

CITY COMMISSION REGULAR MEETING AGENDA
January 21, 2004 - 6:00 P.M.

Roll Call

Invocation: Father Happy Hoyer, Our Lady Queen of Martyrs Church

Pledge of Allegiance

Approval of Minutes and Agenda – N/A

PRESENTATIONS

1. The Mayor and City Commissioners will present Expressions of Sympathy to the families of ***Genevieve Veltri, Ruth Goebel, Ruth Owen and John Coleman.***
2. The Mayor and City Commissioners will recognize the ***Community Appearance Board's "WOW Award"*** for District IV.
3. The Mayor and City Commissioners will recognize the ***Annual Recycling Incentive Awards.***

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 – Habitat for Humanity Fish Fry

(M-1)

A motion authorizing the proper City officials to execute an Event Agreement with **Habitat for Humanity, Inc.** to indemnify, protect and hold harmless the City in from any liability in connection with the **Habitat for Humanity Fish Fry**, to be held **Saturday, March 27, 2004 from 2:00 p.m. to 8:00 p.m.** at Esplanade Park; and further authorizing the closing of S.W. 4 Avenue from the entrance to the parking lot in back of the old Post Office site to the cul-de-sac at Riverwalk from 9:00 a.m. to 11:00 p.m. on the event date.

Recommend: Motion to approve.

Exhibit: Memo No. 04-94 from Acting City Manager.

CONSENT AGENDA

Event Agreement – Walk for Animals 2004**(M-2)**

A motion authorizing the proper City officials to execute an Event Agreement with the **Humane Society of Broward County** to indemnify, protect and hold harmless the City in from any liability in connection with the **Walk for Animals 2004**, to be held **Saturday, February 21, 2004 from 8:00 a.m. to 12:00 noon**; and further authorizing the closing of the following: S.W. 4 Avenue from S.W. 2 Street to the cul-de-sac at Riverwalk from 5:00 p.m. Friday, February 20, 2004 to 3:00 p.m. Saturday, February 21, 2004; S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue from 4:00 a.m. to 3:00 p.m. Saturday, February 21, 2004 and two lanes along the walk route, in the form of a procession, from 10:00 a.m. to 11:30 a.m.: beginning at Esplanade, S.W. 2 Street east to S.E. 3 Avenue, south to the Riverwalk, where participants will continue west along the walkway to end at Esplanade.

Recommend: Motion to approve.**Exhibit:** Memo No. 04-114 from Acting City Manager.**Event Agreement – Our Lady Queen of Martyrs Church for the Spring Carnival****(M-3)**

A motion authorizing the proper City officials to execute an Event Agreement with **Our Lady Queen of Martyrs Church** to indemnify, protect and hold harmless the City in from any liability in connection with the **Spring Carnival** to be held **Thursday, March 18, 2004 from 6:00 p.m. to 10:00 p.m.; Friday, March 19, 2004 from 5:00 p.m. to 11:00 p.m.; Saturday, March 20, 2004 from 12:00 noon to 11:00 p.m.; and Sunday, March 21, 2004 from 12:00 noon to 10:00 p.m.**; and further authorizing the closing of S.W. 11 Court (Happy Hoyer Street) from S.W. 27 Avenue to S.W. 28 Avenue from 9:00 a.m. Monday, March 15, 2004 to 5:00 p.m. Monday, March 22, 2004.

Recommend: Motion to approve.**Exhibit:** Memo No. 04-90 from Acting City Manager.**Event Agreement –
Super Bowl Party (North Beach Square Neighborhood Association)****(M-4)**

A motion authorizing the proper City officials to execute an Event Agreement with the **North Beach Square Neighborhood Association** to indemnify, protect and hold harmless the City in from any liability in connection with the **Super Bowl Party** to be held **Sunday, February 1, 2004 from 2:00 p.m. to 12:00 midnight**; and further authorizing the closing of Sunrise Lane from N.E. 9 Street to the north end of the Parrot Lounge from 12:00 noon on Sunday, February 1, 2004 to 1:00 a.m. on Monday, February 2, 2004.

Recommend: Motion to approve.**Exhibit:** Memo No. 04-93 from Acting City Manager.

CONSENT AGENDA

Event Agreement – Riverfront Super Bowl Party

(M-5)

A motion authorizing the proper City officials to execute an Event Agreement with **Las Olas Riverfront Associates Limited Partnership** to indemnify, protect and hold harmless the City in from any liability in connection with the **Riverfront Super Bowl Party** to be held **Sunday, February 1, 2004 from 4:00 p.m. to 11:00 p.m.**; and further authorizing the closing of S.W. 1 Avenue from S.W. 2 Street south to the alley between Las Olas Riverfront and Las Olas Park Place; one lane from 11:00 a.m. and both lanes from 5:00 p.m. on Sunday, February 1, 2004 to 2:00 a.m. on Monday, February 2, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-124 from Acting City Manager.

Agreement – Lorraine Maxwell, Art Instructor – Broward County Cultural Affairs Division, 2004 Artwork Grant Program

(M-6)

A motion authorizing the proper City officials to execute an agreement with Lorraine Maxwell, professional art instructor, for the 2004 Artwork Grant Program.

Recommend: Motion to approve.

Exhibit: Memo No. 04-92 from Acting City Manager.

Grant Acceptance – Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program for 2004

(M-7)

A motion authorizing the proper City officials to accept a grant in the amount of \$293,930 from FEMA for the Assistance to Firefighters Grant Program, and further authorizing the proper City officials to execute all documents necessary to receive and expend such grant funds.

Funds: Total project cost is \$419,900 to be funded by \$293,930 in FEMA funds and a cash match of \$125,970 to be provided by the Fire-Rescue Department General Fund budget, with a separate account to be established in Fund 129, Miscellaneous Grants (GAFFG04).

Recommend: Motion to approve.

Exhibit: Memo No. 04-107 from Acting City Manager.

Five-Year Capital Improvement Plan (CIP)

(M-8)

A motion approving the five-year Capital Improvement Plan.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-96 from Acting City Manager.

CONSENT AGENDA

**Appropriate and Transfer Funds – Position for Coordination of the
Public Safety Bond Referendum – Engineering Bureau, Public Services Department (M-9)**

A motion appropriating \$96,000 to fund position number C009 in the Engineering Bureau of the Public Services Department (PBS040101/1101 Permanent Salaries) to coordinate the proposed Public Safety Bond Referendum.

Funds: Transfer \$48,000 from the Law Enforcement Trust Fund (LETf) Justice Department Forfeitures to FD001/Q107; and transfer \$48,000 from Fire Station No. 29 Project P10587.328 to FD001/Q331.

Recommend: Motion to approve.

Exhibit: Memo No. 04-9 from Acting City Manager.

**Consultants Competitive Negotiation Act (CCNA) -
Authorization to Negotiate with Top-Ranked Consultant
Team - Project 10699 – Davie Boulevard Corridor Master Plan (M-10)**

A motion authorizing the proper City officials to accept the Selection Committee’s recommendation of ranking short-listed consultant teams for the Davie Boulevard Corridor Master Plan; and further authorizing the proper City officials to commence negotiations with the top-ranked consultant firm of EDAW or successively ranked firms if such negotiations become necessary.

Recommend: Motion to approve.

Exhibit: Memo No. 04-100 from Acting City Manager.

**Disbursement of Funds –
Joint Investigation – O.R. No. 99-112111 - \$7,652.88 U.S. Currency (M-11)**

A motion authorizing the equitable disbursement of funds in the amount of \$7,652.88, with each of the 17 participating law enforcement agencies to receive \$450.16.

Recommend: Motion to approve.

Exhibit: Memo No. 03-12-12 from City Attorney.

**Disbursement of Funds –
Joint Investigation – O.R. No. 02-4202 - \$1,113,227.94 U.S. Currency (M-12)**

A motion authorizing the equitable disbursement of funds in the amount of \$1,113,227.94, with each of the 12 participating law enforcement agencies to receive \$92,768.99.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1-1 from City Attorney.

CONSENT AGENDA

Settlement Offer – O.R. No. 03-50180 - \$31,940 U.S. Currency **(M-13)**

A motion authorizing the proper City officials to accept the forfeiture settlement with the defendant, with the City to receive title to \$30,000 and defendant to receive remaining sum of \$1,940.

Recommend: Motion to approve.
Exhibit: Memo No. 03-12-6 from City Attorney.

Contract Award – Florida Blacktop, Inc. – Project 10757 – 2004 Annual Speed Hump Installation **(M-14)**

A motion authorizing the proper City officials to execute an agreement with Florida Blacktop, Inc. in the amount of \$63,530.50 for the 2004 Annual Speed Hump Installation contract.

Funds: See Bid Tab
Recommend: Motion to approve.
Exhibit: Memo No. 04-60 from Acting City Manager.

Contract Award – International Sign and Design Corporation – Project 10106 – Business Capital Improvement Program (BCIP) Entrance Marker – Uptown Business Merchants **(M-15)**

A motion authorizing the proper City officials to execute an agreement with International Sign and Design Corporation in the amount of \$7,500 for the BCIP entrance marker for the Uptown Business Merchants.

Funds: See Bid Tab
Recommend: Motion to approve.
Exhibit: Memo No. 04-56 from Acting City Manager.

Event Agreement – Super Bowl Live (Old Town at Riverwalk Merchants Association, Inc.) **(M-16)**

A motion authorizing the proper City officials to execute an Event Agreement with the **Old Town at Riverwalk Merchants Association, Inc.** to indemnify, protect and hold harmless the City in from any liability in connection with **Super Bowl Live** to be held **Sunday, February 1, 2004 from 3:00 p.m. to 11:00 p.m.**; and further authorizing the closing of the following from 3:00 p.m. Sunday, February 1, 2004 to 6:00 a.m. Monday, February 2, 2004: S.W. 2 Street from S.W. 2 Avenue to the alley east of the old Post Office, leaving S.W. 3 Avenue open.

Recommend: Motion to approve.
Exhibit: Memo No. 04-148 from Acting City Manager.

CONSENT AGENDA

**Letter of Understanding (LOU) – Florida Power and Light Company (FPL) -
Project 10568 – Wastewater Force Main and Electrical Duck Bank Construction (M-17)**

A motion authorizing the proper City officials to execute an LOU with FPL associated with the State Road A-1-A and Seabreeze Boulevard wastewater force main and electrical duck bank construction project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-61 from Acting City Manager.

**Change Order No. 1 – Danella Companies, Inc. –
Project 10561 – Force Main Directional Drill – West Broward Boulevard
 and 27 Avenue and Under North Fork of New River on Sistrunk Boulevard (M-18)**

A motion authorizing the proper City officials to execute Change Order No. 1 with Danella Companies, Inc. in the amount of \$44,238 for additional work on the force main under West Broward Boulevard and 27 Avenue, and the North Fork of New River and Sistrunk Boulevard project.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 04-57 from Acting City Manager.

**Change Order No. 3 – Merkury Development -
Project 10307 – Police Department Gun Range Renovation (M-19)**

A motion authorizing the proper City officials to execute Change Order No. 3 with Merkury Development in the amount of \$26,386.23 for additional work associated with the Police Department Gun Range renovation project.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 04-59 from Acting City Manager.

**Contract Award – Widell, Inc. –
Project 10541-C – G.T. Lohmeyer (GTL) Wastewater Treatment
 Plant Improvements Bid Package C – Screening System and Conveyor (M-20)**

A motion authorizing the proper City officials to execute an agreement with Widell, Inc. in the amount of \$987,000 for the GTL Wastewater Treatment Plant Improvements Bid Package C, Screenings System and Conveyor project.

Funds: See Bid Tab
Recommend: Motion to approve.
Exhibit: Memo No. 04-55 from Acting City Manager.

PURCHASING AGENDA

732-8911 – Beach Equipment Rental Franchise Contract **(Pur-1)**

A three-year franchise contract, pursuant to City Code Section 8-55.2, for beach equipment rental is being presented for approval by the Parks and Recreation Department.

Recommended Award: Beached Management, Inc.
Fort Lauderdale, FL
Amount: \$ 1,302,979.50 (revenue)
Bids Solicited/Rec'd: 40/2
Exhibits: Memorandum No. 04-091 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding to the first ranked proposer.

Proprietary – Three Flow Meters **(Pur-2)**

An agreement to purchase three flow meters is being presented for approval by the Public Services Department.

Vendor: Alpha Valve & Control, Inc.
Tampa, FL
Amount: \$ 19,175.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-076 from Acting City Manager

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

Cancel and Re-Award Contract/Concrete Sidewalks and Curbs **(Pur-3)**

The cancellation and re-award of a one-year contract for the repair of concrete sidewalks and curbs is being presented for approval by the Public Services Department.

Recommended Award: Three-H Learning Center, Inc. d/b/a FYCC
Dade City, FL
Amount: \$ 220,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-041 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends canceling contract with L.D. Krezmien Builders and re-award to Three-H Learning Center d/b/a FYCC.

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 Police Professional Liability File No. PPL 98-887B (James Tyler)

(M-21)

A motion authorizing the proper City officials to settle Police Professional Liability File No. GL 98-887B (James Tyler).

Recommend: Introduce motion.

Exhibit: Memo No. 04-87 from Acting City Manager.

PUBLIC HEARINGS

**Proposal to Convert from Temporary to Permanent –
Street Closure at Intersection of N.E. 26 Terrace and N.E. 30 Place**

(PH-1)

A public hearing to consider a proposal to convert from temporary to permanent a street closure at the intersection of N.E. 26 Terrace and N.E. 30 Place. Notice of public hearing was published January 9 and 16, 2004.

Recommend: Open hearing; close hearing; introduce motion.

Exhibit: Memo No. 04-54 from Acting City Manager.

**Appeal of Planning and Zoning Board's
Decision to Deny Rezoning from CR to B-1 –
De Novo Hearing - Lauderdale Marine Center (PZ Case No. 5-Z-03)**

(PH-2)

At the July 16, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 8-0; on October 7, 2003, the City Commission deferred first reading to October 21, 2003 by a vote of 5-0; and on October 21, 2003, the City Commission deferred first reading to November 18, 2003 by a vote of 5-0; on November 18, 2003 the City Commission deferred first reading to December 16, 2003 by a vote of 5-0; and on December 16, 2003, the City Commission deferred first reading to January 21, 2004 by a vote of 5-0.

Applicant: Lauderdale Marine Center
Request: Appeal Planning and Zoning Board's decision to deny rezoning from CR
(Commercial Recreation) to B-1 (Boulevard Business)
Location: 2001 S.W. 20 Street

Recommend: Motion to defer to Tuesday, March 2, 2004 at 6:00 p.m.

Exhibit: Memo No. 04-134 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.

ORDINANCES

**Site Plan Approval and Rezoning from
RS-8 to XP – Boywic Farms, Ltd. (PZ Case No. 4-ZR-03)**

(O-1)

At the November 19, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 5-3. Ordinance No. C-04-1 was published December 25, 2003 and January 1, 2004, and passed on first reading on January 6, 2004 by a vote of 4-1 (Moore).

Applicant: Boywic Farms, Ltd.
Request: Rezone property from RS-8 to XP
Location: 1441 S.W. 33 Place

Recommend: Introduce ordinance on second reading.
Exhibit: Memo No. 04-121 from Acting City Manager; and
Memo No. 03-1791 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.

**Amend ULDR - Section 47-2 Measurements, Section 47-35 Definitions
and Section 47-19 Accessory Uses – Building Structures (PZ Case No. 2-T-03)**

(O-2)

At the May 28, 2003 Planning and Zoning Board special meeting and November 19, 2003 Planning and Zoning Board regular meeting, the following application was recommended by a vote of 7-1. Ordinance No. C-04-2 was published December 6, 2003; on December 16, 2003, first reading was deferred to January 6, 2004 by a vote of 5-0, and on January 6, 2004, first reading was approved was approved by a vote of 5-0.

Applicant: City of Fort Lauderdale
Request: Amend ULDR Section 47-2 Measurements, Section 7-35 Definitions, to revise the definition of front, side, and rear yards and add a definition for corner yard and Section 47-19 Accessory Uses – Building and Structures to make accessory structures provisions consistent with the definition

Recommend: Introduce ordinance on second reading.
Exhibit: Memo No. 04-104 from Acting City Manager; and
Memo No. 03-1722 from Acting City Manager.

ORDINANCES

Amend ULDR Sections 47-35.1, 47-2.2, 47-19.5, 47-20.5, 47-21.8, 47-19.1, 47-20.22, 47-22.3 and 47-23 – Reformat and Clarify Regulations Governing Sight Triangles - (PZ Case No. 5-T-03) (O-3)

At the May 28, 2003 Planning and Zoning Board special meeting and November 19, 2003 Planning and Zoning Board regular meeting, the following application was recommended by a vote of 8-0. Ordinance No. C-04-3 was published December 6, 2003; on December 16, 2003, first reading was deferred to January 6, 2004 by a vote of 5-0, and on January 6, 2004, first reading was approved was approved by a vote of 4-1 (Moore).

Applicant: City of Fort Lauderdale
 Request: Amend the following ULDR Sections: 47-35.1 Definitions, to revise the definition of a sight triangle and place the definition in the appropriate ULDR section; 47-2.2 Measurements, to place the method of measuring sight triangles into the appropriate ULDR Section; 47-19.5 Fences, walls and hedges, 47-20.5 General design of parking facilities site circulation, 47-21.8 Landscape and tree preservation maintenance, and Section 47-22.3 Sign requirements general regulations to delete obsolete references and move site triangle definitions and requirements to the appropriate sections, and to provide technical clarification for the regulation relating to fences, wall and hedges; 47-19.1 Accessory uses , Buildings and structures general requirements , 47-20.22, Temporary parking lot standards, references to sight triangles in a particular section; and 47-23, Specific Location Requirements to consolidate sight triangle regulations as they apply to building in all zoning districts, and such other sections required to make the ULDR consistent.

Recommend: Motion to defer second reading to Tuesday, February 3, 2004 at 6:00 p.m.
Exhibit: Memo No. 04-35 from Acting City Manager; and
 Memo No. 03-1724 from Acting City Manager.

Amend ULDR - Section 47-2 Measurements, Section 47-35 Definitions and Section 47-19 Accessory Uses – Building Structures – Height and Width of Awnings in Public Right-of-Way - (PZ Case No. 4-T-03) (O-4)

At the May 28, 2003 Planning and Zoning Board special meeting, the following application was recommended by a vote of 4-3. Ordinance No. C-04-4 was published December 6, 2003; on December 16, 2003, first reading was deferred to January 6, 2004 by a vote of 5-0, and on January 6, 2004, first reading was approved was approved by a vote of 5-0.

Applicant: City of Fort Lauderdale
 Request: Amend Code of Ordinances, Volume I, Section 25-22, Height and width of awnings in the public right-of-way; Sections 47-13.20, Height of awnings on RAC Pedestrian Streets, and 47-19.2, Height of Awnings on private property adjacent to streets, to bring these regulations into consistency with the Florida Building Code.

Recommend: Introduce ordinance on second reading.
Exhibit: Memo No. 04-105 from Acting City Manager; and
 Memo No. 03-1723 from Acting City Manager.

ORDINANCES

**Amendment to Chapter 20 –
General Employees Retirement System (GERS) – Allow Rollover
of 457 and 401(a) Accounts Under Certain Conditions and Define
Community Redevelopment Agency (CRA) as an Affiliated Agency**

(O-5)

An ordinance amending the GERS by amending Code Section 20-108 by modifying definitions and adding the CRA as an affiliated agency under the plan; amending Code Section 20-108 regarding eligibility for membership for certain employees; amending Section 20-109 entitled "Retirement Dates" by requiring a minimum of five (5) years of service as a condition of normal retirement for certain employees; establishing procedures for acquiring prior service credit for certain previously ineligible employees in the City's employ establishing procedures for acquiring prior service credit for certain nonclassified employees in the City's employ, including withholding of vested normal retirement benefits. Ordinance No. C-04-5 was published January 11, 2004 and approved on first reading January 6, 2004 by a vote of 4-1 (Moore).

Recommend: Introduce ordinance on second reading.
Exhibit: Memo No. 04-122 from Acting City Manager; and
Memo No. 03-1801 from Acting City Manager.

RESOLUTIONS

**Florida League of Cities (FLC) –
State Legislative Priorities – 2004 State Legislative Session**

(R-1)

A resolution expressing support of the FLC’s legislative priority issues for the 2004 State Legislative Session. (Requested by Mayor Naugle)

Exhibit: Memo No. 04-130 from Acting City Manager.

**City Commission Request for Review – Lakehart, Inc. -
Self-Storage Facility at 217-219 N.W. 1 Avenue (DRC Case No. 85-R-03)**

(R-2)

A resolution to consider an application for the following proposed self-storage facility, which received Preliminary Development Review approval on December 17, 2003:

Applicant:	Lakehart, Inc.
Request:	Site plan review for self-storage facility
Location:	217-219 N.W. 1 Avenue

Recommend: Introduce resolution.
Exhibit: Memo No. 04-102 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.

**2004 Northwest-Progresso-Flagler Heights
 Community Redevelopment Bonds, Series A and B -
\$18,000,000 Total – Covenant to Budget and Appropriate**

(R-3)

A resolution covenanting to budget and appropriate from the City’s legally available non-ad valorem revenues for the payment of principal of and interest on the Fort Lauderdale Community Redevelopment Agency (CRA) Tax Increment Revenue Bonds, Series 2004A (Non-AMT) (Northwest-Progresso-Flagler Heights Community Redevelopment Area Project) to be issued in the aggregate principal amount not exceeding \$13,500,000, and the CRA Tax Increment Revenue Bonds, Series 2004B (AMT) (Northwest-Progresso-Flagler Heights Community Redevelopment Area Project) to be issued in the aggregate principal amount not exceeding \$5,500,000. (Also see the CRA Item on the Conference Agenda)

Recommend: Introduce resolution.
Exhibit: Memo No. 04-120 from Acting City Manager.

RESOLUTIONS

Collective Bargaining Agreement – Fraternal Order of Police (FOP), Lodge 31

(R-4)

A resolution authorizing the proper City officials to execute a collective bargaining agreement with FOP, Lodge 31, to represent the Police bargaining unit members upon ratification through September 30, 2004.

Recommend: Introduce resolution.

Exhibit: Memo No. 04-138 from Acting City Manager.

**New River Village Assignment of Units from
New River Associates, Ltd. to Las Olas Condominium Developer, LLC**

(R-5)

A resolution approving the assignment of units from New River Associates, Ltd. to Las Olas Condominium, LLC within the Downtown Regional Activity Center (RAC).

Recommend: Introduce resolution.

Exhibit: Memo No. 04-146 from Acting City Manager.
