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FORT LAUDERDALE CITY COMMISSION
JUNE 17, 2003**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
JUNE 17, 2003**

Meeting was called to order at 6:05 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Dean J. Trantalis
Commissioner Cindi Hutchinson
Commissioner Carlton B. Moore
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry A. Stewart
Assistant City Clerk, Jeff Modarelli
Sergeant At Arms, Sergeant Sebregandio

Invocation was offered by Captain Stephen Morris, Area Commander, Salvation Army of Broward County, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the agenda and minutes of the June 3, 2003 meeting. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Celia Studiale.

2. Recreation and Parks Month

Commissioner Hutchinson asked John Melnicoff and Elizabeth Hayes to come to the podium. She proceeded to present a proclamation to them in honor of Recreation and Parks Month to be observed during the month of July.

John Melnicoff, Vice-Chairman of the Parks, Recreation and Beaches Advisory Board, accepted the proclamation and thanked the Commission for this honor and for their continued support of the Board.

Elizabeth Hayes asked the community to help celebrate the month and enjoy the parks.

3. 2003 McDonald's Air and Sea Show

Mickey Markoff of MDM Group, Ltd. stated they had 9 years of the Air and Sea Show, along with Fleet Week, and each year they presented to the Commission the official event poster. He remarked that the Thunderbirds had also sent the City a poster honoring their appearance here. He felt this was the most appropriate year of all to say thanks to the men and women of the military. He believed they had demonstrated their strength and core values of service before self, integrity and excellence in all they did in protecting our freedoms and democracy. He reiterated this was the pre-eminent salute to the men and women anywhere in the Country, and the event would air to 144 countries throughout the world, along with airing to 187 territories on July 6, 2003 at 5:00 p.m. on ESPN. He stated this event was a true team effort and without the incredible support of the City services, including Police, Fire-Rescue and Parks and Recreation, it could not take place.

4. Community Appearance Board's "WOW Award"

Commissioner Teel presented the Community Appearance Board's "WOW Award" for District I to Frederick and Sandra Stevens, who resided at 2724 NE 30th Street in Coral Ridge.

The Stevens designed the landscaping of their home using a variety of mature native palms. A private garden, surrounded by a masonry wall, formed the backdrop and highlights for the home's entrance. Their residence is an example of native landscaping designed to compliment and enhance the home, as well as the surrounding neighborhood.

5. 25th Annual Community Appearance Awards and Monthly WOW Award Program Sponsors

Commissioner Trantalis proceeded to recognize the sponsors of the 25th Annual Community Appearance Awards and monthly WOW Award Program. The

sponsors were as follows: The Las Olas Company, Inc.; Coldwell Banker Residential Real Estate, Inc; W.A. Bentz, Inc.; Stiles Corporation; EDSA Edward D. Stone, Jr. & Associates; CH2M Hill, Inc.; The Tree Team, Inc.; Saltz Michelson Architects; Mardale Specialties Direct; Lennar Corporation; and AMAR Hardware.

6. Recognition of Outstanding Employees

The City Manager stated that he wanted to recognize some employees who were not present at tonight's meeting and whose work some might consider routine, but somewhat dangerous. Their names were brought to his attention by Commissioner Teel who had been notified by neighbors that they had noticed a crew who was working to repair a major waterline break at Commercial Boulevard and NE 24th Terrace. The call was one of appreciation and notice of the diligence of the crew who worked long and hard to correct the problem. The employees being recognized were as follows:

Eddie Rosatto
Glenn Georgis
Bobby Yontz
Joseph Heyward
Art Blackwell
Willie Eugenics
Thomas Mayors
Mark Darmanian
Hugo Vargas

The City Manager thanked them for representing what the City strives to represent.

Commissioner Teel stated the call she had received dealt with the concern an individual had for the city employee who was in a huge hole full of water for a long period of time because they could not get the valve shut off. The resident was quite impressed with the performance of the city workers. Commissioner Teel thanked all the individuals for their hard work and dedication.

Mayor Naugle remarked that Item R-5 had been deleted from tonight's agenda.

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 – Great Journey West Gala

(M-1)

A motion authorizing the proper City officials to execute an event agreement with the **Museum of Discovery and Science** to indemnify, protect and hold harmless the City from any liability in connection with the **Great Journey West Gala** to be held **Saturday, September 20, 2003 from 5:00 p.m. to 12:00 midnight**; and further authorizing the closing of S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue from 9:00 a.m. Friday, September 19, 2003 to 6:00 p.m. Sunday, September 21, 2003.

Recommend: Motion to approve.

Exhibit: Memo No. 03-854 from City Manager.

**Event Agreement – Gay and Lesbian Community
Center of Greater Fort Lauderdale, Inc. (GLCCSF) –
GLCCSF Bazaar/Yard Sale/Flea Market**

(M-2)

A motion authorizing the proper City officials to execute an event agreement with the **GLCCSF** to indemnify, protect and hold harmless the City from any liability in connection with the **GLCCSF Bazaar/Yard Sale/Flea Market** to be held **Saturday, July 5; Saturday, August 2, 2003; and Saturday, September 6, 2003 from 8:00 a.m. to 2:00 p.m.**; at the Community Center located at 1717 North Andrews Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 03-671 from City Manager.

Event Agreement – 23rd Annual Feast of Plenty

(M-3)

A motion authorizing the proper City officials to execute an event agreement with **First Baptist Church** to indemnify, protect and hold harmless the City from any liability in connection with the **23rd Annual Feast of Plenty** to be held **Saturday, November 8, 2003 from 9:00 a.m. to 2:00 p.m.**; and further authorizing the closing of East Broward Boulevard from 3 Avenue to Federal Highway (U.S. 1) from 12:01 a.m. (one minutes after midnight) to 5:00 p.m. on the event day.

Recommend: Motion to approve.

Exhibit: Memo No. 03-853 from City Manager.

**Event Agreement – Fort Lauderdale Offshore
Powerboat Grand Prix****(M-4)**

A motion authorizing the proper City officials to execute an event agreement with the **North Star Lady Inc. d/b/a Over the Edge Motorsports Marketing** to indemnify, protect and hold harmless the City from any liability in connection with the **Fort Lauderdale Offshore Powerboat Grand Prix** to be held **Friday, Saturday and Sunday, October 3, 4 and 5, 2003 from 8:00 a.m. to 8:00 p.m.**; at the Radisson Bahia Mar Resort and in the ocean off Fort Lauderdale Beach

Recommend: Motion to approve.

Exhibit: Memo No. 03-855 from City Manager.

Event Agreement – Hot Summer Nights Concert Series**(M-5)**

A motion authorizing the proper City officials to execute an event agreement with the **Fifth Taste Concepts, Las Olas LLC** to indemnify, protect and hold harmless the City from any liability in connection with the **Hot Summer Nights Concert Series** to be held on the following **Thursdays: July 10, July 31, August 14 and August 28, 2003 from 5:30 p.m. to 10:00 p.m.** at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Memo No. 03-852 from City Manager.

**Project Grant Agreement – Florida Communities
Trust and Department of Community Affairs -
Acquisition of Property Adjacent to Florida
Hardy Park (also known as the South Side
School Property)****(M-6)**

A motion authorizing the proper City officials to execute a project grant agreement with Florida Communities Trust and the Department of Community Affairs to accept a grant for acquisition of property adjacent to Florida Hardy Park (also known as South Side School property); and further authorizing the proper City officials to execute all documents necessary to accept and expend such funds.

Recommend: Motion to approve.

Exhibit: Memo No. 03-869 from City Manager.

Change Order No. 9 – Whiting-Turner Contracting Company – Project 10222 – City Park Mall Garage Rehabilitation (M-7)

A motion authorizing the proper City officials to execute Change Order No.9 with the Whiting-Turner Contracting Company in the amount of \$118,479.10 for additional work related to the City Park Mall Garage rehabilitation project.

Funds: See Change Order
Recommend: Motion to approve.
Exhibit: Memo No. 03-821 from City Manager.

Task Order – Keith and Schnars, P.A. - Project 10572 – Oakland Park Boulevard Water Main and Routing Analysis (M-8)

A motion authorizing the proper City officials to execute Task Order No.16724.54 with Keith and Schnars, P.A. in the amount of \$24,200 for pre-design services associated with the Oakland Park Boulevard water transmission main project.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 03-820 from City Manager.

Task Order No. 27 – Camp, Dresser and McKee, Inc. (CDM) – Project 10678 – Sanitary Sewer and Water Main Improvements for Sewer Areas 12 and 17 (M-9)

A motion authorizing the proper City officials to execute Task Order No. 27 with CDM in the amount of \$663,240 for the provision of consulting engineering services associated with Sewer Areas 12 and 17, sanitary sewer and water main improvements project.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 03-817 from City Manager.

Task Order No. 29 – Camp, Dresser and McKee, Inc. (CDM) – Project 10626 – Mola Avenue and Isle of Capri Wastewater System and Water Main Improvements

(M-10)

A motion authorizing the proper City officials to execute Task Order No. 29 with CDM in the amount of \$92,962 for the provision of consulting engineering and construction administration services associated with Mola Avenue and Isle of Capri infrastructure improvements project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-819 from City Manager.

Contract Award – Southern Metal Products, LLC (d/b/a All Broward Hurricane Panel) – Project 10591 – Police Station, Central Wing Hurricane Protection

(M-11)

A motion authorizing the proper City officials to execute an agreement with Southern Metal Products, LLC d/b/a All Broward Hurricane Panel) in the amount of \$42,735 for the Police Station, Central Wing Hurricane Protection project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 03-816 from City Manager.

Consultant Committee Negotiation Act (CCNA) - Authorization to Negotiate with Top-Ranked Firm of Architects Design Group, Inc. for Project 10583 – Police Department Detailed Needs Assessment and Facility Replacement Project

(M-12)

A motion authorizing the proper City officials to accept the Consultant Selection and Negotiation Committee's recommendation of ranking short-listed firms for the Police Department Detailed Needs Assessment and Facility Replacement Project; and further authorizing the proper City officials to commence negotiations with the top-ranked firm of Architects Design Group, Inc. or successively ranked firms if such negotiations become necessary.

Recommend: Motion to approve.

Exhibit: Memo No. 03-813 from City Manager.

Tripartite Agreement – Henderson Mental Health Center, Inc. and Broward County – Installation of Requirement Improvements (PZ Case No. 22-P-00)

(M-13)

A motion authorizing the proper City officials to execute a tripartite agreement with Henderson Mental Health Center, Inc. and Broward County to ensure installation of required improvements in association with the Henderson Mental Health Center Plat.

Recommend: Motion to approve.
Exhibit: Memo No. 03-868 from City Manager.

Consent to Assignment – Browning Ferris Industries (BFI) to Allied Receivables Funding Inc.; and Subsequent Assignment to Wachovia Bank, N.A. - Solid Waste Collection Contract

(M-14)

A motion authorizing the proper City officials to execute a Consent to Assignment with BFI to Allied Receivables Funding Inc., and Subsequent Assignment to Wachovia Bank, N.A. for the collection of payments for solid waste collection.

Recommend: Motion to approve.
Exhibit: Memo No. 03-814 from City Manager.

**PURCHASING
AGENDA**

332-8783 – Amendment to P-Card Services

(Pur-1)

An agreement to amend agreement for P-card services and rebate/revenue sharing and P-card software is being presented for approval by the Administrative Services, Procurement and Materials Management.

Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-872 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving amendment to agreement.

732-8868 – Contract for Mobile Refuse Carts

(Pur-2)

A one-year contract for the purchase of mobile refuse carts is being presented for approval by the Public Services, Sanitation Division

Recommended Award: Rehrig Pacific Company
Pleasant Prairie, WI
Amount: \$ 386,061.00 (estimated)
Bids Solicited/Rec'd: 53/6 with 3 no bids and 1 late bid
Exhibits: Memorandum No. 03-811 from City Manager

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

432-8879 – Contract for Pipe Restrainers

(Pur-3)

A one-year contract for the purchase of pipe restrainers is being presented for approval by the Public Services Department.

Recommended Award: Corcel Corp. (MBE)
Miami, FL
Amount: \$ 96,092.50 (estimated)
Bids Solicited/Rec'd: 21/5
Exhibits: Memorandum No. 03-864 from City Manager

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel that Consent Agenda Item Nos. M-2, M-7, M-8, M-12, M-14, and M-16 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

**Event Agreement – Gay and Lesbian Community
Center of Greater Fort Lauderdale, Inc. (GLCCSF) –
GLCCSF Bazaar/Yard Sale/Flea Market**

(M-2)

Commissioner Trantalis stated that he had pulled this item, and further stated that this matter had come up before and a temporary situation had been agreed to in which the Gay and Lesbian Community Center was to be used as a site for a neighborhood flea market or yard sale for a period of 3 months. He stated that

now they were being asked for an extension of time, and he felt that created a burden upon the people who participated in the event to keep appearing before the Commission. He suggested that possibly the City's policy could be changed in regard to such activities, and allow the individuals in that neighborhood to continue to use the site for such a purpose.

Commissioner Hutchinson stated that when this group appeared before the Commission, these sales were occurring approximately twice a month. She explained the City's policy regarding special events was that such an event could only be held once a month. She stated that so far she had not seen what they were attempting to work towards, and she did not understand why they could not have a special event permit until the Commission came back with something regarding events that were held twice a month.

Cecelia Hollar, Construction Services Director, stated that she had discussed this matter with Commissioner Trantalis. She explained one of the things they would have to do would be to propose a Code change if the City wanted to allow these sales in regard to zoning. She further stated one of the areas they were viewing was to provide a marketplace within the Downtown which could be an appropriate location for something like this and enable other groups to participate in the event with certain criteria attached to it. She stated the Downtown had no parking requirements, and there was a lot of venue and opportunity for this. If this was to be allowed in a business district, they would have to go back and review the impacts associated with it since parking areas would be used to extend a business. She explained their goal was to bring something back to the Commission to allow this event in the Downtown area. She had hoped this could be done when the overall changes were made to the Downtown Regulations. She further stated they had placed this item on their "pending items list," and hopefully this could be addressed later on in the year.

Ernest Burkeen, Director of Parks and Recreation, stated that the question was: "Do you want to change the policy." If so, it had to be specific for just this particular situation so they would not be opening the door for a number of other events to take place.

Commissioner Moore stated that if they continued to hold this event in the manner, which they had been doing, it could cause them a problem. He felt they were setting a precedent and that should not be done. He further stated if there was an ordinance which would allow such a market, then they needed to correct the ordinance and not pick any specific entity, and offer them the means to do something no one else was able to do. He stated he would not be a party of such. He stated that he had agreed that they would give the 3 special exceptions, involving one event per month, to allow an ordinance to be designed for consideration. He felt if that guideline could not be met, then it was inappropriate that they continue to give special exception to any entity for any ordinance on the books.

Commissioner Moore stated he understood staff's suggestion of a downtown concept, but also disagreed with that because there were a number of operators in the City who would love to have an opportunity of doing a flea market type sale that would allow them to increase viable business volume, as well as the opportunity of offering the citizenry of the City discounted purchases. He reiterated that it was not appropriate to single-out one entity.

Commissioner Moore further stated he was willing to amend this and agree to a month, extending to the next 3 months, and stating to staff that by that time an ordinance should have been designed. If it could not be done by that time, then he hoped the Commission would not continue to make this special exception from that vantage point. He reiterated that if they did not do it for everyone, then they should not do it for anyone.

Commissioner Moore stated that he had read an article today, which perplexed him and it, had portrayed him being against this item because he was anti-gay. He stated that had nothing to do with the comments that he had made, and this was about the Commission giving an organization an exception that no one else received.

Mayor Naugle stated that he did not feel they were giving an exception in the manner by which it had been done. He stated they were approving a special event on 3 different dates, over 3 separate months. He explained that one advantage in doing it this way was that permission could be taken away if abused. He explained further that as long as this event occurred and they were not a burden to the neighbors, parking did not get out of hand, trash was not strewn all over the area, they could keep approving it as a special event. He stated that as of this time, he would not have a problem with this group coming in on an annual basis and having 12 dates approved with the understanding that if they were not meeting the criteria, then the permit could be revoked. He further stated they could have such type of flea markets all over the City, if it was not done on a special event basis. By doing it this way, he stated that the residents of the neighborhoods had a chance to voice their opinions, and reiterated it would be less bureaucratic if the 12 events were done at one time. He stated that he believed a once-a-month event would be easier on the neighborhood, than twice a month.

Commissioner Moore continued stating that there were a number of individuals who were retail merchants in the City, such as Searstown, who had attempted to do these types of sales. He reiterated that these things created jobs, paid taxes, and dealt with a number of things that were positively impacted. He felt to single-out an entity was inappropriate. He stated there were business opportunities that kept the economy afloat which allowed individuals to receive an income. He reiterated that possibly they needed to be more innovative and allow these viable businesses to remain with an ordinance consideration that would permit them to

do such special sales could possibly be the key solution. He further stated he liked the unique special event concept for non-profits, but he wanted to see an ordinance which would permit a retail merchant an opportunity to survive.

Commissioner Trantalis asked if the Commission could agree that at the end of this 90-day period the City could present a more concrete proposal so there could be a closure to this temporary process.

Ms. Hollar asked the Commission to let their office review the items they were presently working on, and she believed they could return with some sort of recommendation. She remarked they had attempted to address this matter about a year ago, but many details were involved. She suggested they research the matter and bring it back to the Commission for a Conference discussion.

Commissioner Trantalis stated that unfortunately it put this concept in a bad light and certain subeconomies within the main economy that the residents liked such as flea markets and yard sales. He added that he did not think such sales competed with regular businesses in the community because the products were different. He felt neighborhoods throughout the City might welcome a regional type location. He stated they would be catering to a segment of the community that had no other outlet, and he believed it showed a vibrant source of commerce in an area that had very little. He further stated that he agreed with the Mayor's suggestion to give this enterprise a year's permission, and would permit the organization some type of expectation as to what could be done in their planning for such events.

Mayor Naugle remarked there was a regional facility at Sunrise Boulevard and 31st Avenue.

Commissioner Teel stated that she believed the concept was good and encouraged everyone to do something like this, and that created the problems. She stated if a permit was given for one-year, how could it be labeled as a special event, and it would encourage other groups to ask for the same. She stated she wanted staff to explore a more regional special event which could possibly be held at George English Park, Holiday Park, or even the City Garage. She remarked that she could not support issuing a permit for a full year because she felt it was outside the realm of a special event category.

Commissioner Hutchinson asked if the ordinance that was to be proposed would preclude what this organization was attempting to do.

Ms. Hollar remarked that they could return with several options, such as a marketplace in the Downtown or other areas, but from a planning perspective their biggest concern was that when you began utilizing land area on a site meant to be used for parking, landscaping or traffic flow, the surrounding neighborhoods became impacted.

Commissioner Hutchinson asked if yard sales were permitted in today's Code. Ms. Hollar replied that had been discussed in a Friday memo, and stated there were certain things which were ancillary to the natural function, such as churches having dinners and parties. She further stated the principal use was one's residence, and the Code was silent as to whether garage sales were permitted, but the intent was that when one began using a residence for a retail business and every weekend there was a sale being conducted, then she believed that would be a violation of the Land Use Plan and the Zoning Regulations. She stated if one had a sale due to cleaning out a garage once a year that would be ancillary to functioning as a residence.

The City Manager stated they would return before the Commission with a report regarding what was on their list. He further stated that every time an item was moved forward on that list, something was pushed back.

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

**Change Order No. 9 – Whiting-Turner Contracting
Company – Project 10222 – City Park Mall Garage
Rehabilitation**

(M-7)

Commissioner Moore stated that this was an important contract, along with the Change Order, but yet he felt it was still missing the target for what he desired. He further stated that individuals who were tenants had stated their concerns and had them addressed, along with staff's concerns, but he remarked he had given his opinion and it had not been addressed which pertained to the planting structure so the vines could grow around the garage. He stated he would not support anything that did not meet the desires of what he felt the majority of the Commission had requested. He stated it was insulting to have a document appear after input had been given over a number of years as to how the Commission wanted to have this garage changed, and it had not been done.

Commissioner Moore stated this item should not be passed until it met the desire of this Commission.

Hector Castro, City Engineer, stated that he understood the Commissioner's concerns, and in his opinion, he felt they were addressing the special need expressed by the Commission. He explained that the planter boxes at this particular garage had been problematic. He stated the original contract with Whiting-Turner was to just aesthetically refurbish those boxes, but when work began they discovered the planter boxes were structurally deficient, and he felt it would be irresponsible to continue the work. Therefore, they were actually

deleting the work from the current contract and a study was being done to see what type of repairs would have to be done to the boxes. He remarked alternatives would be offered and then the Commission could decide on the matter.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that no change order be done until the planter boxes were part of it.

Commissioner Hutchinson asked if this matter could be deferred. She stated she did not know why they were the only city that could not grow something in planter boxes and improve the look of the garage.

Peter Partington, Assistant City Engineer, stated that they wanted to continue to refurbish the boxes and had been included in the contract. He reiterated that significant problems were discovered with the boxes and remarked they were not proper vehicle restraint systems. In March, they appeared before the Commission asking for time to study the situation and bring the boxes up to a standard which would be a suitable restraint system. He further stated the suggestion was that this work not be done under this contract because they were not yet sure what type of work was necessary to make the repairs. He explained this change order would be to remove part of the work, but they would return with suggestions on how to refurbish those planters, and ask for the Commission's approval to proceed with a separate contract for that work.

Mayor Naugle asked what was specifically the problem with the boxes. Mr. Partington explained that they lacked sufficient reinforcement which was either a design or implementation problem with the initial garage.

Commissioner Hutchinson asked when this matter would be brought back before the Commission. Mr. Partington replied that a consultant was working on the matter and believed they would be back before the Commission in approximately 2 months with the options which were available, along with their costs. He reiterated the first thing the consultant was reviewing was how to refurbish the existing boxes.

Commissioner Hutchinson reiterated that this garage needed all the help it could get, she asked Commissioner Moore if there was an opportunity for staff to return in 2 months with recommendations.

Mr. Partington stated they could not recommend continuing the work since they were now aware of the problems.

Commissioner Moore stated that this matter had been brought to staff's attention before they went to design, and once the project was underway staff returned to the Commission in January or February explaining there were problems with the boxes. He further stated that staff was now stating it would take 2 more months

to do something that the Commission had instructed them to do earlier in the year, and he did not think this was appropriate. He reiterated that he was not going to support this item. He felt 2 months would not work for him, and he believed it was inappropriate for a desire of a policymaker of this Board to be ignored especially for the length of time involved.

Mr. Partington apologized if it appeared that way, but he believed it was in March that they had appeared before the Commission. He stated he would whatever was possible in order to bring this matter before the Commission sooner.

Mayor Naugle asked who was working on the matter. Mr. Partington replied it was Corradina.

Commissioner Moore stated if the July 1st date could not be met, then they should return whenever the information was available. He felt the only way to resolve this matter would be to take such an action because the matter had been ignored for too long a time.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table this item until July 1, 2003 so the necessary information could be supplied to the Commission along with costs, and that no change orders be made until such time. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

**Task Order – Keith and Schnars, P.A. -
Project 10572 – Oakland Park Boulevard
Water Main and Routing Analysis**

(M-8)

Commissioner Teel stated that she had pulled this item so the public could have a better understanding of the situation. She asked if FDOT would end up tearing up these improvements in order to complete the sewer project.

Maurice Tobon, Engineering Design Manager, stated that they had tried to get the water main work as part of the DOT project through a joint project agreement. He stated that DOT was too far along in the process to permit that, so therefore, instead of going along Oakland Park, they would now look at alternative routes. He added that their policy was to not have any cuts for 5 years.

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

**Consultant Committee Negotiation Act (CCNA) –
Authorization to Negotiate with Top-Ranked Firm of
Architects Design Group, Inc. for Project 10583-
Police Department Detailed Needs Assessment
And Facility Replacement Project**

(M-12)

Commissioner Moore stated that he had pulled this item and commented that in reviewing the back-up information, he had been impressed with the committee who had done the evaluation. He asked about the timeline for the completion of the work.

Hector Castro, City Engineer, stated that they anticipated 3 months in order to complete Phase I that was the needs assessment that would cost approximately \$50,000. He remarked they were requesting authorization to negotiate a price with the top-ranked firm, and explained that this firm had been selected on qualifications and not price.

Commissioner Moore asked about the timeline for Phase II. Mr. Castro stated they had not set a timeline for that portion of the work, and further explained it would depend on the results of the need analysis. He added that Phase II would also be dependent upon a public safety bond issue, if they proceeded.

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

**Consent to Assignment – Browning Ferris Industries
(BFI) to Allied Receivables Funding Inc.; and
Subsequent Assignment to Wachovia Bank, N.A. –
Solid Waste Collection Contract**

(M-14)

Commissioner Moore stated that he had pulled this item, and wanted to make sure that this would not extend the contractual obligation and they could consider placing this into their service line or with the present contractor. He stated he was concerned that they were continuing the contract due to the annexation, and wanted to make sure the Commission's actions this evening would not extend the contractual period.

Ed Udvardy, Public Services, stated that this agreement would not commit, change or extend the terms of the contract the City currently had with BFI. He explained their term would come up 5 years after the time it originally began that was in the year 2000.

Commissioner Moore clarified that the rates would not be increased, and they were only changing the bank account. Mr. Udvardy agreed.

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

MOTIONS

Settlement of Workers Compensation File No. WC 02-11127 (Louis Wright) (M-15)

A motion authorizing the proper City officials to settle Workers Compensation File No. WC 02-11127 with Louis Wright.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the Settlement of Workers Compensation File No. WC 02-11127 (Louis Wright). Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

City Commission Request for Review - 717 S.E. 2 Street, Ltd. "Himmarshee Court" (PZ Case Nos. 44-R-02 and 29-H-99) (M-16)

A motion scheduling a public hearing date within sixty (60) days in conjunction with the review of the application for following proposed development, which received Preliminary Development Review approval (with conditions) on May 23, 2003:

Applicant: 717 S.E. 2 Street, Ltd.
Request: Site plan approval
Location: 717 S.E. 2 Street

Commissioner Hutchinson stated that she had pulled this item and stated that she had originally asked that this item be set for public hearing because she had been uncomfortable regarding the parking issue. She stated that she had met with staff and the owner, and believed it was not necessary to hold a public hearing. She added that this item required no action be taken.

Mayor Naugle remarked that this building had been declared historic and someone came along and offered to save it.
Commissioner Hutchinson thanked Dr. Harry Moon for the wonderful job he was doing on the building.

PUBLIC HEARINGS

**Historic Designation (Landmark) Status -
William Taylor – 1401 S. W. 1 Street
(HPB Case No. 15-H-03)**

(PH-1)

At the regular meeting of May 5, 2003, the Historic Preservation Board approved by a vote of 6-0 an application for the following property:

Applicant: William Taylor
Request: Historic designation (landmark) status
Location: 1401 S.W. 1 Street

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-105

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE BUILDING AND PROPERTY DESCRIBED AS LOT 13, BLOCK 6, OF RIVER HIGHLANDS AMENDED PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 69, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND LOCATED AT 1401 S.W. 1ST STREET, FORT LAUDERDALE, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

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

**Lease Agreement – New River Trading Post
Development LLC – Development and Use
Of the Former New River U.S. Post Office Property**

(PH-2)

A public hearing to consider a resolution authorizing the proper City officials to execute a lease agreement with New River Trading Post Development LLC for the development and use of the former New River U.S. Post Office property.

President of the Marine Historical Society asked the Commission to support this development because it would include a Maritime Museum for the City.

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

Commissioner Moore asked what type of restaurant was being proposed for this development.

Chuck Adams stated at this time the developers did not have a specific restaurant in mind, and the agreement provided for a range of uses which might include a restaurant. He stated they would be returning before the Commission with a refined plan in about 3 to 4 months.

Commissioner Moore asked if a nightclub was being considered for that location. Mr. Adams explained that the types of uses permitted and not permitted at that location did not allow for a stand-alone bar or an entertainment type facility without a food service component attached without receiving prior approval from the Commission. Commissioner Moore asked if there was any possibility the developer would consider a restaurant serving to about 10:00 p.m., and then turning into an entertainment facility around 11:00 p.m. Mr. Adams stated the lease specifically required them to have a full-service kitchen.

Robert Lochrie, attorney, explained they proposed to include an upscale restaurant which would cater to people going to the Performing Arts Center, but would not be directed towards an entertainment venue.

The City Manager stated that Section 8.09 of the City Charter provides that in a lease to a private entity such as in this case and the City Manager or City Attorney was required to give a summary of that lease. In order to comply with that provision the City Manager asked Chuck Adams to give a brief summary.

Mr. Adams explained this was for the lease and development of the former New River Post Office Property located at 330 S.W. 2nd Street. He stated the lessees were the New River Trading Post Development LLC comprised of Alan Hooper, Tim Petrello, and Kelly Drum. He further stated the project would replace the existing building and temporary public parking lot with a new mixed-use project approximately 37,000 sq. ft. The uses would include retail, a restaurant, office, live/work units, and museum space for the Maritime Museum. He further explained the term of the lease was for 50 years, along with a 2-year construction allowance period.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-106

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE WITH NEW RIVER TRADING POST DEVELOPMENT, LLC., FORMERLY REFERRED TO AS NEW RIVER TRADING POST, LLC., TO LEASE CERTAIN IMPROVED LANDS KNOWN AS THE FORMER NEW RIVER POST OFFICE FOR RE-DEVELOPMENT OF PROPERTY FOR A MIXED USE BUILDING OR BUILDINGS COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING USES.

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

**Amendment to Code of Ordinances – Adoption of (O-1)
Florida Building Code and Replacement of
References to the Formerly Applicable South Florida
Building Code**

An ordinance amending various chapters of the City's Code of Ordinances to provide for the adoption of the Florida Building Code and the Broward County Administrative Provisions, and for the replacement of any references to the formerly applicable South Florida Building Code. Notice of proposed ordinance was published June 7, 2003.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-23

AN ORDINANCE AMENDING CHAPTER 5, ENTITLED "ALCOHOLIC BEVERAGES", CHAPTER 7, ENTITLED "AVIATION", CHAPTER 8, ENTITLED "BOATS, DOCKS, BEACHES AND WATERWAYS", CHAPTER 9, ENTITLED "BUILDINGS AND CONSTRUCTION", CHAPTER 11, ENTITLED "CODE ENFORCEMENT", CHAPTER 13, ENTITLED "FIRE PREVENTIONS AND PROTECTION", CHAPTER 14, ENTITLED "FLOOD DAMAGE PREVENTION", CHAPTER 26, ENTITLED "TRAFFIC", CHAPTER 47, ENTITLED

“UNIFIED LAND DEVELOPMENT REGULATIONS”, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE ADOPTION OF THE FLORIDA BUILDING CODE AND THE BROWARD COUNTY ADMINISTRATIVE PROVISIONS, AND FOR THE REPLACEMENT OF ANY REFERENCES TO THE FORMERLY APPLICABLE SOUTH FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

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

Pre-Construction Loan Application – State Revolving Fund (SRF) – Water and Wastewater Capital Improvement Program (CIP) – also known as Waterworks 2011 (R-1)

A resolution authorizing the proper City officials to execute the proper loan agreements and all other documents necessary for the City’s use of SRF funding for certain preconstruction costs under WaterWorks 2011.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

**Site Plan Level IV Approval/IOA – Royal Atlantic LLC
(PZ Case No. 135-R-02)**

(R-2)

At the April 23, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 3-6 (also see Item R-3 on this Agenda):

Applicant: Royal Atlantic LLC
Request: Site plan approval/IOA
Location: 435 Bayshore Drive

Debbie Orshefsky, attorney, asked that this item, along with Item R-3, be deferred to allow them to address various concerns which had been raised at the Planning and Zoning Board, and they believed they had a creative solution in regard to those issues.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer Items R-2 and R-3 until July 15, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

**Plat Approval for “Royal Atlantic” Plat – Royal Atlantic
LLC (PZ Case No. 31-P-02)**

(R-3)

At the April 23, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 9-0 (also see Item R-2 on this Agenda):

Applicant: Royal Atlantic LLC
Request: Plat approval for “Royal Atlantic” plat
Location: 435 Bayshore Drive

This item was deferred to July 15, 2003 at 6:00 p.m.

**Utility Easements – Florida Power and Light (FPL) -
Bahia Mar Resort Expansion, Phase 3**

(R-4)

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 (Phase 3).

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-108

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

Port Everglades Florida Power and Light (FPL) (R-5)
Plant – Application for Pollution Retardant System

A resolution endorsing the application for a pollution retardant system at the Power Everglades FPL Power Plant. (Requested by Commissioner Hutchinson)

This item had been deleted from the agenda.

Broward County Land Preservation Advisory Board - (R-6)
Recommendations for Site Acquisitions

A resolution endorsing the Broward County Land Preservation Advisory Board's ranking of Fort Lauderdale projects on June 5, 2003, for funding under the Broward County Land Preservation Program.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENDORSING THE BROWARD COUNTY LAND PRESERVATION

ADVISORY BOARD'S RANKING OF FORT LAUDERDALE
PROJECTS ON JUNE 5, 2003, FOR FUNDING UNDER
THE BROWARD COUNTY LAND PRESERVATION
PROGRAM.

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

**Proposed Lien Settlement – Code Enforcement Board (M-17)
Case – Joseph Debellas and Robert D. Marks
(2600 S.W. 3 Avenue)**

A motion authorizing the proposed lien settlement for the following Code Enforcement Board case:

1. 2600 S.W. 3 Avenue (CE02100777) – Joseph Debellas & Robert D. Marks - \$1,240.

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

Advisory Board/Committee Appointments (OB)

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

Board of Trustees, Police and Firefighters Retirement System	Romney Rogers
Marine Advisory Board	Robert Sadowski Randy Dunlap
Northwest-Progresso-Flagler Heights Redevelopment Advisory Board	Tim Hernandez

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 03-110

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

There being no further business to come before the Commission, the meeting was adjourned at approximately 7:10 p.m.

JIM NAUGLE
MAYOR

ATTEST:

LUCY KISELA
CITY CLERK