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FORT LAUDERDALE CITY COMMISSION
FEBRUARY 18, 2003**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM
CITY HALL
FORT LAUDERDALE, FLORIDA**

FEBRUARY 18, 2003

Meeting was called to order at approximately 6:00 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz
Commissioner Tim Smith (6:02 p.m.)
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: Assistant City Manager, Greg Kisela
City Attorney, Harry Stewart
City Clerk, Lucy Kisela
Sergeant At Arms, Sergeant Waldman

Invocation was offered by Pastor Louis Abel, Trinity Lutheran Church, Fort Lauderdale, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the agenda and minutes of the January 22, 2003 and February 4, 2003 meetings. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the families of Robert "Crazy Gregg" Newell and Jim Panoch, and Steve Bechler.

2. Community Appearance Board's "WOW Award"

Commissioner Smith presented the Community Appearance Board's "WOW Award" for District II to Drew Karas and Joe Girouard at 1729 NE 17 Way, Poinsettia Heights.

Commissioner Smith stated the home was originally built in 1952. In the two years since they bought this home, the owners had installed windows on each side of the front door, painted the exterior of the home, and added beautiful landscaping to the front and back, while keeping the mature palm trees on the property.

Steve Hillberg, Community Appearance Board Chairman, presented Drew and Joe with a sign to be displayed in their yard for the next month showing the community that they had been winners of the

WOW Award. The sign was sponsored by Lennar Homes, AMAR Hardware and R&S Realty.

3. Fort Lauderdale Inaugural Sun-Sentinel Dragon Boats and Buskers Festival

Vince Gizzi, Special Facilities Superintendent, stated that Debbie Dunbar and her event staff had done a fantastic job producing this first-time event in the City. Correspondence had been received from all over commending the City on this event and participants were preparing for next year's event. He proceeded to present a Dragon Boat and Plaque to Debbie Dunbar, Festival and Event Coordinator, for her outstanding job in organizing this first-time festival.

Debbie Dunbar stated that this event had exceeded all their expectations and they had been commended by the Asian community for such a wonderful festival. She proceeded to present Dr. Yang and Carol Ren of the Coral Springs Chinese Cultural Association a plaque for their participation in the Chinese New Year celebration and their partnership throughout the festival.

Ms. Dunbar continued stating that the City now had a team from the Police Department that was going to Montreal in July to participate in this event. She proceeded to honor the Fort Lauderdale Ocean Rescue Team who did a great job regarding the festival. She added that they had won a trophy and she was proud to present them with another trophy as the overall winners of this year's Dragon Boats and Busker's Festival.

Tom Fogan, Beach Patrol Captain of the Ocean Rescue Team, stated they would like to share their trophies with the City and offered to have them put on display at City Hall for a period of time.

Lt. Jim McCrady, Team Captain, thanked all the paddlers on the team and stated they were willing to offer pointers to the Police Team.

Ms. Dunbar also recognized Veronica of the International Team of Montreal. She then proceeded to recognize her staff for the event and thanked them for their hard work as follows: Michelle Heising, Kim Warren, Stephanie Brady, and Sarah Goodroom. She also honored Laura Marsh, Team Captain Coordinator for the event. She also presented a plaque to Sue Molnar, who was from Canada and had assisted in the event.

Ms. Dunbar stated that one of the trophies was for the next team generation which was the Youth Organization, and she recognized them, along with the Sun Sentinel for being a part of this event.

FOPA Health Insurance

(OB)

Mayor Naugle stated that he realized a lot of people were in attendance at tonight's meeting who wanted to discuss the City's Health Insurance Plan. He explained that the Commission had discussed this matter briefly at the Conference Meeting, and since the current health benefit change would not take effect until March 21, 2003, the Commission wanted to make sure they had the opportunity to discuss this at their next meeting. Specifically, one item they wanted to discuss was how management employees should be treated, and previously the Commission had stated that everyone would be treated the same. Therefore, they felt the need to discuss this matter further at the next Conference Meeting, which would be held before the changes would become effective. Mayor Naugle asked if the group wanted to make a brief statement to the Commission.

Sam Warren, President of FOPA - Lodge 31A, stated that the Commission had stated for over a year that management was going to pay the same as they did, but they were receiving information to the contrary. He stated that this did not help with the morale of the employees. He further stated that staff had made a presentation three weeks ago, along with the FOPA also giving a proposal. Staff was to get back to them within a week and the following Friday a fax was sent, and on Monday employees began receiving letters regarding a rate increase. He continued stating that obviously something was in place before they had even sat down and began talking. He explained they were making changes and sacrifices from their payroll and a reduction of benefits which appeared to be working, but unfortunately they had not received

a profit and loss statement from Terry Sharp in over three months to confirm those facts. He believed this was not fair. He asked for the Commission to put a stop on the rates being imposed on the employees. He further asked the Commission to review the profit and loss statements and the audit that they had requested over a year ago and still had not received. He reiterated that the employees were working for the City and making sacrifices, but things needed to change.

Barry Capreta, Consultant for the FOPA Health Insurance, stated that he had probably attended about 40 meetings during the past year in an attempt to address the crisis regarding health insurance. One thing that was always stressed was that it was a team effort. In breaking down the numbers, he stated that management's deficit per head was 20% higher than the FOPA deficit. Therefore, he felt they had the right to sit at the table also and attempt to work through this problem. Benefit changes had been made to resolve the issue, along with network changes, which did not have to be made according to the contract. He explained that some of the problems had been resolved.

Mr. Capreta further stated that he had not seen any figures in the last four months, and it was important that a profit and loss statement be done on a monthly basis. He went on to state that the deficit numbers had fluctuated dramatically. In the last proposal made by the City, they had actually included retiree health care claims in their deficit. He explained there was nothing in the Bargaining Agreement that stated they were responsible for past retirees, which was for the City Retiree Health Care Plan. He further stated there were over \$1 Million in other costs in a period of 30 months which had been included in those figures. He continued stating that they wanted to know what was actually included in the \$1 Million. They had been told in the past that this figure included employees who worked in the City and the Health Insurance Department's salary and pension. He asked the Commission to remember that every time they approved a cost, they were approving 68% to go into the FOPA's deficit, and yet they had no say. He stated they were requesting the Commission to reopen the issue and review the situation. He reiterated they wanted to work as a team and wanted to continue the relationship.

Mayor Naugle reiterated that this matter would be discussed on March 4, 2003. He added that his position had not changed in regard to people being treated the same and fairly.

Consent Agenda

(CA)

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

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

Event Agreement - New River Street Dance**(M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Downtowner Saloon Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **New River Street Dance** to be held **Friday, March 28, 2003 from 5:00 p.m. to 11:00 p.m.; Saturday, March 29, 2003 from 12:00 noon to 11:00 p.m.; and Sunday, March 30, 2003 from 12:00 noon to 8:00 p.m.;** and further authorizing the closing of South New River Drive from the Andrews Avenue Bridge to the S.E. 3 Avenue Bridge from 8:00 a.m. Friday, March 28 to 12:00 noon Monday, March 31, 2003.

Recommend: Motion to approve.
Exhibit: Memo No. 03-199 from City Manager

Event Agreement - 15th Annual Las Olas March Art Fair**(M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **Las Olas Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **15th Annual Las Olas March Art Fair** to be held **Saturday and Sunday, March 1 and 2, 2003, from 10:00 a.m. to 5:00 p.m.** in the East Las Olas Boulevard Shopping District; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue from 4:30 a.m. Saturday, March 1 to 10:00 p.m. Sunday, March 2, 2003.

Recommend: Motion to approve.
Exhibit: Memo No.03-200 from City Manager.

Event Agreement - 2003 Children's Reading Festival**(M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **Broward County** to indemnify, protect, and hold harmless the City from any liability in connection with the **2003 Children's Reading Festival** to be held **Saturday, April 12, 2003 from 12:00 noon to 5:00 p.m.** in Stranahan Park; and further authorizing the closing of S.E. 1 Avenue from Broward Boulevard to the south side of S.E. 2 Street (just before the City Park Mall Garage exit), S.E. 1 Street from S.E. 1 Avenue to S.E. 2 Avenue, and S.E. 2 Street from the driveway into the parking garage at the ANC Building to the east side of S.E. 1 Avenue, from 6:00 p.m. Friday, April 11 to 8:00 p.m. Sunday, April 13, 2003.

Recommend: Motion to approve.
Exhibit: Memo No. 03-201 from City Manager.

Event Agreement - Pre Saint Patrick's Day Party**(M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **Old Town at Riverwalk Merchants Association, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Pre Saint Patrick's Day Party** to be held **Thursday, March 13, 2003 from 5:00 p.m. to 12:00 midnight**; and further authorizing the closing of S.E. 2 Avenue from S.E. 2 Street to the Riverwalk from 2:00 p.m. Thursday, March 13 to 2:00 a.m. Friday, March 14, 2003 (leaving S.W. 2 Street completely open).

Recommend: Motion to approve.
Exhibit: Memo No. 03-202 from City Manager.

Event Agreement - Reenactment of the March on Washington**(M-5)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **School Board of Broward County** to indemnify, protect, and hold harmless the City from any liability in connection with the **Reenactment of the March on Washington** to be held **Friday, February 21, 2003 from 9:00 a.m. to 12:00 noon**; and further authorizing the closing of the walk route as follows: beginning at Warfield Park, proceeding north in the northbound lanes of North Andrews Avenue to N.E. 13 Street, east in the eastbound lanes to N.E. 1 Avenue, and south to return to Warfield Park from 9:30 a.m. to 10:00 a.m.

Recommend: Motion to approve.
Exhibit: Memo No. 03-286 from City Manager.

Event Agreement - Riverwalk Run**(M-6)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **Junior League of Greater Fort Lauderdale** to indemnify, protect, and hold harmless the City from any liability in connection with the **Riverwalk Run** to be held **Saturday, March 22, 2003 from 7:00 a.m. to 10:00 a.m.**; and further authorizing the closing of the route from 7:00 a.m. to 8:30 a.m.; beginning at Huizenga Plaza and proceeding east on East Las Olas Boulevard to S.E. 3 Avenue, south to S.E. 6 Street, east to East Avenue (runs parallel to the Tunnel) to North Rio Vista Boulevard, south to S.E. 9 Street, east to Ponce de Leon, north to the turnaround and return south to S.E. 7 Street, east to Cordova Road, south to S.E. 11 Street, west to S.E. 9 Avenue, north to Rio Vista Boulevard, west to S.E. 10 Street, east to Rio Vista Boulevard, north and west to East Avenue, south to S.E. 6 Street, west to S.E. 3 Avenue, north to S.E. 4 Street, east to S.E. 5 Avenue, south to North New River Drive, and west to finish on the Riverwalk at Huizenga Plaza.

Recommend: Motion to approve
Exhibit: Memo No. 03-287 from City Manager.

Extension of License Agreement - Fort Lauderdale Archers Club (Old Police Firing Range) - 4590 S.W. 46 Avenue (M-7)

A motion authorizing the proper City officials to execute an extension to the license agreement with the Fort Lauderdale Archers Club for an additional three-year term, for use of the old Police firing range at 4590 S.W. 46 Avenue, for the purpose of archery activities.

Recommend: Motion to approve.

Exhibit: Memo No. 03-254 from City Manager.

Agreement - Civic Design Associates - Project 10455 - South Andrews Avenue Master Plan/Development Guide (M-8)

A motion authorizing the proper City officials to execute an agreement with Civic Design Associates in the amount of \$65,000 to create the South Andrews Avenue Master Plan/Development Guide.

Funds: See Memo.

Recommend: Motion to approve.

Exhibit: Memo No. 03-273 from City Manager.

Statement of Policy for all Enterprise Zone (EZ) and Community Redevelopment Agency (CRA) Incentive Programs (M-9)

A motion approving a statement of policy for the EZ and CRA incentive program applications indicating the programs are not entitlements or rights of the property owners or applicants, providing the CRA staff the opportunity to ensure the projects submitted do not conflict with the overall Agency Community Redevelopment Plan or Strategic Finance Plan. (Also see CRA Item on the Conference Agenda)

Recommend: Motion to approve.

Exhibit: Memo No. 03-118 from City Manager.

Interlocal Cooperation Agreement - City of Fort Lauderdale Community Redevelopment Agency (CRA) and Broward County - 3.19 Acres of Konover Parcel (M-10)

A motion authorizing the proper City officials to execute an interlocal agreement with the City of Fort Lauderdale CRA and Broward County for the expansion of the CRA boundary to include 3.19 acres of the Konover Parcel. (Also see CRA Item on the Conference Agenda)

Recommend: Motion to approve.

Exhibit: Memo No. 03-251 from City Manager.

COMMISSION REGULAR MEETING AGENDA
Event Agreement - International Rugby Festival

2/18/03 - 9
(M-11)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **Fort Lauderdale Knights Rugby Club, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **International Rugby Festival** to be held **Saturday, March 1 and 2, 2003 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 12:00 noon to 12:00 midnight on Saturday, March 1, 2003. (Requested by Commissioner Smith)

Recommend: Motion to approve.
Exhibit: Memo No. 03-288 from City Manager.

Contract Award - Seawood Builders, Inc. - (M-12)
Project 15245 - Design-Build Services for Riverland Park

A motion authorizing the proper City officials to execute an agreement with Seawood Builders, Inc. in the amount of \$4,590,000 for design-build services for Riverland Park.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 03-222 from City Manager.

Owner-Occupied Rehabilitation Program Exception (M-13)
Request - Inez Walters-Persaud

A motion authorizing the proper City officials to exceed the funding cap for an owner-occupied rehabilitation project for Inez Walters-Persaud, and further authorizing exceptions to the maximum loan-to-value ratio requirement and allow the use of a comparative market analysis (CMA) to determine market value.

Recommend: Motion to approve.
Exhibit: Memo No. 03-280 from City Manager.

Task Order - Keith and Schnars, P.A. (Professional) (M-14)
General Civil Engineering Consultant) - Project 10491 -
N.W. 19 Street Survey Services for Design/Construction of Medians

A motion authorizing the proper City officials to execute a task Order with Keith and Schnars, P.A. in the amount of \$27,420 for survey services for the design and construction of medians on N.W. 19 Street from N.W. 20 Avenue to N.W. 31 Avenue.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 03-224 from City Manager.

Change Order No. 2 - Recreational Design and Construction, (M-15)

COMMISSION REGULAR MEETING AGENDA
**Inc. (RDC) - Project 9793 - Harbour Isles Special Assessment
Improvement Project**

2/18/03 - 10

A motion authorizing the proper City officials to execute Change Order No. 2 with RDC to reduce the irrigation allowance from \$50,000 to \$30,000, and increase the landscaping allowance from \$75,000 to \$95,000, with no increase in the total task order amount.

Recommend: Motion to approve.

Exhibit: Memo No. 03-221 from City Manager.

**Reallocation of Business Capital Improvement Program
(BCIP) Capital Funds**

(M-16)

A motion approving the transfer of \$14,500 from Project 00441.331 (BCIP) into the BCIP operating fund (Engineering Administration Account PBS040101, subobject 3299).

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-194 from City Manager.

**Lease Agreement - ATM Operations, Inc. - Automatic
Teller Machine (ATM) - War Memorial Auditorium**

(M-17)

A motion authorizing the proper City officials to execute a lease agreement with ATM Operations, Inc. for the operation of an ATM at War Memorial Auditorium.

Recommend: Motion to approve.

Exhibit: Memo No. 03-220 from City Manager.

PURCHASING AGENDA

Florida Sheriff's Association - 14 Detective Vehicles**(Pur - 1)**

An agreement to purchase fourteen (14) detective vehicles is being presented for approval by the Administrative Services, Fleet Services Division.

Recommended Award: Monarch Dodge
 Fort Lauderdale, FL
 Duval Ford
 Jacksonville, FL
 McCotter Ford
 Titusville, FL
 Amount: \$ 230,700.00 (estimated)
 Bids Solicited/Rec'd: N/A
 Exhibits: Memorandum No. 03-075 from City Manager.

The Procurement and Materials Management Division recommends award from the Florida Sheriff's Association contract with transfer from DEA confiscated Property Fund 107, \$230,700 to the Fleet Fund (ADM030501-6416) and \$28,560 to Police Vehicle O&M and Replacement Fund (POL050202-4373).

**Proprietary - Emergency Repair Radio System
Due to Lightning****(Pur-2)**

An agreement to purchase an after-the-fact emergency repair to the City radio system due to lightning strike is being presented for approval by the Administrative Services, Telecommunications Division.

Recommended Award: Motorola
 Fort Lauderdale, FL
 BellSouth Communications Systems
 Fort Lauderdale, FL
 Nextira One
 Fort Lauderdale, FL
 Amount: \$ 28,696.62
 Bids Solicited/Rec'd: N/A
 Exhibits: Memorandum No. 03-36 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the after-the-fact emergency repair.

Various Contracts - Furnishings for Fire Station 2**(Pur-3)**

An agreement to purchase furnishings for the new Fire Station 2 is being presented for approval by the Fire-Rescue Department.

Recommended Award: Herman Miller Workplace Resources
Miramar, FL
And various vendors
Amount: \$ 300,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-278 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve purchases from various competitively bid contracts.

Proprietary - Contract for Chlorinator Briquettes**(Pur-4)**

An annual contract for chlorinator briquettes is being presented for approval by the Parks and Recreation Department.

Recommended Award: Commercial Energy Specialists, Inc. (MBE)
Jupiter, FL
Amount: \$ 24,375.00 (estimated)
Bids Solicited/Rec'd: 41/1 with 3 no bids
Exhibits: Memorandum No. 03-269 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to award the proprietary purchase.

732-8809 - Rental of Portable Air Conditioning Units**(Pur-5)**

An agreement for the rental of portable air conditioning units is being presented for approval by the Public Services Department.

Recommended Award: GE Energy Rentals
Miami, FL
Amount: Per Unit Pricing
Bids Solicited/Rec'd: 37/2
Exhibits: Memorandum No. 03-217 from City Manager

The Procurement and Materials Management Division recommends award to the lowest responsive and responsible bidder.

Proprietary - Software/Hardware for Video Inspection System**(Pur-6)**

An agreement to purchase software and hardware for the video inspection system is being presented for approval by the Public Services Department.

Recommended Award: Pierpoint, Inc.
 Thousand Palms, CA
 Hansen Information Technologies
 Sacramento, CA

Amount: \$ 53,127.00
 Bids Solicited/Rec'd: N/A
 Exhibits: Memorandum No. 03-259 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve additional expenditure.

Increase Expenditure - Removal and Disposal of Lime Sludge**(Pur-7)**

An agreement to increase expenditure for the removal and disposal of lime sludge is being presented for approval by the Public Services Department.

Recommended Award: Soil Tech Distributor, Inc.
 Hialeah, FL
 Amount: \$ 900,000.00 (estimated)
 Bids Solicited/Rec'd: N/A
 Exhibits: Memorandum No. 03-238 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve additional expenditure.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-8, M-12, M-13, M-14, M-16, 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 Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Agreement - Civic Design Associates - Project 10455 - South Andrews Avenue Master Plan/Development Guide**(M-8)**

Commissioner Katz stated that she had pulled this item, and that they had voted previously to fund this for \$65,000 with a breakdown of \$15,000 from BCIP. She stated that she was concerned once again that they were taking \$12,500 from contingencies and a precedent was being established. She further stated that previously she had mentioned that when another business group had tried to do the same thing, they were told unequivocally they couldn't go above \$15,000, and had been told to dismiss that person and redo it. Evidently, she stated this worked for some, but not for others, and reiterated that if this was done for one, it had to be done for others. She stated she was going to request the same amount of money for the Association that had been denied the extra money when they had requested it.

Commissioner Hutchinson stated that she did not know what Association that was and would probably have to come back to the Commission on the Consent Agenda.

Mayor Naugle suggested that the item be placed on the Agenda and the matter would be revisited.

Commissioner Smith suggested that the matter be addressed as new business at the end of the meeting. Commissioner Hutchinson asked if back-up would be supplied. Commissioner Katz reiterated that she felt it would be fair to readdress it. Commissioner Hutchinson suggested that the item be brought up at the next Commission Conference Meeting so sufficient back-up material could be supplied. Commissioner Katz agreed.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to approve this item. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

**Contract Award - Seawood Builders, Inc. -
Project 15245 - Design-Build Services
for Riverland Park**

M-12)

Commissioner Katz stated that she had pulled this item and stated this was an issue where Riverland Park had been budgeted for a certain amount of money for their park, and the Commission as a group had voted to "forget about it" and take from everyone else so the entire project could be accomplished. She noticed that they were taking from a number of projects and she wondered if all the advisory boards and Commissioners were informed of what was happening. She asked if this was going to keep occurring.

Commissioner Smith stated that he agreed with Commissioner Katz. He further stated that it might be appropriate to move the D.C. Alexander Park money because they hadn't decided what to do there, and he could live with that. He continued stating that what concerned him were the 19th and 13th Street projects because they were on the books for a long time, especially the 13th Street project which was now three years old. The Phase II money had been moved out of that fund every year. He reiterated that money needed to be found elsewhere.

Commissioner Hutchinson stated that she agreed with all the comments made and was in favor of building the park, and proceeded to commend the Engineering staff in their efforts regarding the "shell" game to find the money to do the park. She felt though they were bleeding everyone dry. She stated they had money to build something, and should do it in phases. She stated that a fire station next to this project needed to be rebuilt. She continued stating that the water playground would be an asset to the park and probably needed more than the community center. She stated she was not against the community center, but they did not have the money at this time to do it and reiterated that they should build what they had the money for. She felt they were moving too much money around.

Mayor Naugle asked if staff want to explain the funding proposal.

Hector Castro, City Engineer, stated that this had been a struggle and he wanted to address the concerns about the Community Development Block Grant money transfers. He felt this might also clear up the M-14 item on the agenda. He explained that their proposal was not to not do the projects, which were currently under active design. They determined that by the deadline when this year's Community Development Block Grant monies had to be spent, they would not be able to do so for bricks and mortar. He explained that they would spend some money under M-14 for design work, but their intent was that the money would be refunded in the next cycle, and they had a commitment from Economic Development regarding this. He further stated that the deadline for spending these particular dollars for 13th and 19th Streets was

September 30th. He explained they were not giving up on these projects, but were "horsetrading" from one year to the next.

Mayor Naugle asked if part of that was because of the deadline that the Federal Government gave regarding the amount of time they had to spend the money, and by transferring into something that was ready for the money, they would not jeopardize the other funds. Mr. Castro confirmed.

Commissioner Hutchinson asked if they designed 19th Street, would they not be ready to spend the money by September. Mr. Castro explained that most of the money had to be spent for bricks and mortar, and they would not be ready by that date.

Commissioner Moore stated it had been traditional on the Commission's process, but was not a policy, that when a particular project was impacted in a particular district the person impacted the most would have the opportunity to put their concerns on the table. He emphasized they were taking monies allocated from several districts to this particular park. He stated that he wanted to explain why he was in support of the movement of these monies. He stated that in 1996 the Parks Bond issue was passed to do expansions, renovations, and acquisitions of parks. He explained that this segment of the community in the Riverland area never had a park. He further stated that 13th Street did have Phase I funding and looked better than it did before. He reiterated that going through this process would only cause a four-month delay for the project. He continued stating that the community center was being built so the elderly would have a place to go, and he reiterated that he was taking a beating on 19th Street. He urged the Commission to not allow this segment of the City to wait any longer. He stated he did not like where they were taking the monies from, but he also understood if it wasn't spent the money could be lost. He hoped the Commission would follow staff's recommendation of implementing something that was long overdue.

Commissioner Smith stated it was magnanimous of Commissioner Moore to forego 19th Street for a year, but 13th Street needed to be done now. He further stated that 19th Street was a horrible road, and the people on 13th Street had been asked to put their project aside and give up their funding to NW 19th Street. He agreed and took a beating in his own community because of that, but now it was two years later and they were still trying to get Phase II for 13th Street. He stated that street had been historically ignored for 30 to 40 years, and finally started getting some improvements but did not have everything the people had asked for. He explained that the \$300,000 would complete the project and the community would be happy. He continued stating that he did not want to take anything away from Riverland and felt that the \$4 Million park was great and he was supportive of it, but they needed to finish the projects that were on the books. He stated that he needed to understand from Mr. Castro why 13th Street was designed in a community forum in 1999, but could not proceed forward by September. He stated that he did not understand this.

Mr. Castro stated that there had been a resource issue in the last year with the traffic and transportation areas. He stated that staff was working full-blown on the projects, and they believed the plans and specs could be ready for bid early this spring. He explained they were going to try to bring this to the Commission for award before the summer break.

Commissioner Smith asked if there had to be a new budget approved by the next Commission, and then the project would have to be reapproved. Mr. Castro confirmed. Commissioner Smith asked if there was any assurance from the policymakers. Mr. Castro stated he could not give that assurance, but could give the assurance that staff was supportive of this. Commissioner Smith stated he did not feel that was right because the people had waited a long time for improvements to their community and were very patient, and he felt this project needed to be completed.

Commissioner Katz asked if the matter of taking away the \$467,000 from D. C. Alexander Park had been before the Beach Redevelopment Advisory Board. Mr. Castro stated that he did not believe they had been advised. Commissioner Katz remarked that the Board would not be happy about that matter. She

further stated that the Riverland community will have a park, but they just wouldn't have the recreation center right away. She reiterated that taking money from other projects in order to finish this construction was just not right.

Commissioner Moore stated he wanted everyone to remember this moment in time once they knew the 13th and 19th Street projects would not occur until after October, and when the Federal Government began discussing that staff and the policymakers did not meet the obligation of spending the Federal Block Grant monies in an appropriate manner. He reiterated that tonight they just wanted to expedite something that would meet some of the challenges before this Commission.

Motion made by Commissioner Moore and seconded by Commissioner Smith to table this item for two weeks (March 4, 2003) so the issue could be sent before the Beach Redevelopment Advisory Board and the District Commissioner could meet with the community.

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

**Owner-Occupied Rehabilitation Program
Exception Request - Inez Walters-Persaud**

(M-13)

Commissioner Katz stated that she had pulled this item and that it appeared staff had already done the CMA instead of a regular real estate appraisal.

Paul Costanzo, Interim Manager of Housing and Community Development, confirmed. He continued stating that it was not because they could not get a reasonably priced appraisal, but because they could not get one which reflected the market conditions in order to be able to make the rehabilitation work under the existing program guidelines.

Commissioner Katz asked if this person was going to be able to support the debt. Mr. Costanzo confirmed and stated that their portion of the rehabilitation was a forgivable loan and would not be adding to her debt.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve this item.

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

**Task Order - Keith and Schnars, P.A. (Professional
General Civil Engineering Consultant) - Project 10491 -
N.W. 19 Street Survey Services for Design/Construction of Medians**

(M-14)

Commissioner Hutchinson stated that she had pulled this item because of the \$700,000 they wanted to take.

Commissioner Moore left the meeting at approximately 6:50 p.m. and returned at 6:51 p.m.

Commissioner Hutchinson proceeded to ask about the logic of the situation.

Hector Castro, City Engineer, stated that the Community Development Program would have to come back with a program change and they could see where all the monies were coming from, but in fact, by taking the monies allocated for 13th and 19th Streets and applying them towards the park, they would not exhaust all the monies available in engineering for projects that had been endorsed. He explained that this would

Commissioner Katz asked if it was guaranteed that it would be in the next funding cycle.

Paul Costanzo, Interim Manager of Housing and Community Development, explained that they had crafted a funding mechanism to be able to put back the funds in the next fiscal year for both the 13th and 19th Street projects from a staff perspective. He stated they could not guarantee the vote of the Commission, but there was a perspective funding cycle that was crafted to do this.

Commissioner Katz reiterated that they were “taking from Peter to pay Paul” and monies were being shuffled around, and it did not make sense.

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

Roll call showed: YEAS: Commissioners Hutchinson, Smith, Moore, and Mayor Naugle. NAYS: Commissioner Katz.

Reallocation of Business Capital Improvement Program (BCIP) Capital Funds

(M-16)

Commissioner Katz stated that she had pulled this item and felt if they were going to reconstitute the Business Capital Improvement Program, and \$100,000 was available and money was being shifted around, she wanted to make sure that the business community who put in to get a grant through the NCIP process and was told no it was the BCIP process, that they would be permitted to put something in in June.

Marisol Lotito, NCIP and BCIP Programs Manager, explained that they could submit an application, and that they were looking to open the grant cycle in July. She further stated that according to the program unless they were doing a special assessment, the master plan went on the tail end of a special assessment. Currently, she stated they did not have the resources and they were getting ready to go into the program cycle by soliciting feedback from the business associations who had been part of the BCIP process. Policy changes were going to be made between now and April. She further stated they were going to review all aspects with community input.

Commissioner Katz stated that if a business community only wanted to do a plan and figured out a different way to fund it, they should not be penalized. Ms. Lotito stated they would not necessarily be penalized, but staff resources had to be in place in order to facilitate this. She explained further they were going to meet with the EDAT Board with respect to BCIP, and then later with the business associations.

Commissioner Katz stated she was suggesting to the Assistant City Manager that they relook at this issue. She felt if this program was being made available, then they needed to have staff to work with it. She stated in the past there had been one person who had done both of those, and she did not see a reason why that couldn't be done again.

Ms. Lotito clarified that they were talking about facilitating a master plan development, and not necessarily the projects themselves. Commissioner Katz stated that nevertheless if they wanted to do a master plan through the BCIP and money was available, there should be staff to work with them.

Commissioner Hutchinson asked how the master plan and the NCIP differ from staff participation versus the BCIP. Ms. Lotito explained that there was a group that worked with special assessments and use the money to develop that particular initiative. She stated the same thing had been done for BCIP. She stated they applied for a master plan and the group took it for a special assessment. She further stated they did not currently have the resources for a staff person to facilitate the ongoing meetings which were necessary for a master plan development.

Commissioner Hutchinson stated that the South Andrews Business group was going to go through the master plan process, and stated that it might not end up in an assessment project. Ms. Lotito stated it was going through the assessment process because the special assessment group had taken over that project. She stated that group was taken over by CAP because they did not have the available staff.

Commissioner Smith stated he agreed with Commissioners Hutchinson and Katz because he felt the message being sent was that master planning was important, not only for neighborhoods but for business groups, and they needed to decide which staff had the most resources to handle this. He felt it could not just be tied to an assessment because the people might not be prepared to do one. Commissioner Smith stated they were asking them to find a way to do this.

Greg Kisela, Assistant City Manager, stated that Ms. Lotito was alluding to the fact that they had an additional resource to head up the BCIP Program, and as they filled the vacancy, they could meet the needs. It was just a matter of finding the right individual and filling the position.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve this item.

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

Various Contracts - Furnishings for Fire Station 2

(Pur-3)

Commissioner Hutchinson stated that she had pulled this item and further stated that \$500,000 from CIP was to go and help rebuild Station 47. She further asked if \$500,000 was taken from the funds, how would it be reimbursed. She continued stating that she had not been on the Commission when the funding had been approved for the station, and she was disappointed because you could not value engineer furnishings for stations. She further stated that she was concerned as they looked for a public safety bond or some way to rebuild the stations as they value engineer, they would be back where they started with no money to furnish them.

Otis Latin, Chief of Fire-Rescue, stated that one of their major concerns when they started to build the station was to get the money available, and they knew there was not enough fund to furnish the building, but they had to get the money put together to get the station started. He explained the station would not be there if they had not moved in the manner they did, and from the standpoint of money they were not taking funds from Station 47.

Commissioner Hutchinson reiterated that funds were being taken from somewhere and their needs would suffer in the long run, and she asked if there was a plan to put the monies back.

Commissioner Moore left the meeting at approximately 7:00 p.m.

Chief Latin stated their plan was what they had presented over the last few months regarding the rebuilding of the stations, and that Stations 47, 29 and the New Southeast Station, and the Airport Station were the upfront monies he needed to close the gaps to do the stations. He reiterated this was where he was looking for the money to come from. He explained they had enough money only to rebuild the housing part of the station. He reiterated that his plan was to rebuild the stations in a systematic manner so they would have all the things in them that they needed.

Commissioner Hutchinson further asked where the money was coming from and what project were they taking the money from. Chief Latin stated that in the CIP there was money put in for their department to install doors, floors and some repairs done. He explained some of the money was going to be used to make the stations liveable. Commissioner Hutchinson stated she was concerned because they had not

Mayor Naugle stated that several workshops had been held. Commissioner Hutchinson agreed, but stated that the Commission had not yet made a commitment as to how they were going to be funded. She further stated that as they took money from other stations that needed repairs done now, they would be \$500,000 in the hole once again. She stated that they needed to move faster in regard to the funding for the rebuilding.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to approve the item.

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

Application for Waiver of Distance Limitations -
E. Clay Shaw, Jr. and Emilie C. Shaw - 700 Coral Way

(PH-1)

A public hearing to consider a resolution approving an application by E. Clay Shaw, Jr. and Emilie C. Shaw for a waiver of limitations under Section 47-19.3.D for property located at 700 Coral Way. Notice of public hearing was published February 6 and 13, 2003.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW E. CLAY SHAW, JR. AND EMILIE C. SHAW, HUSBAND AND WIFE, TO CONSTRUCT AND MAINTAIN AN ELEVATOR BOAT LIFT WITH SUPPORT PILINGS, THAT EXTEND A MAXIMUM DISTANCE OF TWELVE (12.0') FEET FROM THE PROPERTY LINE INTO THE ADJACENT VENEZIA CANAL FOR THE PROPERTY LOCATED AT 700 CORAL WAY, SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW.

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

Certificate of Public Convenience and Necessity -
SARJU Tour Limo Van Transportation Service

(PH-2)

A public hearing to consider a resolution authorizing the application of SARJU Tour Limo Van Transportation Service to operate two rental vehicles with chauffeurs over irregular routes within the City, pursuant to Section 17-191 and 27-192 of the City Code of Ordinances. Notice of public hearing was published February 6 and 13, 2003.

This item had been withdrawn from tonight's agenda.

**Certificate of Public Convenience and Necessity -
Transcorp of Florida, Inc.****(PH-3)**

A public hearing to consider a resolution authorizing the application of Transcorp of Florida, Inc. to operate nine (9) taxicabs and one (1) wheelchair taxicab over irregular routes within the City, pursuant to Sections 27-191 and 27-192 of the City Code of Ordinances. Notice of public hearing was published February 6 and 13, 2003.

This item had been withdrawn from tonight's agenda.

**Amend ULDR Section 47-8.11 - List of Permitted and
Conditional Uses, Community Facility - House of
Worship (CF-H) District (PZ Case No. 1-T-03)****(PH-4)**

An ordinance amending the Unified Land Development Regulations of the City by amending Section 47-8.11 entitled, "List of Permitted and Conditional Uses, Community Facility-House of Worship (CF-H) District," to include a senior citizen center as a conditional use accessory to a house of worship in a CF-H zoning district. This application was recommended for approval by the Planning and Zoning Board on January 29, 2003 by a vote of 9-0. Notice of proposed ordinance was published February 8, 2003.

Applicant: City of Fort Lauderdale
Request: Amend ULDR Section 47-8.11

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Katz asked for a definition of a "senior citizen center."

Cecelia Hollar, Director of Construction Services, stated that this facility would provide a day care for the elderly. She explained there were no overnight stays or the providing of health care services.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-03-10

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY AMENDING SECTION 47-8.11, LIST OF PERMITTED AND CONDITIONAL USES, COMMUNITY FACILITY-HOUSE OF WORSHIP (CF-H) DISTRICT, TO INCLUDE A SENIOR CITIZEN CENTER AS A CONDITIONAL USE ACCESSORY TO A HOUSE OF WORSHIP IN A (CF-H) ZONING DISTRICT.

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

**Rezone RD-15 to CF-H - Sunshine Cathedral
Foundation, Inc. (PZ Case No. 10-Z-02)****(PH-5)**

A public hearing to consider an ordinance approving a rezoning from RD-15 to CF-H, which was approved by the Planning and Zoning Board on November 20, 2002 by a vote of 5-1. Notice of public hearing was published February 6 and 13, 2003.

Applicant: Sunshine Cathedral Foundation, Inc.
Request: Rezone RD-15 to CF-H
Location: 1480 S.W. 9 Avenue

Commissioner Moore returned to the meeting at approximately 7:06 p.m.

Commissioner Moore stated that there were a number of community facilities within the City who were to obtain a guideline explaining how this ordinance would impact them. He proceeded to state that a number of the facilities had not yet been contacted and were interested in utilizing this opportunity to deal with the future development of their sites. He felt there should be a list of existing facilities so the members of the Commission could review it, and if anyone had been left out of that list, he wanted them to be given the information.

Cecelia Hollar, Director of Construction Services, stated they would prepare such a list and it would be provided to the Commission between the first and second reading of the ordinance. She explained that the facilities could choose to offer the service, but did not have to do it.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-03-11

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RD-15 TO CF-H; LOTS 12 THROUGH 20, BLOCK 2, "ESMONDA GARDENS," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTHWEST 14TH COURT AND SOUTHWEST 15TH STREET, ON THE EAST SIDE OF SOUTHWEST 9TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only.

Commissioner Hutchinson disclosed that she had spoken to Croissant Park neighborhood, Carol Manning of River Oaks, Edith Lederberg, and David Tolces. Commissioner Smith stated that he had spoken with Lisa, Past President of Croissant Park, and Kelly from River Oaks, and the Pastor of

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

**City Charter Ordinance Initiative - Establishment
and Designation of Land as "The Common"**

(PH-6)

A public hearing to consider a proposed ordinance submitted by a committee as provided in section 3.15 City Charter by initiative to establish "The Common," provided in definition, provide an initial designation of land as The Common, providing a method of adding lands to The Common, providing a method of voter review, providing severability, repealing ordinances in conflict, and providing an effective date. Notice of public hearing on ordinance proposed by initiative was published February 6 and 13, 2003.

The City Attorney stated this was an ordinance presented to the City pursuant to a Charter provision that allowed the electorate through a petition of 1,000 individuals to appoint a Chairman to a committee who wrote the ordinance. He stated that Mr. Sakhnovsky was Chairman of the group. The City Attorney explained that the ordinance had four specific sections and required that the City defend against the taking of anything designated "The Common" by the State or Federal Government entities. He further stated it provided a legal description of the park, augmentation of additional park areas, and designation of an area as "The Common" on a straw ballot following the adoption of the ordinance at the next general election. He explained that he had provided a memo to the Commission which basically determined, in his opinion, that the requirement to defend against taking State and Federal properties was unnecessary and not binding on future Commissions. He further stated that if the Commission did pass this, it should be called a "park" or "municipal park."

The City Attorney continued to state that the legal description included rights-of-way and if passed needed to be amended. On the augmentation of additional park area, they believed it was unnecessary because the Commission presently had such power. Regarding the designation of The Common, he believed there was no history or cultural significance. He explained the term dated back to the 17th and 18th Centuries in England and was a common term in the New England area. He believed it could create confusion and if the Commission did adopt this, instead of "The Common" the area be designated as a municipal park. He recommended against the adoption of the ordinance.

Nick Sakhnovsky, Chairman of the Committee, stated that the ordinance selected the term "The Common" for a reason because in reality "The Common" dated back to the year 1235 in England. Title I, Chapter 2 of the laws of Florida stated the following:

"Common law and certain statutes declared in force. The Common is statute laws of England which are of a general and not a local nature with the exception and herein after mentioned down to the 4th day of July, 1776 are declared to be of force in this State provided the said statutes and common law be not inconsistent with the Constitution and Laws of the United States and the acts of the Legislature of this State."

Mr. Sakhnovsky further stated that unfortunately the analysis just presented was incorrect. In reality the Common Law of England was part of the laws of the United States.

Mr. Sakhnovsky stated that the ordinance was designed for the narrow possibility that if all actions between the Federal Government and the City were to fail should the Federal Government pursue this particular property, that the City would be required to legally defend in Court any attempt at taking. If the property is not in jeopardy by being taken by the Federal Government, there was no issue. Unfortunately,

Mr. Sakhnovsky stated that he had a letter forwarded to him by Senator Bob Graham from the General Services Administration dated January 17, 2003, which stated:

“At such time that the President’s budget reflects a proposal to purchase a site in Fort Lauderdale, all appropriate sites available at that time in the Fort Lauderdale Central Business District will be considered.”

Mr. Sakhnovsky continued stating that promises had been made by this Commission who itself had also presented an alternative site to the Federal Government, and the government had not accepted the proposal so the residents of the City were still faced with the possibility that it could come to a taking. The City Charter was very cautious as to what the City could do through an ordinance, and this ordinance was very limited. It stated that the Commission was taking a leadership role in stating to the Federal Government that if they came after the subject property, they would defend it. Therefore, this would hopefully delay the issue.

Cara Campbell, resident of Tarpon River, stated that she was one of the people who had collected the signatures. She further stated that this would send a message to the Federal Government that this City would go to Court with whatever legal arguments were available at that time to fight the taking of this land by the Federal Government. At a minimum, she stated this would further delay the process and possibly lead the government to choosing another site. She explained further that this ordinance would create a mechanism for future Commissions to designate other sites as The Common so similar messages could be sent to other governmental agencies who may wish to take other cities’ properties. Finally, she believed it would dovetail with the Commission’s previous decision to place the Hardy Park issue on the ballot in March. The Commission’s decision this evening would signal to the voting population of this City, what they felt needed to be done. She believed this would be a law which had real meaning and not just empty promises that the residents had heard over and over again. It applied to limited circumstances, but the City Charter was clear that the right of a Commission to negotiate a deal with another government could not be limited. The intention of this ordinance was to say if a deal could not be reached, the matter would end up in Court, and as such it would become a tool at the City’s disposal for use during any potential negotiations. She further explained that her use of the term “City” meant elected officials representing the people, and not just the City as a monolithic entity that they kept hearing about. She urged the Commission to accept this tool as is or with amendments acceptable to the initiative committee’s chair. Either action would preclude the need for the further gathering of signatures of which a significant number would force an expensive city-wide vote this summer on the ordinance as currently written. Ms. Campbell further assured the Commission that those signatures would be gathered.

Ms. Campbell further stated that the residents had been sending an unambiguous signal to the Commission to protect their parks and create new ones. She stated that now the Commission had the opportunity to lead this issue with the adoption of the ordinance.

Gene Ingles stated that it was important for everyone to realize that the country was governed by a Constitution and one of the Articles of the Constitution referred to eminent domain which was the non-taking of property without a legal process. He stated when the Commission nor the Mayor took a stand to protect the citizens’ property and when the Mayor voted against Hardy Park, he felt it was time to let him know how the residents felt.

He felt people needed to “step up to the plate” at this time and demonstrate some leadership. He stated the people had just voted for a Mayor who they felt was an environmentalist and he wanted him to explain exactly what he wanted to see happen in this case. He felt Hardy Park was the “tip of the iceberg.” Mr. Ingles stated if the City was going to let the Federal Government take away property, then the City had no backbone. He explained that it was illegal for the Federal Government to take away a property from a City and had to provide a resolution. He further stated that the “law of the land” went back a long way.

Eugene Sweeney, River Reach, stated he also helped to collect the signatures for the petition and was surprised the people knew nothing about land being taken away. He stated this was a very big issue and he knew the community wanted more from the City and they wanted them to work on behalf of its

citizens.

Margaret Duvan, Tarpon River, stated she was supporting the park and felt it should not be taken away.

Linda Valet, Tarpon River, stated she had helped to collect signatures on the petition and felt the land was part of the community, and she did not understand why the City was so willing to give it away. She stated there was an ordinance in effect which stated that so many acres were needed per person, and why should land be given away. She did not feel it should be on the shoulders of the residents to continually collect signatures and tell the elected officials what they wanted. One time should have been sufficient.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson stated she did not feel that anyone was doubting the importance of Hardy Park, and she felt the Commission had stepped up to the plate when something was put on the ballot for March 11, 2003. She felt it was pre-empting that if an ordinance was enacted tonight, and then they turned around and ask the public for their opinion. She stated that she wanted to hear from the entire City and she was sure they wanted Hardy Park protected, along with the other parks in the City. She reiterated that it was too early to enact an ordinance, and then turn around and ask for public appearance. She stated she would be in favor of deferring this matter until after the March 11, 2003 election.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer this matter until March 18, 2003.

Mayor Naugle stated that he would support Commissioner Hutchinson's suggestion and felt the ordinance would be premature.

Commissioner Katz stated that in reading the backup provided by the City Attorney, the Commission already had the ability to do what they were being asked, and she felt they did stand up and defend the parks. She felt the public was finding it hard to understand that the Federal Government could come in and do this whether they agreed or not, and she felt if the Commission was put in such a position that they would go to Court. She did not feel the ordinance was necessary under the circumstances.

Commissioner Smith stated he was worried about Hardy Park and felt there were forces at work, major land owner interests, out there lying low waiting for the end of the elections who would pressure the next Commission. He felt certain that the next District IV Commissioner would help protect the park, but stated since he would be a private citizen he would assist in collecting signatures because the Federal Government was a "bunch of bullies," and this was wrong.

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

ORDINANCES

**Public Purpose Use/Site Plan Approval - City of Fort
Lauderdale - Riverside Park (PZ Case No. 85-R-02)**

(O-1)

A public hearing to consider an ordinance approving a public purpose use, which was approved by the Planning and Zoning Board on December 18, 2002 by a vote of 9-0. Ordinance No. C-03-8 was published January 23 and 30, 2003, and approved on first reading February 4, 2003 by a vote of 5-0.

Applicant: City of Fort Lauderdale
Request: Public purpose use
Location: 1130 S.W. 5 Place

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-8

AN ORDINANCE APPROVING A PUBLIC PARK THAT DOES NOT MEET THE PARKING OR LIGHTING REQUIREMENTS IN A PARKS, RECREATION AND OPEN SPACE (P) ZONING DISTRICT, WHICH PARK IS MORE FULLY DESCRIBED AS LOTS 1 THROUGH 5 INCLUSIVE AND LOTS 22 THROUGH 30 INCLUSIVE, BLOCK 2, OF THE AMENDED PLAT OF "RIVERSIDE ADDITION TO FT. LAUDERDALE FLORIDA", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 13 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTHWEST 5TH PLACE AND SOUTHWEST 6TH STREET, BETWEEN SOUTHWEST 11TH AVENUE AND SOUTHWEST 12TH AVENUE; AND GRANTING RELIEF FROM THE PARKING AND LIGHTING REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

**Amend Chapter 6 - Sea Turtles - Restriction of
Artificial Lighting to Beach Lighting Activities**

(O-2)

An ordinance crating Article III of Chapter 6 entitled "Sea Turtles," of the City's Code of Ordinances relating to the protection of sea turtles; providing for the restriction of artificial lighting to beach lighting activities on the beach and exceptions thereto. Ordinance No. C-03-9 was published February 8, 2003, and approved on first reading February 4, 2003 by a vote of 4-0.

Bruce Chatterton, Planning and Zoning Services Manager, stated that the Beach Redevelopment Advisory Board had met yesterday and had been presented a brief presentation from staff regarding this ordinance. He stated that the Board wanted conveyed to the Commission their concern that if changes

were made to public lighting on the beach, such as the change of overhead lighting to low-level lighting, that the City consult with the Police Department on CEPTED related issues. He further stated the Board wanted to make sure they were covered in terms of crime prevention.

Bruce Roberts, Chief of Police, stated they did not look at this from that perspective as of this time.

Commissioner Smith asked if there would be a problem in deferring this matter until it could be researched further by the Police Department.

Cecelia Hollar, Director of Construction Services, stated that she believed she had heard from the Board that if lighting had to be changed, then the Police Department needed to be consulted so there would be no adverse effects from changing the lighting. At this point no change was being proposed regarding the lighting. She explained that Code Enforcement would be monitoring the situation.

Commissioner Smith reiterated that according to what he had read, he thought changes were going to be made to the lighting.

Mr. Chatterton explained that the ordinance was performance related and over time changes might be made to the lighting.

The City Attorney stated that if the Commission adopted the ordinance and there were problems with its enforcement or meeting Federal standards that were required, then it would be brought back to the Commission for a recommendation of an amendment to the ordinance.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-03-9

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE CREATING ARTICLE III OF CHAPTER 6, SEA TURTLES, OF THE CODE OR ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROTECTION OF SEA TURTLES; PROVIDING FOR THE RESTRICTION OF ARTIFICIAL LIGHTING TO BEACH LIGHTING ACTIVITIES ON THE BEACH AND EXCEPTIONS THERETO; PROVIDING A PURPOSE AND PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR LIGHTING FOR NEW AND EXISTING DEVELOPMENT AND PROVIDING A PENALTY; PROVIDING FOR MONITORING.

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

**Amend Section 26-91(b) - "Schedule of Fines" -
Late Penalties on Parking Citations**

(O-3)

An ordinance amending Section 26-91(b) of the Code of Ordinances entitled "Schedule of Fines," in order to allow customers a period of twenty (20) business days to pay a base parking citation fine prior to imposition of a delinquent penalty fee. Notice of proposed ordinance was published February 8, 2003.

Mayor Naugle stated that he hoped they could keep the late fee at \$10 for the first late fee, and they could then impose \$20 for the next tier late fee.

Commissioner Katz introduced the following ordinance on first reading, as amended.

ORDINANCE NO. C-03-12

AN ORDINANCE AMENDING CHAPTER 26, TRAFFIC SECTION 26-91(b), SCHEDULE OF FINES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, IN ORDER TO ALLOW CUSTOMERS A PERIOD OF TWENTY (20) BUSINESS DAYS TO PAY A BASE PARKING CITATION FINE PRIOR TO IMPOSITION OF A DELINQUENT PENALTY FEE.

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

Mayor Naugle stated that he felt this was more customer friendly now.

Doug Gottshall, Parking and Central Services Manager, stated that the current system would not allow them to provide the two notices within the period of time they were preferring, and therefore, would return to the Commission with an alternative.

Commissioners Moore and Smith left the meeting at approximately 7:35 p.m.

Rezone from Community Facility (CF) to Planned Unit Development (PUD) - School Board of Broward County/ Lennar Homes (PZ Case No. 1-ZPUD-02)

(O-4)

A public hearing to consider an application approved by the Planning and Zoning Board on December 18, 2002 by a vote of 5-4. Ordinance No. C-03-2 was published January 10 and 17, 2003, and was approved on first reading January 22, 2003 by a vote of 5-0. On February 4, 2003, second reading was deferred to February 18, 2003 by a vote of 5-0. (Also see Item Nos. O-5, O-6, O-7 and R-1 on this Agenda)

Applicant: School Board of Broward County/Lennar Homes
Request: Rezone from CF to PUD to construct a 271 - unit Residential development
Location: 1320 S.W. 4 Street

Commissioner Moore returned to the meeting at 7:40 p.m.

Debbie Orshefsky, Attorney for the Applicant, stated they had a 3-D video that they wanted to present to the Commission, and then Bernard Zyscovich, architect, would answer any questions the Commission might have. She further explained that two different options would be shown. Option A was what had been presented to the Commission at the last hearing, and Option B incorporated all the recommended changes of staff.

Commissioner Smith returned to the meeting at 7:41 p.m.

Bernard Zyscovich, architect, explained they would show two videos, and the path for each was identical. The intention of the path was to show the character of the buildings, the streets, the heights, and massings of the project. The video presentation of both Option A and Option B was shown at this time.

Mr. Zyscovich proceeded to show images of the drive-thru building, and an image without it. He then showed the difference between the four-story end-piece and the three-story end-piece. He stated that

there were now choices for the Commission to make. They could select the original project, the revised project which met staff's conditions, or take a position in-between and then decide.

Commissioner Smith clarified that the changes were the Riverwalk, the mulch path, removing the arches and the stories above, and the townhomes were replaced with single-family dwellings.

Ms. Orshefsky stated they wanted to reaffirm the commitment they made to the Sailboat Bend Homeowners Association that they would fund the implementation of the Sailboat Bend Traffic Mitigation Plan up to \$200,000, and would incorporate that into their guideline booklet.

Commissioner Hutchinson reiterated that nothing would be constructed along the river so the wildlife and mangroves would not be disturbed, and there would be a wood chip path that could be accessed by the public. Ms. Orshefsky confirmed.

Dan Remy, resident, stated that the project was beautiful, and wanted the Commission to focus on the preservation of the existing trees and the 50' setback. He reminded everyone that in the City no permit was required to remove ficus trees. He stated that he assumed this property was being marketed as waterfront property, and encouraged the Commission that the 50' setback be labeled as a designated preserve not to be touched.

Commissioner Hutchinson stated she was all for the preservation of the 50' setback. She asked to hear from Lennar or staff as to this issue.

Don Morris, Planning and Zoning, stated that in the plat itself there was a 50' landscape buffer requirement, and that would have to be upheld during the development of this project.

Commissioner Hutchinson clarified that the area along the river mentioned by Mr. Remy could not be disturbed. Mr. Morris confirmed. Commissioner Hutchinson asked what could be done if the bulldozers did show up.

Dan Fee stated they had identified this in the PUD guideline document and stated that the 50' area would be preserved.

Cecelia Hollar, Director of Construction Services, stated that as long as the area was within the realm of the Code, but that exotics could be removed. Therefore, she suggested that be made as a condition of the approval.

Commissioner Smith asked if they could designate an entire area as a designated landscape area. The City Attorney stated that it could be designated on the plat as a landscaped area, but there was no provision in the present Code to designate it as a protected group of trees. Commissioner Smith asked if it would be difficult to amend the tree ordinance to reflect this.

Ms. Orshefsky stated there was an easier way to do it through the PUD. In the guidelines there were specific requirements for the preservation of the particular area being discussed, and she had been advised by their landscape architect who had done the survey for the site that there were no exotics within the landscaped area.

Commissioner Hutchinson asked if the buffer would change if someone wanted to construct a dock. Ms. Hollar stated they would not be permitted to do so. Commissioner Hutchinson stated that she was in favor of Option B.

Commissioner Moore thanked the team for tonight's presentation and he felt every proposed development should use this type of technology showing the public exactly what the development would look like. He reiterated that he hoped others would follow this path in the future. He stated that he would

support Option B at the request of the District Commissioner.

Commissioner Smith introduced the following ordinance on second reading, with Option B:

ORDINANCE NO. C-03-2

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM COMMUNITY FACILITY (CF) TO PLANNED UNIT DEVELOPMENT (PUD) INCLUDING APPROVAL OF A SITE PLAN AND ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING BUT NOT LIMITED TO USES, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING; ALL OF PARCEL "A" "ADMINISTRATIVE FACILITY", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 137, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF SOUTHWEST 2ND COURT, NORTH OF THE NORTH FORK NEW RIVER, BETWEEN SOUTHWEST 14TH AVENUE AND SOUTHWEST 13TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only.

Commissioner Hutchinson disclosed that she had spoken to Lisa Maxwell, Susan Delegal, Sailboat Bend Residents, and Debbie Orshefsky. Commissioner Katz disclosed that she had spoken with Susan Delegal, Debbie Orshefsky, and Neisen Kasden. Commissioner Smith disclosed that he had spoken with Debbie Orshefsky and Charles Jordan. Commissioner Moore disclosed that he had spoken with Debbie Orshefsky and Susan Delegal.

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

Vacate a Portion of S.W. 14 Avenue - Charles Willard
(PZ Case No. 22-P-02)

(O-5)

A public hearing to consider the vacation of a portion of the south 130 feet of S.W. 14 Avenue, immediately north of the New River, and located adjacent to 425 S.W. 14 Avenue, which was approved by the Planning and Zoning Board on December 18, 2002 by a vote of 7-2, with the condition that an access easement be provided as approved by the City Engineer. Ordinance No. C-03-3 was published January 10 and 17, 2003, and was approved on first reading January 22, 2003 by a vote of 5-0. On February 4, 2003, second reading was deferred to February 18, 2003 by a vote of 5-0. (Also see Item Nos. O-4, O-6, O-7 and R-1 on this Agenda)

Applicant: Charles Willard
Request: Vacate a portion of the south 130 feet of S.W. 14 Avenue, immediately north of New River.
Location: Adjacent to 425 S.W. 14 Avenue.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-03-3

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF SOUTHWEST 14TH AVENUE, LYING WEST OF AND ADJACENT TO PARCEL "A", "ADMINISTRATIVE FACILITY", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 137, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE NORTH BY A LINE PERPENDICULAR TO THE EAST LINE AND PASSING THROUGH THE NORTHEAST CORNER OF LOT 20, BLOCK 2, "RIVER HIGHLANDS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE MOST NORTHERLY WEST LINE OF SAID PARCEL "A" AND THE WESTERLY BOUNDARY OF SAID PARCEL "A"; BOUNDED ON THE SOUTH BY THE NORTH FORK NEW RIVER AND BOUNDED ON THE WEST BY THE EAST LINE OF SAID LOT 20, LOCATED AT THE JUNCTION OF SOUTHWEST 14TH AVENUE WITH THE NORTH FORK NEW RIVER, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Vacate Portion of Right-of-Way at S.W. 14 Avenue -
School Board of Broward County/Lennar Homes
(PZ Case No. 13-P-02)**

(O-6)

A public hearing to consider an application approved by the Planning and Zoning Board on December 18, 2002 by a vote of 7-2, with the condition that an access easement be provided as approved by the City Engineer. Ordinance No. C-03-4 was published January 10 and 17, 2003, and was approved on first reading January 22, 2003 by a vote of 5-0. On February 4, 2003, second reading was deferred to February 18, 2003 by a vote of 5-0. (Also see Item Nos. O-4, O-5, O-7 and R-1 on this Agenda).

Applicant: School Board of Broward County/Lennar Homes
Request: Vacate a portion of a right-of-way
Location: The eastern one-half of the cul-de-sac on S.W. 14 Avenue,
immediately north of the North Fork of New River.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-03-4

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF SOUTHWEST 14TH AVENUE LYING EAST OF THE SOUTHERLY EXTENSION OF THE MOST

NORTHERLY WEST BOUNDARY OF PARCEL "A",
"ADMINISTRATIVE FACILITY", ACCORDING TO THE PLAT
THEREOF, RECORDED IN PLAT BOOK 137, PAGE 19, OF THE

PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA,
LOCATED ON THE EAST SIDE OF SOUTHWEST 14TH
AVENUE, IMMEDIATELY NORTH OF THE NORTH BANK
OF THE NORTH FORK NEW RIVER, SUCH LAND BEING
LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD
COUNTY, FLORIDA.

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

**Vacate Portion of Right-of-Way at S.W. 4 Street -
School Board of Broward County/Lennar Homes
(PZ Case No. 14-P-02)**

(O-7)

A public hearing to consider an application approved by the Planning and Zoning Board on December 18, 2002 by a vote of 8-1. Ordinance No. C-03-5 was published January 10 and 17, 2003, and was approved on first reading January 22, 2003 by a vote of 5-0. On February 4, 2003, second reading was deferred to February 18, 2003 by a vote of 5-0. (Also see Item Nos. O-4, O-5, O-6 and R-1 on this Agenda)

Applicant: School Board of Broward County/Lennar Homes
Request: Vacate a portion of a right-of-way
Location: A portion of the cul-de-sac at the west end of S.W. 4 Street
At S.W. 13 Avenue

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-03-5

AN ORDINANCE VACATING, ABANDONING AND CLOSING
A PORTION OF SOUTHWEST 4TH STREET LYING EAST OF
AND ADJACENT TO PARCEL "A", "ADMINISTRATIVE
FACILITY", ACCORDING TO THE PLAT THEREOF,
RECORDED IN PLAT BOOK 137, PAGE 19, OF THE
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
AND LYING WEST OF THE SOUTHERLY EXTENSION OF
THE MOST NORTHERLY EAST LINE OF SAID PARCEL "A",
LOCATED AT THE CUL-DE-SAC OF SOUTHWEST 4TH STREET,
WEST OF SOUTHWEST 12TH AVENUE, SUCH LAND BEING
LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD
COUNTY, FLORIDA.

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

RESOLUTIONS

**Vacate Two Utility Easements - School Board of
Broward County (PZ Case Nos. 10-M-02 and 11-M-02)**

(R-1)

A resolution authorizing the abandonment of a five-foot utility easement and a ten-foot utility easement. (Also see Item Nos. O-4, O-5, O-6 and O-7 on this Agenda)

Applicant:	School Board of Broward County
Request:	Vacate two utility easements
Location:	Between S.W. 13 Avenue and S.W. 14 Avenue, south of S.W. 2 Court

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THE 10 FOOT UTILITY EASEMENT IN PARCEL "A", "ADMINISTRATIVE FACILITY", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 137, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ADJACENT TO AND LYING WEST OF THE CUL-DE-SAC OF SOUTHWEST 4TH STREET; AND TO VACATE THAT PORTION OF THE 5 FOOT UTILITY EASEMENT ALONG THE WEST BOUNDARY OF SAID PARCEL "A", LYING EAST OF A LINE 20 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF SOUTHWEST 14TH AVENUE, AS SHOWN ON SAID PLAT, LOCATED SOUTH OF SOUTHWEST 2ND COURT, BETWEEN SOUTHWEST 12TH AVENUE AND SOUTHWEST 14TH AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Extension of Site Plan Approval - Ramola Motwani -
Gold Coast Merrimac Development Project
(PZ Case No. 8-R-00)**

(R-2)

A resolution authorizing an extension of site plan approval from September 15, 2003 to September 14, 2004 for the following application. On January 22, 2003, consideration of this item was deferred to February 18, 2003 by a vote of 5-0.

Applicant:	Ramola Motwani
Request:	Extension of site plan approval

Location: 551 North Fort Lauderdale Beach Boulevard

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF TIME OF A SITE PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED AT 551 FORT LAUDERDALE BEACH BOULEVARD, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only.

Commissioner Hutchinson disclosed that she had spoken with Ramola Motwani. Commissioner Katz disclosed that she had spoken with Ramola Motwani. Commissioner Smith had also spoken with Ramola Motwani. Commissioner Moore spoke with Ramola Motwani. Mayor Naugle had also spoken with Ramola Motwani.

Roll call showed: YEAS: Commissioners Hutchinson, Smith, Moore, and Mayor Naugle. NAYS: Commissioner Katz.

No Objection to Amendment to Plat Note - "Ergon-Whiddon Plat" (Formerly Ness Plat) - Ness Trailer Park, Inc. (R-3)
(PZ Case No. 7-P-02)

A resolution stating no objection to amendment to plat note on the following application:

Applicant: Ness Trailer Park, Inc.
Request: Plat note amendment and name change
Location: 3301 South Andrews Avenue

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS "NESS PLAT" AND NAME CHANGE TO "ERGON-WHIDDON PLAT."

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

Deletion of Two Parcels from Assessment Roll - Florida Department of Transportation (FDOT) - Northwest Area (Executive Airport) Sanitary and Stormwater Improvement Project 9779 (R-4)

A resolution amending the Special Assessment Roll for Project 9779, Northwest Area (Executive Airport) Sanitary and Stormwater Improvements, to delete two parcels owned by FDOT.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL ASSESSMENT ROLL APPROVED BY RESOLUTION NO. A-98-4 AS AMENDED BY RESOLUTION NO. A-00-8, TO DELETE TWO PARCELS OWNED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FROM THE FINAL ASSESSMENT ROLL.

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

Broward County Greenways System, Bicycle Facilities Network Plan and Broward Urban River Trails (BURT) Blueways Plan

(R-5)

A resolution approving the adoption of Broward County's Greenways System, Bicycle Facilities Network Plan and BURT Blueways Plan.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING BROWARD COUNTY'S GREENWAYS SYSTEM, BICYCLE FACILITIES NETWORK PLAN AND BROWARD URBAN RIVER TRAILS BLUEWAYS PLAN.

Which resolution was read by title only.

Commissioner Katz asked why A1A could not be included in Phase I.

Kathy Connor, Parks and Recreation, stated that this was just the cornerstone of the project to adopt a master plan so they could move forward with individual greenway plans which connect to wherever the County was going. The first main spine the County would start was to be along the FEC. She explained that a resolution had been done in March when the City asked the County to make A1A a priority corridor, and that had been done. She stated they were going to work on the north beach area with a greenway and move forward from there.

Commissioner Katz suggested they request that A1A be included in the next phase.

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

**Termination of Sanitary Sewer Agreements - The
Vector Company/Konover, Patron and Rosen -
Old Zayre's Property off I-95 and Broward Boulevard
(now known as the Konover Site)**

(R-6)

A resolution authorizing the termination of two sanitary sewer agreements with The Vector Company (approved by Resolution No. 72-48) and Konover, Patron and Rosen (approved by Resolution No. 75-316) for the old Zayre's property, which is now known as the Konover site located off I-95 and Broward Boulevard.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TERMINATING, EXTINGUISHING AND CANCELING OF RECORD TWO TEMPORARY GRAVITY SANITARY SEWER/FORCE MAIN AGREEMENTS, SUCH AGREEMENTS BEING MORE PARTICULARLY DESCRIBED BELOW, RESPECTING REAL PROPERTY NOW OWNED BY THE CITY OF FORT LAUDERDALE.

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

Water and Sewer Revenue Bonds Master Resolution

(R-7)

A resolution authorizing the issuance of Water and Sewer Revenue Bonds; providing for the incurrence of other types of utility debt obligations; providing for subsequent refunding of bonds outstanding; setting for the rights and remedies of bond holders; and providing for payment of principal and interest from net revenues of the Water and Sewer System. (Also see Item R-8 on this Agenda)

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE ISSUANCE OF WATER AND SEWER REVENUE BONDS, SERIES 2003, OF THE CITY OF FORT LAUDERDALE, FLORIDA, IN SUCH AMOUNTS AS THE CITY SHALL HEREAFTER DETERMINE BY SERIES RESOLUTION, FOR THE PURPOSE OF PAYING A PORTION OF THE COST (AS DEFINED HEREIN) OF IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEM; PROVIDING FOR THE ISSUANCE OF ADDITIONAL WATER AND SEWER REVENUE BONDS TO PAY ALL OR PART OF THE COST OF ADDITIONAL IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEM AND FOR REFUNDING

OUTSTANDING WATER AND SEWER REVENUE BONDS;
PROVIDING FOR THE INCURRENCE OF OTHER TYPES
OF UTILITY DEBT FOR THE PURPOSES OF THE WATER

AND SEWER SYSTEM PAYABLE FROM THE NET
REVENUES OF THE WATER AND SEWER SYSTEM;
PROVIDING FOR THE PAYMENT OF SUCH BONDS,
OTHER UTILITY DEBT AND THE INTEREST THEREON
FROM NET REVENUES OF THE CITY'S WATER AND
SEWER SYSTEM; SETTING FORTH THE RIGHTS AND
REMEDIES OF THE HOLDERS OF SUCH BONDS AND
OTHER UTILITY DEBT; PROVIDING A SEVERABILITY
CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR
THE REPEAL OF RESOLUTION NO. 93-46; AND PROVIDING
AN EFFECTIVE DATE.

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

**Authorization of Sale of Water and Sewer Revenue
Bonds, Series 2003**

(R-8)

A resolution authorizing the sale of up to \$90 Million for the Water and Sewer Revenue Bonds, Series 2003; authorizing for such sale to be done by competitive bid; setting forth parameters for the sale of the bonds; authorizing the City Manager to award the sale of bonds within the parameters; authorizing the use of a Preliminary official Statement and delivery of a final Official Statement; providing for municipal bond insurance, a reserve account or a surety in place of the reserve account; appointing the City as the paying agent and bond registrar; providing for continuing disclosure requirements; and providing for many other details relating to the bonds. (Also see Item R-7 on this Agenda)

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PERTAINING TO WATER AND SEWER REVENUE BONDS, SERIES 2003, TO BE ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$90,000,000 FOR THE PURPOSE OF (i) PAYING A PORTION OF THE COST OF IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEM, INCLUDING WITHOUT LIMITATION, THE PAYMENT OF CAPITALIZED INTEREST, (ii) DEPOSITING FUNDS TO THE CREDIT OF THE RESERVE ACCOUNT OR PAYING THE COST OF A RESERVE ACCOUNT INSURANCE POLICY IF IN THE BEST INTEREST OF THE CITY AND (iii) PAYING THE COST OF ISSUANCE OF THE SERIES 2003 BONDS; FIXING THE FORM AND DENOMINATIONS OF SAID SERIES 2003 BONDS AND PROVIDING FOR THE FIXING OF THE PRINCIPAL AMOUNTS, DATES, RATES OF INTEREST, MATURITY DATES AND REDEMPTION PROVISIONS OF SAID SERIES 2003 BONDS BY THE CITY MANAGER WITHIN THE PARAMETERS SET FORTH

HEREIN; AUTHORIZING THE EXECUTION AND DIRECTING THE AUTHENTICATION AND DELIVERY OF SAID SERIES 2003 BONDS; AUTHORIZING THE PUBLIC SALE BY

COMPETITIVE BID OF SUCH SERIES 2003 BONDS; APPROVING THE FORM OF OFFICIAL NOTICE OF BOND SALE; AUTHORIZING THE CITY MANAGER TO AWARD THE SERIES 2003 BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; AUTHORIZING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT TO SAID SERIES 2003 BONDS; APPROVING UNCERTIFICATED, BOOK-ENTRY ONLY REGISTRATION OF SAID SERIES 2003 BOND WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE PROVISION OF MUNICIPAL BOND INSURANCE AND/OR A RESERVE ACCOUNT INSURANCE POLICY FOR SAID SERIES 2003 BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID SERIES 2003 BONDS; APPOINTING THE CITY AS PAYING AGENT AND BOND REGISTRAR FOR SAID SERIES 2003 BONDS; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH SUCH SERIES 2003 BONDS IN ACCORDANCE WITH RULE 15c2-12 AND AUTHORIZING THE EXECUTION OF A COMMITMENT WITH RESPECT THERETO; AUTHORIZING OTHER REQUIRED ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Advisory Board Appointments

(OB)

Mayor Naugle stated that in regard to the discussion held earlier regarding the removal of a board member, he had reviewed the ordinances of the City and it appeared that in order to remove someone from the Planning and Zoning Board it had to be for cause, along with the affirmative vote of four members of the City Commission. Mayor Naugle asked what was the cause for the removal.

Commissioner Smith stated that those facts were incorrect, and in his discussion with the City Attorney he had been informed that it took three members and cause was not necessary.

The City Attorney stated there were two provisions in the ordinances. One provision was the one mentioned by the Mayor which had been in the ordinance system since 1970, and which provided in effect that a member should be removed for cause. He further stated that in 1996, the Board adopted an ordinance which stated that the Commission, without cause, may at any time with an affirmative vote of three City Commissioners remove an advisory board member from their board.

Mayor Naugle remarked that this had been adopted with the ULDR after that. The City Attorney reiterated that he showed that 1996 was the last enactment. Mayor Naugle asked when the ULDR had been adopted. Commissioner Smith stated that he believed this was part of the ULDR enactment in 1997. Mayor Naugle remarked that he had a copy of the ULDR.

The City Attorney stated that his office had reviewed the ordinances and gave an affirmative opinion that it took three votes. If the Commission wanted a written opinion, he stated his office would be happy to

Commissioner Smith stated that he wanted to move the board appointments.

Motion made by Commissioner Smith and seconded by Commissioner Moore to remove Gerry Cooper from the Planning and Zoning Board and appoint him to the Marine Advisory Board. Also, to remove Margery Anderson from the Marine Advisory Board and place her on the Planning and Zoning Board.

Mayor Naugle remarked that he believed the ULDR superseded what the City Attorney had stated, but asked the City Attorney to research the matter and provide a written opinion.

Mayor Naugle remarked that he felt this was political and inappropriate.

Commissioner Hutchinson stated that at the Conference Meeting she had deferred to the District Commissioner at that time, but stated she had received many calls before the Regular Meeting with concerns of board members that she was going to support this. She stated that it went against her grain not to support a Commissioner in what they felt was the right thing to do, but unfortunately she could not support this motion. She apologized because she led the Commissioner to believe she would support this.

Commissioner Moore stated that he believed it was the purview of the elected official to make appointments at any time.

Mayor Naugle stated this had been written in the laws of the City and adopted in the ULDR to prevent someone being removed from an important Board such as Planning and Zoning for political reasons, and was the reason it required a super majority. He felt that cause should also be part of the removal, and felt it put an unfavorable light on the City and its operations

Commissioner Smith stated that this was not being done for political reasons and multiple complaints had been received from citizens and board members who sat on that particular board that felt he had personal conflicts on the Board, but was not stating them. Decisions were made that were inappropriate. He further stated that it was time for him to correct the mistake that he had made before he left office. He hoped that his colleagues understood that when you took the right away from him to make changes in appointments, they were also doing the same for themselves down the road. He explained that this was something they held dear, and due to political reasons there were people out there who tried to stop him from doing this. He reiterated that this was the right thing to do. He further stated that he hoped that his colleagues would back him in this matter.

Mayor Naugle asked why it was okay to place him on the Marine Advisory Board. Commissioner Smith stated that the issues he had conflicts with would not be present in that Board.

Commissioner Hutchinson asked which part of the Code were they following.

The City Attorney stated that he made a strong recommendation that the Commission address this conflict in making a determination as to how they wanted to handle this at a later date. The last enactment which actually made an amendment to something the Board addressed was in 1996. He stated there was a clear conflict in the two ordinances which should be clarified at some point in time.

Mayor Naugle stated that if this was put in effect in 1997, then it superseded the 1996 document. The City Attorney explained that it had been taken in its entirety as adopted at a previous time and moved to a different section. He did not believe that the Commission addressed the issue itself when it had been adopted. The specific issue as to whether a board member could be removed was addressed in 1996. The Board generally under those kinds of construction would construe it to give the Board the maximum amount of latitude, but he stated there was a clear difference in the ordinance itself which needed to be addressed in the future, and amend all sections of the ordinances accordingly. He stated he would

prepare a written opinion and bring it back to the Commission at their next meeting.

Mayor Naugle asked if this matter could be tabled until the opinion was given since there appeared to be a conflict.

Commissioner Smith stated he was prepared to vote on this matter, and felt it was clear. He reiterated that this was something they held dear as Commissioners which was the right to appoint people to advise them, and for people to take away that right was incorrect and political. He felt this should not be done. He reminded the Mayor of a time when he had appointed someone to the Citizen Review Board, and people had requested him to make a move on that and he had told them that he held this right dear, and did not make the requested move. Commissioner Smith stated he would respect the Mayor to do the same in this case.

Commissioner Moore called the question.

Mayor Naugle stated he felt they were taking an action that was inappropriate given the information they received this evening. Mayor Naugle stated that a vote could be taken, but it might be found invalid if the 1997 ordinance governed.

Commissioner Moore stated that if it was an invalid action, then the matter should be brought back to the Commission for correction.

Roll call showed: YEAS: Commissioners Katz, Smith, and Moore. NAYS: Commissioner Hutchinson and Mayor Naugle.

Mayor Naugle stated the motion had failed due to the fact that four votes had not been received in favor of the Motion. Commissioner Smith disagreed and stated that the City Attorney had made a determination that the matter would pass with three votes. Mayor Naugle asked for a clarification of the City Attorney's determination.

The City Attorney stated that he believed the ordinance which addressed this specific issue was adopted in 1996, and that was the last time the Commission had addressed this specific issue. Therefore, the 1996 ordinance would prevail. He reiterated that he would issue a written opinion on this and deliver it to the Commission in one week. He stated this was up to the Commission.

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

Beach Redevelopment Advisory Board	Shirley Smith Michael Grimme Vicky Mawrey
Cemeteries Board of Trustees	Ned Skiff
Code Enforcement Board (Alternate)	Howard Elfman
Code Enforcement Board (Regular)	Sara Horn
Community Appearance Board	Alan Forgea Tim Schiavone

Mayor Naugle remarked that he wanted to caution all board members because if they were not on the correct political side of an issue, they might be removed.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 03-31

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

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

Settlement of Lien - 824 N.W. 2nd Avenue

(OB)

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-32

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING AN AGREEMENT PROVIDING FOR RELEASE OF THE SPECIAL MASTER LIEN ATTACHED TO 824 N.W. 2 AVENUE, FORT LAUDERDALE, FLORIDA, AND PROVIDING FOR CONDITIONS SUBSEQUENT TO THE RELEASE, AND FURTHER PROVIDING FOR IMPOSITION OF FINES AGAINST THE PARTY IN THE AMOUNT OF THE VALUE OF THE LIEN IN THE EVENT OF PARTY'S FAILURE TO COMPLY WITH CONDITIONS SUBSEQUENT.

Which resolution was read by title only.

Commissioner Moore asked if this was in regard to one parcel of land.

Greg Kisela, Assistant City Manager, stated that he would have Faye Outlaw address this matter because he thought it encompassed several parcels.

Faye Outlaw, Interim Director of Community and Economic Development, stated it involved one parcel, but two lots.

Commissioner Moore asked if this addressed the conditions which he asked to be included at today's earlier meeting.

Ms. Outlaw stated that she did not actually see the resolution but believed the City Attorney had stated those conditions would be included in the resolution.

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

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:22 p.m.

Jim Naugle
Mayor

ATTEST:

Lucy Kisela
City Clerk