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FORT LAUDERDALE CITY COMMISSION  
JULY 1, 2003**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
JULY 1, 2003**

Meeting was called to order at 6:17 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  
                              City Clerk, Lucy Kisela  
                              Sergeant At Arms, Sergeant M. Furdon

Invocation was offered by Pastor Tim Dobbins, First Presbyterian Church, 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 June 17, 2003 meeting. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

**Presentations**

**OB**

1.     Smoke Detector

Commissioner Moore demonstrated the proper way to test a smoke detector.

2. Fort Lauderdale Fire-Rescue Explorers

Commissioner Hutchinson presented a commendation to the Fort Lauderdale Fire-Rescue Explorers. She stated that the two gentlemen who were responsible for this program were Ray Cicero and George Maderias.

3. Deerfield Beach Firefighter Sue Sweetman

Commissioner Hutchinson presented a commendation to Firefighter Sue Sweetman of the City of Deerfield Beach who, while driving to work, had saved an individual's life that had been involved in an accident by pulling him from his van which had caught on fire. Chief Van Busker of Deerfield Beach Fire Department was also present. Commissioner Hutchinson stated that Mr. Meningad had been the individual whose life had been saved.

4. Annual Paul Urschaltz Award

Commissioner Trantalis asked Pat Mayers, Citizens Crime Alert, to present the Annual Paul Urschaltz Award to Detective Estelle Abrams. Ms. Mayers thanked all the Fort Lauderdale Police Officers for the work they did on a daily basis.

5. Outstanding Employees

Faye Outlaw, Community Economic Development, stated that they wanted to recognize Joey Hoffman as employee of the month, who was a dock attendant at the Marine Facilities and was being recognized for exceptional customer service and initiative.

Chief Bruce Roberts, Police Department, proceeded to recognize the Civilian Employee of the Month, Paul Brown, for assisting in the arrest of an individual committing lewd and luscious behavior.

Chief Roberts then recognized Officer Jaime Costas as Officer of the Month for various actions. Officer Costas had assisted in the arrest of several armed robbers and the recovery of stolen property. Chief Roberts also stated that Officer Costas had retired previously from the Plantation Police Department.

Chief Roberts also recognized Officer Leann Herman and presented her with a life-safety award for assisting individuals from a burning building.

Deputy Chief Keith Allen, Fire-Rescue, stated that they wanted to recognize Firefighter/Paramedic Karen Komarek, as Employee of the Month, for her work in scheduling personnel and making sure emergency medical equipment would be available for special events held in the City.

Deputy Chief Allen also proceeded to recognize Firefighter/Paramedic Renee Kelly for her assistance during a medical emergency on a flight from Fort Lauderdale to Atlanta.

**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 that Item M-17 was deleted from tonight's agenda.

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**Event Agreement – 44<sup>th</sup> Annual Fort Lauderdale International Boat Show**

**(M-1)**

A motion authorizing the proper City officials to execute an event agreement with **Yachting Promotions, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **44<sup>th</sup> Annual Fort Lauderdale International Boat Show** to be held from **Thursday, October 30, 2003 to Sunday, November 2, 2003 from 10:00 a.m. to 7:00 p.m.; and Monday, November 3, 2003 from 10:00 a.m. to 6:00 p.m.** at Bahia Mar, Broward County Convention Center, Pier 66, Marina Marriott, Las Olas Marina, Hall of Fame, and D.C. Alexander Park; and further authorizing the closing of S.E. 5 Street Between Fort Lauderdale Beach Boulevard (northbound State Road A-1-A) to Seabreeze Boulevard (southbound State Road A-1-A) from one hour before the show opens until one hour after the show closes each day.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-921 from City Manager.

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**Event Agreement – 1<sup>st</sup> Annual Jingle Bell Blues****(M-2)**

A motion authorizing the proper City officials to execute an event agreement with **Downtowner Saloon Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **1<sup>st</sup> Annual Jingle Bell Blues** to be held **Friday, November 28, 2003 from 5:00 p.m. to 11:00 p.m.; Saturday, November 29, 2003 from 12:00 noon to 11:00 p.m.; and Sunday, November 30, 2003 from 12:00 noon to 7:00 p.m.;** and further authorizing the closing of South New River Drive from the Andrews Avenue Bridge to the east side of the S.E. 1 Avenue cul-de-sac from 8:00 a.m. Friday, November 28, 2003 to 8:00 a.m. Monday, December 1, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-924 from City Manager.

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**Event Agreement – Memory Walk****(M-3)**

A motion authorizing the proper City officials to execute an event agreement with **Alzheimer's Disease and Related Disorders Association, Southeast Florida Chapter, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **Memory Walk** to be held **Saturday, October 18, 2003 from 8:00 a.m. to 2:00 p.m.** at Huizenga Plaza and downtown streets and sidewalks; and further authorizing the closing of the following route: beginning at Huizenga Plaza at 9:00 a.m. and heading east along Riverwalk to S.E. 5 Avenue, north to S.E. 4 Street, west to S.E. 3 Avenue, south over the Bridge to South New River Drive, west to S.W. 1 Avenue, south to S.W. 5 Street, west to S.W. 4 Avenue/S.W. 7 Avenue, north over the Bridge to West Las Olas Boulevard, east to Riverwalk to return to Huizenga Plaza.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-923 from City Manager.

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**Event Agreement – 16<sup>th</sup> Annual Las Olas Labor Day Art Fair** (M-4)

A motion authorizing the property City officials to execute an event agreement with the **Las Olas Association** to indemnify, protect and hold harmless the City from any liability in connection with the **16<sup>th</sup> Annual Las Olas Labor Day Art Fair** to be held **Saturday and Sunday, August 30 and 31, 2003, from 10:00 a.m. to 6:00 p.m.** in the East Las Olas Boulevard Shopping District; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue from 4:30 a.m. Saturday, August 30, 2003 to 10:00 p.m. Sunday, August 31, 2003.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-856 from City Manager.

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**Agreement – North Broward Hospital District (NBHD) - Fitness/Wellness/Healing Arts Classes** (M-5)

A motion authorizing the property City officials to execute an agreement with the NBHD to conduct fitness/wellness/healing arts classes at the Beach Community Center from July 1, 2003 through June 30, 2004.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-922 from City Manager.

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**Change Order No. 9 – Whiting-Turner Contracting Company – Project 10222 – City Park Mall Garage Rehabilitation** (M-6)

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. (On June 17, 2003, the City Commission deferred consideration of this item to July 1, 2003. Also see Item I-E on the Conference Agenda.)

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

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 01-20384 - \$10,114.14 U.S. Currency**

**(M-7)**

A motion authorizing the equitable disbursement of funds in the amount of \$10,114.14, with each of the 14 participating law enforcement agencies to receive \$700.76, and the City receiving an additional three percent for increased manpower hours for a total of \$1,004.26.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-6-4 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 01-20384 - \$655.51 U.S. Currency**

**(M-8)**

A motion authorizing the equitable disbursement of funds in the amount of \$655.51, with each of the 14 participating law enforcement agencies to receive \$45.41, and the City receiving an additional three percent for increased manpower hours for a total of \$65.18.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-6-5 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-116400 - \$11,636.10 U.S. Currency**

**(M-9)**

A motion authorizing the equitable disbursement of funds in the amount of \$11,636.10 with each of the 12 participating law enforcement agencies to receive \$969.67.

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

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-116401 - \$55,924.34 U.S. Currency**

**(M-10)**

A motion authorizing the equitable disbursement of funds in the amount of \$55,924.34, with each of the 12 participating law enforcement agencies to receive \$4,660.36.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-6-7 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-108518 - \$1,258.50 U.S. Currency**

**(M-11)**

A motion authorizing the equitable disbursement of funds in the amount of \$1,258.50, with each of the 12 participating law enforcement agencies to receive \$104.87.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-6-8 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-127592 - \$699.05 U.S. Currency**

**(M-12)**

A motion authorizing the equitable disbursement of funds in the amount of \$699.05, with each of the 12 participating law enforcement agencies to receive \$58.25.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-6-9 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-156769 - \$6,419.15 U.S. Currency**

**(M-13)**

A motion authorizing the equitable disbursement of funds in the amount of \$6,419.15, with each of the 12 participating law enforcement agencies to receive \$534.92.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-6-10 from City Attorney.

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**Amendment to Task Order 16724.54 – Keith and Schnars, P.A. – Project 10529 – Public Services  
Facility-Wide Security Fencing Services**

**(M-14)**

A motion authorizing the proper City officials to execute Task Order No. 16724.54 with Keith and Schnars, P.A. in the amount of \$3,025 for professional engineering services associated with the Public Services facility-wide security fencing.

**Funds:** See Memo  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-825 from City Manager.

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**Joint Project Agreement (JPA) – City of Oakland Park – Right-of-Way Improvement Project for N.E. 38 Street** (M-15)

A motion authorizing the proper City officials to execute a JPA with the City of Oakland Park for utility work associated with its right-of-way improvement project for N.E. 38 Street.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-884 from City Manager.

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**Task Order No. 14 – CH2M Hill, Inc. – Project 10365 - Waterworks 2011 Grants Management Coordination** (M-16)

A motion authorizing the proper City officials to execute Task Order No.14 with CH2M Hill, Inc. in the amount of \$74,242 for the coordination and management of the sanitary sewer service grants applications to the grant and financing programs made available by the City's Housing and Community Development Division.

**Funds:** See Memo  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-826 from City Manager.

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**Consultant Committee Negotiation Act (CCNA) - Authorization to Negotiate with Top-Ranked Firm of Quality Communications for Project 10547 – Public Services Department Facility-Wide Security Project** (M-17)

A motion authorizing the proper City officials to accept the Consultant Selection and Negotiation Committee's recommendation of ranking short-listed firms for the Public Services Department Facility-Wide Security Project; and further authorizing the proper City officials to commence negotiations with the top-ranked firm of Quality Communications or successively ranked firms if such negotiations become necessary.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-827 from City Manager.

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**Authorization to Negotiate – Youngquist Brothers, Inc. - (M-18)**  
**Sole Source Procurement for Project 10454 – Concrete**  
**Disposal Well Construction at the Peele-Dixie Water**  
**Treatment Plant**

A motion authorizing the proper City officials to commence negotiations with Youngquist Brothers, Inc. for the construction of a concentrate disposal system for the Peele-Dixie Water Treatment Plant project.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-828 from City Manager.

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**PURCHASING  
AGENDA**

**332-8871 – Fleet Management and Maintenance (Pur-1)**  
**Services**

A three-year contract for fleet management and maintenance services is being presented for approval by the Administrative Services, Fleet Services Division.

Recommended Award: First Vehicle Services, Inc.  
Cincinnati, OH  
Amount: \$ 14,372,239.00 (estimated)  
Bids Solicited/Rec'd: 8/3  
Exhibits: Memorandum No. 03-862 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding to the first ranked proposer.

---

**Proprietary – Software Upgrade for Payroll Module**

**(Pur-2)**

An agreement to purchase professional services and software upgrade for the City's payroll module system is being presented for approval by the Administrative Service and Finance Departments.

Recommended Award: Cyborg Systems, Inc.  
Chicago, IL  
Amount: \$ 27,600.00 (not to exceed)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-916 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary purchase.

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**Proprietary – Upgrade Parking Payment Tele-works Application**

**(Pur-3)**

An agreement to upgrade to the parking payment Tele-works web application is being presented for approval by the Administrative Services, Parking and Central Services Division.

Recommended Award: Tele-works, Inc.  
Blacksburg, VA  
Amount: \$ 40,800.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-898 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary purchase.

---

**392-8173 – Long Distance Telephone Services Extension** (Pur-4)

An agreement for an interim extension for long distance telephone services is being presented for approval by the Administrative Services, Telecommunications Division.

Recommended Award: A T & T Communications  
Fort Lauderdale, FL  
Amount: \$ 42,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-929 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving interim contract extension.

---

**Co-Op Emergency Medical Supplies** (Pur-5)

An agreement to purchase emergency medical supplies is being presented for approval by the Fire-Rescue Department.

Recommended Award: Broward County Logistics  
Fort Lauderdale, FL  
Amount: \$ 250,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-730 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving agreement with Broward County Logistics.

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**432-8883 – Turf Grass Maintenance** (Pur-6)

A one-year contract for turf grass maintenance services is being presented for approval by the Parks and Recreation Department.

Recommended Award: Sonny's Total Landscaping, Inc. (MBE)  
Oakland Park, FL  
Amount: \$ 29,500.00 (estimated)  
Bids Solicited/Rec'd: 108/11  
Exhibits: Memorandum No. 03-899 from City Manager

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

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**Proprietary – Maintenance, Police Message Switch****(Pur-7)**

An agreement to purchase maintenance for the Police message switch is being presented for approval by the Police Department.

Recommended Award: Tiburon, Inc.  
San Francisco, CA  
Amount: \$ 12,348.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-912 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary purchase.

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**Proprietary – Actuarial Services****(Pur-8)**

An agreement to purchase actuarial services, “as needed” for the General Employees Retirement Fund is being presented for approval by the Administrative Services, Human Resources Division.

Recommended Award: Gabriel-Roeder-Smith & Company  
Fort Lauderdale, FL  
Amount: \$ 20,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-885 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary purchase.

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**432-8888 – Contract, Chlorine (Rail Car)****(Pur-9)**

A one-year contract for the purchase of chlorine (rail car) is being presented for approval by the Public Services Department.

Recommended Award: JCI Jones Chemical, Inc.  
Fort Lauderdale, FL  
Amount: \$ 201,450.00 (estimated)  
Bids Solicited/Rec'd: 35/3 with 1 late bid  
Exhibits: Memorandum No. 03-920 from City Manager

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

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**Proprietary – Rebuild Two Grit Clarifiers****(Pur-10)**

An agreement to rebuild two grit clarifiers at GTL Wastewater Plant is being presented for approval by the Public Services Department.

Recommended Award: Dorr-Oliver Eimco USA, Inc.  
Salt Lake City, UT  
Amount: \$ 216,384.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-894 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary purchase.

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**432-8859 – Step Down Transformer****(Pur-11)**

An agreement for the purchase and installation of a step down transformer is being presented for approval by the Public Services Department.

Recommended Award: Advanced Modular Systems, Inc.  
Pompano Beach, FL  
Amount: \$ 27,591.00  
Bids Solicited/Rec'd: 62/6 with 2 no bids  
Exhibits: Memorandum No. 03-911 from City Manager

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

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**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel that Consent Agenda Item Nos. M-4, M-15 and Pur-1 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 Teel, Trantalis, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Event Agreement – 16<sup>th</sup> Annual Las Olas Labor Day Art Fair****(M-4)**

Commissioner Hutchinson stated that she had pulled this item, and asked if staff could rectify the area with the neighborhood south of Las Olas from the canal to SE 17<sup>th</sup> Avenue. She was advised it would be done.



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

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**Joint Project Agreement (JPA) – City of Oakland Park - (M-15)**  
**Right-of-Way Improvement Project for N.E. 38 Street**

Mayor Naugle asked if any portion of this roadway would be affected by the water pipe which had failed in case it needed to be replaced, and were adjustments being made regarding the timing of the project.

Greg Kisela, Assistant City Manager, stated they had reviewed the matter before entering into the JPA, and the area under construction from Dixie Highway to Federal Highway was iron already and would not have to be replaced.

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

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**332-8871 – Fleet Management and Maintenance Services (Pur-1)**

Commissioner Hutchinson stated that she was not going to support this item because she had heard there had been complaints in the past regarding this company. She further stated that some of the complaints pertained to maintenance issues and until she heard that improvements had been made, she was not going to support this.

Commissioner Hutchinson asked if the specialty fire-rescue services had been separated from the police and public services in the RFP.

Kirk Buffington, Procurement Manager, stated that they had not separated the services and until two years ago there had been two separate contracts, but staff and the Commission felt bringing everything under one contract made more sense.

John Hoesle, Fleet Manager, stated there had been some problems and they had worked hard to resolve the issues and provide the type of service that was necessary.

Steve Kastner, Fire Marshall, stated that they had some problems regarding maintenance of the vehicles, and staff had worked with the company's management and changes had been instituted on both sides. He further stated that a mobile mechanic had been added to the contract, along with additional

technicians which improved the service. He further stated that there was still room for improvement, but things were better and progress had been made.

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

Commissioner Trantalis asked if this item was not approved, what would be the next step.

Mr. Buffington stated that the current contract expired September 30, 2003, therefore, if this item was not approved several options were available. He stated they could go to the second proposer if that was more palatable, but frankly, after going through the evaluation process the other proposers were not ranked No. 1 for various reasons. He explained the market was tight.

Commissioner Trantalis asked if they went to Plan B were they anticipating not being adequately serviced, and suggesting there could be future problems.

Mr. Buffington stated that it was staff's recommendation to award a new contract to First Vehicle Services, but absent that they would have to negotiate with them because there were no remaining renewal options on the present contract.

Commissioner Trantalis reiterated that since they had a 3-year contract, they were basically stuck with this company, and he asked if there was anything in the contract for them to opt out of the agreement if their performance was deficient. Mr. Buffington explained there were performance measures in the contract that would allow them to either negotiate the matter or cancel the contract.

Commissioner Moore asked for clarification regarding the length of the contract. Mr. Buffington explained it was a 3-year contract with an annual renewable clause for 2 additional 2-year periods. He stated if all renewable options were exercised, the contract would be for 7 years. He further stated that it was a 3-year contract due to a lot of capital upfront expense involved for the contractor such as equipment and personnel costs. Commissioner Moore asked if the roving vehicle would be a new one. Mr. Buffington replied it would not be new.

Mr. Hoesle explained it was a roving vehicle that had a compressor on it which could do greasing, oil and filter changes at the site. He stated there was also a back-up vehicle for the rover. He further stated that the emergency vehicle technicians had been increased from 7 to 10. He explained that the other contractors who had bid on this proposal were supplying significantly less mechanics.

Commissioner Hutchinson remarked that the other proposers did not appear to be as qualified and had not met the standards the City had been looking for, but she stated that First Vehicle had not done their job in the past, and therefore, she

could not support this item. She reiterated that she was not stating that the other two companies were any better.

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

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Mayor Naugle announced that Commissioner Moore had asked for a clarification in regard to Item M-6.

Hector Castro, City Engineer, stated that they had revised the Change Order being voted on this evening to remove all references to the planter wall system. Tonight, they were asking the Commission to approve the additional work they needed to proceed with such as the electrical systems, stairwells, and appurtenances. He further stated that at the July 15, 2003 conference meeting, they would return with a firm price regarding the rebuilding of the planter walls, as well as presenting two other options. One would be restoring the planter walls and installing something in them other than live plant material, or another type of façade.

Mr. Castro stated further that the Commission could then direct them to make the changes to the contract as a Change Order or to bid on them separately.

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<b>MOTIONS</b>
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**Settlement of General Liability File No. GL-00-653B  
(Reniel Hernandez)**

**(M-19)**

A motion authorizing the proper City officials to settle General Liability File No. GL 00-653B with Reniel Hernandez.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the Settlement Agreement. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, and Hutchinson. NAYS: Mayor Naugle.

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<b>PUBLIC HEARINGS</b>
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**Proposal to Convert a Portion of Ponce de Leon Drive to a Pedestrian Walkway – Hector Park – Rio Vista Neighborhood**

**(PH-1)**

A public hearing to consider a proposal in the Rio Vista Neighborhood to convert a portion of Ponce de Leon Drive, a vehicular street, to a pedestrian walkway and to make permanent the temporary traffic modifications necessary to maintain local traffic circulation. Notice of public hearing was published June 19 and 26, 2003.

Dennis Girisgen, Engineering, stated that in 2001 the Rio Vista Civic Association had asked the Commission to consider expanding the median by removing the asphalt along the eastbound lane of Ponce de Leon Drive, and extending the grass edge to the north edge of Hector Park. As part of the plan, they also asked the Commission to consider the one-way system to facilitate the local circulation and access. He explained that a public hearing had been held on September 5<sup>th</sup> and the Commission had approved this on a temporary basis to see if there would be any traffic or safety impacts to the area. The one-way system had been implemented in December, 2001. A before and after traffic count had been done, and there had not been much difference.

Mr. Girisgen stated they had also done a 3-year accident search and the results were that no accidents had been reported. The Rio Vista Association had applied for an NCIP grant in order to make the changes permanent, and the Commission had requested that two conditions be met before considering it any further. The first condition was for a public hearing to be held, and that the Association provide the necessary matching funds to make the changes permanent. He explained that the work would entail removing the asphalt in the existing eastbound lane, the underlying roadway base material, and the surrounding curb on the median and the north side of Hector Park. He further stated that a meandering 5' sidewalk would be installed in the area, along with the sod and backfill material, and the existing irrigation system would extend to the north. He stated they were estimating the cost to be about \$55,000 if deeded out as a conventional roadway project. He stated they had asked the Civic Association to base their match on that number. He further stated that they believed the traffic impacts would be relatively minor and would outweigh the creation of additional green space that would enhance the quality of the neighborhood. He stated that they recommended that the Commission approve this application subject to the financial criteria being met by the Association.

Commissioner Moore asked if the Association had the match available. Mr. Girisgen stated they had asked for copies of bank statements and a letter of

commitment to be submitted by the end of July. Commissioner Moore asked if they had the money at this time.

Marisol Lotito, NCIP Program Manager, stated that she had been in contact with the President of the Association and he had assured her that at least \$25,000 in cash from a private developer would be available by mid-July. She stated that she was giving them until the end of July to provide such information.

John Wilkes, Director on the Board for the Rio Vista Association, stated that he had volunteered 5 years ago for this project. He stated this matter could be broken down into two aspects. One was the approval of the plan. He explained that this project had begun in 1998 and had been approved and recommended by the Parks Board in December, 1999. In May, 2001 it had been approved by the Right-of-Way Committee, and in September, 2001, the Commission had approved it on a temporary basis due to concerns raised by the neighbors regarding traffic. He reiterated that they were presently 19 months into the 6-month trial period.

Mr. Wilkes stated further that the project was to be implemented for 3 reasons. Those three reasons were a drainage problem, traffic safety, and an increase in green space and tree canopy. He stated that a developer was to give the Association \$25,000 as a result of a lawsuit. He further stated that he had a copy of a bank statement from May, 2003 which showed a balance in excess of \$15,000. Notwithstanding these contributions, he stated they had the means to address the work that needed to be done. He reiterated that they were ready to proceed with this project.

Mayor Naugle asked for the members of the neighborhood to show by raising their hands who were in favor of the project, and those against it.

Terry Smalley, resident on Ponce de Leon Drive, stated that she was against this project. She explained that they were able to go out to US1, but to re-enter the area they had to take a detour. She believed there was going to be an increase in traffic. She reiterated that she hoped they would not close Ponce de Leon Drive.

George Caldwell stated that he was opposed to some of the components of the project such as the diversion of traffic. He explained that the conversion of SE 11<sup>th</sup> Street to a one-way street would divert traffic towards their house. He explained that a traffic study had been done during the month of June, and he felt it should have been done when the residents were available during season. He stated they were not opposed to a park, but reiterated that SE 11<sup>th</sup> Street should remain as it was at this time.

Ted Bertolett stated that this was a traffic issue and not a park issue. He reiterated they all wanted a park, but the traffic component had not been well

thought out. He stated the homeowners who were affected by this project were not in favor of it, and added that he had 20 letters from residents who were against this. He urged the Commission to either table this matter until the traffic plan could be further researched. He believed that their neighborhood had not been consulted, and he did not want to be forced into a plan without their concerns being addressed.

Jeff Greenberg stated that he had a one-year old child and he was in favor of the park and so were his immediate neighbors.

Susan Caldwell stated that they were not against the park, but they were against changing the traffic flow which existed and which had worked well. She reiterated that there was a lot of construction in the area and they could not really evaluate what was actually taking place. She asked the Commission to consider changing the traffic flow, and reiterated that they were in favor of a park.

Harry Urdy, resident of Ponce de Leon Drive, stated that there was an old saying which was "If it ain't broke, don't fix it!" He believed that statement fit this situation. He explained that a few years ago this street had been voted the most beautiful in the City, and part of the beauty was the natural symmetry which existed in the street. He stated this proposal was illogical and they could not support it

Timothy Wolf, resident on SE 11 Street, stated that initially he had not been in favor of the park proposal and had signed a petition against it, and was willing to study the traffic plans before making a final decision. He stated further that after hearing tonight's testimony, he was in favor of the park and felt the neighborhood would benefit from it.

Caroline Bass, 922 SE 11 Street, stated that they liked the idea of having a park, especially since they had 5 children ranging in age from 5 to 18.

Sam Poole, 702 N. Rio Vista Boulevard, stated that he was a Board Member of the Rio Vista Civic Association. He further stated they had been discussing this matter for over 2 years and the plan presented tonight was a safe configuration. He explained that one of the consequences of this approach was that it was very effective for traffic calming. He further stated that the effect of closing the center section was greater than the square footage of pavement involved because they would now have a greater green space. He explained there were drainage issues in the area, and he felt this would have a positive value effect for the homes near the park.

Dr. Sterman, Vice-President of the Civic Association, stated that the Board had been in favor of this project for a long time. He stated it would add additional green space to the neighborhood.

Hogar Weiss, resident of 11 Street, stated they were in favor of the proposed park. He reiterated that the value of green space was tremendous, and he felt the modest inconvenience regarding traffic flow would be for the benefit of the area.

Pamela Wilkes stated that she grew up on 11 Street and felt there was a strange and inadequate configuration of traffic around Hector Park and was afraid to let her children walk in the area.

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

Commissioner Moore asked why they were not going to expand the length of Hector Park so they would direct traffic more to SE 11 Street. He felt it would make more sense.

Commissioner Trantalis stated that he believed the Commission was ready to vote on this issue.

Commissioner Hutchinson stated that during the temporary closure there had been some obnoxious uses regarding traffic and construction. She stated that the City had not done a good job and the temporary use had been prolonged which affected people's quality of life. She stated she did not know of any neighborhoods who did not want green space added to their areas, nor people who did not want some traffic calming for their communities. She stated that she was in support of this proposal and wanted the City to get the job done and to do it right.

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

**Rezone RMM-25 to X-P and Site Plan Approval – (PH-2)**  
**Anthony's Coal Fired Pizza (PZ Case No. 9-ZR-02)**

At the May 21, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 8-1. Notice of public hearing was published June 19 and 26, 2003.

Applicant: Anthony's Coal Fired Pizza  
Request: Rezone RMM-25 to X-P with site plan approval  
Location: 505 S.E. 22 Street

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

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-24

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO XP THAT INCLUDES SITE PLAN APPROVAL, LOT 21, BLOCK 67, "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF SOUTHEAST 22<sup>ND</sup> STREET, WEST OF SOUTHEAST 6<sup>TH</sup> AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only.

Commissioner Hutchinson disclosed that she had spoken with Robert Lochrie and someone from the neighborhood.

Commissioner Trantalis disclosed that he had spoken with representatives of the area regarding the site.

Commissioner Teel disclosed that she had also spoken with Robert Lochrie.

Commissioner Moore disclosed also that he had spoken with Robert Lochrie.

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

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**Rezone RML-25 to B-1 – City of Fort Lauderdale (PH-3)**  
**(Konover Property) (PZ Case No. 8-Z-03)**

At the May 21, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 9-0. Notice of public hearing was published June 19 and 26, 2003.

Applicant: City of Fort Lauderdale  
Request: Rezone RML-25 to B-1  
Location: North of Broward Boulevard, west of I-95 between N.W. 22 Avenue and N.W. 25 Terrace (also known as the Konover Property)



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

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-25

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RML-25, TO B-1, TRACTS "A" AND "B", "R.E.B. PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 74, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH AND SOUTH SIDES OF NORTHWEST 2<sup>ND</sup> STREET, BETWEEN NORTHWEST 22<sup>ND</sup> AVENUE AND NORTHWEST 25<sup>TH</sup> 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 Teel, Trantalis, Moore, Hutchinson and Mayor Naugle  
NAYS: None.

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(There was no Item PH-4 scheduled on this agenda.)

**Historic Designation – City of Fort Lauderdale – 403 Tarpon Terrace (HPB Case No. 29-H-02) (PH-5)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 403 Tarpon Terrace, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; and on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0.

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to defer consideration of this item to Tuesday, September 16, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Mayor Naugle. NAYS: None.

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**Historic Designation – City of Fort Lauderdale – 828  
S.E. 4 Street (HPB Case No. 30-H-02)****(PH-6)**

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. On May 20, 2003, the City Commission deferred consideration of this item to July 1, 2003.

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to defer consideration of this item to Tuesday, September 16, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson and Mayor Naugle. NAYS: none.

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**Historic Designation – City of Fort Lauderdale – 833  
North Rio Vista Boulevard (HPB Case No. 31-H-02)****(PH-7)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 833 North Rio Vista Boulevard, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; and on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to defer consideration of this item to Tuesday, September 16, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Mayor Naugle. NAYS: None.

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**Appeal of Historic Preservation Board Decision to  
Deny Economic Hardship Exception to Demolish Property –  
Las Olas Courts – 700 S.W. 2 Court (HPB Case No. 23-H-99)****(PH-8)**

At the regular meeting of March 10, 2003, the Historic Preservation Board denied applicant's request for an Economic Hardship Exception to Demolish Property by a vote of 0-9. Pursuant to Section 47-26.B.1, the City Commission shall hold a public hearing on the record of the case and determine whether: (a) there was a substantial departure from the essential requirements of law in the proceedings appealed; or (b) competent substantial evidence does not exist to support such a decision. (Also see Items M-20 and PH-9 on this Agenda)

Applicant: Las Olas Courts, Ltd.  
Request: Economic hardship exception to demolish property  
Location: 700 S.W. 2 Court

**AND**

**Appeal of Historic Preservation Board Decision to Deny (PH-9)  
Economic Hardship Exception to Demolish Property –  
Las Olas Courts – 712 S.W. 2 Court (HPB Case No. 24-H-99)**

At the regular meeting of April 7, 2003, the Historic Preservation Board denied applicant's request for an Economic Hardship Exception to Demolish Property by a vote of 1-8. Pursuant to Section 47-26.B.1, the City Commission shall hold a public hearing on the record of the case and determine whether: (a) there was a substantial departure from the essential requirements of law in the proceedings appealed; or (b) competent substantial evidence does not exist to support such a decision. (Also see Items M-20 and PH-8 on this Agenda)

Michael Ciesielski, Planning and Zoning Department, stated that on June 3, 2003 this item had been scheduled as an appeal on the Commission's regular agenda. At the applicant's request, this item was deferred until this evening. On April 8, 2003, the City Clerk received an appeal from the applicant contesting the Historic Preservation Board's decision at its March 10, 2003 meeting to deny an economic hardship exception for demolition. He explained that the appeal had stated that the economic hardship exception for demolition should be permitted since the request met all criteria for demolition as cited in Section 47-24.11.C.4.i and ii. He proceeded to show the criteria requirements.

Mr. Ciesielski continued stating that according to Code Enforcement, the subject building had been neglected and in serious disrepair since September, 1994. Two previous requests for a Certificate of Appropriateness for Demolition had been denied by the Historic Preservation Board in 1995 and again in 1999. An appeal of the Board's 1995 decision to deny economic hardship was withdrawn by the applicant at the July 18, 1995 City Commission meeting. At the June 11, 2001 meeting, the Board unanimously denied a request for a Certificate of Appropriateness for demolition of this property. The Board found that the applicant had failed to prove that the subject structure met the criteria for demolition since it was still contributing to the Historic District and had significance as an historic landmark. He explained that the Board had been unable to comment on the third criteria which was that the demolition and redevelopment would be of major benefit since the applicant had not submitted a proposed site plan.

Mr. Ciesielski further stated that on July 11, 2001, the applicant had submitted an incomplete application for economic hardship, and subsequently the application had been completed. In the interim, staff had concerns about the accuracy of the total cost to renovate the property as submitted in the application as presented

by the general contractor which had been retained by the applicant. He explained that the City had retained Mario Cartya as an independent consultant to evaluate the condition of the property. In that report, the estimated cost for the renovations were between \$175,000 and \$250,000, and it was maintained that the subject house had retained enough of its vernacular historic features to be restored in accordance with the Secretary of Interior Standards and Guidelines for Rehabilitation of Historic Buildings. In a supplemental report, it was stated that the property had not been maintained and the interior framing and finish of the structure were in such poor condition that a total reconstruction would be required.

Mr. Ciesielski stated that at the Historic Preservation Board's March 10, 2003 meeting, the application for economic hardship exception had been denied. He explained that the Board had raised concerns that nothing had been done to preserve or maintain the property since at least 1986 which was the fault of the property owner. The Board stated that the property appraiser's evaluation and assessment had not been reflective of the fair market value of the property. He proceeded to show the criteria that had to be met for an economic hardship exception. The Board further stated that no evidence had been presented to them showing that by denying the property owner the ability to demolish the structure, it would result in the loss of all reasonable and beneficial use of or returns from the property. Pursuant to Section 47-26.B.1.A.i, the Commission was required to hold a public hearing to determine whether there had been substantial departure from the essential requirements of law, or competent substantial evidence did not exist to support the decision rendered by the Historic Preservation Board.

Mr. Ciesielski continued stating that if the Commission determined that neither (a) nor (b) were present, then the decision of the Historic Preservation Board would be upheld. If the Commission finds that either (a) or (b) occurred, then the Commission would conduct a de novo hearing which could be held immediately or set by resolution no later than 60 days from the date of the adoption of this resolution. At the conclusion of the hearing, the Commission could reject, approve, or amend the Board's decision.

Dan Taylor, attorney for the applicant, stated that this matter was closely related to the next item on the Commission's agenda, and asked if the two matters could be combined. He stated further there was also another item on the agenda which dealt with the settlement of the code enforcement fines which was related to this matter. He reiterated that the applicant wanted to deal with these items as an entire package.

Mayor Naugle stated that the City Attorney had advised that these items could be discussed together. He further stated that the settlement issue would be discussed as it appeared on the agenda.

Mr. Taylor stated that the files submitted to the Commission was very extensive. He stated that the process began back on April 14, 1987, when the City gave the owner of the 700 property one month to demolish the structure. On September 11, 1995 a hearing was held by the Historic Preservation Board, and a statement had been submitted from a structural engineer by the name of Carpina who had stated that there were many things wrong with the structure and that it could not be brought up to the present code. He proceeded to quote from that report as follows: "I'm sorry to be the bearer of bad news, but the building is far beyond economical recovery. Tear it down and start over. I estimate that 75% of the structure is unuseable...and that was very conservative."

Mr. Taylor further stated that a hearing had been held before the Historic Preservation Board in 1999 to request a Certificate of Appropriateness for Demolition. A letter had been submitted from a structural engineer A.R. P. and their recommendation was to demolish the structure. He stated that at the June 11, 2001 hearing, the City's Chief Building Inspector stated as follows: "Every structural member of the house (700 property) was deteriorated beyond repair." He stated the following regarding the 712 property: "Structural members could not be repaired."

Mr. Taylor continued stating that in order to do anything with the buildings, they would have to be completely demolished because there were no structural members that could be saved. He explained they would have to be completely demolished and rebuilt, and he stated that was not preserving history. It would be preserving the character of the neighborhood, but any development in that area had to go before the Historic Preservation Board for approval. Mr. Taylor further stated that there was no evidence at any of the hearings to say that they could be saved in their present form.

Mr. Taylor stated that A. J. Doyle, local builder, had been hired in 2000 to manage the property. They were asked to determine what it would take to bring the buildings back to good condition. He reiterated that they had to be demolished, and the cost for the 700 property would be \$368,970, and for the 712 property the cost would be \$335,000. He reiterated that everyone appeared to agree with the numbers for rebuilding the properties.

Mr. Taylor further stated that the only options the applicant had were to pay \$700,000 to reconstruct the properties, plus the issue of the fines which were about \$300,000, or to litigate the issue. He stated another alternative would be to do nothing, and then the City would take alternative actions which were outlined in a memorandum to the Commission dated December 12, 2002. One of the options in the memo was to put out an RFP and look for someone to buy the properties, but then they would have to pay about \$700,000 to bring the properties into compliance. He felt that was not a likely option.

Mr. Taylor stated that another option listed in the memo from staff was that the City foreclose on the properties and bring them up to code which again would

cost about \$700,000. He stated further that the final option was to bring the properties up to code costing about \$700,000, and then go after Las Olas Courts limited. He reiterated that there was enough testimony on record to justify the demolition of the structures.

Dr. John Frankevilla, owner, stated that he respected this Commission, but he wanted to review certain facts. He believed there were a lot of emotions regarding these properties. He explained he had been the third owner of these properties. He reiterated that he could have demolished these houses, but he did not do it out of respect to the Commission and the community. He stated that the next option available to him was litigation. He reiterated that the matter came down to economics because it was cheaper for him to go to Court and have a Judge decide the matter since he had 3 different engineers saying that the properties should be demolished. He stated that he was willing to compromise with the City. He felt too much time had gone by without the City taking action, and felt the Commission needed to review the procedure for the future.

Nolan Haan, Vice-President of Sailboat Bend Association, stated that the neighborhood was watching the outcome of these properties, and he urged the Commission to adopt a resolution quickly one way or the other since they were a blight on the neighborhood. He felt that to allow the demolition and waiver of liens for the 700 property was not fair to the individual's who owned historic properties that needed renovation. He stated if they allowed this to happen, other individual's would stand in line and state they did not want to renovate their properties either. He reiterated that the owner had bought this property with full knowledge of its historic nature and the limitations placed on it. He was also aware of the liens, and if he wanted to "cry" economic hardship, that should have been done before he purchased the property. He reiterated that the owner wanted to make a profit and "be gone" or either build something else. He stated that there were individuals willing to purchase the property and renovate it, and urged the Commission to transfer the ownership to someone who would rehabilitate the property.

Mayor Naugle asked what was the difference between the 700 and 712 properties.

Mr. Haan stated that 712 was beyond repair and reluctantly advised to demolish it. He further stated that the 700 property should be renovated. He stated that his properties had been built in 1926 and 1924 and had them renovated. He stated that the cost did not have to amount to \$700,000 for renovation of the property.

William Saunders, 215 Colee Avenue, stated that to overturn the Historic Preservation Board's decision would be a reward for the current owner of the property. He stated the properties had been deteriorating for a long time, and no one had done anything about it. He stated that he agreed with Mr. Haan regarding the 712 property. He stated that he had first-hand knowledge regarding

an enterprise which was willing to restore the 700 property, and replace the 712 property with a 1926 two-story wood frame house. He felt if the decision of the Historic Preservation Board was overturned and reward the current owner, they would be opening up "Pandora's Box."

Jeryl Madfis, member of the Historic Preservation Board, stated that she realized the Commission was in a difficult position, but they also had a tremendous opportunity in front of them. She felt by reducing the liens they could give the owner the opportunity to use the funds for renovation. She did not feel there was an economic hardship, and the Commission should be careful of the precedence that they were going to set by their decision. She remarked that the City had lost a lot of their history in the past.

Todd Fogel, member of the Historic Preservation Board, stated that he lived in Sailboat Bend and tonight's applications were to overturn and deny the economic hardship. He reiterated that the attorney for the applicant, nor the applicant, had presented any information to prove their case. He stated the owner had done nothing since purchasing the property to maintain it which was a requirement for a property owner. He stated that the owner arrogantly stated that "out of respect" he did not have the houses bulldozed, but "out of respect" would have been maintaining the properties. He stated that the photograph being shown to the Commission was not an accurate one because the entire roof had caved in.

Mr. Fogel stated that the applicants which came before the Historic Preservation Board which stated it would cost about \$700,000 for repairs were compared against appraisals which were about 2 years old, and they had been put in a difficult position to judge the economic hardship of restoring the properties. He stated that the appraisals which had been presented to them showed a lesser value than \$700,000. As an historic board they had been put in a precarious position to make a decision on something that was inaccurate.

Mr. Fogel stated further that the attorney for the applicant had stated that the building official had stated that the 700 property was not in good repair, but he did not state that the properties could not be rebuilt. He gave Himmarshee Court as an example and explained that the entire roof had caved in taking down the second floor, and all that was left were the four walls, but someone saved the building. He reiterated that it can be done, but this applicant did not choose to do so. He stated that the applicant bought the properties and knew of their existing condition, yet did nothing to maintain them. He reiterated that the Commission should take this as an opportunity to make sure that this never happened again. He stated that the fines on these properties were out of control and there needed to be a check and balance system.

Charles Jordan stated that he was a resident of Sailboat Bend and also a member of the Historic Preservation Board. He continued stating that nothing happened with these properties for a long time whether by neglect of the property

owners or due to inefficiency of the City to enforce the Code, but someone needed to take “the bull by the horns” and try to make something happen. He stated that the Broward Trust for Historic Preservation had made an offer to take a donation of this property and work with the City in an attempt to put out an RFP for its restoration.

Commissioner Moore left the meeting at approximately 8:08 p.m. and returned at 8:10 p.m.

Mayor Naugle asked Mr. Jordan what his opinion was regarding the restoration of the 700 property. Mr. Jordan stated that he had not had access to the inside of the building recently, and would not be able to pin down the actual cost. He believed the range for restoration could run anywhere from \$250,000 to \$500,000. He explained that the 712 property was more problematic and more deteriorated, but houses in the past in similar condition had been restored. He explained that property had been involved in a movie with Robert Duvall.

Commissioner Moore asked about the size of the 700 property. Mr. Jordan stated that the envelope of the primary structure was roughly about 1800 sq. ft., plus the stand-up attic consisting of approximately another 900 sq. ft.

James Dean, resident of Sailboat Bend, stated that he had drawings of what the building could be and possibly it could be turned into a bed and breakfast. He stated that he had contacted the owner in October and offered to work with him in the restoration of the property, but the owner told him he was not interested.

Andy Ziffer stated that he had renovated various properties and had won Community Appearance Awards, and explained that renovating properties was painful, expensive and difficult. He remarked the hardest part was dealing with the City and its codes. He stated that his recommendation would be to demolish these properties and duplicate them adding about 20% more room. He felt this would make more sense and still satisfy the neighborhood.

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

Mayor Naugle stated that they were being asked if there was a substantial departure from the central requirements of law and the proceedings, or if evidence did not exist to support the decision of the Historic Preservation Board.

Commissioner Moore suggested that these items be tabled until they discussed Item M-20 on tonight’s agenda, so they could talk about this matter as a settlement concept instead of separating the two. He proceeded to ask if that would be an appropriate way to handle the matter.



The City Attorney explained that if the Commission was considering to settle the matter, there was a proposal at the end of tonight's agenda, and the items could be discussed at the same time.

Commissioner Moore asked the Commission to table the discussion on these two properties, and discuss them under Item M-20.

Mayor Naugle reiterated that lien settlements were normally discussed at the end of the meeting so as not to penalize anyone present for other items on the agenda.

Commissioner Hutchinson suggested that the 3 items be discussed together at this time.

Commissioner Trantalis suggested that the discussions regarding these properties be tabled, and that they discuss Item M-20 at this time.

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**Settlement Agreement – Las Olas Courts, Ltd. – Liens (M-20)**  
**On 700 S.W. 2 Court and 712 S.W. 2 Court (HPB Case**  
**Nos. 23-H-99 and 24-H-99**

A motion authorizing the proper City officials to execute a settlement agreement with Las Olas Courts, Ltd. for liens associated with the properties at 700 S.W. 2 Court and 712 S.W. 2 Court (Also see items PH-8 and PH-9 on this Agenda)

Commissioner Moore explained that he wanted to discuss a methodology of bringing closure to these matters. He reiterated that it was a shame what had happened with the property at 712, along with the property at 700. He added that hearing the offer by the Broward Historical Trust made sense, but he also respected the comments made by Mr. Ziffer as to the renovation being difficult and costing a lot of money.

Commissioner Moore stated the way the discussions were going regarding these properties were a "no win" situation. He asked about the total amount of fines that were due and owing. The City Attorney stated that if they were to litigate, he would recommend they only seek the \$300,000, but the fines had totaled over \$1 Million.

Commissioner Moore stated that members of the historic community had felt that the City had been lacking in their attempts to save such structures, and possibly a fund was needed to deal with incentives for renovating such sights. He felt that possibly these two properties could be the impetus for change. He asked if the City could take the monies from the fines and put them in a fund to be used for the renovation of historic properties.

Mr. Taylor stated the owner of the properties lived in the area and was concerned about the community, and he was willing to accept the settlement proposed by Commissioner Moore which was to pay the \$300,000 in fines. Commissioner Moore stated that he preferred the money to be paid in 30 days. Mr. Taylor stated that the owner was to receive a settlement on September 1, 2003.

The City Attorney stated that if the Commission was going to consider a settlement, that a settlement agreement be prepared and Items PH-8 and PH-9 be tabled.

Commissioner Hutchinson stated that in a memorandum from Dan Hobby dated in 1995 it stated: "Most preservation boards do not allow neglect of a structure to be grounds for demolition. If they did there would be no way to prevent the loss of any historic building. Furthermore, the Fort Lauderdale City Commission had indicated in the instances of 826 W. Las Olas, that structures in a historic district should be preserved even if extraordinary repairs are required."

Commissioner Hutchinson stated it was her opinion that the structures not be demolished. She understood what Commissioner Moore was suggesting and agreed it would be a way to fund the Historic Preservation Office, but at the same time she did not want to give up what the neighborhood had worked hard for regarding the Historic ordinance and Board. She stated it was a shame on the City's part to have allowed these properties to be neglected, and shame on the doctor who bought the properties and allowed them to continue in disrepair. She reiterated that she was in favor of upholding the decision of the Historic Preservation Board.

Commissioner Trantalis stated it was his understanding that these two properties had been acquired through the purchase of another property which was on the water. He felt a \$300,000 fine would actually be a "windfall" for the owner because the land value was more than \$300,000. He stated the City should not send out the signal that they were willing to bend regarding code enforcement because the purpose of it was to make sure people maintained their homes in a safe condition, and in this case they were to preserve some sense of place and character of the City. He felt to sway from such philosophy would be to deny the Historic Preservation Board its mandate. He reiterated that if the City would foreclose on such properties, they would at least get something. He felt that the City could benefit from this situation.

Commissioner Trantalis stated renovation was a need to restore historical integrity, and he felt demolition by neglect was very offensive. He believed the City should not accept the \$300,000, and he agreed with the Vice-Mayor's philosophy which could be a stepping stone to the level they needed to reach. He stated that he would defer to counsel, and he did support the ruling of the Historic Preservation Board, but he was not sure if tonight was the appropriate time to make a final resolution.

Mayor Naugle stated that he supported upholding the decision of the Historic Preservation Board also, but a possible remedy could be to allow the demolition of the 712 property, and have the owner of the property apply the \$300,000 in fines to restore the 700 property according to the specifications of the Historic Preservation Board. This would "free-up" the land the 712 property was on so an appropriate development could be constructed. He felt this would uphold the integrity of the ordinance.

Commissioner Trantalis asked Mr. Jordan his opinion regarding whether the money should be spent to demolish the structures or to find ways to rehabilitate the properties.

Mr. Jordan stated that the preservation community was about "preservation." Allowing the demolition of either property and giving money to the renovation of the property did not appear to be penalizing the owner in any way. He further stated that the idea of demolishing the 700 property was an affront to everything the neighborhood was attempting to do and to every preservationist. He felt they needed to decide the issue and in order for it to be a "win," there had to be a restoration of the buildings. He stated that he objected to the discussion of Item M-20 with the public hearing. He felt that particular matters should have been decided before they began discussing a settlement. He further stated this was a "flashback" in regard to the discussion which took place regarding Lauderdale Beach Hotel. He stated that they were starting to talk a "deal" before they ended the issue of legality. He did not think these items should be mixed.

Mr. Jordan further stated he was in favor of an alternative which would require the rehabilitation of the property. He felt there was a clear mandate being stated for the restoration of the buildings, and that there was no economic hardship.

Mayor Naugle stated that his point was not necessarily to penalize the property owner, but to gain compliance.

Commissioner Teel stated that everyone had a different opinion regarding this matter. She reiterated that she had been offended and shocked by the statement made by Dr. Frankevella regarding his caring for the residents of the community and the neighborhood. She stated if he had cared, the property would have been maintained. She stated further that she would not support the demolition of these properties. She explained that she had a total lack of trust on the part of the owner. She stated that she was also opposed to giving the owner back the fine money when he should have been maintaining the properties from the beginning.

Commissioner Moore stated that this property had been ordered to be demolished several years ago by the City, and employees of the City had inspected the properties and stated the properties did not have value to be

saved. He suggested that these properties be tabled and no action be taken, and the City Attorney attempt to negotiate a settlement.

Commissioner Moore stated he was withdrawing his original motion.

**Motion** made by Commissioner Moore that the City Attorney should enter into negotiations regarding settlement of this item, and that a recommendation be made to the Commission in a closed-door session, and that the discussions regarding the two properties be tabled at this time.

Commissioner Trantalis suggested that they take action regarding the public hearing aspect which was to determine whether the Historic Preservation Board had acted properly and in compliance with the law, and then have the City Attorney enter into negotiations.

Commissioner Moore stated that he understood what Commissioner Trantalis was saying and that was why he suggested tabling the item at this time. Commissioner Trantalis stated they should vote on the first two items, and table the third item.

The City Attorney stated that if the Commission upheld the decision made by the Historic Preservation Board, then they would have no ability to negotiate. He stated that the application process went to the Board for demolition, and if the owner preferred demolition there would be nothing left to negotiate.

Mayor Naugle stated that the City Attorney could still bring back a settlement at a later date regarding Item M-20. Commissioner Trantalis reiterated that he felt it would give the City a stronger bargaining position if they voted in favor of the Historic Preservation Board's decision.

Commissioner Moore stated that if the Commission upheld the Board's decision, then how could they return with a negotiated settlement.

**Motion** made by Commissioner Trantalis and seconded by Commissioner Hutchinson that the Commission uphold the decision of the Historic Preservation Board regarding Items PH-8 and PH-9.

Commissioner Moore clarified that if the Commission upheld the decision regarding the demolition of the properties, he asked if there was anything left to negotiate with the property owner. Commissioner Hutchinson stated that the owner still had the matter of fines to settle. Commissioner Trantalis stated that this was an important step for the City to take in order to respect the work of the Historic Preservation Board, and the City Attorney would have a firmer bargaining position in an attempt to negotiate the lien.

Commissioner Trantalis introduced the following resolution:

RESOLUTION NO. 03-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, UPHOLDING THE MARCH 10, 2003 DECISION OF THE HISTORIC PRESERVATION BOARD TO DENY LAS OLAS COURTS LIMITED, INC.'S REQUEST FOR AN ECONOMIC HARDSHIP EXCEPTION TO DEMOLISH THE PROPERTY LOCATED AT 700 S.W. 2 COURT, FORT LAUDERDALE.

Which resolution was read by title only: Roll call showed: YEAS: Commissioners Teel, Trantalis, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

Commissioner Trantalis introduced the following resolution:

RESOLUTION NO. 03-112

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, UPHOLDING THE APRIL 7, 2003 DECISION OF THE HISTORIC PRESERVATION BOARD TO DENY LAS OLAS COURTS LIMITED, INC.'S REQUEST FOR AN ECONOMIC HARDSHIP EXCEPTION TO DEMOLISH THE PROPERTY LOCATED AT 712 S.W. 2 COURT, FORT LAUDERDALE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Teel, Trantalis, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

**Settlement Agreement – Las Olas Courts, Ltd. – Liens (M-20)  
On 700 S.W. 2 Court and 712 S.W. 2 Court (HPB Case  
Nos. 23-H-99 and 24-H-99)**

**(Cont'd from p.30)**

A motion authorizing the proper City officials to execute a settlement agreement with Las Olas Courts, Ltd. For liens associated with the properties at 700 S.W. 2 Court and 712 S.W. 2 Court. (Also see Items PH-8 and PH-9 on this Agenda.)

**Motion** made by Commissioner Moore and seconded by Commissioner Trantalis to table Item M-20 on tonight's agenda until July 15, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Mayor Naugle. NAYS: None.

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Commissioner Moore left the meeting at approximately 8:55 p.m.

<b>ORDINANCES</b>
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**Amendment to Code of Ordinances – Adoption  
Of Florida Building Code and Replacement of  
References to the Formerly Applicable South  
Florida Building Code**

**(O-1)**

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. Ordinance No. C-03-23 was published June 7, 2003, and passed on first reading June 17, 2003 by a vote of 5-0.

Commissioner Hutchinson introduced the following ordinance on second 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 Teel, Trantalis, Hutchinson and Mayor Naugle. NAYS: None.

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**Amendment to the Pay Plan and Section 10-67(a) of  
Pay Plan – Appointment of Bargaining Unit Employees  
To Nonbargaining Unit Positions**

**(O-2)**

An ordinance amending the Pay Plan of the City to provide for the creation of a new class, the deletion of classes, the adjustment of the pay range of a class, and the title change and pay range adjustment of a class in Schedule I; and further amending 20-67(a) of the Pay Ordinance to provide that upon appointment to a non-bargaining unit position from a bargaining unit job, employees will receive the higher of either the longevity benefit received as a bargaining unit employee or the applicable non-bargaining unit longevity pay. Notice of proposed ordinance was published June 21, 2003.

Commissioner Hutchinson stated that this item had been deleted from tonight's agenda.

Mayor Naugle stated that there was a portion of this Item that the Commission was to adopt. He clarified that they were deleting the portion which dealt with longevity pay.

The City Manager stated he was going to bring that portion back to the Commission and suggested that the item be deferred.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to table this item until July 15, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioner Teel, Trantalis, Hutchinson, and Mayor Naugle. NAYS: None.

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**Amendment to Section 26-161 – Parking Rates and Hours  
For On and Off-Street Parking and Reduction of Parking  
Fees for Events of Direct Public Benefit to the City**

**(O-3)**

An ordinance relating to parking and amending Section 26-161 titled "Rates and Hours for Off-Street Parking," of the Code of Ordinances to increase parking rates for certain on and off-street parking, to revise hours of operation of certain parking facilities and to provide for the waiver or reduction of parking fees for organizations holding events of direct public benefit to the City. Notice of proposed ordinance was published June 21, 2003.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-03-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO PARKING; AMENDING SECTION 26-161, "RATES AND HOURS FOR OFF-STREET PARKING," OF THE CODE OF ORDINANCES OF THE

CITY OF FORT LAUDERDALE, FLORIDA, TO INCREASE PARKING RATES FOR CERTAIN ON AND OFF-STREET PARKING, TO REVISE HOURS OF OPERATION OF CERTAIN PARKING FACILITIES AND TO PROVIDE FOR THE WAIVER OR REDUCTION OF PARKING FEES FOR ORGANIZATIONS HOLDING EVENTS OF DIRECT PUBLIC BENEFIT TO THE CITY OF FORT LAUDERDALE.

Mayor Naugle asked when this ordinance would go into effect.

Doug Gottshall, Parking Manager, explained that they would need 4-5 months in order to make the necessary changes to the equipment so the new rates could go into effect.

Mayor Naugle clarified that this would not be done in phases. Mr. Gottshall confirmed. Mayor Naugle stated that he understood that an increase was necessary, and that there was disparity between the public and private lots, but he felt in some instances jumping from \$.25 to \$1.25 was too far and too fast. He stated he would be more comfortable in doing it in phases as suggested by the consultant. He stated that he realized there would be some added expense in converting over the machines, but he was worried there would be ill will towards the parking system doing it in this fashion.

Commissioner Trantalis stated that he thought they had agreed to the graduated approach.

The City Manager remarked that the matter was discussed and concerns were raised by Mayor Naugle, but the Commission had not formally amended the recommendation to reflect such concerns. He further stated that this was a range that had been discussed.

Mr. Gottshall stated that it was their understanding that the Commission wanted them to move forward immediately with the entire rate increases that had been proposed. He stated that some of the rate increases would be phased in over a period of time. He explained there was a mixture of both.

Commissioner Moore returned to the meeting at approximately 9:00 p.m.

Commissioner Teel stated that she felt changing the parking rates every year was like "water torture." She stated further that even with the rate increases, it was still cheaper than using a private lot. She felt it would be more efficient to make the changes all at one time. She felt the increases were not enough to raise a concern from the citizens and she believed the City had been undercharging for a long period of time.



Commissioner Hutchinson stated that another issue discussed at the Conference Meeting was the charge for changing the meters with each rate increase, and that was one of the reasons they said do one increase so there would be no continuous charges during the year.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, and Hutchinson. NAYS: Mayor Naugle.

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**Amendment to Chapter 20 – Eligibility of Employees in the General Employees Retirement System (GERS) – Removal Of Age Restriction** (O-4)

An ordinance amending Chapter 20, Division 2 of the Code of Ordinances respecting the GERS by amending Section 20-107 creating new definitions and modifying existing definitions permitting participation in the plan for employees of defined affiliated agencies of the City; amending Section 20-108 eliminating age as a criteria for participation; adopting a new section 20-108.1 creating optional participation for member sin a City-sponsored defined contribution plan and establishing terms and conditions therefore; and amending Section 20-110 permitting uninterrupted period of employment with the City of affiliated agencies to count toward vesting for certain employees. Notice of proposed ordinance will be published July 5, 2003.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE C-03-27

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA RESPECTING THE GENERAL EMPLOYEES' RETIREMENT SYSTEM BY AMENDING SECTION 20-107 CREATING NEW DEFINITIONS AND MODIFYING EXISTING DEFINITIONS PERMITTING PARTICIPATION IN THE PLAN FOR EMPLOYEES OF DEFINED AFFILIATED AGENCIES OF THE CITY OF FORT LAUDERDALE; AMENDING SECTION 20-108 ELIMINATING AGE AS A CRITERIA FOR PARTICIPATION; ADOPTING A NEW SECTION 20-108.1 CREATING OPTIONAL PARTICIPATION FOR MEMBERS IN A CITY SPONSORED DEFINED CONTRIBUTION PLAN AND ESTABLISHING TERMS AND CONDITIONS THEREFOR; AND AMENDING SECTION 20-110 PERMITTING UNINTERRUPTED PERIOD OF EMPLOYMENT WITH THE CITY OF AFFILIATED AGENCIES TO COUNT TOWARD VESTING FOR CERTAIN EMPLOYEES.

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

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<b>CITIZEN PRESENTATION</b>
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**Sallie B. Tillman-Watson – Water meters in the unincorporated areas of the County.**

Sallie Tillman-Watson stated she was the President of the Lafayette Civic Association. She stated that improvements had recently been made in their areas. She explained that empty lots had received 2 meters, but residences had not. She stated that they were asking for information as to the cost of the additional meter, and were requesting that payments be made on an installment basis.

Greg Kisela, Assistant City Manager, stated that the charge would be approximately \$508 for the installation of the irrigation meter. He explained that traditionally they had not spread out the cost for the residents. He stated this was a policy issue and they could research it further and bring back a recommendation to the Commission.

Commissioner Moore suggested that this item be placed on the Commission's agenda for discussion. He reiterated that this community did not have high incomes, and he encouraged them to receive the second meter.

Mr. Kisela remarked that could be done, but whatever was applied for this area would have to be done City-wide, and therefore, policy issues would have to be researched. He stated that everyone felt they would save money with the irrigation meter, but depending on how extensively someone irrigated, it might or might not save them money.

Mayor Naugle asked what the charge was for the 3/8" meter. Mr. Kisela stated he did not have that information at this time, but could provide it at a later date to the Commission.

Ms. Watson stated they had looked at consumption and explained that one would have to use 4,000 gallons in order to receive a benefit. If 10,000 gallons were used, there would be a savings of \$40 per month.

Mayor Naugle stated that if the City wanted to encourage water conservation and xeriscape, he didn't know if this system would do that.

Mr. Kisela stated that they would return before the Commission in October with additional information.

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**Tonya Sevalia – Code/zone enforcement (900 N.W. 24 Avenue) – DELETED FROM TONIGHT’S AGENDA.**

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<b>RESOLUTIONS</b>
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**Preliminary Fire-Rescue Special Assessment for Fiscal Year 2003/2004** (R-1)

A resolution providing for the preliminary Fire-Rescue special assessment for Fiscal Year 2003/2004 and establishing a new maximum rate for future fiscal years. (Also see Item I-D on the Conference Agenda.)

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to table this item until July 15, 2003 at 6:00 p.m.

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

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**Florida Inland Navigation District (FIND) Support of Funding for Intracoastal Waterways Dredging Project** (R-2)

A resolution authorizing the efforts of the FIND Commissioner from Broward County to obtain funding from FIND to assist with the cost of a feasibility study and survey for the deepening of the navigational channel located in portions of the Intracoastal Waterway, the entire New River loop within the city limits, and the Dania Beach cut-off canal connection leading to the Intracoastal Waterway.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE EFFORTS OF THE FLORIDA INLAND NAVIGATION DISTRICT (FIND) COMMISSIONER FROM BROWARD COUNTY IN SEEKING FUNDING FROM FIND TO ASSIST WITH THE COST

OF A FEASIBILITY STUDY AND SURVEY FOR THE DEEPENING OF THE NAVIGATIONAL CHANNEL LOCATED IN PORTIONS OF THE INTRACOASTAL WATERWAY THAT IS BEING PERFORMED BY THE U.S. ARMY CORPS OF ENGINEERS (ACOE).

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

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**Reschedule September 2, 2003 City Commission Conference and Regular Meetings to September 3, 2003** (R-3)

A resolution authorizing the Tuesday, September 2, 2003 City Commission Conference and Regular meetings to be rescheduled to Wednesday, September 3, 2003.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-114

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE SEPTEMBER 2, 2003, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TOI SEPTEMBER 3, 2003.

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

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**Lot Clearing and Cleaning Charges** (R-4)

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03 –115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER

CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

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**Request for Various Street Name Additions – Middle River Terrace Neighborhood (R-5)**

A resolution requesting Broward County add the following names to the existing “numbered streets” in the Middle River Terrace neighborhood as follows:

1. N.E. 13 Court to be known as N.E. 13 Court (Buttonwood Street)
2. N.E. 14 Street to be known as N.E. 14 Street (Courtney Street)
3. N.E. 14 Court to be known as N.E. 14 Court (Suwannee Street)
4. N.E. 14 Place to be known as N.E. 14 Place (Garden Boulevard)
5. N.E. 15 Street to be known as N.E. 15 Street (Walnut Street)
6. N.E. 16 Street to be known as N.E. 16 Street (Olive Street)
7. N.E. 16 Court to be known as N.E. 16 Court (Oak Street)
8. N.E. 16 Place to be known as N.E. 16 Place (Spruce Street)
9. N.E. 17 Street to be known as N.E. 17 Street (Cherry Street)
10. N.E. 17 Court to be known as N.E. 17 Court (Hickory Street)
11. N.E. 18 Street to be known as N.E. 18 Street (Elm Street)
12. N.E. 18 Court to be known as N.E. 18 Court (Ash Street)

Commissioner Hutchinson introduced the following resolution:

**RESOLUTION NO. 03-116**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING THAT THE BROWARD COUNTY TRAFFIC ENGINEERING DIVISION ADD CERTAIN NAMES TO CERTAIN ALREADY EXISTING NUMBERED STREETS IN THE MIDDLE RIVER TERRACE NEIGHBORHOOD.

Commissioner Trantalis asked if any consideration had been given to organizing the alternate names for the streets in alphabetical order.

Bunney Brenneman, Middle River Terrace Board Member and Governmental Affairs Representative, stated that these names represented the original plat names and recorded in Dade County many years ago. She stated they had been the beneficiary of several NCIP grants and they were grateful to the City and wanted to beautify their neighborhood.

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

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**Appeal of Planning and Zoning Board Denial of  
Site Plan Approval/Waterway Use/Yard Modifications/  
RMM-25-Henry Geniale (PZ Case No. 3-R-03)**

**(R-6)**

At the March 26, 2003 Planning and Zoning Board special meeting, the following application was presented and continued to the April 23, 2003 Planning and Zoning Board regular meeting, where it was **denied** by a vote of 5-4.

Applicant: Henry Geniale  
Request: Appeal of Planning and Zoning Board denial of site plan approval/waterway use/yard modification/RMM-25  
Location: 2765 N.E. 14 Street

Don Hall, attorney, stated that this was an appeal of the decision of the Planning and Zoning Board who had recommended denial of the subject project. He explained that this property was occupied by 8 dwelling units, and the applicant wanted to design 11 new units. He proceeded to show a map of the site. He further explained that the project had met all the requirements of the RMM-25 zoning district. He stated that they had asked to erect a pool in the rear of the property. He continued stating that the public's comments centered largely around the height of the building which met code requirements, along with discussion regarding the design of the building. He stated that at the present time there were no 5-story buildings in that district, and that seemed to be important to the Board.

Mr. Hall explained that the Code provided that a de novo hearing could be conducted if the Commission determined that the Board had departed from the essential requirements of law in conducting the proceedings or if their decision was not supported by competent substantial evidence. He stated that he believed the Board had violated both of those provisions. He continued stating that they had provided a 5-page Memorandum of Law to the Commission where they presented their arguments. He further stated that they believed the Board had misinterpreted and misapplied the ULDR. He stated that if compatibility was the Board's concern, then the building which met the zoning requirements was incompatible.

Mr. Hall stated that he felt the Board was confused regarding the criteria they were to follow regarding compatibility. He stated that the only reason this project had gone before the Board was because it was on a waterway, and they were requesting a pool at the rear of the property. He explained that in considering a pool on a waterway criteria had to be met in connection with Section 25.3.A.3.e.i. He stated that the Board had not discussed the pool, nor the appearance of the building from the waterway. He further stated that the Board had ignored staff's opinion and their report, the facts of the application, and the requirements of the zoning district. He stated that due to those three reasons, they felt the Board had departed from the essential requirements of law and had entered into an inquiry beyond their scope of authority and gave an opinion beyond their jurisdiction.

Commissioner Moore left the meeting at approximately 9:24 p.m.

Mr. Hall stated that the Board had relied strictly on sentiment expressed by the neighbors, and not the facts determined by the application, nor the facts established by the zoning code and the opinion of staff.

Mr. Hall requested the Commission grant the appeal and conduct the de novo hearing. He further stated they had distributed a proposal to the Commission of a redesign of the building.

Mr. Hall explained that the rendering distributed to the Commission had the proposal submitted to the Planning and Zoning Board, along with an overlay of the redesign. He proceeded to explain a chart regarding the project. He explained the height of the building in the original proposal had been 62', and the redesign was 55'. He stated that in order to accomplish the redesign, one unit had been eliminated. He explained that the front yard setbacks remained 25', but the distance of the building from the street was 45'. He explained further that the side yards from floors 1-4 remained 26'.

Mr. Hall stated that in order to achieve the redesign of the building, they now had at the 5<sup>th</sup> floor level setbacks from the property line which varied from 34' to 40'. He explained that this greatly reduced the mass of the building on the corners and at portions of the 5<sup>th</sup> floor where walls were being replaced with open terraces. He stated that the rear yard remained the same, and 24 parking spaces would be provided and only 22 were required.

Commissioner Trantalis asked if the redesign had been presented to Planning and Zoning. Mr. Hall replied it had not been submitted. Commissioner Trantalis asked if it was appropriate that this matter be deferred until Planning and Zoning had the opportunity to review the redesign.

The City Attorney stated that the Commission had the option to hold the de novo hearing tonight or to send the project back for reconsideration to the Planning and Zoning Board.

Mr. Hall stated the problem with that suggestion was that the de novo hearing had to be held within 60 days from the date of the agreement to conduct such hearing.

Commissioner Trantalis asked if this matter was sent back to Planning and Zoning could they not defer ruling on the decision for a de novo hearing. He believed the Boards were set up to review matters, and they were just taking things out of their hands this evening with the substitution of a different drawing. Mr. Hall stated that the footprint of the building was unchanged, and the only thing which changed was the overall height of the building which was reduced, the loss of one unit, and the terracing effect which reduced the mass.

Commissioner Teel stated that with all due respect to the people at tonight's meeting, she felt the matter should be heard this evening. She stated that she wanted to hear more information regarding the rear elevation. She also disclosed that she had met with Mr. Monaco, Mr. Hall, Mr. Aurelius, Bob Hallman, and Alan Vordermeier, President of the Coral Ridge Homeowners Association. She suggested that the Commission hear the public's input this evening and arrive at a determination regarding this matter.

Commissioner Moore returned to the meeting at approximately 9:36 p.m.

Commissioner Teel stated that some of the areas might not be zoned in a way as to how residents envisioned their neighborhood to be redeveloped. She stated there were many more opportunities for larger buildings which met the criteria of the Code.

Mr. Hall stated they had redesigned the pool and it flowed underneath a walkway which went to the docks. The northern wall was redesigned so it did not look like a parking garage, and four mounted wall fountains would spill into the pool. He felt it was a softer and more active design for the rear of the building.

Commissioner Hutchinson stated that the building met Code except for the setbacks for the pool. Mr. Hall confirmed. Mayor Naugle reminded everyone that the Code also called for compatibility and that question was raised by the Planning and Zoning Board.

Eric Berzok stated that the neighborhood agreed with the Board's determination and urged the Commission to reinforce the Board's decision and consider the neighborhood's concerns. He proceeded to show photographs to the Commission. He reiterated that this project was not compatible with the buildings in the area. He stated that even though the applicant had revised their plan, the neighborhood wanted the Commission to consider various issues, such as the project being 5-stories which was incompatible with the area; creating a boating, navigation, and parking problem; and setting a precedent for future incompatible



projects for the area. He proceeded to show a map of the zoning district for the subject area. He reiterated that the neighborhood was not in support of this project.

Tony Giardino stated that the characterization given by the attorney for the applicant was totally incorrect. He stated that he had been at the meeting and the decision was clear as to why Planning and Zoning was not approving the project. He stated that the main reason was due to incompatibility. He stated they were surprised by the change of plans and to bring new plans to the Commission and not having submitted them to the Planning and Zoning Board destroyed the process. He reiterated the neighborhood was not against development, but this building was too big for the area. He stated that no parking was being supplied for guests at the building and would overflow into the neighboring condominiums.

Terry Philpot, Bayview Landings Condominium, stated that he agreed that the attorney had mischaracterized the tone and tenor of the Planning and Zoning Board meeting. He reiterated that the decision had been based on a visual and architectural incompatibility. He stated that the building would tower above the 25' roof line. He felt the Code needed to be reviewed.

Steve Hecker stated that this project looked like a casino and was not compatible with the neighborhood.

Linda Laperna stated that she agreed with the previous speakers and stated she had worked for over 30 years for a structural engineer and was not opposed to new development, but she believed this project was not in conformity with the area. She also stated that parking was a great concern and none was being provided for guests, and she believed that it would overflow to the neighboring condominiums. She also stated that the building would impact her view from her apartment.

Jack Cummings stated that some individuals might not realize that the City had the opportunity to take away property rights from residents. He felt if there were problems with zoning, then they should be addressed.

Mr. Hall stated that the entire idea regarding compatibility had been perverted, and it did not require that the approval of each lot was to be measured by the neighboring lot. He explained that the definition of compatibility commonly accepted in planning was two or more uses which could live in harmony with one another, and not a use which mirrored its neighbor.

Mr. Hall reiterated that parking, height and landscaping was not an issue. He further stated that this was not a compatibility issue, but that the neighbors just did not want the building on their street. He felt the project should be approved.

Mr. Aurelius, attorney, stated that at the original land sale meeting which developed Coral Ridge, there was concern that a hodge-podge zoning existed going north from Sunrise Boulevard. He explained that zoning had been there for over 55 years. He stated they were dealing with change. He stated if there was a parking problem, it would be addressed. He felt this project was a proper and legal use which might set the stage for the redevelopment of the two islands.

Commissioner Teel stated this was giving them the opportunity to make changes that might be necessary. She reiterated that this building was following Code, and she believed the redesign was an improvement.

Commissioner Teel asked if staff could further explain neighborhood compatibility.

Cecelia Hollar, Construction Services Director, stated that this project had gone before Planning and Zoning due to the fact that it was a use on a waterway and that had been the trigger for the neighborhood compatibility provisions. She further stated that the zoning district allowed "up to" the maximum, and then all "triggers" had to be considered. She continued stating that from that perspective one had to look at the intent of the zoning for the area. She stated that in her opinion it did not mean that everything had to be the same height or that everything was not permitted at that height, but one had to see how it fit into the character of the area. She agreed there were property right issues involved and they would continue to review the matter.

Mayor Naugle stated that the whole issue of property rights also applied to property owners that were surrounding the building. He reiterated that in 1995 amendments permitted an increase in density based on the size of the units. He stated that he had voted against the zoning code because he did not feel the City would be protected. He felt the notion that this was designed to their right to build was nonsense. He felt the redesign should be sent back for reconsideration to the Planning and Zoning Board.

**Motion** made by Commissioner Trantalis that this redesign be presented to the Planning and Zoning Board for their comments, and this matter be tabled until September 3, 2003 at 6:00 p.m.

Mayor Naugle asked how this could be accomplished legally.

The City Attorney stated that the 60 days did not run until the Commission decided if there was to be a de novo hearing. He explained that if the Commission tabled this item to a time certain, and then send it back to the Planning and Zoning Board for their recommendation, that could be an option.

Commissioner Moore asked if the de novo hearing could be scheduled at tonight's meeting.

The City Attorney stated that was an option and also stated that the de novo hearing could be held at the September meeting.

Commissioner Teel seconded Commissioner Trantalis's motion.

Mr. Hall asked for a clarification of the motion which had been made. He asked if Planning and Zoning approved the redesign, what would then happen.

Mayor Naugle explained that the Board's recommendation would still come back before the Commission for approval.

The City Attorney explained that this issue was an appeal which was still pending. He stated they were sending it back to the lower "tribunal" for a recommendation on a specific matter which was the revised site plan. He agreed that the recommendation would then return before the Commission.

Mr. Hall stated that if the de novo hearing was scheduled for September 3, 2003, they would voluntarily waive the 60-day requirement and accept that date. Mr. Hall asked if this matter would be heard at the Planning and Zoning meeting scheduled for the month of August.

Kevin Erwin, Construction Services, explained that the sign would have had to have been posted as of today's date. He remarked that there was a sign on site already that could be changed.

Ms. Hollar stated that they could attempt to schedule this for the Board's July meeting, and if the agenda was too long, the Board could then defer the matter to August.

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

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**Amendment to Resolution No. 03-5 – Qualification  
For Membership on Code Advisory Committee**

**(R-7)**

A resolution amending Resolution No. 03-5 to revise the qualification for membership on the Committee.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-117

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 03-5 TO CREATE A REQUIREMENT THAT ALL CODE

ADVISORY COMMITTEE MEMBERS LIVE WITHIN THE  
CORPORATE LIMITS OF THE CITY OF FORT LAUDERDALE.

Which resolution was read by title only.

Commissioner Trantalis stated that he was concerned about limiting the membership for the committees to only residents because he felt they would be excluding the appointment of qualified people who were stakeholders in the City.

Commissioner Moore stated that the Code was the “heart beat” of the City and he felt one needed to be a resident of the City in order to deal with the Code and how residents should be impacted by it. He stated that someone could be an outside investor in property and would want to manipulate the Code to their benefit. Commissioner Moore asked what advisory boards did not require their members to be residents of the City.

The City Clerk stated that those boards consisted of Beach Redevelopment Advisory Board, Budget Advisory Board, Education Advisory Board, Economic Development Advisory Board, and possibly one other. He stated that those boards needed expert advice and that was why individuals were chosen who were not always residents of the City. The City Clerk confirmed.

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

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

**(M-21)**

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

Commissioner Hutchinson stated that she had thought that the Commission had asked that a large amount of these cases not be scheduled and that only 4-5 cases were to be heard.

The City Attorney stated that he recalled a discussion regarding the number of cases, but he did not think that a specific recommendation had been made.

Lori Milano, Community Inspections Director, stated that she had thought discussion had centered around putting a cap on scheduling 12 cases. Commissioner Hutchinson disagreed.

Commissioner Trantalis suggested that 5 or 6 of these cases be scheduled.

Commissioner Teel stated that she did not recall setting a cap for these cases, but stated that she was getting incensed about some of the issues taking place in the City and was willing to sit through these.

1. 500 West Broward Boulevard (CE01080603) – Chavez Acquisitions Limited Partnership - \$35,550.

Commissioner Trantalis stated that it appeared this owner had purchased the property in order to erect a parking lot knowing it was in violation of the purposes intended. Therefore, he suggested that the full amount of the lien should be imposed.

Joe Cartolaro, representing the owner, stated that the property to the west had been under contract, but it fell through.

Mayor Naugle stated that he recalled when this property had been an abandoned gas station and a used truck lot.

**Motion** made by Commissioner Moore and seconded by Commissioner Teel to approve 50% of the lien amount.

Mr. Cartolaro stated that the property had been an eyesore and now served a useful purpose for the City. He stated that the plans had been submitted and approved for a temporary one-year use. After that expired, they had applied for a 5-year variance. Additional information had been requested regarding the assemblage of properties for the site. He stated that there appeared to be a feeling that a violation had occurred, and therefore, there needed to be a form of punishment. He stated that they were serving the community.

Commissioner Moore stated that there had been a ruling by the Board of Adjustment that the violation be stopped because the property was being operated without a license and not in accordance with the ULDR.

Marvel Chavez, owner, stated that this was turning into a nightmare and he was not aware of any laws which would prevent him from competing with the City. He stated that he had made improvements on the site, and was not making money but was only holding the site until he could come up with a development. He explained he had received a permit for one year and had been informed that he could receive one for 5 years until he could come up with a development plan.

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

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2. 5770 North Federal Highway (CE00031119) – Betty Ann Rule Family Limited Partnership - \$35,550.

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

Arthur Wallace, attorney for the partnership, stated that he wanted the settlement lower. He explained that the partnership had purchased the property in the year 2000, and had been told in 2001 that there were two non-conforming uses on the property consisting of an enclosed dumpster that had not received a permit, and coolers had been installed in the parking lot without a permit. They corrected the violations immediately. Commissioner Teel asked if the coolers had been removed while the restaurant had still been operating. Mr. Wallace stated they had been removed in September, 2002, but the restaurant had still been operating. Commissioner Teel asked staff to comment on the matter that it took the owner 449 days to come into compliance.

John Simmons, Assistant Director Community Inspections, stated that one of the coolers had been removed, but two of them had remained.

Commissioner Teel stated that the property owner had the responsibility to know what was going on, and stated she was not interested in reducing the amount of the liens and it should be settled for the full amount. She felt they needed to get things under control.

Commissioner Trantalis withdrew his previous motion.

**Motion** made by Commissioner Teel and seconded by Commissioner Moore to approve the settlement for the full amount owed. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Mayor Naugle. NAYS: None

3. 629 N.W. 10 Terrace (CE02011616) – Edward P. Meyer - \$1,192.50.

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

Mr. Meyer stated that he accepted this settlement.

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

4. 1421 N.W. 3 Avenue (CE02070813) – Gary Maul - \$1,000

Mr. Maul stated that he agreed with the recommended settlement.

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Commissioner Moore stated that this was not a homesteaded property and he was suspect of this matter, and asked why this had not been addressed quicker.

Mr. Maul stated that he had purchased the property in 2001 and had quit-claim deeded it as a favor to his nephew.

John Simmons, Assistant Director Community Inspections, stated that his was the only violation on the property and it had been a problem property before he purchased it.

**Motion** made by Commissioner Trantalis and seconded by Commissioner Hutchinson to approve the settlement as recommended. Roll call showed: YEAS: Commissioners Teel, Trantalis, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

5. 721 N.W. 20 Avenue (CE98100810, CE98070609, CE00030104) – Isaac I. Bruce - \$61,807.75

Carl Santangelo, attorney, stated that they did not agree with the proposed settlement. He stated that the owner was a wide receiver with the St. Louis Rams and lived out of State and was an absentee owner. He stated that Mr. Bruce's father had owned the property and had a roofing business on it, and when he became ill he had deeded the property to his son Isaac Bruce. He stated that the property was vacant and they wanted to find a way to improve this property so the family could continue to use the property. He asked if the Commission could reduce the fine further.

Commissioner Moore stated that he was familiar with both the property and the family. He stated that it had taken a long time for the family to realize their violations were having a negative impact on the neighborhood.

Mr. Santangelo stated that the lien exceeded the appraised value of the property. He stated that the low appraisal was due to the fact that individuals in the area did not maintain their properties.

Karethra Bruce apologized to the City for an inconvenience which had been caused.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the settlement for 50% of the total amount of fines. Roll call showed: YEAS: Commissioners Teel, Moore, and Mayor Naugle. NAYS: Commissioners Hutchinson and Trantalis.

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6. 900 West Sunrise Boulevard (CE02040239) – HRMC Investments Inc. - \$1,010.

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

7. 1018-1028N.W. 6 Street (CE00091717, CE01031148, CE00091718) – William & Electa Cone.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to defer this item to July 15, 2003 at 6:00 p.m. Roll call showed: Commissioners Teel, Trantalis, Moore, Hutchinson, and Mayor Naugle. NAYS: None.

8. 4201 N.E. 34 Avenue (CE01071019)- Carlos & Lynn Jimenez - \$3,387.50.

Terry Armstrong, owner, stated that he had bought the property 4 years ago and had applied for a permit to build a Tiki Hut 3 years ago. He was told to have an architect draw up a set of plans and since it was an outside structure he needed an engineer stamp. He was told by the City that there was no policy regarding these type of huts and the State required permits.

John Simmons, Assistant Director Community Inspections, stated that the State of Florida did not require permits per se or engineered drawings if the huts were built by the Indians. He explained that setbacks still had to be met, and therefore, plans had to be submitted. If it had electric a permit would be required.

Mr. Simmons stated that the Indians had built the hut and plans had been approved and inspected.

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

9. 1396 S.W. 25 Avenue (CE97050742) – George C. & Michelle Souza – \$1,087.50.

Mr. Souza agreed with the recommended settlement.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve the settlement as recommended. Roll call showed:



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

10.821 N.W. 10 Terrace (CE02031489) – Marangelli Investments Inc. - \$85,780.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the recorded lien of \$214,450.

Commissioner Moore stated that it was embarrassing that these individuals would come and ask for a reduction.

Sidney Calloway, attorney, stated that they understood the obligation of the property owner and the seriousness of the violations. He stated that staff wanted to defer this matter until they could study the information just submitted regarding this property.

Commissioner Moore stated that the owners had treated the tenants “like dogs.”

Mr. Calloway asked if the Commission would listen to what they had to say so they could have a “fair hearing.” He stated that the amount listed was not accurate and they had information to prove it.

Commissioner Hutchinson asked if staff wanted to revisit this matter.

John Simmons, Assistant Director Community Inspections, stated that he had been handed a book of receipts and other information that had not been part of the original lien settlement at tonight’s meeting. He stated that this property had had 48 code violations.

Commissioner Moore asked if staff had received calls from the tenants due to their poor living conditions at the site. Mr. Simmons confirmed. Commissioner Moore reiterated that he wanted the full amount of the lien in regard to this case. He stated that he could not understand how the owners could face the Commission and ask for leniency when they were mistreating their tenants.

Mayor Naugle stated that in order to be fair, the Commission needed to follow the process.

**Motion** made by Commissioner Trantalis and seconded by Commissioner Hutchinson to table this item until July 15, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel, Trantalis, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

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11. 1433 N.W. 9 Avenue (CE01021115) – Synergy Investment Group Inc. - \$15 125.

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Peter Winetraub, attorney, stated that they were requesting a further reduction of the fines. He explained this was a unique situation and proceeded to show photographs of the before and after pictures of the site. He stated the property had been purchased in a foreclosure. The property looked fine from the outside, but was a disaster inside.

**Motion** made by Commissioner Trantalis and seconded by Commissioners Hutchinson to approve the settlement as recommended. Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, and Mayor Naugle. NAYS: Commissioners Teel and Moore.

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12. 12 S.E. 20 Street (CE99071362) – John Prosie - \$5,977.50

**Motion made by** Commissioner Hutchinson and seconded by Commissioner Moore to approve the settlement at 10%. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Teel.

**Advisory Board/Committee Appointments**

**(OB)**

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

Aviation Advisory Board

Steve Stella  
Robert Hord  
John Milledge  
Larry Holdridge  
Bernie Petreccia

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 03-118

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

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**2003 Transportation Bill**

**(OB)**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING GOVERNOR BUSH TO VETO THE 2003 TRANSPORTATION BILL (CS/SB 676) THAT EXEMPTS FUTURE STATE TRANSPORTATION FACILITIES FROM COMPLYING WITH MUNICIPAL REGULATION IN SECTION 59 OF THE BILL.

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

There being no further business to come before the Commission, the meeting was adjourned at approximately 11:40 p.m.

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JIM NAUGLE  
MAYOR

ATTEST:

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LUCY KISELA  
CITY CLERK