but could not support it at this time. It could be placed on the June 3<sup>rd</sup> agenda, all the facts gathered and additional public input be received.

Commissioner Moore commented that in the last two and half years, no one has approached him on this project. He believed there is an attempt to build a consensus prior to dealing with the political impact. The people need representation that gives them an opportunity to be accountable. This process has not done so. Because they have not shown accountability to him as a policymaker, he did not wish to give them any.

Commissioner Moore opposed Section 3 of the resolution. It should be very clear that the City opposes it. The City is over 170,000 people. This was hidden from them.

In response to Mayor Naugle, Commissioner Moore understood that Section 3 is basically asking Broward County to give assurances of protection if it is built.

Commissioner Teel said that one of the things being brought forward tonight is concern of Galt Ocean Mile residents. A greater amount of people are also affected and not even aware of it. Many others in the city would voice the same concerns as the Galt Ocean Mile. Information has not been shared about this project, although the Mayor has been following it and the City Attorney has been monitoring it. This is clearly a concern. The resolution is appropriate and should be adopted tonight. It will show true leadership. She agreed with Section 3 being deleted.

**Motion** made by Commissioner Teel and seconded by Commissioner Hutchinson to approve deletion of Section 3.

Vice Mayor Rodstrom wanted to reword Section 3 and include Broward County and Port Everglades to give more power to the request.

Commissioner Moore explained the language provides for Broward County and Port Everglades to ensure safety of the citizens if the project is approved. He did not wish to consider any discussion of approval. Broward County should take the same position.

Mayor Naugle did not think Broward County will oppose it because they will receive revenue. Commissioner Moore disagreed.

Vice Mayor Rodstrom asked if Section 1 could be revised to include the word, residents. She favored no further growth. She has additional concerns and questions. She suggested deferring. Commissioner Moore said that a motion is already on the floor. Vice Mayor Rodstrom asked about obtaining additional information. Mayor Naugle indicated the Commission will have already taken a position on it.

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

There being no other matters to come before the Commission, the meeting was adjourned at 8:48 P.M.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk