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FORT LAUDERDALE CITY COMMISSION  
APRIL 3, 2003**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION**

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

**APRIL 3, 2003**

Meeting was called to order at approximately 6:10 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Christine Teel  
Commissioner Dean Trantalis  
Commissioner Carlton B. Moore (Arrived at 6:12 p.m.)  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: None

Also Present: City Manager  
City Attorney  
City Clerk  
Sergeant At Arms

Invocation was offered by Father Francis McCarthy, Assistant Pastor, Saint Jerome Catholic 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 Hutchinson and seconded by Commissioner Teel to approve the agenda and minutes of the March 4, 2003 and March 18, 2003 meetings. Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Commissioner Moore entered the meeting at approximately 6:12 p.m.

**Presentations**

**OB**

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the families of William J. Allen and Elizabeth Freeman.

2. Smoke Detector

Commissioner Trantalis demonstrated the proper way to test a smoke detector. Mayor Naugle announced that the Fire-Rescue Department had a Free Battery Program sponsored by Energizer for Fort Lauderdale residents from April 6 through April 30, 2003.

3. Sister Vivian Gomez

Commissioner Hutchinson presented a commendation to Sister Vivian Gomez. She further stated that Sister Gomez had been her 5<sup>th</sup> grade teacher and they were the first class Sister Gomez taught in the

United States at Saint Jerome's Catholic School. She also stated that this school had the No. 1 Spelling Contestant in the County, Erin Hoe, who had won First Place in the Herald's 2003 Spelling Contest.

Sister Vivian Gomez thanked the Commissioners and Mayor Naugle for the honor bestowed upon her. She also announced that Aaron Hoe was going to go to Washington, D.C. for the National Spelling Bee.

4. Martin Luther King (MLK) Committee

Commissioner Moore stated that this event had been a huge success and the residents' tax dollars had not been used. Commissioner Moore announced that they were able to recognize the Citizen of the Year, Samuel Morrison, as an individual whose endeavors added to this City's success. He also stated that the operator of Jack 'n Jill Nursery had also been recognized for her hard work over the years.

Maurice Maddox, Chairman of the MLK Committee, presented plaques on behalf of the MLK Committee to Mayor Naugle, City Commissioner Hutchinson, and also to the City Manager and Police Chief Roberts. Mr. Maddox presented a plaque to the Chairman of the Fund Raising Committee, Lynn Shatas of FPL, for their support and her hard work. He then presented a plaque to Commissioner Moore for his unwavering support in this effort.

5. Outstanding City Employees

Otis Latin, Fire Chief, stated that he wanted to recognize Raul Agramonte who worked in the Support Services Division and filled in as Storekeeper No. 1 from October, 2002 until February, 2003.

Greg Kisela, Assistant City Manager, stated he wanted to recognize John Kluttz who had been a City employee for over 44 years. He explained that Mr. Kluttz had spent the majority of those years as Chief Mechanic, Central Maintenance Facility.

Mr. Kisela stated that he also wanted to recognize employees Theodore Owens, Andre Brown and Edward Goodrum who had found an attache case filled with personal identification and had it returned to the owner. The owner wrote a letter to the City stating that he appreciated what the employees had done for him, and that he was proud to be a resident of a City who had such honest and considerate employees.

Bruce Roberts, Police Chief, stated that he wanted to honor their Civilian Employee of the Month, Harry Blake, who assisted a pregnant woman and her dog who were being attacked by a pit bull while walking her daughter in a stroller.

Chief Roberts proceeded to honor Detective David Jenkins, Officer of the Month, who investigated and apprehended a suspect who confessed to cab robberies from June, 2002 through January, 2003, and helped the Police Department to identify another culprit who was also apprehended and charged for the crimes.

Faye Outlaw stated that she wanted to present the Employee of the Month Award for the Community and Economic Development Department to Marti Fishkin who began her employment with the City in 1996.

Commissioner Hutchinson left the meeting at approximately 6:27 p.m. and returned at 6:28 p.m.

**Proposed Interlocal Agreement - School Board  
of Broward County - Public School Facility Planning**

**(M-29)**

Mayor Naugle stated that at the request of the City Manager to consider Item M-29 from tonight's Agenda, would be heard at this time.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve Item M-29 on the Agenda.

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

**Film Permit for "The Glades" - South Beach**

**(OB)**

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to grant a permit for filming at South Beach in Fort Lauderdale for "The Glades."

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

**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 - GLCCSF Bazaar/Yard Sale/Flea Market**

**(M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Gay and Lesbian Community Center of Greater Fort Lauderdale, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **GLCCSF Bazaar/Yard Sale/Flea Market** to be held **Saturday April 5, 2003; Saturday, May 3, 2003; and Saturday, June 7, 2003 from 8:00 a.m. to 2:00 p.m.** at the Community Center located at 1717 North Andrews Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-441 from City Manager

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**Event Agreement - Fiesta Fort Lauderdale**

**(M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Luz Del Mundo (Light of the World, Inc.)** to indemnify, protect, and hold harmless the City from any liability in connection with **Fiesta Fort Lauderdale** to be held **Sunday, April 27, 2003; Sunday, May 25, 2003; and Sunday, June 29, 2003 from 12:00 noon to 5:00 p.m.** along the Riverwalk, including Esplanade; and further authorizing the closing of S.W. 4 Avenue from the parking lot entrance south of the old post office site to the cul-de-sac at Riverwalk; and S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue, from 7:00 a.m. to 8:00 p.m. on the event dates.

**Recommend:** Motion to approve.

**Exhibit:** Memo No.03-440 from City Manager.

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**Agreements - Various Assistant Tennis Instructors - Steve Kennedy, Tom Krukiel, Ron Perry, Phil Milford, Michael Bennett, Renee Ezell, Jennifer Wiley and Peter Popov**

**(M-3)**

A motion authorizing the proper City officials to execute agreements with Steve Kennedy, Tom Krukiel, Ron Perry, Phil Milford, Michael Bennett, Renee Ezell, Jennifer Wiley and Peter Popov from May 1, 2003 through April 30, 2004, for services as Assistant Tennis Instructors for the City.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-342 from City Manager.

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**Termination of License and Consent Agreement - School Board of Broward County and South Florida Stadium Management (The Miami Fusion) - Use of Lockhart Stadium**

**(M-4)**

A motion authorizing the proper City officials to execute an agreement with School Board of Broward County and South Florida Stadium Management to terminate The Miami Fusion's rights to use Lockhart Stadium and the surrounding areas, subject to the terms and conditions of such agreement, which include the \$875,000 letter of credit and continued obligation of indemnification by The Miami Fusion as to the Tampa Bay Steel litigation.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-520 from City Manager.

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**Disbursement of Funds - Joint Investigation - O.R. No. 01-65675 - \$32,775.35 U.S. Currency**

**(M-5)**

A motion authorizing the equitable disbursement of funds in the amount of \$32,775.35, with each of the 15 participating law enforcement agencies to receive \$2,185.02.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-3-5 from City Attorney.

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**Disbursement of Funds - Joint Investigation - (M-6)**  
**O.R. No. 01-65675 \$15,274.95 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$15,274.95, with each of the 15 participating law enforcement agencies to receive \$1,018.33.

**Recommend:** Motion to approve  
**Exhibit:** Memo No. 03-3-6 from City Attorney.

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**Interlocal Agreement - Broward County - (M-7)**  
**Reimbursement of Funds for the Marina Mile/  
State Road 84 Business Capital Improvement  
Program (BCIP) Project**

A motion authorizing the proper City officials to execute an interlocal agreement with Broward County for the reimbursement of \$10,000 for the Marina Mile/State Road 84 BCIP project design plan.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-193 from City Manager.

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**Consent to Assignment - Easement Agreement (M-8)**  
**and Construction, Use and Operation Agreement -  
Sapphire Properties (Bridgeside Place, Ltd.) to the  
New York Teacher's Retirement Fund (Knickerbocker  
Properties, Inc.) - Bridgeside Square Development  
Public Parking Facility**

A motion authorizing the proper City officials to execute a consent to assignment to the Easement Agreement and Construction, Use and Operation Agreement for the Bridgeside Square Development Public Parking Facility from Sapphire Properties (Bridgeside Place, Ltd.) to the New York Teacher's Retirement Fund, under the corporate name of Knickerbocker Properties, Inc. (Also see Item M-9 on this Agenda)

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-458 from City Manager.

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**Second Amendment to Easement Agreement and (M-9)**  
**Construction, Use and Operation Agreement - New  
York Teacher's Retirement Fund (Knickerbocker  
Properties, Inc.) - Bridgeside Square Development  
Public Parking Facility**

A motion authorizing the proper City officials to execute a second amendment to the Easement Agreement and Construction, Use and Operation Agreement with the New York Teacher's Retirement Fund, under the corporate name of Knickerbocker Properties, Inc. for the Bridgeside Square Development Public Parking Facility. (Also see Item M-8 on this Agenda)

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-517 from City Manager.

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**Contract Award - GFA International - Project 10451 -  
Annual Engineering Testing Laboratory Contract for 2003**

**(M-10)**

A motion authorizing the proper City officials to execute an agreement with GFA International in the estimated amount of \$76,145 for the annual engineering testing laboratory contract for 2003.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-453 from City Manager.

---

**Task Order No. 3 - Woolpert LLP - Professional  
Services to Graphically Locate Parking Meters**

**(M-11)**

A motion authorizing the proper City officials to execute Task Order No. 3 with Woolpert LLP in the amount of \$15,549 for professional services for graphically locating all parking meter sites in the City via Global Positioning System (GPS) and Geographic Information Systems (GIS) technologies.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-492 from City Manager.

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**Task Order No. 16724.53 - Keith and Schnars, P.A. -  
Project 10543, Amendment No. 1 - Shady Banks  
Sanitary Sewer Improvement Project**

**(M-12)**

A motion authorizing the proper City officials to execute Amendment No. 1 of Task Order No. 16724.53 with Keith and Schnars, P.A. in the amount of \$97,147 for the provision of professional engineering services associated with design and construction of sanitary sewer and water main improvements to serve additional areas within Shady Banks (Sewer Area 5).

**Funds:** See Memo.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-455 from City Manager

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**Amendment No. 2 to Task Order No. 16724.41 - Keith and Schnars, P.A. - Project 10507 - River Run/Oak River/Flamingo Park Improvement Project**

**(M-13)**

A motion authorizing the proper City officials to execute Amendment No. 2 of Task Order No. 16724.41 with Keith and Schnars, P.A. in the amount of \$59,570 for the provision of professional engineering services associated with design and construction of additional water main replacements within River Run/Oak River/Flamingo Park (Septic Area 4).

**Funds:** See Memo.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-466 from City Manager.

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**Task Order No. 8 - CH2M Hill, Inc. - Project 10365 - Waterworks 2011 Sanitary Sewer Connection Fee Implementation**

**(M-14)**

A motion authorizing the proper City officials to execute Task Order No. 8 with CH2M Hill, Inc. in the amount of \$60,375 for assistance in the development and implementation of a plan for collecting connection fees from new sewer customers, and to assure that proper permits and approvals are obtained and new sanitary sewer accounts are established.

**Funds:** See Memo.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-454 from City Manager.

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**Task Order No. 9 - CH2M Hill, Inc. - Project 10653 - Emergency Response Plan for the City's Utility Facilities**

**(M-15)**

A motion authorizing the proper City officials to execute Task Order No. 9 with Ch2M Hill, Inc. in the amount of \$57,000 for professional engineering services associated with the development and implementation of an Emergency Response Plan for the City's utility facilities.

**Fund:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-462 from City Manager.

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**Task Order No. 02-11 - Hazen and Sawyer, P.A. -  
Project 10567 - Northeast Area Large Water Mains**

**(M-16)**

A motion authorizing the proper City officials to execute Task Order No. 02-11 with Hazen and Sawyer, P.A. in the amount of \$308,600 for design and construction services for the northeast area large water mains.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-465 from City Manager.

---

**Contract Amendment - Miller Legg and Associates, Inc.  
Project 15160 - Joseph C. Carter Park Improvements**

**(M-17)**

A motion authorizing the proper City officials to execute a contract amendment with Miller Legg and Associates, Inc. in the amount of \$7,500 for additional services required for the Joseph C. Carter Park improvement project. (Also see Item M-18 on this Agenda)

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-464 from City Manager.

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**Change Order No. 4 - Megan South, Inc. - Project  
15160 - Joseph C. Carter Improvements**

**(M-18)**

A motion authorizing the proper City officials to execute Change Order No. 4 with Megan South, Inc. in the amount of \$12,887.13 for the replacement of the glass and aluminum storefront entrances to the Joseph C. Carter Park gymnasium, modification of the covered walkway in the vicinity of the Kathleen Wright Center, and other related items. (Also see Item M-17 on this Agenda)

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-463 from City Manager.

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**Change Order No. 5 - MBR Construction, Inc. -  
Project 9425 - Harbor Beach Entrance and  
Roadway Renovations**

**(M-19)**

A motion authorizing the proper City officials to execute Change Order No. 5 with MBR Construction, Inc. in the **net credit** amount of \$24,911.28 for modifications to the landscaping plans.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-459 from City Manager.

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**Amendment to Task Order No. 16724.43 -  
Keith and Schnars, P.A. - Consolidated  
Downtown Master Plan**

**(M-20)**

A motion authorizing the proper City officials to execute an amendment to Task Order No. 16724.43 with Keith & Schnars, P. A. in the amount of \$41,700 for additional services related to the Consolidated Downtown Master Plan.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-514 from City Manager.

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**Owner Occupied Rehabilitation Program  
Exception Request - Patricia Salerno**

**(M-21)**

A motion authorizing the proper City officials to approve exceptions to the maximum loan-to-value ratio requirement for an owner-occupied rehabilitation project for Patricia Salerno, and allow the use of a comparative market analysis (CMA) to determine market value.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-500 from City Manager.

---

**Owner Occupied Rehabilitation Program Exception  
Request - Muriel and Gaye McNish**

**(M-22)**

A motion authorizing the proper City officials to exceed the funding cap for an owner-occupied rehabilitation project for Muriel and Gaye McNish, to allow the use of a comparative market analysis (CMA) to determine market value.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-499 from City Manager.

---

**Owner Occupied Rehabilitation Program Exception  
Request - Devon and Carrie Williams**

**(M-23)**

A motion authorizing the proper City officials to exceed the funding cap for an owner occupied rehabilitation project for Devon and Carrie Williams, and further authorizing use of a comparative market analysis (CMA) to determine market value.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-501 from City Manager.

---

**Owner Occupied Rehabilitation Program Exception  
Request - Angelina Destinoble and Fito Bastien**

**(M-24)**

A motion authorizing the proper City officials to exceed the funding cap for an owner occupied rehabilitation project for Angelina Destinoble and Fito Bastien, and further authorizing exceptions to the maximum loan-to-value ratio requirement.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-502 from City Manager.

---

**Owner Occupied Rehabilitation Program Exception  
Request - Eloise Bryant**

**(M-25)**

A motion authorizing the proper City officials to exceed the funding cap for an owner occupied rehabilitation project for Eloise Bryant, 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. 03-503 from City Manager

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**PURCHASING AGENDA**

**State - Maintenance/Support Xerox Laser Printers**

**(Pur-1)**

An annual maintenance and support agreement for two Xerox laser printers and additional cost overrun for FY 2003 is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: Xerox Corporation  
Miami Lakes, FL

Amount: \$ 37,580.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 03-507 from City Manager.

The Procurement and Materials Management Division recommends approval of the annual maintenance and support agreement.

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**Proprietary - Purchase of LIFEPAK Defibrillator/  
Monitors**

**(Pur-2)**

An agreement to purchase 36 LIFEPAK defibrillator/monitors and related accessories is being presented for approval by the Fire Rescue Department.

Recommended Award: Medtronic Physio-Control Corp.  
Redmond, WA  
Amount: \$ 870,284.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-486 from City Manager

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

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**432-8835 - Purchase of Streetlight Fixtures**

**(Pur-3)**

A one-year agreement to purchase streetlight fixtures is being presented for approval by the Public Services Department.

Recommended Award: Torres Electrical Supply Co. (MBE)  
Stuart, FL  
Amount: \$ 68,364.00 (estimated)  
Bids Solicited/Rec'd: 39/8 with 1 no bid  
Exhibits: Memorandum No. 03-496 from City Manager

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

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Motion made by Commissioner Hutchinson and seconded by Commissioner Teel that Consent Agenda Item Nos. M-1, M-11, M-20, M-21, M-22, M-23, M-24 and M-25 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 Trantalis, Moore, Hutchinson, Teel, and Mayor Naugle. NAYS: None.

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**Event Agreement - GLCCSF Bazaar/Yard Sale/Flea Market**

**(M-1)**

Commissioner Teel stated that she had pulled this item and wanted an explanation as to how they would deal with other non-profit organizations in the future making the same requests if the Commission approved this special event permit.

Ernest Burkeen, Director of Parks and Recreation, stated that they had not considered it as being part of a park, but had approved it as a special event to be held once a month. He further stated if other requests were made, then they would come before the Commission for their approval.

Commissioner Trantalis stated that he realized this was an attempt to resolve the matter on a case-by-case basis, but he felt this group was attempting to enhance the quality of life of the community within their area. He further stated that he believed the organizers of the flea market were asking for something different than what was being presented this evening. Instead of once a month for a series of 3 months, he understood that they were seeking a permit for permission to hold the market twice during the month

of April, and then they would return to the Commission seeking approval for subsequent months.

Mr. Burkeen stated that it was their policy that if an event exceeded once a month, then it would be considered differently than a special event.

Cecelia Hollar, Director Construction Services, stated that at some point when an activity began occurring on a regular basis, it started becoming that use and then the area of zoning was involved. Presently, by regulations outdoor sales were not permitted in any zoning district. This issue came before the Commission approximately one year ago, and their department researched the matter and pulled together various options which could be used to make a Code amendment. She explained they were presently in the process of putting together all such information. She further stated that questions arose regarding the matter such as how to enforce and monitor such sales and the related parking issues.

Ms. Hollar continued stating that they wanted to encourage people to have good economic business activities, but then they could begin detracting from the neighborhood. She stated that once the Commission received the researched material in a Friday memo, if they wanted to bring the matter up at a Conference Meeting then they would have to advise the City Manager. She explained that various options were available such as limited hours, but the biggest problem which arose during the discussions was whether sufficient staff was available to enforce such events.

Commissioner Trantalis asked if staff felt this proposal was acceptable since it was being done on an ad hoc basis. Ms. Hollar explained that as long as the event was not on a recurring basis and was conducted through the special event policy, then she did not have any area of responsibility. She further stated that the Code would have to be amended if they became that event, and anyone else making such a request would have to be given the same rights.

Commissioner Trantalis asked if this organization could simply apply for a variance for their event without amending the zoning laws. Ms. Hollar reiterated that anyone could ask for a variance from the zoning regulations.

The City Attorney explained that the variance would be for the use, and a use variance could not be granted. He stated that the problem was that if the use was recurring, then it would become the use staff would have to enforce.

Commissioner Trantalis asked how one would apply for a deviation from the zoning laws. The City Attorney stated there was no dispensation from certain portions of the law, but the law would have to be changed in order to conform.

Commissioner Moore stated that he was concerned because he believed it would open up a box where others would want similar treatment. He further stated that he was considering supporting this matter only because they could then look at a methodology which would allow others the same opportunity. He felt if it was a violation of the law, then one should not be permitted to do it.

Commissioner Hutchinson stated that if they allowed the GLCC to become legal, this was a yard sale which occurred throughout the City during the weekends, and therefore, those homeowners were also in violation of the Code. She thought they would have arrived at a policy before now as it related to this yard sale, but that had not yet happened. She continued stating that discussions were held regarding this during the year 2000 as it related to regular yard sales requiring permits. She reiterated that she did not have a problem with the sale being twice a month.

Commissioner Trantalis stated that he wanted to thank Commissioner Moore for supporting this measure because this flea market or yard sale was good for the community. He continued stating that South Beach in Miami had weekend City sponsored yard sales because the economics of such sales benefitted the

entire community. He stated that he did not have a problem with opening up the laws to encourage people in the neighborhoods to join together and create an economic dynamic that might have been overlooked in the past. He realized such sales could get out of hand and that was why they needed to arrive at a standard policy with set parameters. He further encouraged the Commission to vote in favor of this matter.

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

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**Task Order No. 3 - Woolpert LLP - Professional Services to Graphically Locate Parking Meters**

**(M-11)**

Commissioner Hutchinson stated that she had pulled this item, and stated that someone needed to convince her on this matter. Commissioner Moore stated he was not convinced on this matter either. Commissioner Hutchinson stated she had hoped the City knew where the meters were all located since the money was being removed.

Tim Edkin, Information Technology (IT) Director, stated that the purpose of this item was to geographically identify on a GIS map precisely the location of every parking meter. He explained that the locations were kind of known from a standpoint that they knew where they were in the lots and where the lots were located, and how many were in each lot. He stated they did not identify a serial number with a particular location in a lot, and then when meters went bad, they had difficulty locating the inoperable meter. Mr. Edkin explained that being able to identify the exact location of a meter on a map would enable them to be more efficient. He further explained this system would enable them to also identify which meters were being used along with their frequency. He further stated this system would be a revenue and customer service type thing.

Commissioner Trantalis stated that \$15,000 was a lot of nickels, and asked if it wasn't the task of the people who collected the money from the meters to identify which were inoperable or not being used. Mr. Edkin stated that the people did not collect the money every day and were not always in the area when a meter failed to work properly.

Bud Bentley, Assistant City Manager, stated that this was part of the overall master plan to implement a GIS system for the City. He explained that fire hydrants, valves and other types of City infrastructure could be located with such a system. He also stated that a GIS system would also print out the order for which the meters would be repaired. He continued stating that if someone requested a parking reduction based on public spaces, the information would be readily available with this type of system.

John Hoesle, Assistant Park Manager, stated that this was the next step in integrating such information into the new parking administration system which had been approved about one and a half years ago. He explained that having such information available, they could integrate it into the new computer system and use it immediately. He felt this would be a good customer service. He also stated they would be able to better track parking demand via revenue trends.

Commissioner Moore asked if the parking meters were presently numbered. Mr. Hoesle stated they were numbered at this time and all metered locations were now available on the Internet, along with the parking rates. Commissioner Moore asked why this needed to be a contracted service.

Ian Wint, GIS Coordinator, stated that the availability of the parking meters was on the Internet in a general sense. He stated that they were attempting to more specifically identify specific meter locations. He continued stating that they had researched having this work done by in-house personnel, but they arrived at the conclusion that this was not within the realm of staff to do such work.



Keary Cunningham, GIS Specialist, stated that they had experience in using the equipment and it was very difficult work. After doing some tests in the field, they felt it was better to leave it to the experts.

Commissioner Teel asked if this would be a one-time expense or would it be recurring. Mr. Wint stated they believed it to be a one-time expense. He explained that the consultant was in essence helping staff to establish a frame work for tracking meter locations for the future. Commissioner Teel asked if the program would allow in-house staff to substitute information in the database. Mr. Wint stated that once the foundation was created, staff could work with the information. Commissioner Teel asked if this system would aid staff in establishing that an individual had paid money into a malfunctioning meter and subsequently received a parking ticket. Mr. Hoesle explained that they would then have to go to that particular meter in order to discover what had caused the malfunction. He continued stating that this system would not deal with such issues, unless they had a particular area that was having a large number of malfunctions.

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

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

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**Amendment to Task Order No. 16724.43 -**  
**Keith and Schnars, P.A. - Consolidated Downtown Master Plan**

**(M-20)**

Commissioner Teel stated that she had pulled this item and stated that this appeared to be more than a 10% increase in the contract amount. She asked if this was usually the case, but felt that \$387,000 was a generous amount.

Bruce Chatterton, Planning and Zoning Services Manager, stated that he had been involved with several downtown master plans and many approached \$500,000 in total value. He felt for the work they were getting, this was a large amount of value. He further stated that this had to do with following up on the opportunities which the consultant had seen in the City. He explained there had been a lot of extra work and they had added on that the consultant had to coordinate heavily with the Subarea Mobility Study which involved many hours of additional meetings and presentations. He continued stating that they had also added on members of the CRA and DDA Advisory Boards to the Steering Committee, and specific concerns were raised by those new members that they might not have enough time with the consultant in order to work out their concerns.

Mr. Chatterton further stated that the consultant had seen that there was a greater strength of feeling about the downtown, both on the development community side and on the side of the other stakeholders and adjoining neighborhoods. He believed that the additional meetings would help achieve a consensus.

Commissioner Teel asked if they had explored the possibility of getting other parties to participate in the additional expense. Mr. Chatterton explained that they had brought in other parties such as the CRA and DDA already who had each contributed \$75,000 to the effort. He further stated that these monies were not coming out of the Contingency Fund, but out of the Construction Services Budget.

Mayor Naugle stated he was uncomfortable with this and he felt the consultant should live within the budget. He felt there was some difficulty in this case since they were from out-of-town and travel time was involved. He further stated that he did not support giving any additional funds. He felt they needed to finish the work in accordance with the money originally budgeted which he felt was very generous.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to **deny** the request for additional funds.

Commissioner Hutchinson asked if there was going to be another community meeting after the April 10<sup>th</sup> one. Mr. Chatterton explained there would be a follow-up community meeting which would allow two additional visits with the stakeholders. He stated that the consultant would complete the project under the current budget. He further explained that this would have been an opportunity to capitalize upon some of the opportunities they had seen and possibly progress a little further down the road. He further stated these opportunities had not been seen during the original contract negotiations.

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

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**Owner Occupied Rehabilitation Program Exception  
Request - Patricia Salerno**

**(M-21)**

Commissioner Moore stated that he had pulled this item, along with Item Nos. M-22, M-23, M-24 and M-25, and stated that due to the abundance of numbers they were asking for in the special exceptions led him to believe that there might be something wrong with their program design guidelines which required them to have such exceptions. He further asked if the City's guidelines were different than the Federal guidelines.

Faye Outlaw, Interim Director for Community Economic Development, stated that their guidelines had not kept pace with the changes in the housing market. She explained that the regulations set forth broad requirements for the program, and they in turn tailored the program to what they wanted it to be. They, therefore, had the ability to change the guidelines and make them more flexible. She further stated it was becoming increasingly difficult to rehabilitate the homes within the City in accordance with the current guidelines. She stated that the cost of construction had risen tremendously and the properties had been assessed very low and the appraisals were very high. Therefore, these exceptions kept coming forward due to the fact they did not have the opportunity to bring forward a request to change the program guidelines.

Commissioner Moore suggested that Ms. Outlaw appear at a very near future Commission Conference Meeting in order to deal with changing the parameters of the guidelines because he believed this was slowing down the process. He stated these were the most economic thresholds in the City and people were using these programs, and if the homes were in such positions that these were needed in order to move forward with the improvements, then they needed to proceed quickly. He felt with the new Florida Building Code things had gotten onerous. He urged the Commission to proceed with approval of these five items, along with the request that Community Development give the Commission new circumstances which would validate their recommendations at a meeting within the next 30 days.

Ms. Outlaw stated they could do that, but if the Commission accepted Commissioner Moore's recommendation as a Motion and approve it, things could progress more quickly. Short of that, they would have to return at the earliest possible date.

Mayor Naugle suggested this be put on a Conference Agenda so details could be given to the Commission. Commissioner Moore stated his idea was to expedite matters and he felt Ms. Outlaw should present recommendations that could be discussed and adopted all at the same meeting.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Item Nos. M-21, M-22, M-23, M-24 and M-25 with the amended request.

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

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**Settlement Agreement - F.V. Scutti v City of Fort Lauderdale - Beach Access Right-of-Way (Also Known as N.E. 30 Street)**

**(M-26)**

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to **reject** the settlement agreement as recommended.

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

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**Proposed Lien Settlements - Code Enforcement Board and Special Master Cases**

**(M-27)**

Commissioner Moore suggested that Item No. 4 be tabled until the Commission's next meeting, April 22, 2003 because he had received some additional information which required further review.

**Motion** made by Commissioner Moore and seconded by Commissioner Teel to table Item No. 4 until April 22, 2003 at 6:00 p.m.

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

1. 1901 S. W. Riverside Drive (CE01070620) - Maurice Bonin - \$3,650.

Maurice Bonin, owner, stated that he had bought and repaired this property. The City had informed him that he needed a licensed contractor to pull the permit which had been done. The contractor did not complete the job and get a final inspection, and that led to the present day fines. He further stated that he was in the process of contacting Style Roofing and no one would address the matter.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the recommended settlement on this matter.

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

2. 701 S.W. 27 Avenue (CE01051276) - Nice Car Sales Inc. - \$1,000.

Munir Kahn, owner, stated that he had been promised by the Board that they would waive the fine in total, which had begun in error, when he had completed all the work on the property.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the recommended settlement on this matter.

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

3. 1527 S.W. 20 Avenue (CE02030038) - Randy Orr and Adam Levinson - \$5,300.

Frank Costorro, on behalf of Adams Levinson, stated that Mr. Levinson did not actually have a procedural or administrative basis for requesting a further reduction of his fine, but he wanted to explain that he had bought the property jointly with Mr. Orr who no longer was an owner. Mr. Levinson had not been notified until last summer of the violations and had worked diligently to bring the property into compliance. Even though the City had reduced the fine, Mr. Levinson was requesting a further reduction. Mr. Costorro

explained that Mr. Levinson wanted to move into this house with his son and still had not been able to do so.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to reduce the fine to 10%.

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

4. 1402 N.W. 19 Street (9214259) - Gentle Robinson, Jr. - \$9,184

Commission tabled this item until April 22, 2003 at 6:00 p.m.

5. 1471 N.W. 22 Court (CE00071562) - Barry Brodsky - \$18,000.

Barry Brodsky, owner, stated that in 1982 he had been diagnosed with Hodgkin's disease and had survived, and therefore, he wanted to give something back to the community which would help people in need. He stated that in 1992 he had met a woman, Georgia Foster, who ran an organization known as "Think Life" who had convinced him of the need for housing for the individuals helped by that organization. Mr. Brodsky stated he had built 2 four-plexes which she occupied and ran. He stated that he then built two more next to the original buildings. He explained that he had thought she was involved with the government and over the years he had lost about \$160,000 with this process. He explained further that he had not evicted her or the individuals because he did not want to put people out into the street, and he was under the assumption that she had been managing the property. He admitted that he did not know what to do in this situation and was asking for some leniency regarding the fine. He further stated that he had gone to the City, but did not receive any assistance.

Commissioner Moore stated there were four properties with 48 Code cases since his purchase which had been "quality of life" issues. He further stated that Mr. Brodsky stated he had bought these properties originally because he was concerned about people's lives, but he was unable to accept Mr. Brodsky's explanation of the situation.

Mr. Brodsky stated it appeared he was being irresponsible, but he did not know how to deal with the issue.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to accept staff's recommendation for settlement of this matter.

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

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**Florida Power and Light (FPL) Distribution/ Upgrade  
Project in the Victoria Park/Colee Hammock Neighborhoods**

**(M-28)**

The City Manager stated that he wanted to recap for the new Commissioners the subject matter regarding this situation. He explained that Mr. Kisela was going to introduce the results of about 15 months of work by a Committee appointed by the Commission to take an in-depth look into the situation which resulted in an education for the Committee, along with firm recommendations. The City Manager added that the Chairman of the Committee was also present tonight and would give the Committee's report.

Commissioner Moore left the meeting at approximately 7:30 p.m. and returned at 7:32 p.m.

Greg Kisela, Assistant City Manager, stated that the Utility Advisory Committee had been working on this issue for approximately 15 months. He stated that they had met at least twice a month for about 3-4 hours in order to work on additional issues dealing with FPL regarding tree trimming, citing of substations, undergrounding electric lines, and the Victoria Park/Colee Hammock distribution system. The Committee formed a process whereby they would get comfortable with a recommendation and then they would authorize FPL to meet with the impacted community.

Mr. Kisela stated further that on a 10-2 vote the Committee recommended a stepped approach. First was to accept a modified FPL routing of the lines through Victoria Park/Colee Hammock, specifically 17<sup>th</sup> Avenue, which modifications were attached to the agenda item for the Commission. He continued stating that representatives from FPL were present at tonight's meeting, and explained that they had also attended the Committee's meetings over the last 15 months. He further stated that Amy Albury and Brett Beck who were the technical people could explain the specifics of the proposed plan. He continued stating that what had been presented in late 2001 had been refined. He also stated that there was a difference of opinion as to how substantially it had been refined, but there were improvements, changes and deviations from what the Commission had seen in the early part of 2002 and late 2001.

Mr. Kisela explained that in addition to the stepped approach, the Committee authorized an in-depth engineering study to further understand the details and implementation of undergrounding the lines in Victoria Park and Colee Hammock. He explained further that generally the cost of undergrounding the lines through the two neighborhoods would be approximately \$2 Million, and they would have to research to see how to finance those costs. In addition, they would have to identify easements and locations for the switch gears and transformers, and in Victoria Park that could be as many as 6-7.

Bob Hord, Chairman of the Utilities Advisory Committee, stated that this Committee had tried to ensure there was a good community outreach and education to the people affected by the proposed projects. He explained that this Committee was created because there had been a poor job regarding outreach by FPL previously. Based on the efforts and education of the Committee over the last 15 months, what had been recommended to the City Commission was to embark upon a means to satisfy the need for dependable electrical distribution in the City, safe service to the residents, and being sensitive to the tree hammock, and establishing the means to proceed forward in an effort to underground the utilities and create a more aesthetic environment for the residents impacted by this project.

Mr. Hord stated that this evening FPL would explain the proposed modified project.

Amy Albury, FPL, stated that for the last year they had been working with the Utility Advisory Committee on several projects, and as part of the process this Committee, along with their independent engineering consultant, reviewed the planning process and verified the need for this project. She explained they had worked together in an effort to make improvements and discover solutions for the original plan.

Ms. Albury went on to explain that approximately 3 blocks of the plan would be placed underground at no charge to the individuals affected. In addition, taller poles would be used in an effort to reduce the line clearing need and the impact for any future potential line clearing. She explained they would also be removing a majority of the open-wire secondary wires which were lower on the poles. She also stated that they had renegotiated the placement of some of the poles south of NE 8<sup>th</sup> Street due to a right-of-way irregularity. She emphasized that the new improved plan meant that no trees had to be removed. In addition, she explained that in the area of the historic canopy only minor trimming might be necessary to a few trees.

Ms. Albury further stated that since December they had worked primarily on outreach with the affected citizens. She explained that the purpose of that was to make sure that they had received all information from the citizens as to how they could best improve the subject plan. She stated they had met with both the homeowners groups in each area and numerous block meetings had been held. She continued

stating that they were anxious to proceed with this project so they could be finished by the end of June. Ms. Albury recognized the residents of both areas who helped to point out the flaws in their original plan, and secondly she wanted to thank the members of the Committee for devoting their time in learning their business, regulatory constraints and planning process. She explained that FPL had been challenged to look long and hard at their plans, and to find alternatives and solutions for the problems. She continued stating that due to the hard work of the Committee, they now had a project which would satisfy the electric needs of the growing community and still preserve the historic canopy.

Ms. Albury reassured everyone that this experience prompted FPL to look internally at their processes.

Commissioner Trantalis asked which 3 blocks were going to be undergrounded. Ms. Albury explained that location would be from NE 3<sup>rd</sup> Court to Broward Boulevard. Commissioner Trantalis further asked if south of Broward was not the heaviest part of the hammock. Ms. Albury confirmed, but stated that the regulatory constraints did not allow them to underground in that area at no cost to the residents. She further stated that the two-phased approach being recommended would allow them to proceed forward in achieving that goal. Commissioner Trantalis asked for further clarification of the regulatory constraints. Ms. Albury explained that the area proposed for undergrounding did not have any distribution facilities at this time. She further stated those customers were presently served through distribution lines in the rear of their properties. She explained there were guidelines which would tell them not to overburden any particular customer with lines down multiple properties. She further stated that the difference south of Broward Boulevard was that lines already existed down 17<sup>th</sup> Avenue, and tariff requirements existed which were involved in undergrounding which detailed the process. Ms. Albury reiterated that south of Broward, the second and third phases would work towards an underground solution, but the cost would not be borne by FPL.

Ms. Albury also added that south of Broward they would be installing taller poles and changing the framing which severely would limit the amount of tree trimming that would be done, if any. Commissioner Trantalis asked if the homeowners south of Broward Boulevard would have the option for undergrounding. Ms. Albury confirmed. Commissioner Trantalis asked how FPL would implement that portion of the plan. Ms. Albury explained that the process for proceeding with undergrounding was that the residents who were interested would have to contact FPL, and they would prepare a ballpark estimate for the work. She reiterated that the estimate was \$10,000 per lot and there were about 15-16 lots in the proposed area. Commissioner Trantalis asked if every homeowner had to agree to the undergrounding in order for the project to be completed. Ms. Albury further explained that once the estimate was accepted and the residents chose to move forward, they would have to give an engineering deposit to FPL to move forward in developing a binding estimate for the work. The charge would be on a per foot basis for the work. She stated that the next phase was to establish the easements which would be required for the above-ground facilities, and to obtain the necessary approvals. Ms. Albury went on to explain that each homeowner currently served from those lines would require additional costs above the \$10,000 for electrical work to be done at their homes. She further explained if the residents did not agree, then FPL was obligated to set up a pole to serve the customers who declined undergrounding service.

Commissioner Trantalis clarified that in order for the wires to be put underground south of Broward Boulevard, they would have to establish above-ground facilities in order to complete the project, and so far that had not been established. Ms. Albury confirmed. Commissioner Trantalis asked if this was preventing the undergrounding.

Mr. Kisela explained that in addition to the logistics of where to place the switch gears and transformers and how the issues would be worked out that were associated with the individual services, they also would have to work with Comcast and BellSouth to relocate their services from the poles and those additional costs would have to be dealt with also.

Commissioner Trantalis reiterated that he had recently seen wires draped across tree branches in the area and he felt that was a dangerous condition. Mr. Kisela reiterated that from a safety standpoint, FPL

had to do their tree maintenance and establish clear zones. He explained that Comcast and BellSouth had testified to the Committee that they did relatively minor tree trimming and only on an absolute basis because they did not have to deal with the clearance issues.

Commissioner Trantalis stated that he realized a lot of work had been done regarding this matter and it was a "hot button" issue which affected the residents and the neighborhoods adjacent to 17<sup>th</sup> Avenue and through the entire City, since this would be a precedent as to how FPL would deal with such issues in the future. He hoped that the proposal brought forward was only a "band-aid approach" since no one was completely happy with it. He hoped that the City realized this should not happen again because it had torn apart a neighborhood which was one of the best and most important neighborhoods in the City especially regarding its Renaissance, but yet it had been shackled with such an issue. He felt they needed to plan for the future better.

Commissioner Hutchinson stated that Colee Hammock had been very adamant about the historic hammock, and she asked to ask why an engineering study had not been commissioned before this evening as it related to undergrounding. Mr. Kisela stated that was a good question and in hindsight they should have done so. He felt the technical issues, especially in Victoria Park, were relatively easy, and the policy issues as to how to share the costs had to be discussed and resolved. He felt the Committee's goal had been to establish a plan whereby if a neighborhood chose to underground their utilities, then the City would explain how that could be done, and how the costs could be distributed before making such decisions. Commissioner Hutchinson asked if they were looking to understand that FPL was responsible for the project, but it was two separate projects. She reiterated that what worked north of Broward Boulevard would not work south of Broward Boulevard to a certain extent, and asked if they were looking at those two areas differently.

Ms. Albury stated she was not sure how to answer this question and asked if Commissioner Hutchinson was referring to the undergrounding of the second phase. She stated that when they moved into the second phase, they would need a clear meeting of the minds as to what would be entailed in the engineering study. She explained that the design for the areas north and south of Broward Boulevard were very similar.

Mr. Ford stated that in the Committee's motion, they had recommended that the area south of Broward Boulevard be considered separately because it was smaller than the area north and also had potentially less engineering issues to resolve, and they did not want to preclude the area south from doing undergrounding.

Commissioner Moore stated that he wanted to compliment the Chairman and the Committee members who had worked so hard on this matter. He further stated that a remedy had to be reached by all so that a necessity could be provided to the communities, and he appreciated everyone coming to that end. He appreciated the fact that there was a willingness to continue to explore in having a community get what they wanted which was the removal of blight. He stated that he was concerned about the City paying for an engineering proposal ranging from \$25,000 to \$50,000, and asked what would happen if the neighborhood did the study and tax monies were used, but then the residents chose not to underground due to the monies they would be assessed. He felt the neighborhood should bear the cost of the undergrounding, and the testing not be done of a process that could or could not be accepted, especially without a "catch basin" as to whether the City got their money back or not. If the work was done, then would it be part of the assessment which would be done regarding collection.

Commissioner Moore further stated that over the years many discussions were held regarding quality of life issues in connection with sewers and septic tanks. He reiterated that residents were told if they wanted a sewer line, they would have to pay for it. He stated this was an underground and aesthetic issue, and some individuals felt it was a health issue, but as a governmental entity they looked to the residents to pay for such services. He stated that he was happy that a method had been created to underground where possible and only the provider of the service would bear any cost, and that the tree

lines could be saved which he felt was very important. He realized the Committee was offering the engineering study as a compromise, but he wanted to understand why they were treating an underground sewer line differently than electrical lines above ground, and why the City should bear the cost.

Mr. Kisela stated that from an equity standpoint Commissioner Moore was correct. He further stated that in 2000, they performed the master plan for Waterworks 2011 which was the basis for doing the infrastructure needs for the water and sewer systems throughout the City. He explained that as part of that, they arrived at the determination as to how to deal with putting in sewers for the remaining portions of the community over the next decade. He reiterated that he was comfortable in recommending that the \$25,000 to \$50,000 be spent because even if the neighborhoods chose not to underground, this could be the blueprint used for other neighborhoods requesting undergrounding in the future.

Commissioner Moore stated that he was concerned because it was a public system owned by the taxpayers, but FPL was an entity who offered a service above ground and if the residents still chose to consider undergrounding, then he believed they were dealing with two separate pots, which were a "public pot" and a "community desire." He stated that he was concerned if they chose to pay the money for the engineering study, what would happen when another community would step forward and request the same. He felt individual engineering evaluations would have to be done for each area. He felt public input was very important regarding this matter.

Alvin Camp, 17<sup>th</sup> Avenue, stated that he had his business in the City since 1965, and he felt they had a public trust and the trees in the hammock comprised such a trust. He stated that previously Mr. Flagler attempted to bring the railroad through the hammock and Mary Brickell refused, and as a result of her obstinancy the railroad now ran west of Searstown. He suggested the Board be obstinant and protect the trees. He further stated that a petition had been signed by 700 residents of the City in an attempt to save the trees. He stated that once FPL installed the poles between Broward Boulevard and Las Olas Boulevard, they would never go away and the damage to the trees would be irreversible. He stated if everyone did not want that to happen, then the Commission needed to tell FPL that they could not touch the trees in the concerned area. He further stated that the reference to a tariff was a "cop-out" because the utility companies wrote the tariffs and protected themselves. He agreed there were some cost issues involved in this matter. He reiterated that FPL was obligated to provide service to the residents and it did not always have to be done the cheapest possible way, and the lines could be run down through 15<sup>th</sup> Avenue. He urged the Commission to save the trees.

Gail Camp, 17<sup>th</sup> Avenue, stated it was a disgrace that individual residents had to fight for the last piece of Colee Hammock which existed in the City. She stated that everyone would benefit from the saving of this hammock. She reiterated that service from this area would supply 80% of another location, and only 18% would service Colee Hammock and Victoria Park. Ms. Camp stated that the modified plan was what FPL had intended to do all along and she was concerned about the time line to "explore" the undergrounding for the future. She felt there should be ordinances to protect the trees, and the residents should not have to fight for their protection.

Christine Campbell, 17<sup>th</sup> Avenue and member of the Utility Advisory Committee, stated that she was present tonight on behalf of a group known as "The Friends of 17<sup>th</sup> Avenue." She further stated that they had done an unscientific poll and had made some errors in its wording. She believed the words "taller poles" should have been used instead of "tall poles," and it was to serve "2,000 residences" and not "4,000 residences." She stated that out of 111 homes surveyed, 28 were not in the proposed group, and 93 people responded of which 91 favored a different plan and only 2 favored the present modified plan. She reiterated that the people along 17<sup>th</sup> Avenue objected to the fact that the majority of the power would not serve Victoria Park, and that they had to bear the electrical needs of other parts of the City to the detriment of their own neighborhood.

Ms. Campbell stated that the plans were first presented in September and the Committee had only spent about 6 months on this particular issue, and during that time field trips were taken down 17<sup>th</sup> Avenue.



During the field trips, the possibility of undergrounding in Victoria Park was ruled out due to the fact lots were small and the easements for the switch cabinets would be quite large. She stated the fact that there would need to be an additional 21 easements for the transformer boxes was not even discussed.

Tom Welch, President of Colee Hammock Homeowners Association, stated that FPL made a presentation of the modified plan to their group back in January. He stated they opposed the plan because they felt there were other viable alternatives that could be explored, such as an alternate route on 15<sup>th</sup> Avenue. He further stated that they felt FPL could not be trusted to trim the trees properly, and therefore, the modified plan became an entrapment. He stated that another plan had been introduced at the last Utility Advisory Committee meeting that they were possibly interested in, but some confusion arose because what had been presented was not what had actually been passed. He continued stating that their association wanted the two blocks along 17<sup>th</sup> Avenue undergrounded or not used at all. He stated they wanted to investigate further the plan presented at the last Committee meeting if there were no other viable alternatives.

Marshall Silk, 17<sup>th</sup> Avenue resident, stated that he recently moved into the area and the trees were what attracted him to the area. He stated that he came to tonight's meeting to say "Save the Trees!"

Steve Preston, 17<sup>th</sup> Avenue resident, stated that he was disappointed in the fact that 80% of the conversation implied they had to go through with this plan. He felt other alternatives could be proposed. He felt this should not happen to any other "treasure" in the City. He felt this was wrong. He also stated that possibly they should take one step back and see if they really needed to do this. He urged the Commission to protect the hammock.

George Unger, 17<sup>th</sup> Avenue resident, stated that there had been many diverse views over the last several years, and he felt that spoke well for the City. He further stated that since 2001 there had been months and months of deception from FPL, and the propaganda had been enormous. He recommended that the cables in the neighborhoods be buried and the remaining cables be placed on normal size poles in the community.

Peggy McCormick, 111 SE 17 Avenue, stated that she felt it was sad they were still trying after 15 months to preserve part of the City's history. She further stated that she did not know what the answer was to this problem, but she did not understand why they could not figure out how to underground two blocks. She stated that the closest thing she had seen to a possible viable plan was the one proposed by Marvin Sanders which consisted of 3 phases. She felt they were being boxed into a corner by having to have the wires placed above the trees. She felt that 15 months had been wasted studying substations. She reiterated that it was time to make a decision and do the right thing. She believed it was time to stop having the citizens try and figure out what to do. Things needed to be done right and they should be done tonight!

LuAnn Hadenlang, 17<sup>th</sup> Avenue resident, stated that this project would impact her property. She stated she wanted to respond to the statement: "This should not happen again," and to the statement that the engineering study should have been done previously. She felt they needed to consider the fact that FPL designed to a lesser standard than the engineering standard required for other projects. She stated this had been explained to her by the City Engineer. She explained that the higher standard would require a topographic survey upon which each item would be placed in the location where it was proposed to be installed. She felt this modified plan was one without particularity, and the problem would arise in the future because FPL was not required to design according to the City's standards. Therefore, last minute field locations would be made within each lot and block as projects moved forward. She felt the Commission needed to address the engineering disparity and maybe delay their vote to a later date.

Commissioner Moore left the meeting at approximately 8:22 p.m.

Gene Ozell, 17<sup>th</sup> Avenue resident, stated that this was a matter of money as pointed out by Commissioner

Moore. He explained his office was at Riverfront and in looking out his window he saw approximately 5 or 6 tower cranes throughout the City which represented a large pool of money for FPL. He felt they did not need to "quibble" over a few bucks for undergrounding 17<sup>th</sup> Avenue.

Commissioner Moore returned to the meeting at approximately 8:25 p.m.

Jay Holloway, member of the Victoria Park FPL Committee, stated that FPL never offered viable alternatives for the 17<sup>th</sup> Avenue project. He explained that the whole purpose for the creation of the Utility Advisory Committee was to explore viable alternatives. He reiterated the plan they were given was a non-viable alternative. They were told why the 14<sup>th</sup> Avenue project would not work even though it was a straight shot from Sunrise to Broward, and there were already existing poles and almost no canopy. He stated that FPL attempted to frighten everyone by inflating the number of trees which would be impacted if the 14<sup>th</sup> Avenue project was implemented. He stated further that they had already spent \$600,000 to run a duct bank from Sunrise to 8<sup>th</sup> Street, and the only thing FPL had done besides offer a non-viable alternative was to frighten residents with the cost of \$10,000 for undergrounding, and how the "leave-it-alone plan" would damage the canopies. He stated the only thing FPL had done was to "polish up" the 17<sup>th</sup> Avenue plan. He explained that FPL had given some concessions such as some undergrounding and taller poles! He further stated that FPL did not want to walk away from their investment. He reiterated that this was the last area of tree-lined historic streets.

Mr. Holloway stated that if they did not take a stand tonight, FPL would not explore less destructive alternative routes or methods. He asked the Commission to take a bold stand against this project and demand that FPL present less destructive alternatives.

Chuck Jewett, member of the Utility Advisory Committee, stated he had owned property in Hawaii when the hurricane had hit one month after Andrew hit Florida, and the pole failure was one pole per 16 residents. He stated that he had gone to Homestead and investigated the situation regarding Andrew, and he had been informed that 85% of all square-shaped concrete poles had failed, 95% of all wooden poles failed, and 90% of those that failed had fallen perpendicular to the line of the wires, but luckily were far away from most homes and not many were damaged by the poles. He stated that he had asked the City of Homestead what the recovery rate would have been if the lines had been undergrounded before the Hurricane, and he was informed it would have been weeks instead of months in getting things back to order. He was also told that due to the fact that they needed to get the power up, they had to replace the system and the poles had been put right back up. Mr. Jewett stated that he felt there were economic issues before this Commission.

Mr. Jewett stated that the other thing which he felt the City had to face was that a community was fighting something because when decisions were made in favor of more development, the issue of stepping up to the cost of protecting an older neighborhood was not taken into consideration, and he felt that was unfortunate. He also stated that FPL knew about this line five years in advance and proceeded in such a way where the residents would not become aware of the situation until the last minute. He reminded everyone about what had happened in Rio Vista to Cordova.

Mr. Jewett stated there was an irony going on that was very strange. He stated that FPL throughout their 31 counties had succeeded in having communities pay for undergrounding, and yet they were paid a rate based upon overhead and a return in investment. He reiterated that FPL continued to make money on someone else making the investment. He stated that the Commission needed to go forward so the community and the Committee could see a study they were kept from seeing.

Ted Fling, Past President of Victoria Park Civic Association, stated that FPL had taken no foresight and deliberately came down the middle of 17<sup>th</sup> Avenue in Victoria Park. He reiterated that no direct answer had been given by FPL as to why they chose this route. They were informed that 18% maximum were what Victoria Park would gain from the new distribution lines. He stated that he had made a commitment to the neighborhood that he would not sit still for this and he had not changed his opinion. He felt this was

wrong and was done deliberately and in secret and was a reprehensible act on FPL's part, and they did not care what the neighborhoods thought. He explained that their program had not changed at all except for a few "tweaks" here and there. The route was still the same and the people in Colee Hammock objected to this project strongly. He stated that they could not do that in Victoria Park because the people affected were those on 17<sup>th</sup> Avenue and there were too many people involved. He asked the Commission to stop and think about what FPL was attempting to do. He felt this was a subterfuge and the whole program was full of dishonest comments.

Scott Whiddon, 120 S. Victoria Park Road, stated that he was in the lumber business, but he was here tonight to say "Save the Trees!" He stated that since the roads were going to be torn up because of the sewers, this could be a possible option for FPL. He implored the Commission to do the right thing which was to find another alternative and not take down the trees.

Marvin Sanders stated he lived on 17<sup>th</sup> Avenue and was a member of the Utility Advisory Committee, and also owned a landscape business. He proceeded to show a photograph from 1912 - 1914 of Las Olas and Colee Hammock. He stated that things needed to be done to protect the area, and stated that they had a phone bank to call people if an orange truck showed up. During the last meeting of the Committee, he explained that he had proposed a 3-phase approach, but when the motion was made it had been cut down to two phases. He voted in favor of it so this could be brought before the Commission, but he disagreed with the two phases. He proceeded to distribute some information to the Commission regarding the motion he had presented to the Committee. He felt that he had a rational solution to the problem and had gone over it with the various utility companies.

Mr. Sanders explained that the basic issue was that the first phase was to remove overhead utility lines from the tree canopy. FPL stated this needed to be done due to the pending season and the deterioration of the system. He believed they were speaking the truth in that matter. He explained the second phase was to go through and obtain the funding for Phase II. He stated the difference in that and the motion which came to the Commission was the issue that they were attempting to put all BellSouth, TV cables and FPL service lines underground in the latter part of Phase II after doing the lines over the trees, which would not get too far into the funding and easement issues that were more complex.

Mr. Sanders explained that last phase was to relocate the FPL distribution lines which were on the ground. He stated further that Phase I-A was to implement FPL's taller poles and more compact vertical canopy of the wires on top of the pole immediately so they could be removed from the trees, and do away with the phone bank. Then immediately thereafter, they would come in and put the secondary wires on the ground. In this scenario, there was plenty of space underneath the pavement. He explained there were 18 single-family homes, and 11 townhomes between Las Olas and Broward on 17<sup>th</sup>. He explained that at 17<sup>th</sup> and Colee Hammock the sewer ran down the middle of the street with the water 1' east of the pavement, and the gas was 1' west of the pavement which afforded them the opportunity to put Comcast and BellSouth down the center line of the southbound lane, and later up the center line of the northbound lane. He stated that the utility companies agreed this was what should take place.

Mr. Sanders stated further that if you looked at his five objectives, this would take the opportunity to relocate the utility lines from the trees, and replace the deteriorating system which needed to be replaced. He stated the current distribution lines ran through the middle of the trees and needed to have this work done. He explained that for the interim distribution lines the difference was between a wire the size of one's thumb versus one the size of one's little finger.

Andy Ziffer, member of the Utility Advisory Committee, stated that it was critical that the trees be saved, but the Commission needed to take into consideration that presently there were lines in the trees and if they stayed there, the trees had to be trimmed. He felt a possible solution would be if the residents could get the easements needed, then they could tell FPL to go underground, and if the easements could not be gotten, then they could proceed with the project.

Dennis Mele, Attorney for FPL, proceeded to show a photograph of a current condition, and another photograph of a computerized photograph if the taller poles were installed. He explained if the equipment was moved above the tree canopy, it would lessen the need for tree trimming. He stated that many people were saying "leave it as it was," but if you did that there would be the continuing Asplund situation referred to by Mr. Sanders.

Mr. Mele stated they were not proposing to cut down any trees, and the modified plan which had been endorsed by the Utility Advisory Committee would lessen the amount of tree trimming as shown in the photographs. He stated that it was stated that no options had been discussed or prepared, but he reiterated that there were 4 viable options discussed and some were contained in tonight's recommendations as follows:

1. Undergrounding.
2. Line on 14<sup>th</sup> Avenue.
3. Maintain as they existed today.
4. Modified Plan as discussed.

Mr. Mele pointed out it would not be necessary to install the taller poles at every location. Finally, he stated when the process had first begun, FPL stated they would stop all trimming until the situation was fully explored. He stated they discussed the importance of having the feeder line in place in order to supply reliable service, and some band-aid approaches had been taken to get them through the past 15 months. He felt that doing nothing was not an option which would work for either the long term or short term periods.

Jacquelyn Scott, member of the Utility Advisory Committee, stated that she did not want a 50' pole near her home. She realized it was a difficult decision for the Committee to make, but she felt the Commission needed to send a clear signal to FPL that this was not what the people wanted. They wanted the electric buried and did not want the responsibility for the residents who lived on the street because the power was going to many other people in the City. She reiterated that this was just unfair. She stated that she lived at 1626 SE 1<sup>st</sup> Street and was willing to give an easement in order for the electric to be buried.

Tom Chancey, consulting arborist and member of the Utility Advisory Committee, stated that he was hosting Arbor Day this year. He stated further that he had mapped out the historic canopy throughout the entire City and he felt this situation was very interesting. Some of the suggestions which had arisen were in relation to the historic canopy in the City, and possibly some ordinance changes could be considered later on which would affect the sensitive areas. He stated that he was very concerned about the preservation of the canopy and the pruning techniques which had taken place. He stated he objected to the methodology which had been used. He explained the standards used by FPL were the A-300 standards used throughout the country which had revisions to them, but from Palm Beach south they existed in a tropical zone. He explained further there was a wide growth pattern in the trees. He continued stating that it was his saying since 1973 "To Save the Trees." He stated that whatever was adopted this evening, the tree trimming methods had to change. He further stated there were many opportunities to implement creative pruning, preservation, changes, and undergrounding.

Mayor Naugle remarked that when he went to other cities and saw powerlines running through trees, they did not allow the "crotch cut" to the trees, and decisions were made that the lines would be compatible with the trees. Mr. Chancey stated that was true and it was not arbitrary. Mayor Naugle asked if FPL was presently using a qualified arborist. Mr. Chancey remarked they had one method and he recommended they meet. They discussed some pilot programs to be done and the citizens would take charge of the trees.

Commissioner Trantalis asked if any of tonight's testimony had influenced Mr. Hord so that he would suggest the Commission turn down the proposal being presented this evening. Mr. Hord replied he would

not. Commissioner Trantalis asked if the Committee had received the same information from the neighbors, FPL, and specialists regarding this matter. Mr. Hord stated that individuals who had spoken this evening had also spoken at one of the public meetings or a Committee meeting. Commissioner Trantalis asked if the proposal regarding a three-phased approach had been put before the Committee before this evening. Mr. Hord replied it had not been before the Committee, but Mr. Sanders had attempted to craft a motion which was difficult to transcribe. He explained that due to the difficulty of this matter, they had attempted to keep the matter simple. The intent as described by Mr. Sanders had contained three phases, and they had tried to condense it into two phases. He explained the Committee still existed and intended to be involved in the process moving forward. The motion made which had been approved by the Committee simplified Mr. Sanders original suggestion, and what was before the Commission had not been specifically transcribed or voted on by the Committee. Commissioner Trantalis asked if Mr. Hord had reviewed the proposal. Mr. Hord confirmed. Commissioner Trantalis asked if the proposal was inconsistent with the sentiments of the majority view of the Committee. Mr. Hord replied it was not.

Commissioner Trantalis asked if FPL would engage in tree trimming regardless of what happened this evening due to the growth which had occurred over the last one to one and a half years. Mr. Hord replied it was his understanding that there had been a cessation of tree trimming for the last 15 months.

Commissioner Hutchinson stated that as they cut the cake today and celebrated the City's 92<sup>nd</sup> Birthday, she was led to believe that the hammock in her district was older than the City itself. She stated that they had spent a lot of time on a project relating to substations, and she was not disappointed in the Committee, but with FPL. She stated her feet would be planted firmly in the ground, along with Mary Brickell's and unless the project was underground on her side of Broward Boulevard, she would not support this project at all. She felt it was time for the City to protect something besides historic homes and should protect what tree canopy was left in the City. She stated that Mr. Chancey was a pleasure to listen to and she realized something needed to be done today as it related to the trees and the wires. She stated that 15 months had been spent with a Committee while Colee Hammock had voted 53-0 against this project for 17<sup>th</sup> Avenue, and FPL walked away with no further solutions for south of Broward. She stated that her solution was to underground and asked for a study which would depict exactly what the residents would have to pay and what the City's portion would be. She guaranteed they would get the necessary easements.

Mayor Naugle stated that the company needed to find another route to serve the 80% of the residents, and it was unacceptable to run it down 17<sup>th</sup> Avenue. He stated that he had also gone down to Homestead after the hurricane and had seen the massive poles twisted and was very concerned about such matters. He did not feel the solution was taller poles. He felt they needed to strengthen the tree trimming laws to prevent trees from being butchered, and they needed to tell FPL to find another route. He stated that undergrounding was nothing the taxpayers could bear, but doing a study to show the costs could be useful since someone had to be first. Mayor Naugle asked if the study was done to show the costs of undergrounding did every property owner have to agree.

Mr. Kisela explained that it was his understanding that in order to implement it and recover the \$10,000, it would require every property owner to agree, but if 99% supported and if they financed the one who refused, they could proceed. He stated that it required 100% contributions toward the cost to move forward.

Mayor Naugle stated that would be hard to achieve in any neighborhood. He further stated that in the City that was not necessary and they only needed an indication of support, and then a public hearing would be held. He asked if there was any way the City could make this part of a special assessment and have it spread out to a monthly cost based on a public hearing and majority support.

Mr. Kisela stated they had talked with the Committee last year that they could use a special assessment under Chapter 170, and the Las Olas Isles had looked at the Safe Neighborhood District as a funding

mechanism. He stated the answer to the Mayor's question was based on FPL's tariffs. He felt they would have to use a special assessment or some other type of financing mechanism in order to make it work. He explained it was his understanding that as long as a benefit was demonstrated it could work.

Commissioner Moore stated he appreciated hearing everyone's viewpoints and he understood this was an emotional issue for many individuals. He felt it was important they look at the issue as to how this would impact everyone. When this Committee was created, it dealt with 15 months of utility information, including substations which had no tree hammock. He felt the Committee attempted to arrive at a compromise. He further stated when discussions were held regarding the substations, comments were always made that they were providing a needed service to the residents of the City. He believed the proposal for higher poles was a compromise to save the hammock. He felt the proposal would provide the necessary service which would also save the tree canopy and allow them to study on how to underground it. He did not know if FPL could be trusted and based on the information they had, it appeared reasonable to deal with the higher poles at this time and to look at the alternative of undergrounding. It was also reasonable to say to the individuals requesting the undergrounding that they needed to contribute half.

Commissioner Hutchinson stated that she did not want a compromise and wanted a win-win situation. She felt that Mr. Sanders' plan would work, but she was not convinced that once a 55' pole went in that it would not stay in. She stated that she never had heard a viable reason as to why 15<sup>th</sup> Avenue would not work, and she further reiterated that she pushed for 15<sup>th</sup> Avenue because the Oak hammock had been destroyed due to other issues over the course of time. She stated if it was because of the \$600,000 worth of duct banks which had been put in ahead of time, she reiterated she wanted a win-win situation and no compromise. She stated it was time for the City to stand up and take charge of things and dictate how business would be conducted throughout the City, and how it would affect everyone's quality of life.

Brett Beck, FPL engineer, explained that 15<sup>th</sup> Avenue had a circuit and one of their concerns was the double-circuiting and reliability. He stated that 17<sup>th</sup> Avenue allowed for a continuation of the building of the grid in order to improve reliability to the residents. He further explained that the major problem with 17<sup>th</sup> Avenue was that the trees still had to be trimmed, and by going ahead with taller poles they would be alleviating the tree trimming.

Commissioner Hutchinson stated that 15 months was spent by the Committee discussing FPL issues, she asked if they had arrived at any viable solutions as it related to tree trimming for the City.

Mr. Hord stated that they had discussed tree trimming standards, but it had not yet been on the Committee's agenda. Substations had to be addressed, along with the 17<sup>th</sup> Avenue project. Commissioner Hutchinson stated that tree trimming should be in the forefront at this juncture.

Commissioner Trantalis stated that he felt the City had set up a process with advisory boards and charged the system with investigating issues, and he did not feel it was the responsibility of the Commission to micro-manage the work of the boards. He stated that no one was happy with a compromise, but something told him that while all the good work done on the Committee showed a benefit to Victoria Park, he felt Colee Hammock had been left out of the deal. He was very concerned about that issue. He felt things were done well until they reached Broward Boulevard, and then they lost steam in the process. Yet the irony was that was the deepest and oldest part of the canopy which existed. He asked what happened and felt they needed to revisit the situation. He felt this should be voted down until they were sure that all individuals and neighborhoods had been dealt with fairly and evenly.

Commissioner Moore stated that another important matter in the City had been the E. Clay Shaw Bridge. Everyone compromised and all merits had been reviewed, and the best thing was done at that time.

Commissioner Teel stated that she traveled up and down 17<sup>th</sup> Avenue a lot recently, and she felt the only answer was to underground this area. She reiterated it was not a big area and it appeared to be a doable project. She felt there was a lot of spirit to save the hammock and she felt the City should be partly

responsible. She felt there were other opportunities available such as the NCIP Program, homeowners who would be willing to give money, effort and spirit, and the suggestions of Safe Neighborhoods. She felt grants could be received and other things utilized for the project. She continued stating that Mr. Sanders' suggestions were excellent, but she was concerned that once the large poles were put in where would the incentive be regarding undergrounding. She felt there would be many excuses why this should not be done such as the economy, stock market, storms, and other things. She further stated that she felt they had "dropped the ball" a long time ago, and she felt the City and FPL had a responsibility. She believed that FPL needed to trim the trees properly and have a licensed arborist do it with a City person with expertise there as an observer, and due notice be given to the homeowners.

Commissioner Teel further stated that advisory boards set up for such matters should keep things moving and not keep stopping and doing in-depth studies. She felt they had the direction of where they were to go which was to protect the hammock.

Mr. Mele stated that one thing they had not heard this evening was what the City's jurisdiction was regarding this matter as compared to the other regulatory agencies. He felt this was an important matter and should be discussed.

Mayor Naugle stated that he felt the regulations needed to be put into effect regarding tree trimming, and that permits not be issued to FPL for the installation of poles, and if they decided to do such installation without the City's permission, he felt a list could be comprised of many poles which had been misplaced throughout the City. He further stated that the City had not taken good control of the situation, but now they needed to make FPL do a better job and he believed they would not do anything against the City's will. He continued stating that they were going to ask FPL to find another route to serve 80% of the customers who were not in the area, and that they should proceed with the study to underground and explore the need for a special assessment. He also stated that they could also discuss the possibility of a contribution from the City. Mayor Naugle remarked if 80% of the power was going outside the area, the benefit would be outside the area involving the buildings being built and possibly they could explore the possibility of obtaining funding from those projects.

Commissioner Moore asked if the City was going to pay the full cost for the engineering study. Mayor Naugle replied that the City could pay up to \$25,000. Commissioner Hutchinson reiterated that the amounts given were a range of \$25,000 to \$50,000 and they needed to return to the Commission to approve the study in relation to its cost.

Mr. Kisela stated that was their estimate and he felt the cost would be closer to \$25,000. He continued stating that they might want to reach out to the neighborhood and civic associations to see about a match for the detailed engineering which would be an acceptable compromise.

Commissioner Moore stated that was a position which he would support. He stated that he wanted this added to the motion so that the denial would include wording stating that the City would not exceed 50% of the cost of the engineering study.

Commissioner Trantalis asked for a clarification of the complete motion.

**Motion** made by Commissioner Moore and seconded by Commissioner Trantalis that the recommendations of the Utilities Advisory Committee not be accepted and that the City's contribution not exceed 50% of the cost of the engineering study. Also, that the Committee assist in developing guidelines for future tree trimming projects.

Commissioner Teel asked if the neighborhood was going to be able to access NCIP funds. Mr. Kisela stated that he did not envision this coming from the NCIP funds, but from General Fund Contingencies. He further stated they should reach out to the neighborhood associations immediately in order to attempt

a partnership. Commissioner Teel stated she agreed that the City should only pay up to 50% of the cost because she felt there would be benefit for the City for them to subsidize up to \$25,000.

Commissioner Hutchinson asked if this study could be used City-wide or would it be site specific. Mr. Kisela stated that it would be site specific, but could be a tool that could be used City-wide.

Mayor Naugle remarked that he viewed this as a one-time thing and he did not see this happening in every neighborhood.

Commissioner Hutchinson asked if the motion could be restated again. She stated she would support the City spending up to \$25,000.

**Motion** made by Commissioner Moore that no action be taken on staff's recommendations and they were going to review the arborist issue as to how the trees would be trimmed and handled, and that there be the opportunity to address up to \$25,000 or 50% of the cost for a pre-engineering design concept of undergrounding the powerlines.

The City Manager asked if the maker of the motion could amend it. He stated it was the recommendation of the Committee and not staff.

**Motion** made by Commissioner Moore and seconded by Commissioner Trantalis that no action be taken on the Utility Advisory Committee's recommendation and that they were going to review the arborist issue as to how the trees would be trimmed and handled, and that there be the opportunity to address up to \$25,000 or 50% of the cost for a pre-engineering design concept of undergrounding the powerlines.

Mayor Naugle stated that he would prefer the motion to state that the City would pay up to \$25,000 and any amount over that the neighborhoods would pay.

Commissioner Moore stated if it was done that way, then you were saying that the City was underwriting the cost of the engineering study at 100%.

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

Commissioner Hutchinson stated that she voted no on this item because she did not feel that the neighborhood needed to make any contributions when \$16,000 had been paid to GIS for the parking meters, and she felt they could spend \$25,000 towards a quality of life issue.

Mr. Kisela stated that they would implement the motion and FPL had advised they would be doing tree trimming in the Victoria Park and Colee Hammock areas due to the upcoming hurricane season. He further stated that Gene Dempsey would monitor the process.

Commissioner Hutchinson asked if Mr. Chancey could also monitor the process because she would be more comfortable with him at the site. Mr. Kisela stated that Mr. Chancey agreed to do that. He further stated that the homeowners would be given two weeks notice before the tree trimming would begin.

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**PUBLIC HEARINGS**

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

**(PH-1)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 403 Tarpon Terrace, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0.

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

Commissioner Moore left the meeting at 9:48 p.m.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to defer this item until May 6, 2003 at 6:00 p.m.

Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: None.

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

**(PH-2)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 828 S. E. 4 Street, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0.

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to defer this item until May 20, 2003 at 6:00 p.m.

Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: None.

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

**(PH-3)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 833 North Rio Vista Boulevard, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0.

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to defer this matter until May 6, 2003 at 6:00 p.m.

Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: None.

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**ORDINANCES**

**Public Purpose Use/Site Plan Approval - City  
Fort Lauderdale - Executive Airport (PZ Case No. 146-R-02)**

**(O-1)**

An ordinance approving a public purpose use, which was approved by the Planning and Zoning Board on January 15, 2003 by a vote of 8-1. Ordinance No. C-03-15 was published March 6 and 13, 2003, and was approved on first reading March 18, 2003 by a vote of 5-0.

Applicant: City of Fort Lauderdale  
Request: Public purpose use/site plan approval  
Location: 6000 N.W. 21 Avenue

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-15

AN ORDINANCE APPROVING A FENCE AT AN AIRPORT THAT DOES NOT MEET THE FENCE AND LANDSCAPING REQUIREMENTS IN GAA, PARKS, AIP AND CC ZONING DISTRICTS, WHICH AIRPORT IS LOCATED ON LANDS KNOWN AS THE "FORT LAUDERDALE EXECUTIVE AIRPORT" AND BEING DESCRIBED AS TRACTS 1, 2 AND 4, "F-X-E PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 119, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF NORTHWEST 62<sup>ND</sup> STREET, NORTH OF COMMERCIAL BOULEVARD, EAST OF NORTHWEST 31<sup>ST</sup> AVENUE AND WEST OF NORTHWEST 12<sup>TH</sup> AVENUE; AND GRANTING RELIEF FROM THE 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 Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: None.

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**Vacate a Portion of N.E. 17 Terrace - East Side  
Village LLC and Archways Inc. (PZ Case No. 21-P-02)**

**(O-2)**

An ordinance approving the vacation of a portion of N.E. 17 Terrace, which was approved by the Planning and Zoning Board on January 15, 2003 by a vote of 9-0. Ordinance No. C-03-16 was published March 6 and 13, 2003, and was approved on first reading March 18, 2003 by a vote of 5-0.

Applicant: East Side Village LLC and Archways Inc.  
Request: Vacate portion of N.E. 17 Terrace  
Location: N.E. 17 Terrace, just south of N.E. 11 Street

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-16

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR NORTHEAST 17<sup>TH</sup> TERRACE (PLATTED AS 4<sup>TH</sup> STREET), AS SHOWN ON THE PLAT OF "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING BETWEEN BLOCK 167 AND BLOCK 168 AND BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 23 OF BLOCK 167 AND BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 167, LOCATED SOUTH OF NORTHEAST 11<sup>TH</sup> STREET, NORTH OF SUNRISE BOULEVARD, 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 Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: None.

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**Rezone RD-15 and RS-8 to PUD - La Preserve LLC -  
La Preserve (PZ Case No. 2-ZPUD-02)**

**(O-3)**

An ordinance approving the rezoning of property from RD-15 and RS-8 to PUD for the construction of 67 single-family detached homes, which was approved by the Planning and Zoning Board at a special meeting on January 29, 2003 by a vote of 8-1. Ordinance No. C-03-17 was published March 6 and 13, 2003, and was approved on first reading March 18, 2003 by a vote of 5-0.

Applicant: LaPreserve LLC  
Request: Rezone RD-15 and RS-8 to PUD  
Location: South of S.W. 20 Street, north of State Road 84, east of S.W. 15 Avenue and west of S.W. 12 Avenue

Commissioner returned to the meeting at approximately 9:52 p.m.

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-17

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY REZONING A 15.4363 ACRE PARCEL OF PROPERTY KNOWN AS LA PRESERVE NURSERY LOCATED IN THE CITY OF FORT LAUDERDALE WITHIN AN AREA GENERALLY BOUNDED BY SOUTHWEST 20<sup>TH</sup> STREET ON THE NORTH, STATE ROAD 84 ON THE SOUTH, SOUTHWEST 12<sup>TH</sup> AVENUE ON THE EAST AND SOUTHWEST 15<sup>TH</sup> AVENUE ON THE WEST FROM RS-8 AND RD-15 TO PLANNED UNIT DEVELOPMENT (PUD); APPROVING A DEVELOPMENT PLAN; ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING BUT NOT LIMITED TO USES, DENSITY, LOT SIZE, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING; AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE THE PROPERTY.

Which ordinance was read by title only.

Commissioner Hutchinson stated that they were going to engage the arborist under a contract for a period of 15 months, and she proceeded to ask when that time would begin. Cecelia Hollar, Construction Services Director, stated that the applicant had agreed that the time period would begin this evening.

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

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**Amendment to the Pay Plan**

**(O-4)**

An ordinance amending the Pay Plan of the City to provide for new classes, delete classes, adjust the pay range of classes and the title change of a class, all in Schedule I. Ordinance No. C-03-18 was published March 8, 2003, and was approved on first reading March 18, 2003 by a vote of 5-0.

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-18

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR NEW CLASSES, THE DELETION OF CLASSES, THE ADJUSTMENT OF THE PAY RANGE OF CLASSES AND THE TITLE CHANGE OF A CLASS, ALL IN SCHEDULE I.

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

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**Amend ULDR Chapter 47 - Regulations for Fences and Walls (PZ Case No. 9-T-02)**

**(O-5)**

An ordinance amending ULDR Chapter 47 regulations for fences and walls, which was recommended for approval by the Planning and Zoning Board on January 15, 2003 by a vote of 7-2. Notice of proposed ordinance was published March 22 and 29, 2003.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-03-19

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 47-2.2, MEASUREMENTS; SECTION 47-13.20, DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS; SECTION 47-19, ACCESSORY USES, BUILDINGS AND STRUCTURES; SECTION 47-14, GENERAL AVIATION DISTRICTS; SECTION 47-18.13, FLAMMABLE LIQUIDS AND FUEL STORAGE; SECTION 47-6.30, PCC-PLANNED COMMERCE CENTER DISTRICT; SECTION 47-21, LANDSCAPE AND TREE PRESERVATION REQUIREMENTS; SECTION 47-25.3, NEIGHBORHOOD COMPATIBILITY REQUIREMENTS AND SECTION 47-35.1, DEFINITIONS; TO AMEND THE DEFINITION OF GRADE AND HOW TO MEASURE THE HEIGHT OF A STRUCTURE; PROVIDING A METHOD OF MEASURING TRANSPARENCY OF A FENCE, WALL OR HEDGE; AMENDING REQUIREMENTS FOR PATIOS, DECKS, GATES, FENCES AND WALLS, POOLS, SPAS AND HOT TUBS; DEFINING AND PERMITTING PLANTERS AND RETAINING WALLS; PROVIDING THAT REQUIRED LANDSCAPING BE PERMEABLE; PERMITTING THE CONSTRUCTION OF A FENCE IN LIEU OF A WALL IN CERTAIN CIRCUMSTANCES; REORGANIZING REGULATIONS INTO DIFFERENT SECTIONS OF THE ULDR; CLARIFYING CERTAIN LANGUAGE AND AMENDING PROVISIONS WITHIN THE ULDR TO BE INTERNALLY CONSISTENT.

Commissioner Moore stated he would vote in favor of this ordinance, but wanted staff to meet with him before the second reading.

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

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**RESOLUTIONS**

**Executive Airport - Supplemental Joint Participation Agreement (JPA) - Florida Department of Transportation (FDOT) - Security Access Project**

**(R-1)**

A resolution authorizing the proper City officials to execute a Supplemental JPA with FDOT to raise the State's participation in the Executive Airport Security Access Project from \$93,333 to \$120,000.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-66

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A SUPPLEMENTAL GRANT FOR PARTIAL FUNDING FOR SECURITY IMPROVEMENTS AT FORT LAUDERDALE EXECUTIVE AIRPORT; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO RECEIVE SUCH GRANT FUNDING.

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

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**Executive Airport - Joint Participation Agreement (JPA) - Florida Department of Transportation (FDOT) - Perimeter Road and Drainage Improvements**

**(R-2)**

A resolution authorizing the proper City officials to execute a JPA with FDOT to accept \$320,000 or up to 80 percent of the costs for Executive Airport's roadway and drainage improvements.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 03-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A GRANT FOR PARTIAL FUNDING FOR REALIGNMENT OF THE EXISTING ROAD AND RESURFACING OF PERIMETER ROAD IMPROVEMENTS AT FORT LAUDERDALE EXECUTIVE AIRPORT; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, TO RECEIVE SUCH GRANT FUNDING.

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

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**Signature Authorization for Public Depositor Report**

**(R-3)**

A resolution authorizing Terry L. Sharp, as the Director of Finance; and Clyde J. Cole, as the City Treasurer, to complete and execute the Public Depositor Report to the State Treasurer pursuant to the requirements of the Florida Administrative Code 4C-2.032(a) on behalf of the City.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE DIRECTOR OF FINANCE, TERRY L. SHARP, OR THE CITY TREASURER, CLYDE J. COLE, TO EXECUTE THE PUBLIC DEPOSITOR REPORT TO THE TREASURER FORM ON BEHALF OF THE CITY OF FORT LAUDERDALE.

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

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**Building Board-Up and Securing Charges**

**(R-4)**

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION III OF THE FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

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**Lot Clearing and Cleaning Charges**

**(R-5)**

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

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**Low-Income Housing Tax Credit Application  
Artspace Projects, Inc. - Village at Sailboat Bend  
Development Project**

**(R-6)**

A resolution endorsing Artspace projects, Inc. Village at Sailboat Bend development project, being built in conjunction with Lennar Homes, in order for Artspace Projects, Inc. to apply for Low-Income Housing Tax Credits; and further authorizing the proper City officials to include a \$500,000 request in the FY 2003/2004 Community Development Block Grant (CDBG) budget.  
Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE ARTSPACE PROJECTS, INC., AFFORDABLE HOUSING PROJECT IN THE SAILBOAT BEND HISTORIC DISTRICT (A PARTNERSHIP OF LENNAR HOMES AND ARTSPACE PROJECTS, INC.) RELATING TO THE HISTORIC REHABILITATION OF THE WEST SIDE SCHOOL AND THE CONSTRUCTION OF 39 UNITS OF AFFORDABLE HOUSING GIVING PREFERENCE TO THE CITY'S ARTS COMMUNITY; DIRECTING THE CITY MANAGER TO PLACE THE REQUESTED APPROPRIATION OF \$500,000 IN THE PROPOSED BUDGET FOR FISCAL YEAR 2003-2004, AND TO FORWARD SUCH IMPLEMENTING AGREEMENTS AS MAY BE NECESSARY, TO THE CITY COMMISSION FOR ITS REVIEW AND APPROVAL; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.



Commissioner Hutchinson stated that she was aware that this resolution did not include funding, but she had been led to believe that a commitment for funding was a requirement.

Faye Outlaw, CED Interim Director, stated that since they had not reached a point where the grant funding process had been completed, they were unable to identify specific funding in the resolution. She further stated that in addition to the resolution, they had to include what was called a Local Government Verification of Grant Contribution, and had to identify the dollar amount the City would be contributing to the project, along with the specific sources for those funds.

Commissioner Hutchinson asked if there would be an opportunity to allocate funding so they could proceed with their tax credit application, but still protect the City.

Ms. Outlaw explained there were some options available. One was if the Commission conceptually approved funding and authorized them to apply for a Section 108 loan whereby they could borrow money against the Block Grant, and then pay that back out of future entitlements or to provide it as a loan to the developer and the developer pay them back, and they in turn pay back HUD. The other option would be to do it from SHIP or HOME funds. She further stated that it most likely would be SHIP because they had some uncommitted money which had not been distributed since requests for that money had not been made. She also stated there were additional SHIP funds given to them by the State since they had surplus from the dock stamps. Ms. Outlaw stated that SHIP was eligible and the money was available, but she explained that staff did not have the opportunity to do any due diligence on the application.

Commissioner Hutchinson stated she did not want to do anything unless the City Manager, the Community and Economic Development staff, and the City Attorney had a comfort level regarding this matter, but at the same time she did not want to hold up the process. She encouraged the Commission to allow them to review the application prior to signing it. Commissioner Moore stated he would agree to that and stated he approved of the 108 because of what the State was doing with those funds and the possibilities of the impact, but further stated he did not mind referring it to management to consider what option would be best.

Mayor Naugle asked if Lennar could make the contribution and stated he did not feel comfortable subsidizing Lennar.

Commissioner Moore stated that was why he preferred the 108 loan. Mayor Naugle reiterated that the 108 loan would be subsidizing Lennar because it required future contributions from Community Development Block Grant Funds which could be used for the City's benefit. Commissioner Moore reiterated that the developer could pay the loan back. Mayor Naugle asked if it was possible to get the developer to pay the 108 loan back.

Ms. Outlaw stated they could do it as a loan to the developer and have them pay them back, and they in turn pay back HUD, as opposed to a grant. She further stated that they were seeking a grant and not a loan, but it was negotiable.

Mayor Naugle reiterated that he did not want to subsidize Lennar. Commissioner Hutchinson stated that she was under the impression they were subsidizing Artspace. Mayor Naugle stated that Lennar had committed to do this project, and had bought \$15 Million worth of land for \$5 Million, and now they would be giving them \$500,000 to deliver the commitment which they used to get the sale to the School Board and obtain the City's approval for the deal. He further stated that when the Commission had approved the site plan, nothing was mentioned about contributing \$500,000 and he felt it should come from Lennar. He believed the Commission should send a clear message they would not be subsidizing Lennar.

Commissioner Moore suggested they let management review the options and see which one was best in order to have the process continue to move forward. Mayor Naugle reiterated that he wanted the option of Lennar possibly contributing to be explored.

The City Manager remarked that a report would be given to the Commission in regard to what direction would be taken.

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

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**Reschedule April 15, 2003 City Commission Conference  
and Regular Meetings to April 22, 2003**

**(R-7)**

A resolution authorizing the April 15, 2003 City Commission Conference and Regular meetings to be rescheduled to April 22, 2003.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-72

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE  
APRIL 15, 2003, REGULAR AND CONFERENCE MEETINGS  
OF THE CITY COMMISSION TO APRIL 22, 2003.

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

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**Appointment of Vice Mayor**

**(R-8)**

A resolution appointing a Vice Mayor for a term of one year, in accordance with Section 3.05 of the City Charter.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to appoint Commissioner Carlton Moore as Vice-Mayor for a term of one year.

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, DESIGNATING A  
VICE-MAYOR FOR A ONE-YEAR TERM IN ACCORDANCE  
WITH SECTION 3.05 OF THE CITY CHARTER.

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

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**Motion to Reconsider Alley Vacation**

**(OB)**

Commissioner Hutchinson stated that there had been a second reading at the Commission's last meeting in regard to an alley vacation, and she proceeded to ask the Commission to have it come back before them as a Motion to Reconsider on April 22, 2003. She explained that she did not feel she had made a correct decision, and had done it haphazardly without following the engineering standards used throughout the City.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to reconsider an alley vacation behind the Fort Lauderdale Nissan, Inc. for April 22, 2003.

The City Attorney asked if Mr. Kisela could confirm that the conditions required for an effective date had not yet been met. He further explained if the conditions had been met, the Commission could not reconsider.

Greg Kisela, Assistant City Manager, stated it was his understanding that the conditions had not yet been met.

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

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**Advisory Board Appointments**

**(OB)**

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

Code Enforcement Board (Alternate)     Jan Sheppard

Education Advisory Board                     Elaine Schulze

Unsafe Structures and Housing  
Appeals Board                                     H. Tom Jones

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 03-74

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 Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

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There being no further business to come before the Commission, the meeting was adjourned at approximately 10:09 p.m.

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Jim Naugle  
Mayor

ATTEST:

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Lucy Kisela  
City Clerk