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FORT LAUDERDALE CITY COMMISSION  
SEPTEMBER 3, 2003**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
SEPTEMBER 3, 2003**

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

Roll call showed:

Present: Commissioner Christine Teel (arrived 6:06 p.m.)  
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 Roddy

Invocation was offered by Pastor Stuart Dugan, First Presbyterian Church of Fort Lauderdale followed by the recitation of the Pledge of Allegiance.

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

Mayor Naugle stated that he had noticed an error in the November 19, 2003 meeting minutes, and asked if only the minutes and agenda for the July 15, 2003 meeting be approved, thereby permitting time for clarification of the November 19, 2003 minutes.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the agenda and minutes of the July 15, 2003 meeting. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

**Presentations**

**OB**

1. Expressions of Sympathy

The Mayor and City Commission expressed sympathy to the families of Ethel Hodel, Mary Coulter, Leah Bentley, Channie Moore, and Preston Wells, Jr.

2. Honorable Judge James Cohn

Commissioner Hutchinson presented a Proclamation to Honorable Judge James Cohn in honor of his appointment by the President of the United States as a Federal District Court Judge for the Southern District of Florida.

Honorable Judge James Cohn thanked the City for the commendation, and thanked Commissioner Hutchinson for initiating the Proclamation and for her fine work for the people of District IV. He proceeded to thank his friends and neighbors for coming to tonight's meeting. He also thanked Genia Ellis, activist for the neighborhood, for spearheading the campaign which bombarded the President and Senators Graham and Nelson to have him appointed as Federal Judge. He also thanked his family for their love and continual support.

3. CVC Project/Stephen Foster Elementary School

Commissioner Moore explained this project was done by approximately 60 volunteers of all ages in an effort to beautify the Stephen Foster Elementary School. He proceeded to thank the principal, Michael Cassa and his wife, for their hard work, along with the Riverland Park Civic Association and the Parks and Recreation Department for donating the plants. He also thanked Genia Ellis, Margaret Hayes, Lou Deery, and Marsha Goldsby for their efforts, and Pam Brown who coordinated the project on behalf of the Commission. He then proceeded to thank Leslie Carhart who then presented a video to the Commission regarding the project.

4. Todd Eric Reddind

Commissioner Hutchinson presented a Commendation to Todd Eric Reddind who rescued a 78-year old man floating in the canal. She also commended various firefighters who arrived on the scene and assisted in the rescue effort.

5. Smoke Detector

Commissioner Trantalis proceeded to demonstrate the proper way to test a smoke detector.

6. Battalion Chief Chris Weir

Otis Latin, Fire Chief, proceeded to explained that Chief Chris Weir was presently Acting Division Chief in the Fire Prevention Bureau, and stated that he had received an important award from the National Fire Academy for being an Executive Fire Officer. Chief Latin explained that this was a 4-year program through the Academy and was the 6<sup>th</sup> person to receive the award in this City.

7. Fort Lauderdale Firefighter Appreciation Week

Commissioner Teel presented a Proclamation for Fort Lauderdale Firefighter Appreciation Week to be observed August 31, 2003 through September 6, 2003. Accepting the award were Chief Otis Latin and Firefighter Riley Paine. Commissioner Teel announced that the firefighters had collected \$1,284,239 for the Muscular Dystrophy Association, and were MDA's largest source of funding.

Chief Latin thanked Firefighter Riley Paine for his efforts as Chair of the collection campaign. Firefighter Paine stated it was an honor to work for the City of Fort Lauderdale and an honor to chair the event.

Jessica Rudd, representative of MDA, thanked the City and the Firefighters for their contributions.

8. Outstanding City Employees

Chief Otis Latin, Fire-Rescue Department, stated that he wanted to honor George DePauw, Francisco Gonzalez and Jeffrey Suarez for their efforts in life safety regarding a police officer of the City.

Commissioner Moore left the meeting at approximately 6:40 p.m.

The City Manager announced that Chief Otis Latin, Sr. had received a Chief Fire Officer Designation that was one of 214 designations made across the Country. He stated individuals received this award for their professional competence and community dedication. He further stated that Chief Latin had earned this award in February, 2003, but it was awarded to him at the last meeting of the Metropolitan Fire Association. He proceeded to commend Chief Latin for his hard work.

Chief Bruce Roberts, Police Department, stated that awards for outstanding employees would be presented for the months of July and August this evening. He stated that for the month of July, the Department wanted to honor Officers Jason Woods and Chris Collins in assisting in the apprehension of a robbery suspect.

Chief Bruce Roberts proceeded to honor Civilian Employees for the month of July. Those employees were Alan Ragoonanan and Angel Santiago. Chief Roberts stated that these individuals assisted in the Department's auction and were commended for their hard work.

Chief Bruce Roberts announced that the Officer of the month for August was Sam Pantaleo who was honored for his assistance in apprehending a violent sexual predator and armed robbery suspect.

Chief Bruce Roberts announced that the Civilian Employee for the month of August was PSA Miriam Delgado who received a life-safety award.

Chief Bruce Roberts also announced that life-safety awards were being presented to Sergeant Douglas MacDougall, Officers Robbie Blish and Brice Brittenum, along with Detective Robert Norvis.

Faye Outlaw, Interim Director of Community Economic and Development, stated that the employee of the month was Larry Fuller who was a Fiscal Administrative Assistant in the Office of Housing and Community Development. His job entailed the expenditure of Federal and State funds in a timely and appropriate manner.

The City Manager then proceeded to thank all the lifeguards for their hard work over the recent holiday weekend.



**Fiscal Year 2003/2004 Budget****(PH-1)**

The first public hearing on the proposed millage rate and tentative budget of the City of Fort Lauderdale for the fiscal year beginning October 1, 2003 and ending September 30, 2004. Notice of proposed ordinance was published August 21 and August 28, 2003.

Mayor Naugle announced that the purpose of the hearing was to receive the request and comments regarding the City's Budget tax levies, and to explain the budget and any amendments thereto.

Terry Sharp, Director of Finance, stated that the purpose of tonight's hearing was to provide the first of two required public hearings in accordance with the State Statute. He explained the purpose was to summarize the reasons for any recommended property tax millage rate, take public comment regarding property taxes in the recommended budget, receive tentative approval of the millage rate in the Fiscal Year 2004 Budget, and final approval of the Fire-Rescue Special Assessment.

Mr. Sharp stated that in regard to property taxes, the City's millage rates were only a part of the total tax bill. He explained the rates proposed this evening were for operating and voter approved debt service. He stated that the City's millage rate represented about 20% of the total tax millage. He proceeded to show the current millage operating rates. He stated that the Save Our Homes Constitutional Amendment limited this year's increase in assessed value to 2.4%, and in applying the proposed rates to the average home, the tax bill would increase about \$12. He further stated that homes not homesteaded or for commercial properties which did not have such exemptions, the increase would be based on the value set by the property appraiser, and then applying such rates to that figure.

Mr. Sharp further stated that the budget this evening was actual several budgets in one. He stated the City had fund accounting and the General Fund was only a portion of the budget, and represented \$215 Million. He further stated the All Funds Budget was \$377.2 Million. He explained that the General Fund budget was supported by property taxes, and the Debt Service Funds had some support based upon voter approved general obligation debt. Mr. Sharp went on to explain that Enterprise Funds relied primarily upon fees for service, and Special Revenue Funds came from a variety of sources.

Mr. Sharp explained that property taxes were one of several resources for the All Funds Budget. He proceeded to show a "pie chart" explaining the percentages. He added that property taxes for the All Funds Budget represented about 25%.

Commissioner Moore returned to the meeting at approximately 6:50 p.m.

Mr. Sharp continued stating that in the General Fund property taxes represented 43% of resources, including the debt service millage which paid for voter approved debt. He explained the General Fund was proposed to increase from \$206.1 Million to \$215.1 Million which was a 4% increase over last year's budget. He stated the All Funds Budget was proposed to increase 9% from the current year's adopted budget. He further explained that there were major reasons for the proposed increase in the millage rate. One reason was due to the City's pension costs for employees which increased \$8 Million in the General Fund because of reduced interest earnings on investments in

those plans. Another reason was the increase in health costs which were up about \$2 Million with the self-funded plan, along with worker's compensation reserves which had to be increased by \$2 Million based on actuarial projections.

Mr. Sharp explained that some of the adjustments which had been made in order to balance the budget were a continued hiring freeze, scrutiny of purchases and travel, and closing the jail and retaining only a booking operation. He proceeded to call the Commission's attention to Exhibit No. 3 in the information that had been distributed to them and explained it did not reflect the proper number for the Police Department's authorized strength for next year. He explained with the reduction of the jail to only a booking operation, the authorized strength would be 738.5 positions, opposed to the 747.25 shown in the exhibit. He further stated another proposal was to close the stadium after spring training. Also, there would be no increases in employee pay and benefits, and the beginning of a strategic financial plan.

Mr. Sharp stated that in addition to proposals for a millage rate increase, the recommended budget also included a proposed 5% increase in water and sewer rates, along with a 5% increase in storm water rates and a \$21 increase for fire assessment. Mr. Sharp stated there would also be a 10% increase in sanitation fees. He stated they estimated that an average homeowner with a homestead exemption would pay \$193 annually for increased fees and taxes.

Commissioner Moore left the meeting at approximately 7:00 p.m.

Mr. Sharp stated the Fiscal 2002 Independent Audit indicated that the City had a deteriorating financial condition. He stated there was a drop in the General Fund balance and there was a deficit in the insurance fund. He stated further that the Fiscal 2004 recommended budget was heavily dependent on salary savings from normal turn-over, furloughs, and other savings methods, along with continued hiring freezes. He also stated the General Capital Projects Fund was very limited. He reminded everyone that there would be a second hearing on the budget on Tuesday, September 16, 2003 at 6:00 p.m.

Ron Cameron, owner of the Long Beach Strikers All Star Team, stated that he proposed renting the stadium for approximately 65 dates, and also offered to manage the operation. He stated there had been positive feedback from the area businesses and fans who wanted the stadium saved. He also added that the Orioles would remain at the stadium.

Commissioner Hutchinson asked if such a proposal had been presented to staff. Mr. Cameron stated he had spoken with Vince Gizzi and had reached a tentative agreement.

The City Manager stated that a report could be given to the Commission before the next meeting. He also stated that they had requested this proposal in a format that could be responded to, and then the information would be brought to the Commission.

Marsha Goldsby, Lauderdale Manors, stated that she wanted to address the issue of the hiring freeze, particularly in regard to the Code Division. She stated that when she served as the Co-Chair of the District III Code Committee, there was a shortfall regarding the number of code inspectors working, and inspectors in the districts with the

heavier workload were stretched to the point of not dealing effectively with the problems. She stated it was established that there would be a staff liaison to the District III Code Committee, and that a total of 6 additional code officers were required for the level of service that was needed. She stated that in the past funding had been available for 2 additional inspectors. She stated that she had spoken with the City Manager asked what could be done so that the additional 4 inspectors could be hired. She reiterated that no hiring freezes should be placed on the Code Division.

Ulysses Manor, 908 SW 1<sup>st</sup> Street, stated he was representing The Health Care for the Homeless regarding the issue of the closing of the jail. He continued stating that they were concerned about the closing because the police had made a difference to thousands of homeless individuals in helping them to get into shelters, substance abuse treatment centers, and medical facilities. He stated that closing the jail could over crowd the County jail and increase the number of homeless people on the streets. He also stated that all the condominiums being built would not have sufficient protection from crime, and urged the Commission not to close the jail.

Jack Lokenski, Vice-President FOP, stated that in the late '80's and early '90's posted throughout the City was their mission statement which was "Best City of Its Size by '94." He stated the Commission at that time attempted to achieve such a goal without the support of its employees, and found out that was not possible. Over the past years, the City began working with its employees and improvements were made. He asked the Commission not to back track to how things had been previously.

Mr. Lokenski stated that the Mayor had been quoted saying that the City had continually raised taxes, however, in the Manager's Budget Message, it showed over the last few years the City had actually lowered its millage rate which was the tax rate. He stated: "Don't take the blame for the increase in taxes, I'll take the blame." He stated that all the City employees who helped to clean up the City raised the value of the properties.

Mr. Lokenski stated it was unfortunate that Commissioner Moore was not present at this time, and hoped he was watching on tape. He stated that at meeting in June, Commissioner Moore had been outraged with the City Manager because he was under the impression that employees' salaries were at a 100%. In fact based on the City's figures, the employees were in the 70% in comparison with other cities of the same size, and after October 1, 2003, they would be in the 40%. He stated that at the meeting in July Commissioner Moore shared a life lesson with everyone stating "You can't run with the rabbits and bark with the dogs." Mr. Lokenski stated he wanted to share some life lessons with Commissioner Moore. He stated that the Commissioners' salaries based by the hours were below minimum wage, however, based on cities of this size they were in the 100%. He stated that lesson No. 1 would be to lead by example, and lesson No. 2 would be if they expected the City to grow and prosper, "one gets what one pays for."

John Labondera, 2131 NW 69 Court, stated he wanted to share his concerns regarding the budget. He stated that he was a homeowner and community activist in the City, and was a Sergeant in the Police Department working on the midnight shift in District II. He stated he had served the City for over 15 years and had 7 serious attempts made on his life, including various other assaults and injuries. He added that during his tenure he had attended funerals for 4 fellow police officers. He urged the Commission to take into account the blood, sweat and tears shed each day by the public safety personnel, including the Fire Department. He stated that it was rumored that contract negotiations

were not going well due to issues of money and benefits, and that Assistant City Manager Bud Bentley wanted to eliminate or reduce such benefits. He felt reducing these benefits would be a travesty and a slap in the face to public safety personnel who daily place their lives in harms way. He reiterated that with such emergency service, there was a price to be paid, which was small in comparison to losing such professionals to other agencies. In order for the City leadership to continue providing quality and professional services to the citizens and maintain a respectable reputation, the members of the Commission should ensure that these individuals continue to be paid with good salaries and health benefits for their families. He asked if the City cared about these individuals and their families, and how much was a life of such public safety personnel worth. He stated if the City did not care about them, why should they care about the City.

Officer Labondera continued stating that the City's Police Department had a 94% approval rating by the citizens, which was a clear example of the hard and dedicated work the law enforcement professionals and firefighters had sought to improve over the last 10 years. He urged the Commission to show their appreciation to these employees for the work they did. He felt if this plea was made the day after 9/11, they would not be present this evening making a plea for a fair and reasonable contract for the employees who wore the "armor of justice" and the "shield of protection" for the community. He invited the Commission to ride with himself and his officers to show the best and worst the City had to offer.

Catherine Dano, Development Director for the Lighthouse of Broward County, explained they were a non-profit agency serving the visually impaired and blind residents of the City. She stated they were the only agency in the County which provided comprehensive rehabilitation for such individuals and they had done so for 30 years. She stated this past year was a year of deliberation for this agency which had been subjected to cutbacks and the closing of several programs. She asked the Commission when considering their budget to remember this agency.

Clare Vickrey, 816 SE 8<sup>th</sup> Street and owned other properties in the City, stated she was here this evening to ask the Commission not to raise the millage rate because she felt there was not sufficient reason to do so. She felt there were other ways to cut and save monies. She also requested that the additional fire assessment fee not be increased, and she felt there was plenty of money available that was being wasted. She stated that she had asked for it not to be spent, but yet it continued being done so. She asked that there also be no increases in the water and sewer rates.

Ms. Vickrey stated further that she had met with some representatives of staff who were able to file for some County grants which were available, and asked for the Commission to work more with the County so local dollars could be moved around where needed the most. She stated that the budget problems did not arise just this year or the last 2-3 years and had been known for a while. She felt the lack of coordination with County agencies regarding transportation dollars had added to the deficit, and felt that staff should remove such expenditures from the budget since the grants had been applied for, and also believed they should not bond against the taxpayers dollars for such improvements. She added that it was not appropriate for some services to spend local dollars such as those funded by County agencies. Ms. Vickrey also stated that some appointees to the Advisory Boards actually worked against staff and were not capable to be in such positions.

Cort Nymark, 3900 Galt Ocean Drive and member of the City's Economic Development Advisory Board, stated that their Chair had sent previous correspondence to the Commission regarding the position of this Board in connection with the budget. He reiterated that they had made 2 recommendations to the Commission which was to move forward with the appropriate staffing levels for the economic development efforts, and to implement the strategic plan which came about due to last year's economic summit. He stated that this Board urged the City to allocate sufficient resources to proceed with the economic development efforts which enhanced the quality of life and provided opportunities for residents and businesses.

Carmine Smith, representative of South Middle River Civic Association, stated that they wanted to make an appeal on behalf of their 7,000 residents and businesses in the area and urged the Commission that funds be budgeted for the following items: surfacing of NW 14<sup>th</sup> Street and 15<sup>th</sup> Street between Andrews and Powerline which had never been improved or paved, resurfacing of many other neglected roadways in the area, the maintaining of code officers, and maintaining of police and fire personnel.

Captain Ralph Nelson, Police Department, stated that on July 31, 2003 he had attended a seminar at the Miami-Dade Community College entitled "Lessons Learned: The Aftermath of 9/11." Two key note speakers were the Commissioner of the NY Office of Emergency Management and the Chief of Rescue Operations of NY. Personal first-hand accounts had been given as to what they had experienced during the aftermath of the terrorist attacks on the World Trade Center. Men and women lived and breathed the catastrophe and they stated they feared that people would become complacent as time went on without serious follow-up attacks. He stated that his thoughts turned to the vulnerability of this City, and their current budget situation. He continued stating that he had no easy solutions to the issue, but he was more convinced than ever that they had capable and valuable employees at all levels of the City. He felt now was not the time to cut back on employees and training or do anything that would decrease their ability to protect the citizens of this City. He asked the Commission to realize such an attack could happen in this City since there were several potential targets. He stated he did not want to use "scare tactics," but he was sincere in asking the Commission not to do anything that would decrease the stability of the City's work force. In the event of another 9/11 attack, the police and fire departments would be the first on the scene. However, to get the City back on its feet utilities and public work employees were also needed. All levels of service in this City were comprised of highly skilled personnel. He reiterated they wanted to continue to be the best and it might cost more, but was the City willing to settle for something less, and would it be worth the price.

Captain Nelson encouraged the Commission to explore how to retain employees and keep them highly trained. He urged the Commission not to let a serious budgetary situation lead to decreased public safety. He stated that the employees of the City needed the Commission's encouragement and support, and the citizens depended on them to act in their best interest.

Willie Ross, 1401 NW 3<sup>rd</sup> Court, stated that thank to the police and code enforcement his neighborhood had been improved and crime was reduced. He felt cutting the budget on those departments was not a smart thing to do. He further stated that he had a message for Commissioner Moore. He stated he had never seen Commissioner Moore and now he had left the meeting and the talks regarding the budget.

Mayor Naugle stated that Commissioner Moore must have had some type of emergency in order to leave the meeting.

Mr. Ross continued stating that there were hard working police officers to help clean up his neighborhood, along with code enforcement. He reiterated that no assistance had been given by the Public Works Department. He stated there was standing water in the area breeding mosquitoes and lots in the area not being maintained. He felt additional code officers were needed. He stated that he had a message for Commissioner Moore – "Election time was coming up."

Mayor Naugle reiterated that Commissioner Moore probably had an explanation as to his absence from the meeting.

Darlene Pfeiffer, City employee, stated that tonight was the time to make a choice. If the City was willing to reduce the quality of life for the residents, then they should cut the services being provided, but if they wanted to maintain it, they should fund the budget with the requested tax and fee increases but should not cut the employees' salaries. He asked the Commission and the public to address the fiscal budget with the following questions in mind:

When you go to a store and buy a new suit, do you expect the cashier to help pay for the suit? Why expect the employees to help pay for the services demanded by the public. If residents want more code enforcement, should those officers have to give up part of their pay to patrol the City or should the public pay for what it wants. If the public demands that hookers and drug dealers be kept off the streets should the police have to give up their pay because the State did not distribute enough money to the City to cover payroll, or should the public pay for what it wants. When a neighborhood demanded sewer hook-ups, do they expect it to be done for free.

Ms. Pfeiffer reiterated that when homeowners moved on, they reaped the rewards of increased property values with larger settlement checks. She stated she had not had any of those monies offered to her, but she was being requested to give up her pay to help increase those property values. She felt the property owners should be willing to pay additional taxes and fees. She remarked that her paycheck was being taxed about \$4800, and for an average employee making \$40,000, their take-home pay was only about \$28,800 per year. She added that there was an increase of \$4700 for health insurance for married individuals with a family, and furloughs were being contemplated at about \$110 per day from the employee's pay bringing the average pay to about \$23,660. She asked the Commission to have the courage to ask the public to pay for what they were demanding in services and products. She stated when the Commission wanted things done, the employees jumped and tried to do it, and there was a cost for everything. She asked that the costs be laid where they belonged. She felt it did not belong on the backs of the employees, but with the homeowners. She proceeded to show a cartoon from the newspaper in regard to the situation.

Commissioner Moore returned to the meeting at approximately 7:30 p.m. He stated that he wanted to let everyone know why he was not present at the meeting. He emphasized that he had heard every word being stated. He advised that he had a medical problem which required him to take some medication. He announced that he was once again going to excuse himself from the meeting, but would pay full attention to the meeting.

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

Charles Jordan, member of the Historic Preservation Board, stated that a commitment had been made at the City Commission Workshop with this Board to fund a preservation officer, along with clerical support, so the bare minimum of historic preservation could be attempted. He stated that he believed nothing had yet been funded. He realized these were difficult financial times, but these issues were important and legal issues were involved. He further stated that they had to fund a historic preservation officer one way or another. If one was not funded, they would either fall behind in getting such work accomplished because staff could not handle the workload. He stated that the City Manager had promised to report back to the Board and the Commission in 30 days, but that had not yet been done. He stated the cost of not dealing with this issue and not funding historic preservation would come back on the City with great losses, and possibly lawsuits could also be lost. He stated whether the Commission agreed with historic preservation or not, they needed to do it. He felt the community had spoken during the last election very clearly, and the cost of preservation was less than the cultural loss endured when tearing down heritage and history.

Christine Thrower, CEO of Women in Distress, stated they were going to celebrate 30 years of service to this community in 2004. Like other non-profit organizations, they had suffered cutbacks from the Federal and State levels, as well as the County level. She asked the Commission to continue to support this group as they had in the past. She stated the \$12,000 donated last year allowed them to draw \$120,000 for services to battered women and children. Due to grants received, their facility had been renovated and gave a more home-like atmosphere to the individuals at the site.

Sam Warren, President FOPA, stated that it was now time to act and plan for the future and not place either the City's citizens or employees in such a budget crisis again. He continued stating that the closing of the stadium would have a financial impact on the local businesses in the area with loss of tourism dollars, and end the tradition of spring training for the City. He added that with the closing of the jail, it would allow violators to fill the neighborhoods and parks. He stated there were no guarantees that the County would hold the violators in their facilities. He felt if the jail was closed and only booking operations maintained, the officers would be off the road for longer periods of times and not patrolling the neighborhoods. He stated the City was trying to balance the budget with 4 furlough days from employees. He reiterated that would mean less take home pay for such employees. He believed the employees were going to have to choose once again between insurance or food. He stated it was in the City's hands to make the right decision for the employees, their families and its citizens.

Robert Smith, 1040 Seminole Drive, stated that he was the National Development Manager for Major League Cricket. He realized this game was not prevalent in the United States at this time, but two weeks ago they had met with the City Manager regarding a proposal to lease the stadium and construct an academy for indoor cricket. He stated they were also proposing to host World Cup Cricket Matches in 2007. He felt this could help increase tourism and bring in additional revenue to the City.

Steve Queoir, President of the Chamber of Commerce, stated that he appreciated the challenge the Commission was facing, but the community challenge appeared to include some tough economic issues regarding vacant space, vacant buildings, and employment layoffs. He stated that 81% of the State employees' wages were below the national

average. He stated the competition for jobs was fierce, and explained the Chamber worked with the City towards mutual objectives for small business development, minority business development, business retention and expansion, job creation, relocation of firms, international business growth, and tourism development. He stated the opportunity was to leverage a small amount of dollars to allow new revenue to come into the City with an increased tax base through business, tourism and redevelopment. He added that it also reduced costs and stress on City services. He stated that the Chamber was also increasing their private sector funds from a match that was \$1 to \$1 to \$2 to \$1 and urged the City to continue that partnership for the future.

Tom Mangifesta, President FOP, Lodge 31, stated that they represented all City police officers. He stated they wanted some answers to specific questions regarding the welfare and future of the police officers. Over the years, the Commission had turned consistently to the police officers to rectify problems in the City whether to control rowdiness and shut down spring break, clean-up the Downtown, or begin a community policing initiative in conjunction with the homeowners associations to showcase their neighborhoods. He stated that more importantly, the police had been available to the citizens of the City, and if good work deserved reward, then these officers deserved a fair contract in 2003. In 1996, the public approval rating had been 64% for the police department, and during this past year that rating had risen to 94%. He reiterated that the crime rate had been reduced by over 50% in the last 5 years, and during the past year citizen complaints were down 20%. He felt these statistics were convincing proof of the hard work, dedication, and professionalism displayed by the police officers.

Mr. Mangifesta stated the FOP had been negotiating with the City Manager's Office since August, 2002 for a new collective bargaining agreement. The FOP had been led to believe that the City was negotiating in good faith, but once again that was wrong. The FOP had met every parameter requested by the City Manager, and yet there is still no contract. On October 26, 2002, a proposal was submitted to the City Manager, and later to the City Commission. On August 14, 2003, the City requested a meeting with the FOP and at that time a "piece of garbage" was offered to the police officers via Assistant City Manager, Bud Bentley. The proposal called for nothing but monetary concessions from the police officers and would cut their salaries by \$2200 per year, including 4 furlough days. It would also cut future pension benefits by \$9,000 per year. The irony of this proposal was that the City Manager had no idea that it was being presented to the FOP. Mr. Mangifesta stated that they wondered if the proposal was a true reflection of the wishes of this Commission, or the wishes and actions of an errant Assistant City Manager. During the budget process such phrases as "budget emergency," "budget crisis," and "outside audits" had been reiterated. He stated that the City Manager in his radio interview and in two newspaper editorials had stated there was no "emergency" or "crisis." He stated if there was no "crisis," why were the police officers and City employees once again being told they had to foot the bill for City Hall's inability to propose and pass a proper budget.

Mr. Mangifesta reiterated that the police officers want specific answers to their questions, and stated he wanted each Commissioner to respond to the following question: Do you have any intention to set aside money and direct the City Manager to negotiate a fair contract with the police officers? If the answer is no, please tell them tonight.



Barbara Ericksen, Colee Hammock Homeowners Association and member of the Community Appearance Board, stated that she was present this evening representing Kids Voting/Broward. She thanked the Commission for their past contribution of \$3,000 and she realized there were budget constraints this next year. She stated these types of discussions would not exist if there was no democracy for everyone to vote. She stated this group's purpose was to educate all children about the mechanics and impacts of every vote. Lifetime habits were being created. She stated the City's past contribution enabled 7,000 children to cast their votes in the 2002 election for Governor. She urged the Commission to continue supporting this organization.

Peg Nusser, 512 Victoria Terrace, thanked the Commission and the City Manager for the wonderful City they had helped to create. She also thanked Commissioner Hutchinson in regard to her effort to bring the exhibit "Peter and the Vatican" to the City. She stated she was concerned about the budget and appreciated the efforts of the police officers. She felt the City needed to find better ways to manage their money. She stated her neighborhood had improved enormously over the years, and felt it was a cooperative effort with the residents and the police and fire departments. She stated that whatever could be done to keep down the extra assessments would be appreciated by everyone.

Commissioner Trantalis left the meeting at approximately 7:55 p.m.

Bill Cianni, 1617 Middle River Drive, stated that he was asking the City not to make the property owners the scapegoat of the budget. He reiterated that the additional properties owned by taxpayers were being taxed so high, it was not worth owning them at this point in time, and renters could not absorb the increases and then the properties become vacant. He felt there had to be a better way to distribute the shortfall to everyone in the City, and not just affect the property owners.

Martin Avorsic, 1605 NE 11 Street, stated he wanted to show his appreciation to all public safety personnel present at tonight's meeting. He stated that property owners had tax increases over the last years, and he realized things were tight in the investment world at this point in time, but felt individuals could not afford to withstand additional increases or pay cuts. He stated he had a "pet peeve" regarding a community improvement program on Sunrise Boulevard, and stated that shortly afterwards the road had been torn up by the City which he felt was a great waste of funds. He stated he did not want to throw more money into a pot which tended to funnel funds to a variety of places that no payback was being given to the taxpayers. He stated he was a corporate tax consultant and business owner and admitted things were tough, and everyone had to do more with less and that was what the City government had to do.

Commissioner Trantalis returned to the meeting at approximately 7:59 p.m.

Jason Silver, 600 SW 4<sup>th</sup> Avenue, stated he wanted to express anger over the fire assessment.

Mayor Naugle announced that there would be a separate public hearing on this matter later this evening, and now they were discussing the budget and property taxes.

Mr. Silver continued stating that his taxes had been raised 25% in the 1 ½ he had owned the property, but what angered him the most when reviewing the budget was that there

were a lot of excuses being made. He stated it was obvious they were in a recession which affected everyone, but it seemed to him it made sense to be frugal at this time. He stated he was in favor of beautification of the City, but there was a time and place for such things. He felt to pass the mismanagement of funds and budget shortage resulting from that mismanagement onto taxpayers was a poor thing to do. He reiterated that if everyone thought things were bad now regarding the budget, imagine what would occur when businesses began leaving the City.

Don Scarver, 1032 NW 30<sup>th</sup> Court, stated he owned property and was a business person and during the last 2 years his taxes had risen over \$1,000 each year and it was difficult to support increases every year.

Charles Orange, 690 SW 30<sup>th</sup> Avenue, stated that elderly residents could not afford increases in taxes.

Commissioner Moore returned to the meeting at approximately 8:02 p.m.

Jerry Ortez, 3021 SW 22<sup>nd</sup> Court, stated that his property taxes went up 38% last year and he continued stating that all citizens appreciated the public safety personnel in the City, but everyone was facing hard times and trying to do the best they could. To levy another tax increase was ludicrous, and he felt they needed to step back and explore other alternatives in raising capital for sustaining services needed by the communities.

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

Mayor Naugle stated that Mr. Willie Ross had mentioned there had been cuts in the police department this year, he wanted to clarify that the budget adopted last year for the police department was \$68,600,000, and this year's recommendation was for \$73,900,000, which was \$5 Million increase. He stated they were discussing changing operations of the jail and the mounted patrol, but no cuts had been made.

Commissioner Hutchinson stated she felt she was being split down the middle this evening. She felt their job was hard because many people work hard to ensure that the City's service levels were above and beyond what other cities had. She reiterated that she did not want anyone's job to be cut, but yet she also did not want to cut the level of service to the citizens. She stated she wanted enough feet on the street to do the job, but what had been given to her did not help her to understand how all this could be done. She stated that continued hiring freezes flashes overtime on the screen which costs more money and eliminates feet on the street which needed to be there continually. She stated she did not know how to do what they had to do with what management had given her in regard to the budget.

Commissioner Hutchinson stated she did not understand how they could not budget for permanent salaries. She stated that in regarding to scrutinizing purchases and travel would that be selective purchases and travel. Her question was how could everyone join in this together and work as a team to solve the problem. She asked how cuts could be done to the various departments so each would play a role in the budget for 2003/2004. She reiterated that no one wanted to close the jail, but she did not know how to keep it opened and yet continue to fund it. She stated they also did not want to send the horses

to the “glue factory” or close the pools, but with what had been supplied by management there were not a lot of choices available. She stated there was no money and as of tomorrow there was “0” in Contingencies. She asked what had to be done and should the deficit be balanced on the backs of the employees or taxpayers. She emphasized she was being pulled apart with no logical answers.

Commissioner Hutchinson further stated that she could not support the increases for sanitation and suggested that the Trash Transfer Station be closed if it could not pay for itself. She stated she could not support raises other individual’s rates to pay for a facility that could not pay for itself.

Commissioner Hutchinson remarked that the cricket presentation was great and possibly there was an opportunity to keep the stadium opened. She felt it was sad that someone had to come in at the last moment and bail the City out, but if there was an opportunity for it to make money and pay for itself, that would be great. She stated a lot of time and money had gone into the Economic Development Department, and they were going to get rid of people bringing business to the City – what was she missing in this regard. She stated these people helped pay the bills.

Commissioner Hutchinson reiterated that she did not know where to start. In reviewing the information given to her in connection with the self-insured plan, she realized good information had not been supplied. She stated they should not be in the self-insured business, and the deficit continued to grow. She stated that a memo dated August 20, 2003, it stated: “The purpose of this memorandum was to provide an update on the City’s self-insured health plan for general and confidential and management employees. Performance on the plan was much improved over the first two years,” but then if you read the memo dated August 29, 2003, it stated: “The projection for the insurance fund showed a larger projected deficit for the end of year 2004, than appeared in July.” She asked where were they going with this. She further stated that she had to hold the line regarding taxes because she did not know any other way to solve the budget woes, but if the City continued to do business as it had done in the past, they would be in the same position next year but it would be ten times worse.

Mayor Naugle stated that earlier today the Commission had discussed a special contract that would provide recommendations to avoid some of the deficiencies.

Commissioner Hutchinson reiterated that enough information had not been supplied, and she felt there was more of a deficit than what they thought. She stated money was to be transferred from fund to fund, but they had to get a handle on some of the problems facing the City, and yet there was still no strategic plan showing them how to stay alive from year to year, and how they could continue to grow. She reiterated that consultants hired by this City had helped the City of Miami who had big problems, and Fort Lauderdale needed to find such a plan and stick to it so there could be money in reserve to prevent future problems. She stated all cities across the country were having problems, but she was not being given a good budget and would not solve the City’s problems.

Commissioner Moore stated that he had paid attention to all public comments which had been made even though he was not present at the meeting. He felt this was all about philosophy as to whether they were running a government or it was running them. He stated he offered himself for this job because he wanted to help run the government as a

policymaker to help things come from the people, and the only way to do that was through the different operational funds that were available. He felt they could deal with ad valorem taxes and fees. He stated there were creative methods they could come up with to address the problems, and sometimes things did not turn out like one thought they would and corrections had to be made while navigating through the process such as the self-insured plan. He further stated it could have benefits and it could be a downfall, but the alternative would be to have an insured plan which could still raise prices year after year. He stated the situation was still based on projections.

Commissioner Moore continued stating that the budget was nothing but projections, and the only surety available were the ad valorem taxes. While working on the budget and seeing that the projections were not coming to fruition, then the management team needed to begin making some adjustments so the year would end with a balanced budget. He stated there was no "crisis" within the City. He stated when times were good increases in salaries and longevity pay was given due to a good economy. He stated the economy was not good at this time, and for the Union representatives to still say they deserved an increase, he agreed they deserved it but there was no way to give it and he felt they were career professionals and would do their best with or without a raise. He reiterated that when the economy improved, then raises would be given. He further reiterated that all employees were essential and he felt everyone was being compensated for the work they did. He stated the policymakers wanted the work force to be at 60% in their salaries, and he felt 70% was still out of line.

Commissioner Moore stated the contingency funds were gone because they did not have an adequate budget. He stated they needed to do something in order to begin creating reserves. He stated that earlier in tonight's meeting he mentioned there were fundamental differences between the policymakers, and in the past the Commission had stated they would "pay as they went." He continued stating that the population was growing and since there was no State Income Tax, they operated on ad valorem tax and fees. He stated he did not have a problem with the ad valorem recommendation and the millage rate, but he was concerned about the fees. He added that he would not support a fire assessment fee at the amount being proposed, and he felt it was regressive in its formulation as to how they were going to charge the residents and was irresponsible.

Commissioner Moore stated that this City wanted to be the best of its size and did not have sewer systems, so the Commission figured out how to remedy that situation. A bond would be paid with a 2.5% increase on the sewer fees to make things happen. He stated he was agreeable to that increase because that had been forecasted. He reiterated they needed to follow a plan. He stated he was concerned about the other 2.5% in that fund. He also stated he was concerned about the suggested cuts being made. He stated he was not in favor of some of the cuts, but he realized why they were being suggested. He remarked that he understood why the jail should be closed because they leased out over 60% of the beds and the individuals held there were misdemeanors. He felt since the taxpayers were paying for the County jail that should be used to its fullest capacity. He felt it was also reasonable to suggest that some of the pools be closed because the School Board consistently increased their tax, and yet reduced the services they were giving. Summer school was eliminated and the municipal government picked up the slack.

Commissioner Moore stated that due to the 9/11 attack, the Federal government raised the alert levels, but did not contribute any funds to help the local governments. He

stated that unforeseen situations had to be addressed in the budget. He remarked that one individual said to go to the County for money, but he reminded everyone there were 30 municipalities in Broward County. He urged the Commission not to deal with the fees, and reiterated that no room was being given to make necessary or unforeseen correction to the millage rate.

Commissioner Moore insisted that employees not be laid off. Hopefully everyone could continue in their positions, and when the economy and the budget improved then salaries could be increased. He stated they had to do the best with what they had available at this point in time.

Commissioner Teel stated this was a new experience for her and stated she represented for the most part an affluent district, but some of the elderly were getting priced out of their homes. She reiterated that the problem was everywhere.

Commissioner Moore left the meeting at approximately 8:26 p.m.

Commissioner Teel continued stating that the major goal she saw in the budget process was to save jobs. She realized individuals needed more money to live these days, but the problem was money was not available. She added that individuals were beginning to lose their income properties because renters could not afford increases to cover the increase in taxes and insurance. She stated hindsight was wonderful and possibly things could have been done differently. She added the numbers changed, but reaction to those numbers and how to work with them stay the same over the years. She felt the budget was work in progress, and she had faith in the department heads to know what had to be done.

Commissioner Moore returned to the meeting at approximately 8:29 p.m.

Commissioner Teel remarked they had strong neighborhoods and the public safety personnel, along with other employees were all part of the family and people were appreciated. She believed the consultant who had been hired would offer some suggestions as to how to plan for the future, and a "rainy day" fund was needed. She felt "better times" were coming and she hoped they would be better prepared in the future.

Commissioner Teel stated that in regard to the fire assessment fees and water and sewer fees there were two philosophies. One was they had to help individuals who could not afford to pay them, and she felt the fire assessment fees were not unfair and should have possibly been raised in the past. She stated her challenge to the department heads and the City Manager was to work smarter and do what had to be done so they could work more efficiently and produce better services. One could always plan better for the future. She felt the jail had an important function and she supported the continuation of a booking facility at the site. She believed the biggest challenge was to have a good long-range business or financial plan. She reiterated that they needed to work together as a team.

Commissioner Trantalis stated that many good comments were made by his fellow Commissioners, and he felt many of the issues had been belabored at previous meetings. He felt the City Manager had enough leverage through the tax increase proposal to accommodate many needs mentioned. He hoped before the next meeting,

the City Manager would return with proposals and have something to keep the City running.

Commissioner Hutchinson stated that some of the backup regarding the budget made her very uncomfortable, such as the carry forward money relating to equipment that had not been bought. She remarked the biggest bulk of the money was in connection with trash and she realized there was an outsourcing contract in that regard, but reiterated that she would be more comfortable not carrying over the purchases in light of the present situation. She asked if she supported PH-1 and PH-2 would she be supporting the carryforward money.

The City Manager stated those items were linked together, but the specifics as they related to the carryforward monies were detailed in the various resolutions that would accompany such actions. He explained that by voting for one, she would not be supporting another item and they would be dealt with separately.

Mr. Sharp stated there would be two separate votes. One vote would be regarding the millage rate, and the other would be the budget appropriation. He stated the carry - forwards were included in the appropriations for the next fiscal year.

Commissioner Hutchinson further stated that she wanted to see before September 16<sup>th</sup> some of the suggestions made at the July meeting relating to possibilities of increasing the budget. She also stated that nothing had been distributed regarding car allowances and other issues previously discussed. She reiterated that she did not want anyone to lose their job.

The City Manager stated that they would distribute such information prior to the September 16<sup>th</sup> meeting. He advised that a program had been implemented to reduce cell phone usage for this year by at least \$100,000.

Mr. Sharp explained that the \$100,000 in savings was for the next fiscal year, but things had been put in place for the current year that could yield some savings.

Mayor Naugle stated that two parties came forward with proposals regarding the stadium, and he hoped between now and the final hearing that serious consideration be given to those proposals.

Commissioner Moore stated that the only way he could deal with such a proposal was that if a business opportunity did not pay for itself, then they had to consider shutting the operation down. He felt as long as the proposals showed they would pay for themselves, then they could proceed, otherwise he felt they needed to shut down the operation. He remarked that the stadium had been losing money over the last 14 years.

Mayor Naugle further stated that the Sunrise and Lauderdale pools were not in the budget, and remarked they were located close to each other and possibly only one pool could remain opened. He suggested since the Sunrise pool was newer and appeared to have more usage possibly that one could be maintained. He asked Commissioner Hutchinson if she would support leaving one pool opened.

Commissioner Hutchinson stated that she would like to find a way to keep both pools opened, and asked if any discussions had been held with the School Board as to how

they could possibly partner better with them to do that. She added that both pools were in the north part of town. She stated if there was a way to keep both pools opened, she would support that. She stated she would not make any decision tonight with regard to only leaving one pool opened.

Mr. Sharp stated he wanted to make a correction and stated that based on the proposed changes that were made on the July 29, 2003 meeting, the money was put back in the budget for both pools.

Mayor Naugle asked if they could consolidate the operation of the two pools, and asked further if both pools should remain opened since they were in the same neighborhood.

The City Manager stated that the utilization of the two facilities were slightly different. He stated that most of the individuals using the Fort Lauderdale High School pool used it for lap swimming, and the other pool was more for recreational use. He stated that by closing down one pool, they might not be properly serving the primary users of the pools.

Mayor Naugle stated there was a lot of support for keeping the mounted police operational and he realized there was good interaction with children and were good for crowd control. He remarked it was a luxury and he wanted to keep them operating even if it meant at a reduced level of service. He stated that the Latimer report had been done last year and recommended a reduction in one of the Assistant City Manager positions and ancillary support staff which would free up about \$250,000, and asked if there was any support in implementing this recommendation.

Commissioner Teel stated that the mounted patrol was popular and offered a unique presence of the Police Department. She stated the first response was to the horse and then the children approached the officer. She felt the contact the police afforded was worth keeping this functional. She suggested that possibly the patrol could be streamlined and did not feel closing the barn would be a wise move since it had taken a lot of planning and effort to get it running. She stated that the operation could be increased once things got better.

Commissioner Moore stated that the mounted police was a "dead horse." He stated they were discussing a budget and wanted more from employees so as not to increase taxes, and yet they were discussing a patrol on a mounted horse policing only a 4 block area. The same officer in a motor vehicle could patrol 40 blocks. He stated that when the situation was better the patrol could be revived. He stated now they needed to hold down costs.

Commissioner Moore stated that he wanted to deal with the Latimer Report, but not just the sections the Mayor was mentioning. He wanted to deal with the entire report and he felt many things in it should be considered by the City. He stated the Latimer Report addressed how the City hired, fired, promoted and created opportunities.

Mayor Naugle remarked that a lot of the recommendations from that report had been already implemented. He added that he supported many of those recommendations and felt it was a good solution to the dilemma the City was now facing.

Commissioner Hutchinson stated that some recommendations were costly and one of them was the Office of Professional Standards which was a \$500,000 hit that included

leasing a building, along with 4 positions. She stated she was not in favor of removing the mounted patrol because the bodies on the horses were just going to be placed in a car, on a bike, motorcycle or boat, and there would still be the salaries and benefits to pay. She stated it did not make sense since they were only going to lose the horses and she did not feel they would be saving any money. She stated if they wanted to save money, then they needed to look at the Office of Professional Standards costing \$500,000 to operate. She agreed that if they were going to implement the Latimer Report, then the entire report should be addressed and in a cost effective manner. She explained they had to review the entire organization and see how to streamline it from the upper management to the lower part of the ladder. She felt they should not just arbitrarily pull out one Assistant City Manager and say it solved the problem because they would be fooling themselves.

Commissioner Hutchinson reiterated that the new Commissioners had never read the Latimer Report and should be given copies prior to the September 16, 2003 Commission meeting.

The City Manager stated that regarding the Latimer Report all of the Commissioner's comments were right on target. Many recommendations had been made, but he wanted to remind the Commissioners that in presenting the report, he had indicated that some of the recommendations he agreed with, but did not agree with others that had been made particularly as they related to the span of control and the number of Assistant City Managers. He further stated that in regard to the mounted patrol and other specialty units, he felt one of the recommendations made by Commissioner Teel was that they should review all specialty units opposed to just eliminating the mounted patrol in its entirety. Possibly contributions could be made from one unit to the other. He stated he had spoken with the Chief and the Finance Department, and possibly a professional approach would be to allow them the flexibility to possibly streamline the operations and not have all specialty units operate all the time. He stated that he wanted to look at those issues from a cost containment perspective and felt there needed to be some additional meetings before the 16<sup>th</sup>.

Commissioner Hutchinson stated that this was the first time since she had been on the Commission that they had not made a motion to continue financial support to Women in Distress, along with the other non-profit organizations who made their pleas. She asked those groups to "hang in there" and wait and see what would happen.

Mayor Naugle stated that the proposed millage rate for all general City purposes, exclusive of debt service would be 4.8288 which represented an 11.25% increase in the millage rate over the roll-back rate of 4.3403 mills, which by State Statute was characterized as an 11.25% increase in property taxes. He further stated the proposed millage rate for debt service for the combined 1987, 1992, 1998 general obligation refunding bonds was .2194 which represented a 2.62% increase in the millage rate over the roll-back rate of .2138. He stated the proposed millage rate for debt service for the 1997, 2002 general obligation bond was .1488 which represents an 8.94% decrease in the millage rate under the roll-back rate of .1634.



Commissioner Hutchinson introduced the following resolution to establish the proposed millage rates as follows:

Operating Budget	4.8288
1987/1992/1998 GOB Debt Service	0.2194
1997 GOB Debt Service	0.1488

RESOLUTION NO. 03-132

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING THE TENTATIVE MILLAGE RATE PROPOSED TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004.

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

Commissioner Moore introduced the following resolution to approve the tentative budget for Fiscal Year 2003/2004:

RESOLUTION NO. 03-133

A RESOLUTION ADOPTING THE TENTATIVE BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 30, 2004.

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

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-29

AN ORDINANCE ADOPTING THE APPROVED BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 30, 2004.

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

**Fiscal Year 2003/2004 Sunrise Key Neighborhood Improvement District (PH-2)**

The first public hearing on the tentative budget of the Sunrise Key Neighborhood Improvement District for the fiscal year beginning October 1, 2003 and ending September 30, 2004.

Commissioner Hutchinson left the meeting at approximately 9:02 p.m.

Terry Sharp, Director of Finance, stated that the proposed millage rate for Sunrise Key was .75 mills, and the primary use of the funds would be \$26,000 for security, along with insurance and accounting costs. The total budget would be \$45,000 which was a reduction in the millage rate.

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

Mayor Naugle stated that the proposed millage rate for all Sunrise Key Neighborhood Improvement District purposes would be .75 mills which represents a decrease of 48.68% under the roll-back rate of 1.4613 mills which by State Statute was characterized as a 48.68% decrease in property taxes.

**Motion** made by Commissioners Moore and seconded by Commissioner Teel to establish the proposed millage rate as follows:

Sunrise Key Neighborhood Improvement District Budget .7500

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

**Motion** made by Commissioner Moore and seconded by Commissioner Teel to approve the tentative budget for the Sunrise Key Neighborhood Improvement District for FY 2003/2004. Roll call showed: YEAS: Commissioners Trantalis, Moore, Teel, and Mayor Naugle. NAYS: None.

Mayor Naugle stated that the public hearing to finally adopt the millage rate and budget would be held at 6:00 p.m. on September 16, 2003 in the City Commission Meeting Room.

**Fiscal Year 2003/2004 Fire Rescue Special Assessment** (PH-3)

A public hearing to consider a resolution relating to the provision of fire rescue services, facilities and programs in the City; re-imposing fire rescue assessments against assessed property located within the City for the fiscal year beginning October 1, 2003; approving the rate of assessment; approving the assessment roll; and providing an effective date. Notice of public hearing was published August 13, 2003.

Horace McHugh, Assistant to the City Manager, stated that this was a public hearing to consider the establishment of the rates and re-imposition of the fire assessment fees as provided by State Statute. He explained the Statute allowed for the fire assessment program to fund costs associated with fire suppression and fire prevention services which was adopted pursuant to Ordinance C-99-49 in June, 1999. At that time, the City analyzed and established a rate structure which was based on property usage for improved properties. He stated that residential was based on a per unit basis, and non-residential was based on a square footage basis. He stated the fees could be used to capture up to 100% of the fire related budget. Traditionally, they had been capturing about up to 25% to 30% of the fire related budget.

Commissioner Moore left the meeting at 9:03 p.m.

Commissioner Hutchinson returned to the meeting at approximately 9:04 p.m.

Mr. McHugh continued stating that recently they had Government Services Group (GSG) update the analysis of the call data and assessment methodology which was provided to the Commission. He stated that the Commission had adopted 03-124 which was a preliminary rate resolution at a previous meeting. He stated the proposed rates for Fiscal Year 2003/2004 would generate \$9,946,029, less exemptions for institutions, governmental, and tax exempt properties. He stated that rate would amount to a 50% increase in the rates generated for this fiscal year. He explained the rate would be an increase of \$21 for residential per unit. He stated that appropriate notices were provided in accordance with the State Statute to individual property owners and copies were provided to the Commission of such notice. He added that proof of advertisement was also provided to the Commission. He further stated that between 20-24 letters were received by the City of which 10 objected, 8 felt the methodology used for the assessment was unfair, and 6 asked for further clarification. Examples were given of questions requiring further clarification.

Mr. McHugh stated they recommended the imposition of the rate.

Bunney Brenneman, 1105 NE 13<sup>th</sup> Street, stated that she was President of the 13<sup>th</sup> Street Business Association and their Board had received a special presentation from Chief Latin regarding the fire assessment. She further stated that after careful consideration, they supported this increase.

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

Commissioner Hutchinson stated that some interesting information had been received in regard to the fire assessment fee and the payments in lieu of taxes. She stated that she would like some input in regard to the document received from Mr. Silva. She stated that this matter had been raised by Commissioner Trantalis previously.

Commissioner Moore returned to the meeting at approximately 9:09 p.m.

Commissioner Hutchinson stated that various groups were not being charged the fire assessment fees, but yet they were being serviced.

Otis Latin, Fire Chief, stated that the lawyer who represented this issue was present at tonight's meeting and could answer any questions the Commission might have regarding the matter.

Commissioner Hutchinson stated it appeared there might be a way that not-for-profits could be exempted, but they would have to create a public purpose exemption. She reiterated that she would like to hear some input on this matter.

Heather Ensonos, attorney, stated that in 1999 they had been retained to do the legal work when the government services group did a rate study. They were again retained this year during the revision process. She explained that institutional tax exempt property was not automatically exempt from the fire rescue assessments. She explained that instead of charging the properties, the City was using other legally available funds to pay

their assessments for them. No other property owner was paying more because of the exemption.

Commissioner Hutchinson continued stating that the document submitted by Mr. Silva made sense to her, and she realized they serviced alarms at schools, and gathered as of this time they were being serviced at no cost.

Mayor Naugle stated if the Commission wanted to make a change, they would have to do another study and consider the matter. He reiterated that new bills would have to be prepared, and new announcements would have to be prepared, along with conducting new public hearings. He felt such a change could not be done in time for this year's assessment.

Commissioner Hutchinson reiterated that this matter needed to be reviewed for the future.

Commissioner Trantalis added that this should be a priority for the next fiscal year even if it generated a small amount, and the monies could be distributed to the non-profit groups they normally supported. Mayor Naugle remarked that they could check and see what other cities had done in this matter, but he felt it could not be done in time for this year's budget. Commissioner Hutchinson agreed and stated it was her understanding they had a blanket exemption as it related to current not-for-profits.

Ms. Ensonos explained it was institutional property that was wholly exempted from ad valorem taxation and were not paying the fire-rescue assessment. Commissioner Hutchinson asked if those groups were paying other fees. Mayor Naugle remarked they were paying user fees for water and sewer charges. Ms. Ensonos stated they had not been noticed and could not be charged on the tax bill this year. Commissioner Hutchinson stated she did not want them charged this year, but felt the document made sense and should be reviewed for the coming years and give those groups an opportunity to come in and request the exemption. She did not feel there should be a blanket exemption for everyone.

Mayor Naugle reiterated that a report would be given to the Commission regarding options.

Commissioner Teel agreed it was important to review this matter for next year, but she did not want it to "fall in the cracks." She felt it could be a way to gain some additional revenue. She stated she did not agree with the statement that the taxpayers were not paying for this, and reiterated that someone was making up the difference along the line.

Ms. Ensonos further explained that they were not increasing everyone's fire assessment in order to pay for this. Commissioner Teel stated if everyone paid the assessment, then it would probably be lower for everyone.

Mr. McHugh explained that the attorney was with a group solely addressing the issue of fire assessment fees. He stated her perspective was correct, but from the City's perspective by not assessing those groups, then the fees were probably being past onto ad valorem taxpayers or other costs. He agreed the money had to come from some place. He further stated they had been pursuing the previously adopted policy, and if

there was to be a change or a desire to review a possible change, then they would review the matter and report back to the Commission.

Mayor Naugle reiterated that the report should include how other agencies were treating such classifications.

Mayor Naugle announced the proposed special fire assessment rate would be \$63 annually for each residential property, and the proposed assessment for non-residential properties would be shown in a detailed rate schedule provided in the resolution and approved by the Fire-Rescue Special Assessment.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY; ESTABLISHING THE RATE OF ASSESSMENT INCLUDING AN INCREASE IN THE MAXIMUM ASSESSMENT RATE ESTABLISHED IN THE INITIAL ASSESSMENT RESOLUTION; IMPOSING A FIRE RESCUE ASSESSMENT FEE ON PROPERTIES THAT WERE NOT INCLUDED ON THE ASSESSMENT ROLL APPROVED FOR THE PRIOR FISCAL YEAR, AND REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED IN THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

**Consent Agenda**

**(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – Rally Day****(M-1)**

A motion authorizing the proper City officials to execute an event agreement with the **First Presbyterian Church of Fort Lauderdale, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with **Rally Day** to be held **Sunday, September 7, 2003 from 8:00 a.m. to 12:30 p.m.** at the Church; and further authorizing the closing of Tarpon Drive from Tarpon Terrace to Brickell Avenue from 10:00 a.m. on Saturday, September 6, 2003 to 12:00 noon on Monday, September 8, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1072 from City Manager.

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**Event Agreement – Blocktoberfest****(M-2)**

A motion authorizing the proper City officials to execute an event agreement with **Shooters Waterfront Café USA** to indemnify, protect and hold harmless the City from any liability in connection with **Blocktoberfest** to be held **Friday, September 19, 2003 from 6:00 p.m. to 12:00 midnight** at Shooters; and further authorizing the closing of N.E. 32 Avenue from the south edge of the Shooters/Bridgeside Place valet entrance to the south side of the Shooters/Caribbean Corner property line from 10:00 a.m. to 12:00 midnight on September 19, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1076 from City Manager.

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**Event Agreement – 32<sup>nd</sup> Annual Winterfest Boat Parade****(M-3)**

A motion authorizing the proper City officials to execute an event agreement with **Winterfest Inc.**, to indemnify, protect and hold harmless the City from any liability in connection with the **32<sup>nd</sup> Annual Winterfest Boat Parade**, to be held **Saturday, December 13, 2003 from 5:30 p.m. to 11:30 p.m.** on the Intracoastal Waterway; further authorizing the placement of portable sanitation facilities, Winterfest souvenir merchandise, and food and nonalcoholic beverage stands on the east and west sides of the following bridges: S.E. 17 Street, Las Olas Boulevard, Sunrise Boulevard, Oakland Park Boulevard, and Commercial Boulevard; and further authorizing the closing of South Marriott Drive from S.E. 17 Street to the Marriott Hotel property from 10:00 a.m. to 11:00 p.m. on December 13, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1072 from City Manager.

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**Event Agreement – 5<sup>th</sup> Annual SAFE Walk****(M-4)**

A motion authorizing the proper City officials to execute an event agreement with **Women in Distress of Broward County, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **5<sup>th</sup> Annual SAFE Walk** to be held **Thursday, October 2, 2003 from 6:00 p.m. to 8:00 p.m.** at Las Olas Riverfront.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1193 from City Manager.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-12508 - \$5,458.54 U.S. Currency****(M-5)**

A motion authorizing the equitable disbursement of funds in the amount of \$5,458.54, with each of the 12 participating law enforcement agencies to receive \$454.87.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-7-6 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-12508 - \$1,120.46 U.S. Currency****(M-6)**

A motion authorizing the equitable disbursement of funds in the amount of \$1,120.46 with each of the 12 participating law enforcement agencies to receive \$93.37.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-7-7 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-156768 - \$891.94 U.S. Currency****(M-7)**

A motion authorizing the equitable disbursement of funds in the amount of \$891.94 with each of the 12 participating law enforcement agencies to receive \$74.32.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-7-8 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-156768 - \$1,898.50 U.S. Currency****(M-8)**

A motion authorizing the equitable disbursement of funds in the amount of \$1,898.50 with each of the 12 participating law enforcement agencies to receive \$158.20.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-7-9 from City Attorney.

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**Disbursement of Funds – Joint Investigation - (M-9)**  
**O.R. No. 02-57158 - \$15,140.18 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$15,140.18 with each of the 12 participating law enforcement agencies to receive \$1,261.68.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-7-10 from City Attorney.

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**Disbursement of Funds – Joint Investigation - (M-10)**  
**O.R. No. 02-133736 - \$27,852.34 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$27,852.34 with each of the 12 participating law enforcement agencies to receive \$2,321.02.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-7-11 from City Attorney.

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**Disbursement of Funds – Joint Investigation - (M-11)**  
**O.R. No. 01-20384 - \$7,453.67 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$7,453.67 with each of the 14 participating law enforcement agencies to receive \$516.43; with the City receiving an additional 3% for contributing an additional 130 hours of manpower, for a total of \$740.08.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-7-12 from City Attorney.

---

**Disbursement of Funds – Joint Investigation - (M-12)**  
**O.R. No. 01-20384 - \$700.89 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$700.89 with each of the 14 participating law enforcement agencies to receive \$48.56; with the City receiving an additional 3% for contributing an additional 130 hours of manpower, for a total of \$69.61.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-7-13 from City Attorney.

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**Disbursement of Funds – Joint Investigation - (M-13)**  
**O.R. No. 01-20384 - \$3,575.05 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$3,575.05 with each of the 14 participating law enforcement agencies to receive \$247.70; with the City receiving an additional 3% for contributing an additional 130 hours of manpower, for a total of \$354.95.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-7-14 from City Attorney.

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**Disbursement of Funds – Joint Investigation - (M-14)**  
**O.R. No. 01-70884 - \$10,743.14 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$10,743.14 with each of the 12 participating law enforcement agencies to receive \$895.26.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-7-15 from City Attorney.

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**Disbursement of Funds – Joint Investigation - (M-15)**  
**O.R. No. 00-38363 - \$19,337.87 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$19,337.87 with each of the 12 participating law enforcement agencies to receive \$1,611.48.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-8-2 from City Attorney.

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**Transfer of General Fund Contingencies – Berkowitz Dick (M-16)**  
**Pollack and Brant – Professional Services for Consulting Engagement**

A motion authorizing the proper City officials to transfer \$50,000 from General Fund Contingencies to City Attorney's Office account ATT010101/3101 (Accounting and Auditing) for Joseph A. Epstein, CPA, of Berkowitz Dick Pollack and Brant for professional services for consulting engagement.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1226 from City Manager.

---

**Work Authorization No. 16724.67 – Keith and Schnars, P.A. - (M-17)**  
**Project 10698 – Sunrise Key and Sunrise Intracoastal Improvements – Design, Permitting and Construction Services**

A motion authorizing the proper City officials to execute Work Authorization No. 16724.67 with Keith and Schnars, P.A. in the amount of \$314,690 for consulting engineering services associated with the Sunrise Key and Sunrise Intracoastal infrastructure improvements project.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1059 from City Manager.

---

**Task Order No. 03-05 – Hazen and Sawyer, P.C. – Project 10070 – Evaluation and Recommendation of Alternatives for Water Main Rehabilitation** (M-18)

A motion authorizing the proper City officials to execute Task Order No. 03-05 with Hazen and Sawyer, P.C. in the amount of \$22,920 for consulting engineering services associated with the evaluation and recommendation of alternatives for water main rehabilitation.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1060 from City Manager.

---

**Contract Award – Cardinal Scale Manufacturing Company - Project 10541A – G.T. Lohmeyer Wastewater Treatment Plant Improvement – Truck Scales** (M-19)

A motion authorizing the proper City officials to execute an agreement with Cardinal Scale Manufacturing Company in the amount of \$50,882 for the G.T. Lohmeyer Wastewater Treatment Plant truck scales improvement project.

**Funds:** See Bid Tab

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1164 from City Manager.

---

**Contract Award – Lambert Bros., Inc. – Project 10598 - Bass Park Playground** (M-20)

A motion authorizing the proper City officials to execute an agreement with Lambert Bros., Inc. in the amount of \$177,480 for the Bass Park playground project.

**Funds:** See Bid Tab

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1160 from City Manager.

---

**Contract Award – MBR Construction, Inc. – Project 15030A – Park Identification Signs at Mills Pond and Snyder Parks** (M-21)

A motion authorizing the proper City officials to execute an agreement with MBR Construction, Inc. in the amount of \$21,425 for park identification signs at Mills Pond and Snyder Parks.

**Funds:** See Bid Tab

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1058 from City Manager.

---

**Contract Award – Quality Communications - (M-22)**  
**Project 10547 – Public Services Department Facility-Wide Security System at Treatment Plants, Pumping Stations And Support Facilities**

A motion authorizing the proper City officials to execute an agreement with Quality Communications in the amount of \$1,276,228 for the Public Services Department facility-wide security project.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1029 from City Manager.

---

**Change Order No. 1 – Astaldi Construction Corporation (M-23)**  
**Project 10377 – Miami Road Utilities Improvements**

A motion authorizing the proper City officials to execute Change Order No. 1 with Astaldi Construction Corporation in the amount of \$68, 805 for additional work associated with the Miami Road utilities improvement project.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1167 from City Manager.

---

**Easement – Florida Power and Light (FPL) - (M-24)**  
**Project 15160 – Joseph C. Carter Park**

A motion authorizing the proper City officials to execute an easement with FPL to allow the installation of an underground duct bank at Joseph C. Carter Park for the provision of underground service to the park.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1161 from City Manager.

---

**Lease Agreement – Ocean Bistro, Inc. – Birch (M-25)**  
**Road/Alhambra Parking Lot**

A motion authorizing the proper City officials to execute a one-year lease agreement with Ocean Bistro, Inc. for use of the Birch Road/Alhambra parking lot.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1163 from City Manager.

---

**Lease Agreement – United Deli Services, Inc. (M-26)**  
**(d/b/a Downtown Deli) – Shop Nos. 116, 120 and 124 –**  
**City Park Mall**

A motion authorizing the proper City officials to execute lease agreement with United Deli Services, Inc., d/b/a Downtown Deli, for the operation of a restaurant at the City Park Mall, Shop Nos. 116, 120 and 124.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1165 from City Manager.

---

**Grant Acceptance – Florida Department of Law (M-27)**  
**Enforcement (FDLE) – Prevention for Life Grant;**  
**And Program Agreement – Broward Partnership**  
**For the Homeless, Inc. (BHP)**

A motion authorizing the proper City officials to accept a grant from FDLE in the amount of \$70,430 in support of "Prevention for Life;" authorizing the proper City officials to execute all documents necessary to accept such grant funds; and further authorizing the proper City officials to execute a Program Agreement with BPH.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1145 from City Manager.

---

**Grant Acceptance and Transfer of Law Enforcement (M-28)**  
**Trust Funds (LETF) – Florida Department of Law**  
**Enforcement (FDLE) – FY 2003/2004 Parents and**  
**Children Coming Together (PACT) Program**

A motion authorizing the proper City officials to accept grant funds from FDLE in the amount of \$35,831 and transfer \$8,000 from LETF to Fund 129 to use as a cash match for the PACT Program effective October 1, 2003; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1146 from City Manager.

---

**Grant Acceptance and Transfer of Law Enforcement Trust Funds (LETF) – Florida Department of Law Enforcement (FDLE) – FY 2003/2004 Friends and Families Program** (M-29)

A motion authorizing the proper City officials to accept grant funds from FDLE in the amount of \$54,675 and transfer \$46,075 from LETF to Fund 129 to use as a cash match for the Friends and Families Program effective October 1, 2003; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1147 from City Manager.

---

**Grant Application, Transfer of Law Enforcement Trust Funds (LETF) and Program Agreement - Florida Department of Law Enforcement (FDLE) - 7<sup>th</sup> Avenue Recovery, Inc. Project New Start** (M-30)

A motion authorizing the proper City officials to accept a grant from FDLE in the amount of \$22,787 and transfer \$8,017 from LETF to Fund 129 to use as a cash match for the 7<sup>th</sup> Avenue Recovery, Inc. Project New Start effective October 1, 2003; further authorizing the proper City officials to execute all documents necessary to accept and dispense such grant funds; and further authorizing the proper City officials to execute a program agreement with 7<sup>th</sup> Avenue Recovery for management and disbursement of such grant funds.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1148 from City Manager.

---

**Grant Acceptance – Broward County Parks and Recreation Division – FY 2003/2004 Enhanced Marine Law Enforcement Grant** (M-31)

A motion authorizing the proper City officials to accept grant funds from the Broward County Parks and Recreation Division in the amount of \$174,030 for the FY 2003/2004 Enhanced Marine Law Enforcement Grant; and further authorizing the proper City officials to execute all documents necessary to receive and expend such grand funds.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1080 from City Manager.

---

**Grant Acceptance – Department of Health and Human Services (DHHS) – Additional Funding and Award Period Extension for Metropolitan Medical Response System (MMRS) (M-32)**

A motion authorizing the proper City officials to accept additional grant funds from the DHHS in the amount of \$480,000, and revising the award end date to September 30, 2004; and further authorizing the proper City officials to execute all documents necessary to receive and expend such grant funds.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1081 from City Manager.

---

**Grant Acceptance and Transfer of Law Enforcement Trust Funds (LETF) – Florida Department of Law Enforcement (FDLE) – Broward Chabad House Academic Institute Center, Inc. (CHAI) – Project PRIDE (M-33)**

A motion authorizing the proper City officials to accept a grant from FDLE in the amount of \$19,440 in support of the Broward Chabad House Academic Institute Center, Inc.'s Project PRIDE effective October 1, 2003; further authorizing the transfer of \$3,000 from LETF to Fund 129; and further authorizing the proper city officials to execute all documents necessary to accept and dispense such grant funds including the execution of a program agreement with CHAI.

**Funds:** See Memo  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1085 from City Manager.

---

**Grant Acceptance and Transfer from Law Enforcement Trust Fund (LETF) – Florida Department of Law Enforcement (FDLE ) – “Club Drug” Project (M-34)**

A motion authorizing the proper City officials to accept grant funds from FDLE in the amount of \$66,000 and transfer \$37,100 from LETF to Fund 129 to use as a cash match for the “Club Drug” project effective October 1, 2003; further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1086 from City Manager.

---

**Grant Extension Acceptance – Homeland Security (M-35)**  
**Interlocal Agreement with Broward County Emergency**  
**Management; and Authorization to Negotiate with All**  
**Hands, Inc. for Product Delivery**

A motion authorizing the proper City officials to accept the Broward County Emergency Management grant extension for the City's Plan development and delivery of final copy to establish the new ending date of the grant as April 6, 2004; authorizing the proper City officials to execute all documents necessary to receive and expend such grant funds; and further authorizing the proper City officials to negotiate an extended deadline with All Hands, Inc., the vendor providing the services under the consulting contract.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1087 from City Manager.

---

**Dock Lease Agreement – Sightseeing Cruises, (M-36)**  
**Inc. (d/b/a Lady Lucille Cruises)**

A motion authorizing the proper City officials to execute a lease agreement with Sightseeing Cruises, Inc. (d/b/a Lady Lucille Cruises) for dockage on the New River (slip numbers 77 and 78) for a term of October 1, 2003 through September 30, 2004; and further authorizing Sightseeing Cruises, Inc. to conduct day and evening charter tour operations during such term.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1127 from City Manager.

---

**Dock Lease Agreement – Marine Hospitality, Inc. (M-37)**  
**(d/b/a Anticipation Yacht Charters)**

A motion authorizing the proper City officials to execute a lease agreement with Marine Hospitality, Inc. (d/b/a Anticipation Yacht Charters) for dockage on the New River (slip numbers 55, 56, 57 and 58) for a term of October 1, 2003 through September 30, 2004; and further authorizing Marine Hospitality, Inc. to conduct day and evening charter tour operations during such term.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1124 from City Manager.

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**Dock Lease Agreement – Carfi Enterprises, Inc. (M-38)**

A motion authorizing the proper City officials to execute a lease agreement with Carfi Enterprises, Inc. for dockage on the New River (slip numbers 20, 21, 22, 40, 41, 42, 80 and 81) for a term of October 1, 2003 through September 30, 2004; and further authorizing Carfi Enterprises, Inc. to conduct day and evening sightseeing and charter tour operations during such term.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1125 from City Manager.

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**Dock Lease Agreement – Harbor Tours, Inc.****(M-39)**

A motion authorizing the proper City officials to execute a lease agreement with Harbor Tours, Inc. for dockage on the New River (slip numbers 70, 71, 82, 83 and 84) for a term of October 1, 2003 through September 30, 2004; and further authorizing Harbor Tours, Inc. to conduct day and evening sightseeing and charter tour operations during such term.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1126 from City Manager.

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**Dockage Use Agreement – Marine Industries Association  
Of South Florida, Inc. (MIASF) and Yachting Promotions, Inc. –  
Use of Las Olas Municipal Marina for the 2003 Fort Lauderdale  
International Boat Show****(M-40)**

A motion authorizing the proper City officials to execute a dockage use agreement with MIASF and Yachting Promotions, Inc. for use of the Las Olas Municipal Marina in connection with the 2003 Fort Lauderdale International Boat Show to be held October 30, 2003 through November 3, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1128 from City Manager.

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**Renaming of the Downtown Helistop in Honor of John Fuhrer****(M-41)**

A motion approving the renaming of the Downtown Helistop as the “John Fuhrer Helistop.”

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1198 from City Manager.

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**Fiscal Year 2002/2003 Budget Amendment****(M-42)**

A motion approving an amendment to the Fiscal Year 2002/2003 budget to reflect increased expenditures.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1195 from City Manager.

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**Navy League of the United States, Fort Lauderdale  
Council – Placement of Lone Sailor Statue in the  
Esplanade Area of Riverwalk**

(M-43)

A motion approving the Navy League of the United States, Fort Lauderdale Council's request to place the "Lone Sailor" Statue in the Esplanade area of Riverwalk, in representation of all people who have served, presently serve, or will serve in the United States Navy.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1204 from City Manager.

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**Interlocal Agreement – Broward County -  
Community Transit Program/Public Transportation Services**

(M-44)

A motion authorizing the proper City officials to execute an interlocal agreement with Broward County to participate in the Community Transit Program and provide public transportation service routes in the City.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 03-1233 from City Manager.

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<b>PURCHASING AGENDA</b>
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**754.00-1 – Contract Extension, 800 MHz Radio System Maintenance**

(Pur-1)

A one-year contract extension for 800MHz radio system maintenance is being presented for approval by the Administrative Services, Telecommunications Division.

Recommended Award: Motorola, Inc.  
Sunrise, FL  
Amount: \$ 312,831.10  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-1207 from City Manager

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

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**532-8907 – Residential Sanitary Sewer Connection Services****(Pur-2)**

A one-year contract for residential sanitary sewer connection services is being presented for approval by the Community & Economic Development Department.

Recommended Award: A-1 Underground Services, Inc.  
Davie, FL  
Amount: \$ 40,000.00 (estimated)  
Bids Solicited/Rec'd: 53/1  
Exhibits: Memorandum No. 03-1114 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding to single bidder.

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**732.8874 – T-shirts and Silk Screening Services****(Pur-3)**

A one-year contract to provide T-shirts and silk screening services, for Citywide use, is being presented for approval by the Parks & Recreation Department.

Recommended Award: Safari Sun  
Altamonte Springs, FL  
Amount: \$ 50,000.00 (estimated)  
Bids Solicited/Rec'd: 27/11 with 1 no bid and 1 late bid  
Exhibits: Memorandum No. 03-1187 from City Manager

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

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**332-8896 – HOPWA 2003-2004 Grant Awards****(Pur-4)**

Award of HOPWA 2003-2004 grant funding is being presented for approval by the Community and Economic Development Department.

Recommended Award: Broward House, Inc.  
Fort Lauderdale, FL  
Shadowood II, Inc.  
Fort Lauderdale, FL  
Mount Olive Development Corp. (MODCO)  
Fort Lauderdale, FL  
House of Hope and Stepping Stones, Inc.  
Fort Lauderdale, FL  
Integrity Place of Broward, Inc.  
Fort Lauderdale, FL  
Amount: \$ 2,400,000.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-1219 from City Manager

The Procurement and Materials Management Division has reviewed this item and recommends awarding funding recommendations.

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**332-8886 – Submersible Turbine Pump****(Pur-5)**

An agreement to purchase one submersible turbine pump is being presented for approval by Public Services, Waterworks 2011.

Recommended Award: Atlantic Environmental Systems, Inc.  
Lantana, FL  
Amount: \$ 40,095.00  
Bids Solicited/Rec'd: 168/12 with 4 no bids  
Exhibits: Memorandum No. 03-1056 from City Manager

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

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**432-8904 – Security Guard Services****(Pur-6)**

A two-year contract for security guard services is being presented for approval by the Public Services Department.

Recommended Award: Sereca Security Corp. (WBE).  
Miami, FL  
Amount: \$ 169,839.39 (estimated annual total)  
Bids Solicited/Rec'd: 67/13  
Exhibits: Memorandum No. 03-1189 from City Manager

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

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**432-8891 – A/C Fan Coils****(Pur-7)**

A two-year contract for the purchase and installation of air conditioning fan coils is being presented for approval by the Public Services Department.

Recommended Award: Airmatic Control, Inc. (WBE)  
Davie, FL  
Amount: \$ 15,500.00 (estimated annual total)  
Bids Solicited/Rec'd: 38/3  
Exhibits: Memorandum No. 03-1057 from City Manager

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

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**432-8882 – Disposal of Lime Sludge****(Pur-8)**

An agreement for the removal and disposal of lime sludge is being presented for approval by the Public Services Department.

Recommended Award: Stanford & Sons, Inc. (MBE)  
Lauderhill, FL  
Amount: \$ 1,450,000.00 (estimated)  
Bids Solicited/Rec'd: 43/5 with 1 no bids  
Exhibits: Memorandum No. 03-1191 from City Manager

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

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**532-8881 – Radio and Cellular Phone Parts and Accessories****(Pur-9)**

A three-year contract to provide radio and cellular phone parts and accessories is being presented for approval by the Administrative Services, Telecommunications Division.

Recommended Award: Battery Zone  
Somerset, NJ  
Holzberg Communications  
Totowoa, NJ  
Motorola, Inc.  
Sunrise, FL  
TESSCO  
Hunt Valley, MD  
Amount: \$ 41,000.00 (estimated annual)  
Bids Solicited/Rec'd: 237/9 with 3 no bids and 1 late bid  
Exhibits: Memorandum No. 03-1206 from City Manager

The Procurement and Materials Management Division recommends awarding the proprietary purchase and to the low responsive and responsible bidders.

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**Proprietary – Parking Meters, Himmarshee Area****(Pur-10)**

An agreement to purchase and install multi-space parking meters in the Himmarshee area is being presented for approval by the Administrative Services, Parking Services Division.

Recommended Award: Schlumberger Municipalities Solutions  
Morristown, NJ  
Amount: \$ 142,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 03-1210 from City Manager

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

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**Motion** made by Commissioner Hutchinson and seconded by Commissioner Trantalis that Consent Agenda Item Nos. M-16, M-17, M-20, M-21, M-36, M-37, M-38, M-39, M-42, M-44, and Pur-2, Pur-3, Pur-6, Pur-8, and Pur-10 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

**Transfer of General Fund Contingencies – Berkowitz Dick (M-16)**  
**Pollack and Brant – Professional Services for Consulting Engagement**

Commissioner Moore stated that he had pulled this item and stated that he could not support this item because it had been done inappropriately and without a procurement process. He further stated he could not vote for something that was totally opposed to how they ran the government.

Mayor Naugle asked if this was a legal expenditure.

The City Attorney explained that at the previous meeting, the Commission had made an appropriate finding to make it legal.

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

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**Work Authorization No. 16724.67 – Keith and Schnars, (M-17)**  
**P.A. – Project 10698 – Sunrise Key and Sunrise**  
**Intracoastal Improvements – Design, Permitting and**  
**Construction Services**

Commissioner Teel explained that she had pulled this item because she wanted some further explanation of the timeframes involved.

Maurice Tobin, Engineering Design Manager, explained the design would take 9-10 months, and the construction would take about one year.

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

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**Contract Award – Lambert Bros., Inc. – Project 10598 - (M-20)**  
**Bass Park Playground**

Commissioner Moore stated he had pulled this item and felt it was a good company, but felt they needed to expand and change the work order to include a fence which needed to be repaired at the tennis court.

Greg Kisela, Assistant City Manager, explained it was his understanding that this involved a \$13,000 fence repair which was not included in the solicitation. Therefore, they would have some difficulty adding it in since it had not been part of the original solicitation, but could develop an approach to deal with it.

Commissioner Moore reiterated that a change order could be done to encompass the work. Mr. Kisela stated they would check with the City Attorney as to whether that would be an appropriate change order.

Commissioner Hutchinson asked if the money was being taken for this project from other park improvement programs in her district. Mr. Kisela stated the funds were left over from the Parks Bond Program, and the dollars would be reallocated for this project. Commissioner Hutchinson reiterated that \$63,000 was to be transferred from the Flamingo Park Playground fund and from Hoyt Park, and asked if new equipment had been installed at those locations. Mr. Kisela stated it was his understanding there was new equipment at those sites. Commissioner Hutchinson stated they did not have new equipment at those parks, but yet they were going to take away the money from those projects. She was told there was money allocated in Enhanced for those playgrounds. Commissioner Hutchinson stated she was not confident that the Enhanced CIP would ever have any funds available.

Commissioner Moore stated he had not received an answer as to whether a change order could be made to improve the fence at Bass Park.

Mayor Naugle stated if a change order was done, where would the \$13,000 come from. Mr. Kisela explained they would have to find a funding source for that. Commissioner Moore stated it was a needed improvement and safety issues were involved, and he reiterated that since major changes were being done to the park, the fence could be repaired at the same time.

Mr. Kisela stated they would consult with the City Attorney as to whether they could accomplish that at this time, but a funding source would still have to be identified. Afterwards, they would update the Commission.

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

Mayor Naugle stated that the item could be brought back before the Commission if they found a way to fund it.

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**Contract Award – MBR Construction, Inc. -  
Project 15030A – Park Identification Signs at  
Mills Pond and Snyder Parks**

**(M-21)**

Commissioner Moore stated that he had pulled this item and asked what size were the signs that were stipulated in this contract.

Mike Fayazz, Engineering, replied that the signs were larger than the standard signs for the parks and were 12' x 6'. Commissioner Moore asked how many signs were to be erected at Mills Pond. Mr. Fayazz stated there would be one sign for each park. Commissioner Moore stated that he could not support this item.

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

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**Dock Lease Agreement – Sightseeing Cruises, Inc.** (M-36)  
**(d/b/a Lady Lucille Cruises)**

**Dock Lease Agreement – Marine Hospitality, Inc.** (M-37)  
**(d/b/a Anticipation Yacht Charters)**

**Dock Lease Agreement – Carfi Enterprises Inc.** (M-38)

**Dock Lease Agreement – Harbor Tours, Inc.** (M-39)

Commissioner Moore stated he had pulled these items and felt they could be dealt with simultaneously. He stated he was concerned about these matters and remarked that they were discussing how difficult it was to balance the budget, but yet they entered into agreements with the private sector and stated that due to the economy their rates could not be increased. He stated that the taxpayers were going to get an 11% increase for their properties, but due to construction at the docks and the poor economy due to 9/11 the rates for these boats would not be increased. He felt this was not right and this was an opportunity to generate revenues, and hoped they would increase these agreements 11% each.

**Motion** made by Commissioner Moore and seconded by Commissioner Teel to place an 11% increase on the dock lease agreement for Item M-36.

Commissioner Hutchinson stated she agreed with Commissioner Moore and reminded everyone that these were all income producing boats.

Jamie Hart, Supervisor Marine Facilities, stated that if the situation was different and there were no impacts from the construction he could agree to an increase for these boats. He felt due to the inconvenience caused by the construction and damage being done to the boats, he believed if their rates were raised the City could force these companies out. He reminded everyone that occupancy was down on the New River and they needed the revenue from these boats, and recommended that the rates not be increased.

Commissioner Moore asked if there were property owners located next to the construction sights, and stated they too were being inconvenienced and yet their property taxes were increased.

The City Manager stated that this Commission normally insisted that these types of matters be brought before the Marine Advisory Board for their recommendation, and he stated the reports reflected their recommendation and wanted to remind the Commission of that report.

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

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to place an 11% increase on the dock lease agreement for Item M-37. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: Commissioner Trantalis.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to place an 11% increase on the dock lease agreement for Item M-38. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: Commissioner Trantalis.

Commissioner Moore remarked that regarding Item M-39, the applicant was buying a new boat.

Commissioner Trantalis asked if anyone was present from the Marine Advisory Board. Commissioner Moore stated the back-up material had been read and the Board's recommendation understood. Commissioner Trantalis asked if the issues regarding these dockage agreements had been raised by the Marine Advisory Board.

Randy Dunlap, member of the Marine Advisory Board, stated that he had been on this Board for less than one year. He acknowledged there had been discussions about this matter, but hesitated to comment without having the minutes of those meetings in front of him. He stated that during his tenure, he did not recall discussions regarding rates.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to place an 11% increase on the dock lease agreement for Item M-39. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: Commissioner Trantalis.

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### **Fiscal Year 2002/2003 Budget Amendment**

**(M-42)**

Commissioner Hutchinson stated that she had pulled this item and stated she was not in support of this item because she felt they were rewarding departments that had gone over budget. She stated there was no accountability, and they needed to find a way to hold department heads accountable. She added that they had continued to deplete the small amount of contingencies, and now they had none.

Commissioner Hutchinson stated that regarding the Debt Service Fund, it stated: "Due to the refunding of the parking outstanding excise tax bonds, the time frame for servicing the debt was shortened from three years to two years." She asked what was being saved when it had cost the City \$1 Million.

Terry Sharp, Director of Finance, explained they were saving the fourth year of debt service payments, and they would be saving interest they would have paid if paying out over the normal time period. He stated they were going to free-up parking money that would be available for other capital projects in the fourth year.

Commissioner Hutchinson asked if she could see the agreement regarding the trust fund for the 17<sup>th</sup> Street Causeway Bridge. She stated they were transferring \$125,000 from the General Fund which was the Trust Fund into another fund, but they were only transferring \$100,000, and asked where was the other \$25,000. Mr. Sharp replied that



the lines did not match up, and they were not saying \$125,000 was going as \$100,000. He explained that the total for Parks and Recreation was \$1,380,000, and the total they were increasing the appropriation was \$1,380,000. Commissioner Hutchinson asked if anything had been done to shore-up the extra \$625,000 for lawn watering, and the \$115,000 for the Hall of Fame part-time salaries.

Phil Thornburg, Parks and Recreation, stated that they were shut off at this point in time and hard decisions would have to be made regarding next year's budget. He stated there was no way to keep things green and not spend the extra \$625,000.

Mayor Naugle stated he shared the Commissioner's concern regarding the transfers, but by the time it was discovered, 6 months had passed and no action had taken place. He further stated that not passing these expenditures would make their budget out of compliance, and he felt they had to approve it after-the-fact, but something needed to be put in place so this would not happen next year. He felt that was going to be part of the work of the auditor's services. Commissioner Hutchinson reiterated that something should have been brought to the Commission prior to having to make such decisions which put those things in place. She stated that they could not undo what had been done in the past, but they could change the future and they needed to change how they did business because they could not continue allowing departments to go over budget and not have some sort of accountability. Mayor Naugle asked if Commissioner Hutchinson preferred to table this item until the next Commission meeting. Commissioner Hutchinson reiterated that she was not going to support this item. She felt if she did not take a stand now, when would she do it.

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

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**Interlocal Agreement – Broward County – Community  
Transit Program/Public Transportation Services**

**(M-44)**

Commissioner Moore stated that he had pulled this item, and stated further that he was concerned they had gone through the process of dealing with the County and obtaining assistance in offering opportunities regarding mass transit and the movement of people. He further stated that there were two hybrid electric vehicles which had been leased to the City and now were being returned. He continued stating that he did not know why they were entering into a relationship with the TMA. He questioned its usefulness and remarked that he did not see anything beneficial getting done. He felt it was an administrative bureaucracy which took money away, and staff appeared to be spending more time on this matter than TMA. He stated they needed to discuss the continuation of their relationship with TMA, and possibly City staff could do some of the work being done by the TMA and get the administrative dollars to address some of the City's budget issues. He reiterated that he was not a fan of the TMA and did not see them bringing in anything that the municipal entities had not contributed. He added that federal dollars were not being received due to the TMA's actions, nor had he seen an ingenious mass transit plan come from the TMA. He urged the Commission to not vote in favor of Item M-44, and ask that the City Manager present the pros and cons of having City staff handle the interlocal agreements with the County.

**Motion** made by Commissioner Moore that the Commission not take any action regarding M-44 and staff review the pros and cons of controlling the services presently being done by the TMA.

Horace McHugh, Assistant to the City Manager, stated this interlocal agreement provided the mechanism for Broward County to fund the service itself, and by voting against it, they would forego the funding and the service. He stated that at the next Commission meeting this matter of the service delivery between the City and the provider would be discussed, and that could possibly be the opportunity to discuss the services provided for the community, and whether the TMA would be the appropriate agency to provide such services.

Mr. McHugh further stated that they had worked hard with the County regarding the hybrid vehicles in terms of ordering and scoping out the vehicle. He explained they had traveled to Chattanooga, Tennessee to see the vehicles and work with the manufacturer. He stated there had been delays and design changes, and when they finally received it after 6 months there had been more than 40% down time. He continued stating that the estimates were substantial to bring the vehicles up to speed regarding maintenance. He explained they involved specialized technology and replacement parts were always not available and needed retrofitting and not consistent with the AVS vehicles and equipment. He stated they had agreed to relieve the City of their obligation which could be in the amount of \$100,000. He added that the period of operation initially was in the cooler periods, and as the temperature rises these vehicles tend to have a higher down time.

Mayor Naugle stated he supported reviewing the City's relationship with the TMA and asked if this extracted them from the agreements regarding the non-working vehicles. Mr. McHugh stated it tied them to the County, and at the next Commission meeting they would discuss the tie with the TMA.

Commissioner Moore stated he wanted to discuss these matters together. He further stated that the hybrid vehicles were gotten because they had hoped they could then get Federal funding for their operation. He stated the County would not keep these vehicles and would offer them to Coconut Creek who would take them and obtain Federal money to assist in their operation. He preferred the City residents should have the opportunity to have these vehicles, as well as the opportunity for future funding. He felt this matter should be tabled so both discussions could be held regarding the viability of the City and the TMA continue to operate, and possibly better utilize the relationship established with the County.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to table Item M-44 until September 16, 2003 at 6:00 p.m. in order to discuss this matter and the City's relationship with TMA simultaneously.

Mr. McHugh reminded the Commission that these agreements expired at the end of this month and the City had been requested to obtain approval at this time in order to ensure it would be approved at their meeting two weeks from now.

The City Manager stated that the County was listening to this conversation, and suggested asking them that they consider this matter conditionally in light of the pending action before this Commission.

Mr. McHugh remarked that they would bring back the items together and asked if Commissioner Moore was requesting any further information regarding the hybrids. Commissioner Moore stated he wanted to know why Coconut Creek was able to run their hybrids well and see why they were not having the same difficulties.

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

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Mayor Naugle stated they needed a motion to reconsider Item M-22 because Mr. Kisela had brought to his attention that the parties involved in the matter had not heard the request for removing items from the Consent Agenda.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to reconsider Item M-22. YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

**Contract Award – Quality Communications – Project 10547 - (M-22)**  
**Public Services Department Facility-Wide Security System**  
**At Treatment Plants, Pumping Stations and Support Facilities**

Steve Creswell, Security One Systems, stated they were one of the companies who had bid on this project. He stated he was requesting the Commission not to move forward with this project because the bid response from Quality Communications had stated they had been in business since 1990, but in fact had only been in business as of January 22, 2003. He explained that he had obtained that information from the State of Florida. He continued stating that another reason was that Quality Communications was specifying a product called LaNell, but had never installed such a system previously and attempted to show they were qualified, but in fact were not. He stated they had installed a very small system on their own building. He explained that Quality Communications had, therefore, earned higher points than his company relating to quality of the firm, training, capability of training, support and service. He explained further that his company had been in business for 13 years and were the largest LaNell installation company in the southeast United States, and were No. 3 nationwide.

Mr. Creswell further stated that the bid specifications had called for 5 references, and those references were to show 5 security projects of similar size and scope, the devices involved, when the project was awarded, schedule of installation, and completion of the project. He explained that every single one of Quality Communications' references did not match up. He stated they had to demonstrate the product showing the capabilities of it and how the product performed. In their presentation, they were not able to do a demonstration of the product and yet they scored higher in demonstration than his company and asked how could that be possible if the company had not demonstrated it.

Mr. Creswell explained that Florida Statute 489.518 stated any company installing any type of security product must put all employees through full criminal background checks and fingerprinting. Additionally, all employees must go through a 12-hour course showing alarm certification. He stated the employees of Quality Communications did not have that certification, nor were they put through background checks. He felt based on this issue alone, the company should be disqualified from bidding on this project.

Mr. Creswell stated that he was requesting the Commission to disqualify Quality Communications and proceed to the next company who scored the highest which was Security One Systems, or at the very least having the project put out for a re-bid. He further explained in this case, the bid was based on a point system.

Greg Kisela, Assistant City Manager, stated that they had done a two-step process and one step had been based upon qualifications, and the other on bids. He explained the Commission had received the response to the protest the City had received. Mayor Naugle asked if the other company's qualifications had been checked out. Mr. Kisela confirmed.

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

Commissioner Trantalis stated that something did not appear right in this case. Mr. Kisela stated that they had first based their decision on the qualifications of the firm and a review panel had evaluated the submittals of the companies who had bid. The second step of the review involved price. Commissioner Trantalis questioned some of the information that had been provided, including the length of time the company was in business.

Paul Bohlander, Assistant Utilities Service Director, stated that it was his understanding the 2003 incorporation referred to was in regard to a name change, and the misinformation being supplied led to some confusion. He further stated that it appeared that Quality Communications had been in business since 1990.

Commissioner Trantalis asked if this matter could be tabled so as to better review the issues. He stated he was having a problem regarding this item. Mr. Bohlander stated they had received two letters which had been provided to the Commission in response to the claims being made. He stated another letter had been received and they felt that the claims were not sufficient to warrant pulling the item or not awarding it. He felt the appropriate choice had been made regarding this item. Commissioner Trantalis stated that one of the documents had stated that the company's annual report had been filed this year which was required by law. He asked if the City was comfortable with this selection. Mr. Kisela confirmed.

Mr. Creswell stated that he wanted to remind the Commission about the State Statute which placed certain obligations upon the company, and asked if that had been done by Quality Communications. It was his understanding that had not been done, nor did their employees receive the required certification.

Commissioner Trantalis stated that based upon recommendations from staff, he would support this motion.

Mr. Bohlander stated that the representatives of Quality Communications had indicated that their qualifications regarding this matter were in excess of the requirements raised by the claims made in the correspondence. He reiterated they would confirm this before any work would begin.

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

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**532-8907 – Residential Sanitary Sewer Connection Services****(Pur-2)**

Commissioner Moore stated that he had pulled this item and asked if they were going to be able to offer assistance to any homeowner based on an income level.

Faye Outlaw, Interim Director of Community and Economic Development, stated the services would be available to all homeowners who fell within the 80%, which was different than what had been approved regarding connection services and was 50% for the \$1,000 assistance program.

Commissioner Moore stated he was concerned that 53 individuals had been solicited and only one response. He further stated that led him to believe that possibly the way the RFP had been done might have limited the free enterprise system, and asked for some further clarification.

Mr. Buffington stated that any time they received one or a limited number of responses to their bids, they indicate how many bidders had responded. He explained that sometimes there were errors on the part of the bidders such as responding late. If he thought there might be a chance to increase the competition, he would recommend a re-bid, but he did not think that was the case. He stated if they re-bid it they would be rewarding companies for their poor business acumen. He remarked that A-1 had responded and negotiated in good faith regarding some line items, and he felt it was only fair to proceed with the recommendation.

Commissioner Moore stated that he would not support this item.

Mr. Buffington reiterated that the specifications were very simple and the specifications had not been written too tightly.

The City Manager asked if it was fair to say that the margin of profit available might have been a judge for some of the other contractors. Mr. Buffington confirmed and replied this was not the first time they had put this bid out. Commissioner Moore asked what had happened previously regarding the bid. Mr. Buffington stated they received 1-2 responses and never receive a lot. He explained that one of the bidders who responded was not a low bidder.

Mayor Naugle asked if separate licenses were required regarding the possible work. Mr. Buffington replied that the company had to be licensed to do both sets of work, and the contractor could have subcontracted some of the work and were not restricted from doing so.

Commissioner Trantalis asked if the \$40,000 estimated amount fell within the range they anticipated the work to cost. Ms. Outlaw explained that the \$40,000 was actually what they had available to fund individual projects. The money would flow out as they processed and approved homeowners, and depending on what the project involved the money would be paid out in installments. She explained the other option was that they normally received 3 quotes from plumbers to do the work, and they wanted to have someone on a retainer so they could be assigned projects as they became available. From a practical standpoint in dealing with housing rehabilitation jobs, she stated it was very difficult to get contractors to bid on the projects.

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

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**732-8874 – T-shirts and Silk Screening Services**

**(Pur-3)**

Commissioner Trantalis stated that he had pulled this item, and asked why they were spending such a large amount of money on T-shirts.

Kirk Buffington, Procurement Division, stated it should have been noted that approximately \$15,000 to \$20,000 of that amount was uniform T-shirts that were worn by City workers. He stated the remaining amount was Parks & Recreation T-shirts and some of the expense would be offset by participation fees paid into the programs. He added that the amount was consistent yearly and depended on the number of participants in any recreation program.

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

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**432-8904 – Security Guard Services**

**(Pur-6)**

Mayor Naugle stated that he had pulled this item and wanted to know what requirements there were regarding background checks.

Kirk Buffington, Procurement Division, stated that the contract with Navarro was the one used to put out for these services, and therefore, the same background checks and licenses were required.

Mayor Naugle asked if a list could be provided so the Police Department could also do some background checks as a backup. Mr. Buffington stated since it was not in the original ITB, he was not sure if that could be enforced upon a contractor at this time. Mayor Naugle stated that the item could be re-bid. Mr. Buffington agreed and stated he would approach the contractor regarding this matter.

Commissioner Moore asked why this extra work should be done. Mayor Naugle stated he thought that would have been a requirement in the contracts based on the fact that these individuals would be guarding important segments of the City. He stated further that he would feel more comfortable if that was included as a requirement based on the 9/11 issues, and wanted to make sure there was an extra level of safety. Commissioner Moore stated that a requirement was that each guard have a license from the State, and he assumed the State had done background checks. Mr. Buffington confirmed.

**Motion** made by Commissioner Moore to approve this Item as presented.

Commissioner Hutchinson stated that she wanted to ask the winning bidder to succumb to background checks. Mr. Buffington stated he had talked to Robert Nielsen who was

the contract administrator for this contract, and that request would not be a problem, and if it was the matter would be brought back before the Commission.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to approve this item, including extra background checks to be done by the City's Police Department. Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: Commissioner Moore.

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**432-8882 – Disposal of Lime Sludge****(Pur-8)**

Commissioner Moore stated that he had pulled this item, and stated that he had noticed there were a number of sludge piles from the City of Lauderhill which had been dumped along the waterline of the Wingate site. He stated that the residents in the area had not received any type of notification, and he wanted to make sure that this contractor would dispose of the sludge in a location which was not the Wingate site.

Greg Kisela, Assistant City Manager, stated that this contractor disposed of the sludge in Pompano by the Festival Flea Market, and the City would ensure that he had the proper authorizations to do so. He emphasized that the sludge was not being taken to the rock pit next to the Wingate landfill.

Commissioner Hutchinson left the meeting at approximately 10:08 p.m.

Commissioner Moore asked if they would state in this contract that the contractor was not to place any sludge material at the Wingate site. Mr. Kisela reiterated that they had spoke to the owner today who had confirmed that he had not disposed of any material at the Wingate site, and did not intend to do so. Commissioner Moore reiterated he wanted the contract to "now allow" them to bring any sludge to the Wingate site. Mr. Kisela stated the contractor intended to take the sludge to the Pompano site. Commissioner Moore emphasized that he wanted that condition included in the approval of this item.

**Motion** made by Commissioner Moore and seconded by Commissioner Trantalis to approve the item with the condition that the contractor agree not to dispose of sludge at the Wingate site. Roll call showed: YEAS: Commissioners Trantalis, Moore, Teel and Mayor Naugle. NAYS: None.

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**Proprietary – Parking Meters, Himmarshee Area****(Pur-10)**

Mayor Naugle stated that these were solar powered and asked if there would be enough solar activity to have them run properly.

Doug Gottshall, Parking Manager, stated the landscaping had been looked at and enough energy would be available.

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

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Commissioner Hutchinson returned to the meeting at approximately 10:11 p.m.

**Settlement of Automobile Liability File No. VA GL 00-278  
(Perry Laspina)**

(M-45)

A motion authorizing the proper City officials to settle Automobile Liability File No. VA GL 00-278 (Perry Laspina).

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

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**Appeal of Historic Preservation Board Decision to Deny  
Certificate of Appropriateness for New Construction – City  
Of Fort Lauderdale Housing Authority (HPB Case No. 10-H-02)**

(PH-4)

At the regular meeting of March 10, 2003, the Historic Preservation Board denied applicant's request for a Certificate of Appropriateness (COA) for New Construction of a 10,000 square foot office building by a vote of 3-6. On June 3, 2003, the City Commission deferred consideration of this item to September 3, 2003 by a vote of 5-0.

**This item had been withdrawn.**

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**Rezone CB to RM-15 – City of Fort Lauderdale – Sweeting  
Estates Neighborhood (PZ Case No. 10-Z-03)**

(PH-5)

At the June 18, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 9-0. Notice of public hearing was published August 22 and 29, 2003.

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

Disclosures by the Commission were made as follows: Mayor Naugle had been to the site. Commissioner Hutchinson had also been to the site.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-03-30

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM CB TO RM-15, LOTS 1, 2 AND 3, BLOCK 1; LOTS 1 THOROUGH 7, INCLUSIVE, BLOCK 2 AND LOTS 1, 2 AND 3, BLOCK 6, "RIVER GARDENS," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 23, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF NORTHWEST 6<sup>TH</sup> STREET (SISTRUNK BOULEVARD), WEST OF THE CSX RAILROAD AND EAST OF NORTHWEST 23<sup>RD</sup> AVENUE, IN

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

**Notice of Violation, Notice to Show Cause – Fort  
Lauderdale/Hollywood International Airport Development  
Of Regional Impact (DRI)**

**(PH-6)**

A public hearing to consider the City's Notice of Violation, Notice to Show Cause to Broward County with regards to the Fort Lauderdale/Hollywood International Airport DRI.

Commissioner Moore left the meeting at approximately 10:13 p.m.

Disclosures by the Commission were made as follows: Commissioner Trantalis had been to the site. Mayor Naugle had also been to the site.

All individuals wishing to speak on this item were sworn in.

Chris Barton, Planning and Zoning, stated that he was going to give a brief history of the situation. He stated that there had been a land acquisition program and the airport land within the City of Dania had been de-annexed, therefore, the need of the City of Dania to continue to establish or amend the Development Order was not necessary. He stated that land within the City of Hollywood had been purchased by the Airport during that time frame which caused them to issue Development Orders on all future development. He explained that between 1984 and 1994 certain supporting developments had occurred in and around the airport, and concurrent projects affecting the Airport included the expansion of I-95, creation of I-595 which was an extension to Port Everglades and the Airport connecting to US1, and the FEC Railway and US1 were relocated to the east to accommodate the expansion of the north runway and central midfield terminal facilities. He further stated other occurrences included the development of Tri-Rail, the Land Acquisition Program, Griffin road improvements, and the development of the buffer park. He stated also that the Convention Center had been developed and Port Everglades had been expanded.

Mr. Barton further stated that in 1986 the Development Order from 1984 had been amended and the extension of the south runway to 6,000' had been proposed and reviewed, but the project had not been completed. A similar extension to the north runway had occurred making it 9,000' which was the runway that existed today. He further explained that between 1990 and 1995 the County went through a series of studies to develop the Airport Master Plan, including a study of the FAA in 1990 to review possible runway capacity that would increase the south runway extension to 9,000' to match the north runway. In October, 1992 County updates to the 1987 Master Plan included the review of such studies, and in May, 1993, the FAA recommended that the south runway extension was the preferred alternative, and was approved in March, 1994. In August, 1995, the County and the Department of Community Affairs (DCA) in Tallahassee approved a pre-development agreement to expand the Airport that would allow the County to begin initial limited improvements in preparation for and before the full ADA had been reviewed to amend the 1984-1986 Development Order. In that

agreement, it stated the following: "Whereas the County proposed to expand the Airport's capacity to meet the demands of the region to the year 2015 by expanding terminal facilities to include approximately 1,600,000 sq. ft. of terminal space with support facilities, and containing approximately 78 aircraft gates together with the extension of the southern runway (9R/27L) to a length of 9,000'."

Mr. Barton continued stating that the following year the application for development approval had been filed by the County to extend or amend the Development Order of 1986, and in the new program the project would include the creation of two major terminals on the north side which had been built and were in full operation, and one international terminal on the south side, thereby having 38 gates with a complete total of gates to 79. He continued reading as follows: "Ramp apron air operation facilities, roadway and circulation systems, complete revamping of the circulation and approach system, expanded parking garages, and surface lot improvements, and an extension of the south runway to 9,000'." He reiterated this was another document approved by the County discussing the extended runway.

Mr. Barton further stated that in March, 1996, the FAA initiated the Environmental Impact Statement to study runway expansion alternatives. He stated that the Airport as it was known at that time was being shown on the map marked in red. He explained the blue areas were those to be expanded, and did not include the Pre-Development Agreement improvements which were minor. In 1997 the Development Order was amended, and Orders with similar language were approved by the County, City of Hollywood, and the City of Fort Lauderdale. Certain associated interlocal agreements were included by reference between these jurisdictions regarding the Airport and were attached to the Development Orders. In all of them, the development proposal stated the premise that the County proposed to expand the Airport's capacity to meet the demands of the region through the year 2015, which included expanding terminal facilities and aircraft gates, together with an extension of the south runway (9R/27L) to 9,000'. He explained that the Environmental Impact Statement in 1996 identified 17 runway alternatives, and of those 17 they were narrowed down to 4 alternatives. Those 4 alternatives would be to extend the south runway to 9,000' which was the preferred alternative or The Project, and the 3 alternatives compared against that were the Do Nothing alternative required by the FAA, and two other proposals establishing two northern runways utilizing the existing north runway as a taxi way and two new runways on the north side. In one case it would be at grade, and in the other case they would be elevated on the east end so the FEC rail lines would not have to be relocated.

Mr. Barton continued stating that in February, 2001 a draft Environmental Impact Statement recommended the preferred alternative to extend the south runway to 9,000' be adopted. Public comments and changes in the forecasted aviation activity occurring since the initial study caused the FAA to revisit their findings. Again in February, 2002 a draft Supplement Environmental Impact Statement recommended the preferred alternative to extend the south runway (9R/27L) to 9,000'. In October, 2002 the County requested FAA to seek new Airport consultants to revisit the EIS findings and were in that process at this time. He had been told by FAA representatives that the cost for the consultant reviews were approaching \$2 Million which would be taken from Airport generated funds. Today, the FAA was interviewing yet another consultant to revisit the studies. Mr. Barton stated he had inquired when this would come to some sort of conclusion and a final report be submitted, and they could not say and had not decided if they were going to pick up where they left off or would begin all over.

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Mr. Barton stated that the proposed south runway was in documents since 1987, and the Airport had purchased the land at the east end to accommodate the construction of the runway over Federal Highway. He remarked it was included in the Development Order, the ADA application, the Pre-Development Agreement, the Vision 2020 reports submitted by consultants from the County, and had been the preferred alternative for over 20 years. He explained the north runway would become a taxi way and FAA safety requirements call for the two north runways to be a minimum of 400' apart. Therefore, the existing north runway would move 200' north closer to the residential areas of the City, and a second runway added between the existing runway and the new terminals on line.

The City Attorney stated this had been discussed by the Commission in July and their position had been that due to the open and notorious equivocation of the County and the widespread publicity, that they could consider at the very least, an anticipatory breach of the Development Order which called for a 9,000' southern runway. He stated they believed the County was in actual breach of the Development Order because it adopted the application for development approval. The ADA required that construction be under way by the year 2000, and construction on the south runway be completed by 2005. No action had been taken by the County to proceed forward with that, and suggested that several options existed for the Commission. He stated that the options were outlined in the memorandum that he had sent to the Commission. He stated they had been provided notice pursuant to the Development Order, which explained what the City felt the breach entailed. He explained that the Commission could find based upon the information that would be provided by the County this evening that they were, in fact, in compliance with the Development Order and no further action would be required. Otherwise, the Commission could find the County was not in compliance with the Development Order and stay the effectiveness of that Order until such time as when they could provide the City with such assurance, or this meeting could be continued to a time certain when the County could return with the necessary action showing compliance.

Ed Dion, Broward County Attorney, stated they had received the Notice of Violation, along with the Notice to Show Cause, dated August 4, 2003 in which they had been ordered to appear at this meeting to show cause why the City should not stay the effectiveness of the Development Order or revoke it in its entirety. He stated that on two separate occasions he had requested the City Attorney to specify the portion or portions of the Development Order that he believed the County had violated, and what action he believed was required to cure the alleged violation. He stated that the City Attorney had not provided such information.

Mr. Dion continued stating that yesterday pursuant to a Public Records Request, the City Attorney provided him with the memorandum which had been provided to the City Commission. He stated that he wanted to explain what was exactly in the Development Order of 1997. He further stated the history provided had been interesting, but he thought they were present to discuss the Development Order of 1997.

Mr. Dion further stated that the Development Order of 1997 specified that the Airport, once expanded, would consist of 79 aircraft gates, 3 runways, including a southern runway of approximately 9,000', and ancillary airport development such as terminals, parking structures, and other airport support facilities. The Development Order also provided that the exact sizes of buildings or other improvements, along with their

utilization and location would be determined at the time of permitting. He explained there was no provision in the Development Order which required a date upon which construction of a runway had to commence, and only required that all physical development be completed by December 31, 2005.

Mr. Dion stated that on March 5, 2003 the County had held a public hearing at the Convention Center, and on that date the County Commissioners had voted to proceed forward with the existing Environmental Impact Statement relating to the expansion of the south runway to 9,000', while conducting an additional evaluation to consider the following: the abandonment of the cross-wind runway which he felt the City would be interested in, expediting noise mitigation, developing a plan for the appropriate use of areas surrounding the Airport, and continuing the over-flight restrictions in perpetuity, as well as conducting a runway length analysis.

Commissioner Moore left the meeting at approximately 10:35 p.m.

Mr. Dion continued stating on March 25, 2003 the County Commissioners had approved a 9<sup>th</sup> amendment to its contract with the EIS consultants in order to provide any additional services required during that consideration, and also appointed a selection and negotiation committee to proceed with that additional evaluation. He stated that on April 8, 2003 the Board approved the selection of Lee Fisher Associates to complete such evaluation, and on June 3, 2003 they approved a request for letters of interest for a new consultant to complete the EIS work. On August 19, 2003 the selection and negotiation committee short-listed one consultant, Langerman Brown to serve the new EIS consultant subject to FAA approval. He announced that a meeting was scheduled for tomorrow for the FAA to interview that company in accordance with their regulations, and once it was approved, the County would enter into a contract with the consultants to do further work required by the EIS.

Mr. Dion stated that the County Administrator had advised that Lee Fisher & Associates' evaluation would be completed by November, and he would have the matter before the County Commissioners by the end of the calendar year.

Mr. Dion reiterated that the Board of County Commissioners had proceeded in accordance with the Development Order, and had taken no action which could be remotely construed as a violation thereof. Therefore, on behalf of the County, he requested that the City Commission find that the current efforts to complete the DRI were in conformity with the Development Order. He stated that neither the Development Order nor the State Law would permit the City to stay the effectiveness of that Order or revoke it in its entirety. He thanked the Commission for giving the County the opportunity to address this matter. He stated that County Commissioner John Rodstrom wanted to also address the City Commission.

Craig Canning, President Lauderdale Isles Homeowners Association, stated that personally he wanted to thank the Commission for the bold stand they were making on behalf of the citizens of the southern section of the City and citizens throughout the City. He felt the County had been woefully negligent in listening to the residents living in the south area, and through the Commission's action they were finally understanding the neighborhood's sincerity regarding this matter. He stated they wanted the Airport expanded as it had been agreed to. He encouraged the Commission to stay their

course and apply whatever pressure necessary on the County to do the right thing because he felt long term everyone would benefit.

Terry Stiles, member of the Broward Alliance and Workshop and Friends of the Airport, stated that the introduction of other alternatives concerned them because possible additional options would be placed on the table, and they felt that offered the possibility of postponing or delaying the process and creating a new EIS. He felt the most critical situation in the Airport expansion was the ability to prevent a delay for the airlines so the City could have a low-cost airport. He felt if they went back into the review process, there could be an additional 3-5 year impact to the schedule and cause a delay cost analysis. He stated that Dade County had recently opened a new airport at a cost of \$197 Million and analyzed there would be a \$200 Million annual savings to the airline industry permitting discount airlines. He stated their concern was that the new alternatives would impact the residents in a more severe manner. He stated this matter was critical to the economy and the City, and the safety of the citizens. He felt if they did not take the initiative to provide an infrastructure to accommodate the growth of the Airport would be foolish in the eyes of the business community. He urged the Commission to stay on track with the south runway alternative and analyze the matter.

Randy Dunlap, City's representative on the Airport Task Force, stated it had been the story of "bait and switch, misdirection, and disinformation." He continued stating that first they had been told that their business plan was not good and the cost of expansion would price them out of the low cost market airlines. In 2014 after the completion of the Airport, the in-plane passenger cost would be \$9.78, and in that same year Miami's in-plane passenger costs would be almost \$35. They were then told that due to 9/11 air traffic would go down and the "boom days" of the past would be gone forever. He stated that proved not to be the case, and FAA reinforced that statement. He stated the projects were then increased by 15%. He stated that they had been told about wetlands and other matters, but one thing woefully lacking in this entire conversation was the quality of life for the citizens living in the southern portion of the City.

Mr. Dunlap further stated that the corridor along I-95 from US1 to the intersection of the Turnpike was unquestionably the noisiest place in the County. He stated that the planned which was supported by everyone and agreed to by the City called for a spreading out of the burden. The neighbors at the southern end had borne a tremendous burden regarding the growth of the County, but now it was time to share the load. Another thing that had never been discussed throughout this entire process was a matter of trust. He reiterated there was a contract signed with the County and they had every reason to trust and believe in the County government and that they would live up to what they said they were going to do. He realized they were studying alternatives, but none of them were included in the original conversations. He encouraged this Commission to take the strongest possible steps in conveying to the County that they expected them to live up to the contracts, and the citizens had the right to demand they follow through with their legal contractual agreements.

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

Commissioner Hutchinson stated she did not want to make anyone's life miserable and she had been part of this discussion for a long time. She further stated that everyone

was on the same page when things first started, and she felt the Commission that had been in place at that time had operated in good faith.

Commissioner Moore returned to the meeting at approximately 10:46 p.m.

Commissioner Hutchinson stated that the Commission had approved the entire project as a whole which included the expansion of the south runway and everything being constructed internally and externally. She stated now they chose to begin studying other options which was their right to a certain extent, but at the same time if their goal had changed she did not want to revoke the Development Order only put it on the shelf until everyone figured out what to do. She stated that they knew two north runways were not a viable option. She further stated they wanted the diagonal shut down because it would make everyone's life better to the north. Things appeared to have changed. She stated that she was in support of Option 2.

Mayor Naugle stated that Option 2 was finding the County's actions not to be in compliance and the revoking of the Development Order. Commissioner Hutchinson stated she preferred Option 2, but in speaking with the City Attorney they would not be revoking it but only staying the effectiveness of the Development Order.

Mayor Naugle stated that 3-4 of the County Commissioners wanted to honor their commitment, and he did not want to do anything to lose their support. He asked what would happen if they continued the hearing until the time when the County had their recommendations together.

Commissioner Hutchinson remarked they would be building towards an unknown goal. She felt everyone suffered the consequences of the expansion of the Airport, such as when the Port closed and could no longer be used to mitigate the Airport's traffic, that item had not even been addressed as of this time. She felt there were a lot of issues at stake that had not yet been discussed.

Mayor Naugle asked what would be the effect of staying the effectiveness of the Development Order. The City Attorney stated he believed if it was stayed, there would be no Development Order and they could not construct without one. He further stated that it was his opinion that construction should come to a halt, but they would probably have to seek a judicial remedy.

Commissioner Trantalis stated he understood the concerns which had been stated, and he commended the County Commission for having the foresight and wherewithal to move forward and accomplish what they had done so far. He felt the proposals that came forth over the years had improved the quality of life for everyone. He stated he had not yet seen evidence showing that the County did not intend to build the south runway. He stated they had taken an opportunity to re-examine what the impact would be of a south runway and what alternatives there were to help mitigate the environmental impact. He commended the County for taking this "one last step" to make sure they were doing the right thing. He did not think any concern should be expressed that this was an intent on the part of the County to renege on the Development Order. He wanted to think these precautions were being taken to help everyone and not hurt them. He further stated he did not think such precautions would hinder the progress of the growth and development of the Airport, and they should welcome the opportunity to hear one more time what the EIS had to say, and then move forward.

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Commissioner Trantalis urged the City Commission not to take any further action and allow the County to continue in their efforts to receive additional information because any action to stay the Development Order would be premature, and contrary to their cooperative efforts with the County, and set a terrible precedent for future relationships.

Commissioner Moore asked if there had been an interlocal agreement with the Cities of Dania Beach, Hollywood and Fort Lauderdale. County Commissioner John Rodstrom stated he did not think the City of Dania Beach had not signed the agreement. Mr. Dion explained that they had a Development Order and an Interlocal Agreement with the City of Fort Lauderdale, an Interlocal Agreement with the City of Dania Beach, and a Development Order with the City of Hollywood.

Commissioner Moore stated the expansion of the Airport had a great deal of impact to the residents. He further asked the status of the traffic mitigation plan.

County Commissioner John Rodstrom asked for further clarification of the information Commissioner Moore was requesting. Mayor Naugle clarified that questions had been raised regarding traffic at the Convention Center since it could no longer cut through the Port. Commissioner Moore reiterated they had agreed that there would be some traffic mitigation due to the expansion of the Airport. Commissioner Rodstrom stated that ultimately there would be one exit and entrance into Port Everglades due to security. He felt that would be difficult to do and require some time, but ultimately would be the end result. He stated that was why the dry marina contracts had not been extended, and Burt and Jack's were no longer operative. It was their goal to have the Port strictly for Port business. Commissioner Moore asked how the traffic would be mitigated in regard to the City. Commissioner Rodstrom stated that ultimately there would be a separate exit and entrance to the Convention Center because they recognized it was problematic today to have the traffic go through security. He reiterated that the County did not have a great deal of control over the matter and depended what level of security the nation was at, but most decisions were made outside of the County's purview. Commissioner Moore reiterated that the concept they were dealing with for traffic was actually tabled due to 9/11. Commissioner Rodstrom stated their goal was to ultimately have a better exit and entrance into the Convention Center because it was problematic for their customers.

Commissioner Moore asked if it was Commissioner Rodstrom's position that there would be a 9,000' runway. Commissioner Rodstrom stated he could not answer that question, and stated the consultant told them the EIS was flawed and the master plan had problems and would not be legally defensible in Court. Another law firm had told them the same thing, and based on those recommendations the majority of the County Commissioners asked for additional studies to be done because they felt the prior consultant had not done a thorough analysis regarding the different runway configurations which were now being done. He added that no action had been taken that would have an impact on the progress of the Airport. Commissioner Moore stated that the reason the City entered into these agreements was to lessen the impact on the residents of the City. Commissioner Moore asked if it would take legal action in order to stop the construction at this time.

The City Attorney stated there was an obvious disagreement with the County in regard to the City's legal rights. He believed the ADA stated they would be under construction by the year 2000 and that has not been done. He added it was to be completed by 2005 and it would not be. He felt what the City had approved incorporated the ADA and the

County had not fulfilled such requirements. He stated they had not agreed to, nor would they, stop the construction while restudying the issue. He explained when the County came to the City they were not rethinking but saying they were building a 9,000' runway, and no equivocation had been made at that time. He suggested the City would probably have to litigate and they would not stop construction voluntarily.

Commissioner Rodstrom stated that he felt the position stated by the City Attorney was illogical if it meant they were going to stop the present construction because it would hurt the Airport and the City. He felt the County Commission was realistically attempting to arrive some solutions that would be in the best interest of everyone. He felt they were trying to arrive at a decision that would benefit everyone in the long run. He stated that was what controversy was about and that made the ball game, but if the City's solution was to stop construction, he felt that would be very harmful to everyone involved.

Mayor Naugle reiterated the City's goal was to enforce the agreement, and if construction stopped it would be due to the County's actions in not following the agreement. He asked how that would affect the financing regarding the bonds for the Airport construction.

Commissioner Moore asked when the analysis would be done. Commissioner Rodstrom stated they believed they would have the final report by November 15, 2003. He anticipated then taking it to the Task Force for their input, and then placed on the County Commission's agenda. He added it would be before the end of this year.

Commissioner Hutchinson stated that she thought they had negotiated in good faith, and the City had hired Mr. Stewart to assist in crafting the Development Order on behalf of the City and the Interlocal Agreement. She felt the City Attorney was instrumental in getting them a document that the Commission could sign-off on in good faith, and the community hinged on the hope that some of the burden would go to the south side of the Airport. She asked why did they sign the agreements, if other options were being explored. She stated the south runway expansion might not be an option any longer.

Commissioner Hutchinson stated they had done the roadways through the Port to mitigate the expansion of the Airport and increased traffic in relation to the movement of traffic along Federal Highway. She stated they knew when the agreements had been crafted that there would be access through the Port, and take the burden of traffic from 17<sup>th</sup> Street and Federal Highway. She stated that due to 9/11 and added security that concept was no longer viable. She asked what would be the next step in the traffic mitigation.

Commissioner Trantalis stated that point was well taken and was a concern also of the County, but he did not feel that was pertinent to tonight's issue. Commissioner Hutchinson stated she was asking the City Attorney because it had been a topic of Commissioner Moore's. Commissioner Trantalis stated that he understood that, but access through the Port was never a part of the Development Agreement. Commissioner Hutchinson stated it had been part of the agreement. Commissioner Trantalis asked if it was part of the Development Order. Mr. Dion stated it was not, but was part of the Convention Center DRI. Commissioner Trantalis stated they could not fault the County for 9/11 and the impact caused on everyone, and he felt they were jumping the gun and were looking at two more months which would not adversely affect the City in general. He felt if the County stated they were not going to build a south



runway, then possibly there might be a violation of the Development Order. He recommend that no action be taken, and the County given the benefit of the doubt until they received the EIS report.

Commissioner Moore asked staff for their impression of the Development Order.

Mr. Barton stated that it was part of the north port's DRI, but also was part of the Airport's DRI. He explained that the Development Order incorporated by reference the Interlocal Agreement, and there were a series of conditions both for the Development Order and the Interlocal Agreement. He stated those for the Interlocal Agreement were part of the Development Order by reference. He stated the Interlocal Agreement had called for traffic improvements on Eisenhower Boulevard and Eller Drive to essentially create a 4-lane travel way through the Port to act as a relief valve for traffic from Federal Highway generated by the Airport. He believed that roadway carried 20% of the north and southbound traffic from the Airport. He stated 9/11 occurred and that roadway was closed due to security reasons, and had to consider how to replace that loss of 20% capacity which was to serve the Airport. He added that had not yet been done.

Commissioner Moore stated that Commissioner Trantalis had stated the County was attempting to do their due diligence, and it made sense to deal with the 9,000' runway and they needed to justify the impacts and positions taken, but he did not feel the County was offering any type of adjustment to the traffic mitigation. He stated that he wanted that discussion raised because if there was an attempt being made to validate the positions of what they were doing and why, the County owned this to the City.

Commissioner Rodstrom stated that they had to decide how big they wanted the Airport to be, and he did not think that had been discussed. He further stated if they had to scale back the Airport about 20% due to loss of roadway capacity, then a shorter runway might be appropriate on the south side of the Airport. He felt these matters should be discussed.

Commissioner Moore reiterated that they had to decide whether they wanted to follow Commissioner Hutchinson's lead. Commissioner Rodstrom stated he would consider returning before his colleagues and asking them about downsizing the Airport and no longer having the roadway capacity for Eisenhower Boulevard. He emphasized that since 9/11 they had little control over matters regarding the Port, but they had control over the Airport and how much it should grow.

Mayor Naugle stated they had control over the Convention Center and that was the reason for the DRI at the Port, which had been the cause of the traffic on 17<sup>th</sup> Street. He asked if they were proposing to also downsize the Convention Center.

Commissioner Rodstrom stated they were looking at an alternative roadway into the Convention Center. Mayor Naugle stated they were considering that from the 17<sup>th</sup> Street side which would make the traffic situation worse and was not in the City's best interest.

Commissioner Moore stated he was talking about the same consideration being given to a study to measure whether a 9,000' runway would be beneficial or harmful, and was what he had hoped would be said regarding the traffic mitigation. He further stated that Commissioner Rodstrom's response was that they would deal with a reduction of the Airport by 20%, rather than offer some opportunity of evaluating a possible alternative.

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Commissioner Rodstrom stated he felt ambushed because an issue had been raised that had not been previously discussed. He reiterated it was a 9/11 issue and they had not accommodated the City regarding the roadway capacity. Mayor Naugle reiterated that the matter had been raised with their attorney, Debbie Orshefsky. Commissioner Rodstrom stated she was not their attorney and were litigating against the County. Mayor Naugle clarified it was the County's tenant's attorney. Commissioner Rodstrom stated if roadway capacity was not sufficient at the Airport, then they would have to look at the overall Airport plan and decide how to downsize it because there would be no further capacity on Eisenhower Boulevard.

Mayor Naugle stated he supported Commissioner Hutchinson's motion.

Commissioner Hutchinson stated they had studied all the alternatives, and she had attended all the meetings prior to even thinking of running for the Commission. The option was chosen and now they were going backwards and studying additional options. She stated they needed to figure out what to do. She preferred it would be the expansion of the south runway.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to choose Option No. 2 which would stay the effectiveness of the Development Order and find that the Development Order was not in compliance with the DRI.

Commissioner Moore asked if the stay was done, what would that actually mean. The City Attorney explained that the Development Order was temporarily void.

Commissioner Trantalis clarified that it meant their opinion was temporarily void and they would now have to get judicial assistance to enforce their decision. The City Attorney stated that the County would have to capitulate which he felt they would not do. Commissioner Trantalis stated it appeared they were in a landlord/tenant situation and judicial redress would have to be sought. He asked if they would now have to initiate a lawsuit in order to affect the decision being made this evening. The City Attorney reiterated if the Commission wished to stop the construction of the additional 14 gates and the garage, then it probably would require additional judicial review.

Commissioner Moore stated it might also expedite some consideration regarding the mitigation of traffic, and have the County address the matter of the 9,000' runway for the south side. The City Attorney confirmed.

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

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### **Amendment to the Pay Plan**

**(O-1)**

An ordinance amending the Pay Plan of the City to provide for the creation of a new class and deletion of classes, all in Schedule I. Ordinance No. C-03-28 was published June 21, 2003; on July 1, 2003, first reading was deferred to July 15, 2003 by a vote of 5-0; and on July 15, 2003, first reading was approved by a vote of 5-0.

Commissioner Hutchinson introduced the following resolution:

ORDINANCE NO. C-03-28

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

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

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**Amendment to Sections 26-91 "Schedule of Fines" and 26-161 "Rates and Hours for On and Off-Street Parking"**

**(O-2)**

An ordinance amending Section 26-91 titled "Schedule of Fines," and Section 26-161 titled "Rates and Hours for Off-Street Parking," of the Code of Ordinances to increase finds for certain parking violations, to provide for additional parking regulations and fines for violations thereof, to increase the surcharge imposed to fund the School Crossing Guard Program, to provide authority for the dismissal of parking citations under certain circumstances, and to increase the monthly parking permit fee at L-Lot (South Beach). Notice of proposed ordinance was published August 24, 2003.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-03-31

AN ORDINANCE AMENDING SECTION 26-91 "SCHEDULE OF FINES" AND SECTION 26-161 "RATES AND HOURS FOR ON AND OFF-STREET PARKING" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA TO INCREASE FINES FOR CERTAIN PARKING VIOLATIONS, TO PROVIDE FOR ADDITIONAL PARKING REGULATIONS AND FINES FOR VIOLATIONS THEREOF, TO INCREASE THE SURCHARGE IMPOSED TO FUND THE SCHOOL CROSSING GUARD PROGRAM, TO PROVIDE AUTHORITY FOR THE DISMISSAL OF PARKING CITATIONS UNDER CERTAIN CIRCUMSTANCES, AND TO INCREASE THE MONTHLY PARKING PERMIT FEE AT L-LOT (SOUTH BEACH).

Which ordinance was read by title only.

Mayor Naugle stated he was not in support of this ordinance because he did not feel they had done a good job in selling the operations of the parking system. He felt it was being poorly managed and run and did not think giving it more money would be the answer until some structural changes occurred.

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

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**Amendment to Chapter 28 “Water, Wastewater And Stormwater” – Increase Rates**

**(O-3)**

An ordinance amending Chapter 28 of the Code of Ordinances entitled “Water, Wastewater, and Stormwater” by amending Sections 28-76, 28-141, 28-143, 28-144 and 28-145 thereof, to increase wastewater user rates, tapping charges, water rates, sprinkling meter charges, and private fire service protection charges. Notice of proposed ordinance was published August 24, 2003.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-03-32

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED “WATER, WASTEWATER AND STORMWATER,” BY AMENDING SECTIONS 28-76, 28-141, 28-143, 28-144, AND 28-145 THEREOF, TO INCREASE WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, AND PRIVATE FIRE SERVICE PROTECTION CHARGES.

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

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**Create Article V of Chapter 13, Fire Prevention and Protection – “Emergency Medical Transport Services” - User Fees**

**(O-4)**

An ordinance creating Article V of Chapter 13, Fire Prevention and Protection, entitled “Emergency Medical Transport Services,” of the Code of Ordinances, to adopt user fees for emergency medical transport services provided by the City; providing certain definitions; and providing for payment of fees. Notice of proposed ordinance was published August 24, 2003.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-03-33

AN ORDINANCE CREATING ARTICLE V OF CHAPTER 13, FIRE PREVENTION AND PROTECTION, ENTITLED EMERGENCY MEDICAL TRANSPORT SERVICES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING USER FEES FOR EMERGENCY MEDICAL TRANSPORT SERVICES PROVIDED BY THE CITY; PROVIDING CERTAIN DEFINITIONS; PROVIDING FOR PAYMENT OF FEES.

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

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**Amendment to Sections 4-1 and 4-2 "Alarm Systems" -  
Extension of Registration Period; Creation of Registration  
Fees and Increase of Police Service Fees**

**(O-5)**

AN ordinance amending Sections 4-1 and 4-2 of the Code of Ordinances entitled "Alarm Systems," to provide that the required registration period be extended from 30 days to 60 days, and further that there be a registration fee for all alarm systems operating in the City in the amount of \$75 for an initial registration and an annual registration fee thereafter of \$25, and further increasing the police service fee from \$50 to \$100 for each response. Notice of proposed ordinance was published August 24, 2003.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-03-34

AN ORDINANCE AMENDING SECTION 4-1, SECTION 4-2 AND SECTION 4-9 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "ALARM SYSTEMS" PROVIDING THAT THE REQUIRED REGISTRATION PERIOD BE EXTENDED FROM THIRTY (30) DAYS TO SIXTY (60) DAYS; THAT THERE BE A REGISTRATION FEE FOR ALL ALARM SYSTEMS OPERATING IN THE CITY IN THE AMOUNT OF \$75.00 FOR AN INITIAL REGISTRATION AND AN ANNUAL REGISTRATION FEE THEREAFTER OF \$25.00, AND FURTHER INCREASING THE POLICE SERVICE FEE FROM \$50.00 TO \$100.00 FOR EACH RESPONSE.

Which ordinance was read by title only.

Commissioner Teel stated there appeared to be some confusion at her district meeting regarding this issue and wanted some further clarification from staff. She stated it appeared that the registrations were to be renewed yearly and the residents wanted to know why they had not received any type of notification.

Jim Hurley, Assistant Chief, stated that the Police Department was proposing the change in the ordinance. He stated that currently the ordinance did require renewal and registration, but there was no registration or renewal fee at this time.

Commissioner Hutchinson left the meeting at approximately 11:20 p.m. and returned at 11:21 p.m.

Chief Hurley stated that there had been national debates regarding alarms over the years, and in law enforcement circles the argument centered on the fact that there were a large number of false alarms which took up the department's time. In this City they had responded to about 165,000 calls for service annually, and about 17% of those were alarm calls, and 97% were malfunctions or false alarms. He stated that they had about 35,000 to 50,000 alarms in the City, and only about 5,800 were registered, and less than 7,000 were properly permitted. Chief Hurley explained that the current ordinance required registration and did come with a penalty for not doing so. He remarked that it was not enforced very often at this time and consisted of a penalty of as much as \$500

in fines and possibly 60 days in jail. In 1996 they had increased the alarm response fee from \$25 to \$50 and had generated in the past year about \$410,000 in collectable fees, but had billed about \$600,000.

Chief Hurley explained that the new alarm proposal asked for a registration fee of \$75 for each first time user, and renewal fees of \$25 annually. It provided for an increase also in response fee after 2 false alarms in a 12-month period from \$50 to \$100, and the registration period would be extended from 30 days to 60 days. He stated that the information was supplied on the web site but it was difficult to find, and the site could be more user friendly. He hoped in the future they would be able to manage permitting, registration, renewal billing, and enforcement through one data base and provide on-line registration and payments if the Commission gave such direction.

Mayor Naugle asked what percentage of alarms registered were commercial. Chief Hurley stated that the overwhelming number was for residential alarms and was about 75% to 80%, and the number of false alarms occurred at commercial establishments. Mayor Naugle asked why there could not be a registration fee for businesses such as \$100 the first time and \$50 thereafter, and leave the residential at \$25. He stated there were similar fees for stormwater and fire assessment. He stated there was a built-in collection and enforcement method for commercial alarms and there were annual Fire Inspections.

Commissioner Teel stated that if they were going to offer services which took a lot of effort, the individuals causing the extra work should pay their way. She suggested they possibly follow the Mayor's suggestion, but she also felt they needed to show the citizens that they were doing everything possible and the individuals causing the malfunctions would pay their own way. She asked if the registration form would serve as a contact. Chief Hurley replied it was for tracking and billing purposes. Chief Hurley remarked that the information did require data entry. Commissioner Teel suggested that the process be more user friendly.

Commissioner Trantalis stated that he agreed with the Mayor and that the fees be \$25 for residential and possibly \$100 for businesses, and registration be tagged onto the annual fire inspection fees.

**Motion** made by Commissioner Trantalis and seconded by Commissioner Hutchinson that the fees for residential properties be \$25 and commercial fees be \$100, and that the registration be tagged onto the annual fire inspection fee.

Commissioner Moore stated he wanted to address the issue of amnesty and felt there were a number of individuals that had alarm systems without having gotten permits, and now they were being asked to register and then be cited for work without permits. He stated that he wanted to have added to the ordinance that if anyone paid the fee agreed to, they would not be cited for work without permits for the system.

The City Manager stated that the last thing they wanted to do was engage in "games people play."

Bruce Roberts, Chief Police Department, stated it was difficult to have these alarms registered, and know how many alarms were out there. He said there was no intent to

use the information as a means to cite individuals. The City Manager reiterated that would not be done the first time around.

Commissioner Moore reiterated that he wanted that included in the wording of the ordinance. He further stated that the proposal was to increase the fee for a third call from \$50 to \$100. Chief Roberts stated that had been the initial proposal, but based on the feedback being given by the Commission, they would be willing to revisit the matter and return at the next meeting with a rewrite adjusting the fees. It appeared it was being suggested that there be a higher user fee for commercial properties. He stated further that currently they did not distinguish between the two at this point in time and there was a \$50 user fee.

Mayor Naugle suggested that the initial registration fee be \$25 for residences and \$100 for businesses, and the renewal could be \$25 for both or whatever amount decided upon.

Commissioner Trantalis felt that most responses were to businesses and they would be collecting more \$100 fees.

Commissioner Moore stated that he was suggesting that the registration fee for residential properties be \$50 and the commercial properties pay \$100. He further suggested the response for a residential property remain at \$50 for a third call and above, and have a nuisance amount for a constant violator. He felt the commercial properties should start with \$100.

Chief Roberts stated there were other jurisdictions in South Florida who had such a graduated fee schedule, and after a 6<sup>th</sup> call he believed Miami did not respond unless there was proof that someone was working on repairing an alarm. He stated that this matter could be approached in various ways, and they were open to suggestions.

Commissioner Moore stated he felt the registration fee would collect more monies than the violations. He felt the private sector had utilized the police force for their profit, and he felt they should be the ones responsible for collecting and bringing the City a check for every alarm in the City's limits.

The City Attorney stated the operative word was "fee," and in order to make the distinction between residential and commercial they would have to show there was a difference in providing the cost for the service. He stated they knew the number of calls was greater for commercial, and they would return at the second reading with a study which would provide the difference in the cost for providing such service.

Commissioner Trantalis asked if the law required there be some rational basis between the fee and the actual cost for providing the service. The City Attorney confirmed.

Mayor Naugle asked if Commissioner Trantalis's motion contained the amounts for the residential and commercial dwellings. Commissioner Trantalis stated he had not addressed that in his motion. Mayor Naugle asked if he would be in agreement to include that if it could be done. Commissioner Trantalis confirmed. Mayor Naugle stated this could be passed on first reading with that direction and information would hopefully be provided that could be supported by the Commission.

Commissioner Hutchinson reiterated that the fee charged for fire assessments was different for commercial than residential and asked what would be the difference in this matter. Mayor Naugle remarked that residential properties were not inspected. The City Attorney reiterated there had to be a rational nexus between the fees. Mayor Naugle stated they had based the rates for fire assessments on a study done by a consultant. The City Attorney confirmed. Mayor Naugle stated that an in-house study could be done for this matter.

Otis Latin, Chief Fire-Rescue, stated that his Fire Marshall had a concern about going on a property and noticing an alarm which they could not walk away from, and it was suggested the alarm be grandfathered. He stated that was not done at this point in time.

Commissioner Moore stated that was why he had used the word "amnesty," and if individuals had not gone through a permitting process, he did not want them fined. If an inspection was done, he would expect them to be fined for not having a permit. He stated that he wanted revenue for the City.

Steve Kastner, Fire Marshall, stated there would be no problem during their annual inspection, but he wanted to clarify that from time to time someone might have installed an alarm without a permit, and stated that fact could not be ignored.

The City Attorney explained that it was not a simple matter, and the Florida Building Code addressed the installation of burglar alarms and there were requirements stated. If there was no permit, the building inspector would be notified, and they would have to obtain an after-the-fact permit.

Commissioner Moore stated this matter arose during the discussions of security bars.

The City Manager felt they should say an appropriate period of time and not mention 60 days for implementation.

Chief Roberts stated he wanted to keep the \$75 registration fee for the first year and a \$25 annual renewal fee thereafter for all properties. He stated this would help cover the data entry cost. He stated they were open to suggestions regarding response fees and commercial fees vs. residential fees.

Mayor Naugle stated that he felt a \$75 registration fee was too high.

It was the consensus of the Commission that staff would take all the Commission input and recommend a revised ordinance for 2<sup>nd</sup> reading.

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

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<b>CITIZEN PRESENTATIONS</b>
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**Clive Lazarus – Saving the City Money and Retirement Fund Investment Profits.**

Clive Lazarus, resident, stated he had been concerned when he heard the City was in a “budget crunch,” and wanted to offer some suggestions as to how to save money, and how the retirement fund could possibly make money.

Mr. Lazarus stated the City could immediately make money by putting photocells on street lights. He further stated that he was worried about the retirement because he used to work for the City and was part of that retirement. He stated that he bought tax lien certificates which paid 18% and each County produced such certificates, and no money would be lost.

**Marsha Goldsby – Lauderdale Manors Neighborhood Sewer Construction.**

Marsha Goldsby asked if she could give her presentation at the Commission meeting on September 16, 2003. Mayor Naugle replied this presentation could not be given then, but she could speak at that meeting. Ms. Goldsby stated that since the hour was very late, she was informationally drained and wanted to go home, but she would proceed.

Ms. Goldsby stated that the contractor doing the work for Phase II of the sewer construction was substandard and doing “shoddy work.” She stated that dealing with the \$500 Million plan for the future, they would be dealing with a substandard contractor. She stated that the major issue she had was that staff had misrepresented to the Commission that the contractor had been responsive, which he had not. She stated that Messrs. Kisela and Bohlander called her this morning in an attempt to convince her that this contractor would not be recommended for Phase II, but she stated that was not true. She stated that she had presented a formal report saying that staff had explained the company had the right to bid, but would not receive staff’s recommendation based on their past performance. She further stated that in a memo dated February 12, 2003 from the City Manager it stated as follows: “The status of the Lauderdale Manors job site remains unsatisfactory.”

Ms. Goldsby continued stating that falsified information had been submitted to the Commission saying that everyone was doing their job. She stated she was here to plead with the Commission to demand truthful reports regarding the sewer construction jobs, and be willing to hold individuals accountable for what they were or were not doing. She stated if it called for litigation to take place regarding this contractor, then that should be considered. Ms. Goldsby further stated that in reviewing the backup information regarding the subcontractors, there was a letter which was to be sent to the residents informing them of the changes regarding the construction, but not all people had received it. She stated that she questioned whether the letter had been sent only to her in order to appease her. She stated further that they had been told that only 180 properties would be affected by the change, but she stated that was untrue because 225 were involved or more. She reiterated that she wanted the Commission to request truthful reports regarding the progress of projects from staff every 3 months, as well as holding the contractors, consultants and staff accountable for the work and help their community not to be receiving shoddy work that was being performed.

Commissioner Hutchinson stated she agreed with Ms. Goldsby and that the contractor being used was not responsible and had serious concerns regarding using them in District IV.

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**Agreement – Florida Department of Transportation (FDOT) (R-1)**  
**Subordination of Utility Easements – Additional Right-of-Way**  
**On U.S. 1 (Federal Highway) just south of N.E. 7 Street**

A resolution authorizing the proper City officials to execute an agreement with FDOT for subordination of the City's utility interests in a dedication of ten (10) feet of additional right-of-way on U.S.1 (Federal Highway) just south of N.E. 7 Street.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") SUBORDINATING THE CITY'S INTERESTS IN CERTAIN LANDS DESCRIBED THEREIN TO THE INTERESTS OF THE FDOT AND REQUIRING FDOT TO PAY THE COST OF ALTERATION, ADJUSTMENT OR RELOCATION OF CITY FACILITIES, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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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**City Commission Review – Site Plan Level II - (R-2)**  
**Pavilion, Ltd. (Eckerd Drugs) (DRC Case No. 19-R-03)**

On July 15, 2003, the City Commission scheduled a hearing for September 3, 2003 to review the application filed by Pavilion, Ltd. for approval of a Site Plan Level II as follows:

Applicant: Pavilion, Ltd. (Eckerd Drugs)  
 Request: Site plan level II approval  
 Location: One North Federal Highway

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A SITE PLAN TO EXPAND A DRUG STORE LOCATED AT

THE NORTHWEST CORNER OF FEDERAL HIGHWAY  
AND EAST BROWARD BOULEVARD, FORT LAUDERDALE,  
FLORIDA IN A RAC-CC ZONING DISTRICT.

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

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**Site Plan Level IV Approval/IOA – Royal Atlantic (R-3)**  
**LLC (PZ Case No. 135-R-02)**

At the April 23, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 3-6. On June 17, 2003, this item was deferred for consideration to July 15, 2003 by a vote of 5-0; and on July 15, 2003, this item was again deferred for consideration to September 3, 2003 by a vote of 5-0. (Also see Item R-4 on this Agenda)

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to defer consideration of this item to October 21, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel, and Mayor Naugle. NAYS: None.

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**Plat Approval for “Royal Atlantic” Plat – Royal (R-4)**  
**Atlantic LLC (PZ Case No. 31-P-02)**

At the April 23, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 9-0. On June 17, 2003, this item was deferred for consideration to July 15, 2003 by a vote of 5-0; and on July 15, 2003, this item was again deferred for consideration to September 3, 2003 by a vote of 5-0. (Also see Item R-3 on this Agenda)

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Trantalis to defer consideration of this item to October 21, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel, and Mayor Naugle. NAYS: None.

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**Site Plan Approval/Waterway Use/Yard Modifications/ (R-5)**  
**RMM-25 – Henry Geniale (PZ Case No. 3-R-03)**

At the August 20, 2003 Planning and Zoning Board meeting, the following modifications to an application were presented where they were recommended for approval by a voate of 4-3.

Applicant: Henry Geniale  
Request: Site plan approval/waterway use/yard modification/RMM-25  
Location: 2765 N.E. 14 Street

Individuals wishing to speak on this item were sworn in.

Don Hall, attorney for the applicant, stated that they were going to distribute this evening to the Commission a booklet of the past proceedings of which items 17-26 were omitted.

Mr. Hall stated that on July 1, 2003 the Commission had agreed to accept their appeal of the April decision of the Planning and Zoning Board, and tonight was set for the de novo hearing. He explained they had then gone back to the Planning and Zoning Board for their reconsideration and recommendation of the redesigned building of which drawings were shown. He stated that on August 20, 2003 the Planning and Zoning Board recommended 4-3 that the Commission approve the redesigned building which was to be discussed this evening.

Mr. Hall further stated that the redesigned building had 3 main elements and one dwelling unit had been eliminated from the original project. Presently, the project would consist of 10 units, thereby reducing the height and mass of the project. He stated they were going to produce a partial 5-story building, and the east and west sides would be a 4-story building consisting of terrace features. He explained they had improved the design of the building that would be seen from the waterway. He proceeded to show such elevation. He explained further they had added design features to the garage making it appear more residential, such as color, screening and the addition of 4 decorative wall fountains recessed on the building that splayed into the pool.

Mr. Hall continued stating that the building met all dimensional requirements of the zoning district which was RMM-25. He reiterated that the original building had also met all such requirements. He stated that the applicant was not requesting, nor had he previously requested, any special or conditional use exceptions, variances, yard modifications, or any other code requirements regarding this project. He stated they were requesting a special dispensation regarding the pool which was common for the area. Due to the pool and the location of the building on the waterway, the project had to be presented to the Planning and Zoning Board. Throughout all the hearings which had been held, the pool had never been the topic of discussion, and therefore, all comments this evening would be directed toward the elusive concept of compatibility.

Mr. Hall explained that since the building met all dimensional requirements and sought no special permit approvals, it was presumed to be compatible. To be found incompatible, there had to be clearly identified and articulated adverse impacts which had to be established by facts. He further stated that staff had addressed this issue and in their first report it was stated: "The applicant had submitted a narrative outlining compliance with adequacy and neighborhood compatibility (attached as Exhibit 2). Staff concurs with the applicant's assessment." In staff's more recent report, they had stated: "Several existing multi-family structures in the neighborhood have overall mass similar to the proposed structure. That the neighborhood consists of structures of 2-4 stories and the density and setbacks of the proposed structure were consistent with those and other structures within the neighborhood." Mr. Hall stated they had always been surprised as to why there had been so much controversy and discussion about compatibility of this building. He further stated that by the end of this evening, he had hoped the Commission

would agree that this building was compatible. He further stated that the Code was lacking in sufficient standards to guide the applicant, and that staff and the Planning and Zoning Board struggle with compatibility also.

Mr. Hall continued stating that there were 4 main code provisions which governed the application and the Commission's decision. The first provision was the purpose of the district and he felt this portion of the Code frequently was overlooked. He stated that the RMM district purpose stated: "The district was intended for mid-rise, multi-family residences with a maximum density of 25 units per acre which the Code finds and determines is consistent with the residential medium height category of the City's Comprehensive Plan."

Mr. Hall stated the next provision was 47-5.36, Table of Dimensional Requirements, which he had discussed. He stated that the building complied with such requirements. He further stated that since the building was on a canal, they needed to comply with 47-23.8, Buildings on the Waterway. He further stated that this particular section provided no real direction to anyone and talked about protecting and enhancing the scenic quality of the waterways. He stated that it then said that the subjectives could only be stated in general terms. It then went on to state: "A reasonable use of the land must be permitted." It also required a compatibility review directed to how this building would impact the waterway.

Mr. Hall stated that the fourth code provision addressed neighborhood compatibility, which was 47-25.3.A.3.e.i. He stated this was the main issue this evening. The section stated: "That development shall be compatible with and preserve the character of adjacent neighborhoods and the development shall include improvements to mitigate adverse impacts, such as traffic, noise, odors, shadows, scale, and similar adverse impacts to the adjacent neighborhoods." He stated that the mass of the building was similar to other buildings in the neighborhood according to staff's reports. He reiterated that different was not adverse. He advised that the site was 200' in length.

Mr. Hall proceeded to show drawings of the site. He advised that the redesigned building consisted of 52' in height and the highest point of the structure was 55'. He reiterated that the two sides of the building had been terraced and were 42' in height. He added that the setbacks for those sides ranged from 34' to 40'. He did not feel that the extra 7' created an adverse impact. He reiterated that the view from the waterway was acceptable. He added that the setbacks for the building were 26' and the dimensional requirements of the Code had been factored in the mitigation for height in this zoning district, which was that the building setback had to be one-half the height. This building complied with such a request.

Mr. Hall stated that 21 parking spaces were required, and 24 spaces would be provided. In addition, the semi-circular driveway could accommodate 7-8 additional cars. He stated that the landscaping and streetscape created a unique atmosphere and emphasized the design of the building softening it. He explained that the developer was willing to put all powerlines underground. He further stated that the façade of the building was not flat and had 10 articulations and provided movement. He reiterated that this redesigned building was compatible and should be approved.

Mr. Hall continued stating that they were requesting a pool for the structure and was a common item for the area and should be approved.

Michelle Mellgren, professional urban planner, stated she was present this evening to provide expert witness testimony in order to establish a record in case it was necessary to refer to it in the future. She stated she was also here to share her professional opinion as to why she believed this development met all requirements set forth in the ULDR.

Ms. Mellgren stated that since this was expert witness testimony she had to qualify herself for the record. She added that she had a Masters Degree in Urban and Regional Planning from the George Washington University, certified by the American Institute of Certified Planners, 20 years of experience in planning, zoning and land use, which included writing and applying zoning codes. She stated she had also written entire land development codes or portions thereof for inclusion for the Town of Davie, City of Wilton Manors, City of Boynton Beach, Lauderdale-By-The-Sea, Dania Beach, and Southwest Ranches of which she was the Town Planner. She added that she had also applied codes as an expert witness in about 500 different public hearing settings and felt she was well qualified to testify in this matter.

Ms. Mellgren continued stating that she had analyzed this proposed development in conjunction with the ULDR and the principles and practices of urban planning, and reached an opinion which was that the proposed development was compatible with the adjacent neighborhoods as required, and preserved the character of the City and the neighborhood. She added it harmonized with other developments in the area, and protected and enhanced the scenic quality and tranquility of the waterway as required.

Ms. Mellgren stated that the sites located on NE 14 Street were in the RMM-25 zoning district which surrounded the project. She advised that this zoning district intended to provide for mid-rise, multi-family residences with a maximum height of 55'. She stated that the development along NE 14 Street was multi-family in nature of varying heights and there was no identifiable architectural theme or style in the area. She felt there was a predominance of unscreened and unlandscaped surface parking that was a negative development feature and would not want to perpetuate.

Ms. Mellgren further stated that the proposed Bellagio was attractive with density and setbacks consistent with other structures in the area with an overall mass similar to other existing structures in the area. She remarked that the Mediterranean theme was common throughout the City. She remarked that the powerlines would be underground and there would be extensive streetscaping. She realized the issue at hand this evening was in regard to height and had been raised by the residents of the area.

Ms. Mellgren stated that she did not want everyone to put the term height in relation to the number of stories because that would not state how large a building was, and they had to look at height in terms of feet. She stated this building was comprised of various heights and was within the required limits. From a professional planning standpoint, it was viewed to be compatible with other buildings in the area. She explained that the term compatibility did not mean a mirrored image. She felt it was good to have varying heights because they provided visual relief.

Ms. Mellgren stated that she wanted to explain how this building was compatible with the surrounding neighborhood, and would accomplish that by looking at other areas of Coral Ridge. She stated that the single-family area could be described as a compatible and harmonious community with a variety of architectural styles and height. She stated that

this was also true of the subject development's portion of the multi-family neighborhood. She reiterated that they both fell within the dimensional requirements of the ULDR.

Ms. Mellgren stated that lastly she would address the waterway compatibility which was required, and stated it would provide an attractive view from the waterway due to the architecture of the building. She stated that the canal adjacent to the site was 126' in width which was wider than the right-of-way for Federal Highway.

Ms. Mellgren stated that in summary it was her professional opinion that the proposed development preserved the character of the City and the neighborhood in which it was located. She added that it harmonized with other developments in the area and was compatible while complimenting the waterway and protecting the scenic quality and tranquility of it, and did not create any adverse impacts.

Mayor Naugle stated that Ms. Mellgren had said the project was similar in mass to other buildings in the neighborhood. Ms. Mellgren stated that she was quoting from staff's report. Mayor Naugle asked which buildings she was referring to. Ms. Mellgren reiterated she was quoting from staff's report. Mayor Naugle reiterated that while she was giving her professional opinion, she had been quoting from staff's report.

Joel Lavendar, resident for 30 years, stated he was familiar with the site in question and also had been familiar with the structure which had been located on the site previously. He felt this project would be good for the neighborhood and would enhance the community, and he urged the Commission to approve the project.

Eric Berzok, 2770 NE 15 Street, stated that he lived across from the proposed development. He thanked the Commission for listening to the neighborhood's concerns. He stated that at the previous Commission meeting, he had presented letters, photographs, graphics and petitions supporting their belief that the proposed building was not compatible with the neighborhood. He pointed out that the proposed building was still going to be 5 stories among townhomes and low-rises. It would be 30% taller than the 3 existing 4-story buildings in the zone. He reiterated that most individuals in the neighborhood could not claim to be expert or professional planners, but when compatibility involved judgment they felt the neighborhood residents were the best qualified experts. He stated that most of the disagreement between the neighborhood and the developer could have been prevented if they had approached the community. The sole discussion held with the developer was the day before the previous planning and zoning meeting, and had been set up through the efforts of staff. He felt the community was not being unreasonable and were open to compromise, but felt the 5 stories were not compatible.

Joseph Hessmann, member of the Marine Advisory Board, stated that he was in favor of this project and was concerned about the 8 docks which were going to be built. All requirements had been met and this type of development could have a positive affect on the marine industry.

Commissioner Teel asked if Mr. Hessmann believed there would be no docks if this project was not built. Mr. Hessmann stated he did not believe that and felt that this height and project would not be out-of-line for the area. Commissioner Teel reiterated that whoever developed this property would probably include dockage. Mr. Hessmann agreed since it was located on the water.

Maureen Bell, 1524 Bayview Drive, stated that she felt overwhelmed by this and could only speak from her heart and for the other residents in the area that she knew. She reiterated they were concerned and did not have the opportunity to prepare, and felt it was incompatible for the community. She hoped the Commission would maintain the tenure of the neighborhood. She remarked that this was the first time she had seen these drawings, and reiterated there was nothing like this presently in the neighborhoods. She stated there were many low-rise projects presently under construction, and she also felt the traffic would be increased by this project. Comparatively, she felt this project was a "different ball game." She stated this building appeared like a large hotel, and she understood that development was part of the future but the present development in the area was much lower and of less density. She felt if this project was approved, then it was only the beginning of changes for the community. She reiterated that the neighborhood had not been notified of some of the other projects under construction in the area and were not able to provide their input.

Isam Kahn, 16 Street resident, stated that he was not aware of this project until yesterday. He felt the project was not compatible and appeared in isolation of surrounding structures. He believed it was massive and would infringe on everyone's privacy and would set a precedent for future development.

Thomas Flanagan, President of Rio Villas Homeowners Association, urged the Commission not to approve this project.

Richard Schilling, potential buyer, stated that originally he was going to own a 4-bedroom unit, and now it was down to 3 bedrooms. It was a penthouse and now was on the side of the building. He stated the building could not get smaller and he did not want to see any more changes to the building.

Michael Swaney, 2716 NE 16 Street, stated that townhomes were being constructed in the area and consisting of 3 stories. He stated this project consisted of 2 lots, and he suggested that they build 5-6 townhouses at the site. He stated a gamble was taken when the property was purchased, and he felt they were attempting to get a larger profit. In looking at the neighborhood, there was only one 4-story building on 15 Street on the south side, and that was now the precedent for the 5-story building to come into the community. He reiterated that he was against this project.

Francis Moss, resident, stated the building met code as designed and this could increase revenues for the City which were badly needed at this time. He felt the project would be an improvement for the area and was in favor of it.

Jennifer Teckway, NE 15 Street, stated that she had in her possession a letter from Alan Vordermeier, President of the Coral Ridge Homeowners Association. She explained the synopsis of this letter was that the Association objected to the development. On her own behalf, she felt the key issue was neighborhood compatibility. She stated the only individuals who claimed the project was compatible with the area were those who would gain financially from its construction. She stated the residents felt the building was incompatible with the existing neighborhood, and asked the Commission to listen to the residents of the area.

Linda Laperna, representing Lake Cotillion Association, stated that the residents were asked during the meeting what they did not like about the building which was the same



thing they were saying for the last 5 months. It was an attractive building, but was too big for the area. Pros and cons were discussed, and nothing was resolved. She stated they were never given the opportunity to discuss a 4-story building. Mr. Hall had stated at the August 20, 2003 Planning and Zoning Meeting, that the residents were pushing for townhouses for reasons he did not understand. She stated they did prefer townhouses from a compatibility point of view, but also understood that some of the existing townhomes were not selling, and therefore, would not be lucrative for the developer. She was briefly asked how she would feel about a 4-story building, but the matter was never fully discussed. She felt people were putting words in their mouths when at the Planning and Zoning meeting that they had the opportunity to discuss the project, but it had been turned down.

Ms. Laperna stated that after leaving that meeting she realized that when the approval process was over, construction debris cleaned up, the developers, owners and lobbyists would go home with their pockets full of money and never look back. Meantime, the residents would have to look at the building for a long, long time. She also believed this project would set a precedence for future development, and added that the building would block her view.

Bob Steinhoff, NE 14 Street, stated the project would be a massive 5-story building which would not be in harmony with the neighborhood. He reiterated the building would be out-of-character and incompatible with the street. The structure would be too large and the residents of the area were opposed to the project. He stated the only supporters were those directly affiliated with the developer, paid lobbyists, or those gaining financially from the sale of the units. He urged the Commission to vote against the project and have it studied further. He reiterated the right vote was "no," and then the Commission would be listening to the residents of the community.

Terry Philpot, resident, proceeded to show photographs of the area. Subsequent to the Planning and Zoning meeting, he had met with staff and they had discussed the fact that his scale and math were not flawless, and therefore, new accurate graphics would be shown from planning and zoning perspectives. He stated the purpose was to show the impact of this building and two other projects in DRC which were identical in structure. He stated there was a significant potential cumulative impact on the canal with buildings of this size.

Mr. Philpot proceeded to explain the photographs of the area, and then superimposed where the projects would be located in the area showing their adverse impacts.

Mr. Philpot further stated that their largest concern was in relation to the cumulative impact due to future developments. He stated that the developer stated they were planning to relocate powerlines, and he felt that was admirable and made their construction process easier, but they intended to only remove half of them from Bayview Landings road frontage. In the course of doing that excavation would be necessary, and a unit owner who was a builder in Miami mentioned at an Association meeting that there was a significant drainage issue in the community which they were attempting to address, and the new development could exacerbate this problem. He felt they needed to be assured that the appropriate measures would be taken to ensure the drainage problem would be corrected or not increased.

Mr. Philpot continued stating that in reality due to the location of the docks being proposed, no one could dock at 4 of the 8 slips due to the power of the wake coming off the Intracoastal. The current site had bulkhead docks heading towards the Intracoastal and only 4 slips at the end, and therefore, the docks would have a limited value regarding revenue for the City. He also added that due to the setbacks for the building, he did not think there would be a shadow issue.

Linda Byrd, President of Lake Estates Homeowners Association, stated that since the last elections everyone had been concerned about high-rise developments and the density. She stated this development was the type that residents wanted, and she hoped the Commission would listen to what the voters wanted. She felt this project would improve property values in the neighborhood. She added that after listening to the budget hearing, she believed this project would help the economic base of the City. She stated their neighborhood was a complete waterfront community consisting of single-family homes.

Mr. Philpot was asked the scale he had used when overlaying the Bellagio, and what height he had assumed it to be in comparison to the building to the east which consisted of 4 stories. Mr. Philpot stated that he had deferred to Kevin Erwin's guidance as to the appropriate scale to be used. Mr. Philpot was asked about the height of the 4-story building which was located to the east of the project. Mr. Philpot replied it was approximately 40'.

Mr. Hall stated that he did not understand the over-emphasis on height and did not understand how this building would impede on someone's privacy. In summary, he stated the Code required a finding of adversity. He stated there were differences of opinion regarding this building, but being different was not having an adverse impact or being incompatible.

Commissioner Teel stated that in reviewing neighborhood compatibility many questions have arisen from everyone, and asked if staff could explain the issue of compatibility and the "trigger issues."

Cecelia Hollar, Director Construction Services, stated that there were several areas in the City with the same zoning as this site which was RMM-25. She stated the first question which should come to mind was if there were other areas in the City zoned the same, what was the significance of neighborhood compatibility and why did it exist. She explained that led to looking at the characteristics of this area versus another area zoned the same and triggered a review. She explained further the specifics they looked at was what was the pattern of development in the neighborhood over the long term and more recent time, and how did this proposed development fit within that pattern of development. She stated that she would have agreed with some of the comments made if they had been dealing with vacant undeveloped land, but they were dealing with in-fill development in a neighborhood and that was why compatibility was so critical.

Ms. Hollar further stated that the question was how the project fit into the characteristics of this particular neighborhood. She explained they then reviewed the facts and provided them to the decision makers, such as setbacks, typical use in the area, along with density, lengths of buildings, and height. She stated this was a significant factor and a major differential between the pattern of development in the area. She stated that one of the key differences in this project was height, and therefore, a significant issue. She

further explained they then reviewed how the project was designed which was one criteria to be reviewed since the project was located on a waterway that triggered neighborhood compatibility. She stated the questions to be asked were how the project would compliment the site and not detract from it, and the word used in the code was "harmonize."

Ms. Hollar stated that staff had all along indicated that this project was different and the only building being proposed which was 55' in height. She stated that some of the factors which warranted a review to approve such height was that the code allowed "up to" 55' and did not say there was always a right to go 55'. She stated further they then reviewed how the height of the project fit in with the rest of the neighborhood and how did the design of the building emphasize that aspect. She explained that there were elements of design on this building which emphasized its height such as the vertical boxy features in the entry way. She stated they were not actually discussing architectural design. She reiterated it was the tallest project proposed for the area and had design features, which emphasized that one feature which was significantly different than the rest of the neighborhood. She explained there were more 35' buildings in the area and a few multi-family 4-story buildings, and therefore, from staff's perspective it would be more compatible at a lower height and some features on the building changed to take away emphasis on the height of the structure.

Commissioner Teel asked how staff had analyzed this project.

Ms. Hollar stated that they had walked 14<sup>th</sup> and 15<sup>th</sup> Streets and looked at each and every buildings and looked at all aspects weighing positives and negatives of the project. Photographs were taken of the area and shown at this time. Staff pointed out that there was a lot of surface parking in the neighborhood and one positive aspect of this project was that they were providing an in-door garage. Extensive landscaping was proposed which would compliment the neighborhood. Ms. Hollar stated that this was an area that had developed over 20-30 years, but the newer developments were not taking advantage of the maximum limits permitted by code. She suggested the Commission look at the pattern of development for the area.

Commissioner Teel then disclosed that she had spoken to Mr. Hall and his associates regarding this project, along with the developer, John Aurelius, neighbors, and reviewed all minutes and tapes of the Planning and Zoning Board meetings. She stated this was her district and she was very familiar with it and excited to see the changes which were taking place, but felt that based on the facts presented the proposed building would produce adverse impacts on the neighborhood. She felt it would be out of character for the street and did not feel it was compatible. She felt there was also potential for blocking the sun and air, and from the waterway perspective she felt the building would loom over the water. She stated many people did not like the term "canyon effect," and stated it was an unpleasant experience. She reiterated that she would not support this project, and felt it could be better designed so it would be more acceptable to the neighborhood and blend in better.

Commissioner Trantalis stated that the zoning allowed for "up to" 55' and since it was on the waterway it triggered neighborhood compatibility, and asked if the 55' was a matter of right. Ms. Hollar stated that in RMM-25 anywhere in the City, it was up to 55', and in this case neighborhood compatibility was one of the criteria used to justify the up to 55'. In areas where there were dry lots, one could also go up to 55' but it did not mean that

would always be achieved and other criteria would apply. Commissioner Trantalis stated that criteria had been met by this project, excluding the criteria regarding the pool, and asked if this building had to match what was existing in the area, then they would never match what zoning permitted for the area. He asked how one would be able to get to such heights, if nothing in the area came close to such height. Ms. Hollar stated they had looked at that issue, and the newer pattern of development which was occurring did not come in with proposals for 55' in height. She stated the projects would have triggered neighborhood compatibility and locations would have been reviewed.

Commissioner Trantalis stated that in hearing the testimony, it appeared this project met every other criteria permitted by zoning, but yet it was being stated that the project was not in compliance with the concept of neighborhood compatibility. He reiterated how buildings of this type would ever be compatible and asked for some further clarification of the process.

Ms. Hollar stated the key difference was that it met the dimensional requirements of the Code, but it was up to the approving body to determine whether the project met neighborhood compatibility. Then, other factors were considered such as patterns of development which had occurred, design of the building, and whether it emphasized the difference between the patterns of development, along with its positive features. She reiterated that when neighborhood compatibility was triggered, it opened up a review of the entire project as to how it would fit into the neighborhood.

Commissioner Trantalis stated that it appeared they were discussing a long term process where the next building would have to be 4 stories, and then another one later on could be 5 stories. It appeared they could not jump from 3 stories to 5 stories because neighborhood compatibility did not permit it. Ms. Hollar agreed that might be the case. She stated it was not an exact science, but this was where they were at this point in time.

Commissioner Hutchinson stated that in reading the backup and staff's reports, she was led to believe it met neighborhood compatibility. Now, she was being presented a project which was slightly less dense and lower in height than the original project which had been considered neighborhood compatible. She reiterated that she was trying to get a feel for why this design was not compatible.

Ms. Hollar explained that the first project was denied by the Planning and Zoning Board, and the Board had emphasized one of the key reasons it had been denied was due to height. The applicant had appealed to the Commission and proposed a revised plan which appeared more compatible than the original project, and was more compatible with the neighborhood. She stated when it was resent back to Planning and Zoning, staff was required to analyze how things had changed so it was more in keeping with the infill development of the neighborhood. She stated they then went out and found more facts, and the key for staff was what the pattern of the new development occurring was following.

Commissioner Hutchinson stated if something was big and was compatible, and now they had something smaller and it was not compatible, she was trying to logically figure out what was the difference in the projects. Ms. Hollar stated that the burden of proof was on the applicant to do all fact finding in support of their case. She stated that staff did it and would continue doing it but it was not an exact science. As issues arose, staff

did do research. She stated that their department should not make a recommendation on neighborhood compatibility to the governing bodies because according to code it was up to the reviewing agency to make the determination. Staff should only provide the facts and a professional recommendation. She stated if it was a DRC matter, then it was staff's job to do that.

Commissioner Teel introduced the following resolution:

RESOLUTION NO. 03-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A SITE PLAN TO CONSTRUCT A RESIDENTIAL STRUCTURE ON A WATERWAY LOCATED AT 2765 N.E. 14<sup>TH</sup> STREET, FORT LAUDERDALE, FLORIDA IN AN RMM-25 ZONING DISTRICT.

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

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**Declaration of Intent to Facilitate Florida Department  
Of Environmental Protection State Revolving Fund  
(SRF) Construction Loan Application** **(R-6)**

A resolution authorizing a Declaration of Intent for funding of infrastructure projects with tax exempt bonds related to the FDEP's SRF Construction Loan Application; and further specifying the Mayor, the City Manager and the Director of Finance as Authorized Officers for the City.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING DECLARATIONS OF OFFICIAL INTENT UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR PAYMENTS PRIOR TO ISSUANCE, AND RELATED MATTERS.

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

Greg Kisela, Assistant City Manager, stated that he needed to clarify Item R-6. The agenda had stated FDOT but it was FDEP.

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**Lot Clearing and Cleaning Charges****(R-7)**

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. 03-139

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

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

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**Proposed Lien Settlements – Special Master****(M-46)**

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

1. 1241 West Sunrise Boulevard ()CE01061192) – Jerry Lobel, Rev. Trust - \$26,415.

This matter was deferred and would be rescheduled.

2. 1881 Davie Boulevard (CE99021692 & CE97050586) – M.A. Haroon - \$63,000.

Mohammed Haroon, owner, stated that there had been two different liens on the property and one had been settled in Circuit Court. He stated that Inspector Stockinger had inspected the property on behalf of the County, but the lien for the City had not been satisfied.

Commissioner Moore asked if they had a code inspector working in the County. He was informed there was not.

John Simmons, Assistant Director Community Inspections, stated that the area inspector at that time was Frank Stockinger who worked for the City. He further

stated he was not aware of what County liens were being discussed. He stated this property had many different cases against it, and he felt the property owner might be getting slightly confused in the matter. He reiterated there were over 30 cases on the property.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that they accept the \$74,050 in fines against the subject property. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel, and Mayor Naugle. NAYS: None.

3. 1643 N.E. 14 Avenue (CE00100598) – 1643 Corp. \$4,620

Jose Iglesias, owner, stated he had made an agreement with the City to demolish the building which had been done. They were erecting new construction and asked if the fine could be used towards improvements to enhance the area.

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

Commissioner Trantalis stated that the owner was asking for a reduction in fines, and in speaking with him, he had suggested that the monies be used to enhance the area. If it was the desire of the Commission to proceed as recommended, then he would go along with such recommendation.

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

4. 518 N.W. 8 Avenue (CE01020941) – Abner Michel - \$11,565

Rebecca Cruz, Action Mortgage, stated she was representing Mr. Abner Michel. She stated the owner was attempting to refinance his property in order to do some improvements. He had been unaware of the liens on the property and there was a language barrier issue in this matter. She stated there had been a problem with the mail and lived in Boca Raton. She felt the property had been brought into compliance within a reasonable amount of time, and they were asking for a reduction in fines so repairs could be made to the property.

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

5. 827, 829, 833, 837 N.W. 10 Terrace (CE00110207, CE00111108, CE00111351, CE00110048) – Charles and Leonie Richards, Leroy King - \$816,680

A request was being made to withdraw this item and have it rescheduled for the next Commission meeting. He stated they had wanted to present some testimony from tenants, but due to the hour the individuals had left.

Commissioner Moore asked if the property owner was aware of the liens on the property when purchasing it. He was informed the owner was not aware of the liens. He stated a No Lien Affidavit had been provided by the seller, and the owner thought he was being

represented by the title company. The liens were discovered once the owner attempted to refinance the property. The owner had not acquired title insurance on the property.

Steven Wineberg, attorney for Mr. King, stated that Mr. King had negotiated with a lender through a foreclosure proceeding, and brought the seller to a closing in April, 2000. Tyler Gold, attorney, had represented the transaction, but actually was representing the lender. He charged the buyer of the property for title services, and in fact, endorsed the title policies in favor of the lender. No policies were given to Mr. King as purchaser. He stated this was a tragedy. Mr. King purchased the property knowing it was in disrepair with the intent to improve it and had done so. He then discovered there were liens on the property. They were still attempting to get the closing documents and had a tragic event. His client rehabilitated properties and he emphasized that the value of this property was about \$350,000 to \$400,000 based on rental values. He stated they were asking the Commission to realize that people bought properties in good faith, and if the liens were imposed the owner would have to walk away from the property and lose his investment and the dollars put in rehabilitating this property.

Mr. Wineberg stated they had attempted to have this item taken off tonight's agenda. He urged the Commission to abate the fines.

Commissioner Moore stated that since the owner appeared to have some legal issues to challenge, and due to the property having been rehabilitated, he would suggest reducing the fine to 25% of the recommended lien amount.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to reduce the fine to 25% of the amount. Roll call showed: YEAS: Commissioner Moore and Mayor Naugle. NAYS: Commissioners Trantalis, Teel, and Hutchinson.

**Motion** made by Commissioner Trantalis and seconded by Commissioner Hutchinson to accept a \$50,000 settlement on this property. Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, Teel, and Mayor Naugle. NAYS: Commissioner Moore.

It was asked if a payment plan could be worked out with the City regarding the above matter. The City Manager stated that they needed to see if the Commission was willing to accept installment payments, and if they agreed, they would have to contact John Simmons, Community Inspections. It was stated that they would confer with the owner and approach the Commission at their next meeting regarding a proposal for installment payments. The Commission agreed.

6. 1360 Bayview Drive (CE02071636) – CABBA Inc. - \$4,480

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

Clare Vickery stated that she represented the builder and they agreed to staff's recommendation.

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



- 7. 710 N.W. 14 Way (CE99120467) – Immanuel Church of God in Christ - \$1,113.75

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

Lani London, Pastor, stated that he had spoken with Commissioner Moore regarding this matter. Commissioner Moore suggested there be a fine of \$300 since no life safety issues were involved.

**Motion** made by Commissioner Moore and seconded by Commissioner Trantalis to approve a \$300 lien settlement. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Mayor Naugle. NAYS: Commissioners Hutchinson and Teel.

- 8. 617 North Birch Road (CE99010005) – Frank Ruff - \$10,000

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

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

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

Aviation Advisory Board	Joseph Scerbo Tom Newman
Community Appearance Board	Marilyn Mammano

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 03-140

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

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

**Lien Settlement 500 W. Broward Boulevard (OB)**

Commissioner Trantalis stated that he was requesting that the Commission revisit a lien settlement decided on at the July 1, 2003 meeting. He felt some additional information had been brought to his attention which he felt would affect his decision a second time that had not been presented to the Commission originally. He believed facts had been misrepresented.

Mayor Naugle asked what action had been taken by the Commission.

Commissioner Trantalis stated they had imposed a significant fine against the landowners.

The City Attorney stated that normally the reconsideration of an item would have to be at the next regular scheduled meeting, but since this was a settlement and new information was going to be presented, the matter could be revisited at any time.

Commissioner Trantalis asked for this matter to be on next month's agenda.

Commissioner Hutchinson stated that since it was 2:15 a.m., she asked if a heavy agenda was being scheduled for the September 16, 2003 meeting.

The City Manager stated that this was a result of no meetings being held during the month of August. Mayor Naugle stated there was additional controversy also regarding the budget.

There being no other business to come before the Commission, the meeting was adjourned at 2:18 a.m.

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JIM NAUGLE  
MAYOR

ATTEST:

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LUCY KISELA  
CITY CLERK