

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**OCTOBER 21, 2008**

**Agenda**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
October 21, 2008**

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

Roll call showed:

Present: Commissioner Christine Teel  
Vice Mayor Charlotte E. Rodstrom  
Commissioner Carlton B. Moore (Arrived at 6:01 p.m.)  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: None.

Also Present: City Manager                   George Gretsas  
City Auditor                           John Herbst  
City Clerk                               Jonda K. Joseph  
City Attorney                         Harry A. Stewart  
Sergeant At Arms                 Sgt. Monica Ferrer & Sgt. David Cortes

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

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the agenda for the meeting of October 21, 2008. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Hutchinson and Teel, and Mayor Naugle. NAYS: None. Commissioner Moore was not present.

Commissioner Moore arrived at approximately 6:01 p.m.

**Presentations**

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

Commissioner Moore presented the WOW Award to Darrin Brown who resides at 1940 NW 14 Avenue in District III. Mr. Brown thanked the Commission for the award and all those involved in revitalizing this neglected property.

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- 2. Building Citizenship In the Community: (PRES-02)**

**Back To Basics – October 21, 2008**

Vice Mayor Rodstrom read a proclamation designating October 21, 2008 as “Building Citizenship in the Community: Back To Basics.”, a program initiated by the Florida League of Cities and noted it will be provided to the League.

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**3. Florida City Government Week – October 19-25, 2008 (PRES-03)**

Commissioner Hutchinson read a proclamation designating October 19-25, 2008, as “Florida City Government Week”, a program initiated by the Florida League of Cities, and noted activities spearheaded by the City in the interest of Florida City Government Week.

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**4. FEMA – National Flood Insurance Program - Community Rating System – Recognition of City Employees (PRES-04)**

The City Manager noted the City has assisted residents by making them eligible for a discount on flood insurance through the City’s voluntary participation in the national flood insurance program. Typically, communities are only eligible to change their rankings every five years, but Fort Lauderdale petitioned FEMA to request a special modification two years early in order to provide residents with a higher discount. Under the leadership of Robert Bates, Director of Professional Standards, the City formed a group of employees from various departments. They adopted proactive measures by implementing higher regulatory standards, preserving open spaces, maintaining drainage system, conducting stormwater management, updating flood data and raising public awareness. As a result the City improved its ranking. Property owners and renters are now eligible for a 15% discount on flood insurance premiums representing up to \$850,000 in savings.

Mr. Bates introduced the employee team who were recognized by the Commission: Amy Aiken, Chris Augustin, Valerie Bohlander, Curtis Craig, Monique Damiano, Guy Hine, Ted Lawson, Roland Macomber, Don Morris, Rich Riley, and Shannon Vezina. He also acknowledged three former employees: Betty Burrell, Chris McFadden, and Erin Mohres.

Mr. Bates thanked everyone he worked with and wants the Commission to understand how devoted these individuals were regarding this project. He proceeded to read the wording on the plaque.

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**Consent Agenda (CA)**

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

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

however, that item may be removed from the Consent Agenda and considered separately.

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**Event Agreement – Halloween Safety Walk**

**(M-01)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward Health for Halloween Safety Walk, to be held at Esplanade and area sidewalks on October 25, 2008, 9AM – 12 noon.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1183

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**Event Agreement – Trick or Treat on Second Street  
Closing SW 2 Street**

**(M-02)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Old Town at Riverwalk Merchants Association, Inc. for Trick or Treat on Second Street, to be held October 31, 2008, 3 PM – 12 midnight and closing SW 2 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1424

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**Event Agreement – Get Downtown**

**(M-03)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Get Downtown, to be held on November 14, 2008 at the Plaza, 333 East Las Olas Boulevard, 5 PM – 8 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1529

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**Event Agreement – 15<sup>th</sup> Annual Cranberry Jam - Closing  
Sunrise Lane**

**(M-04)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Covenant House Florida, Inc. for 15<sup>th</sup> Annual Cranberry Jam, to be held November 26, 2008, 6 PM

– 12 midnight and closing Sunrise Lane from NE 9 Street to north property line of Parrot Lounge.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1536

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**Event Agreement – Healthy Lifestyle Longer Life (M-05)**  
**Health Fair – Closing SW 12 Court**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Seventh Day Adventist Church – Affiliate of Florida Conference of Seventh Day Adventists for Healthy Lifestyle Longer Life Health Fair to be held at the church on November 2, 2008, 12 noon – 5 PM and closing SW 12 Court, contingent upon the City Attorney's Office receiving and approving executed agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1509

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**Event Agreement And Co-Sponsorship (M-06)**  
**City Link's Annual Beerfest**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Forum Publishing Group, Inc. for City Link's Annual Beerfest, to be held November 28, 2008, 5 PM – 11 PM, at Huizenga Plaza and approving co-sponsorship to allow banners at specified locations, subject to permitting regulations.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1413

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**Event Agreement – November Fest 2008 (M-07)**  
**Closing NW 7 Street**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Youth For Christ Outreach Ministry, Inc. for November Fest 2008, to be held November 8, 2008, 12 noon – 3 PM at 675 NW 22 Road and closing NW 7 Street from NW 22 Road to western edge of church property.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1511

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**Event Agreement – Broward County Fair** (M-08)  
**Closing NW 55 Street**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward County Youth Fair, Inc. for Broward County Fair, to be held from November 20-30, 2008, 5 PM – 12 midnight on weekdays and 12 noon – 12 midnight on weekends, at Fort Lauderdale Stadium festival grounds and closing NW 55 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1524

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**Event Agreement – Get Your Green on Gala** (M-09)  
**Closing SW 2 Street and SW 4 Avenue**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the Museum of Discovery and Science, Inc. for Get Your Green On Gala, to be held November 8, 2008, 6 PM – 12 midnight and closing SW 2 Street between SW 4 and 5 Avenues and SW 4 Avenue from Broward Boulevard to SW 2 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1526

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**Event Agreement – Fort Lauderdale Marine Flea Market** (M-10)  
**And Kansas City BBQ Society State Championship**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Jamie B., Inc. for Fort Lauderdale Marine Flea Market and Kansas City BBQ Society State Championship to be held November 14 and 15, 2008, 7 AM – 7 PM, and November 16, 2008, 7 AM – 6 PM at Mills Pond Park.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1543

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**Extension of Agreement – Community Foundation Of** (M-11)  
**Broward, Inc. – People For Parks Fund**



**No budgetary impact.**

A motion authorizing proper City Officials to execute a ten-year extension to agreement with Community Foundation of Broward, Inc. – administering contributions from the public to People for Parks Fund.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1491

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**Fort Lauderdale Beach Music Festival – May 23 and 24, 2009  
Agreement – Events Acquisition Corporation**

**(M-12)****No budgetary impact.**

A motion approving an agreement with Events Acquisition Corporation to conduct Fort Lauderdale Beach Music Festival or other title as mutually agreed upon in the future, on Fort Lauderdale Beach, May 23 and 24, 2009.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1435

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**Riverside Hotel – 610 East Las Olas Boulevard  
 Development Agreement – Case 78-R-07**

**(M-13)****No budgetary impact.**

**Applicant:** The Las Olas Holding Company, Inc.  
**Location:** 610 East Las Olas Boulevard  
**Zoning:** Downtown Regional Activity Center – East Mixed Use  
 RAC-EMU  
**Future Land Use:** Downtown Regional Activity Center DRAC

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1538

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**Qualified Target Industry Program - Home  
 Diagnostics, Inc. - \$3,000 – Florida Office of Tourism,  
Trade and Economic Development**

**(M-14)****Fund 001, Subfund 01, EDV010101-4299, Other Contribution - \$3,000**

A motion authorizing City's portion of payment to Florida Office of Tourism, Trade, and Economic Development – Qualified Target Industry Program – Home Diagnostics, Inc. - \$3,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1530

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**Official Records of Broward County – Recording Fees - \$25,000** (M-15)

**This item is budgeted in Fund 001/01 in FIN040201/3216 (costs/fees/permits). There are sufficient funds to cover this estimated annual expenditure of \$25,000.**

A motion approving annual expenditure of funds for recording fees, estimated at \$25,000 to be paid to Broward County.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1533

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**Financial Audit Services Contract – Ernst & Young LLP** (M-16)  
**Additional Fee – Auditing Grants**

**\$44,000 available in Fund 001/01, Index GEN020101 Subobject 3101 Audit & Accounting. To be allocated to all grants included in the Single Audit.**

A motion approving an additional fee of \$11,000 to Ernst & Young LLP for auditing each major grant above the four grants included in their base fee up to a maximum of \$44,000 – financial audit services contract – fiscal year 2007-2008.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1522

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**Insurance Policy Adjustment – Supplemental Payment For** (M-17)  
**Additional Buildings – Fire Stations 47 and 53 - \$61,583.24**

**\$61,583.24 is budgeted in Insurance Fund 543/01, INS010101, Subobject 5101, All Risk Prop Carrier.**

A motion authorizing a supplemental payment to City's property insurance carriers in the amount of \$61,583.24 – adding Fire Stations 47 and 53 to policy.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1532

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**Settlement of Hurricane Wilma Property Damage Claim -** (M-18)  
**\$1,577,408.43 – Factory Mutual Insurance Company**

**Proceeds will be temporarily deposited into Fund 125/01; Index Code FD12501, Subobject N403 and subsequently, will be appropriated to the specific projects.**

A motion authorizing settlement in the amount of \$1,577,408.43 – City's property damage claim with the City's property insurance carrier, Factory Mutual Insurance Company, resulting from Hurricane Wilma.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1541

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**Settlement of Worker Compensation File WC-05-12688 - \$45,000** (M-19)

**Funds are budgeted in INS010101-5125 (Workers' Compensation Claims), Fund 543/01. There are sufficient funds to cover this \$45,000 settlement.**

A motion authorizing settlement of Worker Compensation File WC-05-12688 (Robert Cammarota) - \$45,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1501

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**Settlement of Vehicle Accident General Liability File VA GL 07-432 - \$45,000** (M-20)

**Funds are budgeted in INS010101/5104 (Automobile Liability Claims), Fund 543/01. There are sufficient funds to cover the amount of \$45,000.**

A motion authorizing settlement of Vehicle Accident General Liability File VA GL 07-432 (Steven Green) - \$45,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1499

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**Emergency Work Assignment – Man-Con, Inc. - Appropriation \$110,200 – Davie Boulevard Water Main Abandonment** (M-21)

**Appropriate \$110,200 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10553.482-6599.**

A motion appropriating \$110,200 to fund Davie Boulevard water main abandonment – Package C – between State Road 7 and Interstate 95 by Man-Con, Inc. – Project 10553 – emergency work assignment and estimated engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1502

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**Task Order 08-15 – Hazen and Sawyer, P. C. - \$95,756 (M-22)**  
**Prospect Wellfield Backup Power Improvements**

**Appropriate \$107,250 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11330.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Task Order 08-15 with Hazen and Sawyer, P.C., Inc. in the amount of \$95,756 – engineering services – Prospect Wellfield backup power improvements – Project 11330; and (2) appropriate \$107,250 to fund this task order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-0950

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**Task Order 66 – Camp Dresser & McKee, Inc.- (M-23)**  
**\$26,966 – Flow Monitoring Study – Pumping Station A-7**

**Appropriate \$35,000 from P11197.454, Water and Sewer Fund Recap, to P11428.454-6599, both in Fund 454, Subfund 01.**

A motion authorizing the proper City Officials to: (1) execute Task 66 with Camp Dresser and McKee Inc., in the amount of \$26,966 – engineering services – Flow Monitoring Study for Pumping Station A-7 – Project 11428; and (2) appropriate \$35,000 to fund this task order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1484

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**Amendment 4 – Task Order 01-06 – Hazen and Sawyer, P.C. - (M-24)**  
**\$117,340 – Peele Dixie Membrane Water Treatment Plant and Storage Tank**

**Appropriate \$131,500 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10454.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Amendment 4 to Task Order 01-06 with Hazen and Sawyer, P.C. in the amount of \$117,340 – additional construction management services – Peele Dixie Membrane Water Treatment Plant and Storage Tank – Project 10454; and (2) appropriate \$131,500 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1276

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**Amendment 2 – Task Order 16 – Camp Dresser and McKee - (M-25)**  
**\$25,000 – Wastewater Pump Stations A-9, B-5, B-6, B-13**  
**Rehabilitation**

**Appropriate \$28,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10545.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Amendment 2 to Task Order 16 with Camp Dresser and McKee, Inc., in the amount of \$25,000 – additional services required during construction – Group II Pump Stations A-9, B-5, B-6, B-13 Rehabilitation – Project 10545; and (2) appropriate \$28,000 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1364

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**Community Transit Services – Agreement (M-26)**  
**Downtown Fort Lauderdale Transportation**  
**Management Association**

**\$140,881.98 is available in Fund 129, Subfund 01, GSHUTTLE09-4204.**

A motion authorizing the proper City Officials to execute 99-day agreement with Downtown Fort Lauderdale Transportation Management Association – funding for continued community bus services – October 23, 2008 – January 29, 2009.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1525

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**Contract – Green Construction Technologies, Inc. - (M-27)**  
**\$223,700 – Boundless Playground – Mills Pond Park**

**Appropriate \$46,000 from General Fund Holding Account P11236.331 to Mills Pond Park New Boundless Playground P11075.331 and \$149,519.80 is available in P11075.331 all in Fund 331, Subfund 01, Subobject 6599. Also \$85,000 is available in P11075.129, Fund 129, Subfund 01, Subobject 6599.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Green Construction Technologies, Inc., in the amount of \$223,700 – Mills Pond Park – Boundless Playground at Mills Pond Park – Project 11075; and (2) appropriate \$46,000 to complete the funding.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1486

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**Contract – Budget Construction Co., Inc. - \$170,552.50 (M-28)**  
**NE 15 Avenue – NE 18 Street Roundabout Safety Improvements**

**\$18,000 is available in P11210.331, and appropriate \$180,000 and \$8,368.53 from P11236.331 and P10902.331 respectively to P11210.331 all in Fund 331, Subfund 01, and Subobject 6599.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Budget Construction Co., Inc., in the amount of \$170,552.50 – NE 15 Avenue – NE 18 Street roundabout safety improvements – Project 11210; and (2) appropriate \$180,000 from P11236.331; and (3) appropriate \$8,368.53 to fund contract, contingencies and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1507

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**Change Order 3 – Foster Marine Contractors, Inc. - \$14,669.50 (M-29)**  
**Lauderdale Manors Phase III – Sanitary Sewer and Water Improvements**

**Appropriate \$12,200 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10517.482-6599 and \$4,265.00 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10705.482-6599.**

A motion authorizing: (1) Change Order 3 with Foster Marine Contractors, Inc., in the amount of \$14,669.50 – additional work and quantity adjustments – Lauderdale Manors Phase III Basin B – Sanitary Sewer and Water Improvements – Project 10517B; and (2) appropriate \$16,465 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1343

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**Change Order 1 (Final) – The BG Group, LLC – CREDIT (M-30)**  
**(\$8,143.92) – Fiveash Water Treatment Plant Upgrade**

**Reduce encumbrance by (\$8,143.92) in Fund 482, Subfund 01, P10508.482-6599.**

A motion authorizing: (1) Change Order 1 (Final) with The BG Group, LLC, in CREDIT amount of (\$8,143.92) – additional work and final quantity adjustments – Fiveash Water Treatment Plant Upgrade – Phase II Bid Package F: Storage Tanks 2 Demolition – Project 10508F; and (2) reduce encumbrance by (\$8,143.92).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1485

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**Change Order 3 – Weekley Asphalt Paving, Inc. - \$200,000 (M-31)**  
**Asphaltic Concrete Pavement Surfacing – Oil Price Adjustment**

**\$200,000 is available in P11186.332-6599, Fund 332, Subfund 01, to provide additional funding for the 2007-2008 contract.**

A motion authorizing Change Order 3 with Weekley Asphalt Paving, Inc. in the amount of \$200,000 – asphalt oil price adjustment – 2007-2008 Annual Contract – Asphaltic Concrete Pavement Surfacing – Project 11186.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1503.

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<b>CONSENT RESOLUTION</b>
---------------------------

**Amend Operating Budget – Appropriation and Transfer (CR-01)**  
**\$150,000 – City-Wide Landscaping Improvements**

**Appropriating \$150,000 from subsidiary funds that were previously designated for restricted revenues. Specifically, \$20,000 from FD001-269-450112, fund type 01, Fund 001, Subfund 01, and \$130,000 from FD001-269-450160 fund type 01, Fund 001, Subfund 01 to P16057.331-6510 Landscaping Improvements, Site Improvements Fund Type 30, Fund 331, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1523

RESOLUTION NO. 08-250

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009, BY TRANSFERRING AND APPROPRIATING \$150,000 FROM THE GENERAL FUND SUBSIDIARY ACCOUNTS COMMEMORATIVE TREE CANOPY TRUST FUND AND RIVERWALK TREE FUND TO A PARKS AND RECREATION PROJECT, LANDSCAPING IMPROVEMENT PROJECT FUND 331.

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**Grant Application – SE 15 Street Boat Launching and (CR-02)**  
**Marine Complex – Broward Boating Improvement Program**  
**\$265,715**

**No budgetary impact. Matching cash funds in the amount of \$265,715.00 is available in P11236.331, Fund 331, Subfund 01, Subobject 6599.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1462

RESOLUTION NO. 08-251

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT IN THE AMOUNT OF \$265,715.00 UNDER THE BROWARD COUNTY BOATING IMPROVEMENT PROGRAM FOR FIFTY PERCENT (50%) REIMBURSEMENT OF CONSTRUCTION FEES FOR IMPROVEMENTS TO THE SE 15<sup>TH</sup> STREET BOAT LAUNCHING AND MARINE COMPLEX AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND INCIDENTAL TO THE ACCEPTANCE OF SUCH FUNDS.

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**Grant Acceptance – Enhanced Marine Law Enforcement (CR-03)**  
**Grant Program – Broward County - \$119,680**

**Appropriate \$119,680 of Grant Funds to Fund 129, Subfund 01, GEMLEG09, F204 (Rev), expenditures in 3199. No cash match required.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1326

RESOLUTION NO. 08-252

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, 2008 AND ENDING SEPTEMBER 30, 2009, BY ACCEPTING AND APPROPRIATING GRANT FUNDS FROM THE BROWARD COUNTY 2008-2009 ENHANCED MARINE LAW ENFORCEMENT PROGRAM IN THE AMOUNT OF \$119,680 FOR WATERWAY LAW ENFORCEMENT.

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**Public Officials And Employment Practices Liability Insurance (CR-04)**  
**Purchase – National Union Fire Insurance Company of**  
**Pittsburgh, PA - \$227,247**

**\$63,856 in Fund 543/Subfund 01/INS010101/5134/Public Official Carrier \$163,391 in Fund 543/Subfund 01/INS010101/5137/Employee Practices Carrier.**



**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1492

RESOLUTION NO. 08-253

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PURCHASE OF PUBLIC OFFICIALS INSURANCE AND EMPLOYMENT PRACTICES INSURANCE FROM NATIONAL UNION FIRE INSURANCE CO. OF PITTSBURGH, PA., VIA THOMAS RUTHERFOORD, INC., AND DETERMINING THAT SUCH INSURANCE BEST MEETS THE NEEDS OF THE CITY.

**Dock Waiver – 714 NE 20 Avenue – James Juranitch (CR-05)**  
**Correcting Resolution 08-190**

**No budgetary impact.**

**Recommend:** Adopt corrected resolution.

**Exhibit:** Commission Agenda Report 08-1562

RESOLUTION NO. 08-254

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CORRECTING SCRIVNER’S ERROR RESOLUTION NO. 08-190 WHICH GRANTED A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.D OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW JAMES JURANITCH TO REMOVE TWO (2) EXISTING FINGER PIERS AND TWO (2) DOLPHIN PILINGS TO CONSTRUCT AND MAINTAIN A SINGLE FINGER PIER A MAXIMUM DISTANCE OF ONE HUNDRED EIGHT FEET (108’) FROM THE PROPERTY LINE INTO THE WATERS OF MIDDLE RIVER, BY CORRECTING CONDITION NUMBER 5 BY PROVIDING FOR A MAXIMUM LENGTH OF ONE HUNDRED FIVE (105’) FEET FOR THE VESSEL BERTHED AT THE FINGER PIER AND TO ALLOW FOR A TENDER ACCESSORY TO THAT VESSEL AND TO DELETE CONDITION NUMBER 6 AND TO RATIFY AND AFFIRM RESOLUTION NO. 08-190 IN ALL OTHER RESPECT.

**Interfund Transfer - \$330,000 – South Beach Parking Lot - (CR-06)**  
**ADA Compliance Rehabilitation Project**

**Appropriate \$330,000 from Parking Fund 461/01 undesignated fund balance to Fund 461/03, P11264.461/6599 Construction.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-0825

RESOLUTION NO. 08-255

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, 2008 AND ENDING SEPTEMBER 30, 2009, BY TRANSFERRING AND APPROPRIATING \$330,000 FROM PARKING FUND 461/01 UNDESIGNATED FUND BALANCE AND TRANSFERRING-IN TO FUND 461/03 P11264.461/6599 CONSTRUCTION FOR THE PURPOSE OF FUNDING THE SOUTH BEACH IMPROVEMENTS AND THE ADA COMPLIANCE REHABILITATION PROJECT UNDER THE ADA 2003 CONSENT DECREE.

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**Grant Acceptance – River Oaks Stormwater Park - \$2,250,000 (CR-07)**  
**Florida Department of Environmental Protection**

**Appropriate \$2,250,000 grant funding to revenue Subobject D317 in P11419.470A and to expenditure Subobject 6599 in P11419.470A. Also appropriate \$2,250,000 City matching funds to P11419.470-6599 from Stormwater Fund 470 Net Available Fund Balance (screen 6450 – Index Code = FD470.01, Subobject 9901). All appropriations are to Fund 470, Subfund 02.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1353

RESOLUTION NO. 08-256

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, BY ACCEPTING AND APPROPRIATING \$2,250,000 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (“FDEP”) FISCAL YEAR 2008/2009 GENERAL APPROPRIATIONS ACT TO REVENUE SUBOBJECT D317 IN P11419.470A AND TO EXPENDITURE SUBOBJECT 6599 IN P11419.470A AND ALSO APPROPRIATING \$2,250,000 CITY MATCHING FUNDS FROM STORMWATER FUND 470 NET AVAILABLE FUND BALANCE (SCREEN 6450-INDEX CODE = FD470.01, SUBOBJECT 9901) TO P11419.470-6599 WITH ALL APPROPRIATIONS TO FUND 470 SUBFUND 02 FOR THE DEVELOPMENT OF THE RIVER OAKS STORMWATER PARK PROJECT 11419.

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**Street Name Addition – Bryant Peney Street (CR-08)**  
**SE 15 Street Between U.S. 1 and Miami Road**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1458

RESOLUTION NO. 08-257

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ADD THE NAME OF BRANT PENEY STREET TO THAT SECTION OF SE 15<sup>TH</sup> STREET BETWEEN US 1 AND MIAMI ROAD WITH THE NAME SE 15<sup>TH</sup> STREET BEING THE PRIMARY NAME AND BRYANT PENEY STREET BEING THE SECONDARY NAME.

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**Declaration of Restrictive Covenants – Lincoln Park (CR-09)**  
**Remedial Action Plan**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1479

RESOLUTION NO. 08-258

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANTS BY THE PROPER CITY OFFICIALS FOR PROPERTY OWNED BY THE CITY OF FORT LAUDERDALE, MORE COMMONLY KNOWN AS THE LINCOLN PARK PROPERTY AND MORE PARTICULARLY DESCRIBED BELOW, AS REQUIRED BY THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CLOSING OUT OF THE REMEDIATION ACTION PLAN ON THE PROPERTY.

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**Declaration of Restrictive Covenants – Completion of Remedial (CR-10)**  
**Action Plan – City Owned Vacant Lot – NE Corner of NW 20 Avenue**  
**And NW 7 Street**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1480

RESOLUTION NO. 08-259

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANTS BY THE PROPER CITY OFFICIALS FOR A VACANT LOT OWNED BY THE CITY OF FORT LAUDERDALE GENERALLY LOCATED AT THE NORTHEAST CORNER OF NW 20<sup>TH</sup> AVENUE AND NW 7<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED BELOW, AS REQUIRED BY THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CLOSING OUT OF THE REMEDIATION ACTION PLAN ON THE PROPERTY.

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**Former Trash Transfer Station – Declaration of Restrictive Covenants – Remedial Action Plan** (CR-11)

No budgetary impact.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1481

RESOLUTION NO. 08-260

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANTS BY THE PROPER CITY OFFICIALS FOR PROPERTY OWNED BY THE CITY OF FORT LAUDERDALE LOCATED AT 1901 NW 6<sup>TH</sup> STREET, COMMONLY KNOWN AS THE TRASH TRANSFER STATION AND MORE PARTICULARLY DESCRIBED BELOW, AS REQUIRED BY THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CLOSING OUT OF THE REMEDIATION ACTION PLAN ON THE PROPERTY.

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**Grant Acceptance Florida Department of Environmental Protection - \$300,000 – North Fork Pollution Control Device Installation** (CR-12)

Appropriate \$300,000 in grant funding to revenue in P11426.470A-D302 and to expenditure P11426.470A-6599. Also appropriate \$416,000 in approved City matching funds to P11426-470-6599 from Stormwater Fund 470 Net Available Balance (screen 6450 – Index Code FD470.01 Subobject 9699). All appropriations are to Fund 470, Subfund 02.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1497

RESOLUTION NO. 08-261

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, 2008 AND ENDING SEPTEMBER 30, 2009, BY ACCEPTING AND APPROPRIATING \$300,000 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("FDEP") TO REVENUE IN p11426.470A-D302 AND TO EXPENDITURE P11426.470A-6599 AND ALSO APPROPRIATING \$416,000 CITY MATCHING FUNDS FROM STORMWATER FUND 470 NET AVAILABLE FUND BALANCE (SCREEN 6450-INEX CODE FD470.01, SUBOBJECT 9699) TO P11426.470-6599 WITH ALL APPROPRIATIONS TO FUND 470 SUBFUND 02 FOR THE CONTROL DEVICE INSTALLATION PROJECT 11426.

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**Water Taxi Stop – SE 17 Street Bridge – Water Transportation Alternatives, Inc.**

**(CR-13)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1545

RESOLUTION NO. 08-262

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND FILING BY THE DIRECTOR OF PUBLIC WORKS OF A GENERAL USE PERMIT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, FOR A PERMIT FOR PLACEMENT AND OPERATION OF A WATER TAXI LANDING UNDER THE WEST SIDE OF THE SE 17<sup>TH</sup> STREET CAUSEWAY BRIDGE; AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF AN ASSIGNMENT, ASSUMPTION AND LICENSE AGREEMENT WITH WATER TAXI ALTERNATIVES, INC., A DELAWARE CORPORATION OF THE GENERAL USE PERMIT FROM THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION; PROVIDING FOR THE PLACEMENT AND OPERATION OF A WATER TAXI LANDING UNDER THE WEST SIDE OF THE SE 17<sup>TH</sup> STREET CAUSEWAY BRIDGE; AND FURTHER AUTHORIZING EXECUTION BY THE DIRECTOR OF PUBLIC WORKS OF ANY AND ALL DOCUMENTS NECESSARY AND INCIDENTAL TO SECURING THE GENERAL USE PERMIT FROM THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION.

**Downtown Development Authority  
Levy of Ad Valorem Taxes – Fiscal Year 2008-2009**

**(CR-14)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1473

RESOLUTION NO. 08-263

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDEDALE, FLORIDA, LEVYING AN AD VALOREM TAX FOR FISCAL YEAR 2008/2009 ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER 346, LAWS OF FLORIDA.

**Florida Constitution – Amendment 6 – Assessment of  
Working Waterfront Property Based Upon Current Use**

**(CR-15)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1553

RESOLUTION NO. 08-264

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE SUPPORT AND PASSAGE OF PROPOSED AMENDMENT SIX TO THE FLORIDA CONSTITUTION PROVIDING FOR THE ASSESSMENT OF WORKING WATERFRONT PROPERTY BASED ON CURRENT USE.

**PURCHASING AGENDA**

**295-10138 – Medical Direction Services**

**(PUR-01)**

**The first year total of \$49,296 is budgeted for year 08/09, Fund 001, Subfund 01, FIR010301, 3199.**

Three-year contract for medical direction services is being presented for approval by Fire Rescue Department.

**Recommend:** Motion to approve.

**Vendor:** N & L Services, Inc.  
Fort Lauderdale, FL  
**Amount:** \$150,865.47 (three-year total)  
**Bids Solicited/Rec'd:** 197/2  
**Exhibit:** Commission Agenda Report 08-1518

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

**762-9349 – New Activity – Paddle Boarding – South Beach Boat Launching Area – Non-Motorized Watercraft Concession Contract (PUR-02)**

**Funds are for the receipt of revenues only - \$734 in Fund 001, Subfund 01, BUS060101-J726. No expenditures are impacted.**

Addition of paddle boarding to current non-motorized watercraft concession contract at South Beach boat launching area is being presented for approval by the Business Enterprise Department.

**Recommend:** Motion to approve.

**Vendor:** Tiki Beach Watersports, Inc..  
Fort Lauderdale, FL  
**Amount:** \$734.00 (estimated increased revenue)  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-1490

The Procurement Services Department has reviewed this item and agrees with the recommendation.

**574-9719 – Contract Assignment – Parkeon Meters, Parts and Components – Proprietary Parkfolio Credit Card Service and Resident Beach Cards (PUR-03)**

**No budgetary impact.**

Assignment of contract for purchase of Parkeon meters, parts and components and proprietary purchase of Parkfolio credit card service and resident beach cards are being presented for approval by Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Vendor:** Parkeon, Inc.  
Moorestown, NJ  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-1187

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

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**662-9463 – Additional Roofing Products and Services**

**(PUR-04)**

**\$7,690.66 is available in Fund 451, Subfund 01, P11339.451, 6599.**

Additional roofing products and services to contract for low slope re-roofing and repair projects is being presented by the Public Works Department.

**Recommend:** Motion to approve.

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

**Amount:** \$7,690.66

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

**Exhibit:** Commission Agenda Report 08-1443

The Procurement Services Department has reviewed this item and recommends approving the additional products and services.

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**172-9595 – Group Dental Insurance Plans – Dental Plan Changes**

**(PUR-05)**

**No budgetary impact.**

A fully insured dental plan for City employees from Safeguard Health Enterprises of Delaware which owns Safeguard Health Plans, Inc., and which was assumed by Metropolitan Life Insurance Company, is being presented for approval by the Finance Department.

**Recommend:** Motion to approve.

**Vendor:** Metropolitan Life Insurance Company  
Long Island, NY

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

**Exhibit:** Commission Agenda Report 08-1506

The Procurement Services Department has reviewed this item and recommends approving the responsibly assumed vendor.

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

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Rodstrom that Consent Agenda Items M-13, M-18, M-26, M-28, CR-05, CR-09, CR-10 and CR-11 be deleted from the Consent Agenda and considered separately, and that all remaining Consent items be approved as recommended.

The City Clerk announced the following corrections:



For Item M-12; it is a motion authorizing substantially the same form of agreement subject to changes discussed at the conference meeting to conduct the Fort Lauderdale Beach Music Festival or other title as mutually agreed upon in the future on Fort Lauderdale beach during Memorial Day weekend, May 23-24, 2009.

For Item M-14, the background detail should be revised to show that the County and the City are sharing the 20% equally. 10% funding from each agency.

For Item M-16, it is a motion authorizing the Finance Department to enter into an agreement on such behalf of and to bind the City accordingly.”

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

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**Riverside Hotel – 610 East Las Olas Boulevard (M-13)**  
**Development Agreement – Case 78-R-07**

Commissioner Moore asked what would actually be approved by this action. Greg Brewton, Director of Planning and Zoning, said the Applicant is offering a development agreement to clarify what the code already permits, that is, phasing. Because this was not part of the public record when it was reviewed, the Applicant voluntarily has come forward with this agreement so that the public and Commission would be fully aware.

John Milledge, representing the Applicant, Las Olas Company, said this agreement allows the Applicant to pull building permits and certificates of occupancy for separate buildings, already permitted by the code. With the nature of today’s financing being so uncertain, they wanted to be clear to the lenders that they may move forward with separate buildings.

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

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**Settlement of Hurricane Wilma Property Damage Claim - (M-18)**  
**\$1,577,408.43 – Factory Mutual Insurance Company**

Commissioner Moore thought the City was going to receive more than this amount. In response to Commissioner Moore, Tom Terrell, Facilities Manager, said that overall in regard to property damage they City incurred around \$5 million.

Mr. Hine noted a number of items were not covered, such as lifeguard towers for some \$300,000. The total claimed amount was \$3.4 million. Mayor Naugle noted there was a deductible of about \$100,000 per incident. Mr. Hine indicated the deductible totaled about \$1.1 million.

In response to the City Manager, Mr. Hine said that the matter could be delayed. Commissioner Moore felt the settlement should be more. The City Manager withdrew the item from the agenda.

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**Community Transit Services – Agreement  
Downtown Fort Lauderdale Transportation  
Management Association**

**(M-26)**

Commissioner Moore noted the City contracts with a not-for-profit, Transportation Management Association (TMA), to provide transportation assistance. He recalled discussion at the last meeting (October 7, 2008), concerning routes being cuts. Although the TMA has presented a proposal, but he understood their board declined considering it. He believed they want to target the downtown area instead of the city. He believed there are certain routes that must be provided due to difficult employment times and gasoline prices. There are other alternatives available in the downtown compared to other areas. He noted the abrupt stop of services and many were stranded. For all of these reasons, he was concerned about continuing to fund the TMA. He wanted to discontinue funding for the TMA. He recommended the Public Information Office notify the community as to routes and staff implement this service.

Alan Hooper, TMA Chairman and a member of the Downtown Development Authority, noted budget crunches that are hitting all agencies. He went on to note specific reduction amounts and anticipated in the future. They have looked to serve the most people with the allocated funding. Lauderdale Manors, Galt Ocean Mile and the Northwest Circulator had low ridership. Tri-Rail was eliminated by the County. He noted a system that functions in Coral Gables. Las Olas Boulevard and A-1-A routes get ridership. He noted the ridership threshold required by the County to maintain existing funding and that the threshold increases next year. A budget workshop was held and it came down to the routes noted. He asked the City approve the funding.

Mayor Naugle asked why services were canceled without any notification. Mr. Hooper acknowledged it was a staff error and miscommunication. There should have been a thirty day notice.

Commissioner Moore understood challenges associated with budget cuts. In response to Commissioner Moore, Les Hollingsworth, TMA, indicated that the ridership counts were conducted countywide in November, 2007. Commissioner Moore questioned basing reductions on dated information. He pointed out the implementation of a fee for ridership in October, 2007 just before the ridership count. Mr. Hooper noted the charge applied to the northwest sector and other areas was \$.25, while the beach was \$1. He agreed that in economic hard times, transit should be funded. The TMA is reacting to the cards it is being dealt. Commissioner Moore felt the TMA should be more proactive. Discussion ensued about the frequency or headways of routes for Las Olas Boulevard and A-1-A.

Commissioner Hutchinson said she is vice chair of the TMA board. She elaborated upon the County's role in the ridership counts and their decision as to the timing of taking the counts. The TMA wants to fund as many routes as possible, but funding is drying up. She believed it is fair to fund this organization at least until the end of the year, which was the commitment, and then revisit it. She suggested a joint workshop perhaps.

Commissioner Teel saw two different issues. She referred to the sudden unexpected, unnotified cancellation of routes. No one in the TMA could be located on that Friday. She felt it was incompetence. She agreed tonight is not the time to make the funding cuts. She agreed the focus probably needs to be on the downtown because it is important for the WAVE fixed rail transit system possibly coming in the future. She felt there needs to be an overhaul of the TMA system. She agreed the administrative costs are too high. If people use the TOPS program instead, it will be more costly. She felt the City Commission should engage with the County and point out these various things. There should not be reliance on old numbers. The ridership has probably increased. She wanted the City Manager to figure out how to do this more efficiently. The City should be able to get more for the money and still keep the focus on the downtown.

Vice Mayor Rodstrom said that during the additional months that this agreement covers, the Commission needs to arrive at a consensus and direct the City Manager. The County should be requested to take another count so that information is available before January 29. She wanted to be advised if things do not go well so as not to be surprised. She did not want to lose the TMA or the trolleys.

Mr. Hooper indicated that the board has discussed the administrative costs and how to work with the City and make more money. They want to be able to provide service to the northwest and the Galt Ocean Mile. As to what happened on the Galt Ocean Mile, he did not know and had not found out about it until today.

Commissioner Moore suggested the TMA be more innovative in view of budget cuts that have taken place. He mentioned increasing the headways from 15 to 30 minutes. Between now and January 29<sup>th</sup>, he hoped they will work on innovative ideas. He understood the 15 minute increments are necessary for the WAVE, but wanted to think about all of the people in the city.

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Rodstrom to approve the agreement with routes proposed by the TMA (\$140,881.98).

Commissioner Moore suggested a thirty-day trial in order to looking at thirty minutes headways on the routes. Mayor Naugle noted some of the routes are funded by grant funds. The grant would not allow that funding to be applied to a different route.

In response to Commissioner Moore, Mr. Hollingsworth said the community bus routes include the northwest circulator, downtown courthouse loop, and Galt Ocean Mile. The County has removed funding for Lauderdale Manors and Tri-Rail. He went on to comment that the TMA has done efficiencies on the weekend routes and achieved some savings.

In response to Commissioner Moore, Mr. Hollingsworth noted the CMAQ (Congestion Management Air Quality) state grant application was only for specific areas. In response to Commissioner Teel, Mr. Hooper indicated that CMAC grant will expire in 2010.

Commissioner Moore felt more needs to be done.

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

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**Contract – Budget Construction Co., Inc. - \$170,552.50 (M-28)**  
**NE 15 Avenue – NE 18 Street Roundabout Safety Improvements**

Commissioner Teel wanted more information about the problem. Peter Partington, City Engineer, explained it is a compromised design forced upon the City by the available funding. He explained the redesign. It should reduce the number of accidents, although it will not take traffic any further away from area backyards. It will be brought up to standards as there were no standards for roundabouts when it was built.

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

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**Dock Waiver – 714 NE 20 Avenue – James Juranitch (CR-05)**  
**Correcting Resolution 08-190**

This item was removed from the consent agenda by Michael McAllister.

Michael McAllister, representing John Gorman, who is the property owner at 720 NE 20 Avenue adjacent to the site of the dock waiver, submitted a letter, dated October 21, 2008, objecting to the proposed correction, which is attached to these minutes. He indicated there is a significant history of misuse of docks in this neighborhood. Mr. Gorman believes 250 foot boats will be docked at this location. He questioned why the City would remove the condition that would allow them to remove the waiver if there is a violation. He believed it is not clear that the condition can be removed. There was no motion to reconsider. The appeal time has expired. This matter is subject to a circuit court action filed by Mr. Gorman concerning lack of due process afforded to him. This is not a scrivener's error.

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

Commissioner Teel commented that in the case of the Board of Adjustment as an example, they attach conditions to their approvals, but there is no mechanism in place regarding enforcement. In the future, such a mechanism needs to be included.

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

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**Declaration of Restrictive Covenants – Lincoln Park (CR-09)**  
**Remedial Action Plan**

**Declaration of Restrictive Covenants – Completion of Remedial (CR-10)**  
**Action Plan – City Owned Vacant Lot – NE Corner of NW 20 Avenue**  
**And NW 7 Street**

**Former Trash Transfer Station – Declaration of Restrictive (CR-11)**

**Covenants – Remedial Action Plan**

Commissioner Moore removed CR-09, CR-10 and CR-11 from the consent agenda to hear about the standards for cleaning the property. Ed Udvardy, Assistant Public Works Director, explained the work that has been done to the property which was monitored by the Department of Environmental Protection. This legal document follows the property for any future construction on the property or ownership changes hands. The only monitoring that needs to take place is ongoing maintenance and site monitoring.

Commissioner Moore wanted to offer residents some assurances in some way and that there be continued testing. Mr. Udvardy commented that there have been three agencies involved; the City, the Department of Environmental Protection and the Department of Health. The only way to move ahead with remediation would be through the direction of the Florida Department of Environmental Protection which the City has done. Commissioner Moore wanted tests conducted frequently and the community be notified. Mr. Udvardy said staff will work on the update through the City Manager and the City Attorney offices.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Items CR-09, CR-10 and CR-11 as presented. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

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<b>MOTIONS</b>
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**Potential Lawsuit Against New River Development Partners, Ltd. – Esplanade On The River**

**(MD-01)**

**No budgetary impact.**

Gloria Reese, 627 SW 11 Court, President of Tarpon River Civic Association, believed that construction of the staircase should be done because the south side of the Riverwalk Park is developing and one day will be an important site of activity. The staircase would connect the south and north sides of the park by providing full pedestrian access to Marshall bridge. Without the staircase, the park on the south side dead ends at the bridge. The bridge needs to be fully accessible to pedestrians. Riverwalk Park needs to be fully connected and easily accessible. If filing of a lawsuit is approved, perhaps pre-suit mediation could produce a settlement. If tonight's decision is not to sue, there appears to be no further opportunity for even limited recovery from the developer. She encouraged the Commission to vote in favor of this item.

David Rose, 701 SW Coconut Drive, supported moving forward with this suit because it would behoove the City to see whether the developer has the money to do what he promised. The original concept of the stairway was to connect the Riverwalk. He explained the history of arriving at a developer who would provide a stairway that would connect the bridge to Riverwalk.

Commissioner Hutchinson thanked the Commission for deferring this item when she was unable to attend the last meeting. She felt it is important to move forward with this

lawsuit. On January 23, 2002 the City entered into a development agreement with New River Development Partners who built Esplanade. There were two phases, phase one was underground utilities and a seawall. Phase two was Riverwalk improvements and a pedestrian stairway ramp from ground level to the Marshall bridge. The developer should never have received a certificate of occupancy. The developer should not be allowed to get away with this. He promised a lot to get what he wanted and is now gone.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to authorize the City Attorney to move forward with a lawsuit against New River Development Partners, Ltd.

Art Seitz, 1905 North Atlantic, commented that great cities have promenades and walkways and take advantage of their vistas. Fort Lauderdale is not pedestrian friendly. Developers get away with too much. The City needs wide, safe, user-friendly, pedestrian bicycle facilities from the ocean to Dixie Highway, but it cannot happen until the City aggressively pursues it. He urged the City to do whatever is necessary to get this done.

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

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<b>RESOLUTIONS</b>
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**Special Obligation Bonds and Bond Anticipation Notes**  
**Issuance of Amounts Not Exceeding \$17,000,000 and \$12,000,000**

**(R-01)**

**No Budgetary Impact.**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 08-245

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ISSUANCE AND SALE OF A SPECIAL OBLIGATION REFUNDING BOND, SERIES 2008A, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEED \$17,000,000 TO SUNTRUST EQUIPMENT FINANCE AND LEASING CORPORATION ("SUNTRUST") FOR THE PURPOSE OF, TOGETHER WITH OTHER AVAILABLE FUNDS, (i) REFINANCING CERTAIN LOAN OBLIGATIONS OF THE CITY, AND (ii) PAYING THE COST OF ISSUANCE OF SUCH BOND; MAKING FINDINGS AND DETERMINATIONS AS TO SAID BOND; ACCEPTING THE PROPOSAL OF SUNTRUST; PROVIDING FOR THE METHOD OF EXECUTION OF SUCH BOND; AUTHORIZING THE EXPENDITURE OF THE PROCEEDS OF SUCH BOND AND PROVIDING FOR THE PREPAYMENT OF CERTAIN LOAN OBLIGATIONS OF THE CITY; APPROVING THE FORM OF A LOAN AGREEMENT WITH SUNTRUST IN CONNECTION WITH SUCH BOND AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH

LOAN AGREEMENT AND BOND; AUTHORIZING THE ISSUANCE AND SALE OF A SPECIAL OBLIGATION NOTE, SERIES 2008B, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$12,000,000 TO BRANCH BANKING AND TRUST COMPANY ("BB&T") FOR THE PURPOSE OF (i) FINANCING A PORTION OF THE COST OF ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS AND RENOVATIONS WITHIN THE CITY (THE "SERIES 2008 PROJECT"), AND (ii) PAYING THE COST OF ISSUANCE OF SUCH NOTE; MAKING FINDINGS AND DETERMINATIONS AS TO SAID NOTE; ACCEPTING THE PROPOSAL OF BB&T; PROVIDING FOR THE METHOD OF EXECUTION OF SUCH NOTE; AUTHORIZING THE EXPENDITURE OF THE PROCEEDS OF SUCH NOTE AND APPROVING THE SERIES 2008 PROJECT; APPROVING THE FORM OF A LOAN AGREEMENT WITH BB&T IN CONNECTION WITH SUCH NOTE AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND NOTE; AUTHORIZING OTHER REQUIRED ACTIONS IN CONNECTION HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only.

In response to Vice Mayor Rodstrom, Michael Kinneer, Finance Director, advised this was a competitive bid.

Commissioner Moore left the chamber at approximately 7:26 p.m.

Vice Mayor Rodstrom noted Suntrust indicated on page 3 of the backup material the chart shows they would need to confirm with their credit committee before making a firm commitment. Mr. Kinneer said that has been done. Frank Hall of Fidelity Financial Services, City Financial Advisor, confirmed that is correct.

In response to Vice Mayor Rodstrom, Mr. Hall indicated this is a fixed interest rate. They did not bid an all-in rate. There is an additional \$2,500 for document review. All three of the banks followed the RFP. Negotiations only took place on Series B note. Series A bonds are being done to effect the refunding. He explained the purpose of Series A and B.

Commissioner Moore returned to the chamber at approximately 7:29 p.m.

In further response to Vice Mayor Rodstrom, Mr. Hall indicated that he believed Wachovia's proposal was not as beneficial to the City, primarily having to do with interest rate. They are substantially higher than the other two proposers. Also, the terms were less flexible.

Commissioner Moore asked if Bond Counsel agrees with the analysis. Albert A. del Castillo of Squire, Sanders and Dempsey, Bond Counsel, agreed with the analysis and the conclusions.

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

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**Site Plan Level IV – Cortez Hotel – 2926 Cortez Street  
Case 148-R-07****(R-02)****No budgetary impacts.**

**Applicant:** Cortez Property Development, LLC  
**Zoning:** Planned Resort PRD  
**Future Land Use:** Central Beach Regional Activity Center CBRAC  
**Location:** Between Cortez Street and Poinsettia Street on east side of Seabreeze Boulevard

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

Anthony Fajardo, Planning and Zoning, reviewed the Commission Agenda Report 08-1528.

James Blosser, representing the Applicant, asked all of the information provided to the Commission be entered into the record. He also asked all applications, reports, analysis and contents of the City's file, including minutes and materials filed for the Planning and Zoning Board meeting of July 16, 2008 and this meeting be entered into the record.

Mr. Blosser indicated that this beach hotel project requires no deviations from the code. It requires Commission review and approval because it is a proposed hotel. Letters of support were submitted at the Planning and Zoning Board meeting from the Central Beach Alliance. This will be a high quality and mid-priced family hotel representing an investment in the beach of \$45-50 million, creating 125 jobs, and resulting in numerous economic benefits, including construction jobs. It will replace an old, unsightly building. The developers are discussing the project with Hyatt, Sheraton, and Hilton for possible affiliation. This hotel meets the intent and purpose of the central beach and PRD District. It will be for all residents of Broward County. This is the right use, in the right place, at a much needed time.

Cecelia Ward, representing the Applicant, referred to her resume provided to the Commission. She presented and reviewed slides for the application. A copy of the slides is attached to these minutes. The site building coverage accommodates about 50% of the total site. The project also meets the floor area ratio standards. These two statistics are signs that the building is not too large for the site. The minimum width of the site is 100 feet; minimum length is 250 feet. The building has a maximum width of 70 feet; maximum length of 200 feet. Projects to the east, west and northeast are all located in the Planned Resort District (PRD). The PRD is a mixed-use zoning district; it is not residential. Any residential use in the PRD is not considered residential property as defined by the code. There are different applications of the standards when adjacent to residential use. The project meets all of the standards. She reviewed the elevations and other features depicted in the slides. The project is limited to 151 hotel rooms. The Applicant would not be permitted to modify plans to add doors and create more rooms. A building permit would not be issued for this.

Ms. Ward indicated that they have met with the Beach Community Redevelopment Agency and complied with their request to revise the plan in order to accommodate the Sunrise Lane Streetscape Plan. Revisions include 14 foot sidewalks, bikepaths and



significant landscaping. There are benches and tropical landscaping provided in accordance with the Beach Revitalization Plan and accepted by the chief landscape plans examiner. All vehicular access is limited to Poinsettia Street. She discussed parking and stacking requirements, as well as dumpsters being located inside the building and loading area. Pavers and street trees similar to the Las Olas Beach Club will be provided as requested by City staff. She noted the amenities at street level to enhance Cortez Street as a people street. Windows are angled so that one cannot see directly in or out. There is color banding and other architectural features. She noted the setbacks. There is no specified setback required between the building property lines. The project has 10 feet on the east side. She concluded with review of the distances between adjacent buildings as well as building heights and the rooftop elevation.

Alan Tinter of IBI Group, representing the Applicant, referred to his resume provided to the Commission. The IBI Group's initial effort was to estimate how much traffic was being generated by the development to determine whether a detailed traffic impact analysis was required. IBI believes that the site generated less than the threshold specified in the ULDR which is 1,000 trips per day. Nevertheless, staff requested a traffic impact analysis be conducted. It was completed and submitted to the City in May, 2007. Staff and the City consultant found there are no adverse traffic impacts due to the Cortez Hotel. The City's Traffic Engineer stated in a memorandum dated October 15, 2008, that the Applicant is within the limits of the Central Beach Area RAC traffic counts, which indicates that the overall new development within the beach could generate 3,220 trips during the peak hour. At this time there are about 1,245 trips available during the peak hour. Cortez will consume only 87 trips. IBI's study was reviewed by McMahon and Associates, which was presented to the Planning and Zoning Board. McMahon only reviewed the May, 2007 report and not subsequent review comments from City staff and IBI. IBI has addressed everything in the July 9 memorandum. City staff has concurred that the Applicant has met every criticism included in the McMahon report and found the IBI traffic report to be acceptable.

In regard to right-of-way for Seabreeze Boulevard, Mr. Tinter noted staff requested that they contact the Broward County Planning Council to see if additional right-of-way was required to be dedicated for the Seabreeze Boulevard right-of-way. The Council deferred to the Department of Transportation because A-1-A is a state highway. The Department of Transportation requested additional right-of-way so the minimum right-of-way along Seabreeze Boulevard from the centerline to the new property line would be 30 ½ feet based on a typical four-lane divided cross section. There are no plans to widen Seabreeze Boulevard, but nonetheless the trafficways plan shows 85 feet of right of way. The Applicant has agreed to dedicate the 5 ½ feet on the north to bring it to 30 ½ feet, and for the remaining half right of way section, 42 ½ feet, the Applicant has agreed to dedicate it as easement. The setback, based on City Code, is measured from the right-of-way line. The Applicant is in compliance with the trafficways plan and setback requirements. Correspondence between IBI and the Broward County Planning Council and Florida Department of Transportation has been provided to the Commission.

Tom Wright, representing the Applicant, referred to his resume provided to the Commission and noted some of his professional experience. He referred to criticisms by the opposition to this project that City staff did not apply proposals from a community redevelopment plan prepared in 1989 to address slum and blight. The opposition believes that all development must be consistent with that plan. He agreed with staff.

The redevelopment plan is not a comprehensive plan, a land development regulation and it was not adopted by ordinance. The redevelopment plan states that specific sections related to development standards will require changes or amendments to the zoning code. None of the proposals referred to by the opponents were incorporated into the Unified Land Development Regulations (ULDR). The Cortez Hotel is entirely consistent with the redevelopment plan which provides that the core of the central beach area should focus on commercial, marina, and hotel development with residential only as an ancillary use. The Cortez is also consistent with other plans for the area.

Mayor Naugle explained the policy on rebuttal and cross-examination.

Ms. Ward indicated that the Cortez Hotel complies with all of the ULDR requirements and standards described in her presentation (slides titled "Final Facts" attached to these minutes). She noted the pertinent ULDR sections: 47-12.4, 47-12.5, 47-12.6, 47-12.8, 47-18.6, 47-20, 47-21, 47-24, 47-25.2 and 47-25.3. She added that 200 square feet of landscaping is required, but this project provides 5,500 square feet. Pertinent sections of the following documents were also provided in the slides: Comprehensive Plan, Community Beach Area Plan, Beach Revitalization Plan and ULDR specific references.

Bill Spencer of Ackerman Senterfitt, representing the Applicant, explained the quasi-judicial process and noted the project has met the objective standards and criteria of the ULDR and consequently the Comprehensive Plan. If there is opposition, the burden of proof would be on the opposition to demonstrate the criteria have not been met. This is a lovely hotel which is a fit for the current zoning and an important component to further the vision of the revitalization plan and the Comprehensive Plan. The City's duty is to approve this plan.

Keith Poliakoff, Becker and Poliakoff, representing Las Olas Beach Club Condominium Association, disagreed with Mr. Spencer. The burden of proof rests with the applicant and not the general public. The Commission is not required to approve this project.

Commissioner Moore left the chamber at approximately 8:13 p.m.

Mr. Poliakoff presented and reviewed slides concerning this application. A copy of the slides is attached to these minutes. He noted this was denied twice by the Central Beach Alliance and by the Planning and Zoning Board. He requested denial because it violates the Comprehensive Plan, 1989 Central Beach Redevelopment Plan and the ULDR. No extraordinary amenities are offered. The Applicant needs to dedicate right-of-way. A portion of the easement is directly through one of the project's fountains. He referred to the score card provided to the Commission which outlines their presentation. If the Commission checks any one item, the law requires that the project be denied. A copy of the scorecard is attached to these minutes.

Michelle Mellgren, Mellgren Planning Group, representing Las Olas Beach Club Condominium Association, noted her resume and credentials are on file with the City. She indicated that she has reviewed the City's Comprehensive Plan, ULDR and 1989 Beach Redevelopment Plan. These documents were adopted pursuant to Chapter 163 of the Florida Statutes and must be followed. She reviewed the Cortez site plan against these three documents and identified ten violations. She presented and reviewed slides that are attached to these minutes. She referred to the definition of right-of-way in the ULDR. Right of way includes property dedicated by easement. Regardless of how a

corridor is acquired, the idea is to have a consistent development pattern along the corridor. The ULDR requires a twenty foot set from A-1-A, and the 1989 Beach Redevelopment Plan requires setbacks be measured from future right-of-way corridors. The site plan violates these documents because it does not meet the minimum setback requirement.

Commissioner Moore returned to the chamber at approximately 8:17 p.m.

Ms. Mellgren referred to Objective 1.13 and corresponding two policies of the Comprehensive Plan. It calls for protection and acquisition of right-of-way. The plan prefers fee simple dedication. In fact, the City spent almost \$1 million to acquire right-of-way at Jackson Towers. There is no provision in the agenda backup materials for a dedication. A site plan notation does not acquire the right-of-way. There is no information as to how the City would address potential issues related to liability and maintenance regarding improvements that are in the right of way. The site plan violates these provisions of the Comprehensive Plan. She noted ULDR 47-12.5(A)(4) prohibits development on parcels smaller than ten acres in a PRD Zoning District unless the development is consistent with a community redevelopment plan. The site plan violates the setback, and therefore is not consistent with the Central Beach Redevelopment Plan adopted by the City pursuant to Florida law. She noted the Applicant calculated the floor area ratio (FAR) using the entire future roadway as part of the parcel size. If the right-of-way area is removed, the FAR would be 6.17. If the entire future roadway is removed, the FAR would be 7.28. ULDR, Section 47-12.5(A)(5), caps the FAR at 6. The site plan violates this provision. She referred to ULDR requirements concerning neighborhood compatibility. She felt the City need to look at the building in terms of its impact on the neighborhood. She referred to the Beach Redevelopment Plan and the ULDR that provide for building spacing to allow for breezes and sunlight, and for building siting to maintain waterway views. The proposed building at 200 feet and 30 feet from the Las Olas Beach Club will block breezes and create shadows. Much of the Beach Club will be shaded virtually year-round and western views will be eliminated. The Beach Club recreation facility on the 6<sup>th</sup> floor will be almost be in constant shadow. The developer has the burden of proof to show these adverse impacts will be addressed. Considering other projects approved, approval of this project will be precedent setting. The building is too big for the site. When the State widens Seabreeze Boulevard, the landscaping left will be about eight feet. She concluded that the Cortez Hotel site plan violates at least ten provisions of the documents adopted by the City pursuant to Florida Statutes which cannot be overlooked or waived. Additionally, it is not compatible with the neighborhood. It should be denied.

Bob McSweeney, Keith & Associates, representing Las Olas Beach Club Condominium Association, noted his resume and credentials are on file with the City LARRY SEE ME ON THIS. He presented and reviewed slides that are attached to these minutes. He indicated the revised engineering plans and drainage calculations were only made available this past Friday. There is substantial redesign due to previous comments and concerns raised. The new design removes the drainage system from within the existing right-of-way, yet it fails to provide for the collection and containment of the site stormwater runoff. The plans provide limited locations where runoff can be collected to enter the onsite drainage system, and the grading pattern directs runoff towards the perimeter of the site directly into the adjacent right-of-way. The Applicant has failed to provide that they will contain the first inch of runoff as required in the Comprehensive Plan. It also violates ULDR Section 47-25.2(L) which ensures that stormwater would not

adversely affect adjacent streets. There is a high likelihood of continual site and off-site roadway flooding due to the lack of on-site drainage containment. The engineering calculations show that the Applicant failed to provide pipe sizing calculations and might not have accounted for the contributions from the connection of the building's roof drainage system. They also fail to identify any connection with the roof drainage. Overloading the drainage system components would likely contribute towards rapid system deterioration and overflow into adjacent roadways. The drainage system piping indicates that piping would run interior to the subsurface building presumably within one of the mechanical garage levels. The piping elevations shown on the plans indicate that the drainage system piping would be in direct conflict with the automated parking potentially eliminating numerous parking spaces. He believed the engineering plans need to be substantially modified to accommodate the drainage infrastructure needed to permit this project.

Tom Hall, McMahon Associates, representing Las Olas Beach Club Condominium Association, indicated they were retained to provide an independent technical review of the traffic study submitted for this project. In addition, they performed their own independent traffic study to address observed deficiencies and additional issues. Impacts of this development would be realized onsite as a consequence of the tight internal circulation plan, and offsite on Poinsettia Street. The distance from the edge of the driveway to the stop bar is approximately 60 feet along Poinsettia, providing room for at most three cars to queue at the stop bar going westbound. Any car stopped at the stop bar will limit access to the loading area. The loading zone is not consistent with the ULDR Section 47-20.6(D). The short distance between the driveway and Seabreeze Boulevard would create conflicts between traffic along Poinsettia and traffic attempting to access the loading area and main hotel driveway. Site access is proposed through a common ingress/egress drive and loop configuration. It is tight and limiting, and a bypass lane has not been provided. There is only provision for one car to pass at the entrance to the building. Delays could cause backup on Poinsettia Street. Vehicles already in the loop could prevent access for emergency vehicles attempting to enter the site. Truck traffic was not considered or documented by the Applicant. McMahon's independent field reviews documented significant truck traffic in the area. Vehicular and pedestrian safety will be affected. The Applicant's study did not consider the approved developments within the study area either specifically or generically as a traffic layer for the future beach area build-out condition. If it is agreed that the project violates ULDR Section 47-20.6(D), the application must be denied.

Neil Schiller, Becker and Poliakoff, representing Las Olas Beach Club Condominium Association, said the Applicant has failed to prove by competent and substantial evidence that the site plan is compliant with the Comprehensive Plan and ULDR. The Code provides if the Commission determines that this application does not meet the City's standards and codes, they must deny the application. If there is one check on the scorecard showing non-compliance of a section, the project must be denied.

Joel Gustafson, 100 South Birch Road, resident of Jackson Towers, pointed out that the Beach Redevelopment Plan provides that setbacks shall be measured from roadways or future rights-of-way. It requires a 20 foot setback. He mentioned other developments coming along and that it is an important time to look at Seabreeze corridor. He noted there is no retail on the road until one reaches the Quarterdeck. The Cortez Hotel has planned for a small shop. He believed it will become known as Elbo Room North. They will secure a liquor license. There is outside seating. He did not think that retail should have access from the outside.

Shirley Smith, 1 Las Olas Circle, Vice President of Central Beach Alliance (CBA), said this project came before the CBA on November 29, 2007. The vote was 115 against with 52 votes in favor. The site plan was revised and another presentation was made on May 22, 2008. The vote was 195 against with 124 votes in favor. The CBA does not support this project because it attempts to cram too much into a small piece of property. They question the soundness of excavating for underground parking in such a small area so close to the Las Olas Beach Club Condominium, and in an area that is prone to flooding.

Carlos Robles, President of Las Olas Beach Club Condominium Association, said they reached out to the community and all of the districts. He urged denial of the project. It is a huge footprint on a sliver of land. It has the highest density of any building on the barrier Island. It does not meet code requirements and it is not compatible with the neighborhood. The developer has shown an unwavering arrogance to its neighbors. The project is wrong for this property. The issue of the need for a moderately priced hotel is a weak argument. There are moderately priced hotels in the city. He believed the Applicant simply wants to build, take the profit and run. He urged the Commission to reject this project and request the Applicant propose a project that would add value to the City and adhere to the City's code.

Jane Lill, resident of Las Olas Beach Club, noted that this project was turned down three times. Apparently the majority of residents and the Central Beach Alliance feel this project is not right for the community. She asked the Commission to take this into consideration and continue to improve Fort Lauderdale beach. There are less expensive hotels on the beach now that offer more than the Cortez.

Denise Fischer, resident of Las Olas Beach Club, indicated if this project is approved, they will lose their western view. The view will be substituted with a concrete wall and darkness. Privacy and noise will be issues. Most importantly are the issues of traffic and a bad precedent of allowing construction of this hotel on such a small parcel. She was concerned about backup traffic on A-1-A and Seabreeze. Mayor Naugle asked if, before purchasing her residence, did Ms. Fischer think about what could be built next to the Beach Club or did anyone make any representations concerning this. Ms. Fischer indicated no one ever indicated that anything could be built there. They realized that something could be built in the future, but never thought it would be something of this size.

Bruce McNamara, Chief Engineer for Las Olas Beach Club, was concerned about the rooftop amenities for the Cortez Hotel and the associated noise. He questioned whether it will be possible to establish timed deliveries as they have indicated. He pointed out the speeding traffic on A-1-A is significant. He presented a sign, saying: "Drive Safely, In Memory Of" that is placed along the right of way when there is a fatality. He did not want to see any such sign in this area. He said if it does not fit, you must acquit.

Beatrice Martines Robles, resident of Las Olas Beach Club, was concerned about this project meeting code. She questioned why it seems that the residents are doing the due diligence as to why this project does not meet code. For example, there was a delay at the last Commission meeting because something new was raised. The City should seek high standards and not barely making it. She favors development and growth. Her unit's view is not affected. She was concerned about the density for such a small parcel.

She was also concerned about traffic congestion. The project will show complete planning failure. The beach experience should be pleasant to the eye. If the Commission has a doubt about this project, she urged that they vote against it.

Al Woolsey, resident of Las Olas Beach Club, indicated before he purchased his residence, he asked three times and was told by Galleria real estate the parcel was too small for anything to be built on it. Las Olas is to be the gateway to the beach according to the Central Beach Master Plan. This project goes against everything that plan is about. The setbacks are not correct. The project is too large for the site. The buildings will be too close together and privacy would become an issue. Property values will be reduced.

John Weaver, resident of Las Olas Beach Club, found it interesting that the Applicant continually mentioned they were not requesting variances, but for what did not fit, they said it did not count. He felt it is clear that the project does not meet code including neighborhood compatibility. Cramming two buildings on one parcel is a bad precedent. The rights of residents should be considered. At the end of this decision someone will lose a lot of money and someone's life will be miserable and someone will probably sue. He asked why the residents should be put in such a position.

Elizabeth King, resident of Las Olas Beach Club, indicated she is a resident of Fort Lauderdale beach and not just Las Olas Beach Club. She urged the Commission to reject this project because it compromises the safety of residents and their quality of life. It also does not meet code. The question is whether the rights of the developer override the rights of the residents. She hoped the Commission will uphold high standards.

Blaine McRay, resident of Las Olas Beach Club, questioned if this is the best and highest use for this piece of land. He wanted all parties to work together to put something special there. He was concerned about traffic, especially trucks and deliveries.

Ted Ward, resident of Las Olas Beach Club, appreciated the vetting that takes place at the Central Beach Alliance. This project was rejected twice by the CBA. He was concerned about traffic congestion, especially trucks and double parked cars. He felt there will be a fatality. The project simply does not fit.

David Bergen, resident of Las Olas Beach Club, referred to Commissioner Moore's presentation to a builder earlier this evening and that it was noted that the architect took care to design the structure proportionate to the lot. In this case there needs to be attention to detail and the project being proportionate to the lot. He urged the Commission to deny this project.

Joe Hessmann, 200 South Birch Road, discussed the traffic circulation in the vicinity of the Cortez Hotel site and that there is a blind curve exiting Cortez Street. He believed the site is about four feet above sea level. Generators must be built eight feet above sea level. He did not think the garage pick up proposal will work. He did not think this proposal will do the beach any good.

Fred Carlson, 625 Orton Avenue, was confident that the Las Olas Beach Club residents are correct about the code issue. There are also quality of life issues. The beach is the City's tax base. The Commission has a responsibility to its residents. The Commission

should do the right thing in spite of lawsuit potential. This project will be a lasting insult. He urged the project be denied.

Art Seitz, 1905 North Atlantic, believed this is too much building for too little land. He was concerned about a vote taken by the Central Beach Alliance. A letter by Joe Panico, Corresponding Secretary of the Central Beach Alliance, that was previously provided to the Commission and the Clerk, indicated that eleven buildings signed in and five voted in favor of the Cortez Hotel. Yet Steve Glassman, President of the Central Beach Alliance, announced there were fourteen buildings opposed. He was concerned about the quality of the minutes and accuracy of the votes.

Commissioner Moore left the chamber at approximately 9:09 p.m.

Mr. Seitz felt there needs to be a full investigation. He believed Mr. Glassman is using the CBA for his own political advantage.

Frank Gernert, 2601 Marion Drive, noted this hotel is being proposed in a tourist-centric area of the beach. This project is requesting no variances or parking reductions. There are no moderately priced hotels in the area for individuals coming to the Swimming Hall of Fame. He pointed to all of the opposition with the exception of one being the Las Olas Beach Club. Cortez Street was designated in the beach master plan presented around 1984-1986 to be a pedestrian ped-way. He commented about commitments made to the City Commission by Fort Lauderdale Beach Hotel that were not kept relating to this area.

Commissioner Moore returned to the chamber at approximately 9:12 p.m.

Joe Chrrino, 2926 Cortez Street, noted that this hotel will create more jobs and an affordable hotel destination. He urged the Commission to approve the project.

Steve Glassman, President of Central Beach Alliance, felt it is important that the words of Mr. Seitz not be looked upon as the only words on the record. Mr. Panako has refuted the referenced letter. There are times when individuals vote, but have not signed in. The vote was not rigged. He refuted everything said by Mr. Seitz.

Arnold Blauweiss, resident of Las Olas Beach Club, felt that by walking an area one can learn more than what is reflected on building plans. The Las Olas Beach Club consumes 80% of the block and 15% of that is the building print. The Applicant consumes less than 20% of the area and wants to use 50% of the building plot. He believed the ratios are out of whack. A ten foot setback is not effective. Standards are not always correct. Field decisions must be made. This project fails terribly in terms of standards. When Las Olas Beach Club is fully occupied, traffic density will increase significantly. It is not logical to consider a traffic study without this factor. He was also concerned about building three levels underground.

David Bacso, 77 South Birch Road, representing the Portofino, expressed opposition to this project.

Mr. Spencer asked Ms. Mellgren if she has represented many cities doing land development codes. Ms. Mellgren replied yes. Mr. Spencer asked if Ms. Mellgren has been called upon to opine as to when an applicant had complied with a particular code

provision for purposes of a site plan approval. Ms. Mellgren said she has from time to time. Mr. Spencer asked Ms. Mellgren would agree that under Florida law if an applicant complies with a code, and if there is opposition, the burden is shifted to the opposition. Ms. Mellgren said she is not a lawyer and not qualified to answer. Mr. Spencer asked if Ms. Mellgren had ever been asked to opine on this. Ms. Mellgren did not recall. Ms. Mellgren responded to Mr. Spencer's questions concerning setbacks.

Ms. Mellgren responded to Mr. Spencer's questions concerning an eminent domain taking by the City of certain property on which Jackson Towers is now located and dedication of easement or right of way.

Ms. Mellgren responded to Mr. Spencer's questions concerning ULDR provisions for floor area ratio in relation to this project.

In response to Mr. Spencer, Ms. Mellgren indicated that she has testified for him in the past. She agreed that the word, should, is not a mandatory requirement but a suggestion. She agreed that the separation provisions of the Redevelopment Plan are prefaced the word, should. She also agreed that the Commission makes the final decision on this matter. She responded to questions concerning Florida Statutes on redevelopment plans, how zoning regulations and provisions of the ULDR are enacted. She agreed that Part 3 of the Community Redevelopment Act is not a zoning ordinance.

In response to Mr. Spencer, Ms. Mellgren indicated she was not familiar with the Las Olas Beach Club. Ms. Mellgren agreed that Cortez Street is a people street. She was not familiar with the Las Olas Beach Club or Beach Place entrances. She was not familiar with a settlement agreement (including variances) between the Las Olas Beach Club and the City and did not think it would be important in determining compatibility. She felt one needs to look at the building in the context in which it sits so as to assess neighborhood and community compatibility.

In response to Mr. Spencer, Mr. Hall indicated he is not a registered Florida engineer and he is not authorized to sign and seal traffic plans. Mr. Spencer moved to strike the entire testimony of Mr. Hall as not being competent and qualified as an engineer to express an opinion on traffic engineering. Mayor Naugle advised that the Commission will take note of Mr. Spencer's opinion of Mr. Hall's qualifications.

Mr. Tinter responded to Mr. Schiller's questions concerning the definition of right of way in the ULDR and the dedication of a twelve foot easement by the Applicant, which under Section 47-35 of the ULDR would be considered a right of way.

In response to Mr. Schiller, Mr. Tinter indicated he was vaguely familiar with the 1989 Beach Redevelopment Plan. Mr. Tinter responded to questions concerning the easement provided by the Applicant and measurement of the building setbacks.

In response to Mr. Schiller, Mr. Tinter indicated his analysis did not include truck traffic, however, the analysis completed by the review agency did include truck traffic and indicated that the impact was insignificant, and therefore, did not request that such additional information be provided by the Applicant. Mr. Tinter responded that truck traffic on Cortez Street relates to deliveries; and truck traffic on Poinsettia which is the location of the main access drive into Cortez Hotel, is significantly less. Cortez has



provided a loading zone to mitigate some impacts of truck traffic although it was not required.

In response to Mr. Schiller, Ms. Ward indicated she is familiar with the law relating to land use and zoning, but not a recent Fort Lauderdale case, Premier Case 927 2<sup>nd</sup> 852, concerning burden of proof and not being a lawyer, she could not respond to his question on this case. She also could not respond about the Snyder case concerning burden of proof because she is not a lawyer. She was not familiar with case, Village of Key Biscayne, 761 So. 2<sup>nd</sup> 397 and would not be surprised with the findings because she is not a lawyer.

In response to Mr. Schiller, Ms. Ward indicated as part of site plan level IV, it is the Commission's duty to determine if this project is compatible with the surrounding community based on the record.

There being no one else wishing to speak, Mayor Naugle closed the hearing.

**Motion** made by Vice Mayor Rodstrom and seconded by Commissioner Hutchinson to deny the application.

Commissioner Moore referred to the item being postponed at the last Commission meeting because there were allegations that there was a development in the right-of-way. He asked about staff's findings. Mr. Fajardo said the allegation that the development was in the right-of-way was made by opposing counsel was based on an easement line incorrectly shown on the site plan. Nothing is being built in the right of way.

Commissioner Moore referred to the parking garage and generator. Greg Brewton, Director of Planning and Zoning, did not want to speak for the building official, but the requirement for the generator, if such a requirement exists, would be eight feet above mean sea level and would be addressed at the time of permitting.

Commissioner Moore referred to the scorecard (submitted by Mr. Poliakoff). In response to Commissioner Moore, Mr. Brewton indicated that he has not seen the scorecard. All staff required for review of the project to reach this point in the process has reviewed the plan to meet minimum code requirements. The scorecard relates to planning and zoning related and engineering and traffic. The plan is acceptable in meeting minimum code requirements which are the only ones that need to be addressed from the staff's perspective.

Commissioner Moore asked Mr. Schiller if the Las Olas Beach Club or The Related Group had the opportunity to acquire the adjacent property (Cortez Hotel site). Mr. Schiller was not sure about the Related Group, but the property was never offered for sale to the Las Olas Beach Club Condominium Association. Commissioner Moore said it might not have been offered for sale, but nothing prevented them from acquiring the site if they felt anything at that site could have destroyed their view or property values. He asked if that group could have purchased the property. Mr. Schiller said that everything is potentially for sale in America, but if the project was built to Code views would not be impacted, nor their quality of life and there would be nothing to worry about.

Commissioner Moore asked if anything prevented the Las Olas Beach Club from acquiring the site in order to prevent future development that might not meet their qualifications. Mr. Schiller said he did not know about The Related Group, but the property was never offered for sale to the Las Olas Beach Club Condominium Association. He did not know if there was anything that prevented the association from acquiring the property to prevent development that would not meet their desires. Commissioner Moore questioned if Mr. Schiller thought it was not necessary for this project to come forward to the Commission after a 5-4 vote by the Planning and Zoning Board. Mr. Schiller indicated as a site plan level IV, it is required to come before the Commission to determine whether it is consistent with applicable plans and codes as far as neighborhood compatibility is concerned. The Commission would have to determine that the Planning and Zoning Board was wrong.

In response to Commissioner Moore, the City Attorney indicated that just about every time a development is turned down, the City is faced with a lawsuit. Quite often the City has been successful.

In response to Commissioner Moore, Mr. Brewton advised that hotel is a permissible use in the current zoning classification.

Commissioner Hutchinson did not think that staff reviewed the Beach Redevelopment Plan of 1989. She disagreed concerning staff indicating it meets the floor area ratio (FAR) requirement. It is too big. Because this property does not have to be replatted, there is nothing that will be recorded indicating the easement belongs to the City. She raised various questions concerning the easement use and whether the existing landscaping in the easement counts toward any landscaping requirement. She referred to the Commission action relating to Jackson Towers. She disagreed with staff. She has an issue with the easement. She was concerned about follow-up with regard to the easement and it only being a notation on the site plan. She does not support the application.

Commissioner Teel disclosed with whom she had spoken on this matter. She spent a lot of time at the site. She was concerned about traffic flow in regard to Poinsettia Street, keeping in mind what will occur on Cortez Street. She referred to the ULDR provision for loading zones. She did not think that pedestrians and motorists could be safe on the corner of Seabreeze and Poinsettia. She did not think there is neighborhood compatibility. She does not support the application.

Mayor Naugle referred to the right-of-way requirement and the 1989 Beach Redevelopment Master Plan. He explained this was the result of the Urban Land Institute offering an opinion as to what it would take to get redevelopment on the beach. Their conclusion was that the only way the City would ever see redevelopment on the beach was to eliminate A-1-A along the beach and relocate it inland. This is how the right-of-way on Seabreeze was expanded and that was why the right of way is being request for this hotel. Since 1989 several things have occurred. A ballot question was passed by the voters, indicating that A-1-A could never be eliminated without voter approval. The Commission has also decided on several occasions that Seabreeze will be made four-lanes. This development is being requested to dedicate right-of-way where the Commission has taken the position it will never need. He commented about \$15 million in funding becoming available to the City, without their request, to relocate the road when a relation to a developer was Speaker of the House. The idea of widening

Seabreeze to four lanes means someone wants to eliminate A-1-A again. He indicated the reasons why he voted against Las Olas Beach Club as it did not meet code. He also voted against Jackson Towers because it too did not meet code. The 'W' is another that exceeds code, which he voted against. The proposed building meets code. He agrees it is probably not compatible with the neighborhood because it is short. He anticipated the building permit will be awarded by the courts.

Vice Mayor Rodstrom concerned about the right-of-way, FAR and neighborhood compatibility, and disagreed with the developer on each. She complimented Ms. Robles concerning her comment about standards. She thought the master planning underway was to bring development to a higher standard. She did not want to allow development in a key area that meet minimum code requirements before the master plan is put into place. She thanked the residents for their input. There were other locations on the beach for affordable hotels.

In response to Commissioner Moore, Dennis Gearskin, Engineering Division, indicated that drainage is reviewed conceptually at this stage. The Applicant will have to meet Broward County surface water licensing requirement and South Florida Water Management District criteria. The roof will tie directly with downspouts into a drainage well on the northeast corner, which does not have to be pre-treated.

Commissioner Moore agreed with the Mayor concerning the 1989 Beach Redevelopment Plan and the Urban Land Institute comments in addition to the 2 + 2 Plan and the \$15 million coming to the City out of nowhere.

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

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 08-246

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A DEVELOPMENT PERMIT FOR A HOTEL ON PROPERTY LOCATED AT 2926 CORTEZ STREET IN FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

Which resolution was read by title only.

Vice Mayor Rodstrom disclosed with whom she had spoken on this matter. Commissioner Hutchinson disclosed with whom she had spoken on this matter including emails. Commissioner Moore disclosed with whom he had spoken on this matter including emails. Mayor Naugle disclosed with whom he had spoken on this matter including emails and letters.

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

**3021 NW 19 Street Pulice Land Surveyors On Behalf Of  
Zayed Yousef Masoud – Case 13-P-08**

**No budgetary impacts.**

**Applicant: Pulice Land Surveyors on behalf of Azyed Yousef Masoud  
Location: 3021 NW 19 Street  
Zoning: General Commercial Business (Broward County B-2)  
Future Land Use: Commercial**

Commissioner Moore introduced the following resolution with the noted declaration:

**RESOLUTION NO. 08-247**

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

Which resolution was read by title only.

Commissioner Moore said there is a concern about this development being a service station. The property is properly zoned for such use. The developer has made certain conditions with the community and he wanted that information entered into the record.

Rod Feiner, representing the Applicant, indicated in working with the neighborhood they are proposing certain restrictions that would limit the hours of operation, how tanker trucks will enter the site. They have also committed to making certain neighborhood improvements contained is a declaration of restricted covenants, which the City Attorney’s Office has received and approved. He provided a copy to the Commission that is attached to these minutes. He suggested this declaration be recorded before the plat is recorded.

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

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**Amendment To Site Plan Level IV – Hilton of Fort Lauderdale – Case 4-R-00 (R-04)**

**No budgetary impact.**

**Applicant: Costa Dorado Associates, LTD.  
Location: 505 North Fort Lauderdale Beach Boulevard  
Zoning: A-1-A Beachfront Area ABA  
Future Land use: Central Beach Regional Activity Center CBRAC**

Commissioner Hutchinson introduced the following resolution:

**RESOLUTION NO. 08-248**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN FOR A HOTEL TO INCLUDE A CHANGE IN USE FOR TWO RESTAURANTS ON PROPERTY LOCATED AT 505 NORTH FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

**PUBLIC HEARINGS**

**Future Land Use Plan – Map Amendment (PH-01)**  
**Rock Island – 320.32 Acres – Case 8-T-06**

**No budgetary impact.**

**Applicant:** City of Fort Lauderdale  
**Location:** NW 26 Street on the north, NW 19 Street on the south, NW 31 Avenue on the west, and NW 21 Avenue on the east  
**Current Future Land Use:** Broward County Residential Low 5 Medium 10 and Medium 16, Recreation Open Space, Industrial, Commercial and Community Facilities  
**Proposed City Future Land Use:** Residential Irregular (6.8, 11.00 & 18.07) units per acre, Park Open Space, Commercial, Community Facilities and Industrial

As there were no comments from the audience, a **motion** was made by Commissioner Hutchinson and seconded by Commissioner Moore to close the public hearing. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Moore, Hutchinson, and Teel, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

**ORDINANCE NO. C-08-47**

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 1999 FORT LAUDERDALE COMPREHENSIVE PLAN TO INCLUDE AN ANNEXED AREA AND ASSIGN LAND USE DESIGNATIONS INCLUDING RESIDENTIAL WITH IRREGULAR DENSITIES, PARK OPEN SPACE, COMMERCIAL, COMMUNITY FACILITIES AND INDUSTRIAL TO AN AREA KNOWN AS ROCK ISLAND, GENERALLY BOUNDED BY NORTHWEST 26<sup>TH</sup> STREET ON THE NORTH, NORTHWEST 19<sup>TH</sup> STREET ON THE SOUTH, NORTHWEST 31<sup>ST</sup> AVENUE ON THE WEST AND NORTHWEST 21<sup>ST</sup>

AVENUE ON THE EAST, AND AMENDING THE FUTURE LAND USE  
MAP TO DESIGNATE THE LAND USES.

Which ordinance was read by title only.

Mayor Naugle said that a form called the Comprehensive Plan Citizen Courtesy Information List is available with the Assistant City Clerk which is provided for any citizen who wants to receive a personal notice from the Florida Department of Community Affairs of the State's intentions concerning finding the amendments in compliance with state law. One does not have to testify at the hearing or submit written testimony in order to sign the form. The form will be submitted to the State along with the amendments.

In response to Commissioner Moore, Renee Cross, Planning and Zoning, advised that the site currently has Broward County Industrial on it; the City would simply be adding it to the City's map with the same designation. Commissioner Moore understood this has to do with annexation of Rock Island and overlaying the City's zoning over the County's zoning. In response to Commissioner Moore, Greg Brewton, Director of Planning and Zoning, advised that staff believes it has to have the current industrial zoning and land use because there are portions of the request that are not industrial.

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

**Relief From Zoning Requirements For Public Purpose Use  
Executive Airport Signage – Case 41-R-08**

**(PH-02)**

**No budgetary impact.**

**Applicant: City of Fort Lauderdale**

As there were no comments from the audience, a **motion** was made by Commissioner Hutchinson and seconded by Commissioner Moore to close the public hearing. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Moore, Hutchinson, and Teel, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-48

AN ORDINANCE APPROVING DIRECTIONAL SIGNS THAT DO NOT MEET THE SIGN REQUIREMENTS IN A GAA AND AIP ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS TRACT 1, "F-X-E PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 119, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN NORTHWEST 62<sup>ND</sup> STREET AND WEST COMMERCIAL BOULEVARD, EAST OF NORTHWEST 31<sup>ST</sup> AVENUE AND WEST OF NORTHWEST

10<sup>TH</sup> AVENUE AS A PUBLIC PURPOSE USE; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

**Permanent Road Closure – Southwest Flagler Avenue (PH-03)**  
**Neighborhood Capital Improvement Project**

**Appropriate \$16,000 from P00411.331-6599 to P11376.331-6599, both in Fund 331, Subfund 01.**

Mayor Naugle noted that the City Manager requested this be deferred to November 4, 2008.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to defer this matter to November 4, 2008 at 6 p.m. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Moore, Hutchinson, and Teel, and Mayor Naugle. NAYS: None.

In response to Mayor Naugle, Commissioner Hutchinson noted that the City Engineer and Director of Public Works will be meeting with property owners concerning this closure.

<b>ORDINANCES</b>
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**Rezoning To Parks, Recreation and Open Space - (O-01)**  
**1329 NE 7 Avenue – City of Fort Lauderdale – Middle**  
**River Terrace Park – Case 10-Z-08**

**No budgetary impact.**

**Applicant:** City of Fort Lauderdale  
**Location:** 1329 NE 7 Avenue  
**Current Zoning:** Community Business CB and Residential Low-Rise  
Multi-Family Medium Density RM-15  
**Proposed Zoning:** Parks, Recreation and Open Space P  
**Future Land Use:** Commercial and Residential-Medium

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-08-45

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM “CB” AND “RM-15” TO “P;” PARCEL “A,”

“TREELOFT SQUARE,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 113, PAGE 23 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; TOGETHER WITH THAT PORTION OF THE SOUTH 120.00 FEET OF THE NORTH 300.00 FEET OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 35, TOWNSHIP 49 SOUTH, RANGE 42 EAST, LYING WEST OF NORTHEAST 7<sup>TH</sup> AVENUE, LOCATED NORTH OF NORTHEAST 13<sup>TH</sup> STREET, SOUTH OF NORTHEAST 14<sup>TH</sup> COURT, BETWEEN NORTHEAST 5<sup>TH</sup> TERRACE AND NORTHEAST 7<sup>TH</sup> AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE “A” ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

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**Rezoning To Residential Multi-Family Low Rise – Medium Density – Edgewater, LLC, - 3325 SW 15 Avenue – Case 7-Z-08** (O-02)

No budgetary impacts.

**Applicant:** Edgewater, LLC  
**Location:** 3325 SW 15 Avenue  
**Current Zoning:** Residential Multi-Family Low Rise – Medium High Density And Single Family and Duplex – Medium Density RML-25 And RD-15  
**Proposed Zoning:** Residential Multi-Family Low Rise – Medium Density RM-15  
**Future Land Use:** Medium-High Residential and Medium Residential

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-08-44

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM “RD-15” TO “RM-15,” THE NORTH ONE-HALF OF LOT 38, F.A. BARRETT’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 46, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE WEST 513 FEET THEREOF; AND TO REZONE FROM “RML-25” TO “RM-15,” THE EAST 117.0 FEET OF THE WEST 513 FEET OF THE NORTH HALF OF SAID LOT 38, LOCATED ON THE WEST SIDE OF SOUTHWEST 15<sup>TH</sup> AVENUE, BETWEEN SOUTHWEST 32<sup>ND</sup> PLACE AND I-595, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE “A” ATTACHED THERETO TO INCLUDE SUCH LANDS.



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

**Vacate Alley – South Andrews Avenue Tower (O-03)  
597 South Andrews Avenue – Case 19-P-07**

**No budgetary impact.**

**Applicant: KYGO, LLC.  
Location: 597 South Andrews Avenue  
Zoning: Regional Activity Center – Civic Center RAC-CC**

Commissioner Hutchinson introduced the following ordinance on SECOND reading:

**ORDINANCE NO. C-08-46**

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE 14 FOOT ALLEY IN BLOCK 46, "TOWN OF FORT LAUDERDALE," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTH OF THE SOUTH LINE OF SAID BLOCK 46 AND BOUNDED GENERALLY ON THE NORTH BY THE SOUTH LINE OF LOT 5 OF AND LOT 15 OF SAID BLOCK 46, LOCATED BETWEEN SOUTH ANDREWS AVENUE AND SOUTHWEST 1 AVENUE, NORTH OF SOUTHWEST 6<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Amendment To The Pay Plan – Schedules I & II (O-04)**

**The approximate all funds cost of the non-bargaining unit cost-of-living adjustment is \$1,110,000. Sufficient funds are included in the 2008/2009 budget.**

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

**ORDINANCE NO. C-08-49**

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULES I AND II OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY MODIFYING THE PAY RANGE AMOUNTS FOR SCHEDULE I, TO WIT: SUPERVISORY, PROFESSIONAL, AND MANAGERIAL – P.E.R.C. – EXEMPT EMPLOYEES, AND SCHEDULE II, TO WIT: NON-BARGAINING CONFIDENTIAL EMPLOYEES, TO PROVIDE FOR A FIVE PERCENT COST-OF-LIVING ADJUSTMENT, AND PROVIDING FOR

## SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Which ordinance was read by title only.

In response to Vice Mayor Rodstrom, Averill Dorsett, Director of Human Resources, explained that the COLA and the merit are two different things. The merit raise would only be applicable if the employee has not yet topped out. Merit raises could range from 2.5% to 7.5%. A little over 60% of these employees are topped out. There have been no lay offs.

Vice Mayor Rodstrom was concerned with this item. She mentioned that the budget was balanced using some reserves and capital improvement program (CIP) reserves. She found the percentage increase during these economic times unacceptable.

In response to Commissioner Hutchinson, Ms. Dorsett noted this was included in the budget. All other employee groups have received 5%.

Vice Mayor Rodstrom noted she did not approve the budget.

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

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**Special Obligation Bonds and Bond Anticipation Notes (R-01)**  
**Issuance of Amounts Not Exceeding \$17,000,000 and \$12,000,000**

Vice Mayor Rodstrom wanted to change her vote on Item R-01.

**Motion** made by Vice Mayor Rodstrom and seconded by Commissioner Moore to reconsider Item R-01. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Moore and Teel, and Mayor Naugle. NAYS: Commissioner Hutchinson.

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 08-245

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ISSUANCE AND SALE OF A SPECIAL OBLIGATION REFUNDING BOND, SERIES 2008A, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEED \$17,000,000 TO SUNTRUST EQUIPMENT FINANCE AND LEASING CORPORATION ("SUNTRUST") FOR THE PURPOSE OF, TOGETHER WITH OTHER AVAILABLE FUNDS, (i) REFINANCING CERTAIN LOAN OBLIGATIONS OF THE CITY, AND (ii) PAYING THE COST OF ISSUANCE OF SUCH BOND; MAKING FINDINGS AND DETERMINATIONS AS TO SAID BOND; ACCEPTING THE PROPOSAL OF SUNTRUST; PROVIDING FOR THE METHOD OF EXECUTION OF SUCH BOND; AUTHORIZING THE EXPENDITURE OF THE PROCEEDS OF SUCH BOND AND PROVIDING FOR THE PREPAYMENT OF CERTAIN LOAN

OBLIGATIONS OF THE CITY; APPROVING THE FORM OF A LOAN AGREEMENT WITH SUNTRUST IN CONNECTION WITH SUCH BOND AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND BOND; AUTHORIZING THE ISSUANCE AND SALE OF A SPECIAL OBLIGATION NOTE, SERIES 2008B, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$12,000,000 TO BRANCH BANKING AND TRUST COMPANY ("BB&T") FOR THE PURPOSE OF (i) FINANCING A PORTION OF THE COST OF ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS AND RENOVATIONS WITHIN THE CITY (THE "SERIES 2008 PROJECT"), AND (ii) PAYING THE COST OF ISSUANCE OF SUCH NOTE; MAKING FINDINGS AND DETERMINATIONS AS TO SAID NOTE; ACCEPTING THE PROPOSAL OF BB&T; PROVIDING FOR THE METHOD OF EXECUTION OF SUCH NOTE; AUTHORIZING THE EXPENDITURE OF THE PROCEEDS OF SUCH NOTE AND APPROVING THE SERIES 2008 PROJECT; APPROVING THE FORM OF A LOAN AGREEMENT WITH BB&T IN CONNECTION WITH SUCH NOTE AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND NOTE; AUTHORIZING OTHER REQUIRED ACTIONS IN CONNECTION HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only.

Commissioner Moore asked if anyone has a conflict with any of the lending or banking institutions involved with this motion. No one said he or she had a conflict.

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

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**Advisory Board /Committee Appointments**

**(OB)**

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

Aviation Advisory Board	Johnnie Riles
Economic Development Board	Kristina Hebert
Parks, Beaches and Recreation Board	Mark Hartmann Jeffrey Cannon Marilyn Markus

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 08-249

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET

FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART  
HEREOF.

Which resolution was read by title only.

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

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**Commissioner District III, interim Position**

**(OB)**

In response to Mayor Naugle, the City Clerk advised that Mr. Witherspoon submitted his letter of withdrawal on October 9, 2008; and her office called him today and he said that he understood there was no conflict between whether he would file as an interim or permanent candidate. The only candidate she was unable to reach today was Mr. DuBois. Mr. Mizell was also contacted.

Mayor Naugle reviewed the September 3 minutes, when the Commission agreed to make the decision on the 4th. He understood that Commissioner Moore had resigned as of the 4th and would not be participating in that meeting. Commissioner Moore believed the majority of the Commission understood.

Commissioner Moore wanted to accept the names offered today for the position of Commissioner, District III, as well as the recommendations made by the District III Vacancy Committee. He wanted all nominations to be closed.

**Motion** made by Commissioner Moore to close nominations, accept the names submitted for the position of Commissioner, District III (Pamela Adams, Corey Alston, Charnette Cash, Jennings Coleman, Walter Hinton, Magdalene Lewis, Ella Phillips, Bernadette Norris-Weeks) and that the vote take place at the November 4, 2008 regular meeting.

Vice Mayor Rodstrom questioned the inclusiveness of the process as to what would happen if Mr. DuBois wants to be considered for the interim position. Commissioner Moore felt that because he believes he is a viable candidate, he does not want to go against the civic association presidents because they will not support whoever fills the interim position for the permanent position.

Commissioner Hutchinson pointed out that Mr. DuBois attended some of the meetings and the City Clerk spoke with Mrs. DuBois today. He hopefully received the message through his wife.

Commissioner Teel commented that after seeing the 1999 application the paragraph regarding whether the individual wanted to serve, she is satisfied with the process.

Mayor Naugle felt having the Commissioner vote on the matter violates the spirit of the charter which says that the selection should be made by the remaining members.

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

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There being no other matters to come before the Commission, the meeting was adjourned at 10:31 P.M.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk