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FORT LAUDERDALE CITY COMMISSION
MAY 20, 2003**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
MAY 20, 2003**

Meeting was called to order at 6:35 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Dean J. Trantalis
(arrived at 6:37 p.m.)
Commissioner Cindi Hutchinson
Commissioner Carlton B. Moore
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry A. Stewart
City Clerk, Lucy Kisela
Sergeant At Arms, Sergeant M. Furdon

Invocation was offered by Evangelist Mike McMahon, Lazarus Ministries, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the agenda and minutes of the May 6, 2003 meeting. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle.

Presentations

OB

1. Expressions of Sympathy

The Mayor and City Coimmissioners presented an Expression of Sympathy to the families of W. A. Nance, Jr., Dorothy Bott and John Fuhrer.

2. Junior League Day

Commissioner Trantalis presented a proclamation for "Junior League Day" to be observed May 31, 2003.

Jane Katterhanry, President of the Junior League of Fort Lauderdale, accepted the proclamation and then presented the City with a check for \$50,000 for the Junior League Play Station at Holiday Park. She also presented the Commission with certificates which provided them with a personalized paver in the Paver Pavilion. She explained they had approximately over 240 active members and over 400 sustaining members. In addition to training volunteers, they raised funds to support community projects.

Ms. Katterhanry thanked their sponsors, The Lindy Himmel Foundation, King Automotive, Maroone, Victoria Park Civic Association, EDSA, Paper Module, US Brick and Block, and Hodgeson Construction.

3. Community Appearance Board's WOW Award

Commissioner Hutchinson presented the WOW Award to Norman and Elizabeth McMillan. Their house was constructed around the protected trees on the property and was landscaped with a variety of plants and groundcover including a mini dog park. Gift Certificates were presented to the McMillans from Lennar Homes and AMAR Hardware.

Mrs. McMillan thanked the Commission for their award and stated they were happy living in the City of Fort Lauderdale.

4. Maritime Day

Commissioner Moore presented a proclamation for "Maritime Day" to be observed on May 22, 2003.

James Stevenson accepted the award and stated that "Maritime Day" had been established in 1933 by Franklin D. Roosevelt to honor the Maritime Industry and the US Merchant Marine. He stated this was one of the most under rated resources. He further stated mariners were continuing to seek high standards, and he felt a strong maritime industry would be the foundation by which expanding world trade could improve the quality of life, greater safety and security, along with the promotion of world peace.

Mayor Naugle was presented with an honorary membership in the Merchant Marine organization.

5. Recognized Neighborhoods

Commissioner Hutchinson presented certificates to the Recognized Neighborhoods and presented certificates to the members of the Recognized Neighborhood Committee.

6. Pam Brown

Commissioner Hutchinson presented a Commendation to Pam Brown for preparing an outstanding paper on the role of cities in education, which would be presented before the National Community Education Association in New Orleans in December.

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.

Mayor Naugle announced Item M-11 was deleted from tonight's agenda.

Event Agreement – 6th Annual City Link Beer Fest

(M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Gold Coast Publications, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **6th Annual City Link Beer Fest** to be held **Friday, May 30, 2003 from 6:00 p.m. to 11:00 p.m.** at the Fort Lauderdale Stadium festival site.

Recommend: Motion to approve.

Exhibit: Memo No. 03-6690 from City Manager.

In-House Repair Center Agreement – Scott Health and Safety – Repair and Maintenance Of Breathing Apparatus

(M-2)

A motion authorizing the proper City officials to execute an In-House Repair Center Agreement with Scott Health and Safety for the City's repair and maintenance of breathing apparatus.

Recommend: Motion to approve.

Exhibit: Memo No. 03-729 from City Manager.

Disbursement of Funds – Joint Investigation - O.R. No. 02-67068 - \$36,936.38 U.S. Currency

(M-3)

A motion authorizing the equitable disbursement of funds in the amount of \$36,936.38, with each of the 12 participating law enforcement agencies to receive \$3,078.03.

Recommend: Motion to approve.

Exhibit: Memo No. 03-5-1 from City Attorney.

Grant Acceptance – Bureau of Alcohol, Tobacco And Firearms – GREAT Program

(M-4)

A motion authorizing the proper City officials to accept grant funds in the amount of \$63,750 from the Bureau of Alcohol, Tobacco and Firearms in support of the GREAT Program; and further authorizing the proper City officials to execute any and all documents necessary to receive and disburse such grant funds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-723 from City Manager.

Grant Acceptance – State of Florida, Violent Crime and Drug Control Council – Special Investigation Division

(M-5)

A motion authorizing the proper City officials to accept grant funds in the amount of \$50,000 from the State of Florida, Violent Crime and Drug Control Council in support of a Police Department SID investigation; and further authorizing the proper City officials to execute any and all documents necessary to receive and disburse such grant funds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-711 from City Manager.

Grant Discontinuation – Florida Department of Law Enforcement (FDLE) and Reappropriation of Law Enforcement Trust Funds (LETF) – Club Drug “Ecstasy” Project/Ecstasy Treatment Services (ETS) Project

(M-6)

A motion authorizing the proper City officials to discontinue the ETS Project grant and reappropriate and authorize the transfer of the remaining LETF cash match of \$4,100 to the Ecstasy Grant account ; authorize the transfer of ETS grant funds in the amount of \$12,300 to the Ecstasy Grant; and further authorize the proper City officials to execute any and all documents necessary to conduct these actions.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-717 from City Manager.

Grant Acceptance – Florida Department of Health (M-7)
Emergency Medical Services (FDH EMS) State
Matching Grant – Purchase of Evacuation Stair Chairs

A motion authorizing the proper City officials to accept grant funds in the amount of \$32,347.50 from the FDH EMS State Matching Grant to purchase 25 evacuation stair chairs; and further authorizing the proper City officials to execute any and all documents necessary to receive and disburse such grant funds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-703 from City Manager.

Grant Acceptance – Florida Department of Community (M-8)
Affairs (DCA) – Citizen Emergency Response Team
(CERT) Training

A motion authorizing the proper City officials to accept grant funds in the amount of \$8,000 from the DCA in support of CERT training; and further authorizing the proper City officials to execute any and all documents necessary to receive and disburse such grant funds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-687 from City Manager.

Tripartite Agreement – FPIP XII, Ltd. And Broward (M-9)
County – Requirement Improvements/Eisenhower Plat
(PZ Case No. 26-P-00)

A motion authorizing the proper City officials to execute a tripartite agreement with FPIP XII, Ltd. And Broward County to ensure the installation of the requirement improvements connected with the Eisenhower Plat.

Recommend: Motion to approve.

Exhibit: Memo No. 03-718 from City Manager.

Transfer of CIP Special Assessment Program Funds - (M-10)
Informational Brochure for Special Assessment Program

A motion authorizing the proper City officials to transfer \$7,500 from the CIP Special Assessment Program funds to the Special Assessment Program operation fund for the Special Assessment Guidelines, Standards, Policies and Procedures informational brochure.

Recommend: Motion to approve.

Exhibit: Memo No. 03-693 from City Manager.

Amendment to Joint Project Agreement (JPA) – (M-11)
Broward County -Project 9784 – Water Main
Improvements in Washington Park

A motion authorizing the proper City officials to execute an amendment to the JPA with Broward County in the amount of \$331,869.10 for additional design and construction services of six-inch and eight-inch water mains in Washington Park.

Recommend: Motion to approve.

Exhibit: Memo No. 03-698 from City Manager.

Contract Extension – Molloy Brothers, Inc. - (M-12)
Project 10445-A – 2003/2004 Annual Sanitary
And Storm Sewer Repairs

A motion authorizing the proper City officials to execute a one-year contract extension with Molloy Brothers, Inc. in the estimated amount of \$773,460 for the 2003/2004 Annual Sanitary and Storm Sewer Repairs project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-691 from City Manager.

Contract Extension – Water Company of America (WCA) – Review of Utility Customer Accounts (M-13)

A motion authorizing the proper City officials to execute a final one-year extension with WCA to review the City's utility customer (water, sewer, stormwater management and solid waste) accounts.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-719 from City Manager.

Task Order No. 11 – CH2M Hill, Inc. – Project 10365.454 - Series 2003 Water and Sewer Revenue Bonds (M-14)

A motion authorizing the proper City officials to execute Task Order No. 11 with CH2M Hill, Inc. in the amount of \$81,487.66 for services associated with the preparation of the Series 20003 Water and Sewer Revenue Bonds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-699 from City Manager.

Task Order No. 16724.60 – Keith and Schnars, P.A. - Project 10656 – Peele-Dixie Water Treatment Plant Alternate Concentrate Force Main Pre-Design Services (M-15)

A motion authorizing the proper City officials to execute Task Order No. 16724.60 with Keith and Schnars, P.A. in the amount of \$36,300 for pre-design services associated with the Peele-Dixie Water Treatment Plant Alternate Concentrate Force Main Project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-740 from City Manager.

Contract Award – Danella Companies, Inc. – Project (M-16)
10561 – 27th Avenue Force Main Directional Drill Project

A motion authorizing the proper City officials to execute an agreement with Danella Companies, Inc. in the amount of \$644,235 for the 27th Avenue Force Main Directional Drill project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 03-697 from City Manager.

Tripartite Agreement – Elmer and Beverly Morley of (M-17)
Maritime School and Florida East Coast (FEC)
Railroad – Vacation of South Flagler Avenue and
S.W. 18 Court Right-of-Ways

A motion authorizing the proper City officials to execute a tripartite agreement with Elmer and Beverly Morley of Maritime School and the FEC Railroad to embody the terms and responsibilities related to the vacation of portions of South Flagler Avenue and S.W. 18 Court right-of-ways.

Recommend: Motion to approve.

Exhibit: Memo No. 03-736 from City Manager.

Lease Agreement – Sushi KO Express Corporation - (M-18)
Shop No. 136 – City Park Mall

A motion authorizing the proper City officials to execute a five-year lease agreement with Sushi KO Express Corporation for the operation of a Japanese restaurant at City Park Mall, Shop No. 136.

Recommend: Motion to approve.

Exhibit: Memo No. 03-638 from City Manager.

Lease Agreement – D & P Commercial Properties - (M-19)
Police Department Community Support Division,
533 N.E. 13 Street

A motion authorizing the proper City officials to execute a three-year lease agreement with D & P Commercial Properties for a term beginning October 1, 2003.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-597 from City Manager.

Contract Extension – JDD Contracting, Inc. - (M-20)
Project 10262 – B – 2003 Annual Directional Drill Contract

A motion authorizing the proper City officials to execute a contract extension with JDD Contracting, Inc. in the approximate amount of \$226,230.50 for the Annual Directional Drill contract.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-695 from City Manager.

Change Order NO. 1 – Maison Saint-Antoine - (M-21)
Project 9766 – Sanitary Sewer Agreement for
Progresso Village (Progresso A. Area)

A motion authorizing the proper City officials to execute Change Order NO. 1 with Maison Saint-Antoine in the amount of \$66,248.50 for additional costs associated with the construction of sanitary sewer and other utility improvements for Progresso Village (Progresso A area)

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 03-737 from City Manager.

Change Order No. 8 – Whiting-Turner Contracting Company – Project 10222 – City Park Mall Garage Rehabilitation

(M-22)

A motion authorizing the proper City officials to execute Change Order No. 8 with Whiting-Turner Contracting Company in the amount of \$11,951.40 for additional work related to the City Park Mall Garage Rehabilitation project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 03-738 from City Manager.

Contract Amendment – Keith and Schnars - Project 10247 – N.E. 33 Avenue/Dolphin Isles Neighborhood Improvements

(M-23)

A motion authorizing the proper City officials to execute an amendment with Keith and Schnars in the amount of \$37,760 for additional design services related to the N.E. 33 Avenue/Dolphin Isles Neighborhood Improvement project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-694 from City Manager.

Easement Agreement – Stranahan House – Easement For Riverwalk Tunnel Connector

(M-24)

A motion authorizing the proper City officials to execute an easement agreement with Stranahan House for the easement for the Riverwalk Tunnel Connector.

Recommend: Motion to approve.

Exhibit: Memo No. 03-759 from City Manager.

PURCHASING AGENDA

432-8829 – Two-Year Contract – Fire Hydrants and Gate Valves **(Pur-1)**

A two-year contract for the purchase of fire hydrants and gate valves is being presented for approval by the Public Services Department.

Recommended Award: National Waterworks
Oakland Park, FL
Corcel Corporation (MBE)
Miami, FL
Amount: \$ 225,348.00 (estimated annual total)
Bids Solicited/Rec'd: 72/6
Exhibits: Memorandum No. 03-724 from City Manager

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

432-8823 – Two-Year Contract – Tapping Sleeves and Valves **(Pur-2)**

A two-year contract for the purchase of tapping sleeves and valves is being presented for approval by the Public Services Department.

Recommended Award: Corcel Corporation (MBE)
Miami, FL
Amount: \$ 123,294.00 (estimated annual total)
Bids Solicited/Rec'd: 65/5
Exhibits: Memorandum No. 03-725 from City Manager

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

432-8805 – Two-Year Contract – Rental of Traffic Control Devices

(Pur-3)

A two-year contract for the rental of traffic control devices is being presented for approval by the Public Services Department.

Recommended Award: NES Traffic Safety/ABC Barricades
Miami, FL
Amount: \$ 192,360.00 (estimated annual total)
Bids Solicited/Rec'd: 69/3 with 4 no bids
Exhibits: Memorandum No. 03-720 from City Manager

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

732-8847 – Two-Year Contract – Turf Grass Maintenance

(Pur-4)

A two-year contract for turf grass maintenance service is being presented for approval by the Public Services Department.

Recommended Award: Hines Landscape, Inc.
Fort Lauderdale, FL
Amount: \$ 30,000 00 (estimated annual total)
Bids Solicited/Rec'd: 129/6 with 1 no bid
Exhibits: Memorandum No. 03-688 from City Manager

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

City of Boynton Beach Contract – Contract for Bulk Trash Recycling (Pur-5)

A one-year contract for bulk trash recycling is being presented for approval by the Public Services Department.

Recommended Award: National Waterworks
Oakland Park, FL
Corcel Corporation (MBE)
Miami, FL

Amount: \$ 225,348.00 (estimated annual total)
Bids Solicited/Rec'd: 72/6
Exhibits: Memorandum No. 03-468 from City Manager

The Procurement and Materials Management Division recommends award from the City of Boynton Beach bid.

392-8152– Fire Assessment Consulting Services (Pur-6)

An agreement to purchase fire assessment consulting services is being presented for approval by the Fire-Rescue Department.

Recommended Award: Government Services Group, Inc.
Tallahassee, FL

Amount: \$ 42,500.00 (estimated annual total)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-707 from City Manager

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

Putnam County Contract – Xerox Plotter/Printer**(Pur-7)**

An agreement to purchase a Xerox 721 plotter/printer and related software is being presented for approval by the Engineering Division.

Recommended Award: Xerox Corporation
Miami Lakes, FL
Amount: \$ 55,390.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-689 from City Manager

The Procurement and Materials Management Division recommends award from the Putnam County Contract.

Motion made by Commissioner Trantalis and seconded by Commissioner Teel that Consent Agenda Item Nos. M-13, M-19, M-24 and Pur-5 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 Moore, Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: None.

**Contract Extension – Water Company of America
(WCA) – Review of Utility Customer Accounts****(M-13)**

Commissioner Moore stated that he had pulled this item and asked if staff would research the opportunity of placing this matter out for bid for next year. Possibly, they could look at the possibilities of generating a relationship that would offer a greater percentage for the future in the dollars found, but he encouraged that this contract be extended for one year.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that this item be approved as presented. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: None.

**Lease Agreement – D & P Commercial Properties -
Police Department Community Support Division,
533 N.E. 13 Street****(M-19)**

Commissioner Teel stated that she had pulled this item, and there were concerns regarding lighting around the building. She asked if lighting could be increased since it would be beneficial to the community.

Derek Caglianone, owner of the building, stated this was the first time he had heard issues regarding the lighting, but did not have a problem increasing it and stated it could be done by the end of the week.

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

**Easement Agreement – Stranahan House -
Easement for Riverwalk Tunnel Connector**

(M-24)

Commissioner Moore stated he had pulled this item so a vote could be taken.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve this item. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: Commissioner Moore.

**City of Boynton Beach Contract – Contract for
Bulk Trash Recycling**

(Pur-5)

Mayor Naugle stated he had pulled this item, and asked why this had not been put out to bid.

James Hemphill, Procurement Manager, stated it was more advantageous to piggyback this bid than do a separate one.

Ed Udvardy, Public Services, explained they still had an existing contract with Central which was good for one more year. He stated that Central allowed them to take both mixed debris and yard waste to the north, and while attempting to resolve some issues with Envirocycle, a disposal site for the south was needed. They thought they would see how this worked for one year, and then prepare an RFP.

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

Submittal of Program Amendment to Department of Housing and Urban Development (HUD) – FY 2002/2003 Community Development Block Grant (CDBG) and Housing Opportunities for Persons with HIV/AIDS (HOPWA) Funds (PH-1)

A public hearing to consider the submittal of a program amendment to HUD to reprogram some current year and prior year HOPWA funds due to cancellation of one of the contracts and the need to increase the budget for Tenant-Based Rent Assistance Voucher Program due to reduction in FY 2003/2004 funding. Notice of public hearing was published in the Westside Gazette April 10, 2003, and the Sun-Sentinel April 13, 2003.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the submittal of the Program Amendment. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: None.

Rezone from MHP to P – City of Fort Lauderdale (PZ Case No. 6-Z-03) (PH-2)

At the Planning and Zoning Board special meeting on March 26, 2003, it was recommended by a vote of 8-0 that the following application be approved. Notice of public hearing was advertised May 8 and 15, 2003.

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

Commissioner Hutchinson asked why they were not using the Public Purpose zoning.

Michael Ciesielski, Planning and Zoning, stated that the proper zoning for this would be Park. Commissioner Hutchinson asked what had been done at Riverside Park and stated she thought they had done something in regard to Public Purpose.

Greg Kisela, Assistant City Manager stated that was a parking issue.

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-22

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM MHP TO P, ALL OF BLOCKS 5, 6, 7 AND 8, "LAST CHANCE VILLAGE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 13, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; TOGETHER WITH THOSE VACATED RIGHTS-OF-WAY LYING BETWEEN BLOCKS 5 AND 6, BLOCKS 6 AND 7, BLOCKS 7 AND 8 AND BLOCKS 8 AND 5, OF SAID PLAT, LOCATED BETWEEN SOUTHWEST 9TH STREET AND SOUTHWEST 10TH STREET, EAST OF SOUTHWEST 27TH AVENUE AND WEST OF SOUTHWEST 24TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

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

(PH-3)

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.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item until July 1, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: None.

**Site Plan Approval/Rezone from Residential
Low Rise Multi-Family/Medium Density (RM-15)
To Exclusive Use Parking Lot (XP) – Maria
Freeman (PZ Case No. 12-ZR-02)**

(O-1)

At the Planning and Zoning Board regular meeting on March 26, 2003, it was recommended by a vote of 9-0 that the following application be approved. Ordinance No. C-03-20 was advertised April 24 and May 1, 2003, and was approved on first reading May 6, 2003 by a vote of 5-0. (Also see Item O-2 on this Agenda)

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-20

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RM-15 TO XP AND SITE PLAN APPROVAL, LOTS 10, 11 AND 12, "TUSKEGEE PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 9 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF NORTHWEST 5TH COURT AND ON THE WEST SIDE OF NORTHWEST 9TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**Vacate Portion of 12-Foot Alley – Maria
Freeman (PZ Case No. 34-P-02)**

(O-2)

At the Planning and Zoning Board regular meeting on March 26, 2003, it was recommended by a vote of 9-0 that the following application be approved. Ordinance No. C-03-21 was advertised April 24 and May 1, 2003, and was approved first reading May 6, 2003 by a vote of 5-0. (Also see Item O-1 on this Agenda)

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-21

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THAT PORTION OF THE 12 FOOT ALLEY IN BLOCK 1, "TUSKEGEE PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 9, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING ADJACENT TO LOTS 1 THROUGH 5 AND LOTS 8 THROUGH 12, OF SAID BLOCK 1; BEING BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 8 AND BEING BOUNDED ON THE EAST BY THE WEST RIGHT OF WAY LINE OF NORTHWEST 9TH AVENUE, LOCATED BETWEEN NORTHWEST 5TH COURT AND NORTHWEST 6TH STREET (SISTRUNK BOULEVARD), WEST OF NORTHWEST 9TH AVENUE AND EAST OF NORTHWEST 10TH AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Grant – State of Florida Department of Education - (R-1)
Summer Food Service Program – Agreement with
School Board of Broward County

A resolution authorizing the proper City officials to apply for a grant from the State of Florida Department of Education for approximately \$133,000 (on a reimbursable basis) for the Summer Food Service Program; authorizing the proper City officials to execute all documents necessary to accept such grant funds; and further authorizing the proper City officials to execute an agreement with the School Board of Broward County.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-91

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A REIMBURSABLE GRANT FROM THE STATE OF FLORIDA, DEPARTMENT OF EDUCATION FOR UP TO (\$133,000.00)

IN FUNDING, FOR THE SUMMER FOOD SERVICE PROGRAM OF THE CITY OF FORT LAUDERDALE; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY DOCUMENTS NECESSARY TO OBTAIN SUCH GRANT FUNDS; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA TO PROVIDE FOOD PREPARATION SERVICES UNDER THIS GRANT PROGRAM.

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

Increase Scope of Services for Special Counsel - (R-2)
Troutman Sanders, LLP – Wingate Landfill
Superfund Site Closure

A resolution authorizing additional services for the law firm of Troutman Sanders, LLP, as Special Counsel, for the Wingate Landfill Superfund Site closure in an amount not to exceed \$100,000. (On May 6, 2003, this item was deferred for consideration to May 20, 2003.)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-92

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR ADDITIONAL SERVICES, PROVIDING FOR HOURLY RATES AND A MAXIMUM AMOUNT OF COMPENSATION TO BE PAID TO SPECIAL COUNSEL, TROUTMAN SANDERS, LLP, TO REPRESENT THE CITY IN ENVIRONMENTAL ISSUES RELATED TO THE WINGATE LANDFILL AND INCINERATOR SUPERFUND SITE.

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

Qualified Target Industry (QTI) – Haircolorxpress International, LLC

(R-3)

A resolution approving a QTI for \$40,000 for Haircolorxpress International, LLC.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-93

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ECONOMIC INCENTIVE AGREEMENT WITH HAIRCOLORXPRESS INTERNATIONAL, LLC.

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

Special Category Grant Application – State of Florida- S.W. 11 Avenue Swing Bridge

(R-4)

A resolution authorizing the proper City officials to apply for a grant in the amount of \$300,000 for the S.W. 11 Avenue Swing Bridge restoration project; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING AND ENCOURAGING THE FLORIDA DEPARTMENT OF STATE TO APPROVE A SPECIAL CATEGORY PROGRAM GRANT PROVIDING PARTIAL FUNDING IN THE AMOUNT OF \$300,000 FOR THE RESTORATION OF THE HISTORIC NEW RIVER SWING SPAN BRIDGE AT SW 11 AVENUE BETWEEN WAVERLY ROAD AND SW 5 PLACE; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH GRANT FUNDING.

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

**Proposed Lien Settlements – Special Master
And Code Enforcement Board Cases**

(M-25)

A motion authorizing the proposed lien settlements for the following Special Master and Code Enforcement Board cases:

1. 105 N.W. 5 Avenue (CE02080994) – 5th Avenue Bldg. Corp. - \$2,700

Philip Nathans, owner, stated that the fire rating issue had been resolved.

John Simmons, Assistant Director Community Inspections, stated that the matter had been complied with before the fines began.

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

2. 1545 N.E. 5 Avenue (CE00080412) – Jude Petion - \$16,600 and
3. 1545 N.E. 5 Avenue (CE97120888) – Jude Petion - \$2,200

Commissioner Trantalis asked why this item was back before the Commission.

The City Attorney stated there had been some discussion as to whether this owner had understood the issues. Commissioner Moore added that Community Development was to work with him in an effort to see if some sort of assistance could be offered to him. He stated that the owner had also been concerned about the amount of payment to be made per month.

Commissioner Trantalis asked if those concerns had been resolved.

Faye Outlaw, Community Economic Development, stated that she had met with Mr. Petion last week and explained a program that was available for rental properties. She stated it was a 50/50 matching program. She stated that Mr. Petion had stated he did not have the ability to finance the 50% he would be obligated to contribute, and also felt that the property was no longer in need of a lot of rehabilitation work. He stated whatever repairs were needed, he would be responsible for them.

Commissioner Moore asked if the property had been properly rehabilitated to meet all code standards.

John Simmons, Assistant Director Community Inspections, replied the property was up to Code and was taking care of the property. He stated the

owner had been sorry for the violations and intended doing a better job maintaining the property.

Commissioner Trantalis stated that during the last discussion the Commission had been concerned about these violations occurring over a long period of time. He stated that the Homeowner's Association had asked him to appeal to the Commission to try and suggest this owner not be permitted to get away with these violations. He reiterated they needed to send out a signal to property owners in emerging areas about maintaining their properties.

Mr. Petion remarked that the monthly amount set was too high a payment for him to make; and reiterated that he was not financially able to make such payments.

Commissioner Trantalis felt this was not the type of practice this Commission should participate in by permitting this owner to permit his tenants to wreak havoc on adjacent properties. He felt it was inappropriate to make deals with these property owners because after several years, they decided to clean up the property due to violations being imposed on them. He asked the Commission not to give this property owner a break and to assess him the full amount of the violations, and let him figure out how to make his payments. He stated he did not see any sense of duty or interest on the owner's part in an attempt to change his conduct.

Commissioner Moore asked if the City could foreclose on the property. The City Attorney stated if the property was not homesteaded, they could. Commissioner Moore stated the reason for these fines was an attempt to bring the properties into compliance, and not to take the property from the owners. He felt the greatest restraint on the property owner was that he would have to pay the fine on a monthly basis.

Commissioner Trantalis reiterated that one of the purposes of fining the property owners was to encourage them to bring the property into compliance. He stated further this owner had ignored the warnings for several years until he realized the City was serious about his property. He felt they were not learning any lessons by permitting this owner to walk away, promise to pay pennies on the dollar, and then telling us he could not pay.

Commissioner Moore stated he would prefer seeing this owner take the money that was to be paid in fines and rehabilitate the property. He hoped the owner would see the tax advantages available if he homesteaded his property. He felt it was not a good idea to give the property to the City which would go into the General Fund and not be meritorious to anyone.

Commissioner Trantalis stated that the monies received from the penalties could be put to good use in the community. He felt there would be other

individuals in the same position who would attempt to plead poverty and also attempt to not pay their fines. Commissioner Moore asked if there could be a fund set aside from these penalty fines which would assist in cleaning up the neighborhoods. The City Attorney explained that if the City wanted the property, they would have to pay off the first mortgage. He further stated they would be doing the work for the Bank whose mortgage would be paid, and the City's liens gone. He suggested this matter be delayed for 6 months and see how the owner would maintain the property, and then the matter could be re-evaluated.

Commissioner Trantalis stated he disagreed with such an approach. He felt if the property was obtained through foreclosure, the sale price would be more than the first mortgage. He reiterated that the homeowners had stated their property values were increasing each year, but were being damped by these types of situations. He felt that the Commission should take some form of action against these types of owners not only to set an example, but to reimburse the City for the expenses which they had incurred. He felt the money should be put back into these neighborhoods.

Commissioner Teel stated that they were creating a monster with this type of approach and agreed with Commissioner Trantalis's comments. At the last meeting they had suggested this owner pay \$200 per month which the owner stated he could not do. She felt if he did not have the money now to make these suggested payments, then he would not have the money to rehabilitate the property. She stated she was not willing to let him stay there without paying some minimal amount each month in an attempt to show good faith, and suggested the owner make payments of \$100 per month for 6 months. Then, the Commission could re-evaluate the situation.

Mayor Naugle suggested that there should be a relief in the reduction of the fines to \$5,000 and that payments be made of \$100 per month. After 6 months, if there was no further compliance then the fines would revert back to the original amount and foreclosure could take place. Mayor Naugle stated that perhaps the owner had been inexperienced and may have had a language barrier problem and that was why the situation had gotten away from him.

Motion made by Commissioner Teel and seconded by Commissioner Moore to reduce the fine temporarily to \$5,000 with a monthly payment by the owner of \$100 per month. If a payment is missed or the property was not kept in compliance with the Code, then the fines would revert back to the original amount on the property, and foreclosure would take place.

The City Manager asked if the settlement being proposed would cover the costs the City had invested in this property.

Mr. Simmons replied this settlement would cover costs which had been incurred by the City.

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

4. 1434 N.W. 4 Avenue (CE99010687) – Gizele Bien-Aime ½ Int - \$4,875

Motion made by Commissioner Moore and seconded by Commissioner Trantalis that the full amount of \$32,500 be paid by the property owner.

Commissioner Moore remarked that this was the second time the owners had been requested to attend a meeting, and they did not show either time.

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

5. 2305 N.W. 9 Court (CE02052027) – Carie Adams - \$17,675

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

Brian Friedman requested that a further reduction of fines be granted by the Commission.

Commissioner Moore stated that the owner was rehabilitating the property, but stated this had been an investment property and he did not think the fine should be further reduced.

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

6. 1611 N.W. 16 Street (CE02031415) – Gary & Kathy German - \$1,400

Kathy German, owner, stated that she resided at this property for about 8 months, but it was not homesteaded. She stated the property had been rented and she was not the owner of the abandoned vehicles. She further stated they were currently living at this address.

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

Advisory Board/Committee Appointments**(OB)**

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

Board of Adjustment (Regular)	Stephen Buckley
Board of Adjustment (Alternate)	Al Massey
Budget Advisory Board	Don Winsett Garry Johnson
Charter Revision Board	Chris Fertig Dan Lewis
Community Services Board	Bob Lynn
Historic Preservation Board	Mary-Jane Graff
Marine Advisory Board	Eugene Zorovich Norbert McLaughlin
Northwest-Progresso-Flagler Heights Redevelopment Advisory Board	Laura Mutti Albert Fils Ella Phillips Jerry Carter
Planning and Zoning Board	Charlotte Rodstrom James McCulla

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 03-95

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

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

Utility Easements – Florida Power and Light - (OB)
Bahia Mar Property

A resolution granting a series of utility easements to FPL and dedicating a series of general utility easements on and across the Bahia Mar property in accordance with the “as-built” conditions.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-96

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY OF AN EASEMENT DEED GRANTING FLORIDA POWER AND LIGHT COMPANY UTILITY EASEMENT RIGHTS OVER CERTAIN LANDS, DESCRIBED BELOW, WHICH LANDS ARE OWNED BY THE CITY OF FORT LAUDERDALE AND LEASED TO RAHN BAHIA MAR, LTD., SUCH GRANT OF EASEMENT RIGHTS BEING SUBJECT TO CERTAIN TERMS AND CONDITIONS; AND FURTHER DEDICATING CERTAIN LANDS, DESCRIBED BELOW, OWNED BY THE CITY OF FORT LAUDERDALE AND LEASED TO RAHN BAHIA MAR, LTD. SUCH DEDICATION BEING FOR GENERAL PUBLIC UTILITY USE AND ACCEPTING SUCH DEDICATION ON BEHALF OF THE PUBLIC.

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

Florida Department of Transportation (FDOT) - (OB)
NE 55 Street Traffic Light

Commissioner Teel introduced the following resolution:

RESOLUTION NO. 03-97

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASKING THE SECRETARY OF THE FDOT TO RECONSIDER THE FDOT'S DECISION TO REMOVE THE TRAFFIC LIGHT PRESENTLY LOCATED ON FEDERAL HIGHWAY NEAR THE LANDINGS.

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

City Commission Reports (Continued from Conference Meeting)

Ocean Group Clean-Up – Parking Fees

Commissioner Hutchinson stated there was a group known as Ocean Watch Beach Clean-up which was comprised of volunteers who were going to work on the beach in June, and she requested that the parking fees be waived at the South Beach lot for those individuals.

The City Manager stated the Commission had to approve such a request, and if the Commission did approve this item, then he wanted to return to the Commission with a policy for adoption by the Commission granting the City Manager the ability to grant such requests for these types of events.

Property – Kennelworth Place (SW 14 Way)

Commissioner Hutchinson remarked that the County was interested in purchasing land in this area for land preservation. She stated some of the property was owned by the City. She added that the Property Rights-of-Way Committee was not vacating the request being made as described on the map and they had wanted to take it to the River. She stated she wanted this to proceed to the next County level, and asked if the property owners could negotiate with the Land Preservation Group in the County to secure some of the property for a park area. She reiterated that she did not want the street vacation to prevent such a request.

The City Attorney asked how the owners of Lots 1 and 2 would enter their property. Mayor Naugle remarked that those owners would want both sides so access could be gained through the cul-de-sac. The City Attorney stated if the area was vacated, it would split the property. He reiterated that there were some Charter issues involved in this matter. He further stated that half of the right-of-way could be sold according to the Charter, then the owner of Lots 1 and 2 would get the other half. He explained they would not have to sell the property and could use the City's portion to extend the park area, and the owner would use his half as a driveway.

Greg Kisela, Assistant City Manager, asked if they could vacate and give the owner a cross access easement without giving up the property. Commissioner Hutchinson reiterated that they had access to the property without going through the cul-de-sac and proceeded to explain the method by which they would access their property. Commissioner Hutchinson suggested

this be discussed at the next Commission meeting and the property owners be invited.

The City Manager stated he wanted to review this with staff and return with a recommendation that would not establish precedent in relation to the Right-of-Way Committee.

Mayor Naugle reiterated that this was environmentally sensitive land.

SR 84 and SW 14 Avenue Development

Commissioner Hutchinson stated that DOT was requiring a development on the north side to rehabilitate the median cut on SW 14 Avenue and SR 84. She stated she was concerned about this request, and asked if the Commission could ask DOT to allow the development to proceed before making the median improvements. She felt it would impact the south side of State Route 84 and a gas station's ingress and egress in the area. She also felt there would be an increase in traffic in the residential surrounding areas.

Commissioner Moore suggested the monies be put in escrow for the project.

The City Manager stated that he was comfortable with this and would write a letter of request.

City Manager Reports

The City Manager stated that House Bill 3 pertaining to "extra benefits" for fire-rescue and police officers as a result of jurisdictions having paid above the base benefit. During the regular session the measure had failed, but did pass yesterday in the Special House session with a vote of 110-0. Since the Senate had previously sponsored this, he felt it would be successful during their special session. He suggested everyone call their senators speaking against this bill.

Mayor Naugle stated this could cause a serious impact to the City.

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:00 p.m.

JIM NAUGLE
MAYOR

ATTEST:

LUCY KISELA
CITY CLERK