

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**NOVEMBER 4, 2008**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
November 4, 2008**

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

Roll call showed:

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

Absent: None.

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

Invocation was offered by Chaplain Feniton Jacques, Fort Lauderdale Police Department, followed by the recitation of the Pledge of Allegiance.

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

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the minutes of the September 16, 2008 Conference and Regular Meetings, and the agenda for the meeting of November 4, 2008. Roll call showed: YEAS: Commissioners Moore, Hutchinson, and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None.

**Presentations**

**1. Florida City Government Week – Poster Contest (PRES-01)**

Commissioner Teel recognized students and teachers from fourth and fifth grades in Fort Lauderdale elementary schools who participated in the Florida City Government Week Activities – Poster Contest.

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**Southeast Regional Gay Men's Health Weekend****(OB)**

Commissioner Hutchinson presented a proclamation designating November 7-9, 2008 as Southeast Regional Gay Men's Health Weekend to Dr. David Fawcett, representing the Gay Men's Health Summit.

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**2. Top "100 Best Government Fleets"  
In North America Award – Parking and  
Fleet Services Department** **(PRES-02)**

The City Manager recognized the City's Parking and Fleet Services Department for their award as one of the "Top 100 Best Government Fleets" in North America. They rank 9th in the nation for this year. John Hoelzle, Director of Parking and Fleet Services, recognized all those who made this achievement possible.

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**3. Outstanding City Employees** **(PRES-03)**

Ocean Rescue Chief Brett Balou recognized individuals who participated in the Second Annual Introduction to Junior Lifeguard Program.

Frank Adderley, Police Chief, recognized Sergeant Paul Cristafaro as officer of the month for November, 2008.

Albert Carbon, Public Works Director, recognized Lastasha Buchanan, Customer Service Supervisor, along with the following members of her staff: Barbara, Debbie, Denise, Donnell, Gloria, Jina, Rhona, Rosemary and Pamela with the STAR Award for November, 2008.

John Hoelzle, Director of Parking and Fleet Services, recognized Keela Black as employee of the month for November, 2008.

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**Resignation of Commissioner Moore**

Mayor Naugle indicated he received a complaint at 6 p.m. which brings into question whether the Commission's votes this evening could be challenged. If the lawsuit is successful, he asked what would be the remedy for the votes made this evening. The City Attorney indicated that most of the facts set out in the complaint are not privy to the information he had when he reached the opinion that Commissioner Moore intended to resign at close of business. It assumes that he resigned 12:01 a.m. He believed that is not correct. The rules of civil procedure indicate it is close of business on the particular day. For lease law, it is midnight of the day in a lease. There are any number of provisions that determine the time of day. In order to formulate a remedy, one must look at the ordinance or statute and the intent of the person who is filing the resignation. He believed the intent is met by resigning on November 4 because it required resignation by November 18, therefore the statute is met. The intent of the maker has informed him and made clear to the Commission in June and September that his intent was to resign at close of business and he intended to be sitting here. He believed the lawsuit is without merit. If the court disagrees, they would item by item disqualify Commissioner

Moore's vote. The lawsuit was served at the last moment and asked for an emergency hearing, but the court cannot issue an ex parte injunction against the City unless it has notice. If the Commission stopped business with each lawsuit, nothing would be done because the City is sued frequently.

Mayor Naugle referred to Item R-01 and pointed out that the charter clearly provides that the remaining commission members make the selection. This is also part of the lawsuit. In further response to Mayor Naugle, the City Attorney did not think the plaintiff has any standing on that issue. If there is standing, however remote it is that there is standing, there is the possibility that it would invalidate the Commission's action. The Commission would simply have to go through the process again. He confirmed Mayor Naugle's suggestion as correct that anyone with an item on this evening's agenda could request tabling if they did not wish to deal with this.

In response to Vice Mayor Rodstrom's question about the effective time of the resignation based on the minutes, the City Attorney noted it does not say what time of day, only that it is effective November 4. One must look at extraneous information in order to determine the intent of the maker of the motion. The June 17 minutes, where redistricting of District III was discussed, Commissioner Moore indicated to the Commission that he had submitted his resignation and there was a consensus that the appointment would be made on November 4 because it was his desire to be sitting here to vote on that particular issue.

Vice Mayor Rodstrom pointed out that the time of day is not specified in Commissioner Moore's resignation letter. She asked if there are other legal opinions that could conflict with the City Attorney's opinion that it is at the close of business. The injunction says 12:01. The City Attorney clarified that Mr. Seitz says 12:01; it is a verified complaint. It has not been approved by a judge, but rather put together by Mr. Seitz and an attorney. It will be before a judge at some point in time. Vice Mayor Rodstrom wanted to know if the City could incur any monetary damage if there is a lawsuit on anything voted upon this evening. The City Attorney doubted there would be a lawsuit on anything the Commission takes action on. Defense of the lawsuit will cost money. Vice Mayor Rodstrom questioned if the resignation would have been clearer if the time of day had been included. The City Attorney acknowledged that the resignation letter is not a model of clarity, however other information presented by Commissioner Moore to the Commission indicates that he clearly intended to be here on November 4 at the close of business. In further response to Vice Mayor Rodstrom, the City Attorney indicated that in order to fashion a remedy, one has to look at intent of the statute and the person who sent the letter.

In further response to Vice Mayor Rodstrom, the City Attorney believed that the charter anticipated when the Commission appointed someone to fill a vacancy that was in fact a vacancy and the remaining members would be those who vote on it. The resign to run law adopted by the legislature and subsequently determined by the Supreme Court and several attorney general opinions are that the resign to run law creates an artificial vacancy, which can be filled in advance of the vacancy actually occurring. If the vacancy is filled and Commissioner Moore is still seated, then he is a commissioner and there is nothing in the charter that says he is disqualified from voting on any issue that comes before the Commission. Reading the charter together with the statutes and the intent of the resignation letter, he believed that Commissioner Moore can vote on the issue this evening. If the Commission defers the matter to a date when he is no longer a

commissioner, then the issue goes away. In further response to Vice Mayor Rodstrom, the City Attorney did not know if former Commissioner John Aurelius was part of the decision process when his replacement was selected. Vice Mayor Rodstrom did not believe he was part of the process, therefore past practice is that the resigning commissioner does not take part in deciding upon a replacement. She was concerned that violating the charter will impact her. In further response to Vice Mayor Rodstrom, the City Attorney gave her assurance with respect to not violating the charter.

Mayor Naugle questioned the City Attorney knowing the intent of the charter section. The City Attorney indicated that he gathers the intent from the language. One only looks to the individual when the language is not clear. Mayor Naugle felt the City Attorney is suggesting that the Commission ignore the charter. He felt the language clearly says the vacancy shall be filled by the remaining members of the Commission.

Commissioner Hutchinson noted that a motion was passed on October 21. The subject was beat to death at two meetings. It was always the intent that Commissioner Moore would be part of the decision making. It was discussed at three meetings. This is another tactic by a resident to stop the process and she would not tolerate it. She agreed with the City Attorney.

Commissioner Moore felt that individuals are attempting to find cause for something that has no cause. He brought this to the Commission in April. The date of November 4 for the resignation letter was a deliberate action. The Commission received a copy of the charter section when he raised it at a conference meeting because he wanted everyone to understand what he and residents of the district were proposing. If any of his colleagues feel this will harm their future, he suggested they abstain. The majority of the Commission has already stated how they would act.

Vice Mayor Rodstrom felt they should try to get back to following the charter. If Commissioner Moore is concerned about the Commission, she asked that he second her motion to defer the item to the next meeting. Commissioner Moore noted his respect was shown by bringing up the issue in April. He noted the number of years of his service, that this is his last evening as a commissioner and no one from his district has filed any action. He did not want someone who was not representing the people who had voted for him over the years to have a greater say in it. The district discussed it. He came to the Commission months ago. This is an action to try to bring a cloud over a twenty year policy maker in this district. He wanted to move forward. He noted this item is not on the agenda.

In response to Mayor Naugle, the City Attorney indicated unless a commissioner has a conflict, they should not abstain.

Vice Mayor Rodstrom believed this is a violation of the charter. If the majority of the Commission votes to do something that is wrong or in violation of the charter, Mayor Naugle did not think there is an obligation of any individual to take part in it. There are many remedies and Commissioner Moore could offer one.

In response to Commissioner Moore, Mayor Naugle indicated that this has nothing to do with putting a cloud over the commissioner's last meeting. It is about following the charter. Commissioner Moore wished the Mayor had an understanding of the charter in the past. If Mayor Naugle wished to leave the meeting, he would not be present to vote.

He wanted to move forward with the agenda. Mayor Naugle indicated he has never left a meeting to avoid a vote as Commissioner Moore has done.

In response to Mayor Naugle, Commissioner Teel indicated it is her intent to follow the advice of the City Attorney. She wanted to move forward with the meeting.

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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 – St. Jerome Fall Festival****(M-01)**

**No budgetary impact.**

A motion authorizing and approving the execution of an Event Agreement with St. Jerome Catholic Church, a parish of the Archdiocese of Miami, Inc. for the Fall Festival, to be held on church property at 2601 SW 9 Avenue from Wednesday, November 19 to Sunday, November 23, 2008, contingent upon the City Attorney's Office receiving and approving the executed agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1527

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**Event Agreement – Winterfest Boat Parade  
Closing Various Downtown Streets****(M-02)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Winterfest, Inc. for the Winterfest Boat Parade, to be held Saturday, December 13, 2008 from 3 PM to 10 PM on the New River and Intracoastal Waterway; and authorizing the closing of various downtown streets.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1537

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**Event Agreement – Thousand Child March For Humanity (M-03)**  
**Closing Walk Route**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with The Humanity Project, Inc. for the Thousand Child March for Humanity, to be held on Sunday, November 16, 2008 at Huizenga Plaza, from 1 PM to 3 PM; and also authorizing the closing of the march route.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1544

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**Event Agreement – Downtowner Music Fest (M-04)**  
**Closing South New River Drive**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with It's Only Zeroes, Inc. for the Downtowner Music Fest, to be held Friday, November 21 from 8 PM to 10 PM, Saturday, November 22 from 12 noon to 10 PM, and Sunday, November 23, 2008 from 10 AM to 4 PM at the Downtowner; and also authorizing the closing of South New River Drive.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1595

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**Event Agreement – Dave Thomas Foundation For (M-05)**  
**Adoption Free Lunch Give-Away**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Momentum NA, Inc. for the Dave Thomas Foundation for Adoption Free Lunch Give-Away, to be held Tuesday, November 18, 2008 at Huizenga Plaza from 10 AM to 12 Noon, contingent upon the City Attorney's Office receiving and approving the executed agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1613

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**Termination of Lease Agreement – School Board of Broward County (M-06)**  
**Fort Lauderdale High School Swimming Pool**

**No budgetary impact.**

A motion authorizing the City Manager to submit written notice to the School Board of Broward County – termination of lease agreement – shared use of Fort Lauderdale High School Pool.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1617

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**Settlement of Leonard Ackley, Et Al. v. City of Fort Lauderdale – Case No. 07-60960 – CIV-COHN/Seltzer - \$73,000** (M-07)

**\$73,000 needs to be transferred from INS010101, Subobject 5116, Employee Liability Claims.**

A motion authorizing allocation of \$73,000 for settlement of Case No. 07-60960-CIV-COHN/Seltzer, Leonard Ackley, et al. vs. City of Fort Lauderdale, pending in the United States District Court, Southern District of Florida.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1663

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**Amendment and Restatement – Boys’ Clubs of Broward County, Inc. Bus Benches and Shelters Agreement** (M-08)

**No budgetary impact.**

A motion authorizing the proper City Officials to execute an Amended and Restated Agreement to Boys’ Clubs of Broward County, Inc. agreement – replace and maintain all City bus benches, garbage receptacles and bus shelters.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1634

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**Lease Agreement – Office Space For Police Internal Affairs – General Employees Retirement System Board of Trustees** (M-09)

**Fund 01, Subfund 001, POL010201-3319, Lease/Rent \$20,398.00.**

A motion authorizing the proper City Officials to execute a 4-year lease agreement with the Board of Trustees of City of Fort Lauderdale General Employees Retirement System.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1636

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**Settlement of Worker Compensation File WC-95-8226 & WC-05-12609 - \$161,000 (M-10)**

**Funds are budgeted in INS010101-5125 (Workers' Compensation Claims), Fund 543/Subaccount 01. There are sufficient funds to cover the \$161,000.**

A motion authorizing settlement of Worker Compensation File WC-95-8226 & WC-05-12609 (Thomas Carbone) - \$161,000.

**Exhibit:** Commission Agenda Report 08-1597

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**Settlement of Worker Compensation File WC-02-11538 - \$115,000 (M-11)**

**Funds are budgeted in INS010101-5125 (Workers' Compensation Claims), Fund 543/Subaccount 01. There are sufficient funds to cover the \$115,000 settlement.**

A motion authorizing settlement of Worker Compensation File WC-02-11538 (xx) - \$115,000.

**Exhibit:** Commission Agenda Report 08-1599

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**Permit Renewal Application - \$50,000 (M-12)**  
**Disposal of Effluent – Lohmeyer Wastewater Treatment**

**Appropriate \$50,000 from Project P00401, Subobject 6599, Fund 451, Subfund 02, to Project P11407.451, Subobject 6599, Fund 451, Subfund 02.**

A motion authorizing the proper City Officials to: (1) authorize payment of \$50,000 to Florida Department of Environmental Protection – permit renewal application to dispose of effluent – five injection wells at Lohmeyer Wastewater Treatment Facility; and (2) appropriate \$50,000 to fund permit renewal.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1577

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**36<sup>th</sup> Annual Thanksgiving Food Drive (M-13)**

**No budgetary impact.**

A motion authorizing and approving the 36<sup>th</sup> Annual Thanksgiving Food Drive, providing an opportunity for citizens to donate non-perishable food items to Fort Lauderdale families in need.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1556

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**Annual Holiday Toy Drive**

**(M-14)**

**No budgetary impact.**

A motion authorizing and approving Annual Holiday Toy Drive, providing an opportunity for citizens to donate new toys to disadvantaged children in Fort Lauderdale.

**Exhibit:** Commission Agenda Report 08-1560

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**Contract Award – Insituform Technologies, Inc. - \$946,170  
Wastewater Conveyance System – Sewer Basin A-29**

**(M-15)**

**Appropriate \$1,178,397.96 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11163.482-6599.**

A motion authorizing the proper City Officials to: (1) award and execute contract with Insituform Technologies, Inc., in the amount of \$946,170 – rehabilitation of sewers – Wastewater Conveyance System Long-Term Remediation Program – Sewer Basin A-29 – Project 11163; and (2) appropriate \$1,178,397.96 to fund this contract and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1568

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**Change Order 2 (Final) – Man-Con, Incorporated - Credit  
(\$639,626.94) – Sanitary Sewer and Water Main  
Improvements Edgewood**

**(M-16)**

**Reduce encumbrance by (\$639,626.94) in Fund 482, Subfund 01, P10580.482-6599.**

A motion authorizing: (1) Change Order 2 (Final) with Man-Con, Incorporated in the CREDIT amount of (\$639,626.94) – additional work and final quantity reconciliation – Sanitary Sewer and Water Main Improvements Edgewood Basin E – Project 10580A; and (2) reduce encumbrance by (\$639,626.94).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1567

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**Change Order 5 – Asphalt Consultants, Inc. - \$24,160.89  
Septic Area 2 East Basins A and C**

**(M-17)**

**Appropriate \$27,100 from Water and Sewer Revenue to Bonds to Fund 482, Subfund 01, P10832.482-6599.**

A motion authorizing: (1) Change Order 5 with Asphalt Consultants, Inc., in the amount of \$24,160.89 – additional work and quantity adjustments – Septic Area 2 East Basins A and C – Project 10832; and (2) appropriate \$27,100 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1565

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**Amendment 1 – Task Order 40 – CMTS Florida, LLC - (M-18)  
\$71,529.53 – Utility Construction Inspection Services –  
River Oaks Basin C**

**Appropriate \$15,600 from P00380-6599, Stormwater Recap to P10705.470-6599, both in Fund 470, Subfund 02, and appropriate \$65,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10705.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 40 with CMTS Florida, LLC, in the amount of \$71,529.53 – utility construction inspection services – River Oaks Basin C – Project 10705C; and (2) appropriate \$80,600 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1573

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**Amendment 1 – Task Order 41 – CMTS Florida, LLC - (M-19)  
\$47,686.35 – Utility Construction Inspection Services –  
River Oaks**

**Appropriate \$54,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10705.482-6599.**

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 41 with CMTS Florida, LLC., in the amount of \$47,686.35 – utility construction inspection services – River Oaks Basin E – Project 10705E; and (2) appropriate \$54,000 to fund this amendment and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1575

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**Civil Engineering Utility Design Consultant Services (M-20)  
Continuing Contract Award – Keith and Schnars, P.A.**

**Work will be authorized on an as needed basis and will be subject to Commission approval of appropriations of contributions from the neighborhood associations to fund the individual tasks.**

A motion authorizing the proper City Officials to execute an agreement with Keith and Schnars, P.A. – civil engineering utility design consulting services – continuing contract award.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1551

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**Continuing Contract – Agreement Extension – The PBSJ Corporation – Architectural Services** (M-21)

**There is no cost to enter into this contract. Staff will spend in accordance with per unit pricing secured through the competitive bidding process and available budget.**

A motion authorizing the proper City Officials to execute the first one-year extension to agreement with The PBSJ Corporation – miscellaneous architectural services.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1593

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**Revocable License – Exchange Tarragon, LLC Pedestrian Lighting – NE 2 Street and NE 3 Avenue** (M-22)

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a revocable license with Exchange Tarragon, LLC – installation and maintenance of decorative pedestrian lighting improvements in the public right-of-way of NE 2 Street and NE 3 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 08-1576

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**CONSENT RESOLUTION**

**Grant Acceptance – Bill Keith Preserve - \$200,000 Land and Water Conservation Fund** (CR-01)

**Appropriate \$200,000 grant revenue to P11183.129, revenue subobject D-239; Florida DEP fund type 10, Fund 129, Subfund 01. Appropriate \$200,000 expenditure in P111834.129-6599; Construction, fund type 10, Fund 129, Subfund 01. Appropriate \$200,000 from P11236.331-6599, General Capital Projects holding account, fund type 30, Fund 331, Subfund 01 to P11183.129A, grant revenue to Subobject Q331, General Capital Projects, fund type 10, Fund 129, Subfund 01, expenses to P11183.129A-6599, Construction, fund type 10, Fund 129, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1550

RESOLUTION NO. 08-270

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT A LAND AND WATER CONSERVATION FUND GRANT IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000) FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP); AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS TO RECEIVE FUNDS AND 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 APPROPRIATING THE TWO HUNDRED THOUSAND DOLLARS (\$200,000) IN GRANT FUNDS TO FUND 129 AND APPROPRIATING TWO HUNDRED THOUSAND DOLLARS (\$200,000) IN MATCHING FUNDS FROM FUND 331 TO FUND 129.

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**Grant Application – Florida Sea Turtle Grants Program  
Fort Lauderdale Beach - \$35,000**

**(CR-02)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1665

RESOLUTION NO. 08-271

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A FLORIDA SEA TURTLE GRANT IN THE AMOUNT OF \$35,000 FROM THE CARIBBEAN CONSERVATION CORPORATION FOR THE RESEARCH AND DEVELOPMENT OF A HABITAT CONSERVATION PLAN FOR FORT LAUDERDALE BEACH.

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**Grant Acceptance – Operation Last Call II (CR-03)**  
**Florida Department of Law Enforcement - \$31,571**

Appropriate \$31,571 of Grant Funds to Fund 129, Subfund 01, GCALL09, F204 (Rev), and Expenditures in 3307 (\$9,600) and 4352 (\$21,971). Also appropriate \$6,135 in City matching funds from Fund 001, Subfund 01, Subobject 9129, and Expenditures in 3201 (\$2,700), 3234 (\$1,200), 3999 (\$585), and 4104 (\$1,650).

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1621

RESOLUTION NO. 08-272

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 AWARDED TO THE CITY BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT IN THE AMOUNT OF \$31,571 TO APPROPRIATE FUNDS FOR OPERATION LAST CALL II.

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**Lohmeyer Wastewater Treatment Plant Well Permit Renewal (CR-04)**  
**Certification of Financial Responsibility Signature Authorization**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 08-1578

RESOLUTION NO. 08-273

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE DIRECTOR OF FINANCE TO EXECUTE THE CERTIFICATION OF FINANCIAL RESPONSIBILITY TO CLOSE, PLUG AND ABANDON UNDERGROUND INJECTION OPERATIONS IN ACCORDANCE WITH RULE 62-528.435 OF THE FLORIDA ADMINISTRATIVE CODE.

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**Lewis, Longman & Walker, P.A. - \$90,000 (CR-05)**  
**Increase Scope of Services – Water-Related Issues**

**\$90,000 is available in PBS060101-3199, Fund 450, Subfund 01.**

**Recommend:** Adopt corrected resolution.



**Exhibit:** Commission Agenda Report 08-1618

RESOLUTION NO. 08-274

A RESOLUTION OF THE CITY COMMISSION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 06-115 AS AMENDED TO INCREASE THE TOTAL AMOUNT OF FEES AUTHORIZED TO BE PAID TO THE LAW FIRM OF LEWIS, LONGMAN & WALKER, P.A. AS SPECIAL COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECITON WITH WATER AND WASTEWATER RELATED ISSUES.

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**PURCHASING AGENDA**

**Proprietary – GPS Monitoring and Software (PUR-01)**  
**Maintenance – GPS Mobile Building Inspector Program**

**\$24,111.96 is budgeted in Fund 001, Subfund 01, BLD010202, 3628 - \$1,125 is budgeted in Fund 001, Subfund 01, BLD010202, 3401.**

One-year proprietary contract renewal for GPS monitoring and software maintenance for Building and Code Inspection Vehicles is being presented for approval by the Building Department.

**Recommend:** Motion to approve.  
**Vendor:** Ituran USA, Inc.  
 Fort Lauderdale, FL  
**Amount:** \$25,236.96  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-1548

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

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**Office Copier Plan (PUR-02)**

**Contract authorization for FY 08-09. Funds appropriation – Refer to Exhibit 1.**

Add and replace leased office copiers during fiscal year 2008-2009 is being presented for approval by the Business Enterprise Department.

**Recommend:** Motion to approve.  
**Vendor:** IKON Office Solutions, Inc.

Malvern, PA.  
 Toshiba America Business Solutions, Inc.  
 Irvine, CA.  
 Xerox Corporation  
 Norwalk, CT  
**Amount:** \$179,320.00 (estimated)  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 08-1580

The Procurement Services Department recommends approval from Miami-Dade County Public Schools, Marion County Public Schools, Miami-Dade County and State of Florida contracts.

**385-10034 – Bahia Mar Lease and Development (PUR-03)**  
**Economic Analysis**

**\$67,000 is available in Fund 01, Subfund 001, EDV010101, 3199.**

Purchase services for analysis of Bahia Mar lease and development opportunities to maximize value is being presented for approval by the Economic Development Department.

**Recommend:** Motion to approve.  
**Vendor:** PMG Associates, Inc..  
 Deerfield Beach, FL  
**Amount:** \$67,000.00  
**Bids Solicited/Rec'd:** 2033/4  
**Exhibit:** Commission Agenda Report 08-1587

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

**195-10140 – IAFF Local 765 Firefighters Group Dental PPO Plan (PUR-04)**

**Administration: \$20,000 is budgeted INS220101/5130, Fund 545/Subfund 01**  
**Claims: \$200,000 is budgeted INS220101/5131, Funding for years two and three of the initial contract period are contingent upon the appropriation of funds.**

Three-year group dental plan for IAFF Local 765 firefighters is being presented for approval by the Finance Department.

**Recommend:** Motion to approve.  
**Vendor:** The Guardian Life Insurance Company of America.  
 New York, NY  
**Amount:** \$220,000.00 (estimated annual)  
**Bids Solicited/Rec'd:** 386/8  
**Exhibit:** Commission Agenda Report 08-1631

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

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**162-9545 – Wellness Enhancement – City Self-Funded Group Health Plan** **(PUR-05)**

**\$30,000 is budgeted in Fund 545, Subfund 01, INS220101, 5131.**

Provide wellness enhancement to City Self-Funded Group Health Plan for members of Teamsters Local 769 and IAFF Local 765 is being presented for approval by the Finance Department.

**Recommend:** Motion to approve.

**Vendor:** AvMed, Inc. d/b/a AvMed Health Plans  
Miami, FL

**Amount:** \$30,000.00 (estimated annual)

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

**Exhibit:** Commission Agenda Report 08-1504

The Procurement Services Department has reviewed this item and recommends approval of the wellness enhancements.

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**Telecommunications and Cable Television Consulting** **(PUR-06)**

**\$60,000 is budgeted in Fund 581, Subfund 01 ITS020101, 3199.**

Two-year agreement to provide continued telecommunications and cable television consulting services on an as-needed basis is being presented for approval by the Information Technology Services Department.

**Recommend:** Motion to approve.

**Vendor:** The Baller Herbst Law Group A Professional Corporation  
Minneapolis, MN

**Amount:** \$60,000.00 (not-to-exceed)

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

**Exhibit:** Commission Agenda Report 08-1498

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

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**Annual Computer Purchase Plan****(PUR-07)****See Exhibit 2.**

Fiscal Year 2008-2009 annual computer purchase plan is being presented for approval by the Information Technology Services Department.

**Recommend:** Motion to approve.

**Vendor:** Dell Marketing Corporation  
Round Rock, TX

**Amount:** \$306,870.00 (estimated)

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

**Exhibit:** Commission Agenda Report 08-1546

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

**584-10035 – Four Ambulance Replacements****(PUR-08)**

**\$1,035,250.40 is budgeted in Fund 583/01, PAR030101, 6416.**

Purchase four replacement ambulance vehicles identified in fiscal year 2008-2009 Fleet Plan is being presented for approval by the Parking and Fleet Services Department.

**Recommend:** Motion to approve.

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

**Amount:** \$1,035,250.40

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

**Exhibit:** Commission Agenda Report 08-1583

The Procurement Services Department has reviewed this item and recommends approval of purchase from Contract No. 584-10035.

**Vehicle Replacements – Florida Sheriff's Association Contract****(PUR-09)**

**\$286,453 is budgeted in Fund 583/01, PAR030101, 6416.**

Purchase eighteen vehicle replacements identified in fiscal year 2008-2009 Fleet Plan is being presented for approval by the Parking and Fleet Services Department.

**Recommend:** Motion to approve.

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

**Amount:** \$286,453.00

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

**Exhibit:** Commission Agenda Report 08-1586

The Procurement Services Department has reviewed this item and recommends approval of purchases from the Florida Sheriff's Association Contract.

**Proprietary – Digital EMS Meter Communications Service (PUR-10)**  
**Parking Meters**

**\$10,800 is budgeted in Fund 461, Subfund 01, PAR020102, 3299.**

Purchase Digital "EMS" credit card communications services for multi-space parking meters is being presented for approval by the Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Vendor:** Digital Payment Technologies Corp.  
Burnaby, BC

**Amount:** \$10,800.00

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

**Exhibit:** Commission Agenda Report 08-1607

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

**593-10141 – Sunrise Middle School – Swimming Pool Management (PUR-11)**  
**Services**

**No budgetary impact. Revenue of \$7,200 to be deposited into Fund 001, Subfund 01, PKR030601, K505 Pool Program Fees.**

One-year contract for swimming pool management services at Sunrise Middle School is being presented for approval by the Parks and Recreation Department.

**Recommend:** Motion to approve.

**Vendor:** Team Elite Athletic Management International, Inc.  
Fort Lauderdale, FL

**Amount:** \$7,200.00

**Bids Solicited/Rec'd:** 465/3

**Exhibit:** Commission Agenda Report 08-1602

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

**Proprietary – Paramedic and EMT License Recertification (PUR-12)**

**\$13,410 is budgeted in Fund 001, Subfund 01, FIR010301, 4101.**

Purchase 2008 license recertifications for 260 paramedics and 83 emergency medical technicians and 1 voluntary inactivation is being presented for approval by the Fire-Rescue Department.

**Recommend:** Motion to approve.

**Vendor:** Florida Department of Health Division of Medical Quality Assurance  
Tallahassee, FL

**Amount:** \$13,410.00

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

**Exhibit:** Commission Agenda Report 08-1650

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

**Proprietary – Public Safety Systems Annual Maintenance Renewal** (PUR-13)

**\$51,252.72 is budgeted in Fund 001, Subfund 01, POL020602, 3401.**

One-year maintenance renewal service contract with Unisys Corporation for Public Safety Systems is being presented for approval by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** Unisys Corporation  
Blue Bell, PA.

**Amount:** \$51,252.72

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

**Exhibit:** Commission Agenda Report 08-1534

The Procurement Services Department has reviewed this item and recommends approving the renewal of the annual proprietary maintenance contract.

**State – Ballistic Resistant Vests** (PUR-14)

**\$48,400 is available in Fund 001, Subfund 01, POL020406, 3949.**

Purchase eighty ballistic resistant vests for scheduled replacement, new hires and expired vests is being presented for approval by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** GL Distributors, Inc.  
Pembroke Pines, FL

**Amount:** \$48,400.00

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

**Exhibit:** Commission Agenda Report 08-1566

The Procurement Services Department recommends approving the purchase .from the State of Florida Contract.

**493-10120 – Water Meters**

**(PUR-15)**

**Purchases are made on an as-needed basis and charged to individual operating budgets per available funds and in accordance with established pricing. Funds for these purchases are budgeted in the Pipeyard Funding Source PBS704135-5401, Fund 450, Subfund 01.**

One-year contract for purchase of various types of water meters is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Elster AMCO Water, Inc., Ocala, FL  
Municipal Water Works, Inc., Orlando, FL.  
Hersey Meters Co., Decatur, IL

**Amount:** \$655,487.00 (estimated)

**Bids Solicited/Rec'd:** 420/5

**Exhibit:** Commission Agenda Report 08-1539

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

**492-10146 – One-Year Contract – Manlift**

**(PUR-16)**

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

One-Year contract for rental of 120 foot manlift from Randall Rents of Florida, Inc., is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Randall Rents of Florida, Inc.  
Davie, FL

**Amount:** Per Unit Prices

**Bids Solicited/Rec'd:** 215/6

**Exhibit:** Commission Agenda Report 08-1626

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

**Civil Engineering Utility Design Consultant Services -  
Continuing Contract Award – Keith and Schnars, P.A.**

**(M-20)**

Mayor Naugle announced that the City Manager has removed this item from tonight's agenda.

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**493-10120 – Water Meters**

**(PUR-15)**

Mayor Naugle announced that the City Manager has removed this item from tonight's agenda.

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

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Items M-01, M-02, M-03, M-06, M-07, M-08, M-10, M-11, CR-05, Pur-05, and Pur-11, be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

The City Clerk announced the following corrections:

**Event Agreement – Winterfest Boat Parade -  
Closing Various Downtown Streets**

**(M-02)**

The City Clerk noted a revised motion approving the event agreement as listed on the agenda subject to the changes discussed at today's conference meeting regarding funding and authorizing the closing of various downtown streets.

**Event Agreement – Thousand Child March For Humanity  
Closing Walk Route**

**(M-03)**

The City Clerk noted a revised motion approving the event agreement as listed on the agenda subject to the changes discussed at today's conference meeting regarding funding and authorizing the closing of South New River Drive.

**Amendment and Restatement – Boys' Clubs of Broward County, Inc.  
Bus Benches and Shelters Agreement**

**(M-08)**

The City Clerk clarified that the organization is actually the Boys' and Girls' Clubs of Broward County, Inc.

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

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**Event Agreement – St. Jerome Fall Festival**

**(M-01)**

Commissioner Hutchinson wished to abstain from voting as she had a conflict of interest.

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



Mayor Rodstrom, and Mayor Naugle. NAYS: None. Commissioner Hutchinson abstained from voting. A memorandum of voting conflict is attached to these minutes.

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**Event Agreement – Winterfest Boat Parade - (M-02)**  
**Closing Various Downtown Streets**

With the announced correction, Commissioner Moore no longer wished to discuss this separately.

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

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**Event Agreement – Thousand Child March For Humanity (M-03)**  
**Closing Walk Route**

With the announced correction, Commissioner Moore no longer wished to discuss this separately.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item as revised. Roll call showed: YEAS: Commissioners

Moore, Hutchinson and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None.

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**Termination of Lease Agreement – School Board of Broward (M-06)**  
**County – Fort Lauderdale High School Swimming Pool**

Commissioner Moore left the chamber at approximately 6:57 p.m.

John Andrews, 2865 NE 24 Street, believed this item should be considered in conjunction with PUR-11 which is termination of the City's contract with Broward County School Board for use of the Fort Lauderdale High School swimming pool. There are a number of individuals involved with this issue. He believed the easiest way to solve everyone's problem is to require as part of PUR-11 (Sunrise Middle School swimming pool) that lap swimming be included. There would be no budgetary impact. Otherwise residents on the east side of Broward County will not have a lap swimming pool. He outlined the disadvantages associated with using the Swimming Hall of Fame.

Jonathan Olsen, 18 SE 12 Avenue, asked that no public swimming pools be closed. There are alternative ways to reduce the budget. He emphasized the cost associated with the Swimming Hall of Fame necessitates the need to keep these pools open.

Commissioner Moore returned to the chamber at approximately 7:00 p.m.

Mayor Naugle noted that termination of the lease with Fort Lauderdale High School does not mean that the school would close the pool. The School Board may arrange for another group to open the pool. There is the Aquatic Complex and the Sunrise Middle

School pool in close proximity to Fort Lauderdale High School. It is difficult to have two pools located so close together.

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

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**Settlement of Leonard Ackley, Et Al, v. City of Fort Lauderdale – Case No. 07-60960-CIV-COHN/Seltzer - \$73,000** (M-07)

Commissioner Moore wanted to vote against this item.

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

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**Amendment and Restatement – Boys’ Clubs of Broward County, Inc. – Bus Benches and Shelters Agreement** (M-08)

It was clarified that no one from the audience wished to discuss this item.

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

Commissioner Moore said that this is an extension of a contract that has not come to an end, therefore he did not see the necessity of continuing or extending it at this time.

Ali Waldman, representing the Girls’ and Boys’ Clubs of Broward County, Inc. and Gold Coast Benches, indicated they have been working with City staff and have brought forward a proposal to expend a large amount of money to improve existing benches located throughout the city. From the time they entered into this contract, the request has always been from the City that they wanted something prettier and more durable. The capital improvement will cost her client approximately \$393,000. In order to capitalize on this, a contract extension is needed. City staff could speak to the maintenance program and that they respond quickly whenever there is a problem. They will be repair fourteen bus shelters and maintaining twenty-two from this point forward.

Commissioner Moore did not see anything speaking to a contract extension. If an extension is necessary before the contractor will make the improvements, he felt an RFP should be issued for the process to be competitive.

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

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**Settlement of Worker Compensation File WC-95-8226 & WC-05-12609 - \$161,000** (M-10)

Commissioner Moore wanted to vote against this item.

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

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**Settlement of Worker Compensation File (M-11)**  
**WC-02-11538 - \$115,000**

Commissioner Moore wanted to vote against this item.

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

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**Lewis, Longman & Walker, P.A. - \$90,000 (CR-05)**  
**Increase Scope of Services – Water-Related Issues**

Commissioner Moore requested an explanation for the increase. Albert Carbon, Public Works Director, explained In the past year, the City received its consumptive use permit. This year staff believes that the South Florida Water Management District will propose year-round irrigation restrictions that will require a lot of effort on their part to make sure the language is properly written. In response to Commissioner Moore, Mr. Carbon indicated that the South Florida Water Management District has not yet submitted the rule, but as it is currently drafted, staff would challenge it.

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

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**162-9545 – Wellness Enhancement – City Self-Funded (PUR-05)**  
**Group Health Plan**

Commissioner Moore commented that at one time the City had a nurse that was part of the wellness program. He suggested this be considered again in the future. He hoped the Commission would review the past impact that a nurse had upon the day-to-day activities.

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

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**593-10141 – Sunrise Middle School – Swimming Pool (PUR-11)**  
**Management Services**

Scott Woodburn, 630 NE 17 Avenue, expressed support in the Hammerhead Aquatic Program and their continued use of Sunrise Middle School swimming pool. He commented that the Fort Lauderdale Aquatics (FLA) Swimming Program has use of

some five swimming pools. If it is a budgetary issue, FLA is being subsidized by the City and will lose \$6,000 in revenue for use of Sunrise Middle School. He believed services provided by the Hammerheads are invaluable to the community and mentioned the back to school backpack and toys programs for the economically challenged students provided by the Hammerheads are invaluable to the community. The Poinsettia Homeowners Association contributed to the development of that facility. It is more than a monetary issue. He noted that the Hammerheads have won international and national championships and are qualified.

Bill Korey, 2700 NE 29 Court, noted positive attributes of Hammerhead Aquatics including programs for children and the community in general. Once Fort Lauderdale Aquatics Team received a no-bid contract by the City, they informed the Hammerheads indicating they would no longer be allowed to use the pool. He believed that all pools should be open to everyone for the same price.

Gordon Cowley, 1811 SW 9 Avenue, was disappointed that Hammerhead Aquatics cannot use Sunrise Middle School swimming pool. He was forced to go to another city to swim. As a Fort Lauderdale resident, he would like to swim at a facility in the city and he asked that the Sunrise Middle School be made available.

Matthew Gill, 4250 Galt Ocean Drive, noted he is a taxpayer of Fort Lauderdale and is employed in Fort Lauderdale as well. He supported Hammerhead Aquatics being awarded the middle school swimming pool contract. He noted the Hammerheads' achievements in international competitions. Their coach was used as an assistant coach for the U.S. Masters in Australia this summer. It is disheartening as a Fort Lauderdale taxpayer to pay money to go to Pompano Beach pool.

Philip Cullen, 2401 NE 7 Place, supported Hammerhead Aquatics. In the bid proposal, the City reserves the right to award the bidder who would best serve the interests of the City. There is a good program at the Hall of Fame, training elite swimmers, but how many are there in Fort Lauderdale. He questioned where other residents swim. He noted how crowded it is at the Hall of Fame. Michael C. Dillon runs Team Elite Management and the Hall of Fame. He had a contract for Sunrise Middle School for the better part of a year, but did not do what he was supposed to do. He charges almost twice as much for masters swimming as Hammerhead Aquatics. He has no interest in running a program for community swimmers. The bottom line is that this is for the benefit of the people of the city. Competition is good. Mr. Dillon has every reason not to want another masters program in Fort Lauderdale and that is not fair.

Jonathan Olsen, 18 SE 12 Avenue, felt with the cancellation of public swimming at Fort Lauderdale High School, it is more important that different programs be offered than those at the Aquatic Complex. The complex is huge with 50 lanes whereas Sunrise Middle School has the equivalent of 6 lanes. He questioned the interest in operating such a small pool and for Fort Lauderdale Aquatics to be interested in running another program so close by. He urged the Commission to not approve the Parks and Recreation Department recommendation for an agreement with Team Elite. He commented that when he spoke with the Director of Parks and Recreation in April, he was not aware the Hammerheads were using the pool. Mr. Olsen commented that no one used the pool four years ago. Mr. Olsen thought that Mr. Thornburg may not have pursued a sublease had he known the Hammerheads were using the pool. Because there was the opportunity with a ten month sublease to operate programs at Sunrise

Middle School and Fort Lauderdale High Schools and they did not open the programs for public swimming, therefore he felt another entity should be given a chance to run a different program.

Kristina Harper, 1818 East Oakland Park Boulevard, was concerned there is no lap swimming at Sunrise Middle School. She has been swimming at Fort Lauderdale High School for ten years and is heartbroken that it will no longer be available. It is inequitable that some City pools, such as the Croissant Park pool, offer seven hours of lap swimming per week, and Sunrise Middle School will offer none. She questioned if the Parks, Recreation and Beaches Advisory Board had any input on this. She felt this will be a disservice to the eastern part of the community. She noted that the Aquatic Complex is inconveniently far away, parking is difficult and it is rather expensive. With this being the Venice of America, she was astonished what few options are available for lap swimmers.

John Grezeszezak, President of Hammerhead Aquatics, said they bid on this. He understood the City was not looking for money, but to cover costs and for the best program for the facility. He believed that the Hammerheads are the best program. They have operated at this facility for four years and have never asked for money. They feel a back-door program was put in place this past spring. Sunrise Middle School was not open to the public even though the City took contributions from the community. There was a sign directing people to Fort Lauderdale High School. He promised that the Hammerheads will provide equal access to everyone. Their program not only allows people to swim, but also those who cannot afford to pay to swim. The City is supposed to help all people recreate.

Luiz Freire, 1637 NE 17 Street, said he lives four blocks from the pool. As a lifeguard in Hollywood, he needs to swim all year long competitively. The Hammerhead Program is very good. There are other lifeguards from Hollywood who participate in this program. He asked the Commission to keep the program going.

John Andrews, 2865 NE 24 Street, noted that Section 2.02, Paragraph 3, of the bid package for 59310141, says, provide recreational swimming at Sunrise Middle School pool from June 1<sup>st</sup> through Labor Day for three hours per day from 1 to 4:00 p.m. Recreational swimming is different than lap swimming. Item 4 says, provide lap swim at Fort Lauderdale High School pool for a minimum of three hours per day, seven days a week, Monday through Friday, 5 to 8 p.m., and Saturday and Sunday, 10 a.m. to 1 p.m. This is the current configuration at the Fort Lauderdale High School pool. The lap swimmers would be agreeable to moving to Sunrise Middle School, but request that there be a requirement in the contract with the vendor that lap swimming be provided from 5 p.m. to 8 p.m., Monday through Friday, and Saturday and Sunday from 10 a.m. to 1 p.m.

Don Mitchell, 1528 SE 11 Street, noted that somehow lap swimming at Sunrise Middle School was dropped from the bid. The argument was made about the Hall of Fame. He commented about its inconvenience and it is not open sometimes because of special events. Recreational swimming will only be allowed at Sunrise Middle School for 270 hours this summer, whereas other pools, even in the fall, offer some 936 hours of recreational swimming. Residents of Bal Harbor, Coral Ridge, Coral Ridge Isles, South Middle River, Poinsettia Heights, Coral Ridge Country Club Estates, Coral Shores,

Imperial Pointe, Lake Estates, Lake Ridge, Landings and Middle River Terrace will have no place to swim laps. He urged the Commission to find a solution.

Michael Duffy Dillon, representing Team Elite Athletic Management International, indicated 'elite' is because they are a professional athletic management organization. The team is Fort Lauderdale Aquatics, and they are not exclusive to elite members. They teach swimming and coach competitive swimming. There are instructors trained for disability swimming. They have had the contract for Fort Lauderdale High School and Sunrise Middle School through their foundation for the last ten months. They actually paid the rent for the Hammerheads to swim for the last six months. As of July 1<sup>st</sup>, there was no longer a lease but the foundation continued to pay for the time and the Hammerheads kept swimming. They are a community based program. One intention at Sunrise Middle is to use the disability ramp to teach disabled swimming. They are part of the Swim Central Program for Broward County schools. He noted the details of what was provided to children. They do not run the Hall of Fame. They are the contractor for swimming services. He enumerated the services they provide as a result of a competitive process. All instructors have gone through background checks. The pools have been insured. They would like to use Sunrise Middle for children, adults and people with disabilities.

Andrea Woodburn, 630 NE 17 Avenue, felt the important thing is that people in Fort Lauderdale want pools open. She hoped the Hammerhead Aquatics bid is supported.

Vice Mayor Rodstrom asked what was the monetary difference in the Hammerhead Aquatics and Florida Aquatics bids. Kirk Buffington, Director of Procurement Services, said that Aquatics Management International was \$7,200 for Sunrise and Hammerhead Aquatics was \$6,000 for Sunrise and the YMCA of Broward County was also \$6,000. This is a revenue based contract, and therefore, the high bidder is determined as the number one bidder.

Vice Mayor Rodstrom asked if the YMCA protested the bid. Mr. Buffington said that no one from the YMCA has contacted his office, but he had conversations with an individual from Hammerhead last Friday.

Vice Mayor Rodstrom asked if both providers are participating and providing lap swim. Phil Thornburg, Parks and Recreation Director, said the bids for Sunrise Middle School met the minimum qualifications. There was no lap swim in the Sunrise Middle School bid. Vice Mayor Rodstrom asked why lap swimming was omitted in the bid. Mr. Thornburg said that lap swim and the swim teams would not be able to cohabitate at the same time. The idea was that lap swim was at Lauderdale High and the teams were at Sunrise Middle. Lap swimmers could use the Aquatic Complex and there is a program at Croissant Park.

Vice Mayor Rodstrom asked if the Hammerheads were offering the idea of doing lap swims and team swims in one facility at Sunrise Middle School. She said that she agrees that the pools should be open and everyone has time to use them. Mr. Grezeszezak indicated the Hammerheads want to work with the community and offer as much time both for lap swimmers, swim teams, swim lessons and open swim 365 days per year. He will work closely with the civic associations. No child or adult would be hampered from learning to swim even if they cannot afford it. There will be provision for

lap swimming. Swim teams and lap swimming can cohabitate. As far as handicapped swimming, it is his specialty.

Vice Mayor Rodstrom asked if it is a one-year contract. She understood the community, Poinsettia Heights and Lake Ridge, participated in structuring of Sunrise pool. Mr. Buffington confirmed it is a one-year contract. The bid had no mention of lap swimming at Sunrise Middle. It is not fair to other contractors to change the scope at this time. Vice Mayor Rodstrom wanted to know the proper process to give the Hammerheads an opportunity for one year.

Commissioner Teel asked about the comment at the Sunrise Middle pool had been closed for a while. Mr. Thornburg believed it was during the time there was a sublease with Fort Lauderdale Aquatics and if that was the case, he was not aware of it. Commissioner Teel said that she travels that street a lot and does not see the pool being used very much. She remembered when the pool was being planned and how the community contributed funding to it. She felt it is a disservice to many people by not including lap swimming therefore it seems the RFP was defective. She felt all bids should be rejected and it should be rebid including lap swimming. She wanted further clarification as to what was possibly not delivered under the old contract. She asked if the pool is appropriate for lap swimming. Mr. Thornburg said the pool could be used for lap swimming, but the lap swim program at Fort Lauderdale High School was not well attended and did not cover the required lifeguard cost. At present \$2 is charged at Fort Lauderdale High School which does not cover the cost. The Aquatic Complex charges about \$3 if one purchases a 30-day pass. Commissioner Teel referred to complaints that the Aquatic Complex is so congested, it is not possible or enjoyable for lap swimming.

In response to Mayor Naugle, Mr. Thornburg indicated that there are an average of eight swimmers per day at Fort Lauderdale High School. Commissioner Teel commented that there are a lot of people here that seem interested in lap swimming, yet the numbers do not show it.

Laura Voet, Aquatic Complex Manager, said the daily rate at the Aquatic Complex is \$4, and \$1 per hour for pool patrons for swimming. If an advanced purchase pass is bought for 30 days, it costs \$63, which is \$2.10 per day. This would including a parking pass reducing the parking rate to \$.80. It is good for one year.

In response to Commissioner Teel, Ms. Voet reviewed scheduling, attendance volumes and lane availability. Commissioner Teel asked if the lap swimmers could be provided a definite schedule. Ms. Voet indicated the calendar of events is posted on the web and a schedule is posted. They have been looking for a better way to communicate scheduling information.

Commissioner Teel did not feel the City is meeting the requirements of the community with what is being proposed. However, if there are only eight lap swimmers, it would be problematic putting that into Sunrise. There appear to be modestly priced facilities available. Nevertheless she felt the bid was faulty and she wanted to rebid.

In response to Commissioner Moore, Mr. Thornburg indicated the City has about eight swimming pools and there are pools in Lauderdale Manors and Riverland Park, but there are no competing parties to provide this programming at those pools. Commissioner

Moore pointed out that there are under-utilized pools available where the activities noted by those in the audience could be accommodated. Mr. Thornburg agreed that staff could look at the schedules. He noted that schedules vary. Some are heavily programmed for use by children.

Commissioner Moore asked about individuals approaching the Broward County School Board about running the program at Fort Lauderdale High School now that the City no longer has involvement. Mr. Andrews said he spoke with Damian Huttenhoff today, who is in charge of athletic programs at Broward County schools, and was informed that the Broward County Commission was not desirous of having the City terminate the contract. He was told that the Athletic Director at Fort Lauderdale High School would likely approach a group about programming, but it would definitely not be a lap swim group. The school would decide. There would be no RFP. The group would be non-profit. He added that recent low attendance at Fort Lauderdale High School is because the heater has been broken.

Commissioner Moore pointed out the City has a number of pools that are under-utilized and could be used by the lap swimmers. Their locations should be noted on the City's website. Those individuals in a structured program should be able to work with the Broward County School Board. He pointed out that the Lauderdale Manors swimming pool is in close proximity to Sunrise Middle School.

In response to Commissioner Moore, Mr. Buffington clarified that this was not an RFP but a straight ITB, requesting the highest bid to be submitted. The City set a minimum allowable bid of \$5,000 for Sunrise based on historical data. The bidder receives a one-year contract with renewable options to operate a swim program. The bidder must have insurance and pay for lifeguards. Commissioner Moore concluded such a program could rotate to any pool.

In response to Commissioner Moore, Ms. Voet said there is an average of public swimming of about 9.5 hours per weekday and 6 hours on weekends at the Aquatic Complex.

In response to Commissioner Hutchinson, Mr. Buffington said the City allowed the pools to be bid separately. There was only one bid on Fort Lauderdale for \$1 with the statement that the economics of operating Fort Lauderdale High School do not make it feasible for a for-profit operation. Commissioner Hutchinson asked about rebidding and including lap swimming. Sometimes it is not the highest amount of money as much as what people want. She was concerned about losing lap swimming in an area. She felt it is important for people to be able to swim at a pool nearby.

Mr. Thornburg indicated if the Commission wishes to rebid this, it can be done provided staff makes sure the teams and lap swimmers can be scheduled to accommodate each. Mr. Buffington indicated the bid could be out on the street in a couple of days.

**Motion** made by Vice Mayor Rodstrom to reject all bids.

In response to Vice Mayor Rodstrom, Mr. Thornburg indicated the City is operating the pool at this time and can work with them on use, although it cannot be free because there are costs for lifeguard coverage and so forth.



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

In response to Mayor Naugle's question, Vice Mayor Rodstrom indicated staff is instructed to rebid it with programming that would include the various uses discussed this evening including lap swimming. Mayor Naugle noted in the interim, the City will attempt to make accommodations at Sunrise Middle School.

Commissioner Moore commented that every time there is a competitive process on the pools and a group loses, the City sends staff back out and the rules are changed.

Commissioner Hutchinson left the chamber at approximately 8:03 p.m.

Commissioner Moore wanted to encourage utilization of the City's public pools.

In response to the City Attorney, Vice Mayor Rodstrom indicated the intention is for the bid to be for Sunrise Middle School only with lap swim and staff will work to make accommodations for individuals wanting to swim in the meantime.

Commissioner Hutchinson returned to the chamber at approximately 8:04 p.m.

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<b>RESOLUTIONS</b>
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**Appointment of City Commissioner To Fill Vacancy on City  
Commission – District III**

**(R-01)**

**No Budgetary Impact.**

Holiday Russell, 2212 South Andrews Avenue, representing Art Seitz in regard to a case filed against the Commission. He commented how individuals spoke this evening and the process was redirected. In America, he defied the Commission to find one place within the United States that allows an elected official to participate in selecting his successor. It just cannot be done. The only place he knows where this was done is Cuba. He did not know the intent of the drafters of the charter, but he did not think they contemplated one person participating in the selection of their successor. The remaining commissioners were carved out by the charter to select someone. He acknowledged that Commissioner Moore's concern as well taken but the charter also contemplates that as well. The charter contemplates that for a term of eighteen months or less, the remaining four commissioners select the individual who would serve until the next election. If the period is longer, there is a special election. Commissioner Moore needs to abstain on this issue and all issues going forward. If so, the lawsuit becomes moot and nothing is spent to defend it.

Phil Shailer, 1138 South Rio Vista, mentioned that many years ago he was the City Attorney. He has come to know her by working with her on the Broward Pantry. He urged the Commission to select Magdalene Lewis for the position. She is intelligent, inquisitive, non-judgmental, a listener, has keen insight, an even demeanor, a caring person, family oriented, and community involved.

Commissioner Moore referred to the reasons the City established districts in 1987. He wanted the civic associations from District III to have input in selecting his replacement. District III civic associations met from March through October. He was concerned that individuals who have nothing to do with the district having more to say about it than those who reside in the district. The district's committee established rules, decided to interview anyone who wanted to serve, but indicated that they would not support anyone who was a candidate (for the permanent position). Everything has been above board. He offered Pam Adams for the position.

Mayor Naugle offered Mickey Hinton, Corey Alston and Magdalene Lewis.

Commissioner Moore noted the district committee recommended three individuals: Dr. Lewis, Burnadette Norris-Weeks and Pamela Adams. He offered Ms. Adams because she he one of the three recommended by the district committee. Mayor Naugle noted that according to the charter, the Commission cannot hand the task over to a committee.

Commissioner Teel offered Dr. Lewis.

Commissioner Hutchinson offered Pamela Adams.

Vice Mayor Rodstrom offered Mickey Hinton.

In response to Commissioner Hutchinson, the City Attorney said that Mr. Hinton is a plaintiff in a lawsuit against the City. As to that item, it would be a conflict. Mayor Naugle asked if the City Attorney anticipated any discussion on the matter in the next five months and the City Attorney indicated that as this time, nothing is scheduled.

Commissioner Moore reiterated that the community recommended three individuals who they thought were best. One individual is not on their list of recommendations.

Mayor Naugle noted the matter would have to be deferred if the Commission is deadlocked on the three individuals who have all received two expressions of favor from the Commission.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson offering the name of Magdalene Lewis.

#### RESOLUTION NO. 08-265

A RESOLUTION OF THE CITY COMMISSISON OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING MAGDALENE J. LEWIS AS CITY COMMISSIONER OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO FILL THE VACANCY EXISTING ON THE CITY COMMISSION, PURSUANT TO SECTION 7.08 OF THE CITY CHARTER.

Mayor Naugle noted if Commissioner Moore's vote is later invalidated, Dr. Lewis would still serve on the Commission.

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

There was consensus that Dr. Lewis would be sworn into office on November 5 at 1 p.m. in the Commission Chambers.

**Vacate Traffic Control Easement – SVP Las Olas (R-02)  
Limited Partnership – 100 East Las Olas Boulevard – 7-M-08**

**No budgetary impacts.**

**Applicant: SVP Las Olas Limited Partnership  
Location: 100 East Las Olas Boulevard**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 08-266

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF A TRAFFIC CONTROL EASEMENT LYING IN PARCEL "A," "NEW RIVER CENTER," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 151, PAGE 15 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**No Objection To Plat Note Amendment – Pat’s Plat - (R-03)  
6-P-91A - Revision – 191 High Rise Units**

**No budgetary impact.**

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 08-267

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

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

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**Site Plan Level IV – EL-AD – 43-R-08**  
**2939 Banyan Street**

**(R-04)**

**No budgetary impact.**

**Applicant: EL-AD FL Beach, LLC.**  
**Location: 2939 Banyan Street**  
**Zoning: Planned Resort Development District PRD**  
**Future Land use: Central Beach Regional Activity Center CB-RAC**

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

Ella Parker, Planning and Zoning, reviewed the Commission Agenda Report 08-1612, and noted the Applicant is proposing a structure 200 feet in height and 200 feet in length with four levels of underground parking. There will be 256 hotel rooms, 41 residential units and approximately 8,000 square feet of restaurant space, including an outdoor seating area.

Commissioner Moore left the chamber at approximately 8:31 p.m.

Ms. Parker noted the Applicant is seeking a 10 foot setback along Almond Road where the restaurant and public plazas are proposed. Associated improvements include wider sidewalks, shade trees and on-street parking at the ground level. Recommended conditions are contained in the commission agenda report.

Robert Lochrie, representing the Applicant, indicated this is a proposed mixed-use development. The project was reviewed by the Development Review Committee, Historic Preservation Board and Planning and Zoning Board. It was reviewed at a joint meeting of the City's Master Plan consultants and City staff. Comments were incorporated. The project was also presented to numerous neighborhood associations.

Mr. Lochrie said that a package of the presentation materials will be supplied to the Commission, as well as the information regarding the consultants and a letter from the Las Olas Beach Club regarding the project. This letter, dated November 4, 2008, from Michele C. Mellgren is attached to these minutes.

Mr. Lochrie noted the location and attributes also contained in the commission agenda report and presentation slides. The presentation slides are attached to these minutes. All water will be retained onsite, which is not currently the case.

Commissioner Moore returned to the Chamber at approximately 8:36 p.m.

The project meets all Unified Land Development Regulations (ULDR), including the shadow requirements. The project is neighborhood compatible. Because the Applicant owns property on the south side of Banyan, it will be used for loading and unloading, and will not block Seabreeze, Almond or Poinsettia during construction. Additional valet parking will be added in the lot to the south, although the project's parking is all self-contained. The project has been approved by Broward County as pertains to their Greenway Master Plan.

Jiro Yates of Falkanger, Snyder, Martineau & Yates Architects and Engineers, indicated he is the project architect. His resume has been provided as part of the record. The project is in compliance with all applicable ULDR requirements, as well as the City and County land use plans. They met with the Beach Master Plan consultant and City staff and incorporated their comments into the project. Comments of the Development Review Committee have been incorporated. The City staff has signed off on the project. The project was also submitted to the Planning and Zoning Board. The project was also presented to Mark Horowitz, Bicycle and Pedestrian Coordinator with the Broward County Metropolitan Planning Organization Division, and received confirmation that the project looks good and would fit well with the master plan for State Road A-1-A and the Barrier Island Greenway. They also meet with neighborhood associations.

Mayor Naugle opened the floor to public comment.

Christine Gibson, 2933 Poinsettia, supported the project.

Jean Rousselet, 2933 Poinsettia, supported the project.

Joel Gustafson, 100 South Birch Road, representing Jackson Tower, distributed an "Overview of the Community Redevelopment Plan, which is attached to these minutes. He referred to substantial setbacks in area developments. The 1989 Beach Community Development Plan is specific in certain matters. Seabreeze has been designated as a Broward County trafficway which means it is a 85 foot cross section and the City is obliged to secure the necessary right of way as developments come along. He pointed out it indicates under Future Rights-of-Way/Easements, that all building setbacks shall be measured from future corridor rights of way as prescribed by the City and submitted for incorporation into the Broward County Trafficway Plan. The Applicant will be dedicating 17 feet 6 inches of additional right of way. According to the master plan, the 20 foot setback is added. A modification could be granted, but he did not think one has been requested. He asked the Commission to enforce this provision and have the Applicant seek a modification.

Ina Lee, 2200 South Ocean Lane, said she is founder of the Beach Council of the Chamber of Commerce and currently Chair of the Beach Redevelopment Advisory Board. Every year the board walks the entire Community Redevelopment Agency area (CRA) and when they come to the area where this development is proposed, they say something has to be done about it because it is blighted. This project will transform that area. Revenue to the CRA will go from current \$24,000 to \$1 million approximately. She supported the project.

Holiday Russell, 2212 South Andrews, said he is speaking individually and on behalf of Art Seitz, pointed out that on Item R-01 Commissioner Moore effectively broke the deadlock and appointed the new interim commissioner. Because he resigned effective November 4, he is no longer a commissioner.

Commissioner Moore questioned how these comments have to do with this item. Mayor Naugle explained that Mr. Russell is speaking about Mr. Seitz's property values on the beach.

Mr. Russell explained this does concern Item R-04, as Commissioner Moore should not be permitted to vote today. His project is not in District III. He urged Commissioner Moore to abstain from voting and not to participate in the discussion.

Art Seitz, 1905 North Atlantic, discussed developments in the beach area as to height and proximity to each other and sidewalks of seven feet in width with trees in the middle of them. It is unfortunate that during Commissioner Moore's tenure the City has not master planning, pedestrian or bicycle planning or lifeguards. He looked at Deerfield and Hollywood as to what Fort Lauderdale could be. There are a multitude of things that have been botched during his tenure.

Fred Carlson, 625 Orton Avenue, referred to information submitted by Mr. Gustafson with respect to setback from A-1-A. The 1989 plan explains the reasons for the setback distance. If Seabreeze was four-lanes and two-way traffic, northbound traffic could be directed west on Las Olas and north on Seabreeze which would free the beach front traffic flow and make it more park like. If the 1989 plan is to be considered, the four-lane idea must be protected now as pointed out by Mr. Gustafson.

Joe Panico, Central Beach Alliance Corresponding Secretary, noted that this project was presented to the CBA Board on April 24, 2008 and membership meetings on May 22, 2008 and September 22, 2008. The Applicant did community outreach. The project was approved by a vote of 158-99. As to the right of way discussed this evening, the CBA will rely on the Commission's judgment.

In response to Mayor Naugle, Mr. Panico indicated that CBA members are allowed to vote by proxy which is common. He thought there were close to 200 people present on September 22, 2008.

Joe Hessmann, 200 South Birch Road, opposed this project for several reasons. He discussed problems with construction of Jackson Tower. For this project, a parking lot will be excavated. Pumping twenty-four hours a day will impact residents within a rock throwing distance. He believed the federal building is the only one in the area with underground parking. He commented that it has been shut down a number of times to pump water out and it is further away from the ocean. He was concerned about this aspect and asked that the Commission vote against it.

There was no one else from the audience wishing to speak.

Vice Mayor Rodstrom asked if the Applicant would respond to comments made about the right-of-way. Regardless of interpretation, Mr. Lochrie said this project is a development of significant impact, and the code states that the section providing for the 20 foot setback applies unless the project is of significant impact. He read the definition of setback from the Central Beach Revitalization Plan. The Redevelopment Plan was always based on a four-lane divided state highway taking the place of the existing Seabreeze. This is the only reason that additional right of way was suggested. It appears that the right of way was to go west of the El-Ad site. These plans are from the 1980s and do not have as much applicability as newer plans adopted by the City. The City adopted a new beach streetscape master plan in 2004 which calls for Seabreeze to be left unchanged. The project is consistent with this plan. Secondly, consultants for the new master plan have found this project to be consistent with that plan. This project

will provide twenty-six foot sidewalks and there is no county or state plan to widen Seabreeze.

Vice Mayor Rodstrom pointed out that the new master plan has not yet been approved by the Commission. She noted that Central Beach Alliance wanted a height reduction. Mr. Lochrie indicated this building could be approved with a height up to 240 feet and the proposal is 200 feet, which is 20% less than permissible.

Mayor Naugle asked for more information on the developer's dewatering plans. Mr. Lochrie indicated this will be very unlike Jackson Tower; it will not require 24 hour dewatering. He cited other specific examples of the construction method and explained it.

In looking at plans for Almond Road, Commissioner Teel liked the proposed activity, but was concerned that the streets, such as Poinsettia and Cortez, are cluttered with delivery trucks, traffic and illegal parking. She thought Almond Road would be a good pedestrian street. Mr. Lochrie said that idea was not discussed. The master plan consultants and City staff did have that same concept that Almond Road could turn into something special. As a result the Applicant removed curbing. It was designed so that it could be a pedestrian street. The Applicant has no vehicular need and would have no objection.

Vice Mayor Rodstrom asked about the current area t-shirt shops. Mr. Brewton said that anything that is currently licensed and permitted by the City would be grandfathered as a permitted use. Vice Mayor Rodstrom asked what would prevent such a use in the lobby of the proposed building or any other building in the beach that has retail on the ground floor. Mr. Brewton indicated there is no prohibition on retail. This subject will be addressed as part of the beach master plan.

Commissioner Hutchinson introduced the following resolution:

**RESOLUTION NO. 08-268**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A HOTEL INCLUDING RESIDENTIAL UNITS AND RESTAURANT SPACE ON PROPERTY LOCATED AT 2939 BANYAN STREET IN FORT LAUDERDALE, FLORIDA IN A PRO ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.**

Which resolution was read by title only.

The Commission disclosed with whom each of them had spoken on this matter.

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

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**CITIZEN PRESENTATIONS**

**Robert Walsh – Stem Cell Research****(CIT-01)**

Robert Walsh said that stem cell research is very important. At some point in time everyone may need this. It could save lives.

Commissioner Moore left the chamber at approximately 9:18 p.m.

Mr. Walsh urged everyone to contact their state representatives, congressmen and even the president and express support.

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**Serge Kesisian – False Alarm Response Charges – Police Department****(CIT-02)**

Not Present.

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**Bruce Tyrrell – Lawn Debris Being Blown Into The Streets****(CIT-03)**

Not Present.

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Commissioner Moore returned to the Chamber at approximately 9:22 p.m.

<b>PUBLIC HEARINGS</b>
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**Permanent Road Closure – Southwest Flagler Avenue Neighborhood Capital Improvement Project****(PH-01)**

**Appropriate \$16,000 from P00411.331-6599 to P11376.331-5699, both in Fund 331, Subfund 01.**

Peter Partington, City Engineer, noted in March, 2008 the Commission approved a Neighborhood Capital Improvement Program (NCIP) for 2008-2009 including a grant in the amount of \$16,000 to the Council of Fort Lauderdale Civic Associations for a road closure of Southwest Flagler Avenue. The match to the grant is being provided by the Council in the form of landscaping materials and labor valued at \$6,500, and 9,500 CVC points. The project proposes a road closure of Flagler Drive. He showed a diagram provided as Exhibit 1 to the Commission Agenda Report 08-1614, indicating the closure location and noted its purpose. The church (Trinity Lutheran Church) signed a maintenance agreement for any closure in this area.

Candice Church, 17 SW 11 Court, principal of Trinity Lutheran School, indicated they are celebrating their 75<sup>th</sup> anniversary here. They believe the road closure is the best idea for the school. She commented on improvements made throughout the year to the school in the interest of safety. There are over 120 students crossing the road 3-4 times daily. She asked that the Commission vote in favor of the closure. She felt the closure would be a benefit to the area residents.



Donald Church, 17 SW 11 Court, indicated from a personal standpoint he supports the closure. He read a letter from Pastor Hackett of Trinity Lutheran Church, dated November 3, 2008, in support of the closure. The letter is attached to these minutes.

Ira Joffe, 841 NW 73 Avenue, said he is a teacher at Trinity Lutheran Academy. He submitted 43 letters from the faculty, staff and parents in support of the closure. He commented about thefts of valuables in vehicles when parents bring their children inside. He emphasized the need to consider the children. He did not think it would be a detriment to area businesses.

Lee Alexander, 817 SE 8 Street, noted his dental practice is at the intersection of Flagler and SW 11 Court, for the safety of patients. Traffic has increased. His business would be adversely affected with the closure of 11 Street. He noted Susan Broffie, a neighbor, indicated her opposition although her son may have signed a petition in favor. He was opposed to the closure.

Harvey Mattel, 633 South Federal Highway, opposed the road closure. This neighborhood capital improvement grant will benefit the only non-paying taxpayer in the area. All of the other residents in the neighborhood are opposed. Exhibit 2 of the application references SW 11 Court as arterial in nature with direct access to a major roadway which is Andrews Avenue. Traffic backs up at rush hour so that one cannot enter or exit SW 11 Court. The train on David Boulevard also causes congestion. From the letters submitted, there are no area property owners except the church. He believed that the City Engineer's report (Item 4), indicating that the existing road system is hazardous for children at the school, has not been established. This is not the process for a road closure. There was an attempt ten years ago, but it was not done. He asked the application be denied.

Alan Tinter, IBI Group, said he was retained by Mr. Mattel on behalf of the Prosjes. According to the Unified Land Development Regulations (ULDR), there are five criteria that must be addressed if a private citizen applied for a road vacation. He did not believe those criteria have been addressed. The first criteria is that the road is no longer needed for public purposes. Traffic counts completed by City staff indicate that there are about 150 cars daily using Flagler Avenue. The second criteria is that there are alternate routes if needed. The City Engineer's memorandum indicates that there has been no documentation as to hazards with children crossing 11 Street, but indicates that access to Andrews Avenue on 11 Court is more dangerous and hazardous than access from 11 Street. The alternate route now for individuals on 11 Court would be 11 Street. The third criteria is provision of safe areas for vehicles to turn around and exit. The City Engineer's memorandum indicates there is adequate space for an automobile to make the turn, but not for a larger vehicle. A fire truck would have to maneuver about 4-6 times at the end of the cul-de-sac on 11<sup>th</sup> Street in order to turn around. There are also larger vehicles than a fire truck. 11<sup>th</sup> Court is a divided roadway which does not provide any means to access the eastbound roadway from houses along there. They would have to go to the end of 11 Court, make a u-turn and come back out. This request would meet the two remaining criteria.

John Prosje, 109 Hendricks Isle, said he owns property at 10 SW 11 Court, 1101 South Andrews and 7 SW 11 Court. He has had a good relationship with the Church. They park on his property. If Flagler Drive is closed, trucks are going to back into his parking lot because it is the only area for trucks to turn around on 11 Street. The trash removal

truck uses Flagler. He did not want the closure. He noted that he is the only taxpayer on SW 11 Street. He felt he should be able to use the street.

Marlene Prosje, 109 Hendricks Isle, opposed the closure because it will be detrimental to property values. They have a lawyer tenant who has a concern about egress. In order to get to Andrews Avenue, the tenant would have to travel west on 11 Court, north on Flagler and out on 11 Street. There is traffic congestion. The train blocks traffic. There are no signs identifying the school. She asked about posting an individual similar to Broward County schools.

Barbara Waters, 11 SW 11 Court, commented about the access difficulty with 11 Court, traffic and need for use of Flagler Avenue. She opposed the closure.

Darwin Waters, 11 SW 11 Court, felt this is an obvious case of discrimination by a private school against the residents of 11 Court and the general public.

Eugenia Ellis, representing the Council of Fort Lauderdale Civic Associations, explained how the Council decides upon a project to become involved in. Historically, they have tried to address projects brought forward by neighborhoods. This project was brought to the Council by Tarpon River and the Trinity Lutheran Church. It is unsafe children to have to cross the street to go to the cafeteria, a classroom or playground. The Council submitted their application in September, 2007. She outlined what was required at that time. All NCIP grants were brought to the Commission for review in March and this grant ranked highest. The Church went door to door and they provided lists to the Council of those in support. There were only two people who contacted the Council to express their objection and they were directed to the City. They were told there would be a public hearing. The onsite review was originally scheduled for June, 2008, but the City failed to keep that appointment. The review took place in July. The Council was told the matter would be on the Commission's September agenda, but it ultimately was scheduled on the last October, 2008 agenda. That agenda was fraught with lots of other things and consequently they were asked to be deferred to this meeting. The school had made arrangements for parents to be present. She is speaking on their behalf tonight. Safety is the primary issue. She noted the lawyer tenant is moving her office and will no longer be impacted. She believed that the petition was signed freely by everyone.

Penny Sanfilippo, 1301 SW 18 Avenue, commented about the traffic congestion when there is a train. Traffic backs up further than 11 Street. The point about making a left turn or going north on Andrews Avenue from 11 Court or 11 Street is such that traffic at a certain time of day is tough regardless. She did not think there is difficulty for delivery trucks to turn around. Speed is an issue. She supported the closure. She noted that Mr. Prosje's businesses front Andrews Avenue. She felt all of Dr. Alexander's patients know how to get to his office.

There being no one else wishing to speak, a **motion** was made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None.

Mayor Naugle felt it is obvious that the majority of property owners are opposed. He asked about alternatives. He commented that Rio Vista School on SE 9 Street has a

similar situation. He noted Broward County has installed street markings and school zones. They use plastic cones in the road. There is adult supervision when the children are crossing. Mr. Partington indicated that he has spoken with the County as to speed zones. Because 11 Street has extensive back-out parking, there is no suitable place to place signs so that they would be highly noticeable. If some of the parking spaces were eliminated, signs could be installed. In terms of least restrictive to most restrictive, signage is the least restrictive, then speed humps, then chokers, then a partial closure, and finally a full closure.

Mayor Naugle noted he attended this school 49 years ago, but has been advised he does not have a conflict.

In response to Commissioner Hutchinson, Mr. Partington confirmed this item was deferred from the last meeting because staff wanted to do traffic counts. Commissioner Hutchinson asked Mr. Partington to explain why he does not see this as a safety issue. Mr. Partington reported the results of staff's traffic study for Flagler Drive during a 24-hour period that they considered to be typical. The traffic is two to one south on Flagler, so most of the traffic is moving south from 11 Street to 11 Court.

In further response to Commissioner Hutchinson, Mr. Partington said he spoke with individuals who are opposed as to whether they could live with a half closure. Traffic could proceed north from 11 Court to 11 Street and use 11 Street to exit the area. They were not interested in that compromise. Approximately twelve years ago an application was presented to the Planning and Zoning Board for a partial vacation of the west end of 11 Street. It appears that the board approved it, but it never progressed to the Commission because there was a requirement that the School or the Church post a bond for the cost of creating a turnaround where the street would have been vacated. He was not 100% certain this is why it never proceeded to the Commission.

Commissioner Hutchinson recognized that staff did not know initially that there was opposition. The Commission has been very leary of street closures if there is not a majority of the property owners in favor. She raised the idea of compromise.

Commissioner Teel noted the route it appears parents would use to drop off their children, which seems to require a u-turn on 11 Street and will increase the number of trips. She was concerned about delivery trucks. She thought it is counter-productive to close the road. Mr. Partington agreed this is a good point. The church and school might say that if the road is closed, the only people coming and going would have business with the Church or School and would be more interested in driving carefully. Commissioner Teel commented that in the past it has been shown that the speeders are the individuals living in the area or using the street. She reiterated her concern about truck circulation. Mr. Partington agreed an 18-wheel truck could not make the turn in one movement. Commissioner Teel did not feel it is a good plan.

Mayor Naugle wanted something done for the safety of the children. He mentioned mid-block crossing with signage and markings, and that possibly some of the grant funds could be used for those purposes.

Commissioner Moore felt there should be some marking on Andrews to prevent blocking the roadway. He agreed with Commissioner Teel. He noted the majority of the property owners are against this closure. Mr. Tinter's comments were helpful in making his

decision. He could not support it. He wanted to address safety but preferred speed humps. He did not think that closing the road would help with speeding traffic.

Commissioner Hutchinson wanted the opportunity to defer this item so that all interested parties could meet and see if they could come to a happy medium. She suggested 30 days and that the staff facilitate the discussion. Mr. Partington suggested the first meeting in January.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to defer this matter to January 6, 2009 at 6 p.m.

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

**Rezoning To General Business – 6030 North Andrews Avenue (PH-02)**  
**Cypress Creek Partners, LLC – 6-Z-08**

**No budgetary impacts.**

**Applicant:** Cypress Creek Partners, LLC  
**Location:** 6030 North Andrews Avenue  
**Current Zoning:** Broward County Intense Manufacturing and Industrial District M-3  
**Proposed Zoning:** City General Business B-2  
**Future Land Use:** Commercial

There being no one wishing to speak, a **motion** was made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS:, Commissioners Moore, Hutchinson, and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-50

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM BROWARD COUNTY "M-3" TO CITY OF FORT LAUDERDALE "B-2," ALL OF PARCEL "A" "CYPRESS CREEK CENTER," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 104, PAGE 13, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE SOUTHEAST CORNER OF NORTHWEST 62<sup>ND</sup> STREET (CYPRESS CREEK ROAD) AND NORTH ANDREWS AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

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**Rezoning To Community Facilities – House of Worship  
1100 SW 15 Avenue – 11-Z-08**

**(PH-03)****No budgetary impacts.**

**Applicant:** Corp. of the Presiding Bishop of the Church of Jesus Christ  
Of Latter Day Saints  
**Location:** 1100 SW 15 Avenue  
**Current Zoning:** Residential Single Family – Low Medium Density District RS-8  
**Proposed Zoning:** Community Facilities – House of Worship CF-H

There being no one wishing to speak, a **motion** was made by Commissioner Hutchinson and seconded by Commissioner Teel close the public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-51

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM “4S-8” TO “CF-H,” ALL OF PARCEL “A,” TOGETHER WITH PARCEL “B” LESS THE NORTH 10 FEET; AND A PORTION OF PARCEL “C,” LESS THE NORTH 10 FEET, MEASURING 285 FEET ALONG THE NORTH LINE AND MEASURING 230 FEET ALONG THE SOUTH LINE, “GRIMM-MILLER ADDITION,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 51, PAGE 8, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF SOUTHWEST 15<sup>TH</sup> AVENUE, NORTH OF DAVIE BOULEVARD, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE “A” ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

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**Cyrose Development of Regional Impact – 51-R-88  
Development Order Amendment – Time Extension –  
November 30, 2014**

**(PH-04)****No budgetary impact.**

**Applicant:** Northwestern Mutual Life Insurance Co.  
**Location:** Southeast of intersection of Cypress Creek Road and  
Andrews Avenue

There being no one wishing to speak, a **motion** was made by Commissioner Hutchinson and seconded by Commissioner Moore to close the public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-52

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-97-61 AS AMENDED, APPROVING AN AMENDED AND RESTATED CYROSE DEVELOPMENT OF REGIONAL IMPACT ("DRI") LOCATED SOUTH OF CYPRESS CREEK ROAD, WEST OF I-95 AND THE CSX RAILROAD SYSTEM, EAST OF POWERLINE ROAD AND NORTH OF COMMERCIAL BOULEVARD, WITHIN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; PROVIDING FOR AN EXTENSION OF THE DOWN ZONING, BUILD-OUT AND TERMINATION DATE; PROVIDING FOR AN EXTENSION OF TIME TO COMPLETE N.W. 6<sup>TH</sup> WAY AND A SIGNALIZED INTERSECTION; PROVIDING FOR RECORDATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

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**Historic Designation – Annie Beck House  
1329 North Dixie Highway – Case 34-H-03**

**(PH-05)**

**No budgetary impact.**

**Applicant:** Broward Trust for Historic Preservation  
**Owner:** Broward Trust for Historic Preservation (house),  
City of Fort Lauderdale (property)  
**Location:** 1329 North Dixie Highway  
**Zoning:** Parks, Recreation, and Open Space P

James Ostryniec said he serves on the Board of the Broward Trust for Historic Preservation and he supports this designation. He complimented all those involved. He elaborated upon its historic importance. He commented on Ms. Beck's community activism.

There being no one else wishing to speak, a **motion** was made by Commissioner Hutchinson and seconded by Commissioner Moore to close the public hearing. Roll call showed: Commissioners Moore, Hutchinson, and Teel, Vice Mayor Rodstrom, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following resolution.

RESOLUTON NO. 08-275

A RESOLUTON OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING ONLY THE BUILDING KNOWN AS "THE ANNIE BECK HOUSE" AND NOT THE PROPERTY ON WHICH IT IS LOCATED, WHICH IS PRESENTLY WITHIN MIDDLE RIVER TERRACE PARK WITH AN ADDRESS OF 1329 NORTH DIXIE HIGHWAY, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

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

**ORDINANCES**

**Relief From Zoning Requirements For Public Purpose Use (O-01)**  
**Executive Airport Signage – Case 41-R-08**

**No budgetary impact.**

**Applicant: City of Fort Lauderdale**

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

**Future Land Use Plan – Map Amendment Rock Island - (O-02)**  
**320.32 Acres – 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 Future Land Use:** City of Fort Lauderdale Residential Irregular (6.8, 11.00 & 18.07) units per net acres, Park Open Space, Commercial, Community Facilities and Industrial

Commissioner Hutchinson introduced the following ordinance on SECOND 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.

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

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**Creation of New Single Family Zoning District – RS-8B**  
**Restriction of Parking – Specified Vehicles, Boats, Trailers**

**(O-03)**

**No budgetary impact.**

Commissioner Moore introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-08-53

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 47-5.2, INTENT AND PURPOSE OF EACH



DISTRICT, 47-5.11, LIST OF PERMITTED AND CONDITIONAL USES, RS-8 RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY DISTRICT, 47-5.31, TABLE OF DIMENSIONAL REQUIREMENTS FOR THE RS-8 DISTRICT, AND 47-34.4, PROHIBITED PARKING OR STORAGE OF COMMERCIAL VEHICLES OR COMMERCIAL WATERCRAFT, TO CREATE A NEW RS-8B ZONING DISTRICT; PROVIDING PERMITTED USES, DIMENSIONAL REQUIREMENTS AND OTHER DEVELOPMENT REGULATIONS.

Which ordinance was read by title only.

In response to Vice Mayor Rodstrom, Greg Brewton, Director of Planning and Zoning, indicated that RS-8 neighborhoods that would be affected are located throughout the city. This would be available to those neighborhoods only if they wish to rezone to this designation.

In response to Mayor Naugle, Mr. Brewton indicated the some 60 or 70% of an area (would have to favor it). A property owner could request to be omitted from a rezoning. Existing vehicles or watercraft would be grandfathered in.

At Commissioner Hutchinson's request, Mr. Brewton outlined the history of how this came up. He commented that although a property owner could request to be excluded from rezoning of an area, although spot zoning is unlikely. The zoning would be shown on the City's zoning map. It is envisioned that a neighborhood would apply for the rezoning.

Commissioner Teel said this is by request of The Landings. They surveyed every property in the area. Only a very few people said that they were not interested. This is something they have wanted to do a long time. It was understood that existing vehicles and watercraft that are legal under RS-8 would be grandfathered in.

Mayor Naugle asked if it could be written so that a property owner with a grandfathered in 22 foot boat, for example, could replace the boat with another 22 foot boat or repower it. The City Attorney said that could be done.

Vice Mayor Rodstrom said she represents a diverse district and would like to look at all concerns. She wanted more detail at second reading.

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

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**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.**

Earl Rynerson, 438 NE 8 Avenue, said he is a resident of Victoria Park. He noted the average Fort Lauderdale resident is currently earning less than \$45,000. Most property values are decreasing. Many people have lost their jobs. People are having to do more with less. He elaborated upon the state of the economy in Broward County. The

proposal is to grant across the board salary increases to non-union employees. Those who earn less than \$45,000 deserve a raise or those who earn less than their unionized counterparts. The vast majority of these employees earn up to eight times the average salary of a resident. He recommended a parity pay raise to non-union employees earning less than \$45,000 or to those earning less than their unionized counterparts; no increase for anyone that earns more than the average wage earner in the City; establish a pay plan for every position with a set of minimum and maximum pay parameters. The City needs to act in a fiscal responsible manner.

Dennis Ulmer, 1007 NW 11 Place, said that historically the City has given the same cost of living increases to non-bargaining units, whether management or confidential, that has been negotiated for the contracts of the employees represented by unions. Funding was included in the adopted budget. 2009 COLA for retirees on Social Security will be 5.8%, and therefore, the proposed 5% is not excessive and reflects the inflationary rate of current economic times. City managers and employees do a good job for the City, and when they are tested, such as a tropical storm, they perform. He urged the Commission to approve this item.

Robert Walsh, 401 East Las Olas Boulevard, noted in 2003 there was a \$21 million deficit, and in 2008 there is a \$10 million surplus. He believed the employees need a raise. It has already been allocated into the budget. He urged approval of this item.

Joe Roberto, 2151 East Commercial, said he is a business owner in the City. He believed that the City is well-run. He felt a 5% COLA in addition to a merit that could be 7.5% is out of line; it should not be both. People are losing their homes. He was concerned about salaries of the City Manager and City Attorney. He referred to falling property values.

Holiday Russell, 2212 South Andrews Avenue, said that he is speaking individually and on behalf of Art Seitz. He pointed out a potential conflict of interest in that the City Attorney has recommended that Commissioner Moore be permitted to vote and the City Attorney is a part of a salary increase. He asked that Commissioner Moore not vote on this matter.

Rene Lepine, 208 NE 13 Avenue, believed that the employees merit an increase. It is a matter of affordability. People are losing their homes. The City budget has doubled over the last five years. His tax bill went from \$100 to \$650 because he is not homesteaded. He elaborated upon the state of the economy and the growth of the City administration. He disputed that there has been 5% inflation.

Art Seitz, 1905 North Atlantic, alluded to salary levels. He was concerned that there are no lifeguards north of 18 Street. Also, the City cannot afford a master plan. He wanted to know the increase for top employees.

The City Manager said that during an election season it is important for a city manager to avoid the fray of politics, however because this involves operations he wanted to comment. He understood the economic turbulence being faced by the country impacts everyone. It is during times of crisis when people rely on their government the most. He discussed what the City learned about crisis with the back to back hurricanes and the 2004 financial situation. He read an article from the March 17, 2004 Sun-Sentinel, headed, Fort Lauderdale employees quitting as cuts worsen, budget problems deepen

even more and prompt an exodus of top level staff. He was hired four months later with the mission of restoring stability and this organization delivered the requested results. The bond rating has increased to among the best in Broward County's largest cities, the rainy day fund has been restored and leading the national standard, the insurance deficit has been eliminated and now has a \$10 million surplus, taxes have been reduced three consecutive years and is the lowest since 1985, property taxes are among the lowest in the county, water rates are 29<sup>th</sup> in the county, services have been improving. Last year's contract negotiations were rockier than he would have preferred because both sides had ambitious goals. He elaborated upon the contract issues. He summarized the union contracts. This item is about employees who are not represented by a union because their responsibilities directly require that they look after taxpayer interests without being in conflict with union labor goals. Many of the inroads made on contract negotiations are a direct result of the efforts of many on the list for this item. The notion of denying those who are directly responsible for looking out for the taxpayers while rewarding those represented by a union makes no sense. He went on to comment about the performance of these employees. During the City's financial crisis time, there was talk about treating non-union employees differently than unionized employees because it played well in public. However, it led some non-unionized employees to form their own union. The City now has not three but five unions. He urged support of the entire team of employees.

Commissioner Moore commented that many emails he received alluded to the salaries of managers and the City Attorney and his email to the City Attorney, City Auditor, City Clerk and City Manager that they would not be a part of an increase. Three of these individuals had just received an increase. He communicated his position to all of these individuals the day after the first vote on this matter. Contractually appointed officials receive whatever others receive.

Commissioner Moore commented about the resignations during the time there was a volunteer city manager and arbitrary actions on that individual's part. He has always thought there are too many assistant city managers, but the City is operating efficiently. He believed an increase is necessary, but he was unwilling to do so unless the appointed officials waive their contractual obligation for an increase. He referred to previous year COLA percentages and that this is a time of reckoning because of the negotiations. He did not want another union to be formed.

Vice Mayor Rodstrom was concerned about inequities and that top management is grouped with employees who are making under \$45,000. With a merit and a COLA, there is the potential for a 12% increase. This is a world wide recession. She believed it will get worse. The City has to tighten its belt. It is set up differently than last year and the year before. She referred to the City's history with respect to spending, increases in taxes, fuel and insurance. As property values fall, there will be less revenue and layoffs. She wanted to prevent layoffs.

In response to Commissioner Moore, the City Manager indicated if Commissioner Moore's position is that he will support a COLA for those included in this item if the Manager waives his right to one, he will waive his right. The City Attorney said the obligation to the four appointed officials is contractual and not before the Commission this evening. Commissioner Moore has placed them in a position if they do not agree, they block the rest of the staff. Having been put in that position, he would forego the COLA as long as the entire grouping is included in the COLA. The City Auditor referred

to the outstanding staff and he would do whatever necessary for staff to get the raise that they are entitled to. He would forego the increase. The City Clerk said she could not say more than what has already been said. She agreed.

Vice Mayor Rodstrom felt this is a good start.

Commissioner Moore introduced the following ordinance on SECOND 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. Roll call showed: YEAS: Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: Commissioner Teel and Vice Mayor Rodstrom.

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**Advisory Board /Committee Appointments**

**(OB)**

Mayor Naugle recommended Mickey Hinton to Northwest Progresso-Flagler Heights CRA.

Commissioner Moore recommended Pamela Adams to the Planning and Zoning Board and Ella Phillips to Northwest Progresso-Flagler Heights CRA.

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

Affordable Housing Advisory Committee	Patricia Hale
Citizens Police Review Board	Adriane P. Reese
Northwest Progresso-Flagler Heights Redevelopment Advisory Board	Ella Phillips Mickey Hinton
Planning and Zoning Board	Pamela Adams

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 08-269

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

Which resolution was read by title only.

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

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**Commissioner Moore**

**(OB)**

LaRonda Ware, representing Dorsey-River Bend Civic Association, presented an award to Commissioner Moore in appreciation of his contributions to the community.

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Commissioner Moore reflected on people voting today for the type of presidential candidates that his grandfather would never have thought would have had the opportunity. He talked about his experiences as a commissioner and in representing the City in other governmental entities. He appreciated the opportunity.

There being no other further matters to come before the Commission, the meeting was adjourned at 11:23 P.M.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk