

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
SEPTEMBER 16, 2008

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
September 16, 2008**

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

Roll call showed:

Present: Commissioner Christine Teel
Vice Mayor Charlotte E. Rodstrom
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

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

Invocation was offered by Father Liam Quinn, St. Sebastian Catholic Church, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the minutes of the July 15, 2008 and September 3, 2008 conference meetings, and the agenda for the meeting of September 16, 2008. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Rodstrom, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Presentations

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

Commissioner Teel recognized David and Deanna Abram who reside at 5721 NE 21 Road recipients of the Community Appearance Board's WOW Award for District I.

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2. **Recognition of Parks and Recreation Department** (PRES-02)

Genia Ellis of the Fort Lauderdale Council of Civic Associations presented certificates of appreciation to City Parks and Recreation employees for their support at the police and firefighter's appreciation event held on August 5, 2008.

United States Conference On Aids Week

(OB)

Commissioner Hutchinson presented a proclamation designating September 18-21, 2008 as "United States Conference On Aids Week" in the City of Fort Lauderdale to Paul Kawata. He thanked the City's Convention and Services Bureau for accommodating 3,000 people in less than 45 days for this conference which would bring about \$4 million in business to the city.

Fiscal Year 2008-2009 Tentative Millage Rate and Budget

(PH-01)

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

Allyson Love, Director of Office of Management and Budget, reviewed slides concerning this matter. She noted the budget may be accessed through the City's web site and at the Broward County Library. A copy of the slides is attached to these minutes.

Romney Rogers, 1101 SE 7 Street, urged the Commission to concentrate on the record surplus since it is 4% over national guidelines. It should be transferred into a fund that would be like a taxpayer savings account being held by the City. Real tax relief would mean that the City uses that savings account instead of taxpayers having to dip into their own savings accounts to pay property taxes. With 19%, the City has a cushion and could provide real tax relief. He urged the Commission to provide taxpayers with real tax relief that is desperately needed in this economy.

Ainsworth Geddes, representing Family Central, explained the purpose of their organization. They serve approximately 3,300 children in Fort Lauderdale. He thanked the Commission for their continued support.

There were no further comments from the audience.

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 noted that due to term limits, this is the last budget in which this Commission would be involved. Many of the items and methodology presented in the budget will obligate future commissions which she feels is not a good thing. The current and future economy looks bleak. She commented that the City Manager is asking for \$15 million in reserves to be spent to offset the capital improvement projects that might have otherwise come out of the General Fund. It is not a bad thing to do, but to use it as a routine funding source would not be her ultimate goal because monies need to be kept in reserves. She felt that some effort should have been made to provide a foundation for the incoming new Commission and future years. In the past, no effort has

been made to review operational spending and expenses; the City Manager has basically taken the same budget and rolled over an increased percentage every year which she found unacceptable.

Motion made by Vice Mayor Rodstrom directing the City Manager to provide the Commission with a budget operational review by March, 2009 died for lack of a second.

Mayor Naugle suggested that a review could be scheduled for a conference meeting. Commissioner Hutchinson agreed. Vice Mayor Rodstrom did not object to a conference meeting.

Vice Mayor Rodstrom asked the City Auditor to address items contained in his memorandum provided to the Commission about a month ago.

The City Auditor referred to his comments at the last hearing where he took exception to certain issues. First, with respect to a new governmental accounting standards board, GASB 45 provision that requires governments to now account for other post-employment benefits that have been guaranteed or promised to employees, specifically health care costs promised to retirees. The annual required cost from the draft actuarial report is in the neighborhood of \$6 million. The City currently has budgeted \$2.5 million meaning that the unfunded liability of \$66 million will now grow to \$70 million. He contrasted it to how the City handles the pension where the unfunded liability is being paid down. He recommended full funding of the annual required contribution. Another item is the interest revenue projection of 3.88%. The current rate of return is averaging between 2¼% and 2½%. The result is an inflated interest revenue figure of about \$3 million. Also there is a minor issue with respect to payment in lieu of taxes from the Enterprise Fund back to the General Fund where he disagrees with the methodology to the extent of about \$400,000. He recommended these issues, with the exception of perhaps the interest revenue discrepancy, be addressed in the current budget.

Motion made by Vice Mayor Rodstrom authorizing \$6.1 million to fund the 2008-2009 other post-employment benefit cost.

Mayor Naugle asked what would be the funding source. Vice Mayor Rodstrom said that question should be answered by the City Manager.

Commissioner Hutchinson said the City Manager has provided the rationale as to why things are being done in the way they are being proposed.

Motion died for lack of a second.

Motion made by Vice Mayor Rodstrom approving a reduction in the estimated interest earnings to 2.75% and reduction of the budget accordingly died for lack of a second.

Motion made by Vice Mayor Rodstrom to approve reducing the 2008-2009 (interfund) payment in lieu of taxes (PILOT) by the \$424,000, and revising the method for calculating as recommended by the City Auditor.

Mayor Naugle asked what would be the funding source. Vice Mayor Rodstrom said that question is for the City Manager. She felt an operational analysis could have avoided these issues. The budget process does not need to be completed until October 1. Over

the last two years, she has requested budget workshops, but it has not been done. She referred to economy difficulties and that such workshops would have provided everyone with the opportunity to work through the budget process and provide an effective long-term plan.

Motion made by Vice Mayor Rodstrom to hold a special meeting to review the budget and any potential revisions for the future.

In response to Commissioner Hutchinson, Vice Mayor Rodstrom indicated there is time to hold a meeting before this budget needs to be approved in October. Commissioner Hutchinson was concerned about the extensive notices required.

Motion died for lack of a second.

Commissioner Moore commended staff on the budget process. In response to Commissioner Moore, Ms. Love indicated that the TRIM notice stands for truth in millage, which deals with ad valorem. In response to Commissioner Moore, Ms. Love indicated in her example of the average homeowner savings, the fire fee is included.

Commissioner Moore questioned the \$5.3 million for a cost of living adjustment shown as non-discretionary. Ms. Love explained this deals with already in place union agreements, but also includes management and confidential employees. Commissioner Moore believed it is really discretionary. Merit is also discretionary. He asked for it to be labeled differently in the future.

Commissioner Moore referred to the Commission's meeting this past Friday at 11 a.m. in connection with the fire fee. State Statute provides when dealing with taxes, public hearings should be held after 5 p.m. He disagreed with the position that the discussion did not have to occur after 5 p.m. He felt if it is a fee from a government, it is a tax. It is not optional. Private fire protection service is not discretionary. He urged that all future fees be treated like a tax increase or decrease and be discussed after 5 p.m. He could not support the fire fee for that reason as well as his belief that it is regressive. The fee is the same regardless of the value of an individual's home.

Commissioner Moore felt the Commission showed a lot of courage in securing a reserve to give the City some stability. Fort Lauderdale is now above the 19% reserve national standard. With the condition of the stock market and the Auditor's comments as to legitimacy of return on the City's money in the market, he felt the City should not spend the reserve. The City has dealt with five hurricanes in the last thirty days. If one had hit with the force of a category three or four, the reserve would have been appreciated. He preferred to borrow against the reserve. The City would pay \$2.8 million in interest over fifteen years to borrow \$15 million. When economic conditions change, then the reserve funds could be used to pay off the loan. The City should be very cautious about using the reserve. Unless the Commission changes the methodology concerning use of the reserve, he may not be able to support the budget.

Commissioner Moore referred to the City's contributions in the past to Family Central and Area Agency on Aging because such contributions allow them to secure funding from other taxing entities and it guarantees services at a level the City could not meet without their assistance. Family Central has provided information he requested on the entities they fund and the number of children that they fund. He noted 98% of the

locations are within Fort Lauderdale, but three are in Lauderdale Lakes. Even removing those locations, there are over 3,000 children in Fort Lauderdale being served. He commended Family Central.

Commissioner Moore hoped the Commission will discuss how they will use the \$15 million and whether to consider borrowing it. He felt it is proper for the new Commission to discuss how it will operate, not this Commission. The discussion suggested by the Vice Mayor should take place with the new elected officials.

Commissioner Moore was concerned about the City Auditor's comments regarding the GASB rules and regulations and retiree insurance. These new rules do not specify how to go about doing this and what percentage minimum. No municipal entity in the state has come to a conclusion on a methodology. He felt staff has no other course, but to indicate best practices of the past will be used. If required in the future, it could be set aside from the reserves.

Commissioner Moore was most comfortable with the budget process over the last two years. He referred to the voters' decision to have an Auditor and the history of the Auditor getting his office staffed. Even with those costs, the millage rate was rolled back. He pointed out that even with the reduction, the budget includes neighborhood capital projects.

Commissioner Teel felt with the amount of experience on this Commission, they should hold a conference discussion about the budget and future years. She felt the City should start getting realistic about GASB, perhaps \$1 million annually. It must start some time. She agreed with Vice Mayor Rodstrom that it would be helpful to provide such information to the new Commission, but it does not need to be done tonight.

In response to Commissioner Hutchinson, the City Manager indicated the national standard for reserves is 5% to 15%, and currently this City has 19%. Commissioner Hutchinson understood the City is considering capital improvement projects totaling \$15 million from that percentage. Ms. Love indicated the City would be left with a reserve balance of \$49 million. Commissioner Hutchinson was open to both rationales as use of the reserves, although she noted that \$2.8 million in interest is a lot of money. She felt this is a good budget. Three years ago the City was in a crisis. There was different management at that time. With new management, it has changed. The Commission is aware of everything. Money-wise, the City has never been healthier. If a major hurricane was to hit, everyone would be happy to have this reserve. She was skeptical of touching the reserve, other than the capital improvements. The Commission has made a commitment that the reserve is sacred as it will take care of the citizens if a hurricane hits. She wrestled with the fire fee issue. She understood in some households it is easier to pay in one tax bill. She supported it so that there is a balanced budget ready on October 1. She felt the future Commission will have a worse situation. The legislature will be making more changes and getting money to government will be limited.

Mayor Naugle expressed his support of the budget and the Vice Mayor's idea of a workshop. He suggested workshops address what the revenue will be. Property values have declined and the Property Appraiser did not recognize those declines in this year's assessment. Overall, assessments decreased by 5%, but the real estate market declined anywhere from 10% to 25% depending upon the neighborhood and housing

type. Next year, the City could be facing a 20% decrease in ad valorem value city-wide, which is the City's largest source of income. The workshop could show what cuts in spending would be necessary at various levels of reduced revenue. He believed that this has been a gentle year in regard to the property tax base. For these reasons, he did not want to use the reserves any more this year but saved for next year.

Commissioner Moore commented how the state legislature it tends to blame municipal government. The City has been operating by the rules under ten mills. The proposed budget is less than 5 mills. Therefore, he questioned the legislature stating the City has too much money. Services requested the citizens are being delivered. The citizens voted to reduce the ad valorem, and that is being followed. For all the reasons the Mayor stated there could be a 15% to 20% reduction and that is another reason why he does not want to wipe out the reserve. He believed that the capital projects need to be done. His concern is about when will the reserve dollars actually used.

Vice Mayor Rodstrom referred to previous discussion of holding a workshop and asked if a five-year financial forecast could be discussed at the workshop. She believes that future savings will come from the operational side. If in-house wasteful spending could be found, she thought perhaps use of the reserves could go by the wayside. Also, she noted this year's fire assessment fee increased 43%.

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

Commissioner Moore asked if there is going to be any dialogue in regard to borrowing or spending the reserve. Mayor Naugle said he personally wants to spend the cash instead of putting it on the credit card. Vice Mayor Rodstrom understood how the budget is written is that the City would be spending the reserves.

Commissioner Hutchinson understood the Commission is approving a budget tonight that allows the City the ability for \$15 million of capital improvement projects funded from the reserves. The City Manager confirmed that as correct. Commissioner Hutchinson asked if the Commission decided after approving the budget to borrow instead of using the reserves would that change this budget. The City Manager said the only issue is that if the City borrowed the \$15 million, the City would have to satisfy debt service payments; it would simply become a funding issue.

Commissioner Hutchinson introduced the following resolution adopting millage:

RESOLUTION NO. 08-206

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE 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 and Hutchinson, and Mayor Naugle. NAYS: Vice Mayor Rodstrom and Commissioner Moore.

Commissioner Hutchinson introduced the following resolution adopting the budget:

RESOLUTION NO. 08-207

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, 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 and Hutchinson, and Mayor Naugle. NAYS: Vice Mayor Rodstrom and Commissioner Moore.

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

(PH-02)

Mayor Naugle announced this is the second 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.

Allyson Love, Director of the Office of Management and Budget, said that this district taxes its residents to provide security to their neighborhood. On September 9, 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 left the chamber at approximately 7:09 p.m.

Mark Grant said at the last meeting he would return and have another Board meeting in order to reconfirm the budget and the 1 mill being adopted. A meeting was held with five Directors present, and confirmed they wanted the same budget as reflected in the minutes shown, along with the 1 mill. The vote was 5-0 and Mr. Underwood was not present at the meeting.

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

Mayor Naugle said the proposed millage rate for all Sunrise Key Neighborhood Improvement District purposes will be 1.000 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 millage:

RESOLUTION NO. 08-208

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE 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, Commissioner Hutchinson, and Mayor Naugle. NAYS: None. (Commissioner Moore was not present for the vote.)

Commissioner Hutchinson introduced the following resolution adopting the budget:

RESOLUTION NO. 08-209

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL 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, Commissioner Hutchinson, and Mayor Naugle. NAYS: None. Commissioner Moore was not present.

Amend Operating Budget – Appropriation - \$21,127.86 (CR-01)
Vehicle Purchase – Cherrington Beachcleaner

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

Proprietary – Cherrington Beachcleaner – Mobile Screener (PUR-05)
Vehicle – Addition To The Fleet

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

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

Consent Agenda (CA)

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

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if

discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Ram Jam United Beach Bash

(M-01)

No budgetary impact.

A motion authorizing and approving the execution of an Event Agreement with Ram Jam United Soca Explosion, Inc. for Ram Jam United Beach Bash, to be held October 13, 2008, 12 noon to 12 midnight at Fort Lauderdale's South Beach.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1248

Event Agreement – Politics In The Park

(M-02)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Greater Fort Lauderdale Chamber of Commerce, Inc. for Politics in the Park, to be held October 2, 2008, 5:30 PM – 8:30 PM at Huizenga Plaza, contingent upon City Attorney's Office receiving and approving executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1257

Change Order 7 – MGI-Morgan General Mechanical Group, Inc. - \$74,441.53 – Police Department – Electrical Wiring, Generator and Switchgear

(M-03)

\$74,441.53 is available in Fund 344, Subfund 01, P10590.344-6599.

A motion authorizing Change Order 7 to MGI-Morgan General Mechanical Group, Inc., in the amount of \$74,441.53 – additional work to be performed at the Police Department – Electrical Wiring, Generator and Switchgear – Project 10590C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1325

Contract Extension – Environmental & Analytical Management Inc. – Annual Mobile Laboratory Services - \$62,710 **(M-04)**

There is no initial cost to enter into this purchase. Purchases are made on an as-needed basis. The cost of individual purchases will be charged to the appropriate projects per available budget.

A motion authorizing the proper City Officials to execute the second one-year contract extension with Environmental & Analytical Management Inc., in original contract amount of \$62,710 – 2008-2009 Annual Mobile Laboratory Services – Project 10629.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1255

Amendment 2 To Task Order 31 – CMTS Florida, LLC - \$20,996.66 – Utility Construction Inspection Services – Area 4 Basin BC **(M-05)**

Appropriate \$24,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10507.482-6599.

A motion authorizing the proper City Officials to: (1) execute Amendment 2 to Task Order 31 with CMTS Florida, LLC, in the amount of \$20,996.66 – utility construction inspection services – Area 4 Basin BC – Project 10507BC; and (2) appropriate \$24,000 to fund this amendment and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1274

Task Order 08-19 – Hazen and Sawyer, P.C. - \$66,233 Color Reduction Bench Scale Testing – Fiveash Water Treatment Plant **(M-06)**

Appropriate \$74,200 from P11197.454, Water and Sewer Fund Recap, to P11421.454-6599, both in Fund 454, Subfund 01.

A motion authorizing the proper City Officials to: (1) execute Task Order 08-19 with Hazen and Sawyer, P.C., in the amount of \$66,233 – consulting services – color reduction bench scale testing at Fiveash Water Treatment Plant – Project 11421; and (2) appropriate \$74,200 to fund this task order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1275

Task Order – Chen and Associates Consulting Engineering, Inc. - (M-07)
\$93,494.65 – SE 15 Street Boat Launch and Marine Complex

Appropriate \$71,260 from P10768.331, ADA Compliance Rehab Projects – Parking, And appropriate \$22,234.65 from P10720.331, ADA General Fund Buildings, to P11422.331 all in Fund 01, Subfund 01, and Subobject 6599.

A motion authorizing the proper City Officials to: (1) execute Task Order with Chen and Associates Consulting Engineers, Inc., in the amount of \$93,494.65 – design of improvements related to 2003 ADA Consent Decree and overall improvements to SE 15 Street boat launch and marine complex – Project 11422; and (2) appropriate funds to fund this task order.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1302

Contract Award – Northwest 7 – 9 Avenue Connector - (M-08)
\$757,229.66 – R.J. Behar & Company, Inc.

\$94,653.71 will be available in P09295.106-6599, Fund 106, Subfund 20 to fund the City's portion of the contract, contingent upon approval of the appropriation from P10015.106-6504 that is being requested on September 16, 2008 at the CRA Conference meeting (a copy of Memo 08-200 is attached as Exhibit 1 to this item). The balance of the contract in the amount of \$662,575.95 is available in P09295.129A-6599, Fund 129, Subfund 01 and this amount represents FDOT's portion of the contract.

A motion authorizing the proper City Officials to award and execute a contract with R.J. Behar & Company, Inc., in the amount of \$757,229.66 – prepare 60% of design drawings – Northwest 7/9 Avenue Connector – Project 9295.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1299

Grant Modification – 2007 Community Emergency Response (M-09)
Team – Florida Department of Community Affairs, Emergency
Management Division

Appropriate \$250 from GF129, Subfund 01, GCERT08, 4337; \$200 to GF129, Subfund 01, GCERT08, Subobject 3516; and \$50 to GF129, Subfund 01, GCERT08, Subobject 3946.

A motion authorizing a modification to 2007 Community Emergency Response Team Grant with U.S. Department of Homeland Security through Florida Department of Community Affairs, Division of Emergency Management – reflect newly revised grant budget categories and reporting systems.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1328

Settlement of Worker Compensation File (M-10)
WC-90-5921 - \$60,000

Funds are budgeted in INS010101-5125 (Workers' Compensation Claims), Fund 543/SubAccount 01. There are sufficient funds to cover the \$60,000 settlement.

A motion authorizing settlement of Worker Compensation File WC-90-5921 (Elgin Jones) - \$60,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1294

Settlement of Vehicle Accident General Liability (M-11)
File VA GL 06-626 - \$60,000

Funds are budgeted in INS010101/5104 (Automobile Liability Claims); Fund 543/01. There are sufficient funds to cover the amount of \$60,000.

A motion authorizing settlement of Vehicle Accident General Liability File VA GL 06-626 (Jessica Jones) - \$60,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1283

Dockage Lease Agreement and Sightseeing and Charter (M-12)
Operations – Harbor Tours, Inc. – Fiscal Year 2008-2009

\$37,595.04 is for receipt of revenues only in FY 08-09, General Fund 001, Subfund 01, BUS020103-K184, Commercial Yacht Fees. No expenditures anticipated.

A motion authorizing: (1) proper City Officials to execute dockage lease agreement with Harbor Tours, Inc. for dockage on north side of New River Riverwalk – October 1, 2008 – September 30, 2009; and (2) Harbor Tours, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1311

Dockage Lease Agreement – Private Vessel Storage (M-13)
AM Acquisitions, LLC – Fiscal Year 2008-2009

\$136,604.04 is for receipt of revenues only in FY 08-09 General Fund 001, Subfund 01, BUS020103-K184, Commercial Yacht Fees. No expenditures are impacted.

A motion authorizing the proper City Officials to execute dockage lease agreement with AM Acquisitions, LLC for private vessel storage in conjunction with repair and maintenance facility – south side of New River Riverwalk between SW 1 Avenue and the SE 3 Avenue Bridge – October 1, 2008 – September 30, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1314

Dockage Lease Agreement and Sightseeing and Charter (M-14)
Operations – River Cruises and Anticipation Yachts, LLC –
Fiscal Year 2008-2009

\$69,748.44 is for receipt of revenues only in FY 08-09, General Fund 001, Subfund 01, BUS020103-K184, Commercial Yacht Fees. No expenditures anticipated.

A motion authorizing: (1) proper City Officials to execute dockage lease agreement with River Cruises and Anticipation Yachts, LLC for dockage on northeast side of Andrews Avenue Bridge – New River Riverwalk – October 1, 2008 – September 30, 2009; and (2) River Cruises and Anticipation Yachts, LLC to conduct day and evening sightseeing and charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1313

Dockage Lease Agreement and Sightseeing Charter Operations (M-15)
Carfi Enterprises, Inc. – Fiscal Year 2008-2009

\$65,248.20 is for receipt of revenues only in FY 08-09, General Fund 001, Subfund 01, BUS020103-K184, Commercial Yacht Fees. No expenditures anticipated.

A motion authorizing: (1) the proper City Officials to execute dockage lease agreement with Carfi Enterprises, Inc. for dockage on south side of New River Riverwalk – October 1, 2008 – September 30, 2009; and (2) Carfi Enterprises, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1312

Dockage Lease Agreement And Sightseeing And Charter Operations – Sightseeing Cruises, Inc. – Fiscal Year 2008-2009 (M-16)

\$24,374.76 is for receipt of revenue only in FY 08-09, General Fund 001, Subfund 01, BUS020103-K184, Commercial Yacht Fees. No expenditures impacted.

A motion authorizing: (1) the proper City Officials to execute dockage lease agreement with Sightseeing Cruises, Inc. for dockage on north side of New Riverwalk – October 1, 2008 – September 30, 2009; and (2) Sightseeing Cruises, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1315

Dockage Lease Agreement And Sightseeing And Charter Operations – Princess Lady, LLC – Fiscal Year 2008-2009 (M-17)

\$46,993.80 is for receipt of revenues only in FY 08-09, General Fund 001, Subfund 01, BUS020103-K184, Commercial Yacht Fees. No expenditures impacted.

A motion authorizing: (1) the proper City Officials to execute dockage lease agreement with Princess Lady, LLC for dockage on south side of New River Riverwalk – October 1, 2008 – September 30, 2009; and (2) Princess Lady, LLC to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1316

Dockage Final Lease Agreement Renewal – Jungle Queens, Inc. - Dock Areas A and B – South End of Bahia Mar Yacht Basin (M-18)

\$110,265.12 is for receipt of revenues only in FY 08-09, General Fund 001, Subfund 01, BUS020101-K185, Jungle Queen – Docks. No expenditures impacted.

A motion authorizing the proper City Officials to execute lease agreement with Jungle Queens, Inc. for the second option term “B” (final) – October 1, 2008 through September 20, 2010 – commercial dockage – south end of Bahia Mar Yacht Basin.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1319

Reimbursable Agreement – Federal Aviation Administration (M-19)
Taxiway Alpha Relocation – Executive Airport - \$18,975

Appropriate \$18,975.00 from 468 01 P11237.468.6599 to 468 01 P10802.468 6599.

A motion authorizing the proper City Officials to: (1) execute reimbursable agreement with Federal Aviation Administration for relocating and protecting FAA facilities in the amount of \$18,975 – relocation of Taxiway Alpha at Executive Airport; and (2) appropriate \$18,975 to fund this agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1317

February 10, 2009 and March 10, 2009 Municipal Elections (M-20)
Pollworker Services

Funds in the amount of \$373,628 are budgeted in the FY 2008/2009 General Funds. Fund 01 Subfund 001 Index CLK010201, Subobject 3299. Other Services subject to appropriation of 08/09 budget.

A motion approving an agreement with Broward County Supervisor of Elections – engage, train and assign pollworkers for City’s elections.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1108

Agreement – Broward County R.C. Race Club, Inc. (M-21)
Remote Control Miniature Racecars At Mills Pond Park

No budgetary impact. Revenue of \$7,200 to be deposited into PKR030801-K303 Contracted Events – Mills Pond Fund 001, Subfund 01.

A motion authorizing the proper City Officials to execute one-year agreement with Broward County R.C. Race Club, Inc. – three, one-year options – non-exclusive use of a portion of Mills Pond Park to operate remote control miniature racecars.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1279

Substantial Housing Rehabilitation/Replacement Housing Program – 3421 SW 12 Court And 424 SW 22 Terrace (M-22)

Candelaria - \$19,643 From SH0625/8004 Fund 129/Subfund 01 to SH246/8004 Fund 129/Subfund 01. Diaz – No additional funds required, LTV increased to 143.

A motion authorizing an exception to maximum assistance levels and maximum loan-to-value level requirements – City Substantial Rehabilitation – Replacement Housing Program – 3421 SW 12 Court (Juan and Debra Candelaria) and 424 SW 22 Terrace (Ruben Diaz).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1306

HOPWA And CDBG Grant Programs - \$242,047.84 Closing Outstanding Monitoring and Audit Findings (M-23)

Fund 001-01, PLN010101, 3216-Costs/Fees/Permits - \$242,047.84. Fund 108-01 Account #208-080005 - \$345,000. Sales.

A motion payment of \$242,047.84 from 2007-2008 Planning and Zoning departmental budget to HUD to close outstanding monitoring and audit findings – Housing Opportunities for Persons with HIV/AIDS and Community Development Block Grant Programs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1324

CONSENT RESOLUTION

Amend Operating Budget – Appropriation - \$21,127.86 Vehicle Purchase – Cherrington Beachcleaner (CR-01)

Appropriate \$21,127.86 from P10774.331-6599 Median/Road Landscaping Fund Type 30, Fund 331, Subfund 01 to PAR030101-6416 (Parking & Fleet Vehicles Fund 583101.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1171

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY

OFFICIALS TO AMEND THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING \$21,127.86 FROM P10774.331-6599 MEDIAN/ROAD LANDSCAPING FUND TYPE 30, FUND 331, SUBFUND 01, AND TRANSFERRING-IN TO PAR030101-6416 (PARKING & FLEET VEHICLES), FUND 583/01 FOR THE PURCHASE OF A CHERRINGTON MODEL 950 BEACHCLEANER/MOBILE SCREENER.

Amend Operating Budget – Appropriation - \$75,775 (CR-02)
New Fuel Management System

Appropriate \$75,775 from FD583.01, Subobject 9922 Fund 583, Subfund 01, \$67,275 to PAR030101-6407 and \$8,500 to PAR030101-6405 Fund 583 Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1285

RESOLUTION NO. 08-214

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING \$75,775 FROM RESERVE FOR REPLACEMENT, SUBOBJECT 9922 FUND 583 SUBFUND 01, AND TRANSFERRING-IN \$67,275 TO PAR030101-6407 AND \$8,500 TO PAR030101-6405 FUND 583 SUBFUND 01 FOR THE REPLACEMENT OF THE FUEL MANAGEMENT SYSTEM.

Grant Acceptance – 2009 Highway Safety Grant - \$36,400 (CR-03)
National Highway Traffic Safety Administration

No current year budgetary impact. In FY 08/09, appropriate \$36,400 of grant funds to Fund 129, Subfund 01, GHWAY09, C207 (Rev.); Expenditures in 3999 (\$1500), 6404 (\$4,400), 6416 (\$25,000), 6499 (\$5,500). The Grant does not require a cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1330

RESOLUTION NO. 08-215

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 \$36,400

FROM THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION VIA FLORIDA DEPARTMENT OF TRANSPORTATION – 2009 HIGHWAY SAFETY GRANT PROGRAM AND TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE AND DISBURSE THESE GRANT FUNDS.

Code Enforcement – Citation Violation Notice Process (CR-04)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1303

RESOLUTION NO. 08-216

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE POLICIES AND PROCEDURES GOVERNING THE ENFORCEMENT OF CODE VIOLATIONS BY USE OF THE CITATION VIOLATION NOTICE PROCESS AND JURISDICTION OF THE CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE.

Task Order 3 – Source Removal of Soils - \$89,000 (CR-05)
Evans Environmental and Geological Science and Management, LLC

Appropriate \$89,000 from FD409.01-9901, Fund 409, Subfund 01 to P09921.409-6599, Fund 409, Subfund 02.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1335

RESOLUTION NO. 08-217

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE TASK ORDER 3 WITH EVANS ENVIRONMENTAL AND GEOLOGICAL SCIENCE AND MANAGEMENT LLC AND AMENDING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$89,000 FROM FUND 409, SUBFUND 01 TO FUND 409, SUBFUND 02.

Amend Operating Budget – Appropriation - \$13,532,231.65 (CR-06)
CDBG, HOME, ESG And HOPWA Programs

See attached Exhibit 2 for Breakdown of Index Codes/SOB's. Fund 108, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1219

RESOLUTION NO. 08-218

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 HOUSING AND URBAN DEVELOPMENT GRANT FUNDS IN THE AMOUNT OF \$13,532,231.65 FOR THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP, EMERGENCY SHELTER GRANT, AND HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS PROGRAMS.

Amend Operating Budget – Appropriation - \$4,690,261.23 (CR-07)
State Housing Initiatives Partnership Program Grant

See attached Exhibit 2 for Breakdown of Index Codes/SOB's. Fund 130, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1220

RESOLUTION NO. 08-219

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 STATE HOUSING INITIATIVES PARTNERSHIP GRANT FUNDS IN THE AMOUNT OF \$4,690,261.23 FOR THE CITY'S SHIP PROGRAM.

Amending Operating Budget – Appropriation - \$1,169,674.50 (CR-08)
HUD and SHIP Program Income

Please see Page 2 Prior Commission Action for Funds Information

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1355

RESOLUTION NO. 08-220

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY APPROPRIATING HOUSING AND URBAN DEVELOPMENT AND STATE HOUSING INITIATIVES PARTNERSHIP GRANT FUNDS IN THE AMOUNT OF \$1,169,674.50 FOR THE CITY'S HUD AND SHIP PROGRAMS.

Procurement of Public Officials and Employment Practices Insurance (CR-09)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1292

RESOLUTION NO. 08-221

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER, VIA THE CITY MANAGER'S DESIGNEE, THOMAS RUTHERFOORD, INC., TO CONDUCT NEGOTIATIONS FOR THE PURCHASE OF PUBLIC OFFICIALS INSURANCE AND EMPLOYMENT PRACTICES INSURANCE.

Renewal of Worker Compensation Insurance Arch Insurance Company - \$419,725 (CR-10)

INS010101/5122/Work Comp Carrier; Fund 543/Subfund 01. There are sufficient funds in this account to cover the \$419,725.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1320

RESOLUTION NO. 08-222

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PURCHASE OF EXCESS WORKERS' COMPENSATION INSURANCE FROM ARCH INSURANCE COMPANY VIA THOMAS RUTHERFOORD, INC., AND DETERMINING THAT SUCH INSURANCE BEST MEETS THE NEEDS OF THE CITY.

PURCHASING AGENDA

Proprietary – OptiCom Traffic Preemption Kits**(PUR-01)**

\$5,000 is budgeted in Fund 001, Subfund 01, FIR010502, 6404 (Computer Equipment) as budgeted in FY 07/08.

Purchase two OptiCom Traffic Preemption kits for incident command vehicles is being presented for approval by the Fire Rescue Department.

Recommend: Motion to approve.

Vendor: Global Traffic Technologies, LLC
Toronto, Ont., Canada

Amount: \$10,706.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 08-1235

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

**293-10121 – EVDO – GPS Modems – Fire Rescue
Emergency Response Vehicles****(PUR-02)**

\$34,210 is budgeted in Fund 001, Subfund 01, FIR010502, 6404 (Computers) as budgeted in FY 07/08.

Purchase fifty EVDO – GPS Modems for installation in all Fire Rescue emergency response vehicles is being presented for approval by the Fire Rescue Department.

Recommend: Motion to approve.

Vendor: Feeney Wireless LLC
Eugene, OR

Amount: \$34,210.00

Bids Solicited/Rec'd: 4/2

Exhibit: Commission Agenda Report 08-1241

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

**293-10128 – MDT Computers and Panasonic Protection
Plus Insurance****(PUR-03)**

**\$47,400 is budgeted in Fund 001, Subfund 01, FIR010502, 6404-budgeted FY 07/08
\$3,000 is budgeted in Fund 001, Subfund 01, FIR010502, 3407 – budgeted in
FY07/08**

Purchase MDT computers and Panasonic protection insurance plan is being presented for approval by the Fire Rescue Department.

Recommend: Motion to approve.
Vendor: CDW Government, Inc.
Vernon Hills, IL
Amount: \$50,400.00
Bids Solicited/Rec'd: 4/3
Exhibit: Commission Agenda Report 08-1280

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

Proprietary – Stretcher Maintenance and Repair (PUR-04)

\$14,575 is budgeted in Fund 001, Subfund 01, FIR010501, 3407 (Equipment Repair and Maintenance) as budgeted in FY 07/08.

Increase yearly proprietary purchases with Medco Equipment Repair, Inc., from \$10,000 to \$14,575 for stretcher maintenance and repair 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 08-1304

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

**Proprietary – Cherrington Beachcleaner - Mobile
Screener Vehicle – Addition To The Fleet** (PUR-05)

\$21,127.86 will be available in Fund 583, Subfund 01, PAR030101, 6416, after approval of CAR 08-1171 for the transfer of funds.

Purchase Cherrington Model 950 Beachcleaner – mobile screener addition to the fleet for Parks and Recreation Department is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Cherrington Enterprises, Inc.
Jamestown, ND
Amount: \$21,127.86
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 08-1172

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

582-10082 – Fuel Management System

(PUR-06)

Funding of \$75,775 will be available in PAR030101-6407 and 6405, Fund 583/01 after approval of CAR 08-1285 for the transfer of funds.

Purchase fuel management system is being presented by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: E.J. Ward, Inc.
San Antonio, TX
Amount: \$75,775.00
Bids Solicited/Rec'd: 1092/4
Exhibit: Commission Agenda Report 08-1286

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

783-10044 – Spare Parts – Security Gates - Executive Airport

(PUR-07)

\$30,917 is budgeted in Fund 468, Subfund 01, BUS070201, 3437.

Award contract for spare parts – automated vehicular gate system and pedestrian gates at Executive Airport is being presented for approval by the Business Enterprises Department.

Recommend: Motion to approve.

Vendor: Supply of America
Jacksonville, FL
Amount: \$30,917.00 (not-to-exceed)
Bids Solicited/Rec'd: 211/2
Exhibit: Commission Agenda Report 08-1287

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

782-10020 – Pavement Markings and Paint Removal - Executive Airport (PUR-08)

\$44,919.50 is budgeted in Fund 468, Subfund 01, BUS070201, 3437.

Award contract for painting services – pavement markings at Executive Airport and Downtown Heliport is being presented for approval by the Business Enterprises Department.

Recommend: Motion to approve.

Vendor: Hi-Lite Markings, Inc..
Adams Center, NY

Amount: \$44,919.50 (not-to-exceed)

Bids Solicited/Rec'd: 323/2

Exhibit: Commission Agenda Report 08-1289

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

784-10055 – Interactive Training System – Executive Airport (PUR-09)

\$22,080 is available in P10965.468-6599 Fund 468 Sub 02; \$88,320 is available in P10965-468A Fund 468 Sub 02;

Purchase interactive training system for Executive Airport in the total of \$130,400 and appropriate \$20,000 to fund this purchase order – Project 10965.

Recommend: Motion to approve.

Vendor: American Association of Airport Executives, Inc.
Springfield, IL

Amount: \$130,400.00 (not-to-exceed)

Bids Solicited/Rec'd: 2306/3

Exhibit: Commission Agenda Report 08-0835

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

482-10108 – Sale of Surplus Steel (PUR-10)

\$75,000 estimated revenue to be credited to Fund 450, Subfund 01, PBS010501, N900.

Sale of surplus scrap steel to Sun Recycling, LLC is being presented for approval by the Public Works Department..

Recommend: Motion to approve.

Vendor: Sun Recycling, LLC
Lantana, FL
Amount: \$75,000.00 (estimated)
Bids Solicited/Rec'd: 246/5
Exhibit: Commission Agenda Report 08-1307

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

Task Order 08-01 – EE & G Environmental Services, LLC (PUR-11)
Purchase of Environmental Engineering Services

\$59,030 is available in Fund 01, Subfund 001, POL020602, 3199.

A motion authorizing the proper City Officials to execute Task Order 08-01 with EE & G Environmental Services, LLC, in the amount of \$59,030 – contractor oversight and construction management services – water damage remediation at Police Department is being presented for approval by the Police Department.

Recommend: Motion to approve.
Vendor: EE & G Environmental Services, LLC
Miami Lakes, FL
Amount: \$59,030.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 08-1318

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

Police Training (PUR-12)

\$137,350 will be available for FY 08/09 in Fund 01, Subfund 001, POL020211, 4116
Subject to FY 08/09 appropriation of the budget.

Police 2008-2009 recruit training and mandatory retraining classes are being presented for approval by the Police Department.

Recommend: Motion to approve.
Vendor: The District Board of Trustees of Broward College, Florida
Fort Lauderdale, FL
Amount: \$137,350.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 08-1246

The Procurement Services Department has reviewed this item and recommends awarding purchase order to a local institute.

785-10023 – Community Housing Development Organization (PUR-13)

HOME Funds; HO2501; \$58,657.65; HO2601; \$394,734.56; HO2406; \$15,438.53; HM07081540; \$620,965.26. See Page 2 – Prior Commission Bord. CAR 08-1295. All index codes are in Fund 108/Subfund 01. Total Award - \$1,089,796.

Award 2006-2007 and 2007-2008 HOME Community Housing Development Organization Funds and Program Income Funds is being presented for approval by the Planning & 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 08-1295

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

785-9993 – HOPWA 2008-2009 Grant Funds (PUR-14)
Housing Opportunities For People With HIV/AIDS Grant

No current year budgetary impact. Money budgeted in 2008-2009 Fiscal Year.

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

Recommend: Motion to approve.

Vendor: Broward House, Inc.; Broward Regional Health Planning Council; Shadowood II, Inc.; Mount Olive Development Corp.; Susan B. Anthony Center, Inc.

Amount: \$5,214,207.00 (funding recommendation)

Bids Solicited/Rec'd: 359/6

Exhibit: Commission Agenda Report 08-1293

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

783-10109 – Disk-Based Backup Appliance (PUR-15)

\$30,815 is budgeted in Fund 581, Subfund 01, ITS020102-6404 and \$30,815 is budgeted in Fund 001, Subfund 01.

Purchase disk-based backup appliance is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: PC LAN TECHS, INC.
West Palm Beach, FL

Amount: \$61,630.00

Bids Solicited/Rec'd: 982/6

Exhibit: Commission Agenda Report 08-1247

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

582-10104 – Park Furnishings

(PUR-16)

\$26,209.60 is budgeted (already encumbered) under P11277.331-6550, fund type 30, Fund 331, Subfund 01; \$41,060.65 is budgeted (already encumbered) under PKR061701-3934, Fund 001, Subfund 01.

Purchase park equipment including barbeque grills, recycled picnic tables, trash receptacles and park benches is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: RelliM Martin, LLC
Houston, TX
American Recycled Plastic, Inc.
Palm Bay, FL
R.J. Thomas Manufacturing Company, Inc.
Cherokee, IA

Amount: \$67,270.25

Bids Solicited/Rec'd: 344/14

Exhibit: Commission Agenda Report 08-1198

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

**682-10088 – Resurfacing Eighteen Clay Tennis Courts
Jimmy Evert Tennis Center At Holiday Park**

(PUR-17)

\$78,195 is budgeted under Fund 001, Subfund 01, PKR011001-3437 (\$75,000 encumbered).

Resurfacing eighteen clay tennis courts – Jimmy Evert Tennis Center at Holiday Park is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Welch Tennis Courts, Inc.
Sun City, FL

Amount: \$78,195.00

Bids Solicited/Rec'd: 473/2

Exhibit: Commission Agenda Report 08-1229

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

B-08-42 – Co-Op Fertilizers

(PUR-18)

No cost to enter into this contract. The dept will spend in accordance with per unit pricing secured through the competitive bidding process & available budget.

One-yr contract for purchase of fertilizers is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Various Vendors (see attached)

Amount: Per Unit Price

Bids Solicited/Rec'd: 16/3

Exhibit: Commission Agenda Report 08-1243

The Procurement Services Department has reviewed this item and recommends award from the SE Florida Governmental Cooperative Purchasing Group.

**583-10105 – Resurfacing and Reconditioning Basketball
And Tennis Courts**

(PUR-19)

\$60,000 is budgeted (already encumbered) in PKR011001-3437 Fund 001, Subfund 01. \$33,205.25 is budgeted in PKR061301-3634 Fund 001, Subfund 01.

Resurfacing and reconditioning ten basketball and tennis courts is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Stewart Tennis Courts & Fencing, Inc.
Bradenton, FL

Amount: \$93,205.25

Bids Solicited/Rec'd: 507/6

Exhibit: Commission Agenda Report 08-1244

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

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel that Consent Agenda Items M-06, M-08, M-13, CR-04 and PUR-14, be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Rodstrom, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Contract Award – Northwest 7 – 9 Avenue Connector - (M-08)
\$757,229.66 – R.J. Behar & Company, Inc.

The City Clerk noted that the funding number has been changed to PO9295.331-6599 from Fund 331.

Amend Operating Budget – Appropriation - \$13,532,231.65 (CR-06)
CDBG, HOME, ESG, and HOPWA Programs

The City Clerk noted that the 2007-2008 final operating budget is being amended.

Amend Operating Budget – Appropriation - \$4,690,261.23 (CR-07)
State Housing Initiatives Partnership Program Grant

The City Clerk noted that the 2007-2008 final operating budget is being amended.

Task Order 08-19 – Hazen and Sawyer, P.C., \$66,233 (M-06)
Color Reduction Bench Scale Testing – Fiveash Water Treatment Plant

Commissioner Teel wanted the public to hear more detail from staff. Paul Bohlander, Assistant Utilities Services Director, said this process will determine the effect of a particular chemical in reducing color. If successful, it would take one to three years for the change.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel 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 – Northwest 7 – 9 Avenue Connector - (M-08)
\$757,229.66 – R. J. Behar & Company, Inc.

In response to Vice Mayor Rodstrom, Albert Carbon, Director of Public Works, confirmed that funding for actual construction of the road will come from other entities. Mr. Carbon

indicated the City received an e-mail from Broward County staff, indicating their supporting. An agreement is being put together for Broward County to pay their share of the cost. He was not aware of a letter from the Broward County Mayor.

Due to the financial impact and that the City may not get the funding, Vice Mayor Rodstrom did not want this to be the road to nowhere. In further response to Vice Mayor Rodstrom, Mr. Carbon confirmed that the right-of-way needs to be purchased and the associated appraisals have not yet been done. Mr. Carbon indicated this proposal does not use any gas tax revenue funding. He elaborated upon use of gas tax revenue by the MPO and other entities from the state and federal level. As to use of the funding, Mr. Carbon expanded on permitted use of federal transportation dollars and the SAFETEA Act (Safe, Accountable, Flexible, Efficient Transportation Equity Act).

Vice Mayor Rodstrom questioned how long it will take to secure all funding to complete the project. Mr. Carbon explained this is a continuation of the process. He enumerated what has been completed to date. In order to be eligible for additional federal and state funding, the project has to be completed to a certain design stage, that being 60% design, which is occurring this evening. It then goes before the MPO, the State and Federal government to see if it is eligible for additional federal funding. At that point, a determination will be made whether the project will move forward.

Vice Mayor Rodstrom pointed out it will be close to a \$1 million investment before starting to dig. Mr. Carbon said the investment is about \$750,000. Vice Mayor Rodstrom noted another study that was done which Mr. Carbon indicated was finished in 2004. Vice Mayor Rodstrom questioned the likelihood of this project getting completed. Mr. Carbon replied that the MPO has this project listed as eligible for funding. There are hundreds of projects, but the MPO prioritized this one. The MPO is a countywide planning agency. Therefore the State and MPO believe this is a good project to move forward. Although it is on the unfunded list, there are projects that do not make that list. Vice Mayor Rodstrom asked how long this project has been on the unfunded list and would this action result in it being placed automatically on the funded list. Mr. Carbon indicated the second phase will not move forward to a funded status as a regional transportation corridor until the 60% design phase is completed. He did not know how long it has been on the unfunded list.

Mayor Naugle read a letter received this afternoon from the Broward County Mayor, which requests the City Commission delay action so that the County could discuss continued participation in the local match cost-sharing at their next meeting on September 23. The letter is attached to these minutes.

Mayor Naugle understood that the County previously said they would match the funds. Mr. Carbon concurred, staff is in the process of obtaining an interlocal agreement. If approved tonight, Mayor Naugle did not think it would harm the County's position, but if they are considering reneging on their promise to fund half, it would be good to get supporters at their meeting on September 23. If the County pulls out, it may make it more difficult to get it moved up on the MPO's list. If the City Commission votes this evening, it could encourage the County to continue their support.

Commissioner Moore commented that even though this project is unfunded, it is ranked by the MPO as eighth and when discussion about this connection began it was ranked 56th. The State made this a targeted project. He outlined the history since 2000. When

the community wanted to narrow Sistrunk Boulevard to two lanes, this connector was discussed as an alternative for movement of traffic. For over a nine-year period the community has requested this connector at the admonishment of the County, the State, and the MPO.

In response to Commissioner Moore, Peter Partington, City Engineer, said the City has expended approximately \$480,000 thus far. Commissioner Moore pointed out if the City does not take the next step, the gas tax dollars will go elsewhere. This is a method of the City receiving a project beneficial to everyone. He wanted to take action.

Broward County Commissioner John Rodstrom explained the letter was sent so that the County could let the City know upfront that they may not move forward with this project. County staff has indicated this is an \$80 million project on the low side in today's dollars and half of the money is a local match. Collectively, the City and County would have to come up with \$40 million. Given current budget constraints and there is no money for the right-of-way and it will only become more expensive, he felt the City should know this will be debated at the next County Commission meeting. The County does not have the money at this time or anytime soon to commit \$20 million to the project. They did not want the City to throw money away \$1 million if the County would not be participating.

Vice Mayor Rodstrom thought it was being charged to the CRA and there is not enough money there for this. In response to Vice Mayor Rodstrom, Albert Carbon, Public Works Director, said the \$480,000 expended was charged to the City's General Fund, plus \$480,000 from the County. The total amount of the proposed contract is \$757,000. The City Commission is being requested to approve \$94,000 with half of it from the County, except they may not participate. The maximum portion of the City's contribution to this contract would be \$94,000 from the CRA. The State would pay the remainder.

Commissioner Hutchinson said if the County decides not to fund the project, where is the City's \$94,000. Mr. Carbon explained the Commission is being requested to approve the \$94,000 tonight. Commissioner Hutchinson did not want to proceed without a partnership. It is a great project, but in light of the fact that the world has changed since the last legislative session, she did not know about a funding source. In response to Commissioner Hutchinson, Mr. Carbon indicated that the MPO has already committed to the \$662,000. Commissioner Hutchinson questioned where the additional funding would come from if the County declines. Mayor Naugle noted that this evening's approval could be subject to the County contributing.

Vice Mayor Rodstrom questioned who picks up the County's portion if the County declines. Mr. Carbon explained this is a staged process. If the City cannot receive participation at this point, it would stop. At the next stage, they need federal, county and city participation.

Vice Mayor Rodstrom questioned if it would be prudent to table this until after the County makes a decision. Mayor Naugle believed the City Commission should pass the item this evening subject to County approval to show the County that the City believes this is important. They should try to sell it to the County on the 23rd.

Commissioner Teel said she has served on the MPO for about 5 ½ years. Once one gets close to the top of the list, they need to show sincere support. The City should not miss this opportunity. She supported the item because it is important to send a

message to the County Commission that the City is serious. The process is lengthy and involved. Without this step, it will never get done.

Commissioner Moore noted thirty-one municipalities have pushed this project forward and agreed to provide \$600,000 plus. As such he questioned the City debating a funding source. If the money is not spent on this project, it will go elsewhere in the state or county. He pointed to the County Commission's recent agreement about a rail concept that could cost \$50 million a mile and no one questioned the funding source. When it comes to \$80-90 million in this part of the city, it may not be funded. This project has gone through community input for years, and it is just as viable as any other transportation project in the county. The same issues would be raised in any project in the county, that is a money source to complete it. This project is no different.

Motion made by Commissioner Moore to approve this item as presented.

Vice Mayor Rodstrom asked about a contingency that no work or money would be spent until the County agrees to be a partner.

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

Mayor Naugle reminded everyone to try to attend the County Commission meeting scheduled for September 23, 2008. He asked that Public Information assist in getting the word out. Commissioner Moore will meet with staff to assure interested parties are informed. The City Manager asked if the City should provide transportation to the meeting for individuals who need it. Commissioner Moore felt the City needs to do whatever is necessary.

**Dockage Lease Agreement – Private Vessel Storage
AM Acquisitions, LLC – Fiscal Year 2008-2009**

(M-13)

Commissioner Moore left the chamber at approximately 7:44 p.m.

This item was removed from the consent at the request of Fayne Lowesman

Fane Lozman, 2100 Broadway, Riviera Beach, asked the Commission to consider whether they are getting a fair and impartial representation that this agreement was not given preferential treatment over other applicants. It was his personal experience in dealing with Jamie Hart, Marine Facilities Supervisor, that it may not be occurring.

Mayor Naugle felt Mr. Lozman's comments were related to an employee, therefore he suggested he speak with the City Manager's Office. Mr. Lozman wanted to be certain there is an impartial presentation for any dockage agreement. Mayor Naugle referred Mr. Lozman to a member of the City Manager's Office.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel 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 during the vote.)

Code Enforcement – Citation Violation Notice Process

(CR-04)

Bunney Brenneman noted that she was the past chair of the Code Advisory Committee. She elaborated upon the time and people involved. She pointed out that one individual can make a difference. She encouraged citizens to volunteer to serve on a City board or committee.

Commissioner Moore returned to the Chamber at approximately 7:48 p.m.

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.

785-9993 – HOPWA 2008-2009 Grant Funds

(PUR-14)

Housing Opportunities For People With HIV/AIDS Grant

Mayor Naugle asked which agencies are new, and is this all of the proposals for HOPWA. Kirk Buffington, Director of Procurement Services, said this is the funding for HOPWA. The tenant voucher program will be presented at the next meeting. The voucher program was originally in this proposal, but the provider withdrew his offer which necessitated a separate RFP.

Mayor Naugle asked if all of the recommended agencies are operating with the City at this time. Mr. Buffington replied yes.

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.

MOTIONS

City Commission Request For Review – Lauderdale Marine Center – 1601 SW 20 Street – Case 62-R-08

(MD-01)

No budgetary impacts.

Applicant: East Yard Partners, LLC/Lauderdale Marine Center
Location: 1601 SW 20 Street
Zoning: Industrial I
Future Land Use: Industrial

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Teel to set a public hearing within sixty days.

Mayor Naugle announced that this item was approved by the Planning and Zoning Board, however, a member of the City Commission filed a request to set a public hearing

to review the application. He noted the options available to the Commission and that this evening is not a hearing on the item, but on whether to have a hearing.

Donald Hall, representing the Applicant, said this matter was considered by the Planning and Zoning Board and the site plan was approved by a 5-2 vote. The standards applied are the same as those just summarized by the Mayor. A re-hearing on this item is not warranted. The code and standards are clear. The project has been found to be compatible.

In response to Commissioner Moore, Mayor Naugle indicated this matter was not brought forward by the district commissioner.

Patrick Sullivan, 1320 Tangelo Isle, said his residence looks at Pier 17 and the Lauderdale Marine Center. When construction began, the community became aware of it and that permission to construct the shed had not been granted. He believed when things are done properly, planning takes place and people in the community are involved, the whole community benefits. In response to Commissioner Moore, Mr. Sullivan indicated he attended and spoke at the Planning and Zoning Board meeting.

Maryanna Marsenison, 1711 Coconut Drive, said her residence faces west on the New River looking directly at this boat shed. She urged a thorough review. She understood that neighborhood compatibility is purely subjective and advantageous to the Applicant. She invited everyone to her backyard to see the impact. She favored a hearing. In response to Commissioner Moore, Ms. Marsenison indicated she attended and spoke at the Planning and Zoning Board meeting.

Cherie Thompson, 1718 SW 20 Street, said her residence is across from the Lauderdale Marine Center. She participated at the Planning and Zoning Board level for the extension of the center. The shed was not included. The community did not want to add anything to what was approved. There probably would have been a bigger fight if this shed was included in the original submittal and perhaps not approved by the board. She questioned that it was not necessary for this request to follow the same process. She asked the Commission to call-up this matter.

Bob Ross, 1104 Orange Isle, asking the Commission to approve the Applicant's request. He attended and spoke at the Planning and Zoning Board meeting. Lauderdale Marine Center is a good neighbor and has brought many jobs to the area.

Susan Ajemian, 1813 SW 23 Street, asked that her neighborhood be given an opportunity to protest this project because it is an eyesore.

Joe Russell, 708 SW 16 Street, pointed out that this building will simply replace an existing one. He favored it. It is an industrial zone and far better than the building that is being replaced. This is the only marine center putting money into the city at present.

Kent Kohlberger, 1100 Orange Isle, said that owns properties in the city and one property is on 20 Street where this shed is being built. He did not favor delaying it. The Applicant cleaned up a dump and are putting money into the community.

Robert Gargano, 1329 Orange Isle, said he resides on the New River directly across from the proposed shed. He is opposed and would like the opportunity of a public

hearing. There has been a great deal of unanswered questions. There is something broken in how the City allowed this to happen. He supports the marine industry. The property may be used as a marina; a massive structure is unnecessary and does not comply with the surrounding community. In response to Commissioner Moore, Mr. Gargano indicated he was out of town and unable to attend the Planning and Zoning Board meeting when this was considered.

Bianca Bryant, 1722 SW 20 Street, said the River Oaks neighborhood would like the opportunity to present their case concerning this matter. They have been deprived of due process. This building did not go through the proper process. It appears the marina has been given preferential treatment. She said that Section 47-24.25A clearly states if the applicant wishes to change the development from that approved in accordance with this section, the amendment is required to be reviewed as a new development in accordance with the procedure for such development. In response to Commissioner Moore, Ms. Bryant indicated she attended and spoke at the Planning and Zoning Board meeting.

Aubri Benjamin, 1824 SW 20 Street, said she was not aware of any public meetings or informed that she could voice her opinion. If a residential property did not follow the process, the owner would be required to first undo everything, then reapply. Industry should be required to follow the same rules. In response to Commissioner Moore, Ms. Benjamin indicated that she resides directly across the entrance to the marina, but it may be a little more than 300 feet to the shed itself.

Barbara Luzzo, 1106 SW 20 Street, said the proposed building was not on the original site plan. She questioned how the building suddenly appeared. No one seems to know how this was permitted. She wanted an opportunity for everyone to voice their opinion. In response to Commissioner Moore, Ms. Luzzo indicated although she was aware this item was to be discussed, she was not at the Planning and Zoning meeting because she was out of the country.

Jim Parks, 9258 Magnolia Court, said he is the Operations Manager at Lauderdale Marine Center. The boat shed is very much needed for their operations. It has been processed through the necessary agencies. It is ready to go into operation. The marine industry is an integral part of the city.

Robert Harvey-George said he is representing Michael Webb of 1328 Orange Isle. Mr. Webb's residence looks directly at the new construction. He wanted a complete investigation.

Joseph Loughren, 1300 Orange Isle, said he was not present at any of the Planning and Zoning Board meetings. He became aware when the building appeared. The code is in place to ensure that the public is able to participate. In this case the building was built and there was the perception that it was a fait accompli. An application was made to amend a prior permit. He believed the process followed was improper as it was irregular at best. He requested and urged there be a hearing.

Jerry Hetfield, 777 South Federal Highway, said although he is not a resident of Fort Lauderdale, he has an interest in yachting. Fort Lauderdale is the Venice of America. Sheds of this nature are needed. This marina is one of the cleanest in the United

States. They merely want to extend to their additional property. He urged the Commission to table this motion.

David Fischer, 1324 Orange Isle, said the rear of his residence faces the subject building. He felt a cross section of the community has spoken and wants this openly discussed. He requested a hearing. In response to Commissioner Moore, Mr. Fischer indicated that he attended the Planning and Zoning Board meeting where this was discussed.

Kirk Demyan, 2020 SW 18 Avenue, said his view used to be beautiful but is now blue barn. He was not at any of the hearings because he works nights. He favored a hearing being held.

Frank Herhold, 2609 Alamanda Court, distributed a letter, dated September 5, 2008, expressing concerns of the Marine Industry Association of South Florida. A copy of the letter is attached to these minutes. The question is when is enough enough. The process was followed and all code regulations were met. He urged the Commission to support the Planning and Zoning Board decision. Everyone had an opportunity at the Planning and Zoning Board meeting. Lauderdale Marine Center is a very important component of the boat show preparations.

John Terrill, Chair of the Marine Advisory Board, said this Applicant came before the board and there was a unanimous vote in support of it. Speaking as an individual, he noted that residents attended the meeting and spoke on both sides of the application. He also attended the Planning and Zoning Board meeting where residents also on both sides. The community has had an opportunity to speak. The process has served the community well. He recommended the matter be tabled.

Mr. Hall said the process was properly applied and the outcome was overwhelmingly in favor of approving the site plan. It would be improper to re-hear the matter.

Dodie Keith, also representing Lauderdale Marine Center, pointed out that community involvement was afforded. Since April, she and other design team members attended every homeowner association meeting and been available for input. Additional resident meetings were also held as to additional amenities that could be provided for the community. The DRC (Development Review Committee) meeting was open to the public. Staff made themselves available to residents. The Marine Advisory Board meeting was open to the public. Their decision was unanimous in support. At the Planning and Zoning Board level, there was lengthy discussion, extended time offered to all residents who wanted to speak. There was a 5-2 vote in support. The decision should stand. The process is in place.

Commissioner Teel asked if the shed was in the plan provided at the homeowner association meetings. Ms. Keith replied it was in the plan presented since April of this year. The shed was not on the plan approved in 2006 which is part of the process suggested to not have been followed. The remedy was to follow the process. Thus a site plan was submitted in April.

Vice Mayor Rodstrom wanted to clarify that the process was followed. Greg Brewton, Director of Planning and Zoning, explained there was an initial error made that the shed was not presented at the original Planning and Zoning and DRC (Development Review

Committee) review. A permit was issued and the shed was included. Therefore, it was determined that the shed should go through proper process. All processes were then followed, and to this date all ULDR requirements have been met as relates to process.

Vice Mayor Rodstrom indicated that she called this up at the request of many residents. Calling up the item was not meant to hurt either the marine industry or the residents.

Commissioner Hutchinson noted a mistake was made. A permit was issued on an expedited review on February 25 and a stop work order was issued on March 11. The applicant was informed that they would have to go through the process which included DRC and Planning and Zoning Board. It was well vetted. She believed if the shed had been part of the original site plan, it would have been approved by the Planning and Zoning Board. The design plans were modified. Conditions were imposed which she enumerated, including a \$75,000 contribution by Lauderdale Marine Center for improvements to the River Oaks neighborhood. Although the residents believe the project will be a serious impact, it has existed since the 1950s. She understands the concerns of the neighborhood, but the Applicant went through the process. The City and the marina were to blame for the mistake but the process was stopped and the proper procedure was followed.

In response to Commissioner Hutchinson, Mr. Brewton said the Planning and Zoning Board's agenda is distributed to every neighborhood association, and due to conditional approval, notices were also sent to property owners within 300 feet of the site. The agenda was also published in the newspaper. Signage is required to be posted fifteen days prior to the meeting. The Planning and Zoning Board is a stickler about signage. Apparently signs were posted because the issue of signs was not raised at their meeting.

Commissioner Hutchinson believed the process was legitimate. She questioned expedited reviews. Mr. Brewton said that staff has corrected the process. He confirmed that the process followed would not have been any different had a mistake had not been made.

Mayor Naugle pointed out that it is important when purchasing property to check the surrounding zoning. This was an industrial area before almost all of the houses were built. The zoning allows buildings up to 150 feet. This shed is being held to less than half of the maximum height shows that neighborhood compatibility was taken into account. When the shed is full of yachts, it will look more attractive. It should be appreciated that the Marine Center is operating a first-class operation. It has the clean marina designation. It means a lot for jobs. He supported the Planning and Zoning Board's decision.

Vice Mayor Rodstrom asked at what point in time would the public decide about façade. Ms. Keith said façade discussions took place at every meeting, including homeowner association meetings, Marine Advisory Board, Planning and Zoning Board and DRC. Homes immediately to the east did not come to a consensus. Therefore, the Applicant used the façade approved by the Marine Advisory Board. Specialty landscape designs were done for neighbors with visual issues and materials were planted in their yards. All buildings have a like theme so they blend together.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Teel to set a public hearing for October 7, 2008.

The Commission made disclosures.

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

RESOLUTIONS

No Objection To Plat Note Amendment – Pat’s Plat - (R-01)
Case 6-P-91A

No Budgetary Impact.

Applicant: D. Fredrico Fazio and Sea Gate Land Ventures I, LLC
Location: North of SE 9 Street, South of SE 8 Street, West of SE 3 Avenue, East of Andrews Avenue
Zoning: Regional Activity Center – City Center RAC-CC

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-210

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS “PAT’S 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.

Plat Approval – Value Place – 2100 State Road 7 (R-02)
Sovereign Development Group IX, Inc. – Case 15-P-07

No budgetary impact.

Applicant: Sovereign Development Group IX, Inc.
Location: 2100 State Road 7
Zoning: General Business B-2
Future Land Use: Commercial

RECESS TAKEN AT APPROXIMATELY 8:38 P.M.

MEETING RECONVENED AT APPROXIMATELY 8:43 P.M.

Anthony Fajardo, Planning and Zoning, explained the Applicant is proposing a plat to construct a hotel. He read that portion of the Commission Agenda Report 08-1024 concerning the engineer's recommendations on access, including conveyance of easements to the City.

Mayor Naugle asked if the plat is approved tonight, what other approvals would be needed from the City and at what level. Mr. Fajardo indicated the associated site plan is Level II which is approved at staff level. Once the plat is approved, a plat note restriction would limit the property to that use. At present the restriction reads 124 hotel rooms. In further response to Mayor Naugle, Mr. Fajardo indicated the site plan would not come before the Planning and Zoning Board or Commission. The Planning and Zoning Board voted to recommend denial.

Mayor Naugle asked about the Planning and Zoning Board's reasons for denial. Mr. Fajardo said issues were raised regarding traffic and level of service for the right-of-way. There was a review by City Engineering and Keith and Schnars, City Consultant. They agree that Applicant has met ingress and egress requirements. Residents brought up issues regarding the actual use at the site, but the board focused on traffic and the interconnection between the northern and southern parcels.

Beth Ann Krinsky, representing the Applicant, noted the plat acreage size, location, zoning and land use designation. The plat note restriction limits use to a hotel that may not exceed 124 units. Dedications and additional rights-of-way, easements and reciprocal access easements explained by Mr. Fajardo will also be shown on the plat and recorded at the time of plat approval. They have provided evidence showing that the plat meets all requirements of City Code, specifically Sections 47-24.5 and 47-25.2. These are the only requirements applicable to plat approval. Information provided to the Commission by the Applicant, volume 2, tab 1A, contains case law where the Fourth District Court of Appeals in 1978 set forth the standard for plat approval that is still applicable today. In Key Note 2, the Court said "...having met all of the legal requirements for obtaining plat approval, the county must approve Narco's plat so that it can be recorded. Inasmuch as Narco has met all the legal requirements for platting land, the county has no discretion to refuse this plat approval...". She indicated that the Court reasoned that all persons similarly situated should be able to obtain plat approval upon meeting uniform standards, such as those set forth in the ULDR (Unified Land Development Regulations). Otherwise, the official approval of a plat application would depend upon the whim or caprice of the public body involved. She submitted that the City's own public record, plat application and all materials submitted and the evidence to be heard and as presented at the Planning and Zoning Board, meet all applicable legal requirements.

Ms. Krinsky pointed out that this is not site plan review. She believed that residents have a goal to make this process as expensive as possible to deter development of this site. She noted a posting of today on a website maintained by residents that said, "So, if we can make this endeavor as expensive as possible for them, they just might drop it." She asked that such tactics not be encouraged. She provided a copy of that web page which is attached to these minutes. The Applicant is a property owner who is trying to develop land that has been zoned for quite some time. Zoning of properties is contained in the public record.

She referred to code provisions in volume 1, tab 3C. Craig Bencza responded to her questions as follows.

Craig Bencz indicated he is a planning manager with Rhon Ernest-Jones IBI Group. He noted his resume at volume 1, tab 18 and that he is a certified planner. He indicated that he has participated in the proposed plat. He described it as approximately 2.5 acres between Riverland Road and State Road 7. Tabs 4 and 5C of volume 1 are responses to City DRC comments and the City Subdivision Regulations, specifically the adequacy requirements. All comments raised by staff were addressed. He confirmed that he testified accurately at the Planning and Zoning Board meetings of December 19, 2007 and March 19, 2008. Tabs 3B and 3C of volume 1: Concerning adequacy requirements in Section 47-25.1, the communications network requirement is not applicable to plats. The plat has no way of interfering with the City's communication network; no plat DRC comments were raised. The plat meets adequacy requirements for drainage facilities. At volume 1, tab 7A, there is a drainage study completed by the Rhon Ernest-Jones firm, which states that all applicable drainage requirements have been met. The plat complies with the fire protection adequacy requirements, which is set forth in volume 1. The Applicant will pay a park impact fee at the time of building permit as required by the City's code. The plat complies with this requirement. The plat complies with the police protection adequacy requirement; they confirmed police protection availability with District III. The plat complies with the potable water adequacy requirement. A letter from the City confirming adequacy was provided in volume 1, tab 6B. A sanitary sewer analysis was provided to confirm capacity and location. A letter from the City, dated August 29, 2007, confirming adequacy was provided by the City. The school requirement is not applicable to this plat because the plat is for a non-residential use. The plat is restricted to 124 hotel rooms. It has been confirmed that solid waste service is available. The plat meets all requirements regarding storm water. Calculations were made to provide the required retention for storm water management on-site that were provided to staff during the review process. The calculations have been based on Broward County and South Florida Water Management District standards. All water quality requirements would be met on-site. The plat has met wastewater requirements. The City provided a letter confirming sufficient wastewater capacity. The trash management requirements have been met. The plat does not contain any historical or archaeological designated sections. Broward County Archaeologist Matthew DeFelice has provided a letter indicating the site does not contain any previously reported archaeological features in volume 1, tab 10A. The hurricane evacuation requirement does not apply because the project is west of Interstate 95.

In further response to Ms. Krinsky, Mr. Bencz indicated that the purpose of the plat is to provide a sketch of the survey with development rights attached that is consistent with the site's zoning. Signs were posted on the site at least two weeks prior to the hearing, copies of which are contained in volume 3 provided the Commission.

She referred to information provided in a white binder concerning traffic for the following questions posed to Alan Tinter. Mr. Tinter responded to her questions as follows.

Alan Tinter indicated he is the managing principal of traffic engineering for the IBI group in Coral Springs. He is a registered professional engineer, working as a traffic engineer for 37 years. He noted his resume is contained in volume 2. It is current as of the Planning and Zoning Board meeting. Since that time Rhon Ernest-Jones has since

been purchased by the IBI Group. He participated in the traffic analysis for this plat. Section 47-25.2M relates to transportation facilities. The analysis performed on this property has indicated there is adequate capacity. Although the code does not specifically require a traffic study for this size development, nor are such studies typically done at the plat level, a detailed traffic analysis was performed on this site and submitted to the City. It has been subject to at least seven reviews by the City's traffic consultant, Keith and Schnars, and traffic engineering staff. There were two updates to the study and at least three response letters to City comments. Jose Rodriguez of Keith and Schnars performed the reviews. Keith and Schnars agrees with the traffic analysis. He referred to a memorandum dated July 2, 2008, provided under tab 11 in the traffic binder, wherein Mr. Rodriguez indicated that he did not believe any of the impacts would affect the plat request and that the traffic study and complimenting documents are satisfactory for the requested plat. In the memorandum, Mr. Rodriguez goes on to recommend the Applicant consider providing a right-turn lane off Riverland Road into the property or to the adjacent property north of the site to accommodate traffic. This has been accomplished, including the provision of easements in volume 3, tabs 1-4. With approval of this plat, there will not be a significant adverse traffic impact. The impact is estimated at 3/10ths of 1%. The Metropolitan Planning Organization (MPO) reviews capacity of roadways and levels of service throughout the county, and helps to identify funding priorities for state, federal and county roadways. They produce a document called, Road and Capacity Level of Service Analysis for 2005 and 2003, exclusively for planning purposes. This document is provided at tab 13 of the traffic binder. He believed on page 7 it indicates that intersection capacities are for provided for planning purposes only, not for detailed analysis, and when there is a question on capacity, more detailed analysis would be required. The analysis submitted by the Applicant provided detailed capacity analysis for the intersections of 441 and Riverland Road and the main access to the properties on Riverland Road. The plat meets the adequacy and subdivision regulations of the City's code.

Ms. Krinsky indicated she would call for testimony if time permitted the following: environmentalist, property owner and surveyor. She provided three binders of information for the record.

Mayor Naugle opened the floor for public comment.

Mark Engel, 2418 Riverview Drive, referred to letters written to the Commission expressing concerns of the residents. There were issues other than traffic related raised at the Planning and Zoning Board meeting where the Applicant was not forthcoming. During the Development Review Committee (DRC) process, staff indicated that Value Place does not meet the City's definition of a hotel. Value Place's web site indicates that they are a short-term rental. The second issue pertains to the level of development being requested, 124 rooms. This is a residential neighborhood and a residential street. The site has been zoned B-2 since it was accessed from 441. When Interstate 595 came through, access from 441 was eliminated. Access is now provided from Riverland Road, a residential street. The property is now part of the neighborhood and not truly B-2. He believed that traffic engineering is not an exact science. The Applicant is analyzing this as a hotel. It is an apartment where everyone will be leaving a 7 a.m. and returning at 5:30-6 p.m. He emphasized traffic congestion when schools are concluding. With respect to the website mentioned earlier, he explained it was used as a way to gain neighborhood support. Because they were concerned with the Applicant's actions as a

result of the site, it was abandoned months ago. He did not know anything about the cited posting.

Lee Bacall, 1640 Riverland Road, opposed the proposed hotel. He questioned whether it could improve the quality of life. He asked if the hotel would right a wrong. He questioned if it prevent the end of something good. He believed it would start the end of something good, but not prevent the end of something good. With 100% occupancy, he estimated a net revenue of \$1,351,463 and sales tax of \$81,087.82. He was concerned about infrastructure cost to the community. He emphasized traffic congestion in this area and that there is no access from 441 to the property without involving the residential area. He objected to that.

Linda Pisano, 2524 Flamingo Lane, opposed the project and asked that the plat be denied. When the City courted this community to join the City, it promised to maintain the unique characteristics of their neighborhood. This is a residential neighborhood, not low rent apartments or a low rent hotel. Approval of this plat would be a broken promise. She believed that the Applicant has presented information in different ways to different groups. The Applicant indicated to civic association groups that they would rent weekly only for \$350-\$400 per week. Online, weekly rentals are \$225 weekly. The civic associations were assured there would be no nightly rental. When it was pointed out that would not meet the definition of a hotel, they indicated to the Planning and Zoning Board that they would rent nightly. They also said they were not an extend-stay hotel. She believed that was a clear misrepresentation. She urged the Commission to review the record of the Planning and Zoning meetings. Information provided to the Planning and Zoning Board contained letters of support from residents. Only one is in the affected area. The remainder were from people who lived in northeast Fort Lauderdale, apartments on the other side of Interstate 95 or not Fort Lauderdale residents. She asked the Applicant's trustworthiness be considered.

George Counts, 2449 Nassau Lane, said he lives near the proposed project. He pointed out that a day labor business recently located in the area. He was concerned about locating a low-end budget motel also in the area. Although the City staff have indicated it meets requirements as to police protection, but impact on response times was not mentioned. He noted another hotel of this nature on State Road 84 that gets more calls than practically any other in the county. He was concerned the same might occur here. Signs were posted on State Road 7 where there is no place to stop. Some were blown over and others were difficult to read. One would have to park two or three blocks away and walk to the sign to read it. When the hearing date was changed, the sign was not changed. There is another facility proposed for the same general area. He believed the two could trigger four-laning of Riverland Road. He questioned whether there is water capacity. He was concerned generally with the combined impact of proposed development in the area.

Scott Distefano, 2410 SW 29 Way, said he is an architect. The plat was denied by the Planning and Zoning Board for numerous reasons. The Board found that the use was not compatible, it did not meet the City's definition of a hotel. As to the quality of clientele, the Applicant openly acknowledged that they screen for sexual predators. The building is not compatible. It is four stories in a predominantly one-story neighborhood. The biggest issue seems to be traffic. Riverland Road was graded by the MPO as level of service E. It is a grading scale of A to F, which means E is below passing. The intersection of 441 and Riverland Road is level of service F. The stretch of Riverland

Road from Interstate 595 to Davie Boulevard is level of service F. Riverland Road is level of service E. While an argument can be made that this would only increase the capacity by less than 1%, he would disagree with that statement. His numbers are radically different at 4% to 10% over capacity on an already over-capacity road. This problem was created because access was denied by the Department of Transportation to the properties from 441. Residents should not have to pay the price for the problem.

Brian Wilson, 2181 SW 28 Way, said the two big issues presented to Planning and Zoning were traffic and neighborhood compatibility. Traffic studies have a margin of error; they can be modified to meet certain goals. They used hotel based dynamics for what the City agrees is not a hotel. Neighborhood compatibility has not been adequately addressed. After tonight, there will not be a forum for the neighborhoods to voice their opinions. As to credibility of the Applicant, he suggested the Commission look at the e-mail sent out. A forum was created to raise public awareness, but it became evident that it was a tool for Value Place to push their agenda. The plat is objectionable to Riverland neighborhood.

Charles Grimsley, 2421 Woodside Drive, said he is the newly elected president of Riverland Woods Homeowners Association. At a recent board meeting, there was a unanimous vote to oppose this development. He elaborated upon his profession. This is a David and Goliath situation. Value Place is well funded. It has been his experience that if one has the funding, he or she will find an expert. He challenged the statutory definition of a hotel. There is no restaurant, no bar, no swimming pool or maid service until one moves out. It is not compatible with the neighborhood. The entire community has been against this consistently from day one. He asked the Commission to deny the plat.

Frank Garcia, 2406 Marathon Lane, commented that it is a financial burden when meeting dates are changed because he has to change flights in order to attend. The Applicant's presentation is not truthful. There are only two access points to the neighborhood. When the Applicant says they presented signs and advertised the change of venue for the meetings, it is not true. More people would have been present this evening. He asked the Commission to not allow this type of development in their neighborhood.

William Dirbyshire, 3380 SW 18 Street, was concerned about the adverse effect of this project on area communities. The residents are scared that this project will be approved and destroy their quality of life. Immediately to the west and north there are high crime areas. Low rent apartments will invite an element they do not want. With respect to sex offenders, there is a park nearby, along with a middle and elementary school and a daycare facility. Traffic could be a problem, although he suspected most traffic will be on foot with people crossing 441 and moving in. He hoped the Commission would consider all of the issues raised when making their decision.

There was no one else wishing to speak.

Mr. Distefano responded to questions raised by Ms. Krinsky. Mr. Distefano said he is traffic engineer, but not registered with the State of Florida. He did not believe it is necessary to be registered. He has served as a traffic engineer since the start of Value Place, 2007. Mr. Distefano agreed he was hired by the City and no other traffic engineers have been retained to support his statements. He was aware that the traffic

study submitted by the Applicant has been reviewed by Dr. Ortega, Alan Tinter, the City's traffic engineer and an outside consultant retained by the City. They have not acknowledged that the level of service is E and F. It is already an over-capacity roadway. He was aware of an agreed methodology by the City regarding the traffic studies. He acknowledged he has resided in this neighborhood for close to nine years, but was not aware of the subject property zoning when he moved here. He also acknowledged that the Department of Transportation had a part in the problem when they widened the road and took away access.

Mr. Engel responded to questions raised by Ms. Krinsky. Mr. Engel said he is an architect. As part of his profession, he has reviewed traffic studies, but has not performed on for this plat. He understands that plat approval is different than site plan. He also understands there is a restriction on the proposed plat for hotel use and 124 rooms. He acknowledged when he first heard of the hotel proposal he was cautiously optimistic. He thought it would add value to the neighborhood, but this will not add any value to the neighborhood.

Ms. Pisano responded to questions raised by Ms. Krinsky. Ms. Pisano acknowledged she was aware of the residence locations in reference to the letters submitted at the Planning and Zoning meeting because the addresses were listed on the letters.

Mr. Tinter responded to questions raised by Ms. Pisano. Mr. Tinter indicated he was hired by the Applicant to be present tonight. He is generally paid \$225 per hour. He did not know how many hours he has worked on this project. He attended the Planning and Zoning Board meeting of about four hours in addition to this evening. Also, he prepared for a good part of today and most of yesterday. They were retained in February to review the traffic study prepared by another consultant. He explained if his opinion was not favorable to the Applicant, he would not be present this evening. He was retained to provide traffic engineering expertise and an opinion relative to the analysis. His suggestions were completed by the Applicant's other traffic consultant. He was not paid for his opinion, but rather his time.

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

Mr. Tinter indicated the other traffic consultant is Dr. Ortega, but he did not know Dr. Ortega's hourly rate.

Commissioner Moore left the chamber at approximately 9:48 p.m.

Commissioner Hutchinson returned at approximately 9:49 p.m.

Ms. Krinsky noted this is a plat review. There is a specific process for site plan review, and everyone present this evening will be able to participate in. Value Place is planning to build a hotel on the subject site, but this evening is about a plat for any hotel that cannot exceed 124 units. This is not the forum to determine the use. The only legal criteria is whether the plat meets the adequacy of the subdivision regulations and requirements. City staff has indicated it meets those requirements, as well as experts retained by the City and the Applicant and evidence presented. She asked this be treated as a plat. She asked the Commission to confer with the City traffic engineers and the outside consultant retained by the City. She added that the City's engineers

have agreed there is no significant adverse traffic impact. They approved the traffic studies; the Applicant followed their methodology.

Commissioner Moore returned at approximately 9:50 p.m.

In response to Commissioner Moore, Greg Brewton, Director of Planning and Zoning, said that tonight a plat is before the Commission that restricts the use to a hotel. In relation to a plat, staff does not conduct an analysis as to a hotel. This is a plat note indicating that a hotel will be there. Assessment of whether a hotel will be built there would be done at the site plan level. A site plan has been submitted for DRC (Development Review Committee) review. The information submitted meets the requirements of a hotel subject to any other hotel that be built on that site. The application presented to the DRC indicates they will operate as a hotel, but whether that occurs would be subject to final review by the DRC. Commissioner Moore asked if there has been any representation at the public hearings and through the DRC process of why they believe this development is not a hotel. Mr. Brewton said that several issues arose at the DRC and Planning and Zoning Board levels as to whether they would meet code as it relates to a hotel. Staff posed that question to the Applicant and they have indicated they will meet code requirements. There is a concern that their operation in other areas would not meet the City's requirements as a hotel. The Applicant has indicated they would revise existing regulations to include that they operate as a hotel in Fort Lauderdale. Commissioner Moore asked Mr. Brewton to exemplify the differences. Mr. Brewton said that the City requires there be daily maid service, they operate with a switchboard and that room service be available. It is his understanding that a few of their other locations operate on a weekly basis without daily maid service. This would have to be strictly enforced.

Commissioner Moore asked if the Applicant understands the City's process as to designation of a hotel. Ms. Krinsky understood it is set forth in the code. A letter from the president of Value Place was submitted that states he understands there is a different process for a hotel in Fort Lauderdale and that Value Place would comply. She reiterated that this is a plat; the operational structure of a hotel that would eventually be built is not relevant.

In response to Commissioner Moore, Mr. Brewton advised that B-2 zoning will allow a hotel at this location. The property has been zoned B-2 for several years and was so designated when the Applicant acquired the property.

In response to Mayor Naugle, Ms. Krinsky introduced Steve Sutter, Senior Director of Development for Value Place Hotel, operating in the Naples' office and Paul Aragon, owner, is present.

In response to Mayor Naugle, Mr. Sutter said he resides in Naples, Florida. They have 102 hotels open and 55 under construction. They expect to have 150 open by December 31st. Room size varies, but the average is 300 square feet. The range is 285 to 315 square feet. Mayor Naugle asked if they normally rent daily or weekly. Mr. Sutter said they operate in 24 states within the applicable city, county or state codes. Daily rates are offered. Discounts are offered for weekly. Mayor Naugle asked if they operate mostly on a weekly or daily basis. Mr. Sutter indicated it depends on the location; they follow local codes and rules. The majority of the rentals are weekly. Mayor Naugle asked if any of the people residing in a Value Place hotel would send their

children to area schools. Mr. Sutter indicated that has occurred occasionally while they are waiting for their home to be completed. Mayor Naugle asked if any Value Place hotel has been the subject of any crime problems or code enforcement actions. Mr. Sutter said there have been no code enforcement actions, but noted that all businesses have crime. They have a zero tolerance policy. There are fifteen cameras. They do not allow any illegal activity; guests have been asked to leave. In further response, Mr. Sutter was not aware of any opposition to any of their hotels because of crime problems. Typically there will be two employees on site 24/7.

Commissioner Hutchinson noted long before this plat went to Planning and Zoning and rumblings first began, she and members of staff called Value Place's 800 line to make reservations. They then called a Value Place hotel in Georgia directly for an overnight stay over Thanksgiving weekend. An employee by the name of Princess indicated that corporate policy disallowed nightly rental. She then made many more phone calls. There is a corporate policy across the country that rooms are rented by the week, not by the night. Tonight, it has been said that this particular hotel would rent on a daily basis. Mr. Sutter indicated they have a number of hotels that operate differently. Commissioner Hutchinson wanted to eventually see a list. Mr. Sutter said that possibly a year ago that could have been the case. Mayor Naugle pointed out that the City Manager just went on Value Place's web site and it indicates weekly only. Mr. Sutter clarified that it says starting at \$169 per week which is an advertisement. The City Manager said the web site states the rates quoted are weekly rates. When you call the 800 line, they say that they do not rent by the day. Mr. Sutter believed it was last year. However, the City Manager indicated it is on the website tonight.

Vice Mayor Rodstrom asked if there are cooking facilities or kitchenettes in the rooms. Mr. Sutter said the request is for a plat. It is a hotel.

Mayor Naugle noted there will be a note on this plat restricting the use to 124 hotel rooms. If it is an apartment building, it is not zoned for an apartment building. He believed it is relevant.

Vice Mayor Rodstrom asked if she has to approve the plat if she has unanswered questions. Mr. Brewton believed these are valid points as it relates to the plat note. If the Applicant does not meet the hotel requirements, it would not be permissible in the current zoning classification. If it were, staff would be looking at this from a different perspective in terms of adequacy, parking, landscaping and so forth. As to comfort level in approving it this evening, he deferred to the City Attorney.

In response to Vice Mayor Rodstrom's question of whether there are kitchenettes or cooking facilities in the rooms, Mr. Sutter replied yes. In further response to Vice Mayor Rodstrom, Mr. Sutter indicated he was not aware of Value Place having a star rating.

Commissioner Moore visited a Value Inn in Pompano off Sample Road and Interstate 95. Mr. Sutter indicated that is not Value Place. In further response to Commissioner Moore, Mr. Sutter indicated this hotel will be a franchisee. Commissioner Moore believed a franchisee would have a greater opportunity to deal with the City's local rules and regulations. Mr. Sutter concurred.

Commissioner Moore wanted to speak with the franchise operator. Ed Gard indicated he is the Development Manager for Liberty Investment Properties with offices in

Maitland, Florida. Commissioner Moore asked if Liberty will be the owner and operator of this franchise operation. Mr. Gard said Liberty is currently the largest franchisee in the country, and currently they are investigating whether to participate in this location. In response to Commissioner Moore, Mr. Gard explained that Mr. Sutter operates for corporate who performs entitlement services to help some franchisees get approved. Typically, he provides testimony in discussions. Liberty has used Value Place residential real estate services on occasion, but many times they do their own. Liberty will be involved in the process if they decide to move forward as franchisee for this location. In further response to Commissioner Moore, Mr. Gard indicated all of their operations have maid service available daily. There is no one sitting at a switchboard 24 hours per day.

Ms. Krinsky objected to any consideration of items outside the relevance of the plat being considered regarding operation of the hotel.

Commissioner Moore explained his reasons for discussion about the hotel use. In response to Commissioner Moore's indication that if this is platted as a hotel and Value Place will have to build to meet the City's definition of a hotel. Mr. Brewton confirmed that as correct. When it was stated that guest cleaning services would be available, Mr. Brewton noted the code requires it must be provided. He felt there is a difference.

Commissioner Moore understood if something other than a hotel is offered, the site plan would not pass. Mr. Brewton confirmed that as correct.

Commissioner Teel noted the last speaker referred to Value Place Residential which makes her feel it is more of a residential operation. She asked if the plat is approved with the Applicant stating it is a hotel and after it is completed, it was found they were operating as a residential unit, what would occur. The City Attorney advised that Code Enforcement would enforce whatever conditions were placed on the plat and possibly the operation could be shut down. When Value Place comes in for site plan approval, they will have to demonstrate that they meet qualifications for a hotel which would include a switchboard that may be required 24 hours a day. Commissioner Teel asked what would happen if they do not ultimately operate with a switchboard and laundry service. The City Attorney said if they no longer qualified as a hotel, he believes the City could shut down their business.

Commissioner Moore noted that Super Duper liquor store has operated for five years without an occupational license and it is still operating today. He also mentioned a storage operation that is in violation of the code, but they continue to operate. He was concerned as to the appropriate action for this evening. He has no assurance of who the end user will be. He clarified that this vote is on the plat and nothing else. In response to Commissioner Moore, the City Attorney advised tonight is for one purpose which is to determine whether the plat meets the adequacy requirements of the code. He responded that B-2 zoning allows a hotel use. Mr. Brewton indicated the property was designated B-2 prior to the Applicant acquiring the property. Mayor Naugle indicated B-2 does not permit an apartment complex. Commissioner Moore concurred and added that this action does not allow for an apartment complex.

Mayor Naugle pointed out there is reason to believe based on evidence that it could be called a hotel, but operated as an apartment complex.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 08-

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

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-211

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A PLAT KNOWN AS "VALUE PLACE LLC 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.

PUBLIC HEARINGS

**Central Wastewater Region Large User Rate -
Fiscal Year 2008-2009**

(PH-03)

No budgetary impact.

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 introduced the following resolution:

RESOLUTION NO. 08-212

A RESOLUTOIN OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SET A RATE OF \$1.24 PER 1,000 GALLONS, DURING FISCAL YEAR 2008/2009, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION, AND AN EFFECTIVE DATE.

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.

Program Amendments – Community Development Block Grant Program (PH-04)

All index codes are in Fund 108/Subfund 01. CDBG Rehab Admin – CD1436/8001 \$45,878.79; CDGB 06-07 Admin – 0006ADM/8004, \$39,535.00; Davie Boulevard Streetscape 02-031 CD1032/8001, \$17,034; Davie Boulevard Streetscape 06-071, CD1435/8001, \$2,206; Davie Boulevard Streetscape 07-081 CD07081435/8001, \$50,102; NAIL Program CD0109/8001, \$50,000; NCIP CD0219/8001, \$42,547.73; Rental Rehab CD9844/8001, \$537,624.35.

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 Hutchinson wanted to know why funds are being lost. Wayne Jessup, Planning and Zoning, advised that other identified items responding to the plan were for paving across the crosswalks which cost significantly more than the remaining balance. It was required that the funds be expended by a certain period. Mayor Naugle explained that otherwise the funds have to be returned. Mr. Jessup indicated that it does not mean that new money could not be brought to the project.

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

ORDINANCES

Rezoning To Limited Residential Office (O-01)
1300 and 1310 SE 1 Avenue – Case 5-Z-08

No budgetary impact.

Applicant: Julie and Timothy Hager and Larry Atwell and Kevin Kicher
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 introduced the following ordinance on SECOND 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 13TH STREET AND SOUTHEAST 1ST AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Water, Sewer and Stormwater Rate Increase
Fiscal Year 2008-2009

(O-02)

No budgetary impact.

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-08-42

AN ORDINANCE AMENDING CHAPATER 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: Commissioner Teel, Commissioner Hutchinson, and Mayor Naugle. NAYS: Vice Mayor Rodstrom and Commissioner Moore.

Code Amendment – Section 2-199 – Purchase of
Insurance Procedure

(O-03)

No budgetary impact.

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-43

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE PROCEDURE FOR THE PURCHASE OF INSURANCE AND INSURANCE-RELATED SERVICES VIA NEGOTIATION; AMENDING THE DEADLINE FOR PROTESTS OF INSURANCE AND INSURANCE-RELATED SERVICES CONTRACT AWARDS; AMENDING

SECTION 2-199 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Advisory Board /Committee Appointments

(OB)

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

Centennial Celebration Committee	Jan Idelman
Citizens Committee of Recognition	Eugenia Ellis E. Birch Willey
Community Services Board	Emmett Kater James Currier Donald Ray Karney, III Christopher Priester Margaret Haynie Birch Janice Hayes Kevin Hull
Education Advisory Board	Jacqueline Ackerina
Nuisance Abatement Board	Douglas H. Reynolds
Parks, Beaches and Recreation Board	Curtiss Berry Mark McCormick Betty Shelley Sean Fee Jay A. Verkey Donna Guthrie Larry Mabson Robert Payne

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 08-213

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.

There being no other matters to come before the Commission, the meeting was adjourned at 10:29 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk