

CITY COMMISSION REGULAR MEETING AGENDA
December 2, 2003 - 6:00 P.M.

Roll Call

Invocation: Pastor Steve Stolarz, Riverland Baptist Church

Pledge of Allegiance

Approval of Minutes – November 4, 2003

PRESENTATIONS

1. The Mayor and City Commissioners will present an Expression of Sympathy to the family of ***Susan C. Holmes***.
2. The Mayor and City Commissioners will demonstrate the proper way to test a ***smoke detector***.
3. ***LaMont Couch, Field Director, Office of Communications, External Affairs, Florida Department of Education***, will introduce himself to the Mayor and City Commissioners.
4. The Mayor and City Commissioners will recognize the ***Outstanding City Employees***.
5. The Mayor and City Commissioners will recognize the ***City Clerk Lucy Kisela*** for earning the Certified Municipal Clerk designation awarded by the International Institute of Municipal Clerks.

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.

Extend Policy –

Supplement Military Pay of Employee Reservists Called to Active Duty

(M-1)

A motion approving an extension through December 30, 2004 of current City policy that complies with the Governor's direction to enact provisions that raise military pay of those employees activated to the level of their civilian pay and continue existing benefits for one year.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1705 from Acting City Manager.

CONSENT AGENDA

**Payment for Annual Independent Audit –
Ernst and Young and Sharpton Brunson – Fiscal Year 2003/2004 (M-2)**

A motion approving a payment in the amount of \$220,209 to Ernest and Young and Sharpton Brunson for annual independent audit fees for FY 2003/2004.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1718 from Acting City Manager.

**Indemnification Agreement –
Lauderducks, Inc. – Amphibious Vehicular Tour Operation (M-3)**

A motion authorizing the proper City officials to execute an indemnification agreement with Lauderducks, Inc. for use of the City's S.E. 15 Street and Cooley's Landing public boat launching facilities to launch amphibious vehicular tours on a seven (7) day per week basis from 9:00 a.m. to 6:00 p.m. for a term of December 3, 2003 through September 31, 2004. (Also see Item PH-1 on this Agenda)

Recommend: Motion to approve.

Exhibit: Memo No. 03-1721 from Acting City Manager.

**Disbursement of Funds –
Joint Investigation – O. R. No. 02-117753 - \$31,948.34 U. S. Currency (M-4)**

A motion authorizing the equitable disbursement of funds in the amount of \$31,948.34, with each of the 12 participating law enforcement agencies to receive \$2,662.36.

Recommend: Motion to approve.

Exhibit: Memo No. 03-11-1 from City Attorney.

**Payment for Grant Acquisition and
Management Services – Planning and Financial Consultant Team (M-5)**

A motion approving the payment (\$75,059.20 for services rendered and \$24,222.36 subject to pending grant approval agreements) to Planning and Financial Consultant Team for grant acquisition and management services performed during FY 2002/2003 resulting in the City obtaining over \$1,880,000 in construction grants.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1733 from Acting City Manager.

CONSENT AGENDA

**Contract Award – The Poole and Kent Company -
Project 10387 – Fiveash Water Treatment Plant Upgrades, Phase I (M-6)**

A motion authorizing the proper City officials to execute an agreement with The Poole and Kent Company in the amount of \$11,385,119.62 for the Fiveash Water Treatment Plant Upgrades, Phase I project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1641 from Acting City Manager.

**Contract Award – Tenex Enterprises, Inc. –
NCIP Project 10616 – Middle River Terrace Decorative Street Posts (M-7)**

A motion authorizing the proper City officials to execute an agreement with Tenex Enterprises, Inc. in the amount of \$58,495 for the Middle River Terrace Decorative Street Posts project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1644 from Acting City Manager.

**Task Order – Keith and Schnars, P.A. –
Project 10571 – Imperial Point Large Water Main Pre-Design Services (M-8)**

A motion authorizing the proper City officials to execute a task order with Keith and Schnars, P.A. in the amount of \$83,855 for survey services associated with the Imperial Point Large Water Main project.

Funds: See Memo

Recommend: Introduce motion.

Exhibit: Memo No. 03-1640 from Acting City Manager.

**Change Order No. 2 –
Arrow Directional Boring, Inc. – Project 10171-A -
Force Main Replacement/S.W. 4 Avenue Directionally Drilled River Crossing (M-9)**

A motion authorizing the proper City officials to execute Change Order No. 2 with Arrow Directional Boring, Inc. in the amount of \$77,900 for additional work under the Force Main Replacement/S.W. 4 Avenue Directionally Drilled River Crossing project.

Funds: See Change Order

Recommend: Introduce motion.

Exhibit: Memo No. 03-1646 from Acting City Manager.

CONSENT AGENDA

**Appropriation of Water and Sewer Fund
Available Retained Earnings for Special Assessment Refunds (M-10)**

A motion approving the appropriation of \$2 million from the Water and Sewer Fund Available Retained Earnings to fund special assessment refunds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1713 from Acting City Manager.

**Roadway Easement – Florida Department of
Transportation (FDOT) –Construction of Deceleration Drop-Off Lane
and Entrance to Florida Atlantic University (FAU) on West Commercial Boulevard (M-11)**

A motion approving a 10,030 square foot roadway easement to the FDOT for the construction of a deceleration drop-off lane and entrance to FAU on West Commercial Boulevard.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1642 from Acting City Manager.

**Settlement Agreement –
Broadview Park Water Company – Settlement of Unpaid Water Bills (M-12)**

A motion authorizing the proper City officials to execute a settlement agreement with Broadview Park Water Company to accept \$150,000 in settlement of unpaid water bills.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1626 from Acting City Manager.

PURCHASING AGENDA

Proprietary – Maintenance, Fire/EMS ADAMS and CAD Analysts **(Pur-1)**

An agreement to purchase annual maintenance for Fire/EMS ADAM and CAD analysts is being presented for approval by the Fire-Rescue Department.

Recommended Award:	Deccan International, Inc. San Diego, CA
Amount:	\$ 16,335.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 03-1509 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding the 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.

**Settlement of
General Liability File No. GL 99-859B (Equicredit Corporation of America) (M-13)**

A motion authorizing the proper City officials to settle General Liability File No. GL 99-859B with Equicredit Corporation of America.

Recommend: Introduce motion.
Exhibit: Memo No. 03-1726 from Acting City Manager.

**Settlement of
General Liability File No. GL 02-129 (Paul Gessow) (M-14)**

A motion authorizing the proper City officials to settle General Liability File No. GL 02-129 with Paul Gessow.

Recommend: Introduce motion.
Exhibit: Memo No. 03-1727 from Acting City Manager.

(MOTION ITEMS ARE CONTINUED ON PAGE 14)

PUBLIC HEARINGS

Certificate of Public Convenience and Necessity – Lauderducks, Inc. **(PH-1)**

A public hearing to consider the application of Lauderducks, Inc. to operate four (4) amphibious sightseeing vehicles over irregular routes within the City, pursuant to Sections 27-191 and 27-192 of the Code of Ordinances. Notice of public hearing was published November 20 and 27, 2003. (Also see Item M-3 on this Agenda)

Recommend: Open hearing; close hearing; introduce resolution.
Exhibit: Memo No. 03-1548 from Acting City Manager.

Rezone RS-8 to CF-H – Saint John United Methodist Church (PZ Case No. 17-Z-03) **(PH-2)**

At the October 15, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 8-0. Notice of public hearing was published November 20 and 27, 2003.

Applicant: Saint John United Methodist Church
Request: Rezone property from RS-8 to CF-H
Location: 1520 N.W. 5 Street

Recommend: Open hearing; close hearing; Introduce ordinance on first reading.
Exhibit: Memo No. 03-1565 from Acting City Manager.

Note: Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions received, and make them part of the record.

PUBLIC HEARINGS

Historic Designation –**City of Fort Lauderdale - 403 Tarpon Terrace (HPB Case No. 29-H-02)****(PH-3)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 403 Tarpon Terrace, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; on July 1, 2003, the City Commission deferred consideration of this item to September 16, 2003 by a vote of 5-0; and on September 16, 2003, the City Commission deferred consideration of this item to December 2, 2003 by a vote of 5-0.

Applicant: City of Fort Lauderdale
 Request: Historic designation (landmark) status
 Location: 403 Tarpon Terrace

Recommend: Motion to defer to Tuesday, March 16, 2004 at 6:00 p.m.

Exhibit: Memo No. 03-1609 from City Manager.

Note: Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions received, and make them part of the record.

Historic Designation –**City of Fort Lauderdale – 828 S.E. 4 Street (HPB Case No. 30-H-02)****(PH-4)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 828 S.E. 4 Street, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; on July 1, 2003, the City Commission deferred consideration of this item to September 16, 2003 by a vote of 5-0; and on September 16, 2003, the City Commission deferred consideration of this item to December 2, 2003 by a vote of 5-0.

Applicant: City of Fort Lauderdale
 Request: Historic designation (landmark) status
 Location: 828 S.E. 4 Street

Recommend: Motion to defer to Tuesday, March 16, 2004 at 6:00 p.m.

Exhibit: Memo No. 03-1610 from City Manager.

Note: Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions received, and make them part of the record.

PUBLIC HEARINGS

**Historic Designation – City of Fort Lauderdale -
833 North Rio Vista Boulevard (HPB Case No. 31-H-02)**

(PH-5)

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 833 North Rio Vista Boulevard, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; and on September 16, 2003, the City Commission deferred consideration of this item to December 2, 2003 by a vote of 5-0.

Applicant: City of Fort Lauderdale
Request: Historic designation (landmark) status
Location: 833 North Rio Vista Boulevard

Recommend: Motion to defer to Tuesday, March 16, 2004 at 6:00 p.m.

Exhibit: Memo No. 03-1611 from City Manager.

Note: Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions received, and make them part of the record.

ORDINANCES

Amend Section 26-8 – Impoundment of Vehicles**(O-1)**

An ordinance amending Section 26-8 of the Code of Ordinances, entitled “Impoundment of Vehicles,” providing for severability, providing for conflicts, and providing for an effective date. Ordinance No. C-03-41 was published November 8, 2003, and passed on first reading November 18, 2003 by a vote of 5-0.

Recommend: Introduce ordinance on second reading.

Exhibit: Memo No. 03-1707 from Acting City Manager; and
Memo No. 03-1547 from Acting City Manager.

Amend Ordinance No. C-75-103 – Membership of the Citizens Board of Recognition**(O-2)**

An ordinance amending Ordinance No. C-75-103 to revise the membership of the Citizens Board of Recognition by adding two appointments as follows: one past honoree from one of the categories that requires City residency excluding Exemplary Former City Employee; and Council of Fort Lauderdale Civic Associations president or designee. Ordinance No. C-03-42 was published November 22, 2003 and passed on first reading by a vote of 5-0.

Recommend: Introduce ordinance on second reading.

Exhibit: Memo No. 03-1732 from Acting City Manager; and
Memo No. 03-1632 from Acting City Manager.

Amendment to the Pay Plan – Unpaid Furlough Days for Nonbargaining Unit Employees (Management and Confidential)**(O-3)**

An ordinance amending Schedules I and II of the Pay Plan by establishing unpaid furlough days for certain employees; providing for proration of the number of furlough days and deduction of prorated unused furlough days from vacation leave balance, sick leave balance and final termination pay balance for certain employees; providing for reimbursement of a prorated portion of the furlough days taken in excess of employee’s allotment of furlough days as to certain employees; providing for nonapplicability of furlough days as to certain employees; and providing for effective date and sunset date. Notice of proposed ordinance was published November 22, 2003.

Recommend: Introduce ordinance on first reading.

Exhibit: Memo No. 03-1677 from Acting City Manager.

CITIZEN PRESENTATIONS

Citizen Presentations appear on the Regular Agenda of the first meeting of the month and are limited to a maximum of three (3) minutes per presentation, for a total of not to exceed five (5) presentations per month.

1. **Irene K. Brown** – Trash Transfer Station

Exhibit: Application for Citizen Presentation

RESOLUTIONS

Plat Approval for “Manors Plat” – Drac Development (PZ Case No. 29-P-02)**(R-1)**

At the October 15, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 8-0:

Applicant: Drac Development
 Request: Plat approval for “Manors Plat”
 Location: Northeast corner of Dixie Highway and N.E. 17 Court

Recommend: Introduce resolution.**Exhibit:** Memo No. 03-1712 from City Manager.**Note:** Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions received, and make them part of the record.

Executive Airport – Supplemental Joint Participation Agreement (JPA) – Florida Department of Transportation (FDOT) – Security Enhancements – Facilities Management System**(R-2)**

A resolution authorizing the proper City officials to execute a Supplemental JPA with FDOT to accept \$52,977 and to amend the project description of this grant fund from partial funding of a facilities management system for Executive Airport to 100 percent of the costs for security improvements/measures with no required matching funds. (Also see Items R-3 and R-4 on this Agenda)

Recommend: Introduce resolution.**Exhibit:** Memo No. 03-1744 from Acting City Manager.**Executive Airport – Supplemental Joint Participation Agreement (JPA) – Florida Department of Transportation (FDOT) – Security Enhancements – Aircraft Ramp****(R-3)**

A resolution authorizing the proper City officials to execute a Supplemental JPA with FDOT to accept \$508,461 and to amend the project description of this grant fund from construction of an aircraft ramp to 100 percent of the costs for security improvements/measures with no required matching funds. (Also see Items R-2 and R-4 on this Agenda)

Recommend: Introduce resolution.**Exhibit:** Memo No. 03-1744 from Acting City Manager.

RESOLUTIONS

**Executive Airport – Joint Participation Agreement (JPA) –
Florida Department of Transportation (FDOT) – Security Enhancements** **(R-4)**

A resolution authorizing the proper City officials to execute a JPA with FDOT to accept \$688,000 of grant funding for 100 percent of the costs for security improvements/measures with no required matching funds. (Also see Items R-2 and R-3 on this Agenda)

Recommend: Introduce resolution.
Exhibit: Memo No. 03-1744 from Acting City Manager.

Lot Clearing and Cleaning Charges **(R-5)**

A resolution authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Recommend: Introduce resolution.
Exhibit: Memo No. 03-1667 from Acting City Manager.

Building Board-Up and Securing Charges **(R-6)**

A resolution authorizing the proper City officials to impose liens against certain properties for costs associated with boarding and securing the buildings.

Recommend: Introduce resolution.
Exhibit: Memo No. 03-1666 from Acting City Manager.

**Amend Advisory Board Rules -
Add Rule Regarding Qualification to Serve and Persons Convicted of a Crime** **(R-7)**

A resolution amending the Advisory Board Rules created by Resolution No. 96-133 and amended by Resolution No. 97-51 to include a rule regarding qualification to serve and persons convicted of a crime.

Recommend: Introduce resolution.
Exhibit: Memo No. 03-1745 from City Clerk.

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.

(CONTINUED FROM PAGE 6)

**Dispute Resolution/Special Master's
Recommendation for Lauderdale Beach Hotel LLC Historic Designation
(HPB Case No. 27-H-01) and Site Plan (PZ Case No. 51-R-01 and 1-DR-02) (M-15)**

The City Commission shall hold a discussion on whether the approval of the Dispute Resolution/Special Master's Recommendation for Lauderdale Beach Hotel LLC Historic Designation and Site Plan should be reconsidered.
