

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**JULY 1, 2008**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
July 1, 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: Commissioner Christine Teel  
Vice Mayor Charlotte E. Rodstrom  
Commissioner Carlton B. Moore  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: None

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

Invocation was offered by Reverend Dr. C.E. Glover, Senior Pastor at Mount Bethel Baptist Church, followed by the recitation of the Pledge of Allegiance.

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the minutes of June 17, 2008 Regular Meeting, and the agenda for the meeting of July 1 2008. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, Commissioner Moore, and Mayor Naugle. NAYS: None.

**Presentations**

**1. Outstanding City Employees (PRES-01)**

Frank Adderley, Police Chief, recognized Detective Robin Christophers and Officer Jay Smith as Officers of the Month for July, 2008 for their work in apprehending suspects of a robbery.

James Eddy, Fire Rescue Chief, recognized Lieutenant Sherry P. Richter recipient of Distinguished Executive Fire Officer Award from the National Fire Academy.

Chief Eddy also recognized Captain Jo-Ann Lorber recipient of Chief Fire Officer designation from the Commission on Professional Credentialing.

Chief Eddy also recognized all members of the department for their work at a fifth alarm fire on March 10, 2008. He showed photographs of the fire scene and gave some particulars about the rescue effort. They responded in four minutes; no residents were seriously injured. He congratulated City staff in addition to firefighters for their assistance in caring for people displaced from the incident.

Albert Carbon, Public Works Director, recognized Jim Grace and Joe Falcone, as the June, 2008 STAR Winners in connection with their efforts in saving a dog who had fallen into a canal.

Commissioner Hutchinson presented an award to Paul Bohlander, Assistant Utilities Director, for his dedication, professionalism, and leadership in the 2011 WaterWorks Program and citizens impacted. She thanked him for all his hard work and help during the construction in her district.

**Expression of Sympathy**

**(OB)**

The Mayor and City Commission offered an expression of sympathy to the families of Jane Gray, Lenora Tunsil, Bob Steel and for the mother of Mina Samadi.

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**482-10007 – Security Guard Services**

**(PUR-14)**

Mayor Naugle said that this item has been removed from the consent agenda because one of the bidders wants to discuss the item.

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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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**Fitness and Wellness Classes - Beach (M-01)**  
**Community Center – North Broward Hospital District**

**\$15,200 is budgeted in GF001, Subfund 01, PKR033301-3246 Recreation Programming.**

A motion authorizing the proper City Officials to execute an agreement with North Broward Hospital District – fitness and wellness classes at Beach Community Center – July 1, 2008 through January 30, 2009.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0907

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**Middle River Terrace Park Addition – Open Space Site 145 (M-02)**  
**Fourth Amendment To Contract – Purchase Price**  
**Escrow Funding**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a fourth amendment to contract for acquisition of Open Space Site 145 – Middle River Terrace Park Addition – amending purchase price and escrow requirement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0788

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**Neighborhood Capital Improvement Grant – Seven Isles (M-03)**  
**Homeowners Association – Landscaping and Stamped**  
**Asphalt Improvements - \$35,000**

**Transfer \$35,000 from P00411.331-6599 to P11378.331-6599 both in Fund 331, Subfund 01.**

A motion: (1) awarding neighborhood capital improvement grant in the amount of \$35,000 to Seven Isles Homeowners Association – landscaping on Seven Isles Drive – stamped asphalt on Rio Del Mar and Rio Castilla Bridges – Neighborhood Capital Improvement Grant Program – Project 11378; and (2) transferring funds.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0893

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**Neighborhood Capital Improvement Grant – Landscaping Improvements (M-04)**  
**Coral Ridge Country Club Estates Homeowners Association - \$12,300**

**Transfer \$12,300 from P00411.331 to P11386.331 – 6599 both in Fund 331, Subfund 01.**

A motion: (1) awarding neighborhood capital improvement grant in the amount of \$12,300 to Coral Ridge Country Club Estates Homeowners Association – landscaping improvements at Bayview Park and neighborhood entry features – Neighborhood Capital Improvement Grant Program – Project 11386; and (2) transferring funds.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0888

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**Neighborhood Capital Improvement Grant – Oak River Homeowners Association – Landscaping Improvements - (M-05)**  
**\$7,200**

**Transfer \$7,200 from P00411.331-6599 to P11382.331-6599 both in Fund 331, Subfund 01.**

A motion: (1) awarding neighborhood capital improvement grant in the amount of \$7,200 to Oak River Homeowners Association – landscaping improvements along SW 19 Street – Neighborhood Capital Improvement Grant Program – Project 11382; and (2) transferring funds.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-894

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**Amendment 1 To Task Order 18 – CMTS Florida, LLC - (M-06)**  
**\$93,554.65 – Utility Construction Inspection Services – Sewer Area 4 Basin E**

**Transfer \$104,781.21 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10507.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 18 with CMTS Florida, LLC., in the amount of \$93,554.65 – utility construction inspection services – Area 4 Basin E – Project 10507E, and (2) transfer \$104,781.21 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0848

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**Amendment 2 – Task Order 18 – Kimley-Horn and Associates, Inc. (M-07)**  
**\$26,212 – Fire Station 53 – Emergency Operations Center**

**\$16,041.74 is available in P10363.336-6599, Fund 336, Subfund 01; \$10,170.26 is available in P10363.468-6599, Fund 468, Subfund 02.**

A motion authorizing the proper City Officials to execute Amendment 2 to Task Order 18 with Kimley-Horn and Associates, Inc., in the amount of \$26,212 – additional construction phase services – review of close-out documentation submitted by contractor – West Construction, Inc. – Fire Station 53 at Executive Airport – Emergency Operations Center – Project 10363.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0903

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**Change Order 3 – Asphalt Consultants, Inc. - \$47,500 (M-08)**  
**Septic Area 2 East Basins A and C**

**Transfer \$53,200 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10832.482-6599.**

A motion authorizing: (1) Change Order 3 with Asphalt Consultants, Inc., in the amount of \$47,500 – additional work for Septic Area 2 East Basins A and C – Project 10832; and (2) transfer \$53,200 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0853

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**Change Order 2 (Final) – Metro Equipment Services, Inc. - (M-09)**  
**Credit (\$74,407.50) Pump Stations – Septic Area 4 – Basin A, B, C, D and E**

**Reduce encumbrance in Fund 490, Subfund 01, P10507.490-6599 by (\$74,407.50).**

A motion authorizing the proper: (1) Change Order 2 (Final) with Metro Equipment Services, Inc. – CREDIT amount of (\$74,407.50) – final quantity adjustments for Pump Stations – Septic Area 4 (Basin A, B, C, D and E) – Project 10889; and (2) reducing encumbrance by (\$74,407.50).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0850

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**Change Order 4 (Final) – Intercounty Engineering, Inc. - (M-10)**  
**\$9,567.89 – Group I Pump Station Rehabilitation**  
**& Add 302 Days**

**Transfer 9,567.89 from the WW2011 SRF Construction Loan #3 Fund to Fund 489, Subfund 01, P10488.489-6599 and Transfer \$1,150 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10488.482-6599.**

A motion authorizing: (1) Change Order 4 (Final) with Intercounty Engineering, Inc., in the amount of \$9,567.89 – additional work and final quantity reconciliation – addition of 302 non-compensable calendar days to contract period – Group I – Pump Station Rehabilitation Pump Station A-11, B-8, D-39, D-47 and E-5 – Project 10488; and (2) transfer \$10,717.89 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0864

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**Change Order 1 – Ric-Man Construction, Inc. - \$138,835 (M-11)**  
**Shady Banks Septic Area 5 – Basin C**

**Transfer \$155,496 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10543.482-6599.**

A motion authorizing: (1) Change Order 1 with Ric-Man Construction, Inc., in the amount of \$138,835 – additional work and quantity adjustments – Shady Banks Septic Area 5 Basin C – Project 10543C; and (2) transfer \$155,496 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0873

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**Change Order 2 – Foster Marine Contractors, Inc. - Credit (M-12)**  
**(50,088.80) – Lauderdale Manors Phase III – Basin A**

**Reduce the encumbrance in Fund 482, Subfund 01, P10517.482-6599 by (\$50,088.80).**

A motion authorizing: (1) Change Order 2 with Foster Marine Contractors, Inc., in the CREDIT amount of (\$50,088.80) – additional work and quantity adjustments – Sanitary Sewer and Water Main Improvements – Lauderdale Manors Phase III Basin A – Project 10517A; and (2) encumbrance reduction of (\$50,088.80).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0874

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**Change Order 3 (Final) – Intercounty Engineering, Inc. - (M-13)**  
**\$24,412.58 – Group II Pump Station Rehabilitation & Add 203 Days**

**Transfer \$24,412.58 from the WaterWorks SRF Construction Loan #3 Fund to Fund 489, Subfund 01, P10545.489-6599 and \$2,929.51 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10545.482-6599.**

A motion authorizing: (1) Change Order 3 (Final) with Intercounty Engineering, Inc., in the amount of \$24,412.58 – additional work and final quantity reconciliation and the addition of 203 non-compensable calendar days to contract period – Group II Pump Station Rehabilitation – Pump Stations A9, B6, B5 and B13 – Project 10545; and (2) transfer \$27,342.09 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0875

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**Change Order 1 – Globetec Construction, LCC – \$213,000 (M-14)**  
**Sewer and Water Main Improvements – Area 2 West Melrose Manors Basin A**

**Transfer \$238,560 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10710.482-6599.**

A motion authorizing: (1) Change Order 1 with Globetec Construction, LLC, in the amount of \$213,000 for quantity adjustments – Sanitary Sewer and Water Main Improvements Area 2 West Melrose Manors Basin A – Project 10710A; and (2) transfer \$238,560 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0884

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**Change Order 1 – Trio Development Corporation - \$99,181.50 - (M-15)**  
**Add 15 Days Edgewood Pump Stations – Package II Septic Area 8 – Basins D, E, F, and G**

**Transfer \$111,084 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10580.482-6599.**

A motion authorizing: (1) Change Order 1 with Trio Development Corporation, in the amount of \$99,181.50 and the addition of 15 non-compensable calendar days to contract period – additional work – Edgewood Pump Stations – Package II Septic Area 8 – Basins D, E, F, and G – Project 105801; and (2) transfer \$111,084 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

Exhibit: Commission Agenda Report 08-0885

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**Change Order 3 – Globetec Construction, LLC - \$22,405 (M-16)**  
**Sanitary Sewer and Water Main Improvements – Riverside**  
**Park Basin C**

**Transfer \$25,093.60 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10578.482-6599.**

A motion authorizing: (1) Change Order 3 with Globetec Construction, LLC., in the amount of \$22,405 – additional work and quantity reconciliation – Sanitary Sewer and Water Main Improvements Riverside Park Basin B – Project 10578C; and (2) transfer \$25,093.60 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0906

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**Change Order 3 (Final) – Man-Con, Incorporated - Credit (M-17)**  
**(\$132,424.65) – Sanitary Sewer and Water Main Improvements –**  
**Edgewood Basin A**

**Reduce encumbrance in Fund 482, Subfund 01, P10580.482-6599 by (\$132,424.65).**

A motion authorizing: (1) Change Order 3 (Final) in the CREDIT amount of (\$132,424.65) – Man-Con Incorporated – final quantity reconciliation – Sanitary Sewer and Water Main Improvements – Edgewood Basin A – Project 10580A; and (2) reduction of encumbrance by (\$132,424.65).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0908

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**Change Order 4 – Trintec Construction, Inc. - \$293,436.56 - (M-18)**  
**Add 45 Days – South Side School Restoration**

**Funding will be available in P10777.331 contingent upon authorization of the budget amendment (CAR 08-0955) – appropriating \$400,000 additional funding to P10777.331, all in Fund 331, Subfund 01 and Subobject 6599.**

A motion authorizing Change Order 4 with Trintec Construction, Inc., in the amount of \$293,436.56 and the addition of 45 working days to contract period – South Side School Restoration – Project 10777A, contingent upon authorization of budget amendment appropriating \$400,000 additional funding to the project.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0935

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**Change Order 1 – Solution Construction, Inc. - \$60,598.21 (M-19)**  
**Mills Pond Park Baseball Fields – Lighting and Electrical Renovation**

**\$52,000 is available n P11082.331-6599, Fund 331, Subfund 01, and transfer \$14,658.04 from P10602.328-6599, Fund 328, Subfund 01, Hortt Park Playground (complete) to P11082.328 to fund the change order and engineering fees.**

A motion authorizing: (1) Change Order 1 with Solution Construction, Inc., in the amount of \$60,598.21 – Mills Pond Park Baseball Fields – Project 11082; and (2) transfer \$14,658.04 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0902

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**Change Order 1 – Expertech Network Installation (U.S.), Inc. – (M-20)**  
**\$113,112.78 – Water Transmission Main – Oakland Park Boulevard**

**Transfer \$126,700 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10572.482-6599.**

A motion authorizing: (1) Change Order 1 with Expertech Network Installations (U.S.), Inc., in the net amount of \$113,112.78 – additional work and quantity adjustments – Water Transmission Main – Oakland Park Boulevard – Project 10572; and (2) transfer \$126,700 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0900

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**Contract Award – Intercounty Engineering, Inc. - \$2,715,825 (M-21)**  
**System-Wide Pump Station Rehabilitation Upgrades – Phase II**

**Transfer \$3,041,724 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11111.482-6599.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Intercounty Engineering, Inc., in the amount of \$2,715,825 – System-Wide Pump Station Rehabilitation Upgrades – Project 11111; and (2) transfer \$3,041,724 to fund this contract and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0881

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**Outside Counsel – Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A. – Astaldi Construction Corporation Litigation (M-22)**

**Transfer \$70,000 from Water and Sewer Revenue Bonds Funds to Fund 482, Subfund 01, P11263.482-6599.**

A motion: (1) appointing outside counsel – billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A., to represent the City in litigation of Astaldi Construction Corporation vs. City – Progresso Sanitary Sewer – Storm Improvements – Project 9766B; and (2) transferring \$70,000 to fund this activity.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0872

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**Reject Bids and Re-Bid – Electrical Upgrade – Las Olas Docking Facility (M-23)**

**No budgetary impact.**

A motion rejecting all bids received and authorizing re-bid – Electrical Upgrade for T Head Area of Pier 1 and 2 Las Olas Docking Facility – Project 11218.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0923

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**Contract – First Extension – Post, Buckley, Schuh and Jernigan, Inc. Architectural, Engineering and Other Services – Hurricane Aftermath (M-24)**

**No budgetary impact.**

A motion authorizing the proper City Officials to approve first one-year extension of continuing services contract with Post, Buckley, Schuh and Jernigan, Inc. – architectural, engineering and other services related to Hurricanes Katrina and Wilma.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0839

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**Federal Bureau of Investigation Ride-Along Agreement (M-25)  
Fire Rescue Department**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute an agreement with the Federal Bureau of Investigation to provide a ride-along experience – Fire-Rescue Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0866

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**Firefighter Group Medical Coverage (M-26)**

**For the 4 months ended 12-31-08, 4150,000 is available for Health Ins Admin & \$1,400,000 for Health Ins. Claims Administration – INS220101/5130, Fund 545/Subfund 01, and Claims – INS220101/5131, Fund 545/Subfund 01.**

A motion to provide coverage under the City’s medical plan(s) for employees who are members of the bargaining unit represented by International Association of Firefighters Local 765 beginning September 1, 2008.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0932

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**CONSENT RESOLUTION**

**Cultural Facilities Grant – Southside School - \$500,000 (CR-01)  
Florida Division of Cultural Affairs**

**No current year budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0956

RESOLUTION NO. 08-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A CULTURAL FACILITIES GRANT IN THE AMOUNT OF \$500,000.00 FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS, FOR THE DEVELOPMENT OF SOUTHSIDE SCHOOL.

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**Amend Operating Budget – Appropriation - \$400,000 (CR-02)  
Additional Funding – Southside School**

**Appropriate \$400,000 from Undesignated Fund Balance in Fund 331 (screen 6400 – no Subfund 271) to P10777.331-6599, Fund 331, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0955

RESOLUTION NO. 08-

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 APPROPRIATING \$400,000.00 FROM GENERAL CAPITAL IMPROVEMENT PROJECT (CIP) FUND 331 TO PROVIDE FUNDS FOR THE SOUTHSIDE SCHOOL PROJECT 10777.

**Fruit Tree Give-Away – Grant - \$7,000 (CR-03)  
The Fruit Tree Planting Foundation**

**Appropriate \$7,000 of grant funds to fund 129 Subfund 01, GFRUIT08-F217 Revenue and expenditure in 3913, horticulture supplies. Appropriate match dollars in the amount of \$7,000 from Commemorative Tree Canopy Trust Fund, 219-450160 Fund Type 01, Fund 001, Subfund 01 into GRUIT08-F217 revenue and expenditure in 3913 horticultural supplies.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0914

RESOLUTION NO. 08-139

A RESOLUTION OF THE CITY OF FORT LAUDERDALE, FLORIDA ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$7,000 FROM THE FRUIT TREE PLANTING FOUNDATION AND 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 SUCH GRANT FUNDS IN THE AMOUNT OF \$7,000 TO FUND 129 AND APPROPRIATING MATCH FUNDS IN THE AMOUNT OF \$7,000 FROM THE COMMEMORATIVE TREE CANOPY TRUST FUND.

**Amend Operating Budget – Appropriation - \$523,000 (CR-04)**  
**Utility Billing System Software Replacement**

**Appropriate \$523,000 from Fund 409, Subfund 01, FD409.01-9901 Sanitation Fund Balance to Fund 409, Subfund 01, P11139.409-6599 Utilities Billing System Replacement.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0910

RESOLUTION NO. 08-140

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 \$523,000 FROM FUND 409, SUBFUND 01, FD409.01-9901 SANITATION FUND BALANCE AND TRANSFERRING- IN TO FUND 409 SUBFUND 02, P11139.409-6599 UTILITIES BILLING SYSTEM REPLACEMENT, FOR THE PURCHASE OF A REPLACEMENT UTILITY BILLING SYSTEM.

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**Donation To Florida Youth Athletic Association - \$25,000 (CR-05)**  
**Law Enforcement Trust Fund**

**Appropriate \$25,000 from Fund 104, Subfund 01, Undesignated Fund Balance and Transfer to Fund 104, Subfund 01, POL050201, Sub-object 4299.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0897

RESOLUTION NO. 08-141

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 \$25,000 FROM THE LAW ENFORCEMENT TRUST FUND FOR THE FLORIDA YOUTH ATHLETIC ASSOCIATION SUBJECT TO CERTAIN CONDITIONS AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS.

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**Calling Special Election – November 4, 2008**  
**Charter Amendments – Clarifying Clerk and Auditor Authority**

**(CR-06)**

**Funds not to exceed \$19,000 in Fund 001, Subfund 01, Index CLK010201, Subobject 3299-Other Services.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0931

**RESOLUTION NO. 08-142**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF FORT LAUDERDALE ON NOVEMBER 4, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF FORT LAUDERDALE FOR THEIR APPROVAL OR DISAPPROVAL, THE PROPOSAL TO PROVIDE CLARIFICATION FOR THE CITY CLERK'S APPOINTMENT OF ASSISTANT CITY CLERKS AND FOR THE CITY AUDITOR'S APPOINTMENT OF ASSISTANT CITY AUDITORS.

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**PURCHASING AGENDA**

**Proprietary – 582-10036 – Florida Sheriff's Association**  
**Contract – Three Vehicle Replacements**

**(PUR-01)**

**4410,180.00 is budgeted in Fund 583/01, PAR030101, 6416.**

Purchase three vehicle replacements identified in 2007-2008 Fleet Plan and approved in Fleet Services Capital Budget appropriation is being presented for approval by Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Vendor:** Various Vendors (see attached)

**Amount:** \$410,180.00

**Exhibit:** Commission Agenda Report 08-0922

The Procurement Services Department has reviewed this item and recommends approval of purchases from the Florida Sheriff's Association Contract, Bid Award 582-10036 and the proprietary purchase.

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**482-10059 – Emergency Catering Services**

**(PUR-02)**

**There is no cost to enter into these contracts. Departments will spend in accordance with per unit pricing secured through the competitive bidding process.**

One-year contracts for purchase of emergency catering services, as needed, is being presented for approval by the Procurement Services Department.

**Recommend:** Motion to approve.

**Vendor:** Professional Concessions, Inc.  
West Palm Beach, FL  
Toojay's Management Corporation  
West Palm Beach, FL

**Amount:** Per Unit Prices

**Bids Solicited/Rec'd:** 132/3

**Exhibit:** Commission Agenda Report 08-0917

The Procurement Services Department recommends awarding a primary contract to the low responsive bidder and a secondary contract to the second low responsive bidder.

**Firefighting Bunker Gear** **(PUR-03)**

**\$301,138.05 is budgeted in Fund 001, Subfund 01, FIR010501, 6499.**

Purchase 159 sets of firefighting bunker gear is being presented for approval by the Fire-Rescue Department.

**Recommend:** Motion to approve.

**Vendor:** Thermo Fisher Scientific, Inc.  
Waltham, MA

**Amount:** \$301,138.05

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 08-0918

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

**Proprietary – Motorola Radio Equipment and Related Components – Integration Into Mobile Interoperable Communications Trailer** **(PUR-04)**

**\$167,381.51 in grant funds are budgeted in GICT07, Fund 29, Subfund 01, Subobject C311. There is no cash match required.**

Purchase Motorola radio equipment and related components for integration into Mobile Interoperable Communications Trailer is being presented for approval by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** Motorola, Inc.  
Schaumburg, IL

**Amount:** \$167,381.51

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 08-0939

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

**Hewlett Packard and Dell Hardware For Utility Billing System** (PUR-05)

**\$34,634 is budgeted in Fund 450-01, PBS010601 – 3401 Computer Maintenance; \$112,321 is in Fund 454-01, P11139.454-6599 Utility Billing Replacement.**

Purchase Hewlett Packard and Dell hardware for new Utility Billing System is being presented for approval by the Information Technology Services Department.

**Recommend:** Motion to approve.

**Vendor:** Dell Marketing USA L.P.  
Round Rock, TX  
Hewlett-Packard Company  
Palo Alto, CA

**Amount:** \$146,955.00

**Exhibit:** Commission Agenda Report 08-0928

The Procurement Services Department recommends approving the purchases from the State of Florida Contract and the Western States Contracting Alliance (WSCA) contract.

**Assignment of Contracts – Turf Grass Maintenance Tree Trimming – Removal Services** (PUR-06)

**No budgetary impact.**

Assignment of existing contracts for turf grass maintenance – tree trimming – removal is being presented for approval by the Parks and Recreation Department and Business Enterprises Department.

**Recommend:** Motion to approve.

**Vendor:** The Brickman Group Ltd., LLC  
Gaithersburg, MD

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 08-0913

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

**Interlocal Agreement – Broward County Solid Waste Services**

**(PUR-07)**

**\$77,000 is available in Fund 409, Subfund 01, PBS090101, 3199.**

Evaluation of the City's future participation in Interlocal Agreement with Broward County for Solid Waste Services is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Kessler Consulting, Inc.  
Tampa, FL

**Amount:** \$77,000.00 (not to exceed)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 08-0671

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

**483-10041 – Water Distribution Parts**

**(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 water distribution parts is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Ferguson Enterprises, Inc.  
Newport News, VA

**Amount:** Per Unit Prices

**Bids Solicited/Rec'd:** 551/5

**Exhibit:** Commission Agenda Report 08-0867

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

**662-9463 – Additional Roofing Products – Re-Roofing and Repair**

**(PUR-09)**

**No budgetary impact.**

Roofing products to be added to contract or low slope re-roofing and repair projects is being presented by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Advanced Roofing, Inc.  
Fort Lauderdale, FL

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 08-0843

The Procurement Services Department has reviewed this item and recommends approval for this change to the contract.

**682-10018 – Awning Shade Structure Replacement - (PUR-10)**  
**Hurricane Aftermath**

**\$34,242.02 is available in P16048.129, Fund 129; \$11,955 in P16014.125, Fund 125; \$75,566.50 in P16020.125, Fund 125, all in Subfund 01 and Subobject 6599.**

Award two contracts for replacement of awnings and shade structures damaged during Hurricane Katrina and Wilma is being presented by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** The Awning Factory & Marine Canvas  
Manufacturers, Corp.  
Fort Lauderdale, FL  
X-Pert Awning Company  
Pompano Beach, FL

**Amount:** \$121,763.52

**Bids Solicited/Rec'd:** 99/3

**Exhibit:** Commission Agenda Report 08-0857

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

**Contract Extension – Clarifloc Polymer (PUR-11)**  
**Lohmeyer Wastewater Treatment Plant**

**\$238,500 is available in Fund 451, Subfund 01, PBS670503, 3713 (\$212,000 is currently encumbered for this purchase).**

One-year contract extension to purchase clarifloc polymer is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Polydyne Inc.  
Riceboro, GA  
**Amount:** \$238,500.00 (estimated)  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-0896

The Procurement Services Department has reviewed this item and recommends a one-year extension of this contract at the negotiated pricing.

**P483-10031 – Purchase of Wellfield Generators** (PUR-12)

**\$214,740 is available in Fund 482, Subfund 01, P11366.482,6599.**

Approval for trade-in and purchase of two wellfield generators is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Florida Detroit Diesel-Allison, Inc.  
Miami, FL  
**Amount:** \$214,740.00 including trade-in credit of \$12,000  
**Bids Solicited/Rec'd:** 497/7  
**Exhibit:** Commission Agenda Report 08-0898

The Procurement Services Department has reviewed this item and recommends the trade-in and purchase from the low responsive and responsible bidder.

**483-10056 – Metal Turning Lathe** (PUR-13)

**\$50,385 is available in Fund 470, Subfund 01, PBS660502, 6499.**

Approval to trade-in two lathes and purchase one metal turning lathe is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Pelican Machine Tools  
Largo, FL  
**Amount:** \$50,385.00  
**Bids Solicited/Rec'd:** 218/2  
**Exhibit:** Commission Agenda Report 08-0901

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

**482-10007 – Security Guard Services** (PUR-14)

**\$189,216 is available in Fund 450, Subfund 01, PBS010101, 3249 - \$134,019 is available in Fund 001, Subfund 01.**

Two-year contract for purchase of security guard services for multiple City facilities is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Kent Security Services, Inc.  
North Miami, FL

**Amount:** \$323,235.00 (estimated)

**Bids Solicited/Rec'd:** 568/14

**Exhibit:** Commission Agenda Report 08-0849

The Procurement Services Department has reviewed this item and recommends awarding to Kent Security Services, Inc.

**175-9715 – Utility Billing System Software Integration and Maintenance** (PUR-15)

**Transfer \$1,477,000 from P11197, 454-6599, Water & Sewer Fund Recap to P11139.454 Utility Billing System Replace, both in Fund 454-01; Transfer \$154,000 from P00380-6599 Stormwater Recep to P11139.470-6599 Utility Billing System Replace, both in Fund 470-02. Also \$523,000 will be available in P11139.406-6599 Fund 409-02 upon approval of budget amendment in CAR 08-0910 \$15,000 for maintenance available in PBS010601-3401 Fund 450-01, Computer Maintenance. Future years of Cayenta Software Maintenance in the amount of \$327,589 will be subject to appropriation.**

Contract to purchase a new Utility Billing System Software Integration, Third-Party Software Maintenance and an additional five years Cayenta Software Maintenance for billing and collection of water, sewer, sanitation, stormwater, utility taxes and fees is being presented for approval by the Finance Department.

**Recommend:** Motion to approve.

**Vendor:** N. Harris Computer Corporation (Cayenta Division)  
Ontario, Canada

**Amount:** \$2,150,349.00

**Bids Solicited/Rec'd:** 449/7

**Exhibit:** Commission Agenda Report 08-0915

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

**172-9595 – IAFF Local 765 Group Dental PPO Plan** (PUR-16)

**The administrative fees for Guardian are estimated to be \$10,000 plus dental claims of \$50,000 for the remaining four months of 2008. INS 200101/5131, Fund 543/Subfund 01. There are sufficient funds.**

Approval of emergency purchase of insurance-related services and the Revival and Assignment of Administrative Services Agreement for TPA dental coverage between Guardian Life Insurance Company and International Association of Firefighters Local 765 Health Insurance Trust for four months (September 1, 2008 – December 31, 2008) in substantially the form attached is being presented for approval by the Finance Department.

**Recommend:** Motion to approve.

**Vendor:** The Guardian Life Insurance Company of America  
New York, NY

**Amount:** \$60,000.00 (estimated)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 08-0940

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

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel that Consent Agenda Items M-18, CR-01 and CR-02 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

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**Change Order 4 – Trintec Construction, Inc. - \$293,436.56 (M-18)**  
**Add 45 Days – South Side School Restoration**

Commissioner Teel felt it is time for a thorough and comprehensive update on Southside School. She referred to the current economic times and was concerned if there is going to be sufficient monies to complete this project.

**Motion** made by Commissioner Teel and seconded by Vice Mayor Rodstrom to table this matter to July 15, 2008 at 6 p.m. Roll call showed: YEAS: Commissioners, Hutchinson and Teel, Vice Mayor Rodstrom, Commissioner Moore, and Mayor Naugle. NAYS: None.

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**482-10007 – Security Guard Services (PUR-14)**

Jay Tome of Haralson & Tome, LLP, Miami Lakes, representing Sereca Security Services, in connection with RFP-482-10007. Sereca was the City's vendor for five



years and was the lowest bidder. Kent Security Services came in third and filed a protest. In spite of Kent's protest, Sereca was awarded the contract. The Auditor got involved and received a report from the Office of Inspector General concerning Miami International Airport. As a result of the Auditor's report, staff's recommendation was reversed. He referred to the Auditor's report, dated June 12, 2008. The Auditor's recommendation was based on the OIG report. He contended the report is hearsay which would violate due process. There is a right to rebut and to know the Auditor's concern. He said the Auditor never gave Sereca an opportunity to rebut. The Auditor's actions were contrary to the American system of government. Secondly, the Auditor misinterpreted Section H of the RFP. Sereca's answer to this section is correct; there are no disputes related to mediation, arbitration or claims.

Mr. Tome said Sereca is the lowest bidder and most cost effective. Sereca has been partners with the City for five years and want to remain so. A second alternative is to defer this from the agenda and give Sereca time to meet with staff and the Auditor.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this matter to July 15, 2008 at 6 p.m.

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

In response to the Mayor, the City Attorney suggested, dependent upon the Commission's wishes, Sereca could meet with staff and the Auditor before July 15<sup>th</sup> or simply written responses could be submitted. Commissioner Moore wanted both.

Vice Mayor Rodstrom wanted to hear from the Auditor. There was consensus that the Auditor could provide input on July 15<sup>th</sup>. Mayor Naugle asked the Auditor to provide his previously prepared response to the Commission. Mr. Tome requested a copy also.

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**Cultural Facilities Grant – Southside School - \$500,000 (CR-01)**  
**Florida Division of Cultural Affairs**

Mayor Naugle felt the City should proceed with the grant application.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to adopt the resolution as presented.

Vice Mayor Rodstrom asked about the \$1 million match. Phil Thornburg, Parks and Recreation Director, said this grant is for 2009-2010, and therefore, staff would seek approval for inclusion of the match in the coming year's Capital Improvement Program (CIP) unless other monies are found. In further response, Mr. Thornburg indicated the City will not know about the grant application until after the budget process.

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

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**Amend Operating Budget – Appropriation - \$400,000 (CR-02)**

**Additional Funding – Southside School**

Commissioner Teel wanted to table this matter to July 15.

**Motion** made by Commissioner Teel and seconded by Commissioner Hutchinson to table this matter until July 15, 2008 at 6 p.m. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, Commissioner Moore, and Mayor Naugle. NAYS: None.

<b>RESOLUTIONS</b>
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**Future Land Use Map Amendment – Mills Pond Park** **(R-01)**  
**Fire Station 46 – Community Facilities – Case 6-T-07**

**No budgetary impact.**

**Applicant:** City of Fort Lauderdale  
**Location:** 1515 NW 19 Street – Mills Pond Park – 1.308 acres

Commissioner Hutchinson explained by using a portion of Mills Pond, the community feels the City is taking away park land. She asked about the deed restriction on the existing Station 46 property. The City Attorney said it could be used for anything the City wants.

Commissioner Hutchinson wanted the existing Station 46 property rezoned to park land so that more is created than what is being taken at Mills Pond. She wanted to add it as a condition.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that approval be contingent upon rezoning the existing Station 46 property to park land.

Albert Carbon, Director of Public Works, responded to Vice Mayor Rodstrom's question about acreage. Vice Mayor Rodstrom pointed out a land use amendment through Broward County would be needed as the designation if open space, not park. Greg Brewton, Director of Planning and Zoning, confirmed that as correct.

It was confirmed for Vice Mayor Rodstrom that this land was not purchased with Broward County bond money.

Vice Mayor Rodstrom objected to giving up open space land for a public facility. The existing parcel where Station 46 is situated could be used for a new station, but it would have to be two-story. She asked about whether that would be possible with current bond funding. Mr. Carbon indicated additional parking waivers would be necessary.

Vice Mayor Rodstrom asked about service times once the station is relocated. She also asked about serving the Rock Island residents. James Eddy, Fire Rescue Chief, said an exhaustive study in regard to response times was conducted. Response times would drastically improve with this relocation, which is the primary thrust as to staff supports

this location. The matrix study from several years ago indicated a strong preference for fire-rescue to run a peak rescue service during daytime hours. One of the things being considered is to use the old station for that peak rescue because it is a very busy area.

Vice Mayor Rodstrom asked with future population increase, are there plans for additional stations other than those ones in the fire bond. Chief Eddy indicated yes, which is contemplated in the bond, a new Station 8 in the vicinity of the hospital. Additional stations would be contingent upon where the City decides to annex services. The secret to response times is neighborhood stations. He was confident that the ten stations to be built would position the City in great shape for response times. Should there be annexations or large population increases, the system would then have to be adjusted.

Vice Mayor Rodstrom said she spoke with Broward County Commissioner EGGLETON, whose district covers Rock Island, and he noted there is county property across from Osswald Park, that County would consider a fire station in order to save the open space. She asked if this could be considered. Chief Eddy indicated it would need to be examined by the committee of experts. The proposed location within the park is ideal with respect to response times. The philosophical issue as to whether a station should be on park land is not for him to answer. However fire service routinely runs in and out of the park, helping injured children, therefore, he believed it enhances the park.

Commissioner Moore was perplexed with the idea of dealing with the county government that consistently sticks it to this municipal government when it comes to delivery of service. He noted the example of Osswald Park and the City's annexation program. Initially when he discussed this with the Fire Rescue Chief, he was opposed to taking away open space, but changed when he understood the issue of response times is Broward County did not step up to the plate when the City annexed Rock Island and the City was looking for a site. The site mentioned by the Vice Mayor is not large enough for a station. The thirty acres of Osswald Park recently annexed is a gain of open green space. He mentioned the public tax dollars spent for wetlands. If it has to do with response time, he would prefer to have two stations. Residents in the area met with staff and the civic association indicated in the interest of emergency issues. Fire Rescue had indicated there would be public use of the station for meetings and concession stand improvements will be made. He did not want to delay this item.

Commissioner Moore expanded on difficulties with the county government and that individuals wanted to be annexed to the City because they felt they would get better delivery of services. He referred to Commissioner Hutchinson's point. The site will be a public use, but it is yet to be decided whether it will be park or fire rescue. He wanted to leave it open at this moment.

In response to Mayor Naugle, Mr. Carbon indicated that Mills Park is over 150 acres. Mayor Naugle pointed out that this is less than 1% of the park and is located at the entrance of the park. He thought it is a wonderful improvement for the park to have a fire station where firefighters will be there 24/7. The facility will be able to be used for recreation.

Commissioner Teel pointed out just recently there was discussion about placing a house on park land and nothing was said about taking park land then. This is about saving lives. Every minute counts. Park land is being added. The station location at the 19<sup>th</sup>

Street park entrance is perfect. She supported the recommendation of the professionals who have studied this.

In support of the Fire Rescue Department, Commissioner Hutchinson withdrew her motion. She was upset that the information shared with Commissioner Moore about the existing Station 46 was not shared with her. She had no idea that it is to be used to enhance service.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to support staff's recommendation (contained in resolution).

Edna Elijah (Lauderdale Manors Homeowner Association) urged support of this item. Mayor Naugle urged residents to go to the County Commission meeting because this will require a land use plan amendment.

Vice Mayor Rodstrom clarified that everyone on the dais believes that health, safety and welfare is their number one priority. With respect to the house being moving to Middle River Terrace Park, the park was never zoned correctly. It is zoned residential. When it is rezoned to park, one permitted use is community facility. Open space and Mills Pond is a different zoning category. There are no permitted uses for any type of facility, and that is why it has to go to the County Commission. She questioned that given the option of using an existing spot which is not open space or a spot closer to the community in need, this Commission would decide to use open space.

Dennis Ulmer, 1007 NW 11 Place, was opposed to this when it came before the Lauderdale Manors Homeowners Association because they were not told about the station's re-use. Next door neighbors were never informed. Also, with the current economy, he wondered if the City considered purchasing land on 19 Street; the parcel located at 15<sup>th</sup> and 19<sup>th</sup> would help the Association because it would get rid of a negative use. Also two advisory boards had turned this down. He questioned if property is not available, would the City take park land.

Elizabeth Hays noted that the Parks, Recreation and Beaches Advisory Board voted against this primarily based on the loss of park land. Planning and Zoning also turned this down for the same reason. She asked out mitigation so there is not a net loss. She did not want future thinking of taking away open space land for community facilities. She wanted the Commission go on record with a policy of no net loss of park land.

Mark Hartman, chair of Parks, Recreation and Beaches Advisory Board and immediate past president of Middle River Terrace Neighborhood Association, referred to placement of the house in Middle River Terrace Park and noted one of the park system's functions is to preserve heritage. It is appropriate to place the Annie Beck historic house in a park. He is concerned about giving up open space that is difficult to get. He agreed that response time is the center piece of the debate. Because property values have tanked, possibly the City could look at some other property. It appears there are other options besides taking open space. He is also concerned about such a precedent.

Christine Jones, second vice president of Lauderdale Manors Homeowner Association, favored relocation the station to the park. It would be beneficial in view of the sports events taking place. With such a structure in the area, it will prevent much of the negative drug activities. Response time will be faster. It will beautify the neighborhood.

**Motion** made by Vice Mayor Rodstrom to table this item died for lack of a second.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 08-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE TRANSMITTAL OF A SMALL SCALE AMENDMENT TO THE CITY OF FORT LAUDERDALE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF CERTAIN LAND LOCATED AT 1515 N.W. 19<sup>TH</sup> STREET FROM PARK/OPEN SPACE TO COMMUNITY FACILITIES TO THE BROWARD COUNTY PLANNING COUNCIL AND REQUESTING THIS AMENDMENT OF THE BROWARD COUNTY LAND USE PLAN MAP.

Which resolution was read by title only.

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

Commissioner Moore asked about traffic signalization at 15<sup>th</sup> and 19<sup>th</sup> once the station is situated there. He has repeatedly requested a signal at Powerline Road. He wanted a signal included in the station design. Mr. Carbon said the Fire Rescue Department has the ability to preempt the signal at 15<sup>th</sup> and 19<sup>th</sup> to stop traffic.

Commissioner Hutchinson pointed out that pre-empting is cheaper.

Commissioner Moore said the station would be further west from where the present signal is located. He was concerned that during high traffic times, the signal could stop traffic in front of the station; therefore he wanted it included in the design.

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**City Attorney, City Auditor, City Clerk - Compensation**

**(R-02)**

**Each respective Salaries and Wages account.**

**Motion** made by Commissioner Moore agreed with the proposed increases, but not retroactive; 5% beginning in the upcoming year died for lack of a second.

Mayor Naugle felt the Attorney, Auditor, Clerk and Manager have done a fine job this year, but these are difficult times. The Attorney, Auditor and Clerk have received 5% and they are requesting an additional 5%. He did not think in these challenging time it is possible. He suggested recognition in the form of a bonus.

Commissioner Moore indicated he had personal interviews with each individual and found each to be very commendable professional. He believed they should receive an increase no less than what the labor and bargaining units received in this upcoming year. His concern was with the retroactive from November, 2007. Increases were not given then because of the impact of the budget. They worked with the Commission by

not pushing the issue. Their goals have been met and they deserve an increase and it should not be one that could be taken away the following year.

Mayor Naugle understood there would be the 5% that the bargaining units and confidential management received, and they would receive that again next year as the bargaining units are scheduled to receive, but not a merit increase. Commissioner Moore clarified his position is 5% merit and 5% COLA in the coming year, not retroactively.

Commissioner Hutchinson seconded the motion.

Vice Mayor Rodstrom indicated she also met with each individual. She understood they would be treated no differently than any other employee who received the 5% and merit raises.

In response to Vice Mayor Rodstrom, the City Auditor confirmed it is correct they as a group felt it would not be prudent to bring forward discussion of merit increases in August of last year when due because of union negotiations.

Vice Mayor Rodstrom indicated she also asked the Attorney and Auditor if they would be willing in years going forward when the City will have extreme budget crunches not to take any raise. They said they would seriously consider it.

In response to Vice Mayor Rodstrom, the City Auditor said these are merit raises contemplated by their current contracts. He expanded on the City's pay for performance plan and his belief that they provided value for the money. It is also a matter of equity. General employees receive a COLA and are also eligible for a merit raise up to 7.5%. They felt a 5% merit was reasonable. They recognize next year will be a tight budget year and he would not be comfortable seeking a merit increase next year if the funds are not available.

Mayor Naugle noted employees who are at the top of their pay scale are not eligible for a 7.5% merit. Only about 30% receive a merit increase, the others are topped out and only receive the COLA. He believed COLA is actually running around 3%, not 5%.

Commissioner Teel believed the Auditor, Attorney and Clerk have done an outstanding job. Since raises were deferred, she felt it is only fair to treat these individuals just like the other groups that were in negotiations. She appreciated that they deferred requesting merit increases because of the negotiations. She also appreciated that they recognize it is unknown whether raises will be possible in the future. They earned it and should receive it. She did not think they should be treated differently. She supported the increase retroactive and the COLA. She referred to gasoline prices and thought the COLA is closer to 5%.

Commissioner Moore agreed they deserve increases. It could be that they deferred until after negotiations to see the outcome, although he is not challenging it. Based upon their performance, he believed they deserve an increase but not retroactively.

In response to Mayor Naugle, the City Manager declined being included, but appreciated the support.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 08-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR AN INCREASE IN THE COMPENSATION PAID TO CITY ATTORNEY, CITY AUDITOR, AND CITY CLERK.

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

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**CITIZEN PRESENTATIONS**

**Dennis Ulmer – Proposed Florida Constitutional Amendment 6  
“Working Waterfront” Tax Break**

**CIT-01**

Dennis Ulmer announced that this will amendment will be on the November 4 general election ballot and read the full question. It was sponsored by the Florida Taxation and Budget Reform Commission. It means a tax break to waterfront businesses that do not intend to convert to a more lucrative use such as condominiums. He emphasized the marine industry’s importance to the city. He has no financial interest in the marine industry, but as a concerned citizen, he is interested in preserving current industry during the current economic climate. He urged support.

Commissioner Moore left the dais at approximately 7:22 p.m.

**Stephen Buckley – Colee Hammock Park Boundaries**

**CIT-02**

Stephen Buckley, a Fort Lauderdale resident, said he is one of three trustees and personal representatives of his father’s estate who acquired a house on the west side of Colee Hammock in 1967. His father passed away in 2004. Shortly thereafter it came to their attention that their property boundaries are unclear. They have been working with city staff for three years. He presented a plat map of the park and his family’s lots 18 and 19. Lot 18 does not reflect any dimensions. At the time every point in the plat was not surveyed. They have had two surveys since his father passed away and they conflict each other as to the lot size. The City has indicated they have no survey and do not know the boundary. The trustees now have a buyer and it is critical this is resolved.

Commissioner Moore returned to the dais at approximately 7:25 p.m.

Mr. Buckley said he has researched this extensively. Their seawall stops at the fence and the City’s seawall begins at the fence, but the fence is not necessarily the boundary. They hired a City approved surveyor who will meet with the City Surveyor and hopefully within the next 30 days have a resolution.

Mayor Naugle thanked Mr. Buckley and his family for their patience. He felt the Commission agrees this should be resolved. The City Attorney said staff has been working on this for some time. There is agreement for the family to hire a third surveyor who would be the final arbiter on the boundary line. Mr. Buckley noted his family is paying for the third surveyor.

Mayor Naugle said this matter would be resolved once the new survey was obtained.

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<b>PUBLIC HEARINGS</b>
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**Pine Crest Preparatory School – Campus Capital Improvements (PH-01)**  
**Tax Exempt Bonds – Interlocal Agreement With Palm Beach County**

**No budgetary impact.**

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 08-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA (THE "CITY"), APPROVING THE ISSUANCE OF NOT EXCEEDING \$75,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF PALM BEACH COUNTY, FLORIDA REVENUE BONDS (PINE CREST PREPARATORY SCHOOL, INC. PROJECT), SERIES 2008 (THE "BONDS") WITHIN THE MEANING OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THAT CERTAIN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY, FLORIDA AND THE CITY OF FORT LAUDERDALE, FLORIDA; AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND PROVIDING AN EFFECTIVE DATE.

Which ordinance was read by title only.

Mayor Naugle announced that Palm Beach County has agreed to issue up to \$75 million in tax-exempt revenue bonds on behalf of Pine Crest Preparatory School to refund the City of Fort Lauderdale Revenue Bonds issued in 2002 and to make capital improvements at the Fort Lauderdale and Boca Raton Pine Crest campuses. Because a portion of the bonds will be expended at the Fort Lauderdale campus, under tax law it is necessary for the City to conduct a public hearing giving interested persons an opportunity to be heard on the proposed issuance, to approve the issuance of the bonds, to enter into an interlocal agreement to evidence that the City has granted its approval



subject to limits and conditions of that approval. There is no financial obligation or participation on the part of the City in his bond offering.

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

**Rezoning To Planned Unit Development – 2220 North  
Atlantic Boulevard – Fairwinds – Case 2-ZPUD-08**

**(PH-02)**

**No budgetary impact.**

**Applicant:** Fort Lauderdale Beach Associates, LLC – Fairwinds on the Ocean  
**Location:** 2220 North Atlantic Boulevard  
**Current Zoning:** Residential High-rise Multi-Family/High Density RMH-60  
**Proposed Zoning:** Planned Unit Development PUD  
**Future Land Use:** Residential High

Robert Lochrie, representing the Applicant, asked all of the information provided to the Commission and testimony of the Planning and Zoning Board be entered into the record. Instead of each expert for the Applicant making a statement as to the documents provided, he asked that letters on their behalf be entered into the record evidencing their authorship. He commented about the work on this project over the course of the last 3-4 years and the significant changes that have occurred. He asked that the presentations for PH-02 and PH-05 be combined.

Mr. Lochrie noted the project size, composed of the old Ireland's Inn hotel, as well as ancillary hotel uses that were traditionally at the site and residential uses. Throughout his presentation, he used visual aids. Copies of the visual aids are attached to these minutes. The same uses are proposed although in a bit of a different form. The request is for PUD zoning and street vacation to allow a 164-room hotel, 128 residential units, 14,610 square feet of restaurants and 17,000 square feet of spa. He noted where the uses and public amenities will be situated. The hotel and residential buildings are connected by a central lobby of glass. The Palms to the south is 300 feet in height. Fairwinds is 240 feet at the southern end and to the north for the residential portion is 30 feet. As to the overall setbacks, from the lobby to the seawall is 250 feet; 175 feet from the corner of 23<sup>rd</sup> and A-1-A; the restaurant is 41 feet from that corner and the residential is 70 feet from the property line. The hotel and residential portion are separated by 56 feet. The residential building sets back from the sea wall 171 feet.

Mr. Lochrie indicated the site is bifurcated by the extension of North Atlantic which dead-ends at 22<sup>nd</sup> but extends further north. Today, there is very limited public access. There is no access from 22<sup>nd</sup> to A-1-A. North Atlantic has no landscaping, sidewalks, drainage or on-street public parking. It serves as a service area for the Applicant and The Palms. Pedestrians also use it. The proposal is to significantly enhance the pedestrian experience throughout the site. Sidewalks and metered parking would be added to 23<sup>rd</sup>. The walk along A-1-A will be enhanced with wider sidewalks and landscaping, and adding a new connection between A-1-A and 22<sup>nd</sup> with a new amenity package. Two new amenities would be added to the site open to the public during reasonable hours,

allowing the public to transverse within and adjacent to the property. There will be a restaurant at the east end of 23<sup>rd</sup> and direct pedestrian access to the street. To the east there will be direct access to the Beachfront Bar & Grill. They will be dedicating additional right-of-way allowing the intersection of A-1-A and 23<sup>rd</sup> to be realigned, removing one signalization. The alignment should help traffic flow. The Ireland family has bought the co-op building. It will be demolished and replaced with a restaurant. In all cases along 23<sup>rd</sup>, there will be a minimum of ten foot wide sidewalks and in some areas it will be wider. There will also be a minimum of ten feet of landscaping. Eleven parking spaces will be added at A-1-A and 22<sup>nd</sup>. At the end of 23<sup>rd</sup> Street, the street has been moved back, a turnaround has been added, new shade structures and landscaping. The plaza is set back about 30 feet. The existing shower feature will be enhanced, as well as direct connection to the beach and the north/south accessway and direct access to the Beachfront Bar & Grill. Seventy new bicycle racks will be incorporated throughout the site.

Mr. Lochrie noted there will be direct public access from A-1-A to the restaurant and spa area. In all conditions there will be a minimum of ten foot sidewalks. There will be outdoor dining in front of the restaurants, a landscape buffer, ten feet of sidewalk, a bus shelter area and additional landscaping. Where it gets more narrow, in all cases there is a ten foot sidewalk. Against A-1-A there is a landscape buffer and another ten feet of landscaping between the sidewalk and the entry features. A-1-A is also being redesigned to include bike lanes. To the south end, a covering over the service areas will be included with landscaping on top. The service areas are all internal to the building. There will be a new access point for pedestrians from A-1-A to the extension of 22<sup>nd</sup>. 22<sup>nd</sup> Street will be turned into a greenway with additional landscaping, open areas, seating areas and bicycle racks with direct connections to the beach pass. There is fifty feet of space open to the public. The Applicant will build and maintain it open to the public. There will be a pathway as proposed by City staff and members of the community from the north to the south property line west of the seawall. Planning and Zoning requested ten feet and the Applicant agreed to eight feet. From a parking perspective, everything except the on-street spaces, is underground. There is no parking podium. It is all at grade. The accessway actually invites people into the site.

With respect to the street vacation, Mr. Lochrie indicated that they believe better access is being provided. From a PUD perspective, there has to be a public benefit and they believe the benefits are significant. To the south at Willingham Park, the Applicant would install amenities including a water fountain, a new bus stop and shelter, along with new landscaping, reconfiguring the sidewalk and placing all power lines underground to 18th. They will redo the landscaping and sidewalks to the extent permissible by neighboring property owners to 18<sup>th</sup> as well.

Commissioner Moore left the dais at approximately 7:50 p.m.

Mr. Lochrie noted under the City's code restaurant uses would not be allowed direct access to the street; one would have to use the interior lobby. The Applicant believes this to be completely contrary to what they are attempting to accomplish. They are requesting these elements be allowed as part of the PUD with direct public access. The spa would not be permissible in a residential building. They are also asking for direct public access for the spa. Residential buildings in this zoning district are limited to 200 feet; there is no restriction on hotel buildings. They connected the hotel and residential with a central lobby. As a result the entire length exceeds 200 feet.

Mr. Lochrie noted that setbacks are consistent with what the Commission could approve in this zoning district with one exception. They are asking for additional relief from yard modifications in the service area covering. It is at about 13 feet instead of 25 feet. In the same area of the accessway, the code requires a 10 foot landscape buffer directly adjoining The Palms' property line. The Applicant is providing a 16 foot buffer but 8 feet of it is paved. The City's landscaping code requires that 35% of the site be landscaped. For this project, they are not able to count large areas of the site under the code definition, and specifically because there is a garage underneath. The landscaping is at grade level. There is a large amount of hardscape in pool areas and patios, which are open to the public, and also not counted. Looking at all landscaped like areas, including the patio areas, items at grade level, there is 50% landscape, far exceeding code requirements. Ordinarily the beach area is counted toward the requirement, but the Applicant has not done so. If the beach was count, the project would be at 57% open space. The 2200 Building exists on the site at the southeast corner. It was included in The Palms project shadow calculations. The Applicant is proposing to remove the building. Nothing would be constructed in its place except for the pool and patio areas, therefore nothing will contribute to the shadow. The Applicant did not include any credit for the beach adjoining the 2200 parcel; thus the calculation is 49%. Overall the Applicant believes the area is improved with removal of that building. He pointed out the heights at various points in the project. The Applicant recognizes that all off-site improvements will be subject to a developer agreement.

Mr. Lochrie indicated there are two items of concern relating to the staff report. Staff suggested an eight foot walkway for the area to the west of the seawall; the project showed six feet. It was approved by the Planning and Zoning Board at ten feet. Although the Applicant would leave it to the Commission's discretion, they believe eight feet is more than sufficient. Each additional foot takes away landscaping. The Applicant proposed that walkway would be open to the public from sunrise to sunset and the Planning and Zoning Board requested that they work with staff on this. In consulting staff, there is agreement it would be open to the public from 6 a.m. until the restaurants close subject to the ability to seek relief from the City Manager if there is ever a problem.

Commissioner Moore returned to the dais at approximately 7:57 p.m.

Mr. Lochrie indicated that the Applicant does not believe the walkway should be open to bicyclists. There is a shared bike path along A-1-A, as well as the new bike path that FDOT is installing along A-1-A. There will be bike racks at either side.

Mr. Lochrie presented letters of support, including Dolphin Isles Homeowner Association, Lauderdale Beach Homeowner Association, Galt Miles Community Association, South Beach Alliance, Golden Square Association, Everglades Club Condominium, The View Condominium and Greater Fort Lauderdale Chamber of Commerce.

Mayor Naugle opened the floor to the public.

Eugenia Ellis complimented the Fairwinds group for seeking input from residents of the south end of the beach. Fairwinds is a community-based group. They listened to neighborhoods and made changes. She supported the project.

Ina Lee, a beach resident and founder of the Beach Council, Greater Fort Lauderdale Chamber of Commerce, said there are an overwhelming number of people who endorse this project. She reminded everyone that tourism and the marine industry are the city's bread and butter. This project will have a national and international impact on industry. This is the best of the best. The City is moving toward being a five-star destination which means millions of dollars to the City and the community. She noted the creation of jobs. She asked the Commission to pave the way for greatness.

Frances Reynolds asked the Commission to vote in favor of this project.

Pio Ieraci, President of Galt Mile Community Association, said he represents nineteen high-rise buildings on the beach and co-ops on the west, comprising 16,000 residents. They support this project and urged the Commission to vote in favor of it this evening.

Michael Mueller, President of Everglades Club Condominium, indicated they voted unanimously in favor of this project. This is a step forward in how development should be done in Fort Lauderdale.

Steve Glassman, President of Central Beach Alliance, said their membership consists of fifty condominium associations and four hundred individual members. This project has set a new standard for working relationships between developers and neighborhoods on the beach. The Fairwinds made at least five revised site plans. They voted 181 to 50 in support of this project.

Arthur Naddell commented how three generations of the Ireland family have insisted that he help their guests when needed regardless of the hour. They have a track record of worrying about their people. They have proven that they can be trusted. All ages of the community frequented Ireland's Inn. He urged the Commission to approve the project.

Denise Bryan, Mayor of Sea Ranch Lakes, supported the proposed development, mentioning new jobs and local retail merchants. It will add to property values.

Robert George, a resident of Galt Ocean Mile, was impressed with the way the Ireland family maintained their property after Hurricane Wilma devastation. He was also impressed with how they addressed concerns of residents. It is a beautiful design. He urged the Commission to approve it.

Joseph Miele, President of The View Condominium Association, said he represents 150 families. He commented how Fairwinds sought their input and listened to their concerns. One hundred percent of The View support this project. He mentioned the lack of restaurants currently in the area and that residents will be able to use amenities at Fairwinds. He urged the Commission to vote in favor of this project.

Fred Singer, Treasurer of The View Condominium Association, commented about the economic stimulus this project will provide for years. He appreciated the sense of community brought by the Applicant with improvements to Willingham Park. He urged the Commission to vote in favor of this project.

Tucker Gibbs, representing The Palms 2100 Master Association, noted he is joined by President of the Master Association, President of Tower One and Vice President of Tower Two at The Palms. They have met with the Ireland family on this project for some

two years. They are proud to support this project. It addresses many of their concerns. With respect to the north/south access, they agree with the Applicant for safety reasons it makes sense for it to be open from dawn until the last restaurant closes. In addition keeping roller skates and bicycles off this boardwalk walkway helps the community because it is a safety issue.

James Sadler, representing Central Beach Alliance, said there is a concern about the vacation of North Atlantic Boulevard. They feel with what is being dedicated back to the public and all of the improvements, it is more than a good deal. They urge support of the street vacation and the project. As a private citizen, he also supported the project and noted various features.

Mari Mennel-Bell commended the Applicant. She asked that the wind tunnel between The Palms and the Fairwinds' tower on the south end. She asked if the walkway would be deeded to the City. She asked about a ramp for non-motorized boats on 23<sup>rd</sup> Street.

Joe Holland felt this is a victory for all sides. They are close to having an acceptable public benefit. He urged the ten foot width of the beach walk as recommended by staff. He hoped the material used would accommodate baby strollers. There has been a net reduction in beach access. He indicated there is concern about access closure for weddings, banquets and so forth. He asked this be considered before the next hearing.

Martin Kurtz, resident of The Palms, said he resides directly adjacent to the subject property. He felt the project is a beautiful design. He considered the beach an urban corridor. He felt the City could not do any better by anchoring the north beach corridor with this project. He strongly urged the Commission to vote in favor of it.

Chuck Malkus, Chair of Beach Council, Greater Fort Lauderdale Chamber of Commerce, felt the City is fortunate to have such a project when other parts of the country do not have much to cheer about. It will benefit tourism and all residents. He appreciated the Commission's support for this project.

Miranda Lopez appreciated the effort put into this project by City staff and the Applicant. She urged approval of the walkway ten feet in width. There should be protection through the developer agreement to prevent any increase in commercial activity and to preserve the residential character of the area.

Joe Amorosino, President of Lauderdale Beach Homeowners Association, said they have been involved in this for about three years. They unanimously endorse the project. During the build-out period their neighborhood will be impacted. The Applicant assured that there will be no staging in their neighborhood or diversion of traffic over a long period of time. This project proves that by working together an agreement can be reached. He was comfortable in having the City Manager oversee it. He urged the Commission to approve it.

David Breitenbach, resident of The Palms, said that he lives in the stack closest to this project. The Palms is looking forward to the project. He elaborated upon the extent to which the Applicant has gone to address concerns, including protection of view corridors. He felt the safety issue of the walkway being open after things close at night should be addressed. He urged the Commission to support it.

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

**Motion** made by Commissioner Hutchinson to approve the project with the conditions of the Planning and Zoning Board and staff.

Commissioner Moore asked about the boardwalk walkway width. Greg Brewton, Director of Planning and Zoning, said the Commission could make a decision on the width if it feels comfortable doing so. However there are other things that need to be included in the conditions at the developer agreement stage. Staff is recommending their conditions and those of the Planning and Zoning Board be worked out in the developer's agreement that will be presented to the Commission at a later date.

Jim Koeth, Planning and Zoning Department, read staff's recommended conditions: 1) walkway labeled north/south accessway on the plans shall be a minimum of 10 feet in width. In addition, it will be recorded as a public pedestrian easement. The easement shall permit pedestrians and bicycles. 2) atrium lobby for Building 1 shall be transparent clear glass construction. 3) beach shower proposed at NW 23 Street end must be located closer to the proposed project than to the single-family residents to the north. 4) proposed new sidewalk along the right-of-way in the Applicant's proposed improvement plan for Willingham Park will be located set back from the right-of-way to provide sufficient area to accommodate landscaping between the sidewalk and the streets. 5) Applicant is required to obtain all applicable environmental permits through all pertinent review agencies. 6) The portion of NE 22 Street not vacated must be maintained by the Applicant. In addition, the Applicant shall assume all liability for this portion of NE 22 Street. 7) A portion of North Atlantic Boulevard must be vacated. 8) All conditions that were listed in the Planning and Zoning staff report. 9) The restaurant, spa, retail, ballroom and meeting rooms shall not receive a certificate of occupancy until after the hotel has received a certificate of occupancy. Only stay in business so long as the hotel is operating and be restricted and controlled by common hotel operational agreement, and conduct all loading, deliveries, service, parking, etc. through the same facilities that the hotel uses. 10) The latest plans package submitted to the Planning and Zoning Board be reviewed by staff and all relevant staff members for compliance with the Unified Land Development Regulations.

Mr. Koeth read conditions of the Planning and Zoning Board at their June 18 meeting: 11) The pathway labeled north/south access way on the plans will be accessed by the public during a time period agreed upon by both the City and the Applicant prior to the project proceeding to the City Commission. Mr. Koeth said that the hours agreed upon are 6 am until restaurant closing and that those hours may be amended by the City Manager. 12) In accordance with the Central Beach Alliance membership minutes of March 22, 2008, the developer agrees to fund and construct the following improvements, Items A through E: A. Improvements to the east side of A-1-A from NE 18 Street to NE 23 Street. Coordinate with FDOT and the City to provide for wider and improved sidewalks with pavers, bike path and additional landscaping to the east. Coordinate with FDOT, the City and FP&L to install decorative street lighting and a tree canopy to the west of the sidewalk. Coordinate with FP&L, Comcast and AT&T to bury all lines adjacent to the east right-of-way as part of the above sidewalk, landscaping and lighting improvements and remove all structural poles. B. Coordinate with the City to make landscaping and landscaping improvements to Willingham Park pursuant to a plan to be

detailed by EDSA. C. Reconstruct 23 Avenue from A-1-A to the sandy beach with enhanced sidewalks, landscaping, new beach shower, bicycle racks, and on-street automotive parking spaces. Provide turnaround at new terminus of 23 Avenue with pavers and shade structures to be located east of vehicular access between turnaround and sandy beach. D. Provide a 16 foot pedestrian connection and necessary easements to the City for the public's benefit between 22 Avenue and A-1-A on the Fairwinds' property. E. Provide permanent covered structure over the delivery area to the north of the enclosed loading area on the south side of the property. All improvements listed above are subject to obtaining regulatory approval from reviewing agencies and subject to obtaining agreements, approvals, and easements from any property owner adjacent to such improvements.

Mr. Koeth continued with the Board's last condition: The Applicant shall provide a lifeguard station between NE 18 Street and NE 23 Street on the sandy beach. The lifeguard station shall be the same as the city lifeguard stations currently existing on the beach. The City would staff the lifeguard station. The lifeguard station shall be installed according to all relevant regulations.

In response to Commissioner Moore, Mr. Brewton indicated the Planning and Zoning Board recommended staffing the lifeguard station based on the comments made to them at their meeting. This type of issue will have to be worked out in the developer's agreement. In terms of the Board's conditions, the City Manager indicated staff needs to work through them internally to understand their implications. More detail on implications will be provided with the developer's agreement. These are policy issues for the Commission. Mr. Brewton added that the Board's conditions are recommendations to the Commission.

Commissioner Moore agreed with all staff recommendations. The boardwalk walkway should be 10 feet.

In response to Commissioner Moore, Mr. Lochrie clarified improvements where North Atlantic dead ends including a new plaza area. Today there is pedestrian access from 22 Street to the beach. With the improvements there will be a direct connection between A-1-A and 22 Street. There will be emergency vehicular access and access to the city, but not regular parking spaces for the public. Instead, the existing three parking spaces will be moved to 23 Street for a total of eleven at that location. There is accessibility to the beach without going on the boardwalk walkway 24/7.

Commissioner Moore asked about vehicular accessibility to the beach from 23 Street. Mr. Lochrie indicated there is a public turnaround area that is 30 feet from the seawall. In further response, Mr. Lochrie noted citizens may park at one of the eleven parking spaces and gain access to the beach without going onto the boardwalk walkway. It is a public street.

In response to Commissioner Moore, Mr. Lochrie indicated the restaurant closing times will be seasonal; a specific time has not been picked. It will depend on how busy they are, but generally speaking it is 10:30 p.m. Phil Thornburg, Parking and Recreation Director, advised that the beach is open 24 hours. Mr. Lochrie indicated it is not a private beach. The Fairwinds' title policy only covers to the seawall. Fairwinds is not claiming the beach. Commissioner Moore wanted it to be clear that this is a public beach. The City Attorney indicated that the public beach goes to the mean high water

line. It is an 18-year moving average. Mr. Lochrie indicated the Applicant is claiming they own to the seawall. In further response, Mr. Lochrie indicated no signage is contemplated that would indicate public accessibility to the beach, but the Applicant does not object. Commissioner Moore asked that such signage be added.

In response to Vice Mayor Rodstrom, Mr. Lochrie said that the PUD cannot happen without the vacation and vice versa. They are both contingent upon each other. Commissioner Moore left the dais at approximately 8:57 p.m.

Mayor Naugle noted that the City Attorney has approved the order of the agenda. Mr. Lochrie indicated the PUD would be for the entire property, not just the one parcel. In response to Vice Mayor Rodstrom, the City Attorney recommended that PH-05 be contingent upon entering into a developer's agreement. The vacation could be approved contingent upon the developer's agreement. If it is not vacated, the zoning could be done, but they cannot build until the road is vacated. A developer's agreement would require that the Applicant provide the easement for access to A-1-A.

Vice Mayor Rodstrom thanked all those involved.

Commissioner Moore returned to the dais at approximately 8:59 p.m.

Vice Mayor Rodstrom said standard for the beach has changed. The City now requires the best possible product for the barrier island. She referred to the giving away of public land for the street vacation and indicated she felt the Applicant is contributing amenities almost as valuable, but that will be determined in the developer's agreement. It is a beautiful project and a nice addition to the beach, but she believed as district commissioner she must keep the standard high.

Commissioner Hutchinson thanked the Applicant. It has been a great community process. She felt they have done a great job.

In response to Commissioner Hutchinson, Mr. Brewton confirmed the Applicant is being asked to assume liability for 22 Street because they are making all of the amenity changes to 22 Street. In response to Commissioner Hutchinson. Mr. Brewton indicated maintenance of features at Willingham Park will be addressed in the developer's agreement.

Commissioner Teel complimented everyone for their hard work. She has only heard compliments from District I residents. She supported the 10 foot walkway. Willingham Park is an introduction to the project, almost the entranceway. She wanted the Applicant to provide the maintenance of the park for an agreed upon period of time and that this be contained in the developer's agreement. Mr. Lochrie said in regard to Willingham Park, the Applicant would commit to maintain the park for ten years in addition to the maintenance in perpetuity for 22 and 23 Streets.

Commissioner Teel asked about maintenance of the decorative street lighting. Mr. Lochrie said they are working with Florida Department of Transportation on acceptable lighting. The Applicant will replace lights on 22<sup>nd</sup> and 23<sup>rd</sup>, as well as A-1-A. Maintenance will be addressed in the developer's agreement.



Mayor Naugle was not sure that the Commission in the future would be willing to fund a lifeguard on a section of the beach that traditionally has been adjoining private property; areas of this nature have not been protected by the City. There would not be a need for a lifeguard stand if it is not staffed. He did not want to obligate a future Commission. It would be a new service and could have implications in other areas of the beach; a huge expense. The City Manager indicated staff wants an opportunity to look at the Board's recommendations to understand cost implications. He suggested if the conditions are approved, it be with the paragraph stating it is subject to obtaining regulatory approval.

Mayor Naugle thought it is wonderful having a project without a parking structure or garage.

Commissioner Moore wanted the lifeguard stand built, although he did not think the Commission should follow the Board's recommendations in total. It gives the appearance of a public beach. He was concerned that the maintenance for Willingham Park would only be for 10 years. Mr. Lochrie noted that 22<sup>nd</sup> and 23<sup>rd</sup> Streets are adjacent to the project. Ten years is a long time. It does not make sense to commit to maintain a public park in perpetuity. Perhaps the amenities in the park may need to be changed at that point. There was nothing magical about the period of ten years. The Applicant simply did not think it should be forever.

Mr. Lochrie noted the Applicant has a concern about allowing bicycles on the walkway. There is no mention of bicycles in The Palms' easement document.

Vice Mayor Rodstrom supported the lifeguard station and the City paying for a lifeguard because it is the City's responsibility to protect people at a public beach. Mayor Naugle agreed that it would be good to have lifeguards on every beach in Fort Lauderdale but there are many hotels larger than Fairwinds and taxpayers are not paying for lifeguards. He wanted to make it clear that this Commission is not committing such an expense for a future commission. Vice Mayor Rodstrom felt in the sense that the public has access to the beach, it is the City's responsibility, however, it will be another commission deciding.

Commissioner Hutchinson introduced the following ordinance on FIRST Reading as recommended:

ORDINANCE NO. C-08-31

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMH-60 TO PLANNED UNIT DEVELOPMENT ("PUD"), INCLUDING APPROVAL OF A DEVELOPMENT PLAN KNOWN AS FAIRWINDS ON THE OCEAN AND ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING, BUT NOT LIMITED TO, USES, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING, LOTS 10 THROUGH 29, BLOCK 2 AND ALL OF BLOCK 17, "LAUDERDALE BEACH," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN NORTH OCEAN BOULEVARD (S.R. A-1-A) AND THE ATLANTIC OCEAN, BETWEEN NORTHEAST 22 STREET AND

NORTHEAST 23 STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

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**Rezoning To Residential Multi-Family Mid-Rise - (PH-03)**  
**721 and 723 NW 2 Street Townhouses – RDM Development**  
**Case 2-Z-08**

**No budgetary impact.**

**Applicant:** RDM Development  
**Location:** 721 and 723 NW 2 Street  
**Current Zoning:** General Business B-2  
**Proposed Zoning:** Residential Multi-Family Mid-Rise – Medium High Density  
RMM-25  
**Future Land Use:** Northwest Regional Activity Center

Regina Jackson, Gator Engineering Consultants, said she is the agent for the Applicant.

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

In response to Commissioner Moore, Greg Brewton, Planning and Zoning Director, said that the maximum height permitted is 55 feet; the subject project is 35 feet. As to zoning in the vicinity, there is a mixture. Some zoning that abuts the project is RMM-25 which is consistent with this request. There is also property zoned B-2 and the maximum height in that zone is 150 feet. Ms. Jackson said the Applicant is aware of B-2 zoning maximum height permitted and that their property is directly adjacent to B-2 zoning.

Commissioner Moore introduced the ordinance on FIRST Reading:

ORDINANCE NO. C-08-32

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDEDALE, FLORIDA, SO AS TO REZONE FROM B-2 TO RMM-25, LOTS 25 AND 26, BLOCK "D", FORT LAUDERDALE LAND & DEVELOPMENT CO. SUBDIVISION OF BLOCK 6, FORT LAUDERDALE, FLORIDA," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 57 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF NORTHWEST 2<sup>ND</sup> STREET, BETWEEN NORTHWEST 8<sup>TH</sup> AVENUE AND NORTHWEST 7<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: Commissioners, Hutchinson and Teel, Vice Mayor Rodstrom, Commissioner Moore, and Mayor Naugle. NAYS: None.

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**Relief From Zoning For Public Purpose Including Site Plan Review – Temporary Fire Station 49 – Lauderdale Beach Boulevard – Case 53-R-08** (PH-04)

**No budgetary impacts.**

**Applicant:** City of Fort Lauderdale  
**Location:** 501 South Fort Lauderdale Beach Boulevard  
**Zoning:** A-1-A Beachfront Area District ABA  
**Future Land Use:** Central Beach Regional Activity Center

James Sadler said that Fire Station 49 has been changed from a three-bay, three-story station to a two-bay, two-story station. There are disadvantages to residents who reside in the area of construction. Wherever possible such individuals should be granted consideration. He referred to a park across from the Aquatic Complex and that its parking spaces are well used. He expanded upon alternatives for placement of the station. Businesses were not notified until complaints were registered.

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

Commissioner Hutchinson introduced the ordinance on FIRST Reading:

ORDINANCE NO. C-08-33

AN ORDINANCE APPROVING A TEMPORARY FIRE STATION THAT DOES NOT MEET THE USE, FENCE, PARKING, GEOMETRIC AND LANDSCAPING REQUIREMENTS IN AN ABA ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS THAT PORTION OF LOTS 9, 10 AND 11, BLOCK 2, TOGETHER WITH THE RIGHT-OF-WAY FOR SUNSET BOULEVARD AND BLOCK "B", ALL AS SHOWN ON THE RE-AMENDED PLAT OF THE AMENDED PLAT OF "BLOCKS "A" AND 2, LAS OLAS BY THE SEA," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LYING EAST OF SEABREEZE BOULEVARD AND WEST OF STATE ROAD A-1-A, AS A PUBLIC PURPOSE USE; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only.

Mayor Naugle noted that the Las Olas parking lot is one block away, along with the South Beach lot. This is a temporary use.

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

**Vacate Right-of-Way – Fairwinds – Portion of North Atlantic Boulevard – Case 9-P-08 (PH-05)**

**No budgetary impacts.**

**Applicant: Fort Lauderdale Beach Associates, LLC/Fairwinds on the Ocean  
Location: North Atlantic Boulevard between NE 22 Street and NE 23 Street**

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

Commissioner Hutchinson introduced the ordinance on FIRST Reading:

**ORDINANCE NO. C-08-34**

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTH ATLANTIC BOULEVARD (PLATTED AS ATLANTIC AVENUE), AS SHOWN ON THE PLAT OF "LAUDERDALE BEACH," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF THIRD STREET (NOW NORTHEAST 23 STREET) AND LYING NORTH OF THE CENTERLINE OIF SECOND STREET (NOW NORTHEAST 22 STREET), LOCATED BETWEEN NORTH OCEAN BOULEVARD (S.R. A-1-A) AND THE ATLANTIC OCEAN, BETWEEN NORTHEAST 22 STREET AND NORTHEAST 23 STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**ORDINANCES**

**Rezoning To General Business – Vertical Yacht Club At Marine Mile – VYCO I New River LLC – 3000 State Road 84 Case 9-Z-07 (O-01)**

**No budgetary impacts.**

**Applicant:** VYCD I New River, LLC  
**Location:** 3000 State Road 84  
**Current Zoning:** Broward County Commercial Warehouse C-1  
**Proposed Zoning:** City – General Business B-2  
**Future Land Use:** Industrial

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-08-30

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM BROWARD COUNTY “C-1” TO CITY OF FORT LAUDERDALE “B-2,” LANDS LYING BETWEEN STATE ROAD 84 AND INTERSTATE 595, BOUNDED ON THE WEST BY THE SOUTH FORK NEW RIVER AND EXTENDING APPROXIMATELY 340 FEET EAST OF SAID SOUTH FORK, ALSO KNOWN AS PARCEL “A” OF THE UNRECORDED “VERTICAL YACHT STORAGE PLAT,” IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE “A” ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**Rezoning To General Business – 416 NW 7 Terrace and 725 NW 3 Street – Mount Hermon African-American Methodist Episcopal Church – Case 3-Z-08** **(O-02)**

No budgetary impact.

**Applicant:** Mount Hermon African-American Methodist Episcopal Church  
**Location:** 416 NW 7 Terrace and 725 NW 3 Street  
**Current Zoning:** Residential Multi-Family Mid-Rise – Medium High Density RMM-25  
**Proposed Zoning:** General Business B-2  
**Future Land Use:** Northwest Regional Activity Center NW-RAC

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-08-29

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO B-2, LOTS 31 AND 32, BLOCK 19, OF “NORTH LAUDERDALE,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 48; AND LOTS 19 THROUGH 23, AND THE SOUTH HALF FO THE ABUTTING VACATED 10 FOOT

ALLEY IN BLOCK A OF "FORT LAUDERDALE LAND & DEVELOPMENT CO. SUBDIVISION OF BLOCK 6, FORT LAUDERDALE, FLORIDA," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 57, BOTH OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA, LOCATED ON BOTH SIDES OF NORTHWEST 4<sup>TH</sup> STREET NEAR ITS INTERSECTION WITH NORTHWEST 7<sup>TH</sup> TERRACE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**Vacate Alley – Holiday Park – City of Fort Lauderdale (O-03)**  
**City Maintenance Building – Case 1-P-07**

**No budgetary impact.**

**Applicant: City of Fort Lauderdale**  
**Location: 844 NE 7 Avenue – Holiday Park**

Commissioner Moore left the chamber at approximately 9:30 p.m.

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-08-28

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THE ALLEY RESERVATION LYING OVER AND ACROSS THE EAST 7.5 FEET OF TRACTS "A" AND "B", "NOBLES ADDITION TO PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 55, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED IN HOLIDAY PARK, NORTH OF SANDY NININGER DRIVE AND EAST OF NORTHEAST 7<sup>TH</sup> AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Relief From Zoning For Public Purpose Use Including Site Plan Review – City Maintenance Building – Holiday Park (O-04)**  
**Case 23-R-07**

**No budgetary impact.**

**Applicant: City of Fort Lauderdale**

**Location:** 844 NE 7 Avenue  
**Zoning:** Park P  
**Future Land Use:** Park – Open Space

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-08-27

AN ORDINANCE APPROVING A PUBLIC PUROSE USE, AN OUTDOOR STORAGE AREA, THAT DOES NOT MEET THE USE REQUIREMENTS IN A PARK (“P”) ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS (“ULDR”), WHICH SITE IS MORE FULLY DESCRIBED AS THE SOUTH 10 FEET OF TRACTS “A”, ALL OF TRACT “B”, “NOBLES ADDITION TO PROGRESSO,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 55, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; TOGETHER WITH THE SOUTH 10 FEET OF LOT 42, BLOCK 250 “PROGRESSO” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED IN HOLIDAY PARK, NORTH OF SAND NININGER DRIVE ON THE EAST SIDE OF NORTHEAST 7<sup>TH</sup> AVENUE; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

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**Code Amendment – Chapter 26, Traffic Parking Citation Collections and Administration (O-05)**

**No budgetary impact.**

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-35

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE RELATING TO PARKING; AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED “TRAFFIC” BY AMENDING SECTION 26-91 “SCHEDULE OF FINES” TO PROVIDE FOR AN INCREASE IN PENALTIES FOR DELINQUENT PARKING FINES, TO PROVIDE FOR PAYMENT OF THE COST OF COLLECTION FOR DELINQUENT PARKING FINES AND PENALTIES, AND TO PROVIDE FOR THE APPLICATION OF CREDIT BALANCES FOR OVERPAYMENT OF PARKING FINES AND PENALTIES TO OTHER DELINQUENT PARKING CITATIONS; AMENDING SECTION 26-114 “MOTOR VEHICLE IMMOBILIZING DEVICES; TOWING,” TO REDUCE THE NUMBER OF DELINQUENT PARKING CITATIONS

NEEDED TO PLACE AN IMMOBILIZATION "BOOT" ON A VEHICLE;  
PROVIDING FOR SEVERABILITY PROVIDING FOR AN EFFECTIVE  
DATE.

Commissioner Moore returned to the chamber at approximately 9:32 p.m.

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

**Code Amendment – Chapter 11, Code Enforcement**

**(O-06)**

**No budgetary impact.**

Donna Mergenhausen said that the alternative code system sounds like a long-awaited solution for residential neighborhoods where there has been a history of unresolved code violations. However, she felt the opportunity for abuse, selective enforcement and bias is substantial. Her opinion is based on current and routine practice of selective and inconsistent enforcement. She noted some examples. She believed current practices are a poor base on which to add citations, penalties and hearing costs. This would adversely affect citizens who are most vulnerable, those who own small businesses, individuals with limited income, people of color and those targeted by code enforcement for reasons of personal bias. She asked the Commission to address the current discrepancies before adding new complexities. She provided photographs of examples noted.

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-36

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING CHAPTER 11, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND ADOPTING A NEW CHAPTER 11, CODE ENFORCEMENT, FOR THE CREATION OF A NEW CODE ENFORCEMENT SYSTEM WITHIN THE CITY OF FORT LAUDERDALE; PROVIDING A DECLARATION OF INTENT; PROVIDING DEFINITIONS; PROVIDING CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE PROCEDURES; PROVIDING CODE ENFORCEMENT PROCEDURES; PROVIDING CITATION VIOLATION NOTICE PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCE PROVISIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Code Amendment – Chapter 17, Noise Control**

**(O-07)**



**No budgetary impact.**

Ryan Burns, representing Ronald Armbrust, a resident of District IV. He referred to Section 7, Subsection 7, involving lawn maintenance. The window proposed in this ordinance is 7 a.m. to 7 p.m. on weekdays and 8 a.m. to 7 p.m. on Saturdays and Sundays. Clearly, the ordinance takes into account that noise pollution could have harmful effects on the health of residents. He presented a study conducted for the City of Sacramento who chose to not allow the type of lawnmowers and leaf blowers that we are accustomed to but instead provide only for electric motors. Current lawnmowers and leaf blowers run at 70-75 decibels. This ordinance would outlaw anything above 65 decibels for commercial uses, but enforcement is very difficult. Mr. Armbrust has a neighbor who cuts lawns for a living. This individual cuts a number of yards all at once so the noise could extend for 6-7 hours. It prevents people from being able to enjoy their property. He proposed a window for commercial uses on Saturdays, Sundays and holidays of 8 a.m. to 4 p.m.

Ralph Enderby, resident of The Esplanade Condominium, encouraged this noise ordinance be adopted. He commented that noise from the entertainment district is loud and obnoxious. He provided sound measurements that he took from his balcony. The America's Backyard is a particular problem since it is an outdoor venue and operates until 4 a.m. He was concerned about enforcement problems with the existing code. He encouraged the Commission to pass the proposed ordinance.

Jeff John said he is the owner and managing partner of Revolution and America's Backyard. He understood there are complaints. He is fully supportive of doing whatever necessary to correct any problem where people are feeling uncomfortable. Outdoor concerts are no longer being held. They are a restaurant and bar that specializes in a happy hour atmosphere. A microphone is used but they would be agreeable to restrictions. They have reduced the number of outdoor speakers from twenty-four to six. He believed they have attempted to comply with all regulations. A lot of resources were invested. Changes were made for the good of the city. He wanted people to enjoy an outdoor atmosphere.

**ORDINANCE NO. C-08-37**

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING CHAPTER 17, NOISE CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND ADOPTING A NEW CHAPTER 17, NOISE CONTROL, PROVIDING DEFINITIONS; PROVIDING PENALTIES; PROVIDING FOR NOISE CONTROL OFFICERS; PROVIDING FOR SOUND LEVEL MEASUREMENT; PROVIDING GENERAL PROHIBITIONS AND SPECIFIC RESTRICTIONS; PROVIDING MAXIMUM PERMISSIBLE SOUND LEVELS; PROVIDING EXEMPTIONS; PROVIDING FOR CONSTRUCTION OF LARGE PUBLIC WORKS TRANSPORTATION PROJECTS; PROVIDING FOR CONSTRUCTION OF LARGE PROJECTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCE PROVISIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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**Dissolution of Bay Colony Special Recreation District Ordinance** (O-08)  
**Providing For Referendum Election on Dissolution**

**None.**

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-38

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE DISSOLUTION OF THE BAY COLONY SPECIAL RECREATION DISTRICT UPON A REFERENDUM VOTE OF THE QUALIFIED ELECTORS IN THE DISTRICT AND UPON DISCHARGE OF CERTAIN FURTHER CONDITIONS; DESCRIBING THE BOUNDARIES OF THE DISTRICT; DIRECTING THE BOARD OF SUPERVISORS OF THE DISTRICT TO REQUEST THE SUPERVISOR OF ELECTIONS TO PLACE THE REFERENDUM PROPOSITION ON THE NOVEMBER 4, 2008 GENERAL ELECTION BALLOT FOR THE QUALIFIED ELECTORS OF THE DISTRICT TO DETERMINE WHETHER THE DISTRICT SHOULD BE DISSOLVED; PROVIDING FOR THE BALLOT QUESTION; PROVIDING FOR ADDITIONAL CONDITIONS TO DISSOLUTION OF THE DISTRICT; PROVIDING FOR THE DISTRICT TO BEAR ALL COSTS OF THE REFERENDUM ELECTION; PROVIDING FOR NOTICE OF THE REFERENDUM TO BE PUBLISHED TWICE IN A NEWSPAPER OF GENERAL CIRCULATION; PROVIDING FOR ADOPTION OF A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE DISTRICT UPON DISCHARGE OF ALL CONDITIONS PRECEDENT TO DISSOLUTION AND FILING OF SUCH RESOLUTION WITH CERTAIN GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

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

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**Amendments To Pay Plan – Schedules I and VI** (O-09)

**Funding identified in Commission Agenda Report.**

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-39

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULES I AND VI OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING AND ADDING TWO NEW CLASSES AND CHANGING THE SALARY RANGE 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: Commissioner Hutchinson and Teel, Vice Mayor Rodstrom, Commissioner Moore, and Mayor Naugle. NAYS: None.

**City Attorney, City Auditor, City Clerk – Compensation**

**(R-02)**

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

**Motion** made by Commissioner Moore and seconded by Commissioner Teel granting the proposed increases, but not retroactive; 5% beginning in the upcoming year.

Mayor Naugle believed that everyone is doing a great job. People who received 5% should be thankful in this climate. Eighty percent of management employees did not receive a merit increase. This proposal would treat this group of employees differently than other management employees. These tough times call for sacrifice.

Commissioner Moore said the other 80% of employees received increases in 2007 when this group did not. Mayor Naugle said that is not a true statement.

RESOLUTION NO. 08-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR AN INCREASE IN THE COMPENSATION PAID TO CITY ATTORNEY, CITY AUDITOR, AND CITY CLERK.

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

**Advisory Board /Committee Appointments**

**(OB)**

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

Aviation Advisory Board

Albert Calvo

Michael S. Dunbar

Code Enforcement Board

William LaMont

Community Appearance Board

Pieter Coetzee

Garry Smyth

Northwest Progresso-Flagler  
Heights Redevelopment  
Advisory Board

Jesse Adderley

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 08-143

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

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

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There being no other matters to come before the Commission, the meeting was  
adjourned at 9:55 p.m.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk