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FORT LAUDERDALE CITY COMMISSION
APRIL 22, 2003**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION**

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

APRIL 22, 2003

Meeting was called to order at approximately 6:15 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Dean J. Trantalis
Commissioner Carlton B. Moore (6:20 p.m.)
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

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

Invocation was offered by Reverend Grant Lynn Ford, Sunshine Cathedral/Metropolitan Community 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 Trantalis to approve the agenda and minutes of the March 18, 2003 and April 3, 2003 (Special and Regular) meetings. Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the families of Ruth Hurley, Louis Millio, Jr. and Carol Ashland.

2. Scott Gronsbell

Commissioner Trantalis presented a Commendation to Scott Gronsbell for his efforts in detaining a suspect involved in a burglary.

Mr. Gronsbell stated he was fortunate to live in Victoria Park where random acts of kindness incurred on a daily basis. He thanked everyone for his commendation.

3. Earth Day

Vice-Mayor Moore presented a Proclamation for "Earth Day" to be observed April 22, 2003.

Casey Eckels, Recycling Manager, accepted the Proclamation and thanked everyone for recognizing the importance of Earth Day. She explained former Wisconsin Senator Gaylord Nelson, which gave birth to the modern environmental movement to the United States, had found it in 1970.

4. Drinking Water Weeks and 2003-Drop Savers Poster Contest

Commissioner Teel presented a Proclamation to Mike Bailey, Assistant Utilities Services Director, for "Drinking Water Week" which would be observed from May 4, 2003 to May 10, 2003.

Mike Bailey, Assistant Utilities Services Director, accepted the Proclamation, and stated that one of their initiatives during Drinking Water Week was to promote water conservation throughout the City and they had sponsored a Drop Savers Poster Contest. He proceeded to recognize the winners of the 2003 Drop Savers Poster Contest.

5. Arbor Day

Commissioner Trantalis presented a Proclamation for "Arbor Day" to be observed April 25, 2003.

Gene Dempsey, City Urban Forester, accepted the Proclamation and proceeded to invite everyone to the Arbor Day Program entitled "Cappucino Under the Canopy" which would be held this Friday at 5:30 p.m. at Soft Scapes Garden Gallery at the southeast corner of Interstate 95 and Broward Boulevard.

6. WOW Award

Commissioner Hutchinson presented the Community Appearance Board's WOW Award to Scot DiStefano of 2410 SW 29th Way (Woodside Drive), Riverland Woods.

The line of oaks at the rear of the property inspired this home's design and of the 32 existing trees, only one had been removed for construction, and then was replaced with six others. The home was constructed with heavy timber, corrugated metal, copper, stainless steel, and exposed concrete masonry.

Mr. DiStefano thanked everyone for his award and stated that the award being given him on Earth Day was an added blessing. He added that he had gone to great lengths to save the trees on the property, and he hoped other architects would go to the same lengths he had done to preserve the trees.

7. City Recognized Neighborhoods

Commissioner Hutchinson stated that she had championed for Neighborhood Recognition for about 18 months, and tonight the Commission would officially recognize neighborhoods in the City. She announced there would be 40 recognized at tonight's meeting.

Commissioner Hutchinson proceeded to present certificates and "goodie bags" to the City's Recognized Neighborhoods. She encouraged all neighborhoods to participate in this program.

Commissioner Hutchinson left the meeting at approximately 6:42 p.m.

8. Rugby Team World Cup - The Eagles

Mark Samet, Fort Lauderdale Rugby Club, made a presentation to "The Eagles" Rugby Team and announced that International Rugby was coming to Fort Lauderdale on Sunday, April 27, 2003 at 1:00 p.m. at Lockhart Stadium. He further announced that the US National Team, The Eagles, would take on Spain in a World Cup Qualifying Match and the winner would compete in Australia in October. He explained that the selection of the City by USA Rugby was a reflection upon the growing reputation of the City being a Rugby friendly community, which was the result of 27 years of the Fort Lauderdale's Club hosting their "International Rugger Fest" which would bring 40 teams to the City this year to compete.

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 - Rocksteady Meet Reggae

(M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Big Ship Foundation, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with **Rocksteady Meet Reggae** to be held **Sunday, June 15, 2003, from 12:00 noon to 12:00 midnight** at the Fort Lauderdale Stadium festival site.

Recommend: Motion to approve.

Exhibit: Memo No. 03-591 from City Manager.

Event Agreement - Broward Urban Music Summit

(M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **Nebula Educational Arts and Cultural Outreach** to indemnify, protect, and hold harmless the City from any liability in connection with the **Broward Urban Music Summit** to be held **Saturday, June 28, 2003 from 12:00 noon to 8:00 p.m.** at the Esplanade; and further authorizing the closing of S.W. 4 Avenue from the parking lot entrance south of the old Post Office site (leaving the parking lot open to the public) to the cul-de-sac at Riverwalk from 8:00 a.m. to 11:00 p.m. on the event day.

Recommend: Motion to approve.

Exhibit: Memo No.03-592 from City Manager.

Event Agreement - Soab Box Derby

(M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **YMCA of Broward County, Florida** to indemnify, protect, and hold harmless the City from any liability in connection with the **Soab Box Derby** to be held **Friday, May 16, 2003 from 12:00 noon to 10:00 p.m., and Saturday, May 17, 2003 from 7:00 a.m. to 6:00 p.m.** at Huizenga Plaza and the Andrews Avenue Bridge; and further authorizing the closing of South Andrews Avenue from S.E. 2 Street to S.E. 5 Street, and East Olas Boulevard from the alley between Las Olas Riverfront and Las Olas Park Place East to S.E. 1 Avenue, from 5:00 a.m. to 7:00 p.m. only on Saturday, May 17, 2003.

Recommend: Motion to approve.

Exhibit: Memo No. 03-593 from City Manager.

Payment to Ntaional Urban Fellows, Inc. for National Urban Fellowship Program Sponsorship - FY 2002/2003

(M-4)

A motion authorizing the payment of \$49,000 to the National Urban Fellows, Inc. for the National Urban Fellowship Program Sponsorship for FY 2002/2003.

Funds: \$49,000 from GEN040201/3299 (Mission Statement/Other Services)

Recommend: Motion to approve.

Exhibit: Memo No. 03-346 from City Manager.

Disbursement of Funds - Joint Investigation - O.R. No. 02-91100 - \$4,070.58 U.S. Currency

(M-5)

A motion authorizing the equitable disbursement of funds in the amount of \$4,070.58, with each of the 12 participating law enforcement agencies to receive \$339.21.

Recommend: Motion to approve.

Exhibit: Memo No. 03-3-8 from City Attorney.

Disbursement of Funds - Joint Investigation - O.R. No. 02-110243 - \$2,407.56 U.S. Currency

(M-6)

A motion authorizing the equitable disbursement of funds in the amount of \$2,407.56, with each of the 12 participating law enforcement agencies to receive \$200.63.

Recommend: Motion to approve

Exhibit: Memo No. 03-3-9 from City Attorney.

Disbursement of Funds - Joint Investigation - O.R. (M-7)
No. 02-110242 - \$3,407.56 U.S. Currency

A motion authorizing the equitable disbursement of funds in the amount of \$3,407.56, with each of the 12 participating law enforcement agencies to receive \$283.96.

Recommend: Motion to approve.
Exhibit: Memo No. 03-3-10 from City Attorney.

Disbursement of Funds - Joint Investigation - O.R. (M-8)
No. 00-11436 - \$17,010.95 U.S. Currency

A motion authorizing the equitable disbursement of funds in the amount of \$17,010.95, with each of the 14 participating law enforcement agencies to receive \$1,215.06.

Recommend: Motion to approve.
Exhibit: Memo No. 03-3-13 from City Attorney.

Disbursement of Funds - Joint Investigation - O.R. (M-9)
No. 01-104544 - \$9,004.30 U.S. Currency

A motion authorizing the equitable disbursement of funds in the amount of \$9,004.30, with each of the 14 participating law enforcement agencies to receive \$643.16.

Recommend: Motion to approve.
Exhibit: Memo No. 03-3-17 from City Attorney.

Disbursement of Funds - Joint Investigation - O.R. (M-10)
No. 02-14133 - \$236,836.41 U.S. Currency

A motion authorizing the equitable disbursement of funds in the amount of \$236,836.41, with each of the 12 participating law enforcement agencies to receive \$19,736.36.

Recommend: Motion to approve.
Exhibit: Memo No. 03-3-20 from City Attorney.

Contract Award - Environmental ands Analytical (M-11)
Management, Inc. (EAM Inc.) - Project 10629 -
Annual Mobile Laboratory Services

A motion authorizing the proper City officials to execute an agreement with EAM Inc. in the estimated amount of \$49,950 for the sanitary sewer, waterman replacement and force main construction project being completed under the City's Capital Improvement Program.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 03-611 from City Manager.

**Contract Award - Commercial Fence Contractors,
Inc. - Project 10462 - Executive Airport Airfield Access
and Security Program, Phase 2**

(M-12)

A motion authorizing the proper City officials to execute an agreement with Commercial Fence Contractors, Inc. in the amount of 41,683.078.74 for the rehabilitation of the Executive Airport Access Control and Security Program, Phase 2.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-470 from City Manager.

**Hold Harmless Agreements - Fire-Rescue and/or
Police Equipment - 2003 Air and Sea Show**

(M-13)

A motion authorizing the proper City officials to execute hold harmless agreements with Broward municipalities for the purpose of borrowing fire-rescue and/or police equipment for the 2003 Air and Sea Show.

Recommend: Motion to approve.

Exhibit: Memo No. 03-654 from City Manager.

**Change Order No. 1 - Creative Modular Systems, Inc.
Project 10348 - Fire Station No. 47 Renovation/Modular Building**

(M-14)

A motion authorizing the proper City officials to execute Change Order No. 1 with Creative Modular Systems, Inc. in the amount of \$27,015 for additional work related to the Fire Station No. 47 Renovation/Modular Building project.

Recommend: Motion to approve.

Exhibit: Memo No. 03-622 from City Manager.

**Lease Agreement - Nadja A. Horst, DMD, PA -
Shop No. 104 - City Park Mall**

(M-15)

A motion authorizing the proper City officials to execute a lease agreement with Nadja A. Horst, DMD, PA, for the operation of a general dentistry office located in Shop No. 104 at City Park Mall.

Recommend: Motion to approve.

Exhibit: Memo No. 03-457 from City Manager.

Task Order No. 03-04 - Hazen and Sawyer, P.A. - - (M-16)
Project 10661 - South Florida Water Management
District (SFWMD) - Consumptive use Permit Application

A motion authorizing the proper City officials to execute Task Order No. 03-04 with Hazen and Sawyer, P.A. in the amount of 433,300 for professional services related to the SFWMD's Consumptive Use Permit application.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-568 from City Manager.

Task Order No. 5, Amendment No. 2 - Westin Engineering - (M-17)
Project 00260 - Construction and Configuration Services
for Process Control Upgrades

A motion authorizing the proper City officials to execute Amendment No. 2 to Task Order No. 5 with Westin Engineering in the amount of \$574,029 for additional construction and configuration services associated with process control upgrades at the City's treatment plants.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-608 from City Manager.

Change Order No. 1 (Final) - Metro Equipment Services, (M-18)
Inc. - Project 10289 - Pump Stations B-2 and D-44
Rehabilitation, and Pump Station A-15 Relocation

A motion authorizing the proper City officials to execute Change Order No. 1 (Final) with Metro Equipment Services, Inc. in the **credit** amount of \$7,442.25 for services associated with the rehabilitation of Pump Stations B-2 and D-44 and the relocation of Pump Station A-15.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 03-609 from City Manager.

**Change Order No. 7 - Whiting-Turner Contracting, Inc. -
Project 10222 - City Park Mall Garage**

(M-19)

A motion authorizing the proper City officials to execute Change Order No. 7 with Whiting-turner Contracting, Inc. in the amount of \$201,917.20 for additional work related to the rehabilitation project for the City Park Mall Garage.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 03-566 from City Manager.

**Lease Agreement - Azorra Properties, Inc. - Marine
Facilities Office, 408 South Andrews Avenue**

(M-20)

A motion authorizing the proper City officials to execute a lease agreement with Azorra Properties, Inc. for the Marine Facilities office located at 408 South Andrews Avenue, for a term of one year effective May 1, 2003 through April 30, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 03-582 from City Manager.

**Transfer of General Fund Contingencies - Citizen
attendance at the 2003 Neighborhoods USA (NUSA) Conference**

(M-21)

A motion approving the transfer of \$5,000 from General Fund Contingencies to the Community and Economic Development Department budget in order to reimburse five (5) City residents for their attendance at the 2003 NUSA Conference to be held May 21-24, 2003 in Chattanooga, Tennessee.

Funds: Transfer \$5,000 from General Fund Contingencies to PED030301/4101 (Conferences)

Recommend: Motion to approve.

Exhibit: Memo No. 03-561 from City Manager.

**Apparatus Agreement - Broward County - Use of
Fire-Rescue Equipment**

(M-22)

A motion authorizing the proper City officials to execute an agreement with Broward County for the temporary use of County fire-rescue apparatus in cases of emergency or when the City's fleet reserve units have been temporarily depleted.

Recommend: Motion to approve.

Exhibit: Memo No. 03-530 from City Manager.

**Contract Award - American Door Company -
Project 10423-A - War Memorial Auditorium
Emergency Egress Door Replacement**

(M-23)

A motion authorizing the proper City officials to execute an agreement with American Door Company in the amount of \$47,860 for the replacement of the War Memorial Auditorium egress door under Section 2-179(2) of the Code of Ordinances.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-460 from City Manager.

**Master Lighting, Maintenance and Compensation
Agreement - Florida Department of Transportation (FDOT)**

(M-24)

A motion authorizing the proper City officials to execute a Master Lighting, Maintenance and Compensation Agreement with FDOT in order to outline maintenance responsibilities and compensation of such for the 1,938 State-owned streetlights in the City.

Recommend: Motion to approve.

Exhibit: Memo No. 03-618 from City Manager.

PURCHASING AGENDA

Proprietary - Haz-Mat Smart Strips

(Pur - 1)

An agreement to purchase Haz-Mat Smart Strips is being presented for approval by the Fire and Police Departments.

Recommended Award: Safety Solutions, Inc.

Boynton Beach, FL

Amount: \$ 20,800.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 03-543 from City Manager.

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

Sole Source - Specialty Beverages for Cajun Festival

(Pur-2)

An agreement to purchase specialty beverages for Cajun Festival is being presented for approval by the parks and Recreation Department.

Recommended Award: Gold Coast Beverage Distributing
Pompano Beach, FL
Amount: \$ 21,635.00 (estimated)
Bids Solicited/Rec'd: 2/1 with 1 no bid
Exhibits: Memorandum No. 03-534 from City Manager

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

Proprietary - Replacement Sludge Pump

(Pur-3)

An agreement to purchase a replacement sludge pump is being presented for approval by the Public Services Department.

Recommended Award: Hudson Pump & Equipment Assoc., LLC.
Lakeland, FL
Amount: \$ 24,997.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-519 from City Manager

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

432-8830 - Two-Year Contract for Fluoride

(Pur-4)

A two-year agreement to purchase fluoride is being presented for approval by the Public Services Department.

Recommended Award: Pennco, Inc.
Sealy, TX
Amount: \$ 37,537.50 (estimated annual total)
Bids Solicited/Rec'd: 63/5 with 3 no bids.
Exhibits: Memorandum No. 03-587 from City Manager

The Procurement and Materials Management Division agrees with the recommendation to award to the low responsive and responsible bidder.

Proprietary - Legal Publications and Books

(Pur-5)

An agreement to purchase legal publications and reference books is being presented for approval by the City Attorney's Office.

Recommended Award: West Group
Carol Stream, IL
Amount: \$ 35,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-409 from City Manager

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

Mayor Naugle announced that Item M-23 would be pulled from the Consent Agenda and would be approved later on during the meeting as a resolution. He also stated that Item R-1 would be deleted from the Agenda and rescheduled in the near future.

Motion made by Commissioner Moore and seconded by Commissioner Teel that Consent Agenda Item Nos. M-14, M-16, M-17, M-22, and M-24 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.

**Change Order No. 1 - Creative Modular Systems, Inc. -
Project 10348 - Fire Station No. 47 Renovation/Modular Building**

(M-14)

Commissioner Hutchinson stated that she had pulled this item, and continued stating that it appeared they wanted this particular modular to last for a while since they were going to install vinyl flooring. She further stated that she was concerned they would be wasting their money. She also proceeded to ask about the status of Station No. 47 and the rebuild.

Wayne Jessup, City Architect, explained that they used vinyl flooring at a lot of facilities at the present time due to its long life.

Commissioner Hutchinson asked about the rebuild for Station No. 47.

Otis Latin, Chief Fire-Rescue, stated that they had not started the design yet, but that was the next phase.

Commissioner Hutchinson asked if they knew when the modular would be delivered. Mr. Jessup stated that it would be delivered in approximately 3 months.

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

**Task Order No. 03-04 - Hazen and Sawyer, P.A. -
Project 10661 - South Florida Water Management
District (SFWMD) - Consumptive Use Permit Application**

(M-16)

Commissioner Hutchinson stated that she had pulled this item, and wanted some further clarification of the matter.

Maurice Tobon, Engineering Design Manager, stated that the Water Management District required them to obtain a consumptive use permit which was an allocation of how much water could be taken from the wellfields. He further explained they were seeking a renewal of the permit because the existing one expired in 2007.

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.

**Task Order No. 5, Amendment No. 2 - Westin Engineering -
Project 00260 - Construction and Configuration Services for
Process Control Upgrades**

(M-17)

Commissioner Hutchinson stated that she had pulled this item and proceeded to ask for an overview of the matter.

Maurice Tobon, Engineering Design Manager, stated that they now had a contract with ABB for instrumentation and control upgrades at the G.T. Lohmeyer Wastewater Treatment Plant, and for a telemetry system at 40 pump stations. He explained that Westin Engineering was the instrumentation and control consultant. During the last two years they had been working on this project. He explained that ABB had been very lackadaisical in their approach to the contract and had not supplied adequate resources or manpower to the project, and therefore, the project fell behind schedule. Since then, they had met with several Vice-Presidents and voiced their concerns and listed their requirements, and informed ABB that the engineering costs being borne by Westin would be ABB's responsibility. He further explained they were proposing this amendment in order to complete Phase I. He stated that Phase II would move forward with the initial technology proposed which involved the pump stations. He further stated they were going to move forward with ABB doing Phase II also. He explained they were going to do a radio survey whereby they would go to the pump stations in the hub sites and test the technology in order to see if the requirements would be met. If the requirements were not met, then they would renegotiate either with ABB or another supplier. He explained that during this survey they needed Westin Engineering's assistance.

Commissioner Trantalis stated that after hearing this explanation the matter sounded worse, and he asked for further clarification regarding the recovery of the funds.

Mr. Tobon replied that in the contract documents it stated if extra engineering was needed due to the fact that the contractor had not met the schedule, the City would be entitled to recover such funds for those services from the contractor. Mr. Tobon further explained that the recovery of the monies would come at the end of the project, and they had not paid ABB any money as of this point in time. He stated that ABB had committed to supplying the necessary manpower and would move forward on the project with a completion date set for September 2003. He continued stating that the next phase would involve paying

ABB \$2.5 Million and explained that ABB was a multi-billion dollar company. Mr. Tobon explained that the total amount of the contract was \$4.5 Million.

Commissioner Moore asked if there was any bond on this project. Mr. Tobon confirmed there was a bond.

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

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

Apparatus Agreement - Broward County - Use of Fire-Rescue Equipment

(M-22)

Commissioner Hutchinson stated that she had pulled this item, and stated that it was a shame the City did not have a decent reserve fleet. She stated that she would not support this item.

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

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

Master Lighting, Maintenance and Compensation Agreement - Florida Department of Transportation (FDOT)

(M-24)

Commissioner Hutchinson stated that she had pulled this item and stated it appeared they were going to receive about \$37,000 during the first year, and asked if the amount would increase over the course of time.

Hector Castro, City Engineer, stated that DOT was going to try and increase the amount to what they felt would be full compensation for maintenance which would probably be about \$290,000 per year. He stated he did not have a great deal of confidence that the monies would be available in the future, and it would be good if they at least received \$100,000 per year. He stated the good news was that this was the first time they ever received any compensation for doing the work.

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

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

MOTIONS

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

Proposed Lien Settlement - Special Master Case

(M-25)

Commissioner Moore requested this matter be tabled to the next meeting.

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

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

Settlement of Workers Compensation File Nos. (M-26)
WC-91-6584 and WC-97-9428 (Tara Mager)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the settlement as recommended.

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

City Commission Request for Review - Site Plan (M-27)
Approval/Yard Modifications/RMH-60 - The
Lafayette (PZ Case No. 124-R-02)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to schedule the public hearing for review of the application on May 6, 2003 at 6:00 p.m.

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

ORDINANCES

Amend ULDR Chapter 47 - Regulations for Fences (O-1)
and Walls (PZ Case No. 9-T-02)

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. Ordinance No. C-03-19 was published March 22 and 29, 2003, and April 12, 2003, and was approved on first reading April 3, 2003 by a vote of 5-0.

Applicant: City of Fort Lauderdale/Construction Services Bureau
Request: Amend various sections in ULDR Chapter 47 regarding regulations for fences and walls.

Commissioner Moore introduced the following ordinance on second 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; RE-ORGANIZING REGULATIONS INTO DIFFERENT SECTIONS OF THE ULDR; CLARIFYING CERTAIN LANGUAGE AND AMENDING PROVISIONS WITHIN THE ULDR TO BE INTERNALLY CONSISTENT.

Which ordinance was read by title only.

Commissioner Trantalis asked once this was implemented, how would it affect existing wall structures.

The City Attorney stated that anything already in existence when the ordinance was passed would be non-conforming. If repairs were required that would be more than 50% of its value, then it would have to meet Code.

Commissioner Trantalis asked if there was an existing structure that had never been permitted and was non-conforming, what affect would there be on the passage of this amendment.

The City Attorney explained if it never had a permit, then it would not be grandfathered in because the grandfathering privilege was basically an equitable estoppel theory, and there had to be some act of government upon which they had relied. The position would not change, but what they would do was make the owner get an "after-the-fact" permit and bring things up to Code.

Commissioner Moore remarked that he did not like this Ordinance because he felt it was too confining in many areas, especially in regard to fencing. He further stated that he found it impossible for someone to navigate through the process. He stated that he had voted for this ordinance on the first reading and thought he had asked for someone to meet with him and attempt to validate the rationale behind the stringent guidelines regarding fencing, but since that did not take place, he stated he would not support this ordinance.

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

**Vacate Alley - Fort Lauderdale Nissan, Inc.
and City/County Credit Union (PZ Case No. 16-P-02)**

(O-2)

An ordinance approving the vacation of an alley, which was approved by the Planning and Zoning Board on December 18, 2002 by a vote of 5-4. Ordinance No. C-03-13 was published January 23 and 30, 2003. On February 4, 2003, the City Commission deferred first reading to March 4, 2003 by a vote of 5-0; on March 4, 2003, the City Commission approved this ordinance on first reading by a vote of 4-1 (Katz); on March 18, 2003, the City Commission approved this ordinance on second reading by a vote of 5-0. On April 3, 2003, the City Commission approved reconsideration of this ordinance for April 22, 2003 by a vote of 5-0. Notice of proposed ordinance was then published April 12, 2003.

Applicant: Fort Lauderdale Nissan, Inc. and City/County Credit Union
Request: Vacate alley
Location: East side of Federal Highway, between S.E. 13 Street and S.E. 14 Street

Commissioner Hutchinson stated that she had asked for a reconsideration of this item because of a condition that came from the Planning and Zoning Board. She stated the condition was to pave the other alley what was not being vacated. She explained that she was uncomfortable with what she had voted for because she felt she might be setting precedence in the City for other alleys. She felt if a portion of the alley that was to be paved wanted to be vacated, then the applicant needed to go through the process the same as the other alley.

Commissioner Hutchinson reiterated that she had asked for this reconsideration so she could change her vote. She felt if a portion of it was going to be closed, then there would be no way for cars to turn around. She continued stating that the biggest percentage of people this would affect uses the alley for parking either for themselves or for their guests.

Hector Castro, City Engineer, stated that as an engineer he agreed with the assessment made. He stated his concern was that there was no room for anyone to turn around, and what the Commission had voted on last time was to permit some sort of a road closure or alley closure in the form of landscaping which would prohibit people from traversing the complete length of the alley. He stated that the remaining portion south of Lot No. 2 would be paved for use. He continued stating that there appeared to be about 3 different properties, which access the rear of their properties from this alley beginning with Lot No. 2 going south to 14th Street. He suggested that the whole alley be paved and left opened. He stated that traffic calming could be done if people were concerned about an increase in traffic as a result of the paving.

Commissioner Hutchinson agreed with Mr. Castro's recommendation.

Margaret Croxton, Lobbyist, proceeded to show pictures of the homes in the area, along with photographs of their pool.

Tina DiMarco, President of Southport Townhomes, stated that she was confused at this point. She stated she had requested at the first meeting that the alleyway be paved and she had been told it could be done, but the City would not pay for it. She stated that she went to the developer and the owner of the property who wanted to vacate the alley, and they had agreed to pave the alley. She stated at the next meeting she had been told the item had passed. After thinking this was a done deal, at the next meeting Former Commissioner Smith had suggested that the alleyway be deadened and landscaped. She stated that was not what any of the owners of Lot Nos. 2, 3, 4, 5, or 6 wanted. She reiterated that the owners wanted the alleyway paved, speed bumped, and left open because there was trash pickup back there, parking, and mahogany trees which FPL needed to trim. She remarked they did not want people backing down the alleyway. She stated the paving would cut down on dirt and dust.

County Commissioner John Rodstrom, 1301 Miami Road, stated that they had been opposed to the alleyway vacation because presently the alleyway was not used, and once the development was built, it would be used. He proceeded to show on a map how he felt the traffic would proceed through the alleyway. He stated that the property owners had not objected at a previous meeting to the alleyway being dead-ended, but tonight they objected. He stated further that there were no objections raised the night the compromise had been offered. He stated everyone recognized the fact that there would be an increase in traffic on the alleyway due to the vacation of the original alleyway. He felt they had reached a good solution with a dead-end sign placed at the end of the street in order to keep traffic from going up the street the wrong way, except for the people living there. He stated that their trash was picked up on the main street, which was Miami Road.

Kevin Hall, Southport Townhomes, stated that he had attended some of the previous meetings and he did not know where this compromise had been agreed upon, and to the best of his knowledge they had agreed upon the paving of the alleyway. He felt this might have been a last minute item, which slipped past everyone because none of them were aware of a compromise as this being made. He further stated that Lot No. 6 which was a multi-unit apartment building had a dumpster behind the units on the alleyway. He reiterated that it was completely illogical to him as to why they would want to close the alley.

Mayor Naugle stated that the proposal had been not to vacate that portion of the alley but to install a barricade so traffic would not pass through.

Mr. Hall asked that this matter be further clarified. He stated the compromise he was aware of consisted of them finding someone to pave the alley.

Brad Ashlund, 1315 S. Miami Road, stated that he was in support of paving the entire alleyway.

Anthony Sanock stated that he actually had a designated space in the alleyway and used it daily, along with his guests. He stated that the alley should be paved. He stated that he owned Lot Nos. 3, 4, and 5.

Commissioner Rodstrom added that they would agree to the alley being dead-ended at their portion of it, but he stated they felt the City should not encourage people to use it.

Ms. DiMarco stated that the original compromise was not to pave Lot No. 1's portion of the alleyway. She further stated that Former Commissioner Smith proposed the second compromise and the townhome owners had no say so at all. She also proceeded to show photographs of where the new townhomes were going to be. She explained that they would only have one garage on the alleyway. She asked that the alleyway be paved, speed bumps installed, and it be left opened.

Commissioner Hutchinson stated her only concern was that they would be stunting the process. She felt if they wanted to vacate a portion of the alley, the property owner needed to go through the process.

Motion made by Commissioner Hutchinson that the alley in question be paved, it stays open and some sort of traffic calming device be installed. If the property owners at Lot No. 1 wanted to proceed with a vacation, then they could go through the process. She felt that things were not being done in accordance with the direction of the City's Engineering Department. She felt the process was being skirted. Commissioner Trantalis asked if anything had changed since the first two times it had been before the City Commission. Mayor Naugle stated that before the solution had been made with landscaping, no one in the audience had a chance to react to the proposal. He felt the conversation had focused on the real vacation of the alley.

Commissioner Hutchinson reiterated what had been passed by Planning and Zoning, and stated things changed when it had come before the Commission.

Commissioner Trantalis stated that with the L-shaped portion being paved, it appeared this would encourage traffic that would impact the alley between Lot Nos. 1 through 6. He felt the applicant was looking for some method that would discourage the use of the alley, and a proposal had been made to install a barricade at Lot No. 1.

Commissioner Hutchinson reiterated that the applicant was not Lot No.1, but was the City/County Credit Union. Commissioner Trantalis reiterated that in any case it would impact the property owners which owned property adjacent to the alley. He felt if there was a reasoning behind passing this twice before, and he wanted to know what had changed that the neighbors now objected.

Commissioner Hutchinson remarked that the owners of Lot Nos. 2 through 6 always wanted the alley to be paved. She stated that agreements had been signed and encouraged the applicant to pave it. She stated it was the last minute "deal" from the dais which proposed the landscaping at Lot No. 1 and was something that happened very quickly.

Commissioner Trantalis remarked that the "deal" had been mentioned during the first reading and not the second time, and therefore, the owners had the opportunity to object to it if they felt it was contrary to their interests.

Commissioner Moore stated that the photographs shown this evening were different than the ones shown at the first meeting. He stated he did not realize there was a fence at the rear of the property at Lot No. 1, and asked if it was a new construction. He was informed that the fence had always been there. Commissioner Moore asked for some clarification of the pictures. Mayor Naugle remarked that the actual vacation would be the part of the alley, which was shaded on the drawing.

Lois Udvardy, Planning and Zoning, explained that the vacated area would be dedicated as a utilities roadway and landscaping easement. Ms. Udvardy further stated that Parcel "A", and Lot Nos. 7, 8, 9 and 10 were part of the City/County Credit Union Automobile Dealership. She stated that Lot No. 18 was the proposed five-unit townhouse.

Commissioner Moore asked if the individuals at Lot No. 18 would be able to utilize S.E. 13th Street. Ms. Udvardy explained that Lot No. 18 would have one driveway off S.E. 13th Street. Commissioner Moore asked if there would be any need for cars utilizing the alley in order to gain access to Lot No. 18. Ms. Udvardy proceeded to show on the map how the cars would access Lot No. 18. She advised that there had been a condition that the alley be one-way.

Hector Castro, City Engineer, stated that the one-way L-shaped alley would go southbound from 13th Street, then east to the alley in question, and then the cars would likely turn south heading towards 14th Street because the left-turn movement to travel north on the alley was too sharp.

Commissioner Moore stated that the issue of increased traffic could be a misnomer. He stated that something should be placed at the location to divert a left-turn forcing everything to the right. Therefore, if that was the case individuals owning Lot Nos. 2, 3, 4, 5 and 6 would only access the alley coming off of 13th Street and that alley could also be one-way. He asked what the negative would be to such a proposal.

Mr. Castro stated they could consider making the diagonal alley one-way. He stated that he believed the back out parking, which existed, on the diagonal alley was 90 degrees. As it presently existed, he stated he was not sure how the alley would be used. He further stated the intent was for the diagonal alley to be two ways with the L-shaped alley one way. He stated they could place a sign at the location.

Commissioner Moore reiterated that there was a consensus to pave the alley in order to cut down on dirt and dust. He also stated that the owners of Lot No. 1 were only concerned about an increase in traffic. He asked the owner of Lot No. 1 if the above suggestion would somewhat address the matter.

Commissioner Rodstrom stated that anytime a road was paved, traffic would be increased.

Mr. Castro stated that he had just spoken with Ms. DiMarco and she felt that making the alley one-way would not be a problem. He stated that since the alley was only 15', two-way traffic was difficult. He further stated that the only downside to making the alley one-way would insure that people using the alley would go past Lot No. 1.

Commissioner Moore asked if most of the individuals entered the property from S.E. 14th Street or from S.E. 13th Street.

Ms. DiMarco stated that the owners of Lot Nos. 3, 4 and 5 enter from S.E. 14th Street, and the owners of Lot No. 2 entered from 13th Street. She stated that she had spoken to the property owners who were present this evening from Lot Nos. 3, 4 and 5, and if this was the compromise needed to settle the matter, get the alleyway paved, and make the homeowners happy, they would agree to it.

Commissioner Moore stated that if the paving was done and calming devices installed, the owner of Lot No. 1 would still have the opportunity to go through the process and ask for an alley vacation.

Commissioner Hutchinson stated there always was a process as to the vacation of streets and alleys. She stated that she felt this went back to enforcement. Commissioner Moore suggested that additional landscaping be put at the front of Lot No. 18 in order to make the road narrower and undesirable for anyone to use.

Commissioner Rodstrom stated that if the road was paved behind Lot No. 1, they would not be able to get an alleyway vacation approved. He believed the neighborhood would oppose such a vacation and they would be back in the same position.

Commissioner Moore agreed that a future vacation could be difficult, but asked if the developer of Lot No. 18 could narrow the alleyway and landscape it more and make it one-way with possible speed humps or another type of calming device.

Commissioner Rodstrom reiterated that the fence had been installed to protect the property from the neighborhood, and if the road was vacated the fence would not be needed. He stated the alleyway was not good for anyone in its current state.

Commissioner Moore stated he was concerned because if the one-way was done in the manner he suggested, it would not give that owner access to their property.

Commissioner Trantalis stated that Commissioner Rodstrom had offered an alternative by moving the barrier down to Lot No. 2 and 3. Commissioner Rodstrom stated that would be fine as long as the property owners had access to their homes.

Mr. Castro stated that he agreed with Commissioner Rodstrom that the likelihood of a future vacation would be slim to none because if the alley was dead-ended, the City would require a turn-around area as a condition, which would require private property to be dedicated to the City and that would also be unlikely.

Commissioner Moore asked if there was some device which would block the alleyway at Lot No. 2 could the property owners still have access to their property, and would the trash trucks still be able to enter.

Mayor Naugle stated that the question was if the barricade was between Lot Nos. 2 and 3, how would that affect the driveway and entrance for Lot No. 18 located on the diagonal alley.

Mr. Castro explained that could pose a problem because one of the garages access off the diagonal alley and was very close to the property line for Lot Nos. 2 and 3.

Commissioner Teel asked where the townhouse accessed the alley for their garage.

Craig Edewaard, developer, stated that there was presently a block wall, which separated the old Nissan dealership from the properties. He explained they designed the homes with one garage on 13th Street,

three on the existing alleyway, and one on the other alley they were supposedly going to pave. He proceeded to show on the map how traffic might flow using the alleyway.

Mayor Naugle asked if the closure was placed between Lot Nos. 2 and 3, then Lot No. 2 would enter and exit from the north, and the one parking space for the corner unit would go north, and the extra space would go to the south. He asked if that would pose any problems.

Mr. Edewaard stated if they went north there would be no problem, but the problem would be how the owners of Lot Nos. 3, 4 and 5 and the townhouses would get to their properties. He stated he would then have to give permission for them to drive over his land, which he would have to insure, but it there would still be a dead-end from either direction.

Commissioner Moore asked if the alley was one-way going south, how would that affect Mr. Edewaard's concept.

Mr. Edewaard stated it would not adversely affect him at all. He stated the paving was being done, and since the City/County Credit Union changed their use for the property they had to vacate the alley in order to landscape properly due to the ordinance.

Commissioner Moore asked if 13th Street to 14th Street was one way, the alleyway was narrowed and additional landscaping or calming devices were added, he felt this would deter the flow of traffic and still offer accessibility to the property owners.

Mr. Castro stated that would be a reasonable compromise and he had spoken to the representative of the Credit Union, and they had stated there were willing to fund some speed humps.

Commissioner Hutchinson reiterated that she wanted the alley left open.

Commissioner Moore stated that he agreed with Commissioner Rodstrom that the likelihood of a future vacation was slim to none based on the public's input.

Commissioner Rodstrom stated that the compromise first made by the Commission was more beneficial to him because if the property was vacated, they would not have to worry about an increase in traffic and the fence could come down. He stated that opening the road would be less beneficial. He further stated that this was a classic case of a development coming in and impacting a neighborhood. He stated it was clear to him at a previous meeting that they had an opportunity to come back and come before the Commission for an alleyway vacation for their lot, but now that was lost.

Mayor Naugle asked if Commissioner Moore's suggestions would be an improvement.

Commissioner Rodstrom stated no one wanted a roadway behind their house, and this was what they had at this time.

Commissioner Moore asked if you vacated a property, it went 50/50. Mr. Castro stated according to how the property was platted that was correct.

Commissioner Teel stated she was concerned about some of the comments made regarding the alley being one-way.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that a condition as to the vacation of the alleyway was that the north/south alley be paved and be one-way, some type of traffic calming device be installed, the alley remain open, and extra landscaping be provided to narrow the alley in front of Lot No. 18.

Commissioner Moore asked about the alley being one-way. Commissioner Hutchinson stated she had no objection and it could be signed that way, but felt it would come down to enforcement. She agreed the one-way language could be added to the motion.

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

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

ORDINANCE NO. C-03-13

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THE ALLEY EAST OF AND ADJACENT TO PARCEL "A" "A RE-PLAT OF A PORTION OF BLOCK 6 EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 66, PAGE 34, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND THE PORTION OF THE EAST TO WEST ALLEY LYING IN BLOCK 6, "EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTH OF AND ADJACENT TO LOTS 7, 8 AND 9 OF SAID BLOCK 6, LOCATED SOUTH OF SOUTHEAST 13TH STREET, NORTH OF SOUTHEAST 14TH STREET, BETWEEN FEDERAL HIGHWAY AND MIAMI ROAD, 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, Moore, Hutchinson, Teel, and Mayor Naugle. NAYS: None.

RESOLUTIONS

**Executive Airport - Parcel 10 Lease Amendment -
World Jet, Inc./R.D. Whittington**

(R-1)

A resolution authorizing the proper city officials to execute a lease amendment with World Jet, Inc./R.D. Whittington for Parcel 10 to correct and clarify the lease language related to the Assignment and Subleasing Provisions and Rights to Mortgage Lessee's Interest Under the Lease and Rights of Leasehold Mortgages.

This item was deleted from the agenda and would be rescheduled at a later time.

Plat Approval - Cabba Inc. - "Grandeur Plat"
(PZ Case No. 24-P-02)

(R-2)

At the Planning and Zoning Board special meeting of March 26, 2003, it was recommended by a vote of 9-0 that the following application be approved:

Applicant: Cabba Inc.
Request: Plat approval
Location: 1360 Bayview Drive

Mayor Naugle left the meeting at approximately 8:10 p.m.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT KNOWN AS "GRANDEUR" PLAT.

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

Vacate Utility Easement - D & F Horvitz -
1700 S.E. 4 Street (DRC Case No. 9-M-02)

(R-3)

A resolution approving the vacation of the following utility easement:

Applicant: D&F Horvitz
Request: Vacate utility easement
Location: 1700 S.E. 4 Street

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN UTILITY EASEMENT LYING OVER AND ACROSS THE SOUTH 25 FEET OF THE RIGHT-OF-WAY FOR SOUTHEAST 4TH STREET (PLATTED AS NORTH FIRST STREET) VACATED BY ORDINANCE NO. C-92-8, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 17TH AVENUE, (PLATTED AS AVENUE "H") AND WEST OF THE SOSPIRO CANAL, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Financing for Purchase of LifePac 12's for the Fire-Rescue Department - SunTrust Leasing Corporation

(R-4)

A resolution authorizing the proper City officials to execute all documents necessary to borrow \$740,685 from the SunTrust Leasing Corporation to fund the purchase of 36 LifePac 12's for the Fire-Rescue Department, as approved by the City Commission on April 3, 2003.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE UTILIZATION OF THE SUNTRUST LEASING CORPORATION MASTER LEASE FINANCE PROGRAM TO FINANCE THE PURCHASE OF LIFEPAK 12'S FOR THE FIRE-RESCUE DEPARTMENT.

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

Memorandum of Agreement - Florida Department of Transportation (FDOT) and Broward County - Landscaping Improvements on the Northeast Quadrant of I-95 and the Sunrise Boulevard Interchange

(R-5)

A resolution authorizing the proper City officials to execute a Memorandum of Agreement with FDOT and Broward County for landscaping improvements on the northeast quadrant of I-95 and the Sunrise Boulevard Interchange.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-78

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A MAINTENANCE MEMORANDUM OF AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND BROWARD COUNTY FOR LANDSCAPING IMPROVEMENTS TO THE NORTHEAST QUADRANT OF I-95 AND THE SUNRISE BOULEVARD INTERCHANGE.

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

**Contract Award - American Door Company - Project
10423 - A - War Memorial Auditorium Emergency
Egress Door Replacement**

(M-23)

A resolution authorizing the proper City officials to execute an agreement with American Door Company in the amount of \$47,860 for the replacement of the War Memorial Auditorium egress door under Section 2-179(2) of the Code of Ordinances.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 2-179(2) OF THE CODE OF ORDINANCES, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT WITH AMERICAN DOOR COMPANY, PROVIDING FOR AN EMERGENCY REPLACEMENT OF THE EGRESS DOORS AT WAR MEMORIAL AUDITORIUM.

Which resolution was read by title only.

Commissioner Trantalis asked for further clarification of the doors to be replaced.

Hector Castro, City Engineer, stated that there were 13 pairs of doors that this would be covering.

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

Advisory Board Appointments

(OB)

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

Charter Revision Board:

Dale Fertig
Susan Tramer
Dan Lewis
James D. Camp, Jr.

Community Appearance Board:

Drew Pickens

Education Advisory Board:

Tanner Demmery
Elaine Schulze
Nancy K. Thomas
Maureen McNulty
Chris W. Carney
Dr. Gina Eyermin
William J. Dudley, Jr.
Pearl Maloney
Lincoln Pasteur
Rachel Burton

Marine Advisory Board:

Tom Gleason
Rick Shulze
Barry Flanigan
David McNulty
Dr. Geraldine Udell
Joseph Hessmann
Roger McKee
Richard Duncan
Bernard Gartner
Ted Peterson

Planning and Zoning Board:

Charlotte Rodstrom

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 03-80

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.

Purchase of Land

(OB)

The City Manager stated that the County was seeking the support of this Commission for the site known as 121, Mills Pond Addition, located within the City of Fort Lauderdale. He explained that they were seeking the Commission's support before May 1, 2003, so they could obtain the FTC grant for acquisition of the property.

Mayor Naugle remarked that the City did not receive the letter requesting this support until April 18, 2003, and there were no Commission meetings scheduled between now and May 1, 2003.

Commissioner Moore asked if this was the property the City felt was undevelopable. Mayor Naugle confirmed. Commissioner Moore asked if they were going to be using the Land Preservation Funds from the bond issue or were they going to another source for the funding.

The City Manager explained they were looking to use Safe Parks and Land Preservation Bond Program, which was through the State.

Mayor Naugle asked if it would take away the City's opportunity to obtain some items needed.

Commissioner Hutchinson remarked that she would like to see some of the Land Preservation monies spent.

Mayor Naugle asked for a resolution authorizing the City Manager to write a letter to the County giving this Commission's support.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the City Manager to write a letter to the County offering the City's support in connection with the purchase of the land.

Commissioner Trantalis asked if the land was undevelopable, why did the County want to purchase it.

Mayor Naugle stated the City felt it was undevelopable because it had no access, and he did not feel it had much value. Commissioner Moore remarked it was sensitive lands and he did not feel anything could be done with the site.

Commissioner Hutchinson asked if a call could be placed to the County before any letter would be written asking what they intended to do with the site.

Phil Thornburg, Parks and Recreation, stated that the County was interested in acquiring the land and knew it was undevelopable, but they wanted to remove the exotics and it could revert back to its natural state. He reiterated they were going to use Park Bond money and were looking for a State grant to reimburse the money they were fronting.

Commissioner Moore stated he wanted to withdraw his motion.

Commissioner Hutchinson asked how much money was involved. Mr. Thornburg stated he thought it was around half a million dollars. He stated it was his impression that the County Commission had approved the purchase with preservation money, and now they were going to the State in an attempt to get an FTC Grant for at least partial reimbursement.

Mayor Naugle suggested the motion be worded in a way that no credit be taken away from the City of Fort Lauderdale.

Commissioner Moore asked if the Parks Bond money had already been spent or had they allocated it for the acquisition. Mr. Thornburg stated that it was his understanding that the County Commission had approved the purchase of the property.

Motion made by Commissioner Moore that the Commission was in support of the State funding the acquisition of the particular land, and if the State returned the figure that it was to replace the Parks Bond money for other purchases in Fort Lauderdale.

Commissioner Hutchinson stated she wanted parcels to be bought.

Commissioner Trantalis stated the whole point was that the land should not be bought because in its present state it was on the taxrolls, and by taking the half-million dollars was the City foregoing getting bond money for other projects. Commissioner Moore stated he was suggesting the motion in the above manner because it seemed they had already spent the Parks Bond money, and if they were going to try and gather the money as a return and the City put the caveat that what was returned would be spent for City assemblage of park land, he had no problem with this.

Greg Kisela, Assistant City Manager, stated that the land had value in relation to the environmental standpoint, which was why the County wanted to acquire it. Mayor Naugle remarked that they were calling it a Manatee Habitat. Mr. Kisela stated the current owner was not obligated to remove the exotics from the site, therefore, from a preservation and environmental standpoint that was why the County wanted to acquire and control it. From a development standpoint, if they allowed the exotics they would lose the environmental benefits and that was why they wanted to preserve it.

The City Manager stated that upon reading the material further, it stated in one of the attachments that the City of Fort Lauderdale would be required to meet all the obligations of the grant application, and he stated he had not yet read that information. He suggested that if the Commission wanted to support this from the standpoint that a benefit would be accrued for the City in regard to sharing State Grant money, as long as it did not obligate the City beyond their ability to comply, he would send the letter. He stated that he needed assurance from the County that that was the case.

Mr. Kisela clarified that several years ago when they identified the conservation green space parcels which they desired to purchase within the City limits, one of the requirements they asked for was the City agreeable to maintain the property if they acquired it. He reiterated that the City had previously committed to maintaining the exotics on the conservation green.

Commissioner Moore stated that they had given the County a priority of properties that the City wanted, and the item not on the list which the City did not care to have, was the concerned site. Commissioner Moore stated he did not want to deal with this any longer. If the money was already spent, then he stated he wanted to deal with this in a reasonable manner.

Mayor Naugle stated this had not been sent to the City in a timely manner, and therefore, more information was needed and the matter could be brought back before the Commission in May, if it was the desire of the City Manager.

Commissioner Moore left the meeting at approximately 8:23 p.m.

Announcement for N.W. 19 Street Median Improvements

(OB)

The City Manager stated that at the request of Lauderdale Manors, he was asked to make the following announcement:

“The City of Fort Lauderdale had been requested by the local community to study and design medians to be installed on NW 19th Street. The limit of this project was from NW 9th Avenue and Powerline Road to NW 31st Avenue, which was the City’s limit. The City of Fort Lauderdale’s Engineering Division would host a public meeting to present and discuss design concepts for 19th Street and the meeting was scheduled for Wednesday, April 23, 2003 between 6:00 p.m. and 8:00 p.m. and everyone interested in the project was invited to attend. The meeting would be held in the Lauderdale Manors Recreation Center located at 1340 Chateau Park Drive in Fort Lauderdale.”

School Board of Broward County Facilities Plan

(OB)

The City Manager continued stating that the other thing of importance at this time dealt with the unveiling of the School Board’s Plan for School Facilities. He announced that the meeting time had been rescheduled for April 29, 2003. He stated they had been attempting to get a time certain so Commissioners who wanted to attend could do so. He further stated that he had been in touch with School Board Member Lois Wexler and as soon as the information was received, it would be passed on to the Commission. He asked if the Commission wanted to select a representative to speak regarding the Commission’s concerns and interests, or should everyone attend.

Mayor Naugle asked Commissioner Hutchinson if she could attend the meeting. Commissioner Hutchinson agreed to attend the meeting and asked if Leslie Carhart could attend with her.

Mayor Naugle asked about the Interlocal Agreement. Commissioner Hutchinson remarked that many cities had made adjustments to the agreement. Mayor Naugle remarked that he wanted to consider some of the adjustments, which had been suggested. He asked if they could hold up on signing the agreement

until all information had been reviewed. The City Manager stated he believed the agreement had not yet been signed.

Employee Health Benefits

(OB)

It was requested that the President of the FOPA address the Commission.

Mayor Naugle asked if they wanted to speak from the Commission since he had not heard from them requesting to do so.

Sam Warren, President of the FOPA, thanked the Commission for letting him speak this evening. He stated that at the February 18, 2003 meeting, the Commission withheld the imposing of the increased rates for the employees which they appreciated. At that same meeting, the Commission had agreed that until the Union was satisfied that they had received all requested information, the rates would not be imposed. He reiterated that on May 2, 2003 the rates were to be imposed upon the employees. This past Saturday, he explained that he had received a packet of information in the mail at his home. He continued to state that other individuals who were to receive such information had not received it as of this date.

Mr. Warren reiterated that one of their complaints had been that the retiree and COBRA claims were being added to their deficit, and during the five months alone there were \$526,458 worth of claims. He stated they were concerned about the remaining claims they felt they were not responsible for going to total. He stated they were going to arbitration on this matter next week and wanted these issues resolved. He felt they were not making any progress. A meeting had been held with the Labor Relations Director, Director of Finance, and the Insurance Consultant to discuss possible alternatives.

Commissioner Moore returned to the meeting at approximately 8:27 p.m.

Mr. Warren stated that since the beginning they had made payroll deductions according to the contract or a reduction could be made in benefits, and both had been done. He continued stating that they wanted this matter resolved so they could move forward and make the plan work. He stated the employees could not afford the rates being imposed. He stated that they had made a recommendation to the Labor Relations office to resolve the matter, and were asked what options were available. He stated that one option was to break away from the City just like the Police and Fire Department had done and go off on their own and make things work so the employees could become stable. He explained that three changes had been made during the last 2 years, which was costly to the plan. During the meeting, Scott Milinski, Labor Relations Director, had stated they would get back with the Union within a week. Mr. Warren stated they did not get back with them for two weeks.

Mr. Warren explained that another proposal made at the meeting was that the President of the Union be a full time position. He stated that elections would be held in December or January. They were told that would be a "deal breaker." He asked why this would be a "deal breaker," and Mr. Milinski explained it was because of everything done by the Union. He stated the Union had called for the City Manager's job and then a vote of no competence was called for regarding Mr. Milinski. Mr. Warren stated that Mr. Milinski was yelling.

Mr. Warren further stated that the newspaper articles regarding Elgin Jones were all issues and because the Union was fighting for their employees, Mr. Milinski chastised him in front of everyone. Mr. Warren felt Mr. Milinski had no right to do that, and about an hour later had called Mr. Capreta and apologized for his behavior, but as of this date he had not apologized to Mr. Warren.

Mayor Naugle asked if the Union had brought this issue up before the City Manager. Mr. Warren stated he had not and felt that Mr. Milinski would call and apologize. He stated that he had asked Mr. Milinski how they could rebuild the "bridge" between them. Mr. Milinski informed him that the bridge was torn

down and there was no way to rebuild them. He told Mr. Warren that he had no control over the Union and never would.

Mr. Warren stated that two weeks later the Labor Relations office came back and stated they did not have any numbers available in regard to the Union breaking away from the City. He stated further that the City Manager felt it was not in the best interest of the Union or the City for them to break away. There were no avenues opened for discussion and they were just told "no."

Mr. Warren stated that the Commission had previously offered the suggestion of having a third person attend the meetings as an observer so the Commission would be aware of what was occurring during the meetings, but that had not taken place as of this time. He felt this was important to do.

Mayor Naugle remarked that had been done previously when there was an impasse with the FOP. He felt that could be done for the next contract if a Commissioner was willing to volunteer their time.

Mr. Warren felt that would be an important tool for the negotiations for both sides involved.

The City Manager stated that it was important they recall that they had been put on notice some time back that arbitration was going to take place, and he believed that aside from some of the exchanges which had taken place, and he would like the opportunity to discuss with Mr. Warren and Mr. Milinski those matters, he felt the conversation, including the suggestion of having a Commissioner sit-in during the meetings, was premature at this point. He stated he wanted the City to have the benefits of the results of the arbitration in order to see what matters could be resolved, and then return before the Commission with a full understanding of where matters stood as a result of that arbitration.

The City Manager stated that often times during the "heat of negotiations" voices were raised, and it was regretful that it happened. He stated he would see if there was anything he could do to resolve the issue. He requested that the Commission wait and let the arbitration take place, and then be presented with those results before proceeding forward.

Commissioner Hutchinson stated that she had pulled the March 4, 2003 meeting minutes when the FOPA had made their comments regarding the insurance issue. She stated that in regard to something she had asked, they had discussed the meeting referred to by Mr. Warren to discuss the insurance issues. She stated further that she had asked the City Attorney if a Commissioner could attend, and she had been informed they could as long as the meeting had been posted, but the City had not been notified of the meeting. She stated that the Commission had requested that the information be forwarded to Mr. Capreta as he had requested and be allowed 30 to 60 days to review the material. She asked when the Union had received their last packet of information.

Barry Capreta, consultant, stated that he had not received the last packet as of this date, but the first packet was received 10 to 12 days after the meeting, and the last one he had received 4 to 5 weeks after the meeting. He stated that he had reviewed the first two years of material, but had not yet reviewed the last 6 months.

Commissioner Hutchinson reiterated that they had been told that Mr. Capreta would receive the information in a timely fashion, and that was not done, but yet the rates were going to be implemented without allowing them time to review the information.

Commissioner Hutchinson stated that on March 4, 2003, the Commission had asked them to come back and report to the Commission as it related to their review of the material, and that opportunity had not been extended to them.

Mr. Capreta remarked that was why he came to tonight's meeting. He stated he was ready to give such a report to the Commission this evening. He stated that he realized the Commission was concerned about the arbitration, but that had been going on before and they were attempting to work with the City to keep the "team idea" moving forward, and he did not want matters resolved in Court. He believed all problems could be worked on together.

Mayor Naugle remarked that they had requested the arbitration. Mr. Capreta stated they had requested the arbitration, but could end it as they had done previously. He stated the arbitration had been resumed because things had not progressed. Mayor Naugle stated that he felt since arbitration had been requested, they should let it take its course. He stated further if a Commissioner wanted to be an observer at the meeting that could be done.

Commissioner Hutchinson asked when the arbitration was to take place and would it occur prior to the payroll deductions.

The City Manager stated the arbitration was scheduled for April 29, 2003. Mr. Capreta stated that the first payroll deduction was scheduled for May 2, 2003. The Commission was informed that the pay period ended this coming Saturday, and therefore, things could not proceed.

Mr. Capreta stated if they permitted this to move ahead, then it would be a "done deal," and they hoped that would not happen until he had the opportunity to present a report to the Commission. He felt it was important to hear both sides of the story. Commissioner Hutchinson agreed. Mr. Capreta stated he understood that an employee survey had been conducted and the number one issue was health insurance. He proceeded to ask for the time to present a report to the Commission.

Commissioner Hutchinson stated that she had never heard that the FOPA did not want to assist the City in the self-insurance pay-back, and there was nothing in any documentation she had read which stated they did not want to participate with their fair share. She asked the Commission to make sure everyone was paying their fair share before any payroll deductions would begin. She further stated she was not comfortable at this point and was not comfortable with the whole self-insured thing. She felt that a group of people who made up the biggest work force who were going to help pay back the self-insured deficit should also be comfortable with the plan.

Mayor Naugle stated that the payroll deduction was also to be implemented upon management employees at the same time. He further stated that had been at the instruction of this Commission.

The City Manager stated that the Commission had instructed him that management and confidential had to pay as well. He stated that the import of starting on a time certain was that they could "stop the bleeding." If the Commission desired, this could be delayed and they would not be up against the deadlines and could move forward with the arbitration.

Mayor Naugle asked when would the deductions start for management and confidential employees. Mr. Capreta asked what amount those employees would be contributing.

The City Manager stated that the amount would be equal to what the FOPA was contributing. The difference they were having was whether the pro-rata share of management and confidential would start at the same time as the FOPA's deductions, and he had not yet determined when the deductions would begin. He reiterated they would be paying their proportionate share for moving forward and in helping to pay back the deficit.

Commissioner Moore stated that he did not feel anyone on the Commission had led the FOPA to believe that it was not going to be every employee paying towards this deficit. He stated his concern was that this was a difficult matter since arbitration had been called for, and it was a bargaining method and a method

of employee negotiations, which the FOPA had chosen to use. He stated they had every right to do so. He stated that the Commission had said that it was important to find a methodology, which would allow the program to work. He felt other opportunities could lead to the development of another bargaining unit if they did not carefully walk through "this mine field," and he felt this was where things stood at this time. Things were brought to the Commission's attention regarding the product and its cost, as well as how the design would be rolled out. He felt that the Commission utilized the Union's representation, along with the consultant, in an attempt to discover alternatives to "lessen the pain." He felt this was working from every indication he had seen. Commissioner Moore asked Mr. Capreta if he had some information to present to the Commission.

Mr. Capreta replied that he came tonight to report on the information he had received. Commissioner Moore stated he was astonished by that remark because they were not on tonight's agenda. Mr. Capreta reiterated they had not been on the agenda previously and had still spoken to the Commission, and therefore, it was their impression they could still be heard. Commissioner Moore stated they had indicated previously they were requesting to speak, and this time he had not been contacted in any way or by any individual.

Commissioner Moore reiterated that he had clearly stated previously that everyone was going to pay for what had happened with the plan. He stated there was now a new Commission and if the Union wanted that commitment recodified, he was willing to do so. He stated if this matter was delayed, it would only increase the amount to be paid by everyone. He felt everything needed to be placed on the table.

Mayor Naugle reiterated if they had information to present to the Commission, it should be presented before the meeting so they had time to review it. No information could be presented at the meeting.

Commissioner Moore stated this was important because there were options available. He felt if the FOPA left the plan, it could be detrimental to everyone involved. He also stated that if the presidential position was paid for by the plan, it would be an additional cost to the plan.

Mr. Capreta stated that they had not brought up the idea of going with the self-insured plan, and Labor Relations had brought it up. He stated they were attempting to concentrate on obtaining the numbers, review them, and then making a report. They were told the meetings did not go well, and if they broke away it would raise management's costs. He felt they were being held captive because they had no power in the decision making process. He reiterated they had no vote in the final decision, and that was a reason for them to contemplate breaking away.

Mayor Naugle remarked they had the decision making power when they had agreed to the contract 3 years ago which laid out the procedure they were going through right now. Mr. Capreta reiterated that they did not create the mess, but were willing to help solve it. He explained they had been asked to make 11 changes to the plan and the Union had approved all 11 changes. He explained they disagreed with how the deficit was being repaid. He reiterated the "bleeding had stopped," and the changes were working. He stated that 80% of their group had joined AvMed which was what the City had wanted which would help control costs in the future, and help repay the deficit.

Mr. Capreta stated that the City's consultant had stated that he believed they could repay the deficit by the cost saving measures employed. Commissioner Moore stated that the consultant had probably used the word "maybe."

Mayor Naugle reiterated that the Union had chosen to arbitrate this matter, and he felt it should not be debated at this point in time.

Commissioner Trantalis stated that he concurred with the Mayor, and since they had a group of dedicated people working for them, he felt they should have the opportunity to present their case before a Board of

Arbitration. He believed it would take it out of the hands of both parties and give the opportunity to a third party to make a decision, which would be binding. It was not mediation and he felt all the employees were seeking a fair hand in what the decision should be. He felt this was a difficult situation both for the City and the employees. He reiterated they were all trying to make something good out of a bad situation, and he felt everyone needed to help. He did not think there was anyone in this room who did not agree with that statement. He felt they should proceed with the arbitration, but the issue remaining was when should the deductions begin. He stated that his proposal was that the deductions should be postponed until the arbitration decision had been made, but if it was determined that the Union was to make additional contributions, then he recommended that they be retroactive to the next pay period because that would be fair to the City since they had allowed the decision to be delayed and made by a panel.

The City Manager stated that he was going to suggest the deductions begin the next pay period and admitted he had not thought about the retroactive aspect of it, but recommended that they not impose the deductions until after the arbitration and the matter come before the Commission hopefully on May 6, 2003 for implementation. Mayor Naugle stated it would be for both the Union deductions and those for management and confidential. The City Manager agreed.

Commissioner Hutchinson asked if a Commissioner could sit in on the arbitration purely as an observer. The City Manager agreed. Commissioner Hutchinson stated that she wanted to attend the arbitration. Mayor Naugle agreed.

Commissioner Moore stated he was not agreeable to the deductions being retroactive and felt it should be done the pay period after the arbitration takes place.

Mayor Naugle asked Mr. Capreta to submit his report in writing to the Commission so they would be prepared to discuss it if necessary.

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:56 p.m.

Jim Naugle
Mayor

ATTEST:

Lucy Kisela
City Clerk