

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**JULY 15, 2008**

**Agenda**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
July 15, 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 (Arrived at 6:02 p.m.)  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: None

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

Invocation was offered by Reverend Robes Charles, Pastor Divine Mercy Catholic 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).**

Commissioner Moore entered the meeting at approximately 6:02 p.m.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the minutes of the June 3, 2008 Conference meeting and the July 1, 2008 Regular meeting, and the agenda for the meeting of July 15 2008. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, Commissioner Moore, and Mayor Naugle. NAYS: None.

**Presentations**

1. **Community Appearance Board – WOW Award - (PRES-01)**  
**District IV**

Commissioner Hutchinson recognized WOW award recipients, Mr. and Mrs. Glen Tupler, who reside at 1325 Mandarin Isle in District IV.

**2. 30<sup>th</sup> Annual Community Appearance Awards (PRES-02)**  
**Sponsors of WOW Award Program**

Commissioner Teel, the City Commission and Community Appearance Board's Vice Chair John Castelli recognized the annual sponsors of the WOW Award Program: Gulf Building Corp., Mastriana Development, Sterling Bank, Stiles Corporation, The Las Olas Company and The Harbor Shops. Commissioner Teel also recognized members of the Board in the audience.

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**4. Mr. Diabetes Day (PRES-04)**

Commissioner Moore presented a proclamation designating July 15, 2008, as "Mr. Diabetes Day" in the City of Fort Lauderdale to Andy Mandell who is undertaking the Mr. Diabetes Wake Up and Walk Tour, a 10,000 mile walk around the perimeter of the United States.

Mr. Mandell thanked the City Commission. He provided information about the disease, how many people are inflicted and a web site for further information [www.defeatdiabetes.org](http://www.defeatdiabetes.org).

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**3. U.S. A. Olympic Diving Team Members Representing Fort Lauderdale – 2008 Olympic Games in Beijing, China (PRES-03)**

Vice Mayor Rodstrom presented certificates of recognition to U.S.A. Olympic Diving Team member Jevon Tarantino and his Coach Dave Burgering.

Commissioner Moore left the chamber at approximately 6:16 p.m.

Coach Burgering thanked the City Commission and the Aquatic Complex. He said it is his privilege to be able to continue the Olympic tradition of the Fort Lauderdale diving team.

Jevon Tarantino also thanked the City Commission and said is honored to represent the City and the United States at the Olympics.

Commissioner Moore returned to the chamber at approximately 6:19 p.m.

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**Dock Waiver Application – Distance Limitations (PH-05)**  
**714 NE 20 Avenue – James Juranitch**

Mayor Naugle announced there is a request for a deferral of this item.

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**785-9944 – Motorized Watercraft Concession (PUR-18)**

Mayor Naugle announced that Item PUR-18 is contingent upon approval of PH-04.

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**685-10017 Durr's Infill Housing Development Project** (PUR-17)

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

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**Acceptance of Dell Poweredge 2950 Server From Motorola Police In-Car Video System** (M-37)

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

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**Grant – Florida EMS County Grant Program Carbon Monoxide Detectors** (M-43)

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

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**Consent Agenda** (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

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**Event Agreement – Yappy Hour** (M-01)

**No budgetary impact.**

A motion authorizing and approving the execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Yappy Hour, to be held on Friday, September 19, 2008 at Briny Riverfront and along Riverwalk at Las Olas Riverfront, 5:30 PM – 8 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1014

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**Event Agreement – Police and Fire Appreciation At National Night Out Against Crime** (M-02)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Council of Fort Lauderdale Civic Associations, Inc. for Police and Fire Appreciation at National



Night Out Against Crime, to be held Tuesday, August 5, 2008, 5 PM – 8 PM, at Holiday Park (north of War Memorial Auditorium) contingent upon all departments approving plans and City Attorney's office receiving and approving executed agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1084

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**Event Agreement – 21<sup>st</sup> Annual Las Olas Art Fairs (M-03)**  
**Closing East Las Olas Boulevard and Neighborhood Streets**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for 21<sup>st</sup> Annual Las Olas Art Fairs, to be held the weekends of: October 4-5, 2008, January 3-4, 2009 and March 7-8, 2009, 10AM – 5 PM each day and closing East Las Olas Boulevard and neighborhood streets on event weekends.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1044

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**Event Agreement – Beach Baptism (M-04)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Flamingo Road Baptist Church, Inc. for Beach Baptism, to be held on Sunday, September 28, 2008, 2 PM – 4 PM at South Beach.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1057

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**Event Agreement – Broward Caribbean Junior Carnival (M-05)**  
**Parade – Closing City Streets**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward Caribbean Carnival, Inc. for Broward Caribbean Junior Carnival Parade, to be held Sunday, October 5, 2008, 10 AM – 8 PM, at Stranahan Park and Huizenga Plaza and closing various downtown streets for parade portion of event.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0862

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**Contract Amendment – Tennis Instructors – Liability Requirements (M-06)**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute amendments to agreements for tennis instruction at City tennis facilities with Christopher Sands, Jovicho Milosevic, Jennifer Wiley, Ken Sheiffele, Peter Popov, Tom Krukiel, T.J. Urhobo and Stephen Kennedy regarding liability requirements.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1013

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**Event Agreement – Crime Rally – Walk Closing Streets in South Middle River Neighborhood (M-07)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with South Middle River Civic Association, Inc. for Crime Rally – Walk, to be held Saturday, August 2, 2008, 3:30 PM – 6 PM at Divine Mercy Catholic Church (corner of NW 11 Street and NW 6 Avenue) and closing various neighborhood streets for walk portion of event contingent upon all departments approving the plans and the City Attorney's office receiving and approving the executed agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1061

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**Reciprocal Cross-Access Easements – Bed Bath And Beyond – Access NE 26 Street Through City Parking Lot (M-08)**

**No budgetary impact.**

A motion to approve reciprocal cross-access easement with Bed Bath and Beyond at Crossroads Shopping Center – access NE 26 Street through the City parking lot.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1022

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**Amendment 1 – Task Order 37 – Camp Dresser and McKee, Inc. East Las Olas – Seven Isles Water and Wastewater Infrastructure (M-09)**

**No budgetary impact.**

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 37 – Camp Dresser and McKee, Inc. – additional engineering services – East Las Olas – Seven Isles Pump Station, Forcemain and Water Main Replacement – Rehabilitation – Project 10751; and (2) reallocate unused funds in the amount of \$76,375 resulting in a net zero cost amendment.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0570

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**Amendment 2 – Task Order 17 – CMTS, Florida, LLC - \$90,210.17 (M-10)**  
**Utility Construction Inspection Services – Infiltration and Inflow**

**Transfer \$101,036 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11141.482-6599.**

A motion authorizing the proper City Officials to execute Amendment 2 to Task Order 17 with CMTS, Florida, LLC, in the not-to-exceed amount of \$90,210.07 – utility construction inspection services – Infiltration and Inflow – Project 11141; and (2) transfer \$101,036 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0973.

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**Amendment 3 – Work Authorization 16724.94 – Keith and Schnars, P.A. - \$16,770 – Oakland Park Large Water Main (M-11)**  
**Schnars, P.A. - \$16,770 – Oakland Park Large Water Main**

**Transfer \$18,782 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10572.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Amendment 3 to Work Authorization 16724.94 with Keith and Schnars, P.A., in the amount of \$16,770 – engineering design services – Oakland Park Boulevard Large Water Main – Project 10572; and (2) transfer \$18,782 to fund this amendment.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0990

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**Task Order – Chen and Associates Consulting Engineers, Inc. - (M-12)**  
**\$80,199.26 – Raw Water Main – Broadview Park**

**Transfer \$89,825 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11396.482-6599.**

A motion authorizing the proper City Officials to: (1) execute a task order with Chen and Associates Consulting Engineers, Inc., in the amount of \$80,199.26 – design of raw

water main – Floridan Aquifer Wellfield in conjunction with Broward County improvements to Broadview Park – Project 11396; and (2) transfer \$89,825 to fund this task order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0994

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**Task Order 55 – CMTS Florida, LLC - \$57,550.40 (M-13)**  
**Utility Construction Inspection Services – Sewer Basin D-37 South**

**Transfer \$64,456.45 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11343.482-6599.**

A motion authorizing: (1) Task Order 55 with CMTS Florida, LLC., in the amount of \$57,550.40 – utility construction inspection services – Wastewater Conveyance System Long-Term Remediation Program – Sewer Basin D-37 South – Project 11343S; and (2) transfer \$64,456.45 to fund this task order..

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0995

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**Task Order 56 – CMTS Florida, LLC - \$57,550.40 (M-14)**  
**Utility Construction Inspection Services – Sewer Basin D-37 North**

**Transfer \$64,456.45 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11343.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Task Order 56 with CMTS Florida, LLC., in the amount of \$57,550.40 – utility construction inspection services – Wastewater Conveyance System Long-Term Remediation Program – Sewer Basin D-37 North – Project 11343N; and (2) transfer \$64,456.45 to fund this task order.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0996

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**Task Order 08-12 – Hazen and Sawyer, P.C. - \$40,000 (M-15)**  
**2008 Water Supply Planning Assistance**

**Transfer \$44,800 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11137.482-6599.**

A motion authorizing: (1) Task Order 08-12 with Hazen and Sawyer, P.C., in the amount of \$40,000 – permit application assistance – 2008 Water Supply Planning Assistance – Project 11137; and (2) transfer \$44,800 to fund this task order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0949

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**Task Order 08-7208 – Stoner & Associates, Inc. - \$22,372 (M-16)**  
**Airport Parcel Map**

**\$22,372 is available in BUS070101-3199 (Other Professional Services), Fund 468, Subfund 01.**

A motion authorizing the proper City Officials to approve and execute Task Order 08-7208 with Stoner & Associates, Inc., in the amount of \$22,372 – prepare an airport parcel map – Project 11404.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1023

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**Task Order 63 – Injection Wells Permit Renewal – Camp Dresser (M-17)**  
**& McKee, Inc. – Lohmeyer Wastewater Treatment Plant - \$35,000**

**Transfer \$35,000 from P11339.451, GTL Mechanical & Electrical Upgrades, to P11407.451 all in Fund 451, Subfund 02, Subobject 6599.**

A motion authorizing the proper City Officials to: (1) execute Task Order 63 with Camp Dresser & McKee Inc., in the amount of \$35,000 – permitting assistance for operating permit renewal application – injection wells – Lohmeyer Wastewater Treatment Plant – Project 11407; and (2) transfer \$35,000 fund this task order.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1016

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**Work Authorization 16724.K3 – Keith and Schnars, P.A. (M-18)**  
**\$99,750 – Flagler Drive Greenway and Bicycle Facility**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute Work Authorization 16724.K3 with Keith and Schnars, P.C., in the amount of \$99,750 – design of Flagler Drive Greenway and Bicycle Facility – Project 11193.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1004

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**Change Order 7 (Final) – Danella Companies, Inc. - \$97,160.74 - (M-19)**  
**Add 26 Days – Sewer and Water Main Improvements- Sailboat Bend Basin A**

**Transfer \$153,124.48 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10542.482-6599 and reduce encumbrance in Fund 490, Subfund 01, P10542.490-6599 by (\$39,557.55).**

A motion authorizing: (1) Change Order 7 (Final) with Danella Companies, Inc., in the amount of \$97,160.74 and the addition of 26 non-compensable calendar days to contract period – additional work and final quantity adjustments – Sewer and Water Main Improvements – Sailboat Bend Basin A – Project 1054A; and (2) transfer \$153,124.48 and reduce encumbrance by (\$39,557.55) to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0561

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**Change Order 2 – MDM Services, Inc. - \$20,727 (M-20)**  
**Underground Storage Tank Upgrade**

**\$26,871.52 will be available in Fund 583, Subfund 02, P11118.583-6599 (contingent upon approval of Budget Amendment, CAR 08-1001, City Commission 7-15-08) and reduce encumbrances in Fund 482, Subfund 01, P11118.482-6599 by (\$5,384.53) and Fund 461, Subfund 03, P11118.461 by (\$759.99).**

A motion authorizing Change Order 2 with MDM Services, Inc., in the amount of \$20,727 – additional work and quantity adjustments – Underground Storage Tank Upgrade – Project 11118, contingent upon approval of related budget amendment.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0962

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**Change Order 3 (Final) – Ric-Man Construction, Inc. - Credit (M-21)**  
**(\$853,744.55) – Northeast Large Water Main Improvements**

**Reduce Encumbrance in Fund 482, Subfund 01, P10567.482-6599 by (\$853,744.55).**

A motion authorizing: (1) Change Order 3 (Final) with Ric-Man Construction, Inc. in the CREDIT amount of (\$853,744.55) – additional work and final quantity reconciliation of quantities – Northeast Large Water Main Improvements – Project 10567; and (2) reduce encumbrance by (\$853,744.55).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0965

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**Change Order 4 – Miguel Lopez, Jr., Inc. - \$18,388.50 (M-22)**  
**Annual Parking Lot Repair Contract**

**Transfer \$18,388.50 from P00347, Expansion Recap and Acquisition to Fund 461, Subfund 03, P11154.461-6599.**

A motion authorizing: (1) Change Order 4 with Miguel Lopez Inc., in the amount of \$18,388.50 – 2007-2008 Annual Parking Lot Repair Contract – Project 11154A; and (2) transfer \$18,388.50 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1029

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**Change Order 5 (Final) – Man-Con, Incorporated - \$11,649.20 (M-23)**  
**River Oaks Basin F**

**Transfer \$13,048 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10705.482-6599.**

A motion authorizing: (1) Change Order 5 (Final) with Man-Con, Incorporated, in the amount of \$11,649.20 – additional work and final quantity reconciliation for Sanitary Sewer & Water Main Improvements River Oaks Basin F – Project 10705F; and (2) transfer \$13,048 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0886

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**Change Order 4 – Trintec Construction, Inc. - \$293,436.56 - Add (M-24)**  
**45 Days – South Side School Restoration**

**\$293,436.56 will be budgeted in P10777.331 contingent upon authorization of the budget amendment (CAR 08-1040) – 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 work days to contract period – Southside School Restoration – Project 10777A, contingent upon authorization of budget amendment appropriating \$400,000 additional project funding.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1038

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**Change Order 2 – The Hanover Insurance Company - \$45,890 - (M-25)**  
**Add 60 Days – Wastewater Conveyance System Long-Term**

**Remediation Program****Transfer \$51,400 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10968.482-6599.**

A motion authorizing: (1) Change Order 2 with Hanover Insurance Company, in the amount of \$45,890 – addition of 60 non-compensable calendar days for quantity adjustments and additional work – Wastewater Conveyance System Long-Term Remediation Program Project 5 – Sewer Basin A-17 – Project 10968; and (2) transfer 451,400 to fund this change order.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0979

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**Change Order 3 – Sealand Contractors Corp. - \$58,232.04 (M-26)  
Water Main Improvements – North Andrews Avenue West  
To Dixie Highway****Transfer \$65,220 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10875.482-6599.**

A motion authorizing: (1) Change Order 3 with Sealand Contractors Corp., in the amount of \$58,232.04 – additional work for Water Main Improvements – North Andrews Avenue West to Dixie Highway – Project 10875; and (2) transfer \$65,220 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0988

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**Change Order 3 (Final) – Danella Companies, Inc. - \$95,328.90 - (M-27)  
Add 6 Days – Sewer and Water Main Improvements – Sailboat  
Bend Basin B****Transfer \$90,233.75 from the WaterWorks SRF Construction Loan #3 Fund to Fund 489, Subfund 01, P10542.489-6599 and \$16,534.62 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10542.482-6599.**

A motion authorizing: (1) Change Order 3 (Final) with Danella Companies, Inc., in the amount of \$95,328.90 and the addition of 6 non-compensable calendar days to contract period – additional work and final quantity reconciliation – Sewer and Water Main Improvements Sailboat Bend Basin B – Project 10542B; and (2) transfer \$106,768.37 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0966

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**Community Bus Service – United Residents’ Council (M-28)**  
**Extension of Interlocal Agreement**

**No budgetary impact.**

A motion to exercise a one-year option and ratify interlocal agreement with United Residents’ Council for provision of community bus services through September 30, 2008.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0822

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**Agreement Extension – Bridge Design Consulting Services (M-29)**  
**Corzo Castella Carballo Thompson Salman, P.A.**

**No initial cost to renew the contract. Staff will spend in accordance with per unit pricing and available budget.**

A motion authorizing the proper City Officials to execute the first one-year extension to agreement with Corzo Castella Carballo Thompson Salman, P.A. Consultants, Civil – Structural Design Services for bridges.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0920

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**Joint Project Agreement – Broward County - \$961,052.88 (M-30)**  
**Raw Water Main – Floridan Aquifer Wellfield**

**Transfer \$1,077,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11396.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Joint Project Agreement with Broward County, in the amount of \$961,052.88 – construct a City raw water main as part of Broward County Neighborhood Improvement Plan for Broadview Park – Project 11396; and (2) transfer \$1,077,000 to fund this project agreement and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1011

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**Contract Award – Tenex Enterprises, Inc. - \$107,908 (M-31)**  
**Lake Aire Homeowner Association Neighborhood Capital Improvement Project**

**Transfer \$35,000 from P11097.331-6599 Fund 331, Subfund 01 to P11253.331-6599, Fund 331, Subfund 01; and \$70,000 is available in CD1489-8001, Fund 108, Subfund 01 and \$28,000 is available in P11253.331-6599, Fund 331, Subfund 01.**

A motion to authorize the proper City Officials to: (1) award and execute contract with Tenex Enterprises, Inc., in the amount of \$107,908 – installation of curbing and decorative streetlights – Lake Aire Homeowner Association Neighborhood Capital Improvement Project – Project 11253; and (2) transfer the funds.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1020

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**Revocable License – 440 Flagler Village – ZOM Flagler Village, L.P. (M-32)**  
**Temporary Road Closures – NE 4 Avenue, NE 5 Avenue and NE 5 Street**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute Revocable License with ZOM Flagler Village, L.P. for temporary road closures on NE 4 Avenue, NE 5 Avenue and NE 5 Street in association with 440 Flagler Village project, for public safety and to facilitate construction of roadway improvements and underground utility infrastructure in public rights-of-way.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1032

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**Revocable License – The Las Olas Holding Company, Inc. (M-33)**  
**Temporary Right-of-Way Closure – Riverside Hotel Expansion**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a revocable license with Las Olas Holding Company, Inc. for temporary right-of-way closures on SE 4 Street and SE 8 Avenue – Riverside Hotel expansion.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1070

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**Contract Award – Man-Con, Incorporated - \$746,620.28 (M-34)**  
**Southside School Utility Construction**

**Transfer \$806,349.91 from P11236.331-6599, General Capital Projects Holding Account, to P10777.331-6599 (all in Fund 331 Subfund 01) to fund the contract and engineering fees.**

A motion authorizing the proper City Officials to: (1) waive purchasing requirements; (2) enter into contract with Man-Con, Incorporated, in the amount of \$746,620.28 – Southside School utility construction; and (3) transfer funds to fund contract and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1034

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**Change Order 3 – Motorola Contract 174-9613 - \$17,000 (M-35)**  
**Police In-Car Video Equipment – Pinpoint GPS Modem**

**\$17,000 is budgeted in POL020602-6404, Fund 001, Subfund 01 to accommodate the cost of change order #3 for the Pinpoint interface.**

A motion authorizing Change Order 3 with Motorola, in the amount of \$17,000 – police in-car video equipment – interface with Pinpoint GPS modem.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1081

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**Disbursement of Funds/Joint Investigation/O.R. 07-125415 (M-36)**  
**Law Enforcement Trust Fund - \$43,999,939.86**

**\$43,999,939.86 is available in Fund 107 (DEA Confiscated Property) in account GL 219-07-125415 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$43,999,939.86 with each of the twelve participating law enforcement agencies to receive \$3,384,610.75 and Sunrise Police Department to an additional share for a total sum of \$6,769,221.50 due to an additional assigned agent.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1072

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**Acceptance of Dell Poweredge 2950 Server From Motorola (M-37)**  
**Police In-Car Video System**

**No budgetary impact.**

A motion authorizing acceptance of a Dell PowerEdge 2950 server from Motorola for police in-car video system.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0945

**Settlement of General Liability Claim VA GL 06-746 - \$20,000** (M-38)

Funds are budgeted in INS010101/5104 (Automobile Liability Claims), Fund 543/01. There are sufficient funds to cover the amount of \$20,000.

A motion authorizing settlement of vehicle accident – General Liability Claim CA GL 06-746 (William Platow) - \$20,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0958

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**Excess Worker Compensation Insurance – Additional Premium - \$65,126** (M-39)

INS010101/5122/Work Comp Carrier; Fund 543/01. There are sufficient funds to cover the cost of \$65,126.

A motion authorizing payment of worker compensation insurance additional premium, in the amount of \$65,126 to Continental Casualty Company through Thomas Rutherford, Inc., City's broker.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1021

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**Contract Renewals – October, November, December 2008** (M-40)

Funds associated with this item are listed as part of the attached Exhibit 1.

A motion authorizing extensions of contracts as set forth in attached list of contracts that expire October through December, 2008 and authorizing proper City Officials to execute all necessary documents.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0977

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**City Park Mall – 100 SE 1 Street – Four Lease Agreements** (M-41)

Reduction of Revenue by \$14,180.55 in EDV010102, Fund 001, Subfund 01, N151 (\$3,156.76); N152 (\$3,583.04); N156 (\$1,591.20) and N153 (\$5,849.55).

A motion authorizing the proper City Officials to execute lease agreements for retail space at City Park Mall with Bar Don Development Inc., United Deli Services, Inc., Nadja A. Horst DMD, PA and Sushi-KO Express Corporation – terms commencing August 1, 2008 – September 30, 2010 – five-year renewal options.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1015

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**Strategic Business Plan – Master Plan – Executive Airport  
Federal Aviation Administration and Florida Department  
Of Transportation (M-42)**

**No budgetary impact.**

A motion authorizing the proper City Officials to transmit completed portions of Executive Airport Strategic Business Plan – Master Plan – Project 11135 by Kimley-Horn and Associates, Inc. to Federal Aviation Administration and Florida Department of Transportation.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0969

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**Grant – Florida EMS County Grant Program  
Carbon Monoxide Detectors (M-43)**

**No budgetary impact.**

A motion authorizing acceptance of grant funded carbon monoxide detector equipment through Florida Emergency Medical Services Broward County Grant Program.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1069

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**CONSENT RESOLUTION**

**Grant Application – Development of Five Parks  
Land Stewardship Program – Parks For People (CR-01)**

**No current year budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1052

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A LAND STEWARDSHIP PROGRAM PARKS FOR PEOPLE GRANT FROM THE BROWARD COUNTY ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT IN THE AMOUNT OF \$75,000 FOR EACH ELIGIBLE PARK SITE.

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**Grant Application – South Middle River Park - \$200,000 (CR-02)**  
**Florida Recreation Development Assistance Program**

**No current year budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1054

RESOLUTION NO. 08-156

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR 2009-2010 GRANT FUNDING IN THE AMOUNT OF \$200,000 UNDER THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE DEVELOPMENT OF SOUTH MIDDLE RIVER PARK.

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**Grant – Flagler Heights Park - \$135,611 (CR-03)**  
**Florida Recreation Development Assistance Program**

**Appropriate \$135,611 of grant funds to Fund 129, Subfund 01, P11305.129, D317 (revenue) and expenditure in 6599. No cash match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1046

RESOLUTION NO. 08-157

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT IN THE AMOUNT OF \$135,611 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL TO RECEIVE SUCH GRANT FUNDING 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 \$135,611 TO FUND 129 FOR THE DEVELOPMENT OF FLAGLER HEIGHTS PARK.

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**Amend Operating Budget – Appropriation – Sidewalk Repairs - \$21,678.70 (CR-04)**

**Appropriate \$21,678.70 to P11185.331 – N965 and to P11185.331 – 6599, both in Fund 331, Subfund 01, from citizen payments received for sidewalk repairs.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0507

RESOLUTION NO. 08-158

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 PAYMENTS RECEIVED FROM FORT LAUDERDALE PROPERTY OWNERS FOR SIDEWALK REPAIRS.

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**Roadway Transfer Agreement – NW 20 Avenue and NW 2 Street – Florida Department of Transportation (CR-05)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0746

RESOLUTION NO. 08-159

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A ROADWAY TRANSFER AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION TRANSFERRING JURISDICTION OF CERTAIN RIGHTS-OF-WAY, MORE PARTICULARLY DESCRIBED BELOW, FROM THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION TO THE CITY OF FORT LAUDERDALE AND AUTHORIZING THE PROPER CITY OFFICIALS TO TAKE ALL ACTIONS NECESSARY OR INCIDENTAL TO EFFECTUATING THE TRANSFER OF ROADWAY JURISDICTION.

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**Amend Operating Budget – Appropriation - \$28,747 (CR-06)**

**Fuel Storage Tank Removal and Replacement**

**Appropriate \$28,747 from Vehicle Rental Fund Undesignated Fund Balance in Fund 583, Subfund 02, (Screen 6400 Fund Type 50, Fund 583, no Subfund, Account 272) to P11118.583-6599 same Fund and Subfund.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1001

## RESOLUTION NO. 08-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING \$28,747 FROM THE VEHICLE RENTAL FUND UNDESIGNATED FUND BALANCE IN FUND 583, SUBFUND 02, (SCREEN 6400 FUND TYPE 50, FUND 583, NO SUBFUND, ACCOUNT 272) AND TRANSFERRING-IN TO P11118.583-6599, FUND 583, SUBFUND 02, TO PROVIDE FUNDS FOR THE FUEL STORAGE TANK REMOVAL AND REPLACEMENT PROJECT.

**Change Orders 4 and 5 – Sun-Up Enterprises, Inc. – Appropriation (CR-07)  
And Transfer ADA Modifications and Parking Lot Repair - \$219,986.40**

**Appropriate \$234,000 from Fund 331 General Fund CIP Undesignated Fund Balance (Screen 6400, Fund 331, no Subfund, Account 270) to P11185.331-6599, Fund 331, Subfund 01. Transfer \$19,986.40, P00347, Expansion, Recap and Acquisition, to P10768.461-6599, all in Fund 461, Subfund 03, Subobject 6599.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1036

## RESOLUTION NO. 08-161

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 \$234,000 FROM FUND 331, TO P11185.331-6599, FUND 331, SUBFUND 01 AND TRANSFER \$19,986.40 TO P10768.461-6599, ALL IN FUND 461, SUBFUND 03, FOR ADA MODIFICATIONS AND PARKING LOT REPAIRS.

**Change Order 8 – Widell Associates, Inc. – Add 251 Days -**

**(CR-08)**



**Appropriation – Lohmeyer Wastewater Treatment Plant Improvements - \$248,778**

**Correction:** Transfer \$248,778 from the Central Regional Wastewater System Projects Fund (Fund 458, Account 272 Screen 6400 – no subobject) to Fund 458, Subfund 01, P10541.458-6599 - \$29,854 from the 2003 Water and Sewer Revenue Bonds to Fund 485, Subfund 01, P10541.485-6599.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0981

RESOLUTION NO. 08-162

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 \$248,778 FROM THE CENTRAL REGIONAL WASTEWATER SYSTEM PROJECTS FUND AND TRANSFERRING-IN TO FUND 458, SUBFUND 01, P10541.458-6599 FOR G.T. LOHMEYER WASTEWATER TREATMENT PLANT IMPROVEMENTS, FLOW CONTROL, BIOSOLIDS, CHLORINE AND ARCHITECTURAL REHABILITATION.

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**Amend Operating Budget – Appropriation - \$400,000 (CR-09)**  
**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 08-1040

RESOLUTION NO. 08-163

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 \$400,000 FROM UNDESIGNATED FUND BALANCE IN FUND 331 TO P10777.331-6599 FUND 331, SUBFUND 01 FOR SOUTHSIDE SCHOOL.

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**Bank Signature Authority (CR-10)**

**No Budgetary Impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0648

RESOLUTION NO. 08-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 4.01(c) OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING STEPHEN SCOTT, ASSISTANT CITY MANAGER, MARGUERITE ROSENBERG, CONTROLLER, AND DON HALQUIST, ACCOUNTANT II, INDIVIDUALLY TO SIGN CHECKS FOR THE PAYMENT OF MONEY BY THE CITY OF FORT LAUDERDALE, PRESCRIBING THAT ALL SUCH EMPLOYEES SHALL BE UNDER FIDELITY BOND IN THE AMOUNT OF \$500,000, RESCINDING RESOLUTION NO. 08-09 AND ANY OTHER RESOLUTION OR PART OF ANY RESOLUTION IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

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**Quit Claim Deed Reversionary Clause Modification - (CR-11)**  
**Municipal Purpose – Relocation of Fire Station 46 –**  
**112 NW 9 Avenue**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1078

RESOLUTION NO. 08-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING DELIVERY OF A QUIT-CLAIM DEED FROM HOWARD W. RILEY, JR., H. WADE RILEY, III AND NATE ADAMS, AS TRUSTEES AS THE SURVIVING MEMBERS OF THE BOARD OF DIRECTORS OF RILEY-FIELD, CO., A DISSOLVED FLORIDA CORPORATION AND AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF AN ACCEPTANCE OF MODIFICATION OF REVERSIONARY CLAUSE WITHIN THE QUIT-CLAIM DEED AND AUTHORIZING RECORDATION THEREOF IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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**First Amendment – Amended and Restated Lease Agreement (CR-12)**  
**Gerald M. Holland – Parcel 5 – Executive Airport**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0964

RESOLUTION NO. 08-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FIRST AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT WITH GERALD M. HOLLAND, IN BOTH HIS INDIVIDUAL CAPACITY AND AS TRUSTEE, TO CORRECT A SCRIVENER’S ERROR BY REPLACING EXHIBIT “A” WITH EXHIBIT “A-1” PERTAINING TO PARCEL 5 AT THE FORT LAUDERDALE EXECUTIVE AIRPORT.

**First Amendment – Amended and Restated Lease Agreement (CR-13)  
Ross Southern Properties, LLC – Parcel 2A – Executive Airport**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0959

RESOLUTION NO. 08-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FIRST AMENDMENT WITH ROSS SOUTHERN PROPERTIES, LLC TO CORRECT A SCRIVENER’S ERROR BY REPLACING EXHIBIT “A” WITH EXHIBIT “A-1” PERTAINING TO PARCEL 2A AT THE FORT LAUDERDALE EXECUTIVE AIRPORT.

**Amendment To Lease – Extension of Term – School Board (CR-14)  
Of Broward County – Use of Lockhart Stadium**

**\$18,000 (approximately) is for receipt of revenues in Fund 468, Subfund 01 BUS070101-N259.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1009

RESOLUTION NO. 08-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO LEASE

AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, REGARDING THE USE OF LOCKHART STADIUM THROUGH JUNE 30, 2009, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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**Rescheduling September 2, 2008 City Commission Meetings**

**(CR-15)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0959

RESOLUTION NO. 08-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE FLORIDA, RESCHEDULING THE SEPTEMBER 2, 2008, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO SEPTEMBER 3, 2008

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**Appropriation – Law Enforcement Trust Fund - \$165,793**  
**Two Sky Watch Sentinel Surveillance Platforms**

**(CR-16)**

**Appropriate \$165,793 from LEFT, Fund 104, Subfund 01, undesignated fund balance to Police Confiscation Fund 104, Subfund 01, POL050201, Subobject 6499.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1031

RESOLUTION NO. 08-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$165,793.00 FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF TWO SKY WATCH SENTINEL SURVEILLANCE PLATFORMS.

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**Grant – 2008 COPS Technology Grant - \$93,530**  
**U.S. Department of Justice – Office of Community**  
**Oriented Policing Services**

**(CR-17)**

**Appropriate \$93,530 to Fund 129, Subfund 01, GTECH11 – Rev. C205 – Exp – 3299 - \$125, 3407 - \$4,782, 3946 - \$15,995, 6404 - \$36,997 – 6499 - \$35,631 No Match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1056

RESOLUTION NO. 08-171

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 ACCEPTING GRANT FUNDS AWARDED TO THE CITY BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, IN THE AMOUNT OF \$93,530.00 AND APPROPRIATING FUNDS FOR EQUIPMENT TO UPGRADE THE MESH CAMERA SYSTEM.

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**Organization of American States - \$1,137,241 (CR-18)**  
**Funding Reimbursement – Appropriation – Disbursement**

**Appropriate \$665,796.21 from Fund 129/01 Index GOAS05, rev Subobj C315 – US Dept of State through Broward County Funds Appropriation/Transfer to Fund 129/01 Index GOAS05, expenditure subobject 4299- Other Contributions.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1073

RESOLUTION NO. 08-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS TO ACCEPT REIMBURSEMENT OF \$1,137,241 EXPENDED IN CONNECTION WITH THE THIRTY-FIFTH REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES, 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 \$665,796.21 OF THE \$1,137,241 FROM FUND 129/01 INDEX GOAS05, REV SUBOJJC315-US DEPT OF STATE THROUGH BROWARD COUNTY, TO FUND 129/01 INDEX GOAS05, EXPENDITURE SUBOBJECT 4299 – OTHER CONTRIBUTIONS; AND AUTHORIZING DISBURSEMENT OF \$665,796.21 IN VARIOUS AMOUNTS TO CERTAIN OF THE CITY'S MUTUAL AID PARTNERS.

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**Grant - Federal Transit Administration - \$971,779**

**(CR-19)**

**Sistrunk Boulevard Streetscape Enhancement Project**

Appropriate \$971,779 grant funding to revenue in P10448.129-C308 and to expenditure – 6599 Fund 129, Subfund 01. The required 20% match is available in P10448.320-6599, Fund 320, Subfund 01.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1074

## RESOLUTION NO. 08-173

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY AUTHORIZING ACCEPTANCE OF A GRANT FROM THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$971,779 FOR THE SISTRUNK BOULEVARD STREETScape ENHANCEMENT PROJECT AND APPROPRIATING FUNDS TO P10448.129-C308 AND EXPENDITURE 6599, FUND 129, SUBFUND 01.

**Emergency Medical Services Grant – Pneumatic Stretchers -  
\$101,626.19 – Florida Department of Health**

(CR-20)

Appropriate \$101,626.19 into GEMS09, Fund 129, Subfund 02, Revenue subobject D238, Expense subobject 6499. Cash match in the amount of \$33,875.40 from FD001, Fund 001, Subfund 01, Subobject 9129.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1067

## RESOLUTION NO. 08-174

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$101,626.19 FROM THE FLORIDA DEPARTMENT OF HEALTH VIA THE EMERGENCY MEDICAL SERVICES MATCHING GRANT PROGRAM, EXECUTE ANY DOCUMENTS THAT MAY BE NECESSARY TO RECEIVE SUCH GRANT FUNDS AND 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 SUCH GRANT FUNDS IN THE AMOUNT OF \$101,626.19 TO FUND 129.

**Eclipse West Associates, Ltd - \$183,525**

(CR-21)

**Park Impact Fee Exemption and Amend  
Operating Budget – Appropriation**

**Appropriate \$183,525 from CRA Blanket Project Account P10015.106 to Park Impact Fee Account 219-450220.001.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1080

**RESOLUTION NO. 08-175**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING AN EXEMPTION TO ECLIPSE WEST ASSOCIATES, LTD. FROM A PORTION OF PARK IMPACT FEES UP TO \$183,525 PURSUANT TO SECTION 47-38A.4 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, IDENTIFYING THE FUNDING SOURCE AS FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY FUNDS FOR THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS AREA 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 TRANSFERRING AND APPROPRIATING SUCH FUNDS FROM FUND 001 TO FUND 129.

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**Amend Operating Budget – Appropriation - \$275,110 (CR-22)  
Neighborhood Development Criteria Revisions Initiative**

**Appropriate \$275,110 from FD 001, Subfund 01, Subobject 9901 Anticipated Year-End Balance to PLN010101, Subobject 3199, Fund 001, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0952

**RESOLUTION NO. 08-176**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$275,110 FOR CONSULTING SERVICES FOR THE NEIGHBORHOOD DEVELOPMENT CRITERIA REVISIONS INITIATIVE.

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**PURCHASING AGENDA**

**185-10038 Emergency Warning Equipment  
Unmarked Law Enforcement Vehicles**

(PUR-01)

**\$167,085 is available in Fund 001, Subfund 01 index code POL020602 Subobject 6499 (other equipment).**

Purchase emergency warning equipment for 125 unmarked law enforcement emergency vehicles is being presented for approval by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** Strobes-R-Us, Inc.  
Pompano Beach, FL 33060

**Amount:** \$167,085.00 (estimated)

**Bids Solicited/Rec'd:** 322/2

**Exhibit:** Commission Agenda Report 08-0982

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

**Two Sky Watch Sentinel Surveillance Platforms**

(PUR-02)

**Funds in the amount of \$165,793 available in Fund 104, Subfund 01, to POL050201, Subobject 6499 Funding contingent upon CAR 08-1031 being approved by the Commission on 04-05-2005, PUR-12, CAR 05-0289, approved the purchase of a Sky Watch Surveillance System.**

Purchase two Sky Watch Sentinel surveillance platforms for deployment as an observation tower and a deterrent to criminal activity is being presented by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** Florida Sheriff's Association  
Tallahassee, FL

**Amount:** \$165,793.00

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

**Exhibit:** Commission Agenda Report 08-1033

The Procurement Services Department has reviewed this item and agrees with approving this purchase in accordance with GSA contract pricing.

**Six Ambulance Vehicle Replacements**

(PUR-03)

**\$1,552,875.60 is budgeted in PAR030101-6416 vehicles, Fund 583/01.**



Purchase six replacement ambulance vehicles, five identified in Fiscal Year 2007-2008 Fleet Plan and one in Fiscal Year 2006-2007 Fleet Plan and approved in Fiscal Year 2007-2008 Fleet Services Capital Budget appropriation are being presented for approval by the Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Vendor:** Bridgers Coaches, Inc., d/b/a Taylor Made Ambulances  
Newport, AR

**Amount:** \$1,552,875.60

**Bids Solicited/Rec'd:** 190/2

**Exhibit:** Commission Agenda Report 08-1006

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

**Vehicle Replacements – Florida Sheriff’s Association Contract** (PUR-04)

**\$790,466.14 is budgeted in PAR030101-6416 Vehicles, Fund 583/01.**

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

**Recommend:** Motion to approve.

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

**Amount:** \$790,466.14

**Exhibit:** Commission Agenda Report 08-1030

The Procurement Services Department has reviewed this item and recommends approval of purchase from the Florida Sheriff’s Association Contract, Bid Award 582-100037, 582-10052, 582-10053, 582-10069, 582-10071 and 582-10072.

**Change Order 1 – Plaster and Stucco Ceiling International Swimming Hall of Fame and Aquatic Complex** (PUR-05)

**\$12,078 is available in Project P16048, Subobject 6599 (Construction), Fund 125, Subfund 01.**

Change Order 1 to plaster and stucco the ceiling replacement at the International Swimming Hall of Fame and Aquatic Complex is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Decon Environmental & Engineering, Inc..

Fort Lauderdale, FL  
**Amount:** \$12,078.00  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-0983

The Procurement Services Department has reviewed this item and recommends approval of the Change Order No. 1.

**483-10027 – High Pressure Pump – Poinciana Park (PUR-06)**  
**Water Storage Tank and Pump Station**

**Transfer \$32,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01 to P10417.482-6599.**

A motion authorizing: (1) proprietary purchase of high pressure pump – Poinciana Park Water Storage Tank and Pump Station – Tencarva Machinery Company d/b/a Hudson Pump & Equipment, in the amount of \$28,555 – Project 10417A; and (2) transfer \$32,000 to fund this purchase.

**Recommend:** Motion to approve.  
**Vendor:** Tencarva Machinery Company d/b/a Hudson Pump & Equipment  
Greensboro, NC  
**Amount:** \$28,555.00  
**Bids Solicited/Rec'd:** 1/1  
**Exhibit:** Commission Agenda Report 08-0972

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

**483-10046 – Nutrient Analyzer (PUR-07)**

**\$37,836.20 is budgeted in P11246.454 Subsubject 6564, Fund 454, Subfund 01.**

Purchase nutrient analyzer for City Environmental Laboratory is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.  
**Vendor:** Hatch Company  
Loveland, CO  
**Amount:** \$37,836.20  
**Bids Solicited/Rec'd:** 126/4  
**Exhibit:** Commission Agenda Report 08-0978

The Procurement Services Department has reviewed this item and recommends an award to Hatch Company, subject to Hatch Company becoming registered with the Florida Department of State, Division of Corporations..

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**682-10030 – Water Extraction – Remediation -  
Water Damage and Mold Impact**

**(PUR-08)**

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

Award two contracts for water extraction and remediation of water damage and mold impact services is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** All County remediation, Inc.  
Fort Lauderdale, FL  
Decon Environmental & Engineering, Inc.  
Fort Lauderdale, FL

**Amount:** Per Unit Prices

**Bids Solicited/Rec'd:** 266/13

**Exhibit:** Commission Agenda Report 08-0980

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

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**Pre-Qualify Vendors For Purchase of Chemicals  
Peele-Dixie Water Treatment Plant**

**(PUR-09)**

**\$155,760 is available in Fund 450, Subfund 01, PBS670305-3799. (FY 07/08).**

Pre-qualification of vendors for purchase of chemicals at Peele-Dixie Water Treatment Plant is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** See Exhibit 2 for Vendors  
\$1,030,760 (not-to-exceed)

**Bids Solicited/Rec'd:** 286/6

**Exhibit:** Commission Agenda Report 08-0984

The Procurement Services Department has reviewed this item and recommends approving purchases from this pre-qualified list.

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**482-10007 Security Guard Services**

**(PUR-10)**

**\$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 Beach, FL

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

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

**Exhibit:** Commission Agenda Report 08-1049

The Procurement Services Department recommends awarding this contract to Kent Security Services, Inc., in the best interest of the City.

**183-10076 – Temporary Employment Services** (PUR-11)

**\$30,000 for FY2008 available in FIN040201/3210 – (Clerical Services), Fund 01/Subfund 001. Contract is subject to budgeting and appropriation of temporary employees in 08/09 budget.**

Two-year contract for temporary employment services is being presented for approval by the Finance Department.

**Recommend:** Motion to approve.

**Vendor:** Tri-State Employment Service, Inc.  
New York, NY

**Amount:** \$217,984.00 (estimated)

**Bids Solicited/Rec'd:** 403/18

**Exhibit:** Commission Agenda Report 08-1012

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

**Actuarial Services – Glicksman Consulting, LLC - \$21,000** (PUR-12)  
**Property and Casualty Self-Insurance Program**

**No current year budget impact. Budgeted in FY2009 in FIN030101/3199 (Other Professional Services; Fund 543/01; subject to appropriation of 08/09 Budget.**

Three-year contract for actuarial services – property and casualty self-insurance program is being presented for approval by the Finance Department..

**Recommend:** Motion to approve.

**Vendor:** Glicksman Consulting, LLC  
Boca Raton, FL

**Amount:** \$21,000 (Three-year amount)

**Bids Solicited/Rec'd:** 430/10

**Exhibit:** Commission Agenda Report 08-1063

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

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**200608010R – Medical Services – Broward County Contract (PUR-13)  
Pre-Employment, Post-Employment, Special Examinations  
And Testing**

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

Three-year contract for purchase of medical services City-wide, as needed – pre-employment, post-employment, special examinations and testing is being presented for approval by the Procurement Services Department.

**Recommend:** Motion to approve.  
**Vendor:** Seth Feldman, D.O., P.A.  
Fort Lauderdale, FL  
**Amount:** Per Unit Prices  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-0985

The Procurement Services Department has reviewed this item and recommends approving purchases from the Broward County contract.

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**Proprietary – Procurement Application Software Upgrade (PUR-14)**

**Transfer \$34,000 from FIN040101, 1101 to PMM010101, 6405, both in General Fund 001, Subfund 01.**

Purchase procurement application software upgrade for Buyspeed Online is being presented for approval by the Procurement Services Department.

**Recommend:** Motion to approve.  
**Vendor:** Periscope Holdings, Inc.  
Austin, TX  
**Amount:** \$34,000.00 (not-to-exceed)  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-0967

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

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**Proprietary – State Criminal History Record Check Services (PUR-15)**

**\$15,000 is budgeted in HRD010101, Subobject 3299, Fund 001, Subfund 01.**

Agreement to purchase state criminal history record checks for employment applicant background checks is being presented for approval by the Human Resources Department.

**Recommend:** Motion to approve.

**Vendor:** Florida Department of Law Enforcement  
Tallahassee, FL

**Amount:** \$15,000.00 (estimated)

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

**Exhibit:** Commission Agenda Report 08-1010

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

**385-9946 Neighborhood Development Criteria Revisions (PUR-16)**  
**Initiative Consulting Services**

**\$275,110 will be available in Fund 01, Subfund 001 PLN010101, 3199 after approval of CAR 08-0952, a request to transfer \$275,110, from the General Fund Contingency Anticipated Year-End balance, CAR 08-0952 to PLN010101, Subobject 3199.**

Purchase consulting services for Neighborhood Development Criteria Revisions initiative is being presented for approval by the Planning and Zoning Department.

**Recommend:** Motion to approve.

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

**Amount:** \$275,110.00

**Bids Solicited/Rec'd:** 1061/10

**Exhibit:** Commission Agenda Report 08-0953

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

**685-10017 Durr's Infill Housing Developing Project (PUR-17)**

**No budgetary impact.**

Award contract for development of sixteen infill housing lots in Durr's neighborhood is being presented for approval by the Planning and Zoning Department.

**Recommend:** Motion to approve.

**Vendor:** DeAngelo Development, Inc.  
Fort Lauderdale, FL

**Amount:** \$3,280,000.00

**Bids Solicited/Rec'd:** 443/1  
**Exhibit:** Commission Agenda Report 08-1025

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

**785-9944 – Motorized Watercraft Concession** (PUR-18)

**\$160,500.00 is for receipt of revenues in Fund 001, Subfund 01, BUS060101, Subobject J726.**

Three-year contract award for motorized watercraft concession is being presented for approval by the Business Enterprise Department.

**Recommend:** Motion to approve.  
**Vendor:** Boucher Brothers Fort Lauderdale Beach, LLC  
 Miami Beach, FL  
**Amount:** \$160,500.00  
**Bids Solicited/Rec'd:** 141/4  
**Exhibit:** Commission Agenda Report 08-0916

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

**785-9915 – Presort Mail and Fulfillment Services** (PUR-19)

**\$39,519 Fund 001 Subfund 01 BUS010101-3616, \$16,315, Fund 001, Subfund 01 FIN040201-3616 for FY 08/09, subject to appropriation of 08-09 budget. No FY 07/08 impact.**

Three-year contract for purchase of presort mail and fulfillment services is being presented for approval by the Business Enterprises Department.

**Recommend:** Motion to approve.  
**Vendor:** Postal Center International, Inc.  
 Fort Lauderdale, FL  
**Amount:** \$55,834.00 (estimated)  
**Bids Solicited/Rec'd:** 1059/1  
**Exhibit:** Commission Agenda Report 08-0991

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

**785-10025 Concession and Catering Services** (PUR-20)  
**War Memorial Auditorium**

**\$72,750.00 is for receipt of revenues in Fund 001, Subfund 01, BUS050101-K126.**

Three-year contract award with an option for two one-year extensions is being presented for approval by the Business Enterprises Department.

**Recommend:** Motion to approve.

**Vendor:** Professional Concessions, Inc.  
Fort Lauderdale, FL

**Amount:** \$72,750.00 (annual estimated revenue)

**Bids Solicited/Rec'd:** 424/1

**Exhibit:** Commission Agenda Report 08-0992

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

**582-10045 City Records Storage Contract (PUR-21)****\$41,000 is available in FY08/09 Fund 001, Subfund 01, PUB030101, Subobject 3299.**

Contract for City records storage.

**Recommend:** Motion to approve.

**Vendor:** U & Me Transfer Inc.  
West Palm Beach, FL

**Amount:** \$41,000.00 (estimated)

**Bids Solicited/Rec'd:** 648/7

**Exhibit:** Commission Agenda Report 08-1027

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

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Items M-24, M-27, M-33, M-34, CR-09, CR-22, PUR-03, PUR-04, PUR-10, PUR-16, PUR-18, and PUR-19 be deleted from the consent agenda and considered separately, and that all remaining consent agenda items be approved as recommended.

The City Clerk said that there is a correction regarding Item M-18. It is a resolution instead of a motion.

## Resolution 08-177

A resolution of the City Commission of the City of Fort Lauderdale, Florida, authorizing the proper City Officials to amend the Fiscal Year 2007-2008 Final Operating Budget by



appropriating \$500,000, Florida Department of Transportation Local Agency Program Agreement Funds to Project 11193 and to execute work authorization 16724.K3 with Keith and Schnars, in the amount of \$99,750 for the design of Flagler Drive Greenway and Bicycle Facility.

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-24)**  
**Add 45 Days – Southside School Restoration**

Vice Mayor Rodstrom referred to discussion at today's conference meeting. Although an advocate for historic preservation, she has concerns about upcoming budget challenges. She raised the idea of phasing.

**Motion** made by Commissioner Hutchinson to approve the item as presented.

In response to Commissioner Moore, Albert Carbon, Director of Public Works clarified the purpose of the \$293,436.56 expenditure.

The motion was seconded by Commissioner Moore.

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

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**Change Order 3 (Final) – Danella Companies, Inc. - \$95,328.90 (M-27)**  
**Add 6 Days – Sewer and Water Main Improvements – Sailboat Bend Basin B**

Vice Mayor Rodstrom noted this represents 15% for change orders on this project and the industry standard is 6%. Therefore, she would not support it.

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

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**Revocable License – The Las Olas Holding Company, Inc. (M-33)**  
**Temporary Right-of-Way Closure – Riverside Hotel Expansion**

This item was removed from the audience, but there was no objection and no request to speak.

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

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**Contract Award – Man-Con, Incorporated - \$746,620.28 (M-34)**

**Southside School Utility Construction**

Vice Mayor Rodstrom could not support the item.

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

In response to Commissioner Moore, Albert Carbon, Director of Public Works indicated that \$12.8 Million is the total amount anticipated for the project. To date about \$7.6 million. In the 2007-2008 and 2008-2009 Capital Improvement Plan (CIP), an additional \$4 million is expected to be needed. This money has been appropriated and is part of the \$7.6 million. Approximately \$4.6 million was used to purchase the property, and of that money \$4.4 million was from a variety of grants. The remaining \$2.5 million was from the City. He confirmed that the City has contributed \$2.2 million plus the \$1 million presented this evening.

In response to Vice Mayor Rodstrom, the City Auditor indicated that any monies currently in the CIP or otherwise appropriated but not spent in the current year would carry over in Fund Balance or in a capital project fund until next year. If the monies are not in a capital project fund, it would be closed out and be available for appropriation to any other governmental purpose. If it was previously in the General Fund, it would return to that fund.

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

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**Amend Operating Budget – Appropriation - \$400,000 (CR-09)**  
**Additional Funding – Southside School**

Vice Mayor Rodstrom was opposed to this item because a hard budget year is ahead.

Commissioner Hutchinson introduced the resolution:

Commissioner Moore referred to Lincoln Park. When renovations were made to Lincoln Park, residents requested the park be staffed, which has not been done. In response to Commissioner Moore, Phil Thornburg, Parks and Recreation Director, said there is funding requested in next year's CIP budget for staffing Southside School.

Commissioner Moore wanted to look at staffing for Lincoln Park before the September 3, 2008 meeting. Mr. Thornburg explained the concern about staffing at Lincoln Park is that there is no facility to take the children inside during inclement weather.

Commissioner Moore wanted a Recreation Leader at the park to ensure the children's safety while they play at the park. Perhaps, programming is unnecessary.

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

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**Amend Operating Budget – Appropriation - \$275,110 (CR-22)**

**Neighborhood Development Criteria Revisions Initiative**

Vice Mayor Rodstrom thought there was a consensus to review this item through the budget process. Mayor Naugle noted the Commission had the benefit of the budget presentation by the City Manager at the meeting earlier today.

In response to Vice Mayor Rodstrom, the City Manager advised that monies for this would come out of the Fund Balance. Allyson Love, Director of Office of Management & Budget, said the Fund Balance is \$67.7 million.

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

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**Six Ambulance Vehicle Replacements****(PUR-03)**

In response to Vice Mayor Rodstrom, Kirk Buffington, Director of Procurement Services confirmed one of the replacements is from the 2006-2007 Fleet Plan. John Hoelzle, Director of Parking and Fleet Services, said the five vehicles on this year's program are over the five-year life cycle. The one vehicle held from last year was so a new specification could be drafted for ambulances. The Commission has already approved the funding. That vehicle is about eight years old. He recommended replacement of all six vehicles.

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

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**Vehicle Replacements – Florida Sheriff's Association Contract****(PUR-04)**

Vice Mayor Rodstrom was not comfortable supporting this amount of money now. She wanted to wait until next year.

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

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**482-10007 Security Guard Services****(PUR-10)**

Jay Tome, representing Sereca Security Corp., said the issue is staff's recommendation to award this to Kent Security even though Sereca was the lower bidder. The problem is staff's interpretation of claim and whether an issue between Sereca and Miami International Airport should have been disclosed as a claim per Section H of the RFP. He believed there are two flaws with the City's bid process. First, the City does not have a formal bid dispute process. There is not neutral decision maker. Second, claim is not defined in the RFP.

Mr. Tome noted the City has a five-year partner with Sereca, who has offered a better price than Kent. Under the general conditions, the Commission has the power to waive this issue. He provided an investigative report showing that Kent Security has had 42 lawsuits within the last five years, and one was fraudulent misrepresentation, over-billing a client and participating in an unfair trade practice act.

David Serns, representing Kent Security, pointed out that anyone can file a lawsuit regarding any matter. No judgment has been made against Kent Security regarding fraud or any other misrepresentation.

In response to Commissioner Moore as to how information in an RFP response is evaluated, Kirk Buffington, Director of Procurement Services, said it depends upon the disclosure. In this case, disclosure of lawsuits, claims and resolutions, the City asked the proposers to disclose that in their bid response. Staff does not have the capacity to review court filings in nearby counties unless a dispute arises. He read Section H. The first issue is interpretation of the term, claims. Concerning the audit that resulted in a claim against Sereca and resulted in their making a payment of \$250,000 plus to Miami-Dade Aviation Authority, staff felt it was a claim that should have been disclosed to the City. The City Attorney's Office agreed that such disclosure should have been made under that paragraph. Regardless of whether it was disclosed, once the City became aware of the audit and the City Auditor rendered an opinion, staff had a fiduciary responsibility to make the recommendation made to the Commission. The recommendation is to award to Kent Security primarily because of the results of the audit reviewed by the City Auditor.

In further response to Commissioner Moore, the City Attorney indicated he agrees with staff's recommendation.

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

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**385-9946 Neighborhood Development Criteria Revisions  
Initiative Consulting Services**

**(PUR-16)**

Vice Mayor Rodstrom noted the vendor selected was not the lowest bid. She asked for the justification. Kirk Buffington, Director of Procurement Services, said Winter & Company continues to be the selected first-ranked proposer of the Selection and Evaluation Committee. The Commission heard presentations (from both responders). It is a decision for the Commission.

In response to Vice Mayor Rodstrom, Mr. Buffington said the Commission could make a finding that Siemen is in the best interests of the City; it could reject the responses and direct the work be rebid; there are options.

Vice Mayor Rodstrom noted a \$35,000 difference. In response to Vice Mayor, the City Attorney said the Commission may choose either firm. If the Commission selects the firm not recommended by staff, the motion should note it is because the Commission

believes that they meet the RFP criteria better than the other firm, or all bids could be rejected.

**Motion** made by Vice Mayor Rodstrom to award the contract to Siemen & Larson because she felt they are qualified to do this work and they are \$30,000 less died for lack of a second.

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

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**785-9944 – Motorized Watercraft Concession**

**(PUR-18)**

Heidi Davis, representing Atlantic Beach Clubs II, indicated that Atlantic Beach Clubs believe they can offer the City a better price, better quality and better service. Both companies have great reputations and references. Atlantic owns and operates its own company; it does not subcontract. They have low overhead, efficient management, an impeccable safety record, no lawsuits against them and a proven marketing plan that guarantees more revenue without compromising safety. They offer free shuttle service to hotel guests and direct room charges available. They guarantee \$73,000 more revenue to the City. Through the bid process Atlantic received inconsistent, inadequate, and misleading information from the City that resulted in an uneven playing field. Two letters were sent to the City detailing the dissatisfaction (July 11, 2008 and June 23, 2008) which are attached to these minutes. The Boucher Brothers bid was \$110,850 and not \$160,000 as shown on staff's report and agenda. Staff consistently stated that the parasailing bid was a separate option that needed special State approval. By combining the watercraft bid with the parasailing bid in an attempt to increase the total amount for Boucher Brothers is disingenuous and misleading. Atlantic's bid would have been \$213,750 if that was the case. During the review process one of the biggest issues was in regard to the financials. Staff said that any financials could be submitted. Because of this, their points were reduced. There is a difference from the May 22nd and June 30th review committee meeting where Atlantic was only 2.5 points different. If the City calculated the points as they said they would be doing, giving all responders that submitted financials 10 points, the difference in the points between the first and second responder would have been .04. Atlantic is willing to guarantee \$73,000 more than Boucher Brothers. In these economically challenging times, it would be a travesty not to award the contract to Atlantic. This could mean the hiring of a new police officer or firefighter or the money placed in the Contingency Fund. She recommended the bid be awarded to Atlantic based on the .04 difference.

Stephanie Toothaker, representing Boucher Brothers, supported staff's recommendation. Boucher was one of many bidders. The City's committee met and scored Boucher first. At Atlantic Beach Clubs' request, presentations were made and Boucher was again chosen first. Even if Atlantic would receive the full scoring for the financials, Boucher Brothers would still be the highest-ranked. Boucher is all about safety. They scored as the highest ranker bidder because of their strong safety record. There have been over 22,000 rides without a single incident. Because of their financial backing, it allows them to have safety procedures not normally seen with a smaller company. For instances, the machines are not used for greater than a year. They have a fulltime mechanic on staff looking at the machines almost daily. Atlantic has indicated

that Boucher presented new information. Boucher disagrees; they were responding to questions from the City's committee. Any new information furnished was not counted in the points.

Commissioner Moore was concerned about the process. Apparently something has changed to cause these disputes. He felt it is happening too often. The staff has not changed. In September he wanted the Commission to come up with policies that would address these kinds of issues. He wanted the Manager to look at it during the Commission break. Unless there is something falsified, staff fixing a bid or offering a bid to a particular person because of relationship, he questioned if it should even be possible for a challenge to be made. He was tired of this happening.

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

Vice Mayor Rodstrom said that staff does a wonderful job with the procurement process. She questioned developing a policy that would stop the public from coming forward in these hard economic times. She believed there is going to be tougher competition and City's job will be harder. This is a public process. People are entitled to challenge; this is their venue.

Mayor Naugle referred to the City Auditor's position on a previous RFP with respect to points and asked his thoughts in this case. The City Auditor believed in this case the points were properly awarded. The problem with the previous point award was more to the fact that the two dollar amounts had the effect of canceling each other out and the total amount of revenue coming to the City was not looked at. City departments frequently do not put the dollar amount as the most important criteria. There are financial aspects that they believe override the decision making process.

In response to Mayor Naugle, Mr. Buffington indicated the dollar amount for this bid was given 15%. The City Auditor suggested 20%-25%. Mayor Naugle hoped in the future that the financial aspect would count more as recommended by the Auditor. The City Auditor suggested that the Commission adopt a policy for future revenue based contract RFPs that a certain percentage is counted.

The City Clerk announced that this item would be subject to approval of PH-04.

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

At Commissioner Moore's suggestion, Mayor Naugle explained the Clerk's announcement pertained to PH-04 which is a waiver to operate motorized watercraft concession on the public beach subject to terms and conditions.

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**785-9915 – Presort Mail and Fulfillment Services**

**(PUR-19)**

Kirk Buffington, Director of Procurement Services, believed the individual who signed up to remove this from the consent was in error.

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

**RESOLUTIONS**

**Fiscal Year 2008-2009 Budget Millage Rate and Non-Valorem Assessment** **(R-01)**

**No Current Year Budgetary Impact.**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY MANAGER'S BUDGET MESSAGE, ESTIMATES AND RECOMMENDATIONS FOR FISCAL YEAR 2008-2009 AND AUTHORIZING THE CITY MANAGER TO COMPUTE PROPOSED MILLAGE RATES AND TO ADVISE THE BROWARD COUNTY PROPERTY APPRAISER OF SUCH PROPOSED MILLAGE RATES.

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.

**Lot Clearing and Cleaning – Special Assessment Liens For Associated Cost** **(R-02)**

**No budgetary impact.**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-145

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

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

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**Vertical Yacht Storage Plat – 3000 State Road 84\_ (R-03)**  
**VYCD 1, New River, LLC, - 2-P-08**

**No budgetary impact.**

**Applicant: VYCD 1 – New River, LLC.**  
**Location: 3000 State Road 84**  
**Zoning: General Business B-2**  
**Future Land Use: Industrial**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-146

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT KNOWN AS "VERTICAL YACHT STORAGE PLAT."

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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**The Sails – Site Plan and Conditional Use Review - (R-04)**  
**2150 SE 17 Street – Hotel – Retail – Office – Marina**  
**Case 79-R-06**

**No Budgetary Impact.**

**Applicant: 17<sup>th</sup> Street Investments, LLC.**  
**Location: 2150 SE 17 Street**  
**Zoning: Boulevard Business B-1**

Mayor Naugle announced that this is an offer of settlement in a Bert J. Harris claim for damages. The City Commission adopted Resolution 07-106 on June 5, 2007 denying site plan approval and a conditional use application.

Mayor Naugle announced the process for addressing the Commission. Copies of any documents or visuals shown during the hearing must be provided to the City Clerk as evidence.

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



Jenni Morejon, Planning and Zoning, provided the history of consideration of this matter at the Development Review Committee, Planning and Zoning Board and Commission levels.

Commissioner Moore left the chamber at approximately 7:13 p.m.

Ms. Morejon said the square footage uses for the revised proposal of 350 hotel rooms, 15,500 office space, 14,400 retail, 13,400 restaurant, 2,000 bar, 8,400 spa, 3,800 fitness, 16,100 meeting room, as well as dry dock storage for 150 boats and a 30 boat wet slip marina. The development is permitted subject to the requirements of a conditional use permit and contingent upon meeting the criteria established in Section 47-23.8 – Waterway Use and Section 47-25.3 – Neighborhood Compatibility and Community Compatibility Criteria. If the Commission approves this project, staff recommends conditions listed in the staff report.

Dan Stengle, attorney representing Tom Gonzalez, the 17<sup>th</sup> Street Marine Investments, LLC. And Mastriana Development, LLC., said it is important to point out that following extensive public testimony on June 5, 2007, a record was recreated and suit filed to appeal the decision of the City, as well as a claim under the Bert J. Harris Private Property Rights Protection Act based upon a certified appraisal demonstrating a loss of \$59 Million.

Commissioner Moore returned to the chamber at approximately 7:14 p.m.

Mr. Stengle, representing the Applicant, 17<sup>th</sup> Street Investments, LLC, Tom Gonzalez and Mastriana Development, LLC, explained this is the result of a lawsuit settlement proposed by the applicants that would physically separate the hotel building from the collective facilities housing the office, restaurant and boat dry storage, a reduction in the width of the hotel tower and a relocation of the hotel tower to the east portion of the property. This settlement was proposed to address issues raised during the public hearing in June. As a result of the shade meeting on May 6, 2008, the City Attorney indicated that the Commission reached a consensus that the physical separation, reduction of the width, relocation of the hotel tower and reduction in height of the hotel tower from 150 to 120 feet would meet neighborhood compatibility conditions. If approved this evening, the litigation will not move forward. When appeal periods are concluded, both legal actions will be dismissed with prejudice.

Ron Mastriana, representing the Applicant, compared the project with the previous one. They addressed concerns by making modifications to lessen the size. Overall, the volume was reduced by 29% including office and retail space by 50%, meeting space by 60% and the spa and fitness area by 30%. The end result is 63 daily additional trips more than Pink City and the Best Western. The two buildings have been reduced and separated. He presented slides on this application. A copy of the slides is attached to these minutes. The slides show elevations, various directional views, changes, key new design features, difference in the two towers, site plan showing some greening ideas including making the top of the dry storage a green area and two green walls. Delivery and truck traffic has been brought inside the project. Murals are proposed for both sides of the dry storage. Staff suggested to seek input on the mural at a conference meeting.

Commissioner Moore said he thought the mural would be an added sign and according to the current Sign Code it would not be permitted. Greg Brewton, Director of Planning

and Zoning, said the Code specifically states that super-graphics are not permitted. Staff would have to evaluate the proposal in terms of being consistent with the Code. If the building is to be a marine-oriented building, marine super-graphics would be considered a sign and not permissible in accordance under the Code.

In response to the City Manager, Mr. Brewton indicated the mural was not discussed in detail. One condition of the review tonight is that the sign is not part of this approval process. Mr. Mastriana said they would be willing to provide a façade, instead of a mural, but they would like to present the matter at a conference meeting. The intent is to make a statement about Fort Lauderdale when boats are coming in.

Commissioner Hutchinson noted that nothing has been approved as it relates to the mural. It will be coming back before the Commission. She noted an existing mural at One exists presently at a dealership on 26<sup>th</sup> and Federal Highway. Commissioner Moore believed it is illegal. Commissioner Hutchinson was not sure if it is illegal; it is not a sign. She explained some considerations staff would take into account when reaching a conclusion. Mr. Brewton explained if it is art and unrelated to the project itself, it would not be controlled by Code. If it is considered as an advertisement to the project itself, it would be considered a sign. It is not part of tonight's vote.

In response to the City Manager, Mr. Mastriana said the mural would be 60 feet in height. The City Manager pointed out that is a huge mural.

Mr. Brewton said that in reviewing whether something is art or super graphics, visual clutter is considered by staff as to whether it would be permissible.

In response to Vice Mayor Rodstrom, Mr. Mastriana said if the mural is not acceptable, material acceptable to staff will be used. A metal fascia was originally proposed and they would be glad to use that material.

Mr. Brewton indicated control of the facade could be included in the conditions this evening.

Mayor Naugle opened the floor for public comment.

Margaret Croxton, representing Marina Mile Association, indicated the association represents seventy corporations. The businesses are shrinking. She felt it is the best project she has seen in the last twenty years. She did not understand why the City would be opposed to a Guy Harvey mural. She did not see any reason for it not being approved in the first place. She did not see that 63 additional cars a day would be a problem.

Frank Herhold, representing Marine Industry Association of South Florida, indicated the association has 850 members. The Sails presented the project to the association. He quoted a portion of their board's letter to the Commission when the project was originally presented 1 ½ years ago: "The concept is exciting and clearly addresses the area's need for not only dry storage slips, but also for marine retail and deep water dockage. The board took special note of the fact that both wet and dry slips will be available to the public on a rental basis, rather than through equity ownership thereby contributing to the affordability of boating." Mr. Herhold emphasized this is an entranceway to the city. A

marine icon is needed as one enters the yachting capital of the world. Also, rental dockage is needed.

Robert Walsh, a resident of District II, did not like the Applicant warning he will sue the City if not allowed to proceed. He believed the Commission would make the best decision for the city. He referred to the current economic times and the advantages of adding to the tax based, but wanted it to be a cooperative spirit. He hoped the people employed will make more than \$7 an hour.

Priscilla Smith, 2016 Harbor View Drive, felt those involved have worked very hard to reflect concerns of the neighbors. She was glad to see that delivery trucks will be internalized. She hoped there could be some guaranteed pedestrian access.

Nancy Thomas, resident of Harbor Inlet, appreciated the changes made. She was disappointed that the developer chose the route of litigation. She felt that those residents who care are in attendance. The total volume of the revised proposal is still 50% more than is recommended for the site. It is not so much about the traffic any more, but it is still a matter of neighborhood compatibility. The project will still obstruct views. Staff still points out that the project exceeds recommended uses for the site. She felt more changes should be made. It is untrue to say that the neighbors do not want the area to change. She urged the Commission to trust their staff.

Kathleen Ginestra, 2625 Marion Drive, said this unique piece of property that belongs to the entire city. She wished the developer would have made changes when the Planning and Zoning originally made the request. She referred to the lawsuit that was filed and indicated her belief that the process has been circumvented. Mr. Mastriana has done a wonderful job in redesigning the building. She hoped the numbers presented as to square footages and traffic are true. She hoped the Commission would look at the processes because the growth is out of control. She wanted the process to offer a level playing ground for everyone.

Jack Malcolm, resident of Harbor Inlet, opposed the project. Staff has indicated there is a 4.5% reduction in volume, while the Applicant has calculated 29%. He asked this be looked into. He urged the Commission to do its part, in supporting staff and citizens.

Joseph Centerino, 2601 Barbara Drive, Harbor Inlet, said that he still opposes the project, although he is happy that changes have been made. He was still concerned about the process in informing the neighborhood. The neighborhood has not had the benefit of all of the analysis and thought that has gone into this. He felt the neighborhood deserves the opportunity of being fully briefed. He was concerned that the neighborhood compatibility criteria has been exceeded. This project is literally on top of a sensitive neighborhood. The neighborhood deserves more than a five minute presentation.

Douglas Burrow, 1790 SE 23 Harbour Drive, commended the Applicant for the design improvements. He believed his residence is closest to the subject property. He suggested ladders be installed in the canal.

William James, 1823 Admirals Way, said he spoke at the hearings last year regarding this project. He felt the Applicant was over the top in what he was asking. He felt the Applicant has done a good job in terms of reductions notably retail and office space. It is

regrettable that litigation was necessary to get to this point. He recommended the project be approved because that is the only viable answer. Otherwise additional litigation and costs will be incurred. The last year and a half of dialogue has been based upon neighborhood compatibility. It is difficult to measure and define. He urged that standards be set for future projects.

Pat Kelly, 1948 Twin Dolphin Lane, Harbor Inlet, said he represents the Harbor Beach Homeowners Association. The association supported the original application. Mr. Mastriana worked very hard with the association and residents of Harbor Inlet to accommodate their wishes. The association supports the project, but is disappointed that there is not more retail.

There were no further comments from the public.

In response to Commissioner Hutchinson, Mr. Brewton advised that volume is not specifically outlined in the code. Volume is used to quantify mass which is contained in the code.

Commissioner Hutchinson said that much of the neighborhood is concerned with traffic at 23<sup>rd</sup> and 17<sup>th</sup>. Mr. Mastriana indicated that City staff arrived at four alternatives, but since the road rests with the Department of Transportation (DOT), they make the decision. The Applicant recognizes that the Hess gas station creates a problem in access. They presented to DOT what they thought was the best alternative.

Commissioner Hutchinson commented that these are some of the same changes that the City's traffic consultant requested. They arrived at an alternative with DOT and he proceeded to show boards regarding the changes.

Joaquin Vargas, Applicant's traffic engineer, presented the preferred alternative of the four. He used visual aids to illustrate. A copy of Exhibit 4b (Improvements Option 3) is attached to these minutes. The stop bar on Harbor Inlet for northbound traffic will be moved to improve safety. For southbound traffic that enters the gas station, he noted a raised median is recommended and no left turns be allowed from the frontage road. The Department of Transportation recently improved the south frontage road to three lanes. With this improvement, there will be one eastbound and two westbound. It improves safety, minimizes impact on Harbor Inlet Drive and meets the level of service standard at that intersection.

Commissioner Hutchinson understood that traffic restrictions on service trucks have to utilize the frontage road. Mr. Mastriana confirmed that as correct. In response to Commissioner Hutchinson, Mr. Mastriana indicated the Applicant will continually monitor ongoing traffic concerns during the project development. Commissioner Hutchinson understood that the valet will queue only on the Applicant's property. Mr. Mastriana confirmed that as correct; he noted there is 20 vehicle stacking. Commissioner Hutchinson understood the demolition and construction equipment would use the frontage roads and there would be no parking or stopping on 23<sup>rd</sup> during demolition and construction. Mr. Mastriana confirmed that as correct. In response to Commissioner Hutchinson, Mr. Mastriana agreed that construction crews will park either on the Applicant's property or other accommodations will be secured.

Commissioner Hutchinson asked if this settlement is approved this evening, the litigation with the City and residents will go away. Mr. Mastriana indicated that is correct.

Mayor Naugle referred to the exhibits concerning the boat storage facility façade. Mr. Mastriana indicated the original metal and glass façade could be used if there is no agreement on the mural.

Commissioner Hutchinson noted that the boat storage was never an issue in the original plan. Being able to look in and see the boats was never contentious. She preferred the glass and metal in comparison with concrete even with a mural on it.

Mayor Naugle concluded that the Commission has not yet made a decision and the Applicant is flexible on the material. Mr. Mastriana concurred.

Commissioner Hutchinson noted there are mosquito breeding areas at the northwest corner of the site. Mr. Mastriana indicated they agreed with the neighborhood to commence demolition immediately; a demolition permit has been submitted. In response to Vice Mayor Rodstrom, Mr. Mastriana indicated it could have been demolished before now.

Vice Mayor Rodstrom was concerned that this Applicant chose litigation instead of working with staff. Mr. Mastriana indicated at that point in time staff was inflexible and was using parameters by which they could not develop anything. There is a problem in trying to determine neighborhood compatibility. It was about property rights. Vice Mayor Rodstrom was concerned about the Applicant working with their neighbors.

In response to Vice Mayor Rodstrom, Mr. Brewton indicated there is a response to neighborhood compatibility in the Unified Land Development Regulations (ULDR). Generally speaking if one goes to the site and knows what is being proposed, one can determine the neighborhood compatibility. It is somewhat subjective in terms of what is being proposed in relation to what exists or what could be built on an average size lot. In further response, Mr. Brewton explained that massing is the bulk of the building and its size which is not defined in the ULDR. However, staff uses volume to determine massing.

Vice Mayor Rodstrom said the Applicant has scaled back, but she wanted more reduction. She regretted the Applicant used the lawsuit route. She complimented staff.

In response to Commissioner Teel, Mr. Mastriana said he purchased the site approximately two years ago. Pink City was not demolished immediately because it is very expensive. The hotel was torn down. As part of Pink City was occupied, they allowed that retail to remain. The property was used by Homeland Security, the City's Fire Rescue and Police Departments along with the Army, Navy and Coast Guard for training. During that time, they kept the graffiti off and the area was fenced. Commissioner Teel commented that people near a property that is acquired by a developer and left to fall into disrepair do not care what is built as long as the blight is removed. It is often a practice of developers. Recently developers have begun to change and make improvements to vacant property. She keeps this in mind when looking at an application. Just keeping graffiti off is not being responsible to neighbors. Years ago a developer sued the Central Beach Alliance leadership because they spoke

against a project as they should be able to do. It is extremely offensive and unnecessary.

Commissioner Teel felt the project is too big for the site and it does not meet neighborhood compatibility. The City has won a couple significant lawsuits on neighborhood compatibility. She was concerned with a developer sitting silent during a Development Review Committee (DRC) meeting and not answering staff questions about neighborhood compatibility. Mr. Mastriana did not think that happened. He noted that DRC was open to the public. Afterward they met with the City Attorney who agreed there were certain items on the list that the Applicant did not have to answer. This did not occur at the DRC. Commissioner Teel understood that questions from the public went unanswered. Mr. Mastriana said that is not true.

Mr. Mastriana noted they tore down the Best Western Hotel, planted grass and installed pavement around the dock area. They have spent over \$5 million to date.

Commissioner Teel was looking at staff's qualitative analysis, which is troubling. Exhibit 6 says The Sails' podium height ranges between 64 and 70 feet for a total of 628 feet in length and extends above the 17<sup>th</sup> Street Causeway between 25 and 65 feet along its length. Mr. Mastriana said the dimensions are separated into two buildings. One is 261 feet and one is 365 feet. The dry storage building height is 60 feet and the top part of the bridge is 75 feet. There is a thousand feet on the site; there are two buildings that total 620 some feet. Commissioner Teel said the analysis also states that in comparison to Pier 66, the building ranges between 47.5 and 27 feet for a total of 336 feet in length, as opposed to the 628 feet, and it never extends above the 17<sup>th</sup> Street Causeway. Mr. Mastriana indicated it is 232 feet in height. Commissioner Teel clarified this portion of the analysis has to do with the length along 17<sup>th</sup> Street Causeway. The form of The Sails' parking podium significantly blocks views along the causeway.

Commissioner Teel referred to that portion of The Sails' report (by Ceclia Ward) that compares the ships as being part of the neighborhood and thought if a bus stops in a neighborhood for a few hours, does that allow something to be built larger. said further that in reading the report comparing the ships as being part of the neighborhood, she thought that was very creative.

Commissioner Teel did not support this project. It could be better. She also does not support the mural.

Commissioner Moore thought a Guy Harvey mural would be delightful. However it challenges the City's process as to what is a sign. He did not feel it would be appropriate. He complimented the Applicant about foliage on the sides of the building which also negates the need to paint. The Commission was told it would compromise the building yet he sees it in Miami. He was happy to see the movement on this project. He beautifies a parking garage. A green wall is better than a mural. He respected that the Commission insists that private developers go out of their way to be neighborhood compatible and that developers meet with residents. Unfortunately, it is not done in the northwest part of the city. The same standard is not given to District III. The developers do not meet with the residents.

Commissioner Moore felt a developer has a right to utilize the legal process if they feel rights have been taken away. In response to Commissioner Moore, the City Attorney

indicated the Commission is dealing with a lawsuit settlement and a site plan. A lawsuit was filed. It is not his recommendation that the lawsuit be settled, but that the Commission decide the matter on its merits. He agreed with Commissioner Moore that merits are traffic impact, neighborhood compatibility and floor area ratio.

In response to Commissioner Moore, Mr. Brewton said that staff's reduction numbers are somewhat different than those of the Applicant. Staff has not been able to review those numbers and decide whether to dispute them. Commissioner Moore asked if he could require that the floor area ratio (FAR) projected by staff. The City Attorney said the Commission may impose whatever conditions they want.

In response to Commissioner Moore, Mr. Mastriana said with regard to the FAR, they believe their number is accurate. Mr. Mastriana said that staff has always been tough to make sure developers build exactly what the Commission proposes. The Applicant has proposed exact dimensions on all of the buildings and they agree to stick to the numbers shown on the site plan. The discrepancy has to do with volume. He referred to slides 13 and 14 that are attached to these minutes

Gerald Koi of Morris Architects (hotel group), representing the Applicant, explained that staff calculated the volume of both the previous project and the new proposal. He understood volume to be the building mass. He explained two methods, one by floor plate and another by building envelope. It is 14% floor plate reduction or 29% if the atrium is considered. There are mistakes in staff's calculations. They calculated the volume for the podium through level seven, but the podium stops at level five. He noted another error in the floor plate footage. He asserted the calculations are accurate within 2%. He referred to the traffic analysis calculations that are attached to these minutes.

Commissioner Moore asked if the approve could be worded to give certain assurances that this project would not exceed or would meet the measurement as presented this evening.

The City Attorney said that the Commission has a site plan presented with a square footage calculation by each floor. Mr. Mastriana agreed to be bound by every number shown on the site plan.

In response to Commissioner Moore, Jose Rodriguez of Keith and Schnars, City Traffic Consultant, said he recently received information regarding the project reduced scale and compared it to the original Pink City. There is an increase of 63 daily trips.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to approving the project with all of the conditions stated tonight. The mural is not included.

Commissioner Hutchinson introduced the following resolution:

#### RESOLUTION NO. 08-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, FINDING A NON-SUBSTANTIAL CHANGE FROM THE ORIGINAL APPLICATION AND APPROVING A DEVELOPMENT PLAN FOR A HOTEL, OFFICE, COMMERCIAL AND MARINA DEVELOPMENT AS A CONDITIONAL USE ON A

WATERWAY, LOCATED AT 2150 S.E. 17<sup>TH</sup> STREET, FORT LAUDERDALE, FLORIDA IN A B-1 ZONING DISTRICT.

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

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**Amendments – Florida SHIP Program Local Housing Assistance Plans Reinstating Affordable Housing Advisory Committee (R-05)**

**No budgetary impact.**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 2004-2007 AND 2007-2010 STATE HOUSING INITIATIVE PROGRAMS TO ADD NEW STRATEGIES FOR NEW CONSTRUCTION, EMERGENCY REPAIRS AND RENTAL REHABILITATION; AMEND RECAPTURE TERMS FOR THE SUBSTANTIAL REHABILITATION AND FORECLOSURE PREVENTION STRATEGIES AND TO REINSTATE THE SHIP AFFORDABLE HOUSING ADVISORY COMMITTEE.

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.

Commissioner Moore was happy to see the City is re-initiating the affordable housing committee and creating first time home buyer price ranges of \$205,000. He hoped the City would look at whether that amount could be reduced due to the current market. He hoped that these initiative changes could have impact on PUR-17. He asked what dollar amount is being proposed for foreclosure assistance. Mayor Naugle said that the plan calls for \$100,000 and up to \$10,000 of assistance. If that amount is used during the year, the Commission could let staff know that the Commission would consider amending the plan to allocate more money. Commissioner Moore wanted to allocate additional monies at this time. He would like to change it to \$500,000 and a funding source be recommended. Greg Brewton, Director of Planning and Zoning, said when the funds appropriation comes before the Commission in September, staff would like to bring areas from which funds could be allocated. Commissioner Moore emphasized the severity of the situation and cited blue collar areas that were well maintained.

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**Vacate Portion of Non-Vehicular Access Line Easements Parcel A – New River Center – 100 E. Las Olas Boulevard – Case 17-P-05(A) (R-06)**

**No budgetary impact.**



**Applicant:** SVP Las Olas Limited Partnership  
**Location:** 100 East Las Olas Boulevard  
**Zoning:** Regional Activity Center – City Center RAC-CC  
**Land Use:** Downtown Regional Activity Center

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-149

A RESOLUTOIN OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING PORTIONS OF TWO NON-VEHICULAR ACCESS LINE EASEMENTS ALONG S.E. 1<sup>ST</sup> AVENUE AND S.E. 2<sup>ND</sup> AVENUE SHOWN ON THE PLAT OF “NEW RIVER CENTER,” AS RECORDED PLAT BOOK 151, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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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**Beach Business Improvement District – Preliminary Special Assessment – Fiscal Year 2008-2009 (R-07)**

**No budgetary impact.**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF BEACH BUSINESS IMPROVEMENT SERVICES IN CERTAIN PORTIONS OF THE BEACH AREA LOCATED WITHIN THE CITY OF FORT LAUDERDALE, FLORIDA, MORE SPECIFICALLY DESCRIBED HEREIN; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR THE BEACH BUSINESS IMPROVEMENT ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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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**Procurement of Excess Worker Compensation Insurance**

**(R-08)**

**No budgetary impact.**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-151

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER, VIA THE CITY MANAGER'S DESIGNEE, THOMAS RUTHERFOORD, INC., TO CONDUCT NEGOTIATIONS FOR THE PURCHASE OF EXCESS WORKERS' COMPENSATION INSURANCE.

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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**Preliminary Fire-Rescue Special Assessment  
Fiscal Year 2008-2009**

**(R-09)**

**No budgetary impact.**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF FORT LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only.

Commissioner Moore asked if this is assessing the fee or stating that there will be public hearings to address the fee. The City Attorney said that it is doing both; it is setting a fee for which there will be two public hearings. The fee will be adjusted at the hearings. In response to Vice Mayor Rodstrom, the City Attorney indicated it is setting the fee at \$135 per resident and at the public hearing, the Commission will decide upon that amount.

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

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**PUBLIC HEARINGS**

**Dissolution of Bay Colony Special Recreation District Ordinance Providing For Referendum Election on Dissolution**

**(PH-01)**

**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 Ordinance on SECOND 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 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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**Northwest Commercial Redevelopment Project**

**(PH-02)**

**No budgetary impact.**

Alfred Battle, Community Redevelopment Director, provided a historical chronology. The Commission has requested a public hearing be held before the Community

Development Action Plan would be amended. This is one of the two public hearings proposed.

Commissioner Hutchinson left the chamber at approximately 8:54 p.m.

Mr. Battle indicated a second public hearing would probably take place on September 3 when the Commission would be requested to amend the plan.

Commissioner Hutchinson returned to the meeting at approximately 8:56 p.m.

In response to Commissioner Moore, Mr. Battle indicated the 51% rental units would be required to be affordable in price for twenty years pursuant to HUD requirements. Financing may have an additional requirement.

Sonya Burrows, said she is a property owner at 527 NW 20 Avenue and her family has been running a business on the Sistrunk Corridor for 60 years. She said it is not her intent to admonish anyone, but she has sat through countless meetings regarding this project and heard this community strongly express their desire for commercial redevelopment, including a full service grocery store. This community has never been embraced by the City even though it is only blocks from the heart of the city and its government seat. Every taxpayer is a member of the Fort Lauderdale family and no one member is more important than any other. Communities and developers alike should be treated fairly. She recognized the efforts the Jones Development Company has put into this project so far, however much needed yet unrealized tax revenue has been lost while this project sat idle, including monies spent for property upkeep. She questioned how much more delay should be allowed for the developer to secure a grocery store. This property was bought with Federal Block Grant money. The project needs to get started. If the developer cannot accommodate the community's wishes, she asked the project be rebid.

George Burrows, 1600 NW 4 Street, said he owns a business on NW 6 Street for about 60 years. They have been striving to bring development into this community that would meet their needs and surrounding areas. He wanted to return to what was originally planned for that site with a grocery store comparable to others in the City. There must be someone who can do this. He hoped the Commission would do the right thing.

Cameron Mizell, 516 NW 20 Avenue, said it is the Commission's responsibility and duty to make sure that the residents receive what is needed. If the developer who has been awarded the contract cannot do the work, it should be rebid.

Phyllis Berry, 2144 NW 4 Street, opposed the project as it is presented, not the developer. It does not reflect the wishes of the community nor the Commission when they received funding from HUD to purchase the land. The project appears to have deteriorated into a battle between the district commissioner and the developer. This developer was never directed by the Commission to meet with the community in an attempt to work out their differences. This will not impact the District Commissioner because he does not live in this neighborhood. She asked the Commission share with the community what did they have done wrong that they are unable to get the Commission's attention. They try and are always rejected. The City controls the purse on this. If the developer is unwilling to meet the City's demands, then the Commission

should get someone else, but it has not happened in this case. She wanted to meet with each commissioner to see what they did wrong.

Larhonda Ware, President of Dorsey Riverbend Civic Association, did not want to be repetitive. She emphasized that the community needs a name brand grocery store of 35,000 square feet or more. It has been eighteen years and they keep coming to the City for the same thing. It is the Commission's responsibility to serve the people. She hoped the Commission will listen to the community and give them what they want.

Bobby Dubose, 429 NW 11 Terrace, wanted to reinforce what has been said. He asked the Commission to stick to the original intent and do what the community wants. They have spoke on this several times. He strongly encouraged the Commission to consider the will of the people.

Douglas Burrill, agreed with what has been said. He suggested the Commission consider the Golden Rule and put themselves in the place of this community. He asked the Commission visit the site. He suggested people from the community be integrated into the design and development process.

Jimmy Witherspoon, 1490 NW 20 Court, said the community is asking the Commission to meet their needs. It is a must that this Commission help them. He hoped the Commission will make the necessary corrections to this project.

There being no further comments from the public, Mayor Naugle announced that the required public hearing to amend the action plan will occur at the first Commission meeting in September at 6 p.m.

At Commissioner Moore's request, the Assistant City Clerk ran a DVD video of the Fairwinds' conditional approval on July 1, 2008. A copy of the minutes of this portion of the meeting is attached to these minutes. Commissioner Moore said this was a private project and the conditions placed on it by the City. In this PH-02 case, the community came forward after several years of consensus building with what they wanted on public property where their homes and businesses had been demolished. People were forced out of two of the largest voting districts by government dollars; eminent domain. The community decided what they wanted for redevelopment: two phases of housing and the third development was to be all commercial. After eighteen years, there is still no commercial development. In 2003 the developer who the City felt was the only developer to respond to the RFP came back with a change to the community's desires and indicated that commercial could not be done. He felt this video shows what the Commission does for communities they respect; they listen and tell developers.

In response to Commissioner Moore, Mr. Battle indicated as of July 6, 2007, an appraisal of the subject property indicated a value of \$4.8 million. Commissioner Moore indicated that this is after eighteen years of no taxes coming to the City, the Community Redevelopment Agency receiving tax increment funds benefit and the City had to maintain the property during that timeframe.

Commissioner Moore referred to comments about The Sails project and that people to look at property that had not been maintained. He drew attention to what people in the area of this northwest commercial redevelopment have to look at. He referred to Vice Mayor Rodstrom's comments about a standard for the barrier island and because of the

people's wishes, but residents have been waiting for twenty years and have been told no. Utility lines were placed underground for one project, but not for the northwest commercial redevelopment area even though the developer was being given land. In the Fairwinds project, the developer was required to widen sidewalks offsite, build a park and maintain it for ten years. In the northwest commercial redevelopment project, the Commission did not require the developer to expand green space. Instead of 35,000 square feet, the developer was allowed to provide only a 25,000 square foot grocery. The community wanted all commercial. The developer indicated they were not able to do commercial and the Commission decided to do what the developer wanted. He did not understand why things are different once you cross the tracks. This is wrong.

In 2003, Commissioner Moore indicated that he told the Commission he did not think this development would not go anywhere. It has not progressed. Elevations have still not been provided. The developer has not met with any of the neighborhood civic associations in this district in five years. This did not happen because the Commission did not place any demands on the developer. The community did not want a drive-thru restaurant but the developer wanted one and it was allowed.

Commissioner Moore hoped in comparing with The Sails and the Fairwinds projects, the Commission will re-look at this project. The community since 2003 has requested that there be a competitive process, but that opportunity has not been offered. He referred to the number of times the Commission reviewed the beach concession because someone thought the RFP was not correct, but this community has come to the City ten times, saying they did not believe the RFP was right, but it has never been reconsidered. A site plan has still not been submitted. The developer has not done anything that the community has requested. A fourteen month contract extension was granted to the developer for the purpose of finding one grocer, however, at that time the developer did not inform the City whether the housing units would be for sale or rent or whether they would be at market rate or at attainable affordable housing. It is as if these people are not residents.

In response to Commissioner Moore, Sean Jones, representing Milton Jones Development Corporation, said the concept site plan shows 223 units, plus an additional 19,000 square feet of retail in addition to the minimum 25,000 square foot grocery store. There is a site plan which has been vetted over multiple meetings that were properly noticed to the community and opportunity to speak. Several public hearings were held. He felt there have been a lot of misstatements, specifically with respect to whether there would be any drive-thru restaurants. The development agreement speaks to all these conditions and it says no drive-thru restaurants.

Commissioner Moore said the prohibition on drive-thru took place about ninety days ago. The elevations were just presented also about ninety days ago. These are since 2003.

In response to Commissioner Moore, Mr. Jones indicated there are 223 units. Commissioner Moore referred to the commercial development in the RFP put out eighteen years ago and asked for the square footage. Mr. Battle recalled it was approximately 90,000 square feet. Commissioner Moore noted said the 90,000 was reduced to 40,000 and decided to build 223 units on the 50,000 square feet. The developer responded to an RFP for commercial development, but more than half of the site will be residential and it is not going back out for a new RFP. He referred to a question raised at the July 1, 2008 meeting by the Auditor on a concession, another RFP

was put out. This is 4.8 acres, \$4 million value, taxes off the tax roll and a number of changes offered by the developer and the community has not agreed on any of it. The only reason there were public meetings was to follow HUD rules and regulations. When the City Attorney stated that negotiations would occur with the developer, the public was invited, but were not permitted to question the developer.

Commissioner Moore felt the residents should not be treated this way. When the developer does not provide the community with what they want, the Commission must allow the community to have a bite of the apple. To do anything less is disrespectful of the residents that were removed and tax dollars used against them. He reiterated that the standard should be the same in all districts.

In response to Mayor Naugle, Mr. Jones indicated that there have been meetings with the community. Mr. Jones noted there has been another misrepresentation of the facts. The original RFP included another two acres of property which is the post office site, therefore they did not have the opportunity to develop 90,000 square feet of commercial. As a result they developed a proposal that reduced the square footage to 40,000 which is probably the maximum possible on the site. They signed a development agreement in February, 2008. They have not been able to move forward until then.

Mayor Naugle felt that many of Commissioner Moore's statements are not true. He has been watching this filibuster against Mr. Jones for several years. He hoped that they could put aside their differences and work together. He wanted to give the developer a chance to move forward. He heard Ms. Burrows say that if the grocery store can be built, she hopes Mr. Jones can complete it.

Mayor Naugle noted the action plan will be heard on September 3<sup>rd</sup>.

Commissioner Moore did not think the Mayor understands the frustration this community has had for twenty years. He commented about people who previously opposed The Sails and the Fairwinds and now support it. It is not happening in this project. He indicated that he has nothing against Mr. Jones other than he failed to produce the commercial property; he has been given every extension in the world and still does not have it. He believed that is because it has not been competitive. He has a problem because nothing has been developed and this increment could have helped redevelop the northwest quadrant. It should be seen that the community had several charettes about what it wanted. The Commission did not agree with any staff recommendations for aesthetic improvements. He reiterated his comparison with The Sails and the Fairwinds. The policymakers allow mediocre projects even when they take the land.

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**2008-2009 HUD Annual Action Plan  
Grant Funding – CDBG, HOME, ESG and HOPWA Programs**

**(PH-03)**

**No current year budgetary impact.**

Brenda Levine, Director of Outreach Services for Women in Distress, said that this is the only state certified domestic violence center in Broward County. Last year they served 4,226 hotline callers, 469 women and children with shelter, and another 1,281 with outreach services, including individual and group counseling. Fort Lauderdale residents represent 36% of those served. Last year the City authorized \$40,000 in funding. This

year they proposed \$63,636 for more than 285 Fort Lauderdale residents. The number was reduced to \$20,000 which will only accommodate 85. She brought this forward for the Commission's information and further review.

Commissioner Moore left the chamber at approximately 9:47 p.m.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to close the public hearing. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None. (Commissioner Moore was not present during the vote.)

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the item as presented. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None. (Commissioner Moore was not present during the vote.)

Mayor Naugle referred to Women in Distress and noted that the Community Services Board made recommendations after hearing all of the proposals. The Commission will be discussing these items during the budget hearings in September.

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**Beach Boating Restricted Waiver Motorized Watercraft  
Concession – Boucher Brothers Management, Inc.**

**(PH-04)**

**No budgetary impact.**

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to close the public hearing. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None. (Commissioner Moore was not present during the vote.)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-153

A RESOLUTON OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CITY CODE SECTION 8-174 GRANTING A WAIVER TO THE CITY OF FORT LAUDERDALE AND BOUCHER BROTHERS FORT LAUDERDALE BEACH, LLC, A FLORIDA LIMITED LIABILITY COMPANY TO OPERATE A MOTORIZED WATERCRAFT CONCESSION ON THE PUBLIC BEACH AS DEFINED IN CITY CODE SECTIONS 8-52 AND 8-71 UPON CERTAIN TERMS AND CONDITIONS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None. (Commissioner Moore was not present during the vote.)

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**Dock Waiver Application – Distance Limitations  
714 NE 20 Avenue – James Juranitch**

**(PH-05)**



**No budgetary impact.**

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to defer this item until September 3, 2008 at 6 p.m. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None. (Commissioner Moore was not present during the vote.)

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<b>ORDINANCES</b>
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**Code Amendment – Chapter 26, Traffic Parking Citation  
Collections and Administration**

**(O-01)**

**No budgetary impact.**

Bruce Toski felt the fees are a slap in the face to residents already suffering from the recession, layoffs and lower wages. There is no mention of how residents could check for unpaid violations. It is unclear whether the City charges for the boot removal procedure in addition to the other fees mentioned in the proposed amendment. Individuals are not even given 24 hours to request an administrative hearing. There is no mention of who would conduct the hearings. There is nothing in the amendment that would allow the resident to recoup expenses for a vehicle booted in error. There are increased fines and attempts to shorten administrative procedures to increase revenue. There is nothing in the ordinance to help residents. He asked the Commission to look at this.

Commissioner Moore returned to the chamber at approximately 9:51 p.m.

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-08-35

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, 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.

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

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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** (O-02)

**No budgetary impact.**

**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**

Commissioner Hutchinson introduced the following ordinance on SECOND 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.

Douglas Perry indicated he has been asked by Mr. Malone who lives on Harbor Drive to represent his concerns. Mr. Perry indicated no one on Harbor Drive says they were noticed. There were also not noticed on the fire station revision. However, the Planning staff indicated an affidavit was signed stating that notification was posted. He suggested the matter be re-noticed and a new hearing be held. He objected to revision of the fire stations, including setbacks, height and neighborhood compatibility. There was no notice.

Myles Wegman indicated he is a majority owner of Mar-Vista, Inc. They were not notified of meetings regarding the progress on this proposal. They feel the new building is not a revision, but actually a new design which should typically be submitted to the Development Review Committee and the planning commission. He mentioned the

building height of 44 feet with an adjacent building of 33 feet and the setbacks are inadequate.

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

**Rezoning To Residential Multi-Family Mid-Rise (O-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**

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

**ORDINANCE NO. C-08-32**

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, 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.

**Code Amendment – Chapter 17, Noise Control (O-04)**

**No budgetary impact.**

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

**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.

Commissioner Hutchinson suggested limiting weekend hours to 8 a.m. until 5 p.m. Mayor Naugle commented that due to the heat some individuals mow their lawns as late as 7 or 8 p.m. while there is still daylight. Vice Mayor Rodstrom asked about the hours being adjusted seasonally. Mayor Naugle suggested sundown, but Commissioner Hutchinson preferred 8 a.m. to 5 p.m.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to offer the item as written.

Bruce Toski said there is nothing in the amendment as to how residents may determine their compliance status. He suggested there be a way for residents to have a noise level tested at no cost. He was concerned about Section 17-7.1a being too vague. He thought his garage stereo would put him in non-compliance if it was plainly audible from the street. The City Attorney indicated the noise level would have to be tested with a decibel meter before one would be in violation. Mr. Toski was confused because other sections specify decibel readings, but in this section it says plainly audible. Also he wanted to know what the consultant was paid for this report.

Janice Allende, representing the applicant Ronold Armbrust. She commented about the debris and noise level emanating from commercial lawn maintenance equipment is a nuisance in the sense that it hinders a community's ability to enjoy activities outside on their property. Also, there are hazardous health effects of inhaling lawn debris as a result of commercial lawn maintenance practices. There should be reasonable time restrictions.

Douglas Burrill suggested a charter amendment to incorporate a citizen common sense commission. People should talk with each other. The Golden Rules should be applied.

In response to Mayor Naugle, Ms. McCaffrey indicated the ordinances does not specifically exempt human beings. She believed that children playing would be hard pressed to be in violation of this ordinance. Mayor Naugle referred to a provision about impulsive sounds. He wanted to know how many minutes an individual's dog could bark. Ms. McCaffrey believed it is more than five minutes without interruption. Mayor Naugle was concerned about too many rules.

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

**Amendments To Pay Plan – Schedules I and VI** (O-05)

**Funding is listed in detail on CAR.**

Commissioner Hutchinson introduced the following ordinance on SECOND 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: Commissioners Hutchinson and Teel, Vice Mayor Rodstrom, Commissioner Moore, and Mayor Naugle. NAYS: None.

**Vacate Right-of-Way – Fairwinds On The Ocean Portion Of North Atlantic Boulevard – Case 9-P-08** (O-06)

**No budgetary impacts.**

Commissioner Moore introduced the following ordinance on SECOND 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 OF 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 ordinance was read by title only.

Vice Mayor Rodstrom indicated this is all contingent upon the development agreement being approved by the Commission. She has not seen the agreement and until it is finalized, she is having trouble voting for this. At the last meeting the Commission

questioned some of the public amenities being offered. Until that is finalized, she could not support it.

Commissioner Moore asked if the development agreement for Sistrunk and 7<sup>th</sup> Avenue (northwest commercial redevelopment) is complete, it has been voted upon by the Commission. The City Attorney responded yes. Commissioner Moore noted as such all of the issues raised by the community have not been met and the Vice Mayor has supported it.

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

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

**(O-07)**

**No budgetary impact.**

Commissioner Moore introduced the following ordinance on SECOND 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.

Mayor Naugle indicated there are speakers.

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

Bruce Toski, a resident of nineteen years, said Code Enforcement is trying to assess a fine of \$150 per day on his homestead property. This amendment appears to be a method of shortening procedures and increasing City revenue. He saw nothing in the backup that supports the statement that this will better serve the public interest by encouraging compliance with city codes and promote, protect and improve the health, safety and welfare of the citizens of Fort Lauderdale. He asked about resident

notification. In response to Mr. Toski, Mayor Naugle indicated notice is provided on the website and posted on City Hall bulletin board. The Commission meetings are also broadcast on television.

Mr. Toski felt the amendment is about expedient methods to collect fines and gaining compliance sooner. It is all about revenue in other words. He objected to the special magistrate process and that the court system is not used. There is nothing provided to allow the viewing of evidence beforehand or for a rehearing. A cost for appeal to circuit court is not included.

Ralph Enderby, resident of Esplanade Condominium and member of the Downtown Civic Association board of directors, said this ordinance goes hand-in-hand with the noise ordinance. Enforcement is the problem. The measurement for American Backyard are grossly over those in the ordinance. He questioned if there is a will to enforce it. The maximum fine is \$500. An organization such as American Backyard would not be impacted by such an amount. He emphasized the need for Code Enforcement to enforce the noise ordinance.

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

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**Rezoning To Planned Unit Development – 2220 North Atlantic Boulevard - Fairwinds On The Ocean – Case 2-ZPUD-08 (O-08)**

**No budgetary impacts.**

Commissioner Moore introduced the following ordinance on SECOND reading:

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.

Miranda Lopez wanted to make sure that the walkway would be part of the development agreement. She also wanted to be certain that the beach in front of the Fairwinds, the Pelican and to Oakland Park Boulevard is public to the seawall. She noted the beach is 45 acres counted as open space. She supported the project but it is still a little big for the area.

Kevin Songer, Galt Towers on Galt Ocean Mile, said one of the requests was that bikes be permitted behind this project. He felt that would be a mistake. He preferred use of bike paths in front.

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

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**Community Services Board – Adding Cultural Arts  
And Tourism**

**(O-09)**

**No budgetary impact.**

Commissioner Moore introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-40

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA,  
AMENDING ORDINANCE NO. C-69-76, AS AMENDED BY ORDINANCE  
NO. C-92-10 & C-93-48, IN ORDER TO CHANGE THE DUTIES OF THE  
COMMUNITY SERVICES BOARD.

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.

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**Beach Equipment Rental Concession**

**(OB)**

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve this item as outlined by the City Manager below.

The City Manager said the vendors have agreed to a deal which is substantially what was proposed in the first round. It is slightly less the first year - \$55,000, \$11,000 less in the second year, and \$22,000 more the third year. This is a direct comparison to their first offer. Staff is recommending award of a three-year contract in accordance with the above proposed offer to Boucher Brothers Beach Management Fort Lauderdale, LLC. (See Memorandum 08-151: \$250,000 per year minimum annual guarantee; 8% gross revenue after taxes and minimal annual guarantee are subtracted; 25% of resort/amenity charges)

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

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**Advisory Board /Committee Appointments**

**(OB)**

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

Community Services Board	Janice Hayes
Education Advisory Board	Ed Parke Edna Elijah Gloria Barr Jackson

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 08-154

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.

Commissioner Moore referred to a blog that says on August 1<sup>st</sup> other municipal entities and policing departments will be able to ticket people in Fort Lauderdale jurisdiction and that is not what the Commission agreed upon at the conference meeting today.

There being no other matters to come before the Commission, the meeting was adjourned at 10:37 P.M.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk