INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
JUNE 20, 2000

Agenda Item	Reso./Ord. No.		Page(s)
OB		Presentations:	
		1. Expressions of Sympathy	1
		2. Outstanding Purchasing Department for the Year 2000	2
		3. Blue Wave Award	2
		4. Community Appearance Board's Sponsorship Awards	2
		5. Community Appearance Board's WOW Award	2
		6. "Code Enforcement Officers Week"	2
		7. Sustainable Florida Award	3
CA		Consent Agenda	5
M-1		Event Agreement – 4th of July Street Party	6
M-2		Event Agreement – Fort Lauderdale International Boat Show	7
M-3		Event Agreement – Community Block Party	7 & 14
M-4		Agreement – Federal Aviation Administration (FAA) – Wind Shear Towers at Lauderdale Memorial Cemetery	7
M-5		Settlement Officer – Case No. 00-418(12) – O.R. No. 00-2965/00-3152	7
M-6		Lease Agreement – Jungle Queens, Inc. – Dockage Lease Areas A and B	8
M-7		Two New Permanent Positions – Code Enforcement Officers for the Community Redevelopment Agency (CRA)	8 & 14
M-8		Transfer of General Fund Contingencies – Boys National Clay Court Championships	8 & 14
M-9		Sick Leave Reinstatement Due to On-the-Job Injury	8
M-10		Lease Agreement – Sunset United Presbyterian Church – Police Substation at 3550 Davie Boulevard	9 & 15
M-11		Change Order No. 1 – Subaqueous Services, Inc. – Project 10040 – Annual Maintenance Dredging Contract	9
M-12		Change Order No. 5 – McCartney Construction Company – Project 9554 – Peele Dixie Water Treatment Plant, Exterior Reroofing	9 & 15
M-13		Task Order – CH2M Hill, Inc. – Project 9076 – Development of Special Assessment Program	9
M-14		Concession Agreement – City County Credit Union – Automatic Teller Machine (ATM) at City Hall	10
M-15		Enterprise Zone (EZ) Loan – Tech Molding & Tooling, Inc.	13 & 18
Pur. 1		Broward Co-Op – Two-Year Contract for Gasoline, Diesel Fuel and Transport Deliveries	11
Pur. 2		123 Vehicles and Equipment for FY 2000/01 Fleet Plan	11 & 16
Pur. 3		Bid 592-8108 – Payroll/Personnel/Pension System and Related Peripherals and Agreements	11 & 17
Pur. 4		Proprietary – 20 Sets of Firefighting Protective Clothing	12
Pur. 5		Proprietary – Labor and Material to Rebuild/Repair Turbine Expander (Spare Unit)	12
O-1	C-00-28	Amendment to Ordinance No. C-85-77 – Comcast Corporation – Nine-Month Extension of Cable Television Franchise Agreement	20

Index of a Regular Meeting
June 20, 2000
Page Two

Agenda Item	Reso./Ord. No.		Page(s)
R-1	00-77	Executive Airport – Consent and Approval of Sublease Between Sheltair Executive South, Inc. and Sheltair Sixteen, LLC, for Parcel 16, and Consent and Approval to Sublease Between Sheltair Sixteen, LLC and Hop-A-Jet Holdings, Ltd. for Parcel 16	21
R-2	00-78	Amendment to the Comcast Corporation Cable Television Franchise Agreement	22
R-3	00-79	Development of Significant Impact/ABA – Riviera Resort Club Developers, Inc. – Fortune House Resort Hotel (PZ Case No. 4-R-00)	22
R-4	00-80	Reschedule July 4, 2000 Conference and Regular Meetings to July 6, 2000	28
OB		Ordinance No. C-99-18/ULDR Section 47-19.5 – Fences, Walls and Hedges	3
OB	00-81	Advisory Board Appointments	29
OB		Dogs on the Beach	29
OB		Employee Complaints	30
OB		Love Thy Neighbor Litigation	30

MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
JUNE 20, 2000

Meeting was called to order at 6:30 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present:	Commissioner Gloria F. Katz Commissioner Carlton B. Moore Commissioner Cindi Hutchinson Commissioner Tim Smith Mayor Naugle
Absent:	None

Also Present:

City Manager	F. T. Johnson
City Attorney	Dennis E. Lyles
City Clerk	Lucy Masliah
Sergeant at Arms	Sgt. Waldman

Invocation was offered by *Dr. Diane Mann*, Pastor, Fourth Avenue Church of God.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting June 6, 2000

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

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).

<u>Presentations</u> ..... (OB)

1. <u>Expressions of Sympathy</u>

Mayor Naugle read aloud and presented Expressions of Sympathy, on behalf of the City Commission, to the families of *Earl T. Shinoster, Robert Trent Jones,* and *Eugene C. Brett*.

2. Outstanding Purchasing Department for the Year 2000

Mayor Naugle introduced *Mr. Dick Cummings*, Director of Purchasing for Broward County, who recognized the City's Purchasing Division for winning the Florida Association of Public Purchasing Officials Award for Outstanding Purchasing Department for the Year 2000 for a medium-sized entity. He stated that one of the goals of the Florida Association of Purchasing Officials was to foster professionalism and excellence in the public purchasing sector. Mr. Kirk Buffington, Purchasing Manager, expressed his appreciation for this honor and recognized the staff from the Purchasing Division who were present.

3. Blue Wave Award

Mayor Naugle introduced Mr. Tom Tapp, Director of Parks & Recreation, who recognized the Beach Maintenance Crew for winning the Blue Wave Award. He stated that Fort Lauderdale had been awarded America's first Environmental Certification for Beaches. He explained that the Blue Wave Award was sponsored by the Clean Beaches Council in Washington, D.C., and it was a national program promoting public awareness and participation in beach sustainability. Mr. Tapp stated that the beach had to meet seven criteria in order to receive this award. He recognized the staff members present who were responsible for beach maintenance, and he presented Mayor Naugle with a flag displaying the Blue Wave Award. Mayor Naugle congratulated the hard working employees who had brought this recognition to the City.

4. Community Appearance Board's Sponsorship Awards

Commissioner Hutchinson presented the Community Appearance Board's Sponsorship Awards. *Mr. Mark Ketcham*, former Chairman of the Board, assisted. Awards were presented to the Stiles Corporation, the Las Olas Company, Growers Ford Tractor, Mr. and Mrs. Arthur Stone, and Fire Rescue Explorer Post 713. There was a brief discussion about the Antique Car Museum created by Mr. and Mrs. Stone, and Mayor Naugle believed it was one of the greatest collections of Packards probably anywhere in the world. He hoped everyone in the community had an opportunity to visit it.

5. Community Appearance Board's WOW Award

Commissioner Smith presented the Community Appearance Board's WOW Award to

Mr. Mike Wade, 1620 Northeast 4th Place

Although Mr. Wade had been unable to attend the meeting, Commissioner Smith described the improvements he had made to his home, including three lushly landscaped areas with several levels of tropical foliage. He noted that photographs of the property would appear in the June 21, 2000 edition of the "Sun Sentinel" thanks to Causeway Lumber's sponsorship of the WOW Award Program.

6. "Code Enforcement Officers Week"

Commissioner Moore read aloud and presented a proclamation declaring June 19 to 23, 2000 as "Code Enforcement Officers Week" in the City of Fort Lauderdale. Ms. Lori Milano, Director, accepted the proclamation on behalf of the Community Inspections Bureau. She stated that the Bureau was committed to maintaining and working closely with neighborhoods.

7. Sustainable Florida Award

The City Manager presented the City Commission with the Sustainable Florida Award received from the Council for Sustainable Florida. He explained that this award was presented to publicly recognize exemplary leadership and commitment to sustainability, and the criteria focused on the integration of environmental, social and economic factors for long-term sustainability. The City Manager noted that every City department had contributed to the application submitted for this recognition.

Ordinance No. C-99-18/ULDR Section 47-19.5 –
Fences, Walls and Hedges ..... (OB)

As discussed at Conference, Commissioner Smith stated that Ordinance No. C-99-18 had been adopted with the best of intentions, but he had been approached by a lot of people who had concerns because there had been some unintended consequences staff had not been able to correct administratively. He felt the Commission should reconsider the ordinance.

Ms. Christina Smith explained that she had a 15' swale in front of her house, but the ordinance required that the fence be set back 5' from the swale. She stated that every other house in the area had fences up to the swale, and if her fence was set back 5' from the swale, she would not be able to park her car and close the fence. Ms. Smith felt she needed the fence for security purposes.

Mayor Naugle said the Commission intent had been to soften the look, particularly in areas with sidewalks, of fences without landscaping area. He thought some distinction could be made between areas with sidewalks and those without. Commissioner Smith also thought shrubbery could be planted inside a chain link fence, and it would grow through the fence. He felt some set back might be in order, but a 5' setback would put the fence in the middle of her yard, which had not been the intention of the ordinance.

Mr. Marty Hinze, Heinz Fence Company, said he had applied for a permit for Ms. Smith's fence. However, the City wanted the fence set back 20' and wanted the property owner to pay another $130 for a landscaping permit and provide $600 worth of landscaping. He explained that all the owner wanted was a 5' chain link fence, and the whole job had been blown way up out of proportion.

Commissioner Moore believed these types of issues were the reason the City had a Board of Adjustment. Mayor Naugle thought the problems associated with this ordinance were widespread. Commissioner Moore felt that every time the City tried to do something about aesthetics, it pulled away and failed to establish the standards the citizenry desired. He thought that in Ms. Smith's particular case, a variance might be in order, but he did not feel the entire ordinance should be changed.

Ms. Liz Holt, Construction Services, referred to the 5' setback requirement. She stated that the requirement was actually for 2-1/2' and some design standards established by the ordinance. Ms. Holt explained that if a property owner did not care to conform with those design standards, the option of setting back 5' was available. She had a variety of photographs to show the variety of embellishments that could be utilized in order to allow a 2-1/2' setback.

Commissioner Smith felt the problem was that there were economic realities to consider. He pointed out that there was an application fee of $350 for a variance, and there was no guarantee a variance would be granted. Further, the fences and embellishments could cost thousands of dollars.

Commissioner Hutchinson noted that one of the photographs displayed was of a property next door to her residence. The tenant had found the decorative, creative “lollipop” features. Commissioner Smith felt this was rather subjective with one inspector saying that something met the intent of the Code and another saying it did not. Commissioner Moore said he represented a lot of people with limited incomes living in areas with security problems, but he believed the first way to address these problems was through visual impact. He preferred to alter the variance application fee to deal with fences to address economic impacts, but he thought it was important to address aesthetics. Commissioner Smith felt the ordinance should describe the types of fences the City wanted so people would be aware of the standards.

Mr. Mike Brown, General Manager of Precision Fence, stated that there was an active association in South Florida that wanted input. He did not think the fence companies could sell fences if they did not understand the ordinance because it was confusing. Mr. Brown stated that the manufacturers had a lot of experience and could help develop something that was aesthetically pleasing and cost effective. He believed the association could help develop a compromise position.

Mr. Michael Morrison, owner of Morrison Builders, said one of the biggest issues was that owners were being forced to give up 2-1/2’ to 5’ of their properties to comply with the ordinance. He noted that there were already easements that made certain areas of property unbuildable. He pointed out that many homeowners had small yards and, even though the intent of the ordinance was a good one, many of their neighbors had fences on the property line. Further, the cost of the embellished fences was high.

Mr. Morrison felt another issue was that there was no clear cut understanding of what was acceptable and the purpose of it in the first place. He stated he could not sell to customers because he did not know exactly what was required. Mr. Morrison stated that some people just wanted short fences to contain their puppies, but there was a high economic impact when people had to give up property and provide expensive landscaping and features. He reiterated that the association could work with the City on an ordinance that would be acceptable to everyone involved.

Mr. N. W. Lancione said he was a property owner, and he felt the staff at the one-stop shop were very polite. However, the 2-1/2’ setback was ridiculous in a lot of instances. He stated that one size did not fit all. He also did not believe one of the pictured fences met Code in any case, yet it was being used as an example of something that did meet Code.

Mr. Tim Gullan, Dolphin Fence Company, said Fort Lauderdale had been one of the friendliest cities he had worked in fifteen years ago. However, permit prices had escalated and service had “gone down the tubes.” Mr. Gullan stated that different plans examiners in the City had different interpretations, and he felt the rules should be written in plain English instead of “lawyer talk.”

Mr. Dan Harris, Ace Fence Company, stated that the association had held a Government Affairs Committee Meeting last week, and this subject had been discussed. He advised that one problem was defining what constituted a column in Fort Lauderdale. Mr. Harris said there was a lot of confusion with this ordinance, primarily as to chain link fencing. He had not had a lot of time to prepare, but he believed there were numerous examples of the problems.

Mr. Gene Warkem, South Florida Fence Association, agreed with the previous speakers. He acknowledged that attractive fences benefited everyone, but the ordinance was not workable in terms of front yards. He felt it was ambiguous and should be amended, and the Association was willing to work with the City in this regard.

Mr. Marvin Sanders, former member of the Planning & Zoning Board, recalled that the original intent had been to address CBS walls with decorative columns. Another issue had involved regular fences in order to provide embellishments to improve appearance. Mr. Sanders felt these things were needed to enhance the community, and he noted that the setback issue only pertained to areas abutting public rights-of-way across the front. He believed the intent had also been to provide some planting area between sidewalks and fences for safety and aesthetic purposes.

Commissioner Katz wondered if it would help to modify the setback from 2.5' to 1'. Mayor Naugle thought that instead of making specific changes to the ordinance tonight, the Commission should take advantage of the Fence Association's offer to assist. He believed it could be improved, and he thought fences were less offensive if they did not have embellishments that drew attention. Mayor Naugle suggested that the Fence Association provide some recommendations. Commissioner Katz agreed the ordinance could be simplified with that assistance.

Commissioner Moore had no problem with the Fence Association providing some input, but he believed there were ways to conform with the ordinance. He did not care for chain link fences in front yards, but buffering them with landscaping helped. Commissioner Moore also hoped the City Manager would address the comments made about the permitting process. He did not feel different staff members should have different interpretations of the Code. Commissioner Smith agreed. He looked forward to input from the industry.

<u>CONSENT AGENDA</u> ..... (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:

CONSENT AGENDA

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

Event Agreement – 4th of July Street Party **(M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Covenant House Florida Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **4th of July Street Party** to be held **Monday, July 3, 2000 from 5:00 p.m. to 11:00 p.m.**; and further authorizing the closing of Sunrise Lane from N.E. 9 Street to the north end of the Parrot Lounge from 8:00 a.m. Monday, July 3 to 2:00 a.m. Tuesday, July 4, 2000.

Recommend: Motion to approve.
Exhibit: Memo No. 00-841 from City Manager.

CONSENT AGENDA

Event Agreement – Fort Lauderdale International Boat Show **(M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Yachting Promotions Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Fort Lauderdale International Boat Show** to be held **Thursday and Friday, October 26 and 27, 2000, from 10:00 a.m. to 7:00 p.m.; Saturday, October 28, 2000 from 10:00 a.m. to 8:00 p.m.; Sunday, October 29, 2000 from 10:00 a.m. to 7:00 p.m.; and Monday, October 30, 2000 from 10:00 a.m. to 6:00 p.m.** at Bahia Mar, Broward County Convention Center, Pier 66, Marina Marriott, Las Olas Marina, International Swimming Hall of Fame, and D. C. Alexander Park; and further authorizing the closing of S.E. 5 Street between Fort Lauderdale Beach Boulevard (northbound State Road A-1-A) to Seabreeze Boulevard (southbound State Road A-1-A) from one hour before the show opens until one hour after the show closes each day.

Recommend: Motion to approve.
Exhibit: Memo No. 00-842 from City Manager.

Event Agreement – Community Block Party **(M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **4th Avenue Church of God** to indemnify, protect, and hold harmless the City from any liability in connection with the **Community Block Party** to be held **Tuesday, July 4, 2000 from 1:00 p.m. to 7:00 p.m.**, and further authorizing the closing of N.E. 4 Avenue from N.E. 12 Street to N.E. 13 Street, from 11:00 a.m. to 9:00 p.m.

Recommend: Motion to approve.
Exhibit: Memo No. 00-849 from City Manager.

Agreement – Federal Aviation Administration (FAA) –
Wind Shear Towers at Lauderdale Memorial Cemetery **(M-4)**

A motion authorizing the proper City officials to execute an agreement with the FAA for a windshear tower located at Lauderdale Memorial Cemetery.

Recommend: Motion to approve.
Exhibit: Memo No. 00-713 from City Manager.

Settlement Offer - Case No. 00-418(12) – O. R. No. 00-2965/00-3152 **(M-5)**

A motion authorizing the settlement of Case No. 00-418(12), O. R. No. 00-2965/00-3152, wherein the City will receive title to $24,490, 1994 Infinity Q45 automobile, Piaget watch, firearm, and accrued interest on the total sum seized; and the respondent will receive $6,000.

Recommend: Motion to approve.
Exhibit: Memo No. 00-5-4 from Police Legal Advisor.

CONSENT AGENDA

Lease Agreement –
Jungle Queens, Inc. – Dockage Lease Areas and A and B **(M-6)**

A motion authorizing the proper City officials execute a lease agreement with Jungle Queens, Inc. for use of the Dockage Lease Areas A and B on the Intracoastal Waterway, for a term beginning July 1, 2000 and ending September 30, 2000.

Recommend: Motion to approve.
Exhibit: Memo No. 00-851 from City Manager.

Two New Permanent Positions -
Code Enforcement Officers for the Community Redevelopment Agency (CRA) **(M-7)**

A motion authorizing the proper City officials to create two new full-time, permanent Code Enforcement Officer positions for the CRA.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 00-885 from City Manager.

Transfer of General Fund
Contingencies - Boys National Clay Court Championships **(M-8)**

A motion authorizing the transfer of $4,000 from General Fund Contingencies to GEN010102/4207 (Promotional Contributions) to support the Boys National Clay Court tennis championship tournament taking place at the Jimmy Evert Tennis Center July 16-23, 2000.

Funds: Transfer $4,000 from General Fund Contingencies to GEN010102/4207 (Promotional Contributions)

Recommend: Motion to approve.
Exhibit: Memo No. 00-846 from City Manager.

Sick Leave Reinstatement Due to On-The-Job Injury **(M-9)**

A motion authorizing the reinstatement of sick leave for the following individuals:

(1) Robert Burks, Utilities Mechanic II (44.30 hours)
(2) Thomas Carbone, Utilities Mechanic II (86.25 hours)
(3) James DiPaolo, Fabricator-Welder (89.18 hours)
(4) Martin Geary, Electro Technician (26.60 hours)

Recommend: Motion to approve.
Exhibit: Memo No. 00-853 from City Manager.

CONSENT AGENDA

Lease Agreement –
Sunset United Presbyterian Church - Police Substation at 3550 Davie Boulevard (M-10)

A motion authorizing the proper City officials to execute a lease agreement with Sunset United Presbyterian Church for a police substation to be located at 3550 Davie Boulevard.

Recommend: Motion to approve.
Exhibit: Memo No. 00-852 from City Manager.

Change Order No. 1 – Subaqueous Services, Inc. -
Project 10040 – Annual Maintenance Dredging Contract (M-11)

A motion authorizing the proper City officials to execute Change Order No. 1 with Subaqueous Services, Inc. in the amount of $89,550 for additional dredging work under the annual contract for maintenance dredging.

Funds: See Change Order

Recommend: Motion to approve.
Exhibit: Memo No. 00-778 from City Manager.

Change Order No. 5 – McCartney Construction Company –
Project 9554 – Peele Dixie Water Treatment Plant, Exterior Reroofing (M-12)

A motion authorizing the proper City officials to execute Change Order No. 5 with McCartney Construction Company in the amount of $46,266.03 for additional work at the Peele Dixie Water Treatment Plant.

Funds: See Change Order

Recommend: Motion to approve.
Exhibit: Memo No. 00-777 from City Manager.

Task Order – CH2M Hill, Inc. –
Project 9076 – Development of Special Assessment Program (M-13)

A motion authorizing the proper City officials to execute a task order with CH2M Hill in the amount of $17,556 to develop a special assessment program.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 00-469 from City Manager.

CONSENT AGENDA

Concession Agreement –
City County Credit Union – Automatic Teller Machine (ATM) at City Hall **(M-14)**

A motion authorizing the proper City officials to execute a Concession Agreement with the City County Credit Union for the ATM located at City Hall.

Recommend: Motion to approve.
Exhibit: Memo No. 00-776 from City Manager.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
			Pur-1
Broward Co-Op	Two year contract for gasoline and diesel fuel, transport deliveries Citywide	Coastal Refining & Marketing, Inc. Ft. Lauderdale, FL	$ 1,244,100.00
		Amerada Hess Corporation Woodbridge, NJ	1,235,158.00
			$2,479,258.00 (estimated annual total)

Bids Solicited/Received: 51/15 with 2 no bids

Exhibits: Memorandum No. 00-831 from City Manager
Recomm: Award to low responsive and responsible bidders.

			Pur-2
	Purchase of 123 vehicles and equipment for FY 2000-01 Fleet Plan Admin. Serv./Fleet		$4,605,000.00 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-814 from City Manager
Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.
Recomm: Approve Fleet Plan purchases for fiscal year 2000-01.

			Pur-3
592-8108	Purchase of a payroll/ personnel/pension system & related peripherals and agreements Admin. Serv./Finance	Cyborg Systems, Inc. Chicago, IL	$ 1,729,616.00
		Various specified costs	100,000.00
			$ 1,829,616.00 (estimated)

Bids Solicited/Received: 55/10 with 5 no bids
Exhibits: Memorandum No. 00-417 from City Manager
Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.
Recomm: Approve award to first ranked proposer and other identified vendors.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
			Pur-4
Prop	Purchase of 20 sets of firefighting protective clothing Fire-Rescue	Safety Equipment Company Orlando, FL	$ 28,925.60 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-817 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

			Pur-5
Prop	Purchase of labor and material to rebuild/repair turbine expander (spare unit) Public Services	Air Products and Chemicals, Inc. Allentown, PA	$ 38,100.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-829 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Enterprise Zone (EZ) Loan – Tech Molding & Tooling Inc. **(M-15)**

A motion authorizing an Enterprise Zone (EZ) Loan for Tech Molding & Tooling Inc., located at 1919 N.W. 19 Street, in the amount of $200,000.

Recommend: Introduce motion.
Exhibit: Memo No. 00-879 from City Manager.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-3, M-7, M-8, M-10, M-12, Pur. 2, and Pur. 3 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Event Agreement – Community Block Party ..... (M-3)

Commissioner Smith said he had pulled this item from the Consent Agenda at the request of the South Middle River Civic Association, but no one seemed to be present to address the item.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. M-3 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Two New Permanent Positions – Code Enforcement Officers for the Community Redevelopment Agency (CRA) ..... (M-7)

Commissioner Smith favored this item, but he understood there were two vacant supervisory positions that had been approved months ago. Mr. Pete Witschen, Assistant City Manager, advised that selections for those positions would probably be made in the next two weeks, and those employees would probably start about a month later. He expected full staffing within four to six weeks.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-7 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Transfer of General Fund Contingencies – Boys National Clay Court Championships ..... (M-8)

Commissioner Katz asked if this group had made a presentation for funding to the Community Services Board, or if an “end run” had been made around the process. Mr. Tom Tapp, Director of Parks & Recreation, advised that the Parks, Recreation & Beaches Advisory Board had approved this contribution.

Commissioner Katz felt these types of funding requests should all be handled in the same fashion through the Community Services Board. She did not think it was fair to let some organizations obtain funding through other means. Commissioner Moore agreed. Mayor Naugle agreed there was an established process. Mr. Tapp thought there had been a timing problem in this case.

Mr. Lakhi Mohnani, Chairman of the Tennis Committee, explained that this opportunity had arisen after the deadline for the Community Services Board’s grant process. However, the funds were necessary for this tournament, which had an economic impact on the City of over $500,000. He stated that the Budget Director had suggested going through the Parks, Recreation & Beaches Advisory Board due to the timing problem, and the Committee was pursuing funding for next year through the established process.

Commissioner Moore was sure this was a good event but, in light of the economic impact, he was sure funding could be found within the business community. He did not support treating this request differently than others. Commissioner Smith noted there was a Conference agenda item for football. Commissioner Moore believed that was a different issue involving a five-year program, and no funds were being requested at this time.

Motion made by Commissioner Moore and seconded by Commissioner Katz to reject this funding request. Roll call showed: YEAS: Commissioners Smith, Moore, Katz, and Mayor Naugle. NAYS: Commissioner Hutchinson.

Mayor Naugle encouraged members of the community to contribute to this worthy cause by contacting Mr. Tapp at 761-5000. Several of the Commissioners offered individual contributions, and various individuals in the audience contributed for a total collected of $1,000.

Lease Agreement – Sunset United Presbyterian Church –
Police Substation at 3550 Davie Boulevard ..... (M-10)

The City Manager wished to clarify that the back-up material included an item related to the installation of phones at $441 plus $37 per month. Upon further examination prompted by Commissioner Smith, staff had found another method resulting in an $85 installation cost and $13.75 per month. He asked the Commission to consider approving this item with that amended.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-10 be approved as amended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Change Order No. 5 – McCartney Construction
Company – Project 9554 – Peele Dixie Water
Treatment Plant, Exterior Reroofing ..... (M-12)

Commissioner Katz believed there was a discrepancy in the amounts shown on the agenda and listed in the back-up material. Mr. Peter Sheridan, Engineering Division, clarified that the correct amount was $36,096.13 as shown in the memorandum.

Commissioner Moore did not understand why the cost of this project kept growing. Mr. Sheridan stated that part of the reason for the increased costs involved Code issues. He explained that it was impossible to know all that would be necessary in advance when dealing with renovations. However, as walls were opened, etc., various issues arose. Commissioner Moore believed staff had told the Commission the same thing when the last change order had been presented. Commissioner Smith said he had planned to vote against this item. He was concerned about spending $8,000 to cover cracks that were not structural in nature, as well as other small items that added up to a fair sum.

Mayor Naugle inquired as to the total cost of this project. Mr. Sheridan stated that the original contract amount had been $1.2 million, and change orders had been approved thus far for a total of $1.5 million. Commissioner Katz wondered if staff could reconsider some of the less crucial items in this change order.

Mr. Frank Coulter, Public Services Department, stated that staff could do whatever the Commission wanted but, if they had received the impression that $1.5 million would cover the entire cost of renovating this Plant, they had the wrong impression. He stated that additional money would be necessary over the next few years because the Plant needed at least $6 million worth of work assuming nothing very significant was done. He stated that renovating and maintaining water plants was an expensive proposition.

Mr. Coulter acknowledged that some of the items in the change order could probably be removed, but it would be necessary to fix the cracks eventually, for example. He stated that ladders going into the water tanks could not be out of alignment, and all of these things would eventually have to be corrected. Mayor Naugle understood some of the items were related to Code requirements. Mr. Sheridan agreed that was correct.

Mr. Greg Kisela, Assistant City Manager, stated that the restoration project was about 30 days away from completion. He explained that the historical renovation of a 75-year old facility was expensive and there were bound to be unexpected complications. Mr. Kisela said it was necessary to do the work correctly, and he could not believe they would find many more conditions.

Commissioner Katz believed item 2 pertained to a visual issue but not a structural issue. She thought that could be delayed. Mr. Kisela explained part of the problem was moisture getting into the structure and causing additional interior damage. He agreed it might save $8,000 now, but it could cost a lot more later. Commissioner Moore felt this was a worthwhile project, although he thought the operational issues should have been addressed before the historic preservation. He believed the Commission might have voted differently on this project if they had realized the operational issues would be so expensive.

Commissioner Smith hoped the Commission would vote against this change order. Although it was a historic structure, it was a water treatment plant, too. He felt this project had been an "open checkbook" for a facility that provided very little of the City's potable water supply.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-12 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Smith.

Purchase of 12 Vehicles and Equipment for
Fiscal Year 2000/01 Fleet Plan ..... (Pur. 2)

Commissioner Moore was concerned about the size of the vehicles. Mr. John Hoezle, Fleet Manager, explained that input as to the vehicles themselves were provided by each of the using departments. Commissioner Moore wondered why larger vehicles were needed for Park Rangers, for example. Mr. Hoezle stated that Park Rangers used to use full-size vehicles, and mid-size vehicles were now being used. Commissioner Moore felt economy vehicles should be utilized. Mr. Hoezle said he would have to review the use of the vehicles used by the Park Rangers with the Parks & Recreation Department, but the Luminas had been performing well, and costs had been reduced. He advised the size of the vehicles could be reduced when the requisition was issued if smaller vehicles would serve the purpose.

The City Manager stated that the Fleet Plan budget was sizable, but he was convinced that money had been saved in the long run. He could not specifically address the issue of vehicles for Park Rangers, but some of the Rangers were large, and he believed they carried certain equipment. Mr. Tom Tapp, Director of Parks & Recreation, stated that the Ranger vehicles carried full light bars and transported quite a bit of equipment. He noted that they were used during certain events and sometimes transported passengers, and sometimes the vehicles left the roadways and could not be lightweight vehicles. Therefore, there were various reasons for slightly larger vehicles, and he believed the Luminas held up better than the economy cars.

Commissioner Hutchinson wanted to compliment Mr. Hoezle on a Fleet Plan she could understand, and she felt it was concise and left few questions. Mayor Naugle asked about the oldest vehicle in the Fleet. Mr. Hoezle believed one of the oldest was a 1986. Commissioner Smith agreed the Park Ranger vehicles should have a certain law enforcement presence, and he wondered if Commissioner Moore would feel more comfortable if these large purchases were discussed at a Conference meeting.

Commissioner Moore said he was willing to move forward with this item today, but he wished he understood the rationale behind the Fleet purchases more clearly. He felt there should be a plan in place for dealing with the high cost of fuel. Mayor Naugle noted that alternative fuel vehicles should also be considered.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. Pur. 2 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Bid 592-8108 – Payroll/Personnel/Pension System,
Related Peripherals and Agreements ..... (Pur. 3)

Commissioner Katz wondered why the City could not continue using the existing system, and she desired additional information as to why the second most expensive company was being selected for this contract.

Mr. Bruce Larkin, Director of Administrative Services, advised that this was a joint recommendation with the Finance Department, and the old system was 14 years old. He explained that 14 years was an eternity in terms of software, and the system was unstable at times. Further, there was only one person on staff knew how to use the computer language the old system utilized because it was an outdated language. Mr. Larkin stated there was no support for the system either because it was the only one of its kind.

Mr. Larkin stated that one of the bidders had not provided full pricing for the necessary customization so the price listed did not reflect the total cost. In addition, that company was experiencing financial problems and problems supporting its customers according to the “Wall Street Journal.”

Motion made by Commissioner Katz and seconded by Commissioner Hutchinson that Consent Agenda Item No. Pur. 3 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Enterprise Zone (EZ) Loan – Tech Molding & Tooling, Inc. ..... (M-15)

A motion was presented authorizing an Enterprise Zone (EZ) Loan for Tech Molding & Tooling, Inc., located at 1919 Northwest 19th Street, in the amount of $200,000. Mr. Pete Witschen, Assistant City Manager, explained that Tech Molding & Tooling, Inc. had submitted this application and had been released from a lease in Pompano Beach in order to relocate to 19th Street. He stated that the application for $200,000 had been submitted in September. He reported that 55 jobs had been established, and approximately $2 million had been invested in the facility.

Mr. Witschen stated the program had originally been crafted with the idea that real property would be attached, but equipment could be used as collateral as well. He advised that two other applications had been finalized for presentation to the City Commission at the next meeting. Mr. Witschen believed those two loans would amount to $450,000.

Mr. Phillip Newman, Tech Molding & Tooling, Inc., said he had been renting in Pompano Beach when he had been approached by a realtor about the property at 1919 Northwest 19th Street located in an Enterprise Zone. He had been told that if he relocated to Fort Lauderdale, there would be certain benefits for the location in the Enterprise Zone, so he had attended some workshops and had been assured he was eligible for this loan. He understood the monies could be used for working capital, property acquisition, construction, and purchase of machinery and equipment.

Mr. Newman stated that he had employed about 50 people from the area, and he had been promised this loan, but nothing had happened in about a year. When he had first applied, he had been told he needed a business plan, so he had spent $4,000 for formulation of a plan. However, he had not heard anything for months, and he needed this loan to purchase more equipment. He said Mr. Bacon had indicated the City had no need to provide this loan since his company was already located within the Enterprise Zone, and he had said he would investigate the possibility of some other grant. Mr. Newman had waited several more months and had finally contacted his attorney.

Mayor Naugle asked Mr. Newman what his company manufactured. He replied that injection molds were used to manufacture various products of plastic, and he had 56 or 57 employees. Mayor Naugle was not comfortable making a loan for the purchase of equipment. He understood it was a new injection mold system and inquired about the lifespan of the machines. Mr. Newman estimated the machines would last 15 to 20 years running around the clock. Mayor Naugle said it had not been his experience that loans for equipment were amortized over 30 years with a balloon in 10 years. He believed the equipment would be worn out in 10 years, and he would have structured such a loan over 10 years with no balloon payment.

Mr. Newman stated this was a 10-year loan. Mayor Naugle pointed out that a balloon payment of $162,000 would be due at the end of 10 years. He said he would be more comfortable with a straight 10-year loan. Mayor Naugle acknowledged it would make the payments higher, and Mr. Newman said he had no problem with that idea.

Commissioner Moore did not believe any City staff member had guaranteed a Commission action. Mr. Witschen agreed that had not been the case. Commissioner Moore felt secured loans were the best way to go, but this would not be secured because the equipment would be antiquated before the loan was paid. Further, equipment could be moved. Mr. Newman advised that the machines weighed 80,000 pounds and had to be moved with cranes.

Commissioner Moore pointed out that there were benefits to locating within the Enterprise Zone. Ms. Eve Bazer, Economic Development Department, agreed there were job tax credits available if people who lived within the Enterprise Zone were employed. In addition, a business could get back 97% of the sales tax on any equipment or machinery purchased or any construction improvements. Commissioner Moore asked if a ranking process was utilized to determine who would receive these loans. Ms. Bazer replied that the application was examined to see how many jobs would be created, along with potential improvements to the area. She stated there were not strict guidelines, but staff looked at what a business would do for the Zone.

Mr. Witschen said he had become aware of the fact that staff had spoken with Mr. Newman, although they had not guaranteed him a loan. He had been told that the City Commission would have to approve the loan, and there were some pros and cons listed in the back up upon which provided the basis for a policy decision. He stated that the criteria used was the same that had been used to consider the McKinley loan recently.

Mr. Phil Bacon, Economic Development Manager, stated that as of February, a number of criteria had been used to rank incoming applications for EZ loans. Some of the criteria related to whether or not a business was owner occupied; within the targeted area; the amount of capital investment; and, the number of jobs that would be created. When this application had been submitted in September, 1999, he had understood Mr. Newman would be a tenant of his new building, which presented certain problems for securing the loan.

Mr. Bacon stated that the EZ Loan Program had historically used real estate to secure loans because capital equipment was a depreciating asset so the process was complicated. Mayor Naugle recalled another loan for equipment. Mr. Bacon agreed there might have been some financing for equipment, but he did not believe an EZ loan had ever been made before that was not secured by real property. Commissioner Moore inquired about the term of the lease on the 19th Street property, and Mr. Newman replied he had a 7-year lease with a 7-year option.

Commissioner Hutchinson had understood all EZ loans were secured by real estate, and she had not been aware securing it with equipment was an option. Therefore, she had been surprised by this application. She felt people should have to buy into Fort Lauderdale in order to get this help. Commissioner Hutchinson was uncomfortable securing these loans with anything but real estate.

Mr. Witschen recalled that staff had agreed to exhaust all the applications already “in the pipeline,” and staff would then present a reformatted list of incentives for loans and buy downs. He advised that this program was not being marketed to applicants at this time. Mayor Naugle asked why staff was recommending approval of this loan. Mr. Witschen stated that staff was not recommending approval or disapproval. Rather, they had provided information about the pros and cons and allowed Mr. Newman the opportunity to appear before the Commission. He advised that funding this loan would exhaust the balance in the EZ Loan Program, and some supplemental funding would be necessary in the amount of approximately $25,000.

Commissioner Smith asked if there was another application ready that could be funded with this amount of money. Mr. Witschen expected two applications to be ready for consideration at the next Commission meeting. He advised that the application from Bob Young was for $200,000, and the application from Canvas Films was about $250,000. Commissioner Moore asked if those loans would be secured by real property, and Mr. Witschen replied they would.

Commissioner Katz understood the City had never secured these loans before on equipment. Mayor Naugle believed one had been approved in 1999. Mr. Bacon listed the EZ loans made to date. Ms. Bazer clarified that a $48,000 loan had been made to purchase equipment, but the loan itself had been secured by real property.

Mayor Naugle did not know how the City would collect the balloon payment in ten years, and he preferred to amortize the loan over 10 years without a balloon payment. Therefore, the payments would be higher, but the loan would be repaid at the end of 10 years. He also wondered if Mr. Newman would be willing to sign a personal note. Mr. Newman said he would be willing to do so, but the Program indicated money would be loaned on machinery and equipment. He pointed out that staff had known he was renting the property when he had moved to 19th Street.

Commissioner Smith thought this loan application had not been handled as well as it should have been internally, but he did not feel this was the type of loan being targeted with the limited resources. He felt the loan should be denied with an apology to Mr. Newman.

Motion made by Commissioner Smith and seconded by Commissioner Moore to deny this loan and apologize for the inconvenience. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amendment to Ordinance No. C-85-77 – Comcast Corporation –
Nine-Month Extension of Cable Television Franchise Agreement ..... (O-1)

An ordinance was presented considering an amendment to Ordinance No. C-85-77 to grant Comcast Corporation a nine-month extension of the cable television franchise agreement. Ordinance No. C-00-28 was published on May 25 and June 1, 2000, and was passed on first reading at the Regular Meeting of June 6, 2000 by a vote of 5 to 0. (Also see Item R-2 on this Agenda).

Commissioner Moore recalled the extension term had been reduced from 12 months to 9 months, although the consultant and staff felt 12 months was appropriate. Mr. Bruce Larkin, Director of Administrative Services, said his recommendation had not changed. He had recommended a one-year extension with further extensions as necessary. He believed it would be in the City's best interests. Mr. Larkin explained that once the transfer to AT&T had been completed, the City would have four months to approve it, and the renewal process would be completed. He stated that would take about six months under federal cable law.

Mr. Larkin stated that if this nine-month extension was approved today, he would probably have to seek another extension later. Mayor Naugle agreed it was a little unfair to extend for 9 months now and 3 months later. He suggested a six-month extension now and a six-month extension later. Commissioner Moore supported staff's recommendation for a twelve-month extension now and month-to-month extensions afterwards if necessary. Commissioner Smith supported that idea. Commissioner Katz recalled the intent had been to keep the pressure on so this did not drag on and on. Commissioner Moore noted that both staff and the consultant had indicated there were limitations to consider. Mayor Naugle was concerned because there had been broken promises relating to high speed Internet access.

Motion made by Commissioner Moore and seconded by Commissioner Smith to amend the ordinance for a one-year extension period. Roll call showed: YEAS: Commissioners Smith, Moore, and Hutchinson. NAYS: Commissioner Katz and Mayor Naugle.

Commissioner Moore introduced the following ordinance, as amended, on second reading:

ORDINANCE NO. C-00-28

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE AMENDING ORDINANCE NO. C-85-77 RELATING TO THE FRANCHISE GRANTED BY THE CITY OF FORT LAUDERDALE, FLORIDA TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM OVER AND BENEATH THE PUBLIC STREETS AND OTHER PUBLIC PROPERTY OF THE CITY OF FORT LAUDERDALE PROVIDING THAT FRANCHISEE, COMCAST CORPORATION SHALL ENTER INTO AN AMENDMENT AND EXTENSION TO THE AMENDED FRANCHISE AGREEMENT WITH THE CITY TO EXTEND THE TERM OF THE EXISTING FRANCHISE FOR A LIMITED PERIOD; AMENDING THE DEFINITIONS OF "ANNUAL GROSS REVENUES" AND "AMENDED FRANCHISE AGREEMENT"; ALTERING THE MANNER OF PAYMENT OF FEES; AND ADDRESSING ISSUES SUBJECT TO FINAL DETERMINATION SUCH AS NON-DISCRIMINATORY ACCESS TO THE CABLE SYSTEM AND PASS-THROUGH COSTS.

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

Executive Airport – Consent and Approval of Sublease Between Sheltair Executive South, Inc. and Sheltair Sixteen, LLC, for Parcel 16, and Consent and Approval to Sublease Between Sheltair Sixteen, LLC and Hop-A-Jet Holdings, Ltd. for Parcel 16 ..... (R-1)

A resolution was presented authorizing the proper City officials to consent to the sublease for Parcel 16 between Sheltair Executive South, Inc. and Sheltair Sixteen, LLC; and, further authorizing the proper City officials to consent to the requested sublease for Parcel 16 between Sheltair Sixteen, LLC and Hop-A-Jet Holdings, Ltd.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT AND APPROVAL TO SUBLEASE, WITH SHELTAIR EXECUTIVE SOUTH, INC., AS SUBLESSOR AND SHELTAIR SIXTEEN, LLC, AS SUBLESSEE; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT AND APPROVAL TO SUBLEASE, WITH SHELTAIR SIXTEEN, LLC AS A SUBLESSOR AND HOP-A-JET HOLDINGS, LTD AS SUBLESSEE; EACH PERTAINING TO PARCEL 16 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amendment to the Comcast Corporation
Cable Television Franchise Agreement ..... (R-2)

A resolution was presented authorizing the proper City officials to execute an amendment to the Comcast Corporation Cable Television Franchise Agreement to extend the term of the existing franchise for a specified period; amend the definition of "Annual Gross Revenues;" altering the manner of payment of fees; and, addressing issues subject to final determination such as nondiscriminatory access to the cable system and pass-through costs. (Also see Item O-1 on this Agenda).

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-78

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT AND EXTENSION TO AMENDED FRANCHISE AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND COMCAST CABLEVISION OF BROWARD COUNTY, INC., AS "FRANCHISE," AND COMCAST CABLE COMMUNICATIONS, INC., AS "GUARANTOR," PROVIDING FOR A TWELVE-MONTH EXTENSION OF THE FRANCHISE TERM, SUCH EXTENDED TERM TO EXPIRE ON JUNE 25, 2001; AND TO MODIFY NUMEROUS OTHER PROVISIONS OF THE AMENDED FRANCHISE AGREEMENT, ALL SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

At 8:37 P.M., Commissioner Hutchinson left the meeting. She returned at 8:38 P.M., and Commissioner Moore left the meeting. He returned at 8:40 P.M.

Development of Significant Impact/ABA –
Riviera Resort Club Developers, Inc. –
Fortune House Resort Hotel (PZ Case No. 4-R-00) ..... **(R-3)**

At the regular meeting of the Planning & Zoning Board on April 26, 2000, it was recommended by a vote of 9 to 0 that the following application be approved.

Applicant: Riviera Resort Club Developers, Inc.
Request: Development of Significant Impact/ABA
Location: 505 North Fort Lauderdale Beach Boulevard

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item.

Mr. Scott Miller, Development Review Coordinator, stated this was an application for a development of significant impact on the beach at 505 North Fort Lauderdale Beach Boulevard. It was a development of significant impact for three reasons. First, in the ABA zoning district, a hotel use was automatically a development of significant impact. In addition, a setback reduction was being requested, as well as a reduction in the floor area ratio (FAR).

Mr. Miller stated the site was 1.74 acres, and a 278-suite hotel with 9,100 square feet of restaurant space, 12,800 square feet of meeting room space, and 14,000 square feet of retail space was proposed. The structure would be 229' tall, with the restaurant and retail area on the ground floor fronting on North Fort Lauderdale Beach Boulevard. In addition, a second retail area was proposed fronting on Viramar Street. Mr. Miller advised that the hotel use was permitted in the ABA zoning district, and the facility would be marketed as a condominium hotel with each suite or block of suites sold to individual owners. He explained that the entire property had to be licensed as a hotel pursuant to the ABA zoning district and the laws of the State of Florida.

Mr. Miller reported that the ownership arrangement proposed differed from the typical time-share interval ownership program in that an owner placed the unit up for rent as a hotel room at certain times and used it personally at other times. He advised that the concerns of staff and the Planning & Zoning Board had been that if there was no limitation on the length of stays by unit owners, the building could become a seasonal residence and undermine the intent of the ABA district as a tourist destination. He reported that the applicant had proffered a limitation on stays, which had been incorporated by staff as condition 7. It was his understanding that the applicant's representative wished to make some modification to the language of condition 7.

Mr. Miller stated that the project met all the parking and landscaping requirements, and all loading and service activities would occur within the volume of the building rather than out on the street. A traffic study had been performed that had been reviewed by staff and a consultant hired on behalf of the City, and the traffic impacts were determined to be relatively minimal with respect to the street system in the area.

Mr. Miller advised that setback modifications were requested as outlined in the back-up memorandum. He explained that the ABA zoning required a 20' setback from all streets, and part of the criteria for modification related to beach design guidelines. Mr. Miller reported that staff and the Planning & Zoning Board had felt this project was in keeping with the beach design guidelines. He reported that there was also a zoning in progress issue related to the 200' building length or width limitation. Mr. Miller stated the lower portion of the proposed structure was approximately 332' in length in an east/west direction. The area of the building that was greater than 56' in height was 214' in length on an east/west axis and 80' wide on the north/south axis.

Mr. Miller stated that an increase in the FAR was being requested. He explained that the ABA had a maximum FAR of 4, and a 10% increase was being requested to 4.4. In order for the request to be granted, the applicant had to demonstrate that the project met certain design and compatibility ratings based on a scale contained in the ULDR. By virtue of the design and proposal, staff and the Planning & Zoning Board felt the project deserved a rating of 7 on that scale, which allowed for a 10% increase in the FAR.

Mayor Naugle asked what the FAR of the building was including the garage. Mr. Miller said he had not done those calculations, but he could. He explained that the definition of FAR for non-residential buildings did not include the garage, but the calculation could be done. Mr. Miller stated that the project met the A-1-A beach shadow plane, although some shadowing would necessarily occur, primarily to the properties to the north especially during the late fall and winter months.

Mr. Miller said the design guidelines had been satisfied, and there had been general support for the project at the Planning & Zoning Board meeting of April 26, 2000. Staff and the Board recommended approval under 12 conditions as outlined in the back-up material.

Ms. Courtney Callahan, Attorney representing the developer, introduced various members of the development team who were present to answer any questions. She stated that there would be 278 luxury hotel suites in the subject building in the location of the existing East City Grill. Some booklets were distributed about the project, which included a rendering of a model superimposed on the site. In addition, the booklet included a list of construction practices proposed.

Ms. Callahan stated that the setback reductions were being requested to allow for a promenade along A-1-A, Riomar and Viramar Streets, but the tower itself was close to being set back 20' from the streets. She advised that the FAR bonus was being requested because the project was distinctive in terms of color, treatment of A-1-A, and providing neighborhood retail street interaction. Ms. Callahan said the project complied with the current Code and zoning in progress in place at the time the application had been submitted.

Mr. Jeff Falkanger, Architect representing the developer, described the proposed project. He displayed a location map and said he had been aware of concerns about service and loading areas. Therefore, all of these activities would be conducted internally, and there was plenty of stacking room on the site so cars would not be backed out onto the street. He advised that valet parking would also be provided, and taxi queuing would not occur on the street either.

Mr. Falkanger pointed out a large plaza along A-1-A with retail space and covered arcades. He noted that the beach wall had been mimicked on all sides except the west, and there would be plenty of landscaping. He also noted that some neighborhood retail space would also be provided. Commissioner Smith asked what type of retail uses were proposed. Mr. Falkanger replied that there would be restaurants and 2,800 square feet of neighborhood retail uses.

Mr. Falkanger said the western side had two stairways, and the transformer vault would be enclosed. He advised there would be heavy landscaping. Mr. Falkanger stated this would not be a Mediterranean building, and there were balconies with glass railings. He explained that the west side of the building would look just like the other sides. Mr. Falkanger advised that the units on the west side had excellent views of the City and most of them had been sold already.

Mr. Falkanger described the valet and parking arrangements, and he noted that the pool deck had cabanas, landscaping and pavers. He displayed a typical floor plan, and he pointed out the notch in the center of the building to break up the mass of the building. In addition, glass elevators and a glass wall on the outside would provide a dramatic appearance and also helped to break up the building mass. Mr. Falkanger displayed the south elevation, noting the beach shadow lines, along with the entrance to the service area, and the entrance to the hotel lobby.

Mr. Falkanger advised there would be four levels of parking, and there would be meeting rooms on the sixth floor. In addition, a spa was proposed on the mezzanine level. He displayed some pictures at the ground level to demonstrate the pedestrian scale and noted the building was only 18' tall along A-1-A. Mr. Falkanger said the side of the building with the parking would have no openings, so there would be no problems with lights or noise. In order to break up the appearance of the wall, some fake glass would be utilized.

Commissioner Moore asked if the beach wall had lights. Mr. Falkanger replied that no fiber optic lights were planned. Commissioner Smith asked Mr. Falkanger to turn the photographs around for the benefit of the audience. He noted that the building was shown in the context of the beach and in relation to the actual surroundings.

Ms. Callahan believed this building would be very sensitive to the beach and beach area residents. She emphasized that this was a project that did not quite approach the allowed height of 250', and relief was being sought only in ways that made sense to create arcades and encourage pedestrian interaction. Ms. Callahan said the developer was very experienced and very used to dealing with sites even tighter than this one and with surrounding residents. She stated that the development team had met with the Central Beach Alliance before the site plan had even been submitted, and had continued to meet with them throughout the process.

Ms. Callahan stated that this developer had also done another Fortune House project on Brickell Avenue in Miami and was also developing the Four Seasons project nearby. Given the City's recent focus on construction management, she stated that the developer would own and manage the project. In addition, a list of construction practices had been provided that had been discussed with the Central Beach Alliance. They dealt with all the issues that typically arose on a construction site, with particular sensitivity to what had occurred at other sites in the beach area. Ms. Callahan noted that a list of references had also been provided.

Ms. Callahan stated that during the demolition work, the site would be sprayed to control dust. In addition, screening would be placed on the perimeter fences similar to that used at tennis courts, plus some additional mesh. Commissioner Smith inquired as to the actual type of mesh that would be used. *Mr. Ed Jacobson*, representing the applicant, advised that silk screening would be used at the base. Ms. Callahan advised that the orange mesh with larger holes would be used above that height on each floor, which was adequate for containing debris. Ms. Callahan stated that hay bales and other measures would be used during dewatering operations to stop mudflow into the street.

Ms. Callahan said that in order to facilitate communications with area residents, a contact person would be designated who would be available by telephone and e-mail to address any concerns. In addition, a hurricane preparedness plan would be developed for the construction phase. She noted that the developer owned about 25% of the block to the west and intended to stage the rest of the construction in that area. Ms. Callahan added that the developer would comply with all construction standards and OSHA regulations.

Ms. Callahan referred to condition 7. She thought it might have been mistranscribed from the Planning & Zoning Board meeting because it referred to a limitation on stays of 60 days or 120 days per year. It referred to guests, and Ms. Callahan thought that was a limitation imposed only on owners of the units. The concern of the Board had been that an owner could potentially just use the unit on a seasonal basis. She explained that when someone was paying a daily rate, she did not believe they could be limited in that fashion.

Mayor Naugle understood a unit owner could rent on an annual basis, but the owner could not stay in it on an annual basis. Ms. Callahan explained that the unit owners would not be doing the renting. She explained the average daily rate was projected at $250, and she did not think that could be restricted. Ms. Callahan believed the Board's concern had been related to the unit owners and not daily-paying guests.

At 9:03 P.M., Commissioner Katz left the meeting. She returned at 9:03 P.M.

Mr. Goodkind stated that the condominium documents prohibited owners from staying more than 60 days two times per year. Mayor Naugle understood that if they wanted to stay longer, they could stay in another unit. Mr. Goodkind agreed that was correct, but they would have to pay the daily hotel rates. He explained that the management had to insist on this because they wanted the hotel available for paying guests during the season.

Commissioner Smith asked if additional insurance could be required as was required with Jackson Towers in case there were damages to adjacent property. He wanted assurances that the project would not wreak havoc on the surrounding neighborhood. Mr. Goodkind did not know if the insurance company would include surrounding buildings as additional insureds, but he would research it. If that was not possible, he advised that a $100,000 bond would be provided. Commissioner Moore was sure the insurance was available, but he had no objection to either method of addressing this issue.

Mr. Fred Taylor, Chairman of the Beach Council of the Chamber of Commerce, recalled that the citizens of Fort Lauderdale had voted to spend millions of dollars for redevelopment of the beach. At that time, the hope had been that it would encourage the type of development residents were starting to see now. Mr. Taylor hoped this beautiful development would continue and that developers of this caliber would continue to be attracted to the beach. He hoped the Commission would support this project.

Ms. Shirley Smith, of the Central Beach Alliance, believed this was a good project and one developed during difficult zoning times. She hoped, however, that if this project were approved, it would not set any precedents on future development in terms of the requested concessions.

Ms. Diane Smart, representing the Central Beach Alliance, agreed the Architect had done a terrific job with this design, and she knew of no one who objected to the design. However, the Central Beach Alliance members felt strongly about the 200' limit. She also desired strict application of the Code in terms of setbacks. She felt this building was 132' longer than it should be, and she hoped no other concessions would be granted if that concession were granted.

Mr. Bill Smart, a Beach Redevelopment Advisory Board member for two years, agreed the design was beautiful, but he felt the 200' limit was very important. He was concerned that if a concession were granted in that respect for this project, others would follow throughout the beach area. Mr. Smart was also concerned about setback reductions being requested, and he hoped the developer would reconsider these issues to conform with the building limitation and the setbacks. He also thought it would be helpful if three-dimensional images were presented when projects were considered, and he was disappointed that the tennis courts had been removed.

Commissioner Smith referred to street landscaping. It was his understanding that date palms would be used around the building, spaced approximately 25' apart, with smaller trees on the south side due to the space necessary for the arcade. He believed the larger palms could be used on that side too since there was landscape space of 8' to 10'. Mayor Naugle noted that the building cantilevered over the sidewalks on the side streets, so the larger trees would crowd the building. He believed larger palms could be accommodated on all sides if the setback requirements were met.

Commissioner Smith felt that if setback reductions were going to be allowed, the developer should “bend over backwards” to make the landscaping as lush as possible. Mr. Falkanger agreed and stated that no expense would be spared in the development of this project. Commissioner Moore asked if the developer would enhance landscape in the public right-of-way. Mr. Falkanger agreed improved landscaping could be provided in the open public areas.

Commissioner Moore asked why the setback reductions were being requested. Mr. Falkanger explained that the block was fairly narrow and, in order to have an efficient parking system, the reductions were necessary. He stated that if the building was set back further, the parking would be reduced from three rows to two rows, which would require a more massive parking structure to meet the needs of the project. However, great efforts had been made to provide a good appearance without parking on the ground level.

Commissioner Moore was pleased that service activities would take place inside the building and that adequate space would be provided for stacking vehicles to avoid traffic congestion in the area. However, he was concerned about removal of the tennis courts. Commissioner Smith agreed it was a shame, and he felt there should be some public tennis courts on the beach. Commissioner Moore pointed out that there was publicly-owned green space at D.C. Alexander Park, and he thought consideration should be given to requiring developers to pay an impact fee for recreational development.

Mayor Naugle believed that if staff had made the determination that the building was one-third residential, an impact fee could be required. He noted that individual unit owners had the right to stay for one-third of the year. The City Attorney felt that would be a rational approach to assessing the impact of the temporary, part-time residents. Mr. Miller advised that the impact fee was associated only with platting. He noted that staff was looking at expanding that into residential projects in areas where it had not been deemed appropriate when the properties were platted. Mr. Miller stated that when the impact fees were required, they were based on the density of a project. He estimated that if this project was residential, the fee would be between $700 and $900 per unit.

Mayor Naugle calculated that if a third of the building were deemed residential, an appropriate park impact fee would be about $300 per unit. Commissioner Moore calculated a total fee of $84,000 that could be used for public amenities in the area.

Commissioner Katz asked if there were other projects “in the pipeline” on the properties behind and next to this site. Mr. Miller was aware of one project two blocks to the north involving about 500 units on an entire block. He advised that would be considered on June 27, 2000 by the Development Review Committee (DRC). Mr. Miller understood it would meet setback requirements, but an increase in the FAR would be requested. Commissioner Katz hoped everyone would keep a close eye on future projects in terms of setting any precedents relating to concessions.

Commissioner Hutchinson believed everyone had their own interpretations, and she liked the idea of impact fees to replace amenities that could be lost in the beach area. She also did not want to set any precedents in terms of the building length limitation and was concerned about the extra 132’ being requested in this case.

Mr. Miller said he had calculated the park impact fee at $70,056. Commissioner Moore supported a park impact fee of $70,000. *Mr. Don Hall*, Attorney representing the applicant, stated that the applicant was willing to voluntarily pay approximately $70,000 for recreational amenities in the beach area in accordance with impact fee payment rules at the time of permit issuance.

Mayor Naugle said he could not support this project with an 8.3 FAR including the parking garage, as well as the other requested concessions. He believed that when the 2 to 4 FAR had been conceived, it had been conceived with inclusion of parking garages, so this would really be more than twice what had been intended when the Beach Development Code had been adopted. Commissioner Smith agreed this building might be larger than future buildings once the beach moratorium had reached a conclusion and new rules adopted to include garages in the FAR calculations.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve this project with payment of a $70,000 park impact fee, lush landscaping on site and public right-of-way, construction mesh, a $100,000 bond and/or insurance to address construction impacts, and with the inclusion of the arcade and shops. Roll call showed: YEAS: Commissioners Smith, Moore Hutchinson, and Katz. NAYS: Mayor Naugle.

Commissioner Smith introduced a written resolution, as amended, entitled:

RESOLUTION NO. 00-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A BEACH DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A HOTEL, APPROVAL OF SETBACKS AND EXCEPTION TO THE 200 FOOT EAST TO WEST LENGTH REQUIREMENT FOR A STRUCTURE ON PROPERTY LOCATED AT 505 NORTH FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A DEVELOPMENT OF SIGNIFICANT IMPACT.

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

Reschedule July 4, 2000 Conference
and Regular Meetings to July 6, 2000 ..... (R-4)

A resolution was presented rescheduling the Tuesday, July 4, 2000 Conference and Regular Meetings to Thursday, July 6, 2000, due to the Independence Day Holiday.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-80

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE JULY 4, 2000, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO JULY 6, 2000.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Advisory Board Appointments ..... (OB)

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

Aviation Advisory Board	Robert Hord Tom Newman Brad Hubert Robert W. Hodges John McGinnis Lee Alexander Mildred Hightower Lewis Lautin Jack Brewer
Board of Commissioners of the Fort Lauderdale Housing Authority	George Trodella
Community Appearance Board	Jim Rampe
Education Advisory Board	Michelle Curry-Goosby
Planning & Zoning Board	Jim McCulla

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-81

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 Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Dogs on the Beach ..... (OB)

Commissioner Smith said he was becoming more and more concerned when he walked on the beach because of the volume of mess left behind by dogs. He hoped staff could enforce clean-up regulations, but he did not really believe it was workable. Mayor Naugle noted that dogs used to be limited to the west side of the roadway. Commissioner Smith wanted to try that, and the City Attorney advised an ordinance could be presented at the next meeting for consideration.

Mayor Naugle understood Commissioner Smith was not referring to the designated “dog beach.” Commissioner Smith agreed that was correct.

Employee Complaints ..... **(OB)**

Commissioner Katz stated that several employees had approached her recently about some problems within their Department. She did not know for sure if the problems related to harassment or discrimination, but she had been promised that something would be done. Commissioner Katz was not comfortable allowing this to continue, and she felt something had to be done. Commissioner Hutchinson agreed.

The City Manager said he was always disappointed when employees felt they had to approach elected officials with workplace difficulties and, for that, he apologized. He stated that he had spoken with the employees involved, and appropriate action would be taken. The City Manager said he took any allegations of inappropriate behavior in the workplace very seriously. However, he did not want to respond precipitously because that could result in even greater difficulties. The City Manager preferred to maintain the separation between policy decisions and the day-to-day operation of the City, and he was disappointed these employees had approached elected officials after he had personally intervened and set a course of action. Nevertheless, the City Manager assured the Commission he would be taking affirmative action as appropriate and report back to the City Commission.

Mayor Naugle asked what Department was affected. The City Manager replied that the problem appeared to be within the Economic Development Department. Commissioner Katz did not want a hostile situation to continue. Mayor Naugle did not want any retaliation to be permitted. The City Manager agreed that was understood. Commissioner Katz wanted action within the next day or two, and Mayor Naugle hoped to see some recommendations from the City Manager as to the City's Policies and Procedures Manual to strengthen that tool.

Commissioner Moore said he had been very impressed with Yolanda Cowart's efforts to manage various issues, and he was sure she was following the City Manager's instructions. He did not want to see the Commission overstepping its bounds. He noted that accusations were sometimes made without grounds, but he wanted employees to know that there was a proper process for investigating and addressing these types of problems where they exist.

Love Thy Neighbor Litigation ..... **(OB)**

The City Attorney reported that as of June 14, 2000, the City had been subjected to an injunction related to the Love Thy Neighbor lawsuit. It enjoined the City from enforcing its Park Rule regarding providing social services in parks facilities until such time as the City designated an alternate site on public property. He stated that staff had identified a site with the appropriate land use category in the 5000 block of Northwest 12th Avenue. The City Attorney said it would not be a violation of the Land Use Plan to use that property for this purpose on an interim basis. Therefore, if the Commission would formally authorize use of that site, staff would notify the Plaintiffs of designation of this alternate site in writing pursuant to the Judge's order.

Motion made by Commissioner Moore and seconded by Commissioner Katz to authorize the use of the City-owned property in the 5000 block of Northwest 12th Avenue for provision of social services pursuant to the court order dated June 14, 2000. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 9:45 P.M., Mayor Naugle adjourned the meeting.

_____
Jim Naugle, Mayor

ATTEST:

_____
Lucy Masliah, City Clerk