



Commissioner Hutchinson pointed out that this matter was set in July for a time certain and it was unfortunate that it was not placed on the printed agenda, but she was not in favor of deferral.

### **Presentations**

**1. Fort Lauderdale Firefighter Appreciation Month - (PRES-01)**  
**September 2008**

Commissioner Hutchinson presented a proclamation designating September, 2008 as Fort Lauderdale Firefighter Appreciation Month in the City of Fort Lauderdale, to Lieutenant Craig Humphries, President of IAFF Chapter 765, who thanked the City and its citizens for their contributions to the Muscular Dystrophy Association. They collected around \$40,000 during the weekend.

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**2. Outstanding Employees (PRES-02)**

James Eddy, Fire-Rescue Chief, introduced Assistant Fire-Rescue Chief Robert Bacic who recognized Firefighter/Paramedic P.J. Wilcoxson and Firefighter/Paramedic Cody Williams of Rescue Company 13, and Lieutenant/Paramedic William Ledegang, Driver-Engineer/Paramedic Gregory Snyder, and Firefighter/EMT John Galarneau of Engine Company 13 for their response in saving an individual in a life-threatening situation.

Frank Adderley, Police Chief, recognized Officer Brandon Diaz as Officer of the Month for August, 2008 who witnessed a robbery and was able to apprehend the culprit.

Chief Adderley also recognized Officers Geoffrey Shaffer and Robert Strout as Officers of the Month for September 2008 who successfully apprehended three armed robbery suspects.

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**3. Distinguished Budget Presentation Award (PRES-03)**  
**Office of Management and Budget**

George Gretsas, City Manager, noted various positive achievements in the City's financial picture with the tenure of Allyson Love. He recognized Allyson Love, Director of Budget and Management, for receiving the distinguished budget presentation award for fiscal year 2007-2008 from the Government Finance Officers Association.

Allyson Love commented about the advantages of teamwork, and recognized and thanked her staff for their work.

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**4. 13<sup>th</sup> Annual Achievement of Excellence (PRES-04)**  
**in Procurement Award**

George Gretsas, City Manager, recognized Kirk Buffington, Director of Procurement Services, for receiving the 13<sup>th</sup> Annual Achievement of Excellence in Procurement Award

for 2008 from the National Purchasing Institute. He added that Mr. Buffington is now president of the National Institute of Government Procurement.

Kirk Buffington, Director of Procurement Services, thanked the City for the recognition and commented that there is a great team in the staff across department lines. He thanked and recognized his staff.

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**5. The Art Institute of Fort Lauderdale Day (OB)**

Vice Mayor Rodstrom presented a proclamation designating September 16, 2008, as "The Art Institute of Fort Lauderdale Day" in the City of Fort Lauderdale to Chuck Nagle, President of the Institute. Chuck Nagle thanked the City for this honor.

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**2. Outstanding Employees (Continued) (PRES-02)**

Albert Carbon, Public Works Director, recognized Beau Graham, Fred Clark, Dave Kelly, Joe Hoffman, Arwin Irdman, Frank Bellissimo, Doug Kirtach, Tom Terrell, and Bob Dunckel for their hard work and efforts in regard to a flooding incident on August 10, 2008 in City Hall. Their quick action saved the City money and prevented further structural and equipment damage and made it possible for employees to provide uninterrupted service to the citizens.

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**Fiscal Year 2008-2009 Tentative Millage Rate and Budget (PH-01)**

Mayor Naugle announced this is the first of two public hearings to be held as required by law on the millage rate and budget for fiscal year 2008-2009.

Allyson Love, Director of Management and Budget, reviewed slides on the proposed millage rate and budget for fiscal year 2008-2009. A copy of the slides is attached to these minutes.

Commissioner Moore left the dais at approximately 6:37 p.m. and returned at approximately 6:39 p.m.

Ms. Love concluded with a slide announcing the special meeting date concerning the fire assessment on September 12, 2008 at 11 a.m. and the final hearing on the millage and budget for September 16, 2008 at 6 p.m. The proposed 2009 budget may be accessed through the City's web site and at Broward County libraries.

Mayor Naugle said that this is the time for the public to speak or ask questions about the budget or the proposed property taxes.

Cindi Watts, Business Developer at Family Central, noted they were founded in 1971 and grown to be the most comprehensive non-profit family support organization in the state. They are nationally accredited. She described their services, serving approximately 80,000 families. Family Central is mandated by the State and contractually obligated to raise local match dollars; every dollar raised is matched up to \$57.99. Family Central is requesting that the City contribute \$45,000 which is the

amount necessary to ensure that 4,434 Fort Lauderdale children will be served. Less than 1.5% of the monies received are used for administration. She noted currently their wait list is nearly 11,000.

In response to Commissioner Moore, Ainsworth Geddes, Chief Financial Officer of Family Central, indicated Family Central does receive funds from the Children's Services Board (taxing entity). The requested \$45,000 is used for a different type of match. Monies received from the Children's Services Board goes towards a state match which is dollar-for-dollar; money received from the City is a 58 to 1 match. Family Central is required to do a certain amount of match for the 58 to 1. Once that match is met, they can pull additional money for the dollar-for-dollar match. They receive approximately \$1.6 million from the Children's Services Board.

Commissioner Moore wanted to know the names of the entities that Family Central is sending students in order to get the reduced cost for services. Mr. Geddes agreed to provide that information by the next meeting (September 16, 2008).

Cornel Dule indicated he owns an eighteen unit apartment building at 1025 West Prospect Road. Property values are declining at this time, and therefore, property owners are having difficulty keeping up with insurance costs and taxes. He asked the Commission to consider looking at taxes that small businesses are paying. He felt the taxes are high. He questioned why his tax bill has not changed when the real estate market is going down.

Beauregard Cummings, 1710 NW 27 Avenue, discussed difficulties of black people, including the lack of affordable housing. He formed the Trailblazers of Northwest Broward County because the history of the black community has not been brought forth to the community. The Trailblazers are about that history of their ancestors. He has solicited help from Broward Community College. He requested \$10,000 start-up funds.

In response to Mayor Naugle, Mr. Cummings indicated that he made the Community Services Board aware of their request, but did not make the request at the beginning of the year.

Edith Lederberg, Executive Director of Aging and Disability Resource Center, also known as the Area Agency on Aging. They are the prime planning, funding, and coordinating body for services for individuals over 60 in Broward County. The Agency is mandated by federal and state governments to raise a local 10% match. Several years ago, efforts were made to pass legislation like Children's Services, but was unsuccessful. The matching funds request is predicated on the number of seniors in the city. This year there are 35,434 people over 60 in Fort Lauderdale year-round. The Agency has provided Fort Lauderdale \$3,289,169 worth of services during the past year; of that amount, \$354,759 was for food. The Agency is requesting \$102,758 this year.

Commissioner Moore said there has been some concern raised regarding the Federated Women's Club (Area Agency on Aging supported facility). He asked if Ms. Lederberg could meet with him before the next meeting (September 16, 2008). Ms. Lederberg agreed to do so.

Romney Rogers, resident of 1101 SE 7 Street, referred to the record high budget surplus and applauded the City for it. There are people who need tax relief. The

Legislature has mandated it. It is time to use some of these monies for tax relief. The budget proposal example of an average home shows a savings of \$76.77. When the fire assessment increase is considered, he saved a net \$6.

There were no additional speakers.

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

Vice Mayor Rodstrom agreed with Mr. Rogers that there is a substantial reserve. The taxpayers should be thanked. She referred to the City starting to return some tax dollars after the 2003 tax increase. In this budget some money will be put toward infrastructure projects. She has questions about the Capital Improvement Program and whether must haves or wants are being done. The Commission voted to hire the City Auditor who oversees the budget and has done extensive research on the budget. He has prepared a review report. She was a little concerned with the Manager's response. There is not enough relief; there is room for more relief.

Commissioner Moore congratulated the Budget Department. He indicated that he has always been concerned in regard to taxes. He drew attention to the fire assessment increase. Taxpayers have indicated that they are being too impacted by taxes. Most governments in Florida have increased their fire fees. He has always been against an increase in the fire fee. He was pleased with the reserve level and did not think this is the time to spend it except to reduce the fire fee. He did not favor reducing the reserve to the standard of 19%. He mentioned one example of hurricanes. This community is built on tourism which may be impacted by hurricanes. He opposed the fire fee because it is regressive. He did not feel it is appropriate to assess the same fee for each residence regardless of the value. He wanted to include it in the ad valorem. He proposed that some of the reserve be utilized so as not to increase the fire fee.

Commissioner Moore did not favor setting aside \$4 million for the General Employees Retirement System. If the City is going to deal with any of the \$15 million in payments, he did not think it should come from the reserve. Because of interest rate levels and the City's rating, he felt the City should borrow. He wanted to see the economy turn before taking away from the reserve, except for the fire fee.

Commissioner Moore was happy to see Mr. Beauregard and the Trailblazers make a request for funding and work with Broward Community College and research this historic aspect. In response to Commissioner Moore, Mayor Naugle believed the Community Development Block Grant funding application process for next year would be February. Greg Brewton, Director of Planning and Zoning, was not certain of the timeline. Commissioner Moore asked such information be provided at the next Commission meeting (September 16, 2008). Commissioner Moore supported funding the Trailblazers; he commented on the importance of having all aspects of the City's history documented.

Commissioner Hutchinson noted the Commission has a meeting scheduled to consider the fire assessment on September 12. In response to Commissioner Hutchinson, Mayor Naugle indicated there is only one reading for the fire assessment. Mr. Love indicated the Commission is not addressing the fire assessment tonight. Commissioner

Moore explained he is offering the idea of using the Reserve Fund as an alternative to the fee.

The City Auditor noted that his staff reviewed the budget again this year. They did not go through the budget, looking for opportunities to save money. That was left to the City Manager. Their primary focus was to make sure the budget is balanced, revenue and expenditure estimates are reasonable and that the City is meeting all statutory requirements. In so doing, they identified three areas with which they took exception to the amounts in the budget. He commended the Budget Office for a great job.

The City Auditor referred to his memorandum, noting there is an obligation this year to record costs for other post employment benefit obligations which are healthcare costs promised to retirees. This is a new standard imposed by the Government Accounting Standard Board. The annual required contribution is approximately \$6 million; \$2.5 million was budgeted. The expense exists whether or not it is budgeted. The pension obligation is funded in full, otherwise it will continue to increase. It is prudent financial management to adopt the same approach to the other retiree healthcare costs. He urged the Commission to fund it in full.

The City Auditor noted the second point with which he took exception is interest earnings used as a revenue source. The projected amount is unrealistic. The Finance Department has acknowledged this, but pointed out that it was a snapshot at a point in time. However that time reflected a markedly different interest rate environment than what the City is experiencing today. He believed the number is off by several million dollars and to include it in the budget would be a serious error. By using an inflated number, the budget is not balanced. He urged the Commission to direct the City Manager to reduce the revenue estimate to a more realistic figure.

The City Auditor referred to the City's interfund payment from the Enterprise Fund to the General Fund. He believed the methodology used for calculating it is incorrect. The value of City properties were inflated by 13% whereas the Property Appraiser has indicated 4.5%. He urged the Commission to direct the City Manager to make the appropriate changes.

Mayor Naugle asked what is the total dollar amount that should be appropriated for these three items and what are the Auditor's thoughts on a funding source. The City Auditor replied roughly \$7 million. One approach would be the excess unreserved fund balance. The \$15 million for CIP projects could be reduced. Interest earnings, which he believed are non-existent, needs to be addressed. The OPEB obligation is significant and one that is perhaps more prudent than adding some of the additional capital projects to the CIP Plan. He urged that be done before some of the capital project funding is done. In further response, the City Auditor indicated that he has not reviewed which CIP projects to reduce or eliminate. He felt that should be a City Manager recommendation because his staff are better equipped to know which projects could be postponed for a year, but he would be willing to offer recommendations from his perspective.

The City Auditor thought there are always opportunities within the budget to find activities and areas where additional cost savings could be achieved.

Commissioner Teel recalled difficulties in 2003 when the City had \$875,000 in reserve. The Commission was warned when the City had a good reserve in the future there would be a temptation to spend it. In 2003 and leading up to that time, the City was failing to maintain infrastructure. She cited bridges, seawalls. One of the biggest traps that got the City to the point they were at in 2003 was unrealistic expectation of revenue income. Interest was projected, but it did not happen. Then it was suggested with the interest fluctuations, it would smooth out over time, but it did not happen. Employees had to take six unpaid days off. One philosophy has always been not to use the Fund Balance for recurring expenses. She referred to \$4.1 million for Anne Herman Park, Gore property, Bill Keith Preserve, Southside School and ADA compliance. She did not think anyone would want to postpone any of those projects. In response to the idea of cutting taxes further, she pointed out the City's portion of the total tax bill is 23%. She did not want a future Commission to not be financially prepared for any hurricanes that may come. She asked for ideas about cutting items from the \$15 million CIP. She cited examples. It is a very delicate balancing act. For many years, the City did not pay as it went and now the infrastructure is in bad shape.

In response to Commissioner Teel's question about funding of charities, Ms. Love advised that funding levels are the same as last year. Commissioner Teel pointed out that funding levels are the same, but each year the charities request more because the cost of living is increasing. She suggested funding at a higher level even if it is just cost of living plus a percent or two. Also perhaps there is opportunity for seed money for the new project by the Trailblazers.

Commissioner Teel reiterated she did not see anything on the CIP list that could be removed without objection. She did not want to get into the same trap that happened in 2003.

The City Manager noted that the Commission makes policy and staff figures out how to make it happen. Four years ago there was all kinds of unrest with the government. The Commission wanted to get the City back on a financial footing and bring stability back to the government. People want to know what kind and what level of services the government will provide and whether it will be about the same each year. The City now has over \$70 million in the rainy day fund. Over the course of the year, the state is saying there will be less money for government, the economy is beginning to drop and revenues are beginning to drop. Most expenses are salaries and benefits for employees which are similar across the state. It comes down to level of service. The City has been attempting to maintain service levels. Next year there will be the effects of tax reform from the State and an economy impacting property values. He mentioned other area governments reducing services and laying off employees. Now, the City has what it needs, plus \$72 million. He talked about how bond rating agencies rate governments and the correlation with the percentage of the expense budget to be available in reserves. He recommended 19% as a good level in view of potential substantial reductions in revenue next year. He did not want to see layoffs because that means a reduction in service. He elaborated upon infrastructure needs. There is never enough money. It is a matter of taking the highest priorities, patch what one can be patched and hope next year will be better. The policy decision is what standard of government there should be, stability or cutting to a point of reductions.

The City Manager thanked the City Auditor and his staff for reviewing the budget because it helps to have someone look over their shoulders. A budget is a projection of

expenses and revenues. For the past four years, the City has had more revenue than expenses at the end of the year because during the year they try to control spending and flow. He respects that the City Auditor has another way to do it as he was formally a budget director. The Budget Director has been given the responsibility of putting together the budget; she says the budget is balanced and her track record gives the City a comfort level. By next year everyone will have another year of track record. He referred to the Auditor's statement in his report: "Except as otherwise noted below, we believe the budget is reasonable, balanced, free from material error, and in compliance with Florida Statutes." He referred to the Auditor's three points. The first is Other Post Employment Benefits. Whatever the bill for retiree benefits is each year, the City pays it. The new standard says the City should think of the life of each retiree, make assumptions and spread out a new payment. It is like financing future expenses. There is some value to that methodology, except the report is not fully completed. Staff disagrees with many of the assumptions. There is plenty of time to address this because this is the first year that GASBE (Government Accounting Standards Board) has made such a recommendation. Most other governments are continuing with a pay as you go approach until they find the most responsible way to essentially prepay for benefits. He agreed at some point the City should figure out the best strategy, but now absent correct information and with plenty of time, it does not make sense to change the recommendation. In terms of interest earnings, he agreed that some line items would be less and others more, but the overall budget is balanced and services will be maintained. He urged the Commission to support the budget. He believed it is an excellent budget. He did not want the City to face layoffs and service reductions.

Mayor Naugle felt the Auditor's recommendation is coming at the eleventh hour. It would have been great to have it during the budget presentation when the Commission was taking into account the millage rate to be advertised. Perhaps a different millage rate would have been advertised or adjustments to spending would have been made. He understood the Auditor needed the time from when the City Manager presented the budget to the Commission which is a charter requirement for the second meeting in July. Next year, he was sure during the budget presentation in July the Auditor will look at how staff is treating post employment benefits, interest rate assumption and estimated value of properties. Perhaps it is something that could be captured next year.

Commissioner Moore was perplexed when he received the Auditor's document, because of the manner and when it was said. He would have liked to have spoken with the Auditor before a written document was issued. He found it to be a slap in his face. The Manager and the Budget Committee met with the Commission prior to a written document and listened to their comments. He hoped that in the future the City Auditor would follow that course.

Commissioner Moore commented on the depth and expense to which the City went to reorganize and meet the new GASB rules and regulations. There were discussions and workshops held by the leagues, at the municipal, state and national levels. He was not alarmed that there is a difference of opinion as to how the money would be staged. This is not new.

Commissioner Moore agreed about the reserve. He was one of the brave commissioners who voted for the 23% tax increase when it was needed and because of that, the City now has a reserve. He was concerned about the expense of paying



benefits and income for retirees. He felt they should receive something for their service, but not to the magnitude it will affect quality of life issues.

Commissioner Moore commented that the millage rate is at 4.2, the law will allow 10 mills, yet the State Legislature is advocating the ad valorem should be reduced and they are not delivering services they are supposed to deliver. He questioned the State Legislature telling the City that the reserve is too high. Because of the City's excellent bond rating, potential hurricanes and tax measures coming forward next year, he felt this is the time to maintain the reserve and bond the \$15 million and do all the projects necessary because the public deserves to have safe infrastructure and a level of service. He reiterated his desire to use only a portion of the reserve for the fire assessment.

With respect to timing, the City Auditor explained his office is not able to begin review of the budget until the City Manager has presented it to the Commission. He did not want to overburden the Budget Office staff at a time when they are trying to put the budget together. After the budget is presented, they request the support documentation to begin the review which takes 7-10 days to receive. Many staff members take leave after the budget presentation because they have been working extra hours to get it done. By not funding the OPEB, the expense is not being avoided. It will still reduce the fund balance at year end. GASB mandates that the City record the expense, although the amount may be in flux until the actuarial report is received.

The City Auditor agreed that actual expenses over the course of a year will differ from the budget. A budget is an estimate. However, if the City knows a number is wrong now, there is no reason to put it in the budget.

Vice Mayor Rodstrom disagreed with Commissioner Moore's idea to borrow money. She disagrees with that approach. She pointed out that the voters mandated the auditor position because they wanted someone independent of the manager and someone transparent in their opinions. The only reason the City was short in that time period was because there was extra spending. She was concerned about how the money is spent, the reserve balance and future financial stability. She was sensitive toward the retirees and present employees; she felt they should be protected. Everyone wants a balanced budget, safety and security and a reserve. There is a need to address infrastructure, but there is also increased debt in the future that needs to be addressed.

Commissioner Moore clarified he is not opposed to employee retirees receiving benefit; he was talking about the methodology. Like the private sector, government needs to make corrections so they survive. Seventy percent of the budget is fixed on salaries and benefits.

With respect to the Auditor, Commissioner Moore recalled he voted to place the question of the position on the ballot. He believed that office should be just as proficient in supplying information to the Commission. He differed with the timing and the methodology with which he received it.

Mayor Naugle announced the proposed millage rate for all general City purposes exclusive of debt service will be 4.1193 which represents a 5.06% decrease in the millage rate under the rolled-back rate of 4.3390 mills, which by state statute is characterized as a 5.06% decrease in property taxes. The proposed millage rate for debt

service for the 1997/2002 General Obligation Refunding Bonds is .0883. The proposed millage rate for debt service for the 2005 General Obligation Bonds is .0419.

In response to Commissioner Moore, Mayor Naugle noted the fire fee is not included; the Commission will hold another hearing on Friday, 11 a.m.

Commissioner Hutchinson introduced the following resolution adopting tentative millage:

RESOLUTION NO. 08-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE TENTATIVE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

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

Commissioner Moore introduced the following resolution adopting tentative budget:

RESOLUTION NO. 08-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA ADOPTING THE TENTATIVE BUDGET OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009.

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

Mayor Naugle announced the public hearing to adopt the final millage rate and budget will be held at 6 p.m. on September 16, 2008, in this meeting room.

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**Sunrise Key Neighborhood Improvement District**  
**Tentative Millage Rate and Budget – Fiscal Year 2008-2009**

**(PH-02)**

Mayor Naugle announced this is the first of two public hearings to be held as required by law on the millage rate and budget for Sunrise Key Neighborhood Improvement District fiscal year 2008-2009.

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

Allyson Love, Director of Management and Budget, said that this special district taxes its residents to provide security to their neighborhood. On May 15, 2008, the District voted their millage at 1.1 mill to generate revenue to provide services which she detailed along with associated amounts composing the 2009 tentative budget of \$79,700.

Commissioner Moore returned to the dais at approximately 7:59 p.m.

Mark Grant, resident of 635 3 Key Drive, understood the budget and the procedure used for its adoption has been questioned. All of the other directors agree with the budget as presented. If the Commission feels it is necessary, a board meeting can be called for next week and readopt the budget to make it clear that is what the directors wanted.

Trevor Underwood, 2425 Sunrise Key Boulevard, said he is a director of the district and attended the board meeting on May 15, 2008 at which they voted for a budget of \$65,200 with all line items the same as the previous year. He listed them. There was no discussion of a budget of \$79,700 which was presented to City Budget Office staff. He was not aware of this budget until receiving a copy of the May 15<sup>th</sup> minutes which do not accurately record what occurred at that meeting. The budget was prepared by Mark Grant after the meeting based on information from the City as to the amount of taxes collected in 2007, and applying the one mill authorized by the board. They discussed two things. One was expenditures which was the budget. There appears to be confusion between the budget or expenditure and revenue. In discussion, Mr. Grant stated there was no need for a budget increase and affirmed that the same budget as last year's would be used. Mr. Underwood indicated that he circulated it at the meeting. It was clearly \$65,200. There was end a vote on the millage rate. He discussed the fact that less than six residents of the approximately seventy total pay 110% or 120% of the tax rate while the remainder pay about 30% of the tax rate. He noted that there is \$96,000 in the reserve.

Mayor Naugle noted the allotted time had expired, but informed Mr. Underwood there would be another hearing in two weeks.

There were no additional speakers.

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

Commissioner Teel wanted to hear from the City Attorney about the advisability of holding another district meeting. The City Attorney said that Mr. Underwood brought it to his attention that there might be some infirmities in the action taken by the Sunrise governing board. He recommended the Commission adopt the tentative millage rate at this hearing. The final adoption is September 16, 2008. During that period of time, whatever infirmities exist, the District could correct.

In response to Commissioner Moore, the City Attorney advised the District operates under the same rules as the City in that they may not increase their millage rate at the next meeting.

In response to Commissioner Moore, Mr. Underwood said his point was that there is no need for any millage rate because there is \$96,000 in reserves, 150% of the budget.

Vice Mayor Rodstrom asked if the money is being saved for a project. Mr. Grant explained the board was unaware that reserves were being collected by the City. They decided to have a one mill tax. After the meeting, they realized that one mill would yield more than what they talked about from last year's budget. The consensus was to use

any additional funds derived from the one mill to increase security in the community. In the following year, they will probably not levy any tax.

Mayor Naugle pointed out that the City Attorney suggested that another board of directors meeting be held and submit the results at the second reading.

Mayor Naugle announced that the proposed millage rate for all Sunrise Key Neighborhood Improvement District purposes will be 1.0000 mill which represents a decrease of 4.54% under the rolled-back rate of 1.0476 mills, which by state statute is characterized as a 4.54% decrease in property taxes.

Commissioner Hutchinson introduced the following resolution adopting tentative millage:

RESOLUTION NO. 08-180

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE TENTATIVE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

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

Commissioner Moore introduced the following resolution adopting tentative budget:

RESOLUTION NO. 08-181

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

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

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**Lauderdale Isles Water Management District (PH-03)**  
**Property Assessment Rate and Budget – Fiscal Year 2008-2009**

Mayor Naugle announced this is a public hearing to be held for Lauderdale Isles Water Management District non-ad valorem assessment and budget.

Allyson Love, Director of Management and Budget, said that the district adopted their fiscal year 2009 budget on June 5, 2008. The non-ad valorem assessment remains the same at \$15 per parcel, with 548 parcels, for a total budget of \$8,220.

There were no comments from the public.

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

**Sunrise Key Neighborhood Improvement District (PH-02)**  
**Tentative Millage Rate and Budget – Fiscal Year 2008-2009**

Mayor Naugle announced there would be a second public hearing on the Sunrise Key budget on September 16, 2008 at 6 p.m.

Mayor Naugle announced that the proposed Lauderdale Isles Water Management tax assessment rate will be \$15 annually for each property within the district.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 08-182

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LEVYING A NON-AD VALOREM SPECIAL ASSESSMENT FOR FISCAL YEAR 2008/2009 ON BEHALF OF THE LAUDERDALE ISLES WATER MANAGEMENT DISTRICT AND APPROVING THE BUDGET FOR THE DISTRICT.

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

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**Proprietary – Stretcher Maintenance and Repair (PUR-02)**

Mayor Naugle announced that this item has been removed from the agenda.

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**785-9993 – HOPWA 2008-2009 (PUR-17)**  
**Housing Opportunities For People With HIV/AIDS**

Mayor Naugle announced that this item has been removed from the agenda.

In response to Commissioner Moore, the City Manager said that the Planning and Zoning Department had some appropriation issues. It will be brought back before the Commission.

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**785-10023 – Home Funds Award – Community Housing (PUR-19)**  
**Development Organization**

Mayor Naugle announced that this item has been removed from the agenda.

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**Grant Acceptance – Florida Department of Environmental Protection – River Oaks Stormwater Park - \$2,250,000** (CR-03)

Mayor Naugle announced that this item has been removed from the agenda.

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**785-9993 – HOPWA 2008-2009 Housing Opportunities For People With HIV/AIDS** (PUR-17)

In response to Commissioner Moore, Margarett Hayes, Planning and Zoning, indicated this item will be presented on September 16, 2008.

**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 – Tribute to James Dean – Closing SE 6 Street** (M-01)

**No budgetary impact.**

A motion authorizing and approving the execution of an Event Agreement with Broward County Film Society, Inc. for Tribute to James Dean, to be held Saturday, September 27, 2008, 4 PM – 11 PM at Cinema Paradiso and closing SE 6 Street from SE 5 Avenue to SE 5 Terrace, 3 PM – 12 midnight, leaving garage and condominium access open.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1165

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**Event Agreement – Annual Shooters Halloween Costume Contest and Party – Closing NE 32 Avenue** (M-02)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Roscoe LLC for Annual Halloween Costume Contest and Party at Shooters to be held on Friday, October 31, 2008, 6 PM – 12 midnight and closing NE 32 Avenue between Shooters' property line.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1166

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**Event Agreement – Our Lady Queen of Martyrs Fall Carnival – Closing Happy Hoyer Street (M-03)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Our Lady Queen of Martyrs Church, a parish of the Archdiocese of Miami, Inc. for Fall Carnival, to be held October 30, 2008 – November 2, 2008 and closing SW 11 Court from SW 27 Avenue to SW 28 Avenue, 9 AM, October 27, 2008- 5 PM, November 3, 2008.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1167

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**Event Agreement – Making Strides Against Breast Cancer Closing Roads Along Route (M-04)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with American Cancer Society Florida Division, Inc. for Making Strides Against Breast Cancer, to be held at Huizenga Plaza, Riverwalk and downtown area sidewalks on Saturday, October 11, 2008, 7 AM – 1 PM and closing streets along the route.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1181

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**Event Agreement – Rocktoberfest (M-05)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Rocktoberfest, to be held on Friday, October 17, 2008 at Las Olas Riverfront and along the Riverwalk, 5:30 PM – 10 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1214

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**Event Agreement – Blow The Whistle On Asthma Walk (M-06)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the American Lung Association of Florida, Inc. for the annual Blow The Whistle On Asthma Walk, to be held at Huizenga Park, Riverwalk and downtown area sidewalks on Saturday, October 4, 2008, 8 AM – 12 noon.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1178

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**Disbursement of Funds/Joint Investigation/ (M-07)**  
**O.R. 94-002390 – Law Enforcement Trust Fund**

**\$5,950.21 is available in Fund 107 (DEA Confiscated property) in account GL 219-94-002390 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$5,950 with each of the thirteen participating law enforcement agencies to receive \$457.70.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1105

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**Disbursement of Funds/Joint Investigation/ (M-08)**  
**O.R. 94-002390 – Law Enforcement Trust Fund**

**\$35,397.23 is available in Fund 107 (DEA Confiscated property), in account GL 219-94-002390 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$35,397.23 with each of the seven participating law enforcement agencies to receive \$5,056.74.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1100

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**Disbursement of Funds/Joint Investigation/ (M-09)**  
**O.R. 97-064422 – Law Enforcement Trust Fund**

**\$2,111.20 is available in Fund 107 (DEA Confiscated Property), in account GL 219-97-064422 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$2,111.20 with each of the six participating law enforcement agencies to receive \$351.86.

**Recommend:** Motion to approve.



**Exhibit:** Commission Agenda Report 08-1101

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**Disbursement of Funds/Joint Investigation/ (M-10)**  
**O.R. 97-012107 – Law Enforcement Trust Fund**

**\$2,987.40 is available in Fund 107 (DEA Confiscated Property), in account GL 219-97-012107 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$2,987.40 with each of the six participating law enforcement agencies to receive \$497.90.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1102

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**Disbursement of Funds/Joint Investigation/ (M-11)**  
**O.R. 97-007693 – Law Enforcement Trust Fund**

**\$29,261.00 is available in Fund 107 (DEA Confiscated Property), in account GL 219-97-007693 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$29,261 with each of the six participating law enforcement agencies to receive \$4,876.83.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1103

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**Disbursement of Funds/Joint Investigation/ (M-12)**  
**O.R. 97- 057647 – Law Enforcement Trust Fund**

**\$10,988.80 is available in Fund 107 (DEA Confiscated property), in account GL 219-97-057647 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$10,988.80 with each of the six participating law enforcement agencies to receive \$1,831.46.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1104

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**Grant Application – 2008 Local Law Enforcement (M-13)**  
**Block Grant - \$48,703**

**No current year budgetary impact; no cash match required.**

A motion authorizing the proper City Officials to apply for funds in the amount of \$48,703 – U.S. Department of Justice – 2008 Local Law Enforcement Block Grant – Justice Assistance Grant.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1141

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**BankAtlantic Bancorp Inc. – Direct Cash Incentive - \$50,000** (M-14)

**FUND 001, SUB-FUND 01, EDV010101-4299, Other contribution - \$50,000.**

A motion authorizing payment in the amount of \$50,000 to BankAtlantic Bancorp Inc. – third year payment pursuant to terms of Direct Cash Incentive Grant Agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1197

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**Change Order 4 – Asphalt Consultants, Inc. - \$133,750.74** (M-15)  
**Septic Area 2 East Basins A and C**

**Appropriate \$149,800.83 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10832.482.6599.**

A motion authorizing: (1) Change Order 4 with Asphalt Consultants, Inc., in the amount of \$133,750.74 – additional work and quantity adjustments – Septic Area 2 East Basins A and C – Project 10832; and (2) appropriate \$149,800.83 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1150

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**Change Order 3 – Foster Marine Contractors, Inc. - \$122,651.50** (M-16)  
**Sanitary Sewer and Water Main Improvements – Area 2 Basin B East**

**Appropriate \$137,400 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10832.482-6599.**

A motion authorizing: (1) Change Order 3 with Foster Marine Contractors, Inc., in the amount of \$122,651.50 – additional work and quantity adjustments – Sanitary Sewer and Water Main Improvements Area 2 Basin B East – Project 10832B; and (2) appropriate \$137,400 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1152

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**Change Order 1 (Final) – R.J. Sullivan Corp. – Credit (\$12,500) (M-17)**  
**Fiveash Water Treatment Plant – Filter Rehabilitation 2**

**Reduce encumbrance by (\$12,500.00) in Fund 482, Subfund 01, P10387.482-6599.**

A motion authorizing: (1) Change Order 1 (Final) with R.J. Sullivan Corp., in the CREDIT amount of (\$12,500) – additional work and final quantity reconciliation – Fiveash Water Treatment Plant Filter Rehabilitation 2 – Project 10387B; and (2) reduce encumbrance by (\$12,500.00).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1126

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**Change Order 2 – Expertech Network Installations, (U.S.) Inc. - (M-18)**  
**\$102,560.45 – Water Transmission Main – Oakland Park Boulevard**

**Appropriate \$114,868 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10572.482-6599.**

A motion authorizing: (1) Change Order 2 with Expertech Network Installations (U.S.) Inc., in the net amount of \$102,560.45 – additional work and quantity adjustments – Water Transmission Main – Oakland Park Boulevard – Project 10572; and (2) appropriate \$114,868 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1155

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**Change Order 1 – Intercounty Engineering, Inc. - \$185,888 (M-19)**  
**And Add 90 Days – Fiveash Water Treatment Plant Phase 2 –**  
**Bid Package C**

**Appropriate \$208,200 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10508.482-6599.**

A motion authorizing: (1) Change Order 1 with Intercounty Engineering, Inc., in the amount of \$185,888 and the addition of 90 non-compensable calendar days to contract period – Fiveash Water Treatment Phase 2 – Bid Package C – Project 10508C; and (2) appropriate \$208,200 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1180

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**Change Order 4 (Final) – Petro Hydro, Inc. - \$376,770 And (M-20)**

**Add 177 Calendar Days – Progresso Sanitary Sewer, Water Main and Storm Improvements – Phase C**

**Appropriate \$421,982.40 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P09766.482-6599.**

A motion authorizing: (1) Change Order 4 (Final) with Petro Hydro, Inc., in the amount of \$376,770 and the addition of 177 non-compensable calendar days to contract period – additional work for Progresso Sanitary Sewer, Water Main, and Storm Improvements – Phase C – Project 9766C; and (2) appropriate \$421,982.40 to fund this change order.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1124

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**Change Order 7 – Sun-Up Enterprises, Inc. - \$140,800 (M-21)**  
**ADA Modifications and Parking Lot Repair**

**Appropriate \$160,512 from P11335.461 Subobject 6599, Fund 461, Subfund 03 to P11321.461-6599, Fund 461, Subfund 03.**

A motion authorizing: (1) Change Order 7 with Sun-Up Enterprises, Inc., in the amount of \$160,512 – 2008 Contract – ADA Modifications and Parking Lot Repair – project 11321; and (2) appropriate \$140,800 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1198

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**Change Order 1 (Final) – Insituform Technologies, Inc. - (M-22)**  
**Credit (\$301,299.70) – Wastewater Conveyance System**  
**Long-Term Remediation – Project 7**

**Reduce encumbrance by (\$301,299.70) in Fund 489, Subfund 01, P11083.489-6599.**

A motion authorizing: (1) Change Order 1 (Final) with Insituform Technologies, Inc., in CREDIT amount of (\$301,299.70) – final quantity adjustments – Wastewater Conveyance System Long-Term Remediation Program Rehabilitation Project 7 – Project 11083; and (2) reduce encumbrance by (\$301,299.70).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1129

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**Task Order 38 – CH2M Hill, Inc. – Litigation Support (M-23)**  
**Services - \$75,000 – WaterWorks 2011 –**  
**Projects 9766B, 10121 and 10515**

**Appropriate \$75,000 from P11197.454-6599, Water and Sewer Fund Recap. To P11263.454-6599 all in fund 454 and subfund 01.**

A motion authorizing the proper City Officials to: (1) execute Task Order 38 with CH2M Hill, Inc., in the amount of \$75,000 – Litigation Support Services in conjunction with WaterWorks 2011 – Projects 9766B, 10121, and 10515; and (2) appropriate \$75,000 to fund this task order.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1128

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**Task Order 08-07 – Hazen and Sawyer, P.C. - \$36,382 (M-24)**  
**Floridan Aquifer Wellfield – Conceptual Site Plan Permit Assistance**

**Appropriate \$40,750 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11396.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Task Order 08-07 with Hazen and Sawyer, P.C., in the amount of \$36,382 – engineering design services associated with Floridan Aquifer Wellfield – Conceptual Site Plan Permit Assistance Project 11396; and (2) appropriate \$40,750 to fund this task order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0998

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**Amendment 2 To Agreement – South Florida Water Management District – North Fork of New River Improvements – Sanitary Sewer – Riverside Park (M-25)**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute Amendment 2 to Agreement OT051225 with South Florida Water Management District – North Fork of New River Improvements – Sewer – Project 10578B – Riverside Park Basin B – six-month contract extension.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1131

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**Amendment 2 – Work Authorization 16724.46 – Keith and Schnars, P.A. - \$3,440 – Fiveash Water Treatment Plant Guardhouse Permitting (M-26)**

**Appropriate \$3,852.80 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10529.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Amendment 2 to Work Authorization 16724.46 – Keith and Schnars, P.A. – permitting services associated with Fiveash Water Treatment Plant Guardhouse – Project 10529; and (2) appropriate \$3,852.80 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1163

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**Contract Award – Carpenter Electric, Inc. - \$142,126 (M-27)**  
**Electrical Upgrade – Piers 1 and 2 – Las Olas Docking Facility**

**Appropriate \$178,226 from P11065.331, Electrical Improvements New River Docks, to P11218.331, all in Fund 331, Subfund 01, Subobject 6599, to fund this contract, contingencies and engineering fees.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Carpenter Electric, Inc., in the amount of \$142,126 – Electrical Upgrade for “T” Head Area of Piers 1 and 2, Las Olas Docking Facility – Project 11218; and (2) appropriate \$178,226 to fund this contract, contingency and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1153

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**Contract Award – Imperial Electrical Incorporated - \$52,505 (M-28)**  
**Relocation of Utility Services – Existing Fire Station 29 – 2001 NE 16 Street**

**Appropriate \$57,755.50 from P10911.336-6599, Fire Station 46, to P10905.336-6599 all in Fund 336, Subfund 01.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Imperial Electrical Incorporated, in the amount of \$52,505 – Relocation of Utility Services at existing Fire Station 29 – 2001 NE 16 Street – Project 10905A; and (2) appropriate funds for contract and contingency.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1204

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**Contract Award – DiPompeo Construction Corporation - (M-29)**  
**\$2,577,000 – Fire Station 29 – 2002 NE 16 Street**

**\$1,400,000 is available in P10905.336-6599. Appropriate \$1,434,700 from P10909.336-6599 Fund 336, Subfund 01 to P10905.336-6599 Fund 336, Subfund 01.**

A motion authorizing the proper City Officials to: (1) award and execute contract with DiPompeo Construction Corporation, in the amount of \$2,577,000 – Project 10905 – Fire Station 29 located at 2002 NE 16 Street; and (2) appropriate \$1,434,700 to complete the funding of the contract and contingencies.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1037

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**Outside Counsel – Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A. – Lauderdale Manors Utilities Improvements Phases I and II** (M-30)

**Appropriate \$40,000 from P11197.454-6599, Water and Sewer Fund Recap, to P11263.454-6599 all in fund 454 and subfund 01.**

A motion:: (1) appointing outside counsel – Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A., to represent City in litigation with Astaldi Construction Corporation – Lauderdale Manors Utilities Improvement Phase I and II – Projects 10121 and 10515; and (2) appropriating \$40,000 to fund this activity.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1146

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**Revocable License – Yankee Trader Renovations - Temporary Closures – Granada and Seville Streets and Pedestrian Bridge - State Road A-1-A** (M-31)

**No budgetary impact.**

A motion to authorize the proper City Officials to execute Revocable License with A1A Trader, LLC – temporary road and sidewalk closures on Granada Street and Seville Street and temporary closure of pedestrian bridge over State Road A-1-A – Yankee Trader renovation project.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1201

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**Harbor Beach Park – Open Space 143 – Purchase and Sale Agreement – Broward County Land Preservation Bond Program** (M-32)

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

A motion authorizing the proper City Officials to execute a purchase and sale agreement, in the amount of \$955,900 – acquisition of Open Space Site 143 – 1835 South Ocean Drive – Broward County Land Preservation Bond Program.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1168

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**Middle River Terrace Park Addition – Open Space 145 (M-33)**  
**Fifth Amendment To Contract – Purchase Price**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute Fifth Amendment to Contract for Purchase and Sale of Open Space 145 – Middle River Terrace Park Addition with Vincent Fazio and Dominick Casale – reducing the purchase price from \$1,100,000 to \$929,500.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1170

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**Historic Preservation Challenge Grant - Southside (M-34)**  
**School – First Amendment To Agreement –**  
**Extending Project End Date**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute First Amendment to Agreement with Broward County for Historic Preservation Challenge Grant for Southside School – extending project end date to December 31, 2008.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1237

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**Instructor Agreement – Fort Lauderdale Stars, Inc. (M-35)**  
**Gymnastics Classes – Holiday park Activity Center**

**No current year budgetary impact. \$373,000 budgeted in FY 08/09 under PKR 033201-3246 Rec Prog Fees, fund 001, subfund 01, subject to appropriation of budget.**

A motion authorizing the proper City Officials to execute an agreement with Fort Lauderdale Stars, Inc. to conduct gymnastics classes at Holiday Park Activity Center – October 1, 2008 through September 30, 2009.

**Recommend:** Motion to approve.



**Exhibit:** Commission Agenda Report 08-1206

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**Termination of Lease Agreement – Broward County School Board – Fort Lauderdale High School and Sunrise Middle School Swimming Pools** (M-36)

**No budgetary impact.**

A motion authorizing City Manager to submit written notice to the School Board of Broward County – termination of sublease agreements with FLA, Foundation, Inc. – public use of swimming pools at Fort Lauderdale High School and Sunrise Middle School.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1157

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**CONSENT RESOLUTION**

**Downtown New River Master Plan and Design Guidelines** (CR-01)

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1048

RESOLUTION NO. 08-192

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE DOWNTOWN NEW RIVER MASTER PLAN.

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**Historic Preservation Grant Extension – New River Swing Span Bridge** (CR-02)

**Grant funded in P10057.129, Fund 129, Subfund 01, Subobject D341 with \$300,000 cash match budgeted in P10057.332-6599, Fund 332, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1127

RESOLUTION NO. 08-193

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH THE FLORIDA DEPARTMENT OF STATE, PROVIDING FOR AN EXTENSION TO THE HISTORIC PRESERVATION GRANT SC529, NEW RIVER SWING SPAN BRIDGE, PROJECT 10057 UNTIL DECEMBER 31, 2008.

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**Grant Acceptance – Florida Department of Environmental Protection – River Oaks Stormwater park - \$2,250,000** (CR-03)

Appropriate \$2,250,000 grant funding to revenue subobject D317 in P11419.470A and to expenditure subobject 6599 in P11419.470A. Also appropriate \$2,250,000 City matching funds to P11419.470-6599 from Stormwater Fund 470 Net Available Fund Balance (screen 6450 – Index code = FD 470.01, Subobject 9901). All appropriations are to Fund 470, Subfund 02.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1224

RESOLUTION NO. 08-

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 \$2,250,000 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE DEVELOPMENT OF THE RIVER OAKS STORMWATER PARK PROJECT 11419; 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 \$2,250,000 THE GRANT FUNDS TO THE PROJECT AND APPROPRIATING \$2,250,000 FROM STORMWATER FUND – FUND 470 NET AVAILABLE FUND BALANCE TO P11419.470 TO PROVIDE MATCHING FUNDS FOR THE FDEP GRANT.

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**Contract Award – Amend Operating Budget - Appropriation Sunset Memorial Gardens Cemetery – Tenex Enterprises, Inc. - \$136,771** (CR-04)

Appropriate \$125,000 from P11236.331-6599, General Capital Projects Holding Account, to P11217.331-6599 both in Fund 331, Subfund 01. Also, appropriate \$46,510.83 from Fund 627 Sunset Perpetual Care Fund Reserves (Screen 6400 – Fund 627 no Subfund G/L Account 260) to P11217.331-6599 Fund 331, Subfund 01.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1216

## RESOLUTION NO. 08-194

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 \$46,510.83 FROM FUND 627 SUNSET PERPETUAL CAR FUND RESERVES TO P11217.331-6599 AND \$125,000 FROM P11236.331-6599 TO P11217.331-6599, BOTH IN FUND 331 TO FUND THE SUNSET MEMORIAL GARDENS CEMETERY CONTRACT AWARD.

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**Amend Operating Budget – Appropriation - \$228,000 (CR-05)**  
**Playground Replacements and Tennis Court Renovation**

Appropriate \$60,000 from PKR011001-3437 & \$13,000 from PKR061901-3238, both fund 001 subfund 01 to P11154.331 fund type 30, fund 331, subfund 01. Appropriate \$19,000 from PKR060201-6499, appropriate \$50,000 from PKR061401-3437, appropriate \$67,000 from PKR061901-3237 and appropriate \$19,000 from PKR061901-3913, all fund 001 subfund 01, to P11230.331-6599 fund type 30, fund 331, subfund 01.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1200

## RESOLUTION NO. 08-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING \$228,000 FROM FUND 001, SUBFUND 01 TO FUND TYPE 30, FUND 331, SUBFUND 01.

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**Request For Utility Easement – Forcemain – Twin Lakes (CR-06)**  
**Sanitary Sewer Project – Florida Board of Trustees,**  
**Internal Improvement Fund**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1145

## RESOLUTION NO. 08-196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING THE STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND TO CONVEY AN EASEMENT ON PROPERTY TO THE CITY OF FORT LAUDERDALE TO BE UTILIZED FOR THE PUBLIC PURPOSE TO INSTALL A FORCE MAIN, LOCATED AT 1400 N.W. 50<sup>TH</sup> STREET, FORT LAUDERDALE, FLORIDA.

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**Amend Operating Budget – Appropriation - \$200,000 (CR-07)**  
**Additional Funding – 2007-2008 Asphaltic Contract**

Appropriate \$200,000 from Undesignated Fund Balance in Fund 332 to P11186.332-6599, Fund 332, Subfund 01.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1202

RESOLUTION NO. 08-197

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 \$200,000 FROM UNDESIGNATED FUND BALANCE IN FUND 332 TO P11186.332-6599, FUND 332 TO PROVIDE ADDITIONAL FUNDS FOR THE 2007-2008 ANNUAL ASPHALT CONTRACT WITH WEEKLEY ASPHALT PAVING, INC.

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**Bank Signature Authority (CR-08)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1118

RESOLUTION NO. 08-198

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 MICHAEL E. KINNEER, DIRECTOR OF FINANCE, 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. 08-164 AND ANY OTHER RESOLUTION OR PART OF ANY RESOLUTION IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

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**Bond Counsel – Capital Improvement Projects, (CR-09)**  
**Horrt School and Gore Nursery Properties**

To be funded from loan proceeds.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1252

RESOLUTION NO. 08-199

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF SQUIRE, SANDERS & DEMPSEY, L.L.P. TO ACT AS COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECTION WITH THE ISSUANCE OF TWO DEBT INSTRUMENTS.

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**Grant Acceptance – Carbon Monoxide Detectors - \$128,785 (CR-10)**  
**Florida Bureau of Emergency Medical Services – Broward County**

Appropriate \$128,785 into GRAD08, Fund 129, Subfund 01, Revenue subobject D240, Expense subobject 6499.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1210

RESOLUTION NO. 08-200

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDED CARBON MONOXIDE DETECTORS FOR A TOTAL VALUE OF \$128,785.00, THROUGH THE FLORIDA EMS COUNTY GRANT PROGRAM AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING THE VALUE OF THE DONATED EQUIPMENT.

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**Amend Operating Budget – Appropriation and Transfer - (CR-11)**  
**\$70,751 – Records Storage Services – Transfer To New Facility**

Appropriate and transfer \$70,751 from Fund 001, subfund 01 GEN010201, Subobject 3199 to Fund 001, subfund 01 PUB030101 Subobject 3299 to fund CAR 08-1207.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1217

RESOLUTION NO. 08-201

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET FOR THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING AND TRANSFERRING \$70,751.00 FROM FUND 001, SUBFUND 01 GEN010201, SUBOBJECT 3199, TO FUND 001, SUBFUND 01 PUB030101, SUBOBJECT 3299.

**Grant Application – Beach Management Erosion Control - (CR-12)**  
**\$62,687.00 – Florida Department of Environmental Protection –**  
**State Road A-1-A**

**No current year budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1225

RESOLUTION NO. 08-202

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR GRANT FUNDING IN THE AMOUNT OF \$62,687 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BEACH MANAGEMENT EROSION CONTROL PROGRAM FOR THE EMERGENCY BEACH DUNE RESTORATION PROJECT COMPLETED IN THE FALL OF 2007 ALONG STATE ROAD A1A, NORTH OF SUNRISE.

**Middle River Terrace Park Addition – Open Space 145 (CR-13)**  
**Amend Interlocal Agreement With Broward County – Purchase Price**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1240

RESOLUTION NO. 08-203

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 07-166

WHICH AUTHORIZED EXECUTION OF AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY RELATIVE TO THE ACQUISITION OF OPEN SPACE SITE 145, MIDDLE RIVER TERRACE PARK ADDITION, BY REFLECTING A CHANGE IN THE PURCHASE PRICE FROM \$1,100,000.00 TO \$939,500.00 WITH BROWARD COUNTY FUNDING \$929,500.00 OF THE PURCHASE PRICE; AND RATIFYING AND CONFIRMING RESOLUTION NO. 07-166 IN ALL OTHER RESPECTS.

**Hortt Park – Open Space 18 (CR-14)**  
**Amend Interlocal Agreement With Broward County – Purchase Price**

Appropriate \$2,000,000 contribution from Broward County to Fund 331, Project P11418.331, Revenue Subobject F733-Broward County Culture/Recreation Grant to Fund 331, fund type 30, Subfund 01, Project P11418.331, expenditure subobject 6101 land acquisition; appropriate \$664,456 from Fund 331 general ledger acct. 271, undesignated fund balance, and \$445,544 from 219-450220 Park Impact Fee Trust Acct., fund type 01, fund 001 to fund 331, fund type 30, subfund 01, Project P11418.331-expenditure subobject 6101, land acquisition.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1238

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 08-119 TO PROVIDE AUTHORIZATION FOR EXECUTION OF AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY REGARDING OPEN SPACE SITE 18, HORTT PARK, REFLECTING A PURCHASE PRICE OF \$3,100,000.00, WITH BROWARD COUNTY FUNDING \$2,000,000.00 AND THE CITY OF FORT LAUDERDALE FUNDING \$1,100,000.00; AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY APPROPRIATING A \$2,000,000.00 CONTRIBUTION FROM BROWARD COUNTY AND \$1,100,000.00 FROM UNDESIGNATED FUND BALANCES FOR PARK LAND PURCHASE AND CONSTRUCTION; AUTHORIZING THE USE OF PARK IMPACT FEES OR OTHER FUNDING SOURCES FOR UNFUNDED CAPITAL IMPROVEMENTS SUBJECT TO APPROPRIATION; AND RATIFYING AND CONFIRMING RESOLUTION NO. 08-119 IN ALL OTHER RESPECTS.

**Grant Application – Coontie Hatchee Park and Coral Ridge Park – Land Stewardship Program – Parks For People (CR-15)**

No current year budgetary impact. Future funds in the amount of \$75,000 will be available under Park Impact Fee Terust. 219-450220 fund type 01, fund 001.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1176

RESOLUTION NO. 08-204

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

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**PURCHASING AGENDA**

**Proprietary – Public Safety Systems Annual Maintenance Renewal (PUR-01)**

**\$476,662.42 will be available in Fund 001, Subfund 01, POL020602, 3401, FY 08/09.**

One-year maintenance renewal service contracts with various vendors for Public Safety Systems are being presented for approval by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** Integraph Corporation – CAD Systems  
Huntsville, AL  
Motorola, Inc.  
Schaumburg, IL  
Smart Business System, Inc.  
Tampa, FL  
Ortvis North America  
Quebec, CA  
Radio IP Software, Inc.  
Quebec, CA  
CA, Inc.  
Islandia, NY

**Amount:** \$476,662.42

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

**Exhibit:** Commission Agenda Report 08-1158

The Procurement Services Department recommends approving the renewal of the annual public safety proprietary maintenance contracts.

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**Proprietary – Stretcher Maintenance and Repair (PUR-02)**



**\$14,575 is budgeted in Fund 001, Subfund 01, FIR010501, 3407.**

Purchase stretcher maintenance and repairs is being presented for approval by the Fire Rescue Department.

**Recommend:** Motion to approve.

**Vendor:** Medco Equipment Repair, Inc.  
Miami, FL

**Amount:** \$14,575.00

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

**Exhibit:** Commission Agenda Report 08-1205

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

**783-10095 – Cut Paper Contract****(PUR-03)**

**FY 07/08 impact \$3,000 Central Services Fund 581, Subfund 01, BUS080101-3930, FY 08/09 impact \$42,200.31 subject to appropriation of 08/09.**

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

**Recommend:** Motion to approve.

**Vendor:** Mac Papers Inc.  
Jacksonville, FL

**Amount:** \$42,200.31 (estimated)

**Bids Solicited/Rec'd:** 293/3

**Exhibit:** Commission Agenda Report 08-1203

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

**462-9264 – Janitorial Services – City-Wide - Contract Assignment****(PUR-04)**

**No budgetary impact.**

Assignment of contract for janitorial services City-wide is being presented for approval by the Procurement Services Department.

**Recommend:** Motion to approve.

**Vendor:** ABM Janitorial Services – Southeast, LLC  
Atlanta, GA

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

**Exhibit:** Commission Agenda Report 08-1123

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

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**582-10077 – Reject Single Bid – Cab and Chassis**

**(PUR-05)**

**No budgetary impact.**

Rejection of single bid for one cab and chassis with 11-foot service body for Public Works Department is being presented for approval by the Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Bids Solicited/Rec'd:** 348/1

**Exhibit:** Commission Agenda Report 08-1098

The Procurement Services Department has reviewed this item and recommends rejecting the single bid and re-bidding.

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**Vehicle Replacements – Florida Sheriff’s Association  
Contract – Bid Award 582-10068, 582-10070 and 582-10078**

**(PUR-06)**

**\$326,824.72 is budgeted in Fund 583/01, PAR030101, 6416.**

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

**Recommend:** Motion to approve.

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

**Amount:** \$326,824.72

**Exhibit:** Commission Agenda Report 08-1099

The Procurement Services Department has reviewed this item and recommends approval of purchase from Florida Sheriff’s Association Contract, Bid Award 582-10068, 582-10070 and 582-10078.

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**783-10096 – Hewlett Packard Blade Server System**

**(PUR-07)**

**\$90,000 is budgeted in GEN020101, 6404 & \$3,126 in ITS010301, 3907, both Fund 001, Subfund 01.**

Purchase Hewlett Packard Blade Server System is being presented for approval by Information Technology Services Department.

**Recommend:** Motion to approve.

**Vendor:** Computer Systems Support, Inc.  
Miami, FL  
**Amount:** \$93,125.96 (not to exceed)  
**Bids Solicited/Rec'd:** 957/2  
**Exhibit:** Commission Agenda Report 08-1208

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

**773-9676 – Minutes Secretarial Recording Services - Increase Hourly Rate** (PUR-08)

**Paid by each using department.**

Increase hourly rate for minutes secretarial recording services is being presented for approval by City Clerk's Office.

**Recommend:** Motion to approve.

**Vendor:** Prototype, Inc.  
Six Mile, SC  
**Amount:** \$5,000.00 (estimated increase)  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-1109

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

**482-10107 – Sale of Surplus Brass Meters** (PUR-09)

**\$38,143.04 revenue to be credited to Fund 450, Subfund 01, PBS010501, N900.**

Sale of surplus brass meters to Global Investment Recovery, Incorporated, is being presented for approval by Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Global Investment Recovery, Incorporated  
Tampa, FL  
**Amount:** \$38,143.04 (estimated)  
**Bids Solicited/Rec'd:** 273/10  
**Exhibit:** Commission Agenda Report 08-1159

The Procurement Services Department has reviewed this item and recommends approval of the sale of scrap brass meters.

**Change Order 1 – B.E.A. International Corporation** (PUR-10)

**Galt Ocean Shoppes Improvement Association, Inc. –  
Entranceway Improvements**

**Appropriate \$1,318 from P00441.331, Business Capital Improvement Program, to P11244.331 all in Fund 331, Subfund 1, Subobject 6599.**

A motion authorizing: (1) Change Order 1 to Purchase Order PP07009138 – architectural design services - \$1,318 – Galt Ocean Shoppes Improvement Association, Inc. – entranceway improvements – Project 11244, and (2) funds appropriation.

**Recommend:** Motion to approve.

**Vendor:** B.E.A. International Corporation  
Coral Gables, FL

**Amount:** \$1,318.00

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

**Exhibit:** Commission Agenda Report 08-1160

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

**Proprietary – Antiscalant**

**(PUR-11)**

**\$11,915.47 is available in Fund 450, Subfund 01, PBS670305, 3799.**

Purchase antiscalant for Peele-Dixie Water Treatment Plant is being presented for approval by Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Nalco Company  
Naperville, IL

**Amount:** \$11,915.47

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

**Exhibit:** Commission Agenda Report 08-1175

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

**483-10079 – Aqueous Ammonia**

**(PUR-12)**

**\$72,890 is available in Fund 450, Subfund 01, PBS670303, 3799 (Fiveash); \$15,169 is available in Fund 450, Subfund 01.**

One-year contract to purchase aqueous ammonia for Fiveash and Peele-Dixie Water Treatment Plants is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Airgas Specialty Products, Inc.  
Duluth, GA  
**Amount:** \$88,059.00 (not-to-exceed)  
**Bids Solicited/Rec'd:** 312/2  
**Exhibit:** Commission Agenda Report 08-1177

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

**385-9938 – Electric Utility Franchise Undergrounding** (PUR-13)

**\$94,255 is available in PBS030408-3199, Fund 01, Subfund 01.**

A motion: (1) accepting RFP Selection Committee's recommendation of ranking firms – Electric utility Franchise/Undergrounding Evaluation, and (2) authorizing contract with top ranking firm, PowerServices, Inc., in the amount of \$94,255.

**Recommend:** Motion to approve.  
**Vendor:** PowerServices, Inc.  
Wake Forest, NC  
**Amount:** \$94,255.00 (Phase I)  
**Bids Solicited/Rec'd:** 1669/4  
**Exhibit:** Commission Agenda Report 08-1179

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

**285-9999 – Construction Management Services – Fire Stations** (PUR-14)

**\$129,440 is available in Fund 336, Subfund 01, P10905.336-6599.**

A motion: (1) accepting RFP Selection Committee's recommendation of ranking firms – Construction Management Services – Fire Station Projects; and (2) authorizing contract with top ranked firm, CIMA Engineering Corp., in the amount of \$129,440.

**Recommend:** Motion to approve.  
**Vendor:** CIMA Engineering Corp.  
Miami, FL  
**Amount:** \$129,440.00  
**Bids Solicited/Rec'd:** 391/12  
**Exhibit:** Commission Agenda Report 08-1053

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

**762-9407 – Scanning and Media Conversion Services -** (PUR-15)

**Increase Encumbrance**

**\$75,000 is budgeted in Fund 001, Subfund 01, PLN010101, 3510.**

Increase encumbrance for scanning and media conversion services is being presented for approval by Planning and Zoning Department.

**Recommend:** Motion to approve.

**Vendor:** CD-COM Systems of Chicago, Inc.  
Riviera Beach, FL

**Amount:** \$75,000.00 (not-to-exceed)

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

**Exhibit:** Commission Agenda Report 08-1111

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

**Proprietary – Web Application Software (PUR-16)**  
**Public Access To Project Information**

**\$23,000 is budgeted in Fund 001, Subfund 01, PLN010101, 6405.**

Purchase eGovPLUS Version 8.3 software – web-based interface with existing Community PLUS database is being presented for approval by Planning and Zoning Department.

**Recommend:** Motion to approve.

**Vendor:** Sungard Public Sector Pentamation, Inc.  
Bethlehem, PA

**Amount:** \$23,000.00 (not-to-exceed)

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

**Exhibit:** Commission Agenda Report 08-1144

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

**785-9993 – HOPWA 2008-2009 (PUR-17)**  
**Housing Opportunities For People With HIV/AIDS**

**No budgetary impact.**

Award 2008-2009 Housing Opportunities For People With HIV/AIDS funds is being presented for approval by Planning and Zoning Department.

**Recommend:** Motion to approve.

**Vendor:** Broward House, Inc.

Shadowood II, Inc.  
 Broward Regional Health Planning Council  
 Mount Olive Developmental Corp.  
 Susan B. Anthony Center, Inc.  
**Amount:** \$5,214,207.00 (funding recommendation)  
**Bids Solicited/Rec'd:** 359/6  
**Exhibit:** Commission Agenda Report 08-0871

The Procurement Services Department recommends awarding to the HOPWA providers as listed and recommended by the City's evaluation committee and staff.

**685-10017 – Reject Proposal – Durr's Neighborhood Infill Housing Development Plan** (PUR-18)

**No budgetary impact.**

Reject single proposal for development of sixteen infill housing lots in Durr's neighborhood is being presented by Planning and Zoning Department.

**Recommend:** Motion to approve.

**Bids Solicited/Rec'd:** 443/1  
**Exhibit:** Commission Agenda Report 08-1222

The Procurement Services Department has reviewed this item and recommends rejecting single proposal submitted and approve a rebid..

**785-10023 – HOME Funds Award** (PUR-19)  
**Community Housing Development Organization**

**Continuation of Funds Appropriation/Transfer on Page 2 in Prior Commission Action Box.**

**Fund 108 and Subfund 01, HM07081540 8001 - \$148,140, HO2601 8001 - \$149,656, HM0708PI - N770 - \$34,577, HM0708PI – N900 - \$450,944, HM0708REC – N981 - \$35,855, HOPINAXNA 8026 - \$236,687, HOPINAXNA 8025 - \$33,937.**

Award 2006-2007 and 2007-2008 HOME Community Housing Development Organization (CHDO) Funds and HOME Program Income Funds is being presented for approval by Planning and Zoning Department.

**Recommend:** Motion to approve.

**Vendor:** Dania Economic Development Corporation,  
 Dania, FL  
 Housing Enterprises of Fort Lauderdale, Florida, Inc.  
 Fort Lauderdale, FL  
 New Visions Community Development Corporation  
 Fort Lauderdale, FL

**Amount:** \$1,089,796.00 (grant award)  
**Bids Solicited/Rec'd:** 372/3  
**Exhibit:** Commission Agenda Report 08-1164

The Procurement Services Department has reviewed this item and recommends awarding to all responsive proposers.

**Removal of Records From Storage**

**(PUR-20)**

**Funding of \$70,750.27 will be available in FY07/08 Fund 001, Subfund 01, PUB030101, 3299 after approval of CAR 08-1217 Fund Transfer.**

Remove records from Iron Mountain Records Management, Inc. is being presented for approval by Public Information Office.

**Recommend:** Motion to approve.

**Vendor:** Iron Mountain Information Management, Inc.  
 Boston, MA

**Amount:** \$70,750.27

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

**Exhibit:** Commission Agenda Report 08-1207

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

**582-10064 – Shirts and Miscellaneous Apparel**

**(PUR-21)**

**\$20,000 budgeted in PKR033001-3949 GF001, subfund 01 (already encumbered), \$40,000 budgeted under PKR033201-3934 GF001, subfund (already encumbered), \$11,058.40 budgeted in fiscal year 08/09 fund PKR033201-3934 GF001, subfund 01.**

One-year contract for purchase of uniforms, shirts and miscellaneous apparel, embroidered or silk-screened, is being presented for approval by Parks and Recreation Department.

**Recommend:** Motion to approve.

**Vendor:** Creative Expressions, Inc..  
 Murray, UT

**Amount:** Per Unit Prices

**Bids Solicited/Rec'd:** 831/17

**Exhibit:** Commission Agenda Report 08-1158

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



Mayor Naugle announced a member of the public would like to discuss M-36.

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

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Items M-15, M-16, M-18, M-19, M-20, M-21, M-23, M-29, M-30, M-31, M-36, CR-09, CR-14, and CR-15 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

The City Clerk announced the following corrections. In regard to Item M-21 the subject matter should be a Change Order With Sun-Up Enterprises, Inc. in the amount of \$140,800, and the appropriation is \$160,512.00. In regard to Item Pur-08 the funds portion of the agenda report should state that it is being paid by each using department in accordance with the per unit pricing and available budget.

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

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**Change Order 4 – Asphalt Consultants, Inc. - \$133,750.74 (M-15)**  
**Septic Area 2 East Basins A and C**

Vice Mayor Rodstrom noted the national standard for change orders is 6% and this project is close to 11% and 50% complete. She understood the Public Works Department's philosophy on change orders. They still keep occurring. This is a budget of WaterWorks close to getting to \$1 million. Projects have been deferred to be taken outside of WaterWorks to do at another time. Infrastructure repair is important, but she wanted to know why the City cannot get the change orders fixed. In response to Vice Mayor Rodstrom, Albert Carbon, Public Works Director, said the WaterWorks budget is \$691 million; the original projection was around \$609 million, but that number is in 2000 dollars. Vice Mayor Rodstrom noted an increase in the water fee being considered on this agenda also. She wanted to see the change orders stop.

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

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

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**Change Order 3 – Foster Marine Contractors, Inc. - \$122,651.50 (M-16)**  
**Sanitary Sewer and Water Main Improvements – Area 2 Basin B East**

Vice Mayor Rodstrom noted the change orders total \$315,000 at 9%, not 6%. She was opposed.

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

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

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**Change Order 2 – Expertech Network Installations, (U.S.) Inc. - (M-18)**  
**\$102,560.45 – Water Transmission Main – Oakland Park Boulevard**

Vice Mayor Rodstrom noted the project is 15% complete, with 10% change orders totaling \$215,000. She was opposed.

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

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**Change Order 1 – Intercounty Engineering, Inc. - \$185,888 (M-19)**  
**And Add 90 Days – Fiveash Water Treatment Plant Phase 2 –**  
**Bid Package C**

Vice Mayor Rodstrom noted the project is 95% complete, with 19% change orders. She was opposed.

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

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

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**Change Order 4 (Final) – Petro Hydro, Inc. - \$376,770 And (M-20)**  
**Add 177 Calendar Days – Progresso Sanitary Sewer,**  
**Water Main and Storm Improvements – Phase C**

Vice Mayor Rodstrom item due to the delay because of County restrictions, and she asked if this is a policy of the County and could the \$126,000 been avoided.

In response to Vice Mayor Rodstrom, Paul Bohlander, Assistant Utilities Services Director, said that most of the components of the change order have to do with the fact that the original contract did not contemplate the requirements that Broward County would impose as part of their jurisdictional responsibility for 4 Avenue and Andrews Avenue. When the project was planned and let for bid, staff did not have a full understanding of the County requirements. In his experience it can be difficult to get that understanding in advance from the County. The \$126,000 is the cost to complete the work. The City must comply with those requirements. If the restrictions had been included in the original contract, the City would have paid in the original contract. Staff will do its best to coordinate with the County in advance.

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

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**Change Order 7 – Sun-Up Enterprises, Inc. - \$140,800 (M-21)**  
**ADA Modifications and Parking Lot Repair**

Vice Mayor Rodstrom was not clear what caused the change order. Albert Carbon, Public Works Director, said the change order has to do with addition of the tree islands; it was an after-the-fact idea to include them. Vice Mayor Rodstrom was not opposed to the tree islands, but rather that they were handled as a change order.

In further response to Vice Mayor Rodstrom, Mr. Carbon said this is an annual contract issued by the City after the fiscal year budget is adopted. More projects than anticipated were done. It should not occur in next year's contract. This item is charged to the Parking Fund. John Hoelzle, Director of Parking and Fleet Services, said money for the tree islands has been reserved and is available.

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

**Task Order 38 – CH2M Hill, Inc. – Litigation Support Services - (M-23)**  
**\$75,000 – WaterWorks 2011 – Projects 9766B, 10121 and 10515**

**Outside Counsel – Billing, Cochran, Heath, Lyles, Mauro & (M-30)**  
**Anderson, P.A. – Lauderdale Manors Utilities Improvements**  
**Phases I and II**

In response to Commissioner Moore, the City Attorney said items M-23 and M-30 are tied together. A contractor has sued the City for additional money. The case has been assigned to outside counsel. They believe the City paid what the contract specified. M-23 is for expert witness fees in preparation of the litigation and M-30 is for outside counsel. The engineering firm, expert witness, receives \$75,000 and the law firm receives \$40,000.

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

**Contract Award – DiPompeo Construction Corporation - \$2,577,000 - (M-29)**  
**Fire Station 29 – 2002 NE 16 Street**

In response to Vice Mayor Rodstrom, Albert Carbon, Public Works Director, replied as presented in October, 2007, the project budget was \$2.55 million.

Vice Mayor Rodstrom also wanted to know the design fees. Mr. Carbon offered to furnish it tomorrow. The project is \$25,000 over original budget, which is the reason for the contingencies.

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

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**Outside Counsel – Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A. – Lauderdale Manors Utilities Improvements Phases I and II** (M-30)

See Item M-23 discussion.

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

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**Revocable License – Yankee Trader Renovations – Temporary Closures – Granada and Seville Streets and Pedestrian Bridge – State Road A-1-A** (M-31)

Vice Mayor Rodstrom indicated that one business on Granada Street received notice only one day before the agenda was published and did not feel it was sufficient notice. She referred to the backup material that indicates pedestrian access from Granada Street to the beach would be addressed. This business owner was not consulted. She cited the economy, the upcoming tourist season and the need for beach access.

Motion made by Vice Mayor Rodstrom to table the item until September 16, 2008 died for lack of a second.

Tracey Lautenschlager of Greenerg Traurig, representing the property owners, explained they contemplated two types of notices. Two weeks before the closure, there is notice to all property owners within 300 feet. An additional courtesy notice was provided to the immediate property owners. The business owner mentioned received the courtesy notice. The 2-week notice is not yet due.

Vice Mayor Rodstrom pointed out the notice would go out after the license is voted upon and it is decided. Ms. Lautenschlager explained working with City staff, they have devised an alternative solution to closing the sidewalks completely for the entire term, one-year revocable license, allowing a pedestrian walkway covered and open on the south side of Granada most of the time. It would be closed for up to three days at a time and completely when the entire road, including the sidewalks, will be removed and replaced, including the sidewalks. The construction can be accommodated by use of access points across the pedestrian way that will be managed with flag persons to stop pedestrian traffic when construction traffic needs to cross.

Ms. Lautenschlager offered to contact the concerned business owner.

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

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**Termination of Lease Agreements – Broward County School Board (M-36)  
Fort Lauderdale High School and Sunrise Middle School  
Swimming Pools**

Don Mitchell felt the City needs to maintain control of some services and this is one of them. The City wants to terminate the contract with the School Board. The School Board would then be in charge of various aquatic programs within the City. He did not think they would handle it, but rather defer it to the various principals to negotiate with private contractors. Principals change; contractors do not always live up to their obligations. In the end the public may suffer. The programs may simply disappear. The contract needs to be kept in place with the City monitoring the programs. Swimming saves lives. He asked the Commission to vote against this.

Mayor Naugle indicated he is being told other groups are using the pool at no cost to the City. Phil Thornburg, Parks and Recreation Director, said at one time the Hammerheads were using the pool; they had an agreement with the principal without City knowledge. Once the City notified them of the City's agreement with the School Board, he believed they have found another location, although he was not positive, but there have been no concerns expressed in the last two or three months.

Commissioner Teel felt the City's history with the School Board is that they want to divest themselves of extra responsibilities. He did not think the School Board would consider swimming a primary goal. If the City gives up control of the lease, the School Board could dissolve the program. When the pools were built, the communities were funding them. She asked about restructuring the lease; perhaps concentration on lessons. Mr. Thornburg said that through the lease the City has fixed costs for both pools. This is an area staff thought could be used to reduce the budget. Operation and staffing costs are \$83,000 for the two pools. The City could retain the lease, bid out and keep the sublease or take back operational control. The City was and would continue to lose money. The City cannot continue the current process.

Commissioner Teel wanted to see it bid out for perhaps a two-year lease with a reverter clause. Mr. Thornburg said his concern would be non-reasonable bids. Commissioner Teel felt it is worth a try. She wanted something more creative for the immediate future.

Commissioner Hutchinson pointed out that as of October 1<sup>st</sup>, there is no money budgeted for this. She understood the School Board has been talking to a provider. Mr. Thornburg indicated School Board staff have indicated they would be ready to take over the operation on October 1. Commissioner Hutchinson was concerned about moving in this direction on such short notice. Also there is an unbudgeted additional expense of \$83,000. Mayor Naugle felt it should have been brought to the Commission earlier. Commissioner Hutchinson noted it was in the July budget discussion.

In response to Vice Mayor Rodstrom, Mr. Thornburg said the current agreement is ten months to extend to October 1. Vice Mayor Rodstrom agreed with the Mayor. She asked if the City has written confirmation from the School Board as to their indicated readiness to re-take this venture. Mr. Thornburg replied no. Vice Mayor Rodstrom asked about extending the agreement with FLA on a month to month basis while the City goes out to bid. She agreed with Commissioner Teel, even if the City just breaks even.

Mr. Thornburg felt if it is acceptable to the City Attorney, he was certain they would work with the City.

Commissioner Moore commented that people have expressed the concern if the School Board cannot deal with physical education on their campus, how would they deal with this after-school program. He was willing to vote no and request that staff develop another remedy. If the School Board offers a contractor, the City might be able to negotiate with them.

Commissioner Moore asked the item be withdrawn. There was no objection.

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**Bond Counsel – Capital Improvement Projects, Horrt School (CR-09)  
And Gore Nursery Properties**

In response to Commissioner Moore, the City Attorney indicated this is the City's current bond counsel.

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

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**Horrt Park – Open Space 18 – Amend Interlocal Agreement (CR-14)  
With Broward County – Purchase Price**

Commissioner Moore felt that Broward County should have shared in the savings with the City and therefore would not support it.

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

Vice Mayor Rodstrom questioned why the City is paying the original purchase price. Phil Thornburg, Parks and Recreation Director, said the updated appraisals were lower, but the School Board was unwilling to reduce the price. Mayor Naugle understood that apparently the School Board was not asked. He felt the City should ask them.

Commissioner Hutchinson indicated she and staff met with the School Board; their staff are driving the bus. She spoke with the Superintendent who was not willing to take it to the board. Mayor Naugle did not feel it is the Superintendent's choice.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Rodstrom to defer the item until September 16, 2008. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Rodstrom, Commissioner Moore, and Mayor Naugle. NAYS: Commissioner Hutchinson.

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**Grant Application – Coontie Hatchee Park and Coral Ridge (CR-15)  
Park – Land Stewardship Program – Parks For People**

Vice Mayor Rodstrom asked about the park impact fee balance and the projected revenue amount.

Commissioner Moore left the chamber at approximately 8:53 p.m.

There was no objection to the Parks and Recreation Director providing the information to the Commission as a report.

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

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**Grant Acceptance – Florida Department of Environmental Protection – River Oaks Stormwater Park - \$2,250,000 (CR-03)**

Commissioner Hutchinson asked why the City is not accepting the grant. Albert Carbon, Public Works Director, explained that appraisals are due in two weeks. Before proceeding with the grant, staff will advise the Commission on the appraisals. It will likely be on the October 7, 2008 agenda.

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**RESOLUTIONS**

**BMW Sunrise Plat – Automotive Dealership - (R-01)**  
**700 East Sunrise Boulevard – Holman Automotive Inc.**  
**Case 7-P-08**

**No Current Year Budgetary Impacts.**

**Applicant: Holman Automotive Inc.**  
**Location: 700 E. Sunrise Boulevard**  
**Zoning: Boulevard Business B-1**  
**Future Land Use: Commercial**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-183

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

Which resolution was read by title only.

Commissioner Moore returned to the chamber at approximately 8:54 p.m.

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

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**783-10095 – Cut Paper Contract**

**(PUR-03)**

The item was removed from the consent in error.

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

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**Vacate Utility Easement – Trump International Hotel  
And Tower – 551 North Fort Lauderdale Beach  
Boulevard – Case 6-M-08**

**(R-02)**

**No budgetary impact.**

**Applicant: SB property Associates, LLC  
Location: 551 North Fort Lauderdale Beach Boulevard  
Zoning: A-1-A Beachfront Area ABA**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-184



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE 8 FOOT WIDE UTILITY EASEMENT SHOWN ON THE PLAT OF "A RESUBDIVISION OF BLOCK 'B', BIRCH OCEAN FRONT SUBDIVISION," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 26, PAGE 34, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF BREAKERS AVENUE, BETWEEN TERRAMAR AND WINDAMAR STREETS, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only.

Vice Mayor Rodstrom explained she is voting no because even though this is an eight foot utility easement, it could be conceived as an eight foot pedestrian pathway. She was not sure she wanted to give up any property when it could be used for a pedestrian pathway.

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

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**Giacobbe Plat – 1832 South Ocean Drive - Raffio (R-03)**  
**Giacobbe Sr. – Case 1-P-08**

**No Budgetary Impacts.**

**Applicant: Raffio Giacobbe Sr.**  
**Location: 1832 South Ocean Drive**  
**Zoning: Residential Multi-Family Low Rise – Medium High Density RML-25**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-185

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

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

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**DeJohn – Enterprise Plat – 1341 West Sunrise Boulevard (R-04)**  
**Jerry Lobel – Case 14-P-08**

**No Budgetary Impacts.**

**Applicant: Jerry Lobel**  
**Location: 1241 West Sunrise Boulevard**  
**Zoning: Boulevard Business B-1**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT KNOWN AS "DEJOHN/ENTERPRISE PLAT."

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

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**Site Plan Amendments – Downtown Lofts - (R-05)**  
**Case 26-R-07 – 300 NW 2 Street – TIG, LLC**

**No budgetary impact.**

Commissioner Hutchinson introduced the following resolution APPROVING:

RESOLUTION NO. 08-187

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT THAT INCLUDED THE ALLOCATION OF POST 2003 DWELLING UNITS LOCATED AT 300 N.W. 2<sup>ND</sup> STREET, FORT LAUDERDALE, FLORIDA IN A RAC-WMU ZONING DISTRICT.

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

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**Five-Year Capital Improvement Program Plan – 2009-2013 (R-06)**

**No Current Year Budgetary Impact.**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-188

A RESOLUTOIN OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP), AS AMENDED, FOR 2009-2013.

Which resolution was read by title only.

Mayor Naugle noted a parking garage is shown at the Alhambra lot, but the Commission has not discussed it. Many people feel it is not logical to put a parking garage in the middle of the beach; that it would create extra traffic and that it should be a park perhaps. Since the Commission has not discussed it, he felt it should be deleted from the Capital Plan. The public does not know much about it.

In response to Commissioner Moore, Mayor Naugle explained that the consultant recommended that parking be provided, but the location selected is poor planning. It is poor planning to place a garage in the middle of the beach. The City is trying to create a pedestrian environment there. The Commission has always had the notion that trips be captured at the bridges. Many in the public want to see a park at the location.

Vice Mayor Rodstrom pointed out the City is budgeting money for it, and if the Commission is not inclined to do this next year, why budget the money. Mayor Naugle noted it is not next year; it has not been approved or voted on by the Commission and there has been very little public input.

The City Manager said that there would be no impact if this item is removed because it is way into the future and no decisions have been made. Commissioner Moore asked if there would be any impact if the item was not removed. Mayor Naugle said that if the item is left in the plan, a future Commission could think that a position had been taken by a previous Commission. Commissioner Moore felt the City may not implement any of the items in the plan, therefore he questioned taking a different position on this. He felt the motive is to negate this item.

**Motion** made by Vice Mayor Rodstrom to delete the parking garage at Alhambra item until further discussion is held. Mayor Naugle passed the gavel and seconded the motion.

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

Commissioner Hutchinson re-introduced the item.

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

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<b>CITIZEN PRESENTATIONS</b>
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**Allen A. Bozek – Issues Relating to Pump Station B-14  
Rehabilitation – NE 23 Street**

**(CIT-01)**

**No budgetary impact.**

Not Present.

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**Jorge Espinosa – Issues Relating to Pump Station B-14  
Rehabilitation – NE 23 Street****(CIT-02)****No budgetary impact.**Not Present.

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**Dennis Ulmer – Patriot Day – Remembering September 11, 2001****(CIT-03)****No budgetary impact.**

Commissioner Moore left the chamber at approximately 9:04 p.m.

Dennis Ulmer said that next week is the seventh anniversary of September 11, 2001, and to honor the almost 3,000 people killed has been designated as Patriot Day. Enemies of the United States set out on September 11, 2001 to somehow destroy buildings that they thought were bastions of what America stood for, along with killing thousands of innocent civilians. America was wounded on that fateful day, but not destroyed. America bounced back with the resolve to defend their values and freedom. Since 9/11 many things have changed, such as security being tightened in many places, and hopefully America's enemies have learned that stately buildings do not represent what America is. The patriots who died on 9/11 are like those who have always given their lives for the values we most hold dear. Every year on 9/11 let us remember those heroes who are no longer with us, and re-dedicate ourselves to the values that make the United States the greatest nation on Earth. Let us go forward with the ideals of our forefathers and our enemies will never take away what each of us holds within ourselves that collectively we bring together to make the United States. May God always bless America and guide us in our quest for liberty and justice for all.

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**Vivian Dempsey – Broken Sidewalks****(CIT-04)****No budgetary impact.**

Vivian Dempsey said she lives in South Middle River, a diverse neighborhood of 2,100 homes. She elaborated on how everyone helps to do such things as mow vacant lots and keep their streets clean. They have planted over 2,000 trees in the swales. They paid for speed bumps. Many of their sidewalks are in need of repair. The neighborhood is 55 years old. The sidewalks are dangerous. The City has promised to fix the sidewalks for ten years, but nothing has been done. The neighborhood is willing to do the work if the City would provide the products and permit.

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**Robert Walsh – Memory Walk For Alzheimer's Disease Awareness****(CIT-05)****No budgetary impact.**

Robert Walsh said that Alzheimer's disease is afflicting many individuals and families across the country. Through ALZ.org, he planned to organize a Memory Walk event for

Alzheimer’s awareness. He urged everyone to participate and to watch over their elderly family members.

**PUBLIC HEARINGS**

**Beach Business Improvement District Annual Rate Assessment and Assessment Roll – Fiscal Year 2008-2009**

**(PH-04)**

**No budgetary impact.**

Commissioner Hutchinson left the dais at approximately 9:14 p.m.

Mayor Naugle said this is a public hearing to be held on the Beach Business Improvement District special assessment.

There were no comments from the public.

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

Mayor Naugle said that the proposed Business Improvement District special assessment rate will be \$0.8525 per \$1,000 of assessed value annually for each business property used for commercial purposes.

Commissioner Moore introduced the following resolution:

**RESOLUTION NO. 08-189**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF BEACH BUSINESS IMPROVEMENT SERVICES IN A PORTION OF THE CITY; REIMPOSING BEACH BUSINESS IMPROVEMENT ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE ASSESSMENT AREA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; ESTABLISHING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

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**Rezoning To Limited Residential Office  
1300 and 1310 SE 1 Avenue – Case 5-Z-08**

**(PH-05)**

**No budgetary impacts.**

**Applicants:** Julie and Timonthy Hager and  
Larry Atwell and Kevin Kichar  
**Location:** 1300 and 1310 SE 1 Avenue  
**Current Zoning:** Residential Single Family RS-8  
**Proposed Zoning:** Limited Residential Office ROA  
**Future Land Use:** South Regional Activity Center S RAC

Commissioner Hutchinson returned to the dais at approximately 9:15 p.m.

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

Commissioner Moore introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-41

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RS-8 TO R-O-A, LOTS 3, 4 AND 5, BLOCK 20, "CROISSANT PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTHEAST 13<sup>TH</sup> STREET AND SOUTHEAST 1<sup>ST</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: Commissioner Teel, Vice Mayor Rodstrom, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

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**Program Amendment – Community Development**  
**Block Grant – Northwest Commercial Redevelopment Project**

**(PH-06)**

**No budgetary impact.**

Sonya Burrows said that she has come before the Commission before. It seems the Commission has chosen to ignore the cries of this community. Many members of the community have stated time and again their wishes regarding the commercial redevelopment project and the need for re-bid. This issue is not about Commissioner Moore, nor Milton Jones, or anything else that does not constitute building a grocery store. However, personality conflicts seem to be convenient and expedient to dismiss the cries of their community. A chain is only as strong as its weakest link, and this city will only be as great as its most blightest community. This city chooses not to be great.

Bruce O'Neill agreed with Ms. Burrows. He said that he lives in this general area. With no vehicle, he must walk 1 ½ miles to Winn Dixie. There should be homes and businesses in the area and amenities like other areas.

Sean Jones, representing Milton Jones Development Corporation, said that on November 20, 2007 the City Commission, sitting as the Board of the Northwest Progresso Flagler Heights Redevelopment Agency, approved a plan with eight implementation strategies and development initiatives. The first goal of the plan was to aggressively pursue the redevelopment of all vacant properties at the intersection of NW 6 Street and NW 7 Avenue for large scale development. One of the five development initiatives was NW 7 Avenue and Sistrunk Boulevard. The plan states that the initiative will accomplish a goal of the implementation plan by establishing the urban design philosophies and framework for the most critical intersection in the plan, which is Sistrunk Boulevard and NW 7 Avenue. The plan goes on further to say that the Sistrunk Boulevard and NW 7 Avenue's initiative is the preferred location for new multi-family housing, retail and mixed use development. The goal is to re-establish this area as the heart of the northwest as it was historically. It further states: that the high density mixed use buildings, six to twelve stories, are to be clustered near the intersection of Sistrunk and 7 Avenue. He indicated that the amendment before the Commission tonight allows a change from commercial to mixed use which is consistent with the 2007 plan. Milton Jones is moving forward with a mixed used project, Village of the Arts. He submitted a petition, requesting support for the Village of the Arts concept that will be a mixed use development of residential multifamily housing and retail; urging the City Commission to approve the proposed program amendment to the Annual Action Plan which will permit residential housing and retail (mixed use development) on the South East corner of North West 7 Avenue and Sistrunk Boulevard. He indicated the petition has been signed by 89 area residents. He also submitted letters from individuals, he indicated reside in the area as well as a letter from the Pride of Fort Lauderdale Elks Lodge 652, 712 NW 2 Street, in support of the proposed change. He requested the Commission follow staff's recommendation.

There were no additional comments from the public.

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

Commissioner Moore noted the November 2007 plan was a conceptual plan concerning redevelopment of the northwest quadrant, specifically 7<sup>th</sup> Avenue and the Sistrunk corridor. It did not state that mixed use would be at the particular intersection or quadrant in Milton Jones Development Corporation's possession. He wanted other comments by the community of various times in the past in reference to it being commercial. The conceptual plan offered by the CRA and its consultant talked about mixed use development as a concept that would have to be approved project by project. Actions of November 2007 did not state that that would be the only thing that would happen. The Commission suggested that it be entirely developed as commercial property. The Commission in the past has always neglected the desires of this community. They have stated over and over their desires and this is why he had requested a public hearing to follow the HUD rules and regulations so that public input could be considered by HUD since it had been overlooked by this policymaking board. The board has taken positions with privately owned property that it would not take with

its own property bought with Federal Block Grant monies and removing several people of low income from the site, not by their will or desire, but by a governmental entity who stated that it would offer the people what they wanted in its renewal but it has not done so. He noted one example where a developer paid the City \$3 million for the property. The developer also paid for demolition at the site, for reclamation of the land. The first phase development was completed in short order in comparison to this project which was to occur twenty years ago in a CRA area, where the increment from the development would have assisted the entire redevelopment of the Sistrunk corridor. Time after time this community came before the Commission urging them to move forward and to make it a fairer process when the developer chose to make a substantial change to the redevelopment. The community suggested that it be a competitive process. In 2003 the Commission was urged to do so again. It is now 2008 and the project is still where it was in 2003.

Commissioner Moore referred to private developers being instructed to underground utilities five blocks away from their project site in the interest of quality and that they must provide open green space for public use, but this project with federal dollars did not meet any of those interpretations by the community. It urged that the site also have underground utilities, but the Commission did not require it. The Commission did not require accommodations concerning the size of the grocery store. None of the community's desires were met. The project does not meet the standard desired by the community. He referred to the Sails project where a private developer met numerous times with the community in trying to meet neighborhood compatibility. Because the Commission kept sending the developer back, they met certain concessions and desires of that community. The Commission has consistently in this case not regarded what the community wants; they are satisfying only the developer. The City is giving the developer land worth over \$4.8 million for a redevelopment jump-start, however other projects in the area have already started. This is only benefiting the developer and no one else.

Vice Mayor Rodstrom noted that the Commission approved funding for the northwest CRA area draft proposal. There many charettes. She attended one where there was a large crowd. It is wrong to imply that the Commission has done nothing to help the area. It is a beautiful draft that took a lot of time and effort on the part of the public and staff. She could not speculate how much further ahead the area would be today if the project was done years ago. There probably would have been a grocery store in the area. What was needed for the grocery store was more people in the area. She remembered a conference discussion about staff working with a larger chain grocery store and the developer but she never received any feedback. There was Commission consensus for staff to locate a big grocery store. They are working as hard as possible to get something done for the neighborhood.

Commissioner Moore left the chamber at approximately 9:34 p.m.

Commissioner Hutchinson said she has contemplated many things since July 15, 2008 when this matter was last heard. The July public hearing and outcry moved her. She did not want to hear I can't any longer when property is being given. She believed the City needs to hold developers accountable. She will not support this item tonight.

Commissioner Teel understood that tonight the Commission would approve the amendment so that it could be evaluated at the federal level. She did not see a problem



doing so. It has been changed from commercial to mixed use. Times have changed. People wanting to move back into the community might find this project attractive. She supported the item.

Commissioner Hutchinson felt that Commissioner Moore needs to be here for the vote; she did not want to vote until he was present.

**Motion** made by Commissioner Teel and seconded by Vice Mayor Rodstrom to approve the item as presented. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: Commissioner Hutchinson. Commissioner Moore was not present.

Mayor Naugle noted this public hearing was duly advertised. He noted the public input including a petition of 79 signatures in support and various letters of support.

Commissioner Moore returned to the chamber at approximately 9:36 p.m.

In reference to the letter of support from the Elks, Commissioner Moore said the Elks is a social club and many of its members do not live in Fort Lauderdale or the neighborhood. The civic associations in District III have given lists and names. The City does not know what was said to the Elks for them to sign. In comparison to the Elks social club, the Commission has documented comments from district taxpaying residents, saying this project does not meet their desires. He is a member of the Elks, but was not asked for his comments on this.

<b>ORDINANCES</b>
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**Water, Sewer and Stormwater Rate Increase  
Fiscal Year 2008-2009**

**(O-01)**

**No budgetary impact.**

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-42

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTIONS 28-76, 28-141, 28-143, 28-144, 28-145 AND 28-197 THEREOF, TO INCREASE WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES AND STORMWATER MANAGEMENT PROGRAM RATES.

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

**Community Services Board – Adding Cultural Arts and  
Tourism****(O-02)****No budgetary impact.**

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

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

**Motion** made by Commissioner Teel and seconded by Vice Mayor Rodstrom to defer  
this item until September 16, 2008 at 6 p.m.

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

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

Cate McCaffrey, Director of Business Enterprises, said the applicant is applying for a  
wavier of dock distance limitations. On two previous occasions, January 3, 2008 and  
April 3, 2008, the Marine Advisory Board declined to recommend approval. She  
provided some detail on the board's deliberations. The applicant is now applying directly  
to the Commission to construct a single pier extending a maximum distance of  
approximately 108 feet from the property line into the Middle River. The present project  
is a revision of the first application heard on January 3. She explained the revision.  
The City Code requires extraordinary circumstances for a dock waiver which are not  
specifically defined in the Unified Land Development Regulations, but historically the  
Board has considered issues relating to navigational safety and environmental impacts  
on vessel docking. The applicant has suggested that three matters provide justification  
for the waiver. First, there is a need to construct the dock in a manner to protect the  
seagrass. Second is the extraordinary width of the river. Third, the project is consistent  
with adjacent waivers and neighbors. If the Commission approves this waiver, it should  
include conditions outlined in the back-up material.

Courtney Crush, representing the applicant, said the applicant's property, 714 NE 20  
Avenue is zoned RS-8 and is his homestead. In her presentation, she showed various  
photographs and one diagram that are attached to the minutes. The application is for a  
dock waiver to attach a 100 foot pier next to an 8 foot marginal dock extending out from  
the applicant's property. She quoted dock construction requirements reflected in City

Code, Section 47-19.3. The Code does not have a procedure for going anywhere but the Commission. The Middle River at this location ranges between 1,100 feet on the applicant's north property line and 1,400 feet on the south. This property is at an extraordinarily wide part of the Middle River. The applicant purchased the property in late 2007 and obtained a dock permit from the City. During surveying, seagrass was discovered, and therefore, the applicant redesigned the dock. Due to the seagrass, the dock must sit back eighteen feet from the seawall, an additional ten feet from the marginal dock. There is seagrass to about 70 feet from the seawall itself. She provided a letter from Linda Sunderland, Broward County Environmental Protection and Growth Management, saying that staff has been working diligently with the applicant since May, 2007 to design a project to avoid and minimize impacts to seagrass. It notes that the proposed design will require a City waiver. Ms. Sunderland goes on to state the department's support.

Ms. Crush showed a diagram of the proposed design, noting it includes an additional 18 foot setback from the seawall with the boat sitting bow-in. It is also designed ADA compliant in order for the applicant's disabled daughter to board the boat. The applicant sold his boat in 2007 but retained a charter rights for five years. He may redesign another boat to accommodate his daughter who will live at this address.

Ms. Crush referred to information presented to the Marine Advisory Board, surveying done by Tyler Chappell of The Chappell Group regarding water skiers in the area, not many. She showed photographs concerning the widths of areas of the Middle River and Lake Silvia and how they compare with the applicant's property. They are narrower, but still safely accommodate water skiers. She also showed photographs of docks to the north and south. The Victoria Park Civic Association reviewed the second application, which is before the Commission tonight, and support it unanimously. She also distributed letters of support from all neighbors along the street except one.

Paul McGee, 801 Middle River Road, said he resides directly across the Middle River from the subject site. Over the last 5-6 years, he has noticed that the area is becoming more commercial in nature. He felt it is becoming a marina. He disagreed with the comment that there are not many water skiers. He believed it is obvious that the dock space would be leased and used as commercial dockage. He asked the Commission to consider the residential aspects of the neighborhood.

Commissioner Moore asked about the City having the authority to address the illegal commercial use of dockage. Ms. McCaffrey said that the back-up material contains Code Enforcement matters and police investigations for neighboring properties in the RS-8 zoning. The City is addressing any illegal commercialization of docks in the residential area.

Michael McAllister, representing John Gorman who resides adjacent to the applicant, said Mr. Gorman is not present because he did not receive notice typical for all residents within 300 feet of the property. The City Attorney has previously opined that dock waivers are typically quasi-judicial hearings. They requested to be a party to this hearing and stated so in their letter, dated September 2, 2008. Typically there would be no time limits and they would be able to call witnesses and rebuttal which is being denied this evening. The Sunrise Intracoastal Homeowners Association is opposed to this application because it is a divide between commercial and residential uses. Some large boats have been approved for the commercial area north of the Victoria Park gate.

He showed a photograph of the type of boat that he believed would be parked at the subject dock; this boat is docked two doors away. A copy of the photograph is attached to these minutes. The area was subject to a recent police report wherein Mr. Juranitch (applicant) indicated he would like to do the same thing. This is not about his daughter; it is about making money. There will be increased traffic, deliveries and noise in the area. It will obstruct views and depress home values. There are no extraordinary circumstances to justify a waiver. The application should take into account neighborhood impact and the typical standard for a hardship. In this case the hardship is self-imposed. Mr. Juranitch purchased the property knowing it would not accommodate this sized boat. He believed Mr. Juranitch will lease the house and dock space for two, 150 foot boats with live aboard crews. He referred to the police report wherein it states that Mr. Juranitch supported Mr. Leigh's interpretation of a rental.

Doris Miller, 704 NE 20 Avenue, said she resides next door to the applicant on the south. She has boats docked behind her house. She commented that when Mr. Gorman moved into the area he stated that he did not want anything to do with the neighbors. Mr. Juranitch simply wants to take care of his daughter and let her enjoy life. He has tried to pay attention to all of the rules. She supported the application.

In response to Commissioner Teel, Ms. Miller indicated that she rents her dock space. Ms. Miller indicated that she resides in an RS-8. She was told by members of the civic association it was acceptable as long as no one live aboard. She understood that the civic association had confirmed this with the City. In response to Mayor Naugle, Ms. Miller recalled speaking with the president of the association about it but it has been several years.

Bill Beamer, 700 NE 20 Avenue, Victoria Park, said he lives two houses away from the applicant. He felt this request is not unreasonable. He displayed an aerial photograph taken on December 12, 2004 showing the site in question and pointed to two large boats in the area that have been there for years, not bothering anyone. The photograph is attached to these minutes. Mr. Beamer felt that there is no excess traffic or noise. This is the applicant's home; it is not a rental. The applicant needs the dock in order to accommodate his daughter. The channel width is extraordinary; there would not be any impediment to navigation. He has not seen very many water skiers. The neighborhood supports this application.

John Terrill, Chair of the Marine Advisory Board, said the applicant has come before the board twice. The first application was denied. On the second occasion, the board voted on two issues relating to the applicant. The first vote determined that there was a significant difference in the application presented, as opposed to the previous one. The final vote was denied by one vote. He was not present. He read the minutes and watched the video of that meeting. He wanted to share his personal opinion. There was tremendous effort by one resident to stop the dock. There has been vast sums of money spent and unrelated charges to the criteria. At the last board meeting, an attorney representing one resident, interrupted the acting chair over and over. The chair requested that the individual be removed. He felt it was designed to create the impression of an opposition greater than what really exists. The extraordinary circumstances to consider are clear. The Department of Environmental Protection states the proposed dock is environmentally more friendly than other legal options. ADA issues should be considered. The waterway is, in fact, extraordinarily wide, 1,100-1,400 feet. The water skiing argument just does not hold water. Lake Sylvan spans from east

to west approximately 750 feet and 900 feet north of Coral Ridge. These areas are considered safe; the applicant's property is 1,100 feet to 1,400 feet wide. Had he been present at that meeting, he would have voted in support of the application. He urged the Commission to support this application.

Officer Andy Pallen said he is the Sergeant of the Marine Patrol and would answer any questions the Commission might have.

Commissioner Teel asked Police Sergeant Andy Pallen, Marine Patrol, to explain his duties which he did. Also in response to Commissioner Teel, Sergeant Pallen indicated there are eight employees plus himself in the Marine Patrol; he noted his employees are in the area daily. He also is in the area when he is able to do so. It is clearly the busiest water skiing and water sports activity area throughout the city. This particular area is at the end where vessels turn around. With respect to Lake Sylvan, he routinely stops water skiing there because of congestion. It is clearly the safest area and the busiest. Tubing has become very popular. He mentioned a death that had occurred in a tube. It is different than water skiing in that the operator of the tube has no control. When a boat makes a turn the tube can extend to the side as long as the rope. He noted one does not need to be an experienced water skier or wake boarder, but he felt it is more dangerous. The majority of tubing is by young children.

Commissioner Teel asked Sergeant Pallen's observation concerning the number and distance of dolphin pilings on both sides of the waterway. Sergeant Pallen said there is a significant amount on both sides; there is not much space available for water sport activities. Clearly a 110 foot vessel would encroach in an area where people water ski. With this being such a hot topic, he has spent a lot of time in the area and has seen a lot of water skiers in the area where the vessel would be docked. In further response to Commissioner Teel, Sergeant Pallen noted there have been waivers approved for dolphin pilings; some extend about 45 feet.

Commissioner Teel discussed the zoning along NE 20 Avenue, that the north end is zoned B-1 which allows marinas and commercial use. At 736 and 738, there are very large boats; one property has no grass or landscaping, only cement and equipment that looks as if it is servicing boats. She asked if Sergeant Pallen has any experience in that area leading one to think there is commercial activity taking place. Sergeant Pallen said he has conducted an investigation with Code Enforcement. Those two properties were cited with over eight violations, operating a marina in a residential area and people living onboard. North on the 800 block, the entire area becomes an idle speed zone and there are no water sport activities.

Commissioner Teel asked about securing a boat without dolphin pilings and having anchoring devices in the river. Sergeant Pallen did not know how a boat of this size could be secured without dolphin pilings.

Commissioner Teel referred to the investigation at 736 and 738 and asked about the people's reaction. Sergeant Pallen indicated on one occasion the property owner, Mr. Leigh, was extremely irate. Mr. Juranitch was present at that time and also very irate. He defended Mr. Leigh's interpretation of the ordinance. He agreed that people in the area could rent their docks. Mr. Juranitch only has use of the boat for two weeks of the year. He did not think it would be prudent to grant a waiver for a boat docked two weeks of the year where there is a significant safety risk. It will also encroach on a public

access area. In further response, Sergeant Pallen expressed that this area the busiest and safest area for water sports activities.

Commissioner Hutchinson was concerned about the assumption that Mr. Juranitch will break the law because others in the area do. She asked for Ms. Crush's comments as it relates to water skiing, what happened at 736 and in response to comments this evening.

Ms. Crush thought that this has become a hearing as to what is occurring at the 736 and 738 properties. She was happy to hear the Director of Business Enterprises' indication that those violations have been addressed by the City. Mr. Juranitch has two properties on 20 Avenue neither of which have a boat. He is going through the process. She quoted water skiing statistics that include tubing that were presented to the Marine Advisory Board by Tyler Chappell. In August, Mr. Juranitch counted 27 skiers and tubers for a maximum of four on any given day and no boats anchored at that time.

Ms. Crush referred to the January through April Marine Advisory Board minutes and noted each time there were comments about activity in the ROA and whether there are moratoriums. The incidents occurred shortly after Mr. Juranitch returned from the February 7 Marine Advisory Board meeting and he and Mr. Leigh were talking about the board meeting. She understood that Mr. Juranitch had stated that he did not feel what Mr. Leigh was doing was illegal.

Commissioner Hutchinson asked how many boats are docked at the property on the north side of 714 and how far out do they extend. Ms. Crush said there are two boats docked at the site with one on a lift. The pilings are at 76 feet; the bow of the boat extends to 80 feet. This is not a property listed as having a dock waiver.

Ms. Crush explained when Mr. Juranitch sold the property, he took a charter agreement back for five years so he could redesign a new larger boat for his daughter. He may charter the boat as few as 15 weeks or as many as 80 weeks out of the year. He found out from Victoria Park Civic Association that a larger boat there would not be acceptable. Because of the seagrass, this boat will be docked bow-in and will not extend the length of the dock except perhaps a foot.

Vice Mayor Rodstrom knew this is a popular area for water sport activities. Her main concern is safety. In response to Vice Mayor Rodstrom, Ms. Crush said the dock is 100 feet, plus the 8 foot marginal dock. The boat is a 96 foot Burger which Mr. Juranitch owned for years, had retrofitted and currently has a charter agreement on it. She reiterated why he obtained the charter agreement and particulars about it. Because a larger boat was not acceptable to the Marine Advisory Board and the civic association, he will use the 96 foot Burger as the primary boat.

Mr. Juranitch explained as his daughter is disabled, it took two years to complete modifications to the boat for her. There is a minimum size on boats where there is typically sufficient width for a walker or wheelchair and a large area in the rear for getting a walker or wheelchair onboard. The 96 foot boat is the smallest he could find to accommodate his daughter. On this boat he has to carry her to the bedroom and she is getting to heavy. He wanted a boat with a bedroom on one floor so he would not have to carry her up and down the stairs. He originally considered a 126 Delta, but Sergeant

Pallen objected to it because the pilings would be further out. He is now considering a custom boat during this five-year period.

Mr. Juranitch referred to a City study that indicates 300 feet is safe for water skiing. It is impartial information prepared by experts. There is three times that much footage after the dock is considered.

Vice Mayor Rodstrom asked if this dock would be one of the longest in the area. Mr. Juranitch believed it is one of the only docks on the canal. Based on the angle of the river, it will not protrude any further than his neighbor who is opposing it. This boat will also be in a wider part of the river.

In response to Vice Mayor Rodstrom, Mayor Naugle said when he takes his daughter tubing, he stays away from that end of the channel because it is nearing the channel from Sunrise Boulevard. He finds it safer to stay away from 20 Avenue. His reasoning has to do with traffic from George English Park boat ramps. He did not think the proposed dock location would interfere with water sport activities.

Vice Mayor Rodstrom did not want anyone getting hurt because of this waiver.

Mayor Naugle commented that the sport fishing boat next door backs into the slip and has probably destroyed the seagrass. This applicant took the time to see whether there is seagrass. Because the boat is being docked bow-in, there is no propulsion or push off from the seawall. He explained Mediterranean dockage used all over the world where there is no dock, simply a buoy and a plank. Because of the seagrass, that option is not available. Mr. Juranitch's daughter needs to get on the boat at the stern. He mentioned the length of the pier and ADA requirements. There is a real reason for this application.

Vice Mayor Rodstrom asked if the other boat would need a dock waiver.

Mayor Naugle pointed out that the law does not require a waiver for dolphin pilings up to 25 feet from the seawall. It is possible to dock and secure a 50-60 foot boat without a waiver. It would probably be necessary to secure it elsewhere if there was a storm.

In response to Mayor Naugle, Ms. McCaffrey listed the dock waivers that had been approved on NE 20 Avenue; the longest pilings was 75 feet; and the longest pier was 73 feet.

Vice Mayor Rodstrom questioned whether this would be precedent setting. Mayor Naugle pointed out this part of the river is wider.

In response to Commissioner Moore and concern about tubing, Sergeant Pallen noted there are incompetent people operating boats; no license or training is required to operate a boat if one is over 21 years of age. People use the area for water sports activity. In further response, Sergeant Pallen indicated from the applicant's property to a point diagonal, the area is wider than Lake Sylvan, however people are water skiing along the entire canal. The subject area is one where other vessels anchor and moor; some stay overnight. Once there are a lot of boats in the area, he shuts down water skiing due to safety. Commissioner Moore concluded boats anchoring make it more difficult for the marine unit to manage than a dock. Thus the safety issue is not the size

of the dock, but the number of people utilizing the water for recreation. Sergeant Pallen believed it is a combination of the boat from the dock and the anchored boats.

Commissioner Moore referred to steps being taken by the applicant to follow the law. He wanted to ask the applicant about the commercial use concern. Sergeant Pallen explained the applicant began building the dock and was stopped after complaints were received. He went on to discuss another design alternative for a eight foot wide dock being side-to, avoiding the seagrass, with a walkway. It would be parallel to the property line. Commissioner Moore asked why that choice was not used and Mr. Juranitch explained a large enough boat for his daughter and complying with setbacks would not be possible. Also, the seagrass goes out 70 feet. The dock would have to extend 80 feet, plus any setback, therefore the dock could be 100 feet into the channel.

Mr. Juranitch clarified that he had a permit issued by EPD (Environmental Protection and Growth Management Department) when the dock was started and that it was provided to the Commission (email from Leslie Krawczyk, EPD concerning permit; no copy of permit provided). It was to be a conventional dock, extending 50 feet. No one expected to find seagrass. Commissioner Moore recognized that Mr. Juranitch made adjustments when the seagrass was discovered. Mr. Juranitch said that he spent seven months on it with the department.

In response to Commissioner Moore, Mr. Juranitch indicated there will not be two boats docked at this dock. Mr. Juranitch commented when the boat is being worked on, there could be a dingy on either side. He agreed to the condition of one primary boat.

In response to Commissioner Moore, Ms. McCaffrey indicated other properties violating the law have been cited.

Commissioner Teel recalled at the first Marine Advisory Board meeting, Mr. Juranitch showed two boats at the dock. Mr. Juranitch explained originally there was a 126 foot Delta and the 96 foot Burger. The 126 foot boat has been eliminated. Commissioner Teel believed the Marine Advisory Boat minutes note Mr. Juranitch stating there was no guarantee that he would only have one boat docked there. In response to Commissioner Teel, Mr. Juranitch agreed to limit himself to one boat if necessary. He explained the goal is for his daughter to be able to get onto the boat. In further response, Mr. Juranitch indicated he resides at this property.

Commissioner Hutchinson commented that in the past nine years, there have been a lot of waivers, but something is not right here. This applicant has been scrutinized beyond anything she has ever witnessed. Assumptions have been made that Mr. Juranitch will break the law. She supported the waiver because this property owner has gone above and beyond what is necessary.

Commissioner Moore respected the Marine Advisory Board Chair for providing facts this evening. He believed that the applicant followed the rules and regulations, has shown a hardship with respect to his child and made concessions with the adjoining property owners in choosing a smaller boat.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 08-190



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.D OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW JAMES JURANITCH TO REMOVE TWO EXISTING FINGER PIERS AND TWO DOLPHIN PILINGS TO CONSTRUCT AND MAINTAIN A SINGLE FINGER PIER A MAXIMUM DISTANCE OF ONE HUNDRED EIGHT FEET FROM THE PROPERTY LINE INTO THE WATERS OF MIDDLE RIVER, SAID PROPERTY HAVING A STREET ADDRESS OF 714 NE 20 AVENUE, SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW, SUBJECT TO TERMS AND CONDITIONS

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

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**Advisory Board /Committee Appointments**

**(OB)**

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

Community Appearance Board	Randall Vitale
Community Services Board	David R. Maymon William Goetz Maureen J. Persi Nadia G. Locke
Board of Commissioners, City of Fort Lauderdale Housing Authority	Georgina R. Pozzuoli
Marine Advisory Board	Herb Rassing
Parks, Beaches and Recreation Board	Andrew Pickens

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 08-191

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: Commissioner Teel, Vice Mayor Rodstrom, Commissioners Moore and Hutchinson, and Mayor Naugle.

NAYS:None.

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There being no other matters to come before the Commission, the meeting was adjourned at 10:56 P.M.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk