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FORT LAUDERDALE CITY COMMISSION
SEPTEMBER 16, 2003**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
SEPTEMBER 16, 2003**

Meeting was called to order at 6:03 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Dean J. Trantalis (Arrived at 6:04 p.m.)
Commissioner Cindi Hutchinson
Commissioner Carlton B. Moore
Mayor Jim Naugle

Absent: None

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

Invocation was offered by Harold W. McSwain, Jr., Senior Pastor, The First Congregational 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).

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve the agenda and minutes of the November 19, 2002 meeting.

Commissioner Trantalis stated that the matter concerning the Lauderdale Beach Hotel had been discussed on November 19, 2002, and the minutes of that meeting were the written confirmation of the resolution which took place. Information had been supplied to him regarding a 4th DCA decision which had recently been rendered under the name of Smull vs. Town of Jupiter, in which the Court had been asked to review a situation where the City of Jupiter had not yet committed to writing a vote of the Commission regarding a similar situation involving a site plan or building permit which had been authorized. He explained they had subsequently denied it knowing the oral decision had not yet been committed to writing. He asked if that decision would permit this Commission, if it so chose, to reconsider the decision made in November regarding the Lauderdale Beach Hotel, and if that matter could be considered on a proper legal basis.

The City Attorney stated that he was familiar with the above-mentioned case, and since it was a quasi-judicial hearing, if the minutes were approved, then the Commission would be approving the final action. He stated that he was not certain whether any other indication from the City had been given because often times a written notification would

be sent to the applicant regarding the action taken by the City. If that notification went out that would be the official notification, and the minutes would have nothing to do with it.

Commissioner Trantalis reiterated that according to the 4th DCA, it had everything to do with it, and he wanted to ask the Commission not to make a decision regarding the approval of those minutes until the City Attorney had the opportunity to review the case and give an opinion so the Commission could proceed in this matter. The City Attorney agreed to provide such opinion.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to defer the approval of the November 19, 2002 minutes until October 7, 2003. Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Commissioner Moore left the meeting at approximately 6:12 p.m. and returned at 6:13 p.m.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the agenda of the November 19, 2003 City Commission Regular 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 Willie Mae Jackson, Rose Pollak and Dean Emtfield.

2. Community Appearance "WOW" Award

Commissioner Moore presented the Community Appearance Board's "WOW" Award for District III to Mr. and Mrs. Kenneth and Marceline Burnett of 359 West Dayton Circle. Mr. and Mrs. Burnett purchased their home in November, 1995, and had improved the appearance of it by themselves by putting in 1-2 hours of work in the evenings after work and additional time on weekends. Stucco work, painting and landscaping had transformed their home into the jewel of the neighborhood.

3. City's Information Technology Division

Tim Edkin, Information Technology Director, announced that the City's Information Technology Division had received official computer network security certification. He stated that the importance of computer security had been recognized by everyone, and the Commission had approved a contract to hire the True Secure Corporation to audit and monitor the City's computer security. He stated that corporation had 3 goals which were to determine that the City's in-house activities were tight, to hack-into the City's system to see where vulnerabilities might lie and where they might have been less diligent, and to examine all practices and procedures to make sure the City performed all proper updates and patches, and to have plans in place to deal with a security breach.

Stephanie Boyle of True Secure Corporation from Herndon, Virginia, presented the Certification to the City Manager. She stated that only 20% of their customers achieved this status. She explained that to be certified meant that the City had taken the appropriate measures to meet a stringent set of essential practices reducing the level of risk exposure to the City's system.

Mayor Naugle announced that Items PH-7, PH-8, and PH-9 on tonight's agenda would be deferred until December 2, 2003.

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. Ordinance No. C-03-29 was published August 21 and August 28, 2003, and approved on first reading September 3, 2003 by a vote of 4-1 (Hutchinson).

Mayor Naugle announced that this was the second of two public hearings to be held as required by law to set the millage rate and approve the City's Budget for the fiscal year 2003/2004. The purpose of the hearing was to receive requests and comments regarding the City's budget and tax levies and to explain the budget and any amendments thereto.

Terry Sharp, Director of Finance, stated that this was the last of the two required public hearings regarding the City's budget for fiscal year 2003/2004 beginning on October 1, 2003. He stated the purpose of tonight's hearing was to summarize the reasons for any recommended property tax millage, to take public comment regarding property taxes in the recommended budget, and to achieve final approval of the millage rate and the fiscal year 2004 budget.

Mr. Sharp stated that the City's millage rates were only a part of the total tax bill. He stated that the City's millage rate represented about 20% of the total tax bill, and the rates proposed this evening were for both operating and voter approved debt service. He stated that the proposed millage rates were affected by the Save Our Homes Constitutional Amendment which limited this year's assessed value of property to a 2.4% increase, and in applying the proposed rates to the average home value of \$196,200 with a \$25,000 homestead exemption, the tax bill would amount to \$889.68 which would be an increase of about \$12.

Mr. Sharp further stated that the All Funds Budget tonight was \$377.2 Million which represented about \$215 Million for the General Fund which was primarily supported through property taxes, \$140 Million in Enterprise Funds supported by user fees, such as water, sewer and sanitation, \$16 Million in Debt Service Funds, and \$5.8 Million in Special Revenue.

Mr. Sharp explained that property taxes were one of several resources for the All Funds Budget. He explained further that charges for services represented the largest resource for the All Funds City Budget. He added that property taxes represented 43% of the General Funds resources, including Debt Service.

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

Mr. Sharp continued to explain that the budget for the General Fund was \$215.1 Million which was a 4% increase over last year's adopted budget. He stated the All Funds Budget was \$377.2 Million which represented a 9% increase over last year's adopted budget. He further explained that the major reason for the proposed increase in the General Fund budget was an \$8 Million increase in the City's contribution to the Pension Plans for police, fire and general employees. He added there was \$2 Million increase in the health insurance costs, and a \$2 Million increase for worker's compensation costs.

Mr. Sharp explained that the City's fees would be considered separately this evening, but were part of the appropriations in the budget. He stated that there was a proposal for a 5% increase in water and sewer rates, along with a 5% increase in storm water rates and a \$21 increase for fire assessment which had already been approved by the City Commission. Mr. Sharp stated that the Commission had discussed during their afternoon meeting adjustments which would be made in the Sanitation Fund. He further stated that a homeowner with a homestead exemption would have an increase of about \$100.93 annually.

Mr. Sharp stated that in balancing the proposed budget, it assumed that a hiring freeze would be continued, purchases would be scrutinized along with travel, and the jail would be closed retaining only a booking operation. He further stated that there had been a recommendation to eliminate the mounted patrol, but there was now a proposal to reduce the size of the patrol, but not completely eliminate it. He stated a proposal had been made to close the stadium after Spring Training, but material had been distributed to the Commission stating that there were two proposals for possible uses of the stadium. He stated they were recommending the Commission to adopt the budget as prepared, and then look at the possibility of other proposals which could provide for further use of the stadium.

Mr. Sharp stated there were no increases in employee pay and benefits in this proposed budget, and it assumed the beginning of strategic financial planning.

The City Manager stated that tonight was not a traditional last public hearing for a budget because nothing had been traditional about this budget process. He stated that he wanted to bring a couple items to the Commission's attention, along with the public. He continued stating that the idea discussed today with the outside consultant of strategic planning in a financial sense was not a new concept. He stated that he had reviewed the last several budget messages that he had delivered to the Commission and the public, and found as far back as fiscal year 2000 they had used terms such as long-term perspective and the development of a strategic business plan. In fiscal year 2001, they had emphasized the need to look further into the future, and in fiscal year 2002 tentative goals had been set in looking ahead to the City's 100th birthday and had adopted a major program using Waterworks 2011 as a "watch word." He added that in this year's budget, they had made further reference to a long-range financial strategy as being necessary.

The City Manager continued stating that as they discussed strategic planning, they needed to focus on significant areas which had been pointed out during the budget discussions which had encountered challenges not found in other departments. He stated those areas were in the police and fire-rescue departments, parks and recreation, and public services. He stated they needed to focus on the areas of major expenditures such as wages and benefits. He explained that 70% of the General Fund went for such

expenses. He stated that nothing new had come out of the presentation made this afternoon by the outside consultants, but rather a reaffirmation of the areas which would require more attention. He further stated that as early as two meetings ago in listening to the Commission, he established a working group to deal with the strategic financial planning for next year. He stated the idea had been introduced to the Budget Advisory Board which had received their support and endorsement. He stated they wanted, with the Commission's approval, to target their initial efforts to be completed by the first quarter of fiscal year 2004, and that they would finalize the initial full-scale plan so they could implement the same for fiscal year 2005 budget process.

The City Manager stated that he would commit to the Commission that they would work assiduously in order not to repeat the errors which had occurred this year. He further stated they would not wait until the "water was outside of the dam" before taking corrective measures. He stated that last week they had circulated to the Commission a proposed format for financial accounting, and hoped for feedback from the Commission regarding which aspects they wished to adopt. He went on to state that would give them the opportunity to report at a minimum of once a month where they stood in the budget with regard to actual expenditures. They believed this would give them a better handle on being responsive to the Commission in terms of the management and accounting of this City's fiscal affairs. He stated they would take into consideration all comments made by the public and then move forward in a positive fashion for next year's budget.

Commissioner Moore left the meeting at approximately 6:28 p.m. and returned at approximately 6:29 p.m.

Mr. Sharp added that further information was available during the year regarding the budget in the City Clerk's Office, the library, and on the City's website which was www.fortlauderdale.gov.

Valerie Florester, resident, stated that she was a City employee for the last 5 months in the Police Department as a Police Aide. She stated that she had went through background checks, oral and written tests, medical exams, and ranked No. 1 out of 200 individuals. She remarked the City "got the best." She stated the City should not lose their best and should retain the good people. She remarked that the City needed to protect its assets. She added that she and other members of the Police Department were very good assets and the City should not lose them. She stated if the jail closed, it would create the "last in" "first out" effect. She urged the Commission to protect its assets because they had the best.

Doug Blevins, resident of Wilton Manors and officer and past President of the South Middle River Civic Association, stated that their neighborhood had experienced a tremendous revival and resurgence during the last 4-5 years due to the efforts of the homeowners with very little effort from the City, with the exception of two areas. He further stated that without the Police Department they could not have accomplished everything they had who had been instrumental in bringing in the patrol and response to the area regarding the narcotic problems in the neighborhood. He stated they could not afford to lose one officer, especially the daytime officers who made a tremendous difference for the neighborhood. He stated the code enforcement officers had been stagnant for many years until new blood came in. A task force was created and the neighborhood came back. He added that they still had infrastructure problems in the area, roadways never repaved, City-owned unimproved streets, abandoned and

boarded homes, and drainage problems. Photographs were shown of the neighborhood. He stated they realized a tax increase was inevitable, but they were only asking for the basic necessities of services they should have received over many years which had never been rendered. He stated they wanted their Commissioner to address that publicly this evening and make a commitment before the constituents of District II that there would be an effort to make repairs to the neighborhood. He reiterated that the taxpayers of this community deserved the same amount of care and concern as were deemed to other neighborhoods.

Diann Geronemus, licensed clinical social worker of Broward Homebound, stated she was requesting a contribution of \$8,500 from the City. She stated this program was a non-profit program which provided in-home services and case management to the elderly and disabled adults of the County.

Debbie Ayala, South Middle River Civic Association, stated that they were just requesting services they were entitled to and wanted the City to meet them half-way.

Ann Sparks, South Middle River Civic Association, stated if it was not for the "Raiders" and the Police Department she would not be able to walk down her street. She added that their streets had never been repaved and stated they did not have any sidewalks on 16th Street and children had to walk in the street. She felt the City needed to give their neighborhood some services they were entitled to.

Doug Sterner, South Middle River Civic Association, stated that he was a newer resident in the area and was very impressed with the professionalism, dedication, and enthusiasm of the residents in the area which gave him confidence to invest in the community. He felt it made sense for the City to support their organization and the work being done which helped to increase property values. He stated the more good things that could be preserved in the neighborhood, the better for the City as a whole. He added that after leaving the North, he had thought he was not going to encounter potholes any more, but that was not the case. He stated there was one located at NE 6 Avenue and 15th Street that should be repaired.

Sherry Markopoulos, South Middle River Civic Association, stated that they were not just sitting around and waiting for the City to help improve their neighborhood. She remarked they were a pro-active organization and were in the process of obtaining tax exempt status under Section 501(c) (3) so they could obtain more grants. She stated they had been responsible for the getting of road closures for the streets next to Sunrise. She further stated they were not asking the City to do more than what they were doing with the help of code enforcement and the Police Department. She asked for the City to meet them half-way and to put some of the monies received from the taxes back into their neighborhood. She stated they wanted their neighborhood to be safe. She added their neighborhood had done the work that the City neglected to do.

Kurt Gottlob, South Middle River Civic Association, stated that he had moved into the neighborhood last year, and they were lacking major tax dollars for their neighborhood. He asked for the City to make the necessary repairs.

Mark Hensel, South Middle River Civic Association, stated that he had moved into the area 3 years ago and had a crack house across the street from him. He stated that due to the Raiders and the Police Department the problem was resolved and the

neighborhood had made drastic changes. He stated the Raiders had pulled the area up through hard work. He asked for the District Commissioner to go on record tonight stating what improvements would be done for the neighborhood.

David DeBellis, Vice-President of the South Middle River Civic Association, stated that the Police Department and code enforcement were their first line of defense, and if they were taken away and there was a "break in the skin," there could be infections which could ruin yet another neighborhood. He asked for the Commission to keep all code officers and police in the area.

P.J. Espinal, board member of South Middle River Civic Association, stated the City needed the jail. She stated they appreciated all efforts made by the police and code officials, along with Parks and Recreation, in their neighborhood. She stated they needed more police in the City because more protection was needed. She stated they needed work done in the Juvenile Department and possibly some type of funding could be obtained so they could be used in broader ways. She further stated they needed the Raiders to have the necessary equipment to help keep their community safe.

Sam Warren, President of FOPA, Lodge 31A, stated the Commission had an important decision to make this evening affecting the citizens and employees of the City. He stated that the taxpayers had spent a lot of time and money cleaning up the neighborhoods and having the trash transfer station, and the closing of it would encourage illegal dumping and the possibility of the loss of 7 jobs. He stated that the closing of the stadium would be a loss of 10 jobs for employees. He stated further that over 32 events were held there yearly, along with Spring Training for the Baltimore Orioles, the annual Fantasy Camp which had been going on for 17 years, and the Joe DiMaggio Legends Charity Game which had been held for 15 years. He stated they had produced revenue to the City of over \$497,000 which also helped the businesses of the City. He further stated that last week he had been in contact with Federal agencies who currently used bed space in the City jail. They had increased the amount paid from \$50 a bed per day to \$81.50 and if they used 60 beds per day a revenue of over \$1,784,000 would be received. He stated they had stated they would be willing to occupy the entire jail creating additional revenue of over \$3 Million. He stated by leaving the jail opened they would still be able to maintain the individuals who had committed misdemeanors because he did not think the County would hold them. With the closing of the 3 facilities, there could be a loss of 32 jobs creating a "snowball" effect due to the bumping and seniority rights. He stated this would affect loss of salaries and pensions. He believed the City was attempting to balance the budget on the backs of the employees which was not fair.

Mr. Warren remarked that homeowner groups were requesting mowing, paving and protection, but without future control of the budget how could such services be rendered. In the beginning of tonight's meeting, Mr. Johnson had made a statement that in the year 2000 a strategic plan had begun, but if that had occurred he was very skeptical of the City's future.

Carol Wasserman, Senior Vice-President of Program Operations for Family Central, stated that the City had supported their agency over the years. She recognized Chief Latin as a valued Board member for their agency. She thanked the City for their past support and asked for their continued support. She advised that with the local match dollars they received, they were able to secure \$16.65 in match of Federal and State funds. She stated with the City's contribution last year, they were able to provide

subsidies for 358 children in the City. She stated their projection for this year showed a need to serve 1909 children in the City.

Commissioner Moore asked how many people had been provided aid in the northwest quadrant of the City. Ms. Wasserman stated she would supply that information to the Commissioner.

John Gargotta, member of Broward Grandparents, stated that they were requesting a contribution of \$13,000 from the City. He explained this was a non-profit agency for two Federal Programs which were the Senior Companion Program and the Foster Grandparent Program. She stated the two programs were created to keep low-income older adults active within the community and keep them alive and out of retirement homes. He urged the Commission to continue supporting this group.

Scott Holland, 20-year employee of the City and lifeguard, stated that the FOPA had approached the City on several occasions regarding health insurance and for them to take over this matter like the police and fire-rescue had done. They had been rebuffed at all times and he wanted to know why. He stated that the budget was not the City employees' fault, but yet they and the residents were being asked to make up the deficit. He stated that he understood the concern regarding an increase in taxes, but as an employee and resident he did not feel he should have to accept the "double whammy." The furlough being suggested was not fair. The budget was not his problem, but that of upper City management. He asked when they would take furloughs. He stated the employees and residents did nothing wrong and should not be expected to pay the monies back.

Mr. Holland further stated that he had recently read the article regarding the 4th of July was a travesty. He stated that would be turning their backs on all individuals who ever stood up for the Country. He stated that there had been over 800 preventative rescues during the Labor Day Weekend. He remarked they had received a nice letter from the City Manager regarding their work during that holiday. He added that a majority of those rescues could have been serious, and they had over 60 life-threatening rescues during that time. There had been one drowning at the north end of the beach where back in 1989 to 1992 the Commission had elected to eliminate the lifeguard stands from that part of the beach. He reiterated that the drownings were occurring on an unguarded portion of the beach and not where the lifeguards were working. He urged the Commission to put back lifeguards on the northern part of the beach.

Mr. Holland continued stating that the lifeguards had opted for different lifeguard stands which would have cost half of what the ones chosen had cost. In retrospect, he stated they would not ever have to be replaced, but the Commission needed to take a hard look at what had been done. At the cost of \$47,000 how could such stands be put on the north end of the beach. He stated the lifeguards and the public demanded lifeguards in that area because there had been too many drownings in that area. He felt it was time to look at public safety and not the dollars.

Ron Cameron, Director of Florida Winter Professional Baseball League, stated he wanted to bring a team to Fort Lauderdale beginning in 2004. He stated he also had a college All-Star team that he was willing to move here from California. He reiterated he would be bringing 65 more events to the stadium. He explained that he had submitted two proposals to the City. One was where he could rent the facility, and the other was to

manage the facility and bring in more events to the stadium. He stated if he could not eliminate the deficit, then he would pay it himself.

Bernard Cameron, President of Major League Cricket, stated that they also wanted to save the stadium. He explained they wanted to anchor cricket in the US in this City and wanted to bring in the US Cricket Academy, along with a series of games including the World Cup of Cricket. He stated their vision involved the education, strategic development and promotion of cricket throughout the United States. He stated they wanted to manage the stadium since the City was losing money and wanted to create a long-term permanent home for their sport. He remarked there were over 6 Million cricket fans throughout the Country.

Mayor Naugle stated he was not familiar with the field configuration for cricket and asked how long it would take to change the field back into a baseball field. Mr. Cameron explained it would take about one day. He stated their proposal had stated that the international events would cease during baseball season, thereby allowing the Orioles full access to the facility. Therefore, there would be no conflict between the baseball and cricket events.

Commissioner Moore stated that he wanted to state to the presenters that the Orioles did not have to be part of the package. If it did not make good business sense for the providers of the stadium to continue offering its use to the Orioles, he did not want them to feel it would be demanded of them. He felt the taxpayers should not subsidize an industry that was being run by billionaires.

Cathy Carroll, Police Aide, stated that she had been an employee for the last 5 months and advised that she could be displaced by Detention Officers due to the closing of the jail. She stated the services the citizens came to expect would be severely degraded, and Police Officers would be called upon to perform the duties which they now performed. This would reduce response times for priority calls. She urged the Commission to retain the PSA's they had and adding the detention officers to their ranks.

Rob Smith, South Middle River Civic Association, stated that the previous owner of his home had paid about \$700 in taxes, but he now paid \$2,000 a year and a half later. He stated it was due to the police department for such an increase. He advised that his property values had increased about \$30,000 during that time. He felt it was time for a strong Mayor for this City.

Peter Scalzo stated he wanted to address the stadium issue. In the '80's and '90's he had put on over 200 motor cross events around the stadium. He stated he could not compete with the other proposals made this evening, but he wanted the Commission to consider to allow them to put on motor cross racing in the area. He asked that an area be considered outside the stadium for such events.

Willie Ross, resident, stated that he wanted to apologize for his outburst at the last Commission meeting. He stated that he had timed how long it took BSO to arrive at the apartments he managed which was 45 minutes, and the amount of time it took the police to arrive which was 10-15 minutes. He asked the Commission not to close the jail. He also thanked the City Manager for getting the phone lines repaired.

Lorraine Saunders, past President of South Middle River Civic Association, stated that the closing of the jail would cause the police to spend more time on paperwork and booking operations and less time on the street. Therefore, she stated it would cause people to leave the City.

Craig Tanner, President of Mariner's Cove, congratulated the South Middle River Civic Association for their hard work. He stated that after reading the article about the fireworks in today's paper, he felt that was a "slap in the face." He stated he and his partner owned a company called USA Marketing and stated they would underwrite the fireworks for 2004. In return, they were requesting the City to approve a one-day event on the beach where they would provide a concert. He stated a formal presentation would be made to the City, and the City would only be required to provide the City workers, including the police.

Mayor Naugle told Mr. Tanner to speak with Ernest Burkeen of Parks and Recreation to organize things.

Evelyn Lewis asked how could they rationalize cutting jobs and raising taxes. She felt they needed to do some serious thinking about what was being proposed and how it would affect people. She realized it was hard times, but she felt they needed to be mindful of what was being proposed. She further stated that the individuals who spoke up and offered to help the City showed they loved and cared about this City. She stated she had lived here for 41 years and had seen a lot of changes, some of which were for the better. She further stated she did not want to see the City digress. She stated that she wanted to address 3 items. First she urged the Commission not to cut the police and their patrols. The second thing was that she asked the Commission not to close the jail. She stated that if the jail was closed, everyone would have to arm themselves in the neighborhood. She stated the Governor was talking about building more jails which she disagreed with because she felt they should do more rehabilitation. Lastly, she urged the Commission not to close the trash transfer station. She stated her neighborhood had benefited greatly from that station being open, and if it was closed there would be more illegal dumping.

Ms. Lewis asked why the residents should pay more due to a budget overrun when the officials should be minding the store better and creating more reserves, and not overspending. She reminded them they had to work within the adopted budget. She asked if people were laid off from their jobs, how would they be able to pay the additional increases being imposed by the City. She asked the Commission to relook at the proposed budget, take up the offers being submitted to the City, and get the budget on track. She urged the City not to lay people off.

Tom Mangifesta, President of FOP, Lodge No. 31, stated that he had been a police officer for the past 27 years. He thanked all the civic associations and citizens who had complimented the police department. He stated the 510 officers were soon to be only 491. He stated further that the police had worked with the communities in making them better places to live.

Mr. Mangifesta stated that the budget was ill-conceived and woefully under-funded. He stated the budget would drastically cut City services in all departments which would be a travesty to the citizens and taxpayers of the City. He stated taxes were being raised and yet services were going to be cut making it a lose, lose situation. He stated people

wanted their property to appreciate and that was why they chose to live in this City. He stated by this time next year, there would be 24 fewer police officers in the department. He advised that fact had not been publicly noticed. He explained that would cut down the response time of police officers. He stated that yesterday the canine Sergeant had been told there was no more money to feed the dogs for the rest of the fiscal year. He stated that showed how pitiful the past and future budgets were. He reminded the Commission and City Manager how hard they had worked during the past year to fill the vacancies in the Police Department, and as a result of that the approval rating went up to 93%. Crime had been reduced over the past 5 years by 50%, and complaints to Internal Affairs was reduced to 20%. He stated the Chief had hired the best there was which was reflected in the decrease in complaints and the high rating of citizen approval. He further stated that the fact that money had not been budgeted for contract negotiations told the employees that the City had no intention of negotiating contracts in good faith with them. He stated they had been led to believe until the end that there was something for the employees, but now that they were told there was no money to feed the dogs, that showed how they were ranked.

Mr. Mangifesta stated that the City Manager's proposal would cut the salary of police officers by \$2200 a year, and cut retirement benefits by \$9,000 per year. He asked if that was the City's idea of negotiating in good faith. All the good done over the years went out the window. The costs which could have averted this budget crisis amounted to the price of a gallon a gas per month. The proposed budget short-changed the employees and the citizens who paid the salaries.

Sandi Johnson, South Middle River Civic Association, stated that she was appalled hearing they wanted to close the jail and lay off officers. She announced that her father had been one of the first 6 officers of the City's Police Department. She stated the City was unique by having their own jail, and they should not close the jail, but build a larger one. She stated the Commission most likely had their minds made up already and would not be swayed by the individuals speaking tonight, but she urged them to keep the police working and not close the jail. She stated the citizens had not complained about a tax increase or the raises the City officials had received. She stated that even one less officer on the street could cause problems. She reiterated that with the help of their civic association, the Raiders, and the Police their neighborhood was a better place to live and property values were increasing. She stated they would be terribly wrong to let any police officers go.

Commissioner Moore asked how many police officers were being recommended to be laid off.

The City Manager explained that in his original proposal he stated that he did not want to see any employees laid off, and that was the basis for his recommendations. Subsequently, some suggestions were made for reducing or eliminating the mounted patrol, but even under that proposal the officers would be reassigned and no jobs would be lost. He stated his budget was not built upon any employee losing their job, and he was still making such a commitment as long as it could be done within the parameters set by the Commission.

Commissioner Moore asked if there was any portion of the recommended budget that would take a police officer off the road. The City Manager replied that would not happen.

Terry Daniels, Second Vice-President of FOP, stated that when he first came to this City, he had been told it was a city that led by example. The example here tonight was one of weakness. He stated there was a proposal on the table to eliminate the trash transfer station. It had originally been opened due to illegal dumping, and if it was closed six months from now they would be looking to see how to pay for the removal of illegal dumping. He further stated the jail was needed to keep the City in the forefront and show other cities they care about the citizens. What type of message would be sent to other municipalities if the jail was closed, except that we are weak. If the City wants to lead, they must show the County this was the City which led by example. He reiterated that the City had come a long way and should not digress.

Joe Hessmann stated everyone needed to listen carefully what was being said this evening. He stated he had been a resident of Fort Lauderdale Beach for around 50 years. He remarked one had to keep a sense of humor when dealing with the City because when he read the article in this morning's paper regarding "Fireworks On The Beach Could Fizzle Out," it was the final blow. He remarked the person who wrote the article brought attention to the stupidity of some of the staff members in the City. He quoted from the article as follows: "It doesn't bring any money and events like this were not revenue producers." He stated he wanted to say how much the event produced. There were about 2000 boats anchored off the beach with their families spending the day, and all parking lots, restaurants and bars were full that day. He stated people living on the beach had parties, hotels were full, and thousands of individuals were enjoying one of the best beaches on the coast celebrating the Country's 208th anniversary. He reiterated they wanted to stop all this for a lousy \$35,000. He stated he would make sure the Fireworks would be there like always.

Mr. Hessmann continued stating that there was a magazine known as the Fortune 500, and he had a new name for the City's staff known as the Fortune 300. He remarked that the average salary of those 300 was \$123,000 per person. He announced that of the 500, 318 corporations had cut their budgets of their top echelon. He stated the 300 needed to take a cut to help save jobs and continue the Fireworks.

Christine Thrower, Women In Distress, stated that she wanted to remind the Commission about their organization, and that the City's contribution represented 10% of what could be obtained from Tallahassee for their group.

Charles Jordan, past Chair of the Historic Preservation Board, stated that he felt it was important to reiterate that Board's position regarding the creation of a historic preservation department with an appropriate staff in order to accomplish the goals set by the Board and the Commission. He stated he was an advocate for historic preservation and smart growth for the City. He continued stating there were like-minded citizens wanting to protect the fabric of the neighborhoods and the beach. He further stated that he was the President of the Broward Trust for Historic Preservation whose focus it was to save the County's history and preserve the elements that made for a quality of life that was slowly disappearing. He reiterated they no longer were going to sit back and watch the devastation of historic landmarks, notable architecture and the fabric of the neighborhoods. He stated they intended to increase the pressure on the Commission to form such a department and to continually increase the designations of properties that needed to be saved in the City. He added they would continue reviewing development decisions in order to make sure they followed the process. In summary, they intended to

be a pro-active force to make sure the City honored its historic element of the Comprehensive Plan which had been lacking over a number of years.

Mr. Jordan reiterated that City staff could not handle the current workload regarding historic preservation. He stated they needed to budget for this now. He continued to urge the Commission to fund this department for the good of the City.

Norm Kent, 24-year resident of Victoria Park, stated that he wanted to ask for a vote from the citizens this evening. He asked for everyone who was in favor of the budget as proposed to say "aye." (Nothing was said.) He asked for everyone who was opposed to the budget to say "nay." (Majority answered.) He felt the staff had to go back to work on the budget and come back with a better one which would be more in-tune to the voice and conscience of the community. He stated that Ms. Lewis who spoke earlier should tell the Commission what to do and in his opinion she could be Governor. He stated the bottom line was that whatever had been proposed was not good, and they needed to re-review the budget and arrive at a more creative solution involving the participation of the people speaking whose votes count the most.

Denise Melanson, Police Aide, stated that Sam Warren had stated there was to be an increase in the health costs in January, 2004 of 14%, and they had just recently gotten an increase in those costs. She remarked that employees with families could barely afford these increases. She added that in the *Herald*, Mr. Johnson had been quoted as saying: "City employees should expect to pay double as of October 17, 2003 for health costs." She gave examples of the costs that would be incurred by individuals with and without families. She stated that the Commission had stated that the self-insured plan was "bleeding the City to death," and she believed it was now "bleeding the employees to death." She stated that the FOPA gave a proposal and she urged the Commission to review it and let them take it over. She felt they should "amputate the health care and stop the bleeding." She stated they could not do any worse by taking it over than what the City had done previously. Then, if they fail they only had themselves to blame.

Ms. Melanson further stated that American Airlines had asked employees to take pay cuts to help bail out the company. Employees agreed, and then it was discovered that the managers had received a bonus package. She stated if there were to be furlough days, they should include management on down the ladder, and not just the employees at the bottom of the pay scale. She stated this was the only City in the County with their own jail, and people were impressed and it should not be closed.

Mitch Van Sant, Sergeant and First Vice-President of FOP, stated he worked in an area that kept track of the positions within the Police Department. He clarified there would be no layoffs due to this budget proposal, but there would be vacant positions throughout the City due to the drop plan and individuals leaving, and those positions could amount to 20. He stated the department would be severely short of help. In October, 2002, the Commission had voted to fill 20 positions due to annexation of new areas, and now they would be cutting those positions by 75% through this proposal. He remarked the present math was not working. He stated the City was still considering annexing other areas, but if they could not handle what they now had, how could they handle annexation that could be forced upon them. Additionally, closing down the jail and causing "bumping," they would not be able to make up the difference and still maintain the quality of life of the City. He felt there had to be a better way and save the employees and still satisfy the

citizenry. He stated they did what the Commission directed them to do, and now they were being told they did the wrong thing. He stated something was not right.

Jim Schulte stated that he currently was homeless and urged the Commission to keep the jail opened. He stated further that he had lived here for 45 years and saw many changes good and bad, and felt this was the best City. He reiterated the City needed the jail. He remarked this was a very transit City. He urged the Commission to rethink the closing of the jail.

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 Moore thanked everyone for coming tonight and providing input. He also thanked SMRCA for coming and showing how a neighborhood could work together and create changes. He stated that he agreed there would be impacts if the jail was closed, but there was a need for staying within a certain parameter to set the millage rate and balance the budget. He reiterated that the jail was a luxury and that was why other cities did not have one. He stated the County offered the same service, and therefore, it was a duplication. He reiterated that he did not want to close the jail, but he felt there were other needs in the City. He proceeded to ask how many beds were in the jail, how many were contracted out, and what types of individuals could be kept in this jail.

Bruce Roberts, Chief of Police, stated he was proud of the support the community gave to the department this evening, and he felt it demonstrated the increase in their approval rating. He stated he was also proud of the members of the department who spoke in such a professional manner. He stated that in the past 2-3 years the number of beds filled in the jail were about 60-65. This year, they averaged about 32 Fed rentals and the rest were individuals sentenced by the City Prosecutor and such cases from the County Courts. He stated they recently increased the bed rental rate from \$65 a bed to \$81.50 and the process took one year to complete to qualify for that increase, including the development of a library for the prisoners. The jail had been re-inspected in February, and the end result was the increase in rates this July. He stated they had attempted to get a better commitment for the filling of the beds, and marketing the jail to other municipalities, but to no avail. He stated they were getting assurances from the Feds regarding local offices, but were not getting approval from Washington, D.C. He stated the proposal to rent out 66-70 of the beds to the Feds would produce revenue of about \$900,000. He explained the cost for running the jail was about \$3.6 Million. He stated they received \$1.8 Million from the bed rentals, but there was still a need for \$1.8 Million needed in costs.

Commissioner Moore stated that comments were made this evening that the Police Aides would be the target if the jail was closed. He asked if there was anything in the work plan stating that these would be the only employees affected. Chief Roberts stated there were positions they could bump into, but the positions within the Police Department were Public Safety Aides and Parking Enforcement Specialists. There were other job classifications throughout the City they could bump into, but he did not have such information with him this evening and he was not familiar with all the bumping rights and procedures.

Commissioner Moore stated that there were comments made that the City operated with 40 individuals as police officers that were not in the system. He stated he had pushed for the filling of those vacancies and the Chief rose to the challenge to fill such vacancies. He stated that the same department requested the "drop" because they felt it was in the best interest of the City. He was urged to support that request, and he felt they should have planned to fill the dropped positions.

Commissioner Moore explained that the reason for the trash transfer station was due to an effort of a community who had constant illegal dumping. It made sense to do this, but things had happened since then. The bulk rate was not set up at that time as it was now, and there was consideration being made to increase the rate of the station to \$35 at this time to keep it opened. Originally, there was no cost for the use of the station because it had been needed so badly in the area. He realized the closure of the station would have an effect on the community.

Commissioner Trantalis left the meeting at approximately 8:17 p.m.

Commissioner Moore continued stating that due to the expectations of the citizens of this City, tax increases were not terrible and not often objected to.

Commissioner Moore stated he wanted the stadium contracted out just like they did with the cemeteries. He felt the Orioles contract could possibly be canceled if it did not appear to be a valid contract to make money on. He stated when the Commission had discussed over the years the possibility of reducing contributions to non-profit entities and philanthropic causes which reduced the need for an increase in taxes because these groups were filling in the gaps and voids and were also receiving matched dollars, it would not be right to tax the public and give away the money.

Commissioner Moore stated when he read the article about the Fireworks, he figured someone would step up and be the sponsor for the event. When one was looking for ways to work within the parameters of the chosen millage rate, they had to look at items that could be done by other individuals and still give the people what they wanted. He stated individuals would still be needed for maintenance and police security and the City's revenue would still not be increased. He felt the benefactors of the special events should offer ways to underwrite such events. He reiterated that when the economy improved, possibly the City could step back up and fund such events. It was not that the City did not want to increase employees' salaries, but the money was just not there at this time.

Commissioner Moore stated he admired everyone for their hard work and for the citizens and their support, but he reiterated that the City had an obligation regarding the proposed millage rate. He emphasized there was no "wiggle room." He hoped they would do strategic planning for the future and have reserves, and a millage rate that would permit them to address certain issues in the future.

Commissioner Trantalis returned to the meeting at approximately 8:20 p.m.

Commissioner Hutchinson stated that Mr. Johnson had given an interesting speech tonight, but she questioned where the accountability had been in the past. There was none or the City would not be in its present financial position. She stated they were asking taxpayers to pay more for less, and even worse were suggesting the raising of

trash, water and sewer rates which would have a great impact on those who could least afford such increases. She stated, in her opinion, the budget she had been presented with was nothing more than a creative shell game. Now, it had raised projected revenues or newly re-estimated revenues, and did not address escalating overtime, escalating self-insurance deficits, escalating benefits and longevity payment with still no accountability to departments who continually overran their budgets. She felt the thing which put her over the top, and she held the City Manager directly responsible for, was the article in today's paper regarding the \$35,000 Firework Display that they were considering not having any longer, but yet they were not thinking twice about giving \$413,000 to a for-profit event such as the Air & Sea Show. She stated she felt like a mushroom in her job at City Hall. She was kept in the dark, work was piled on her, and then they said they were protecting her. She asked not to protect her because she was a big girl and was capable of making very professional decisions.

Commissioner Hutchinson stated the pitch that was promised regarding the self-insured fund had been great, but the reality had been a nightmare. There was deficit after deficit and no solutions provided. She stated the employees had their rates increased, but benefits slashed. In looking at the City's infrastructure, she stated it was deplorable and yet they emphasized building more but not taking care of the old, and yet the CIP budget was cut for the year. She reiterated that the City had promised the newly annexed areas a lot, and the City Manager and his staff had promised the world, and there was proof on tape of the promises for taking their money, but the City was not living up to those promises. She stated the City was turning their backs on these newly annexed areas.

Commissioner Hutchinson remarked it appeared odd and convenient that the management letter that should have been distributed in March did not come until a decision had been made to hire an outside consultant. Over time it was \$5 Million and still going up, and even today as she was asked to approve this budget, there were no procedures in place to handle the overtime situation. She reiterated she would not support this budget.

Commissioner Hutchinson stated she questioned why staff and the City Manager waited so long to let the Commission know about the City's precarious financial predicament. If it was spiraling in March, why did they not put procedures in place to allow them to not be in such a position. Regarding car allowances, she stated she had read a memo dated September 14, 2003, they were going to charge individuals with take-home cars and save \$150,000, but the managers receiving car allowances who supposedly only drove to and from work and no where else were still going to receive their checks. In sitting through all these hearings, the thing which bothered her the most was comments such as she received this morning in an e-mail which stated:

"Hello Cindi, I get a little upset when I read a statement by our illustrious City Manager who said the individual tax rate was the only thing he had control over and wants to increase the taxes of the hard working property owner. I get really confused when I read the agenda for tomorrow and there was one statement that wanted to decrease the rate on large users of wastewater, but in another item they want to increase the same rates for us as residents. How much revenue is the City going to get from those highrises I see under construction. I see nothing in the budget showing the projection of revenue increase to be received from them. I only see a City Manager that can't control spending, and the only way he can manage it is by tax and spend."

Commissioner Hutchinson stated that e-mail hit home for her and this was the reason she was here and she was going to do what needed to be done tonight.

The e-mail continued as follows: "I don't think I want you as my City Commissioner. If you and the other Commissioners can't control spending, every household in Fort Lauderdale had to control spending. Thank you for your time."

Commissioner Hutchinson stated that sitting through all these public hearings regarding the budget, it appeared that she had lost total confidence in the City Manager's ability to be able to create a budget they could live by without saddling the taxpayers with more increases, but giving less services. She stated she could criticize the City Manager for not holding his staff accountability, but she would be hypocritical unless she held him accountable because that was her job. She stated they could no longer continue to drift towards financial insolvency, and she felt they were at this time. She stated there was no strategic plan in place to look to the next five years and where they would be. She stated they could no longer tolerate a lack of response to citizens, such as South Middle River, Edgewood, and other districts, or employees and Commissioners. She stated it was time for her to move in a positive manner.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to request the immediate resignation of the City Manager, and if not forthcoming, that they immediately seek to terminate his employment.

Commissioner Hutchinson stated she would not approve the budget because she felt there was a better way to do business and would no longer condone these actions. She stated she was here to do her job for her taxpayers and could not live like this any longer. Things had to change in the way they did business.

Mayor Naugle stated he was aware that Commissioner Hutchinson felt very strongly about this matter, and stated that normally the Commission had a time to evaluate the top employees, but now they were in the middle of adopting a millage rate and a budget which would make things difficult to follow the motion made.

Commissioner Hutchinson agreed there probably would be a better time and a more appropriate one to do this, but she could not let this go on any longer. She stated that nothing changed from one budget hearing to the next. She stated further they were not looking at solving problems, and were only projecting higher revenue to solve the budget crisis. She stated it was "shell game" money and it did not exist.

Commissioner Teel stated it was a difficult action to take, but when analyzing the situation and looking at the facts, she felt compelled to do this. She stated the last few months had been rather shocking to her. She stated it appeared to be the philosophy of the City that they had the "golden goose," which was the taxpayers and taxes could be increased until the matter got resolved. Looking over the history, she stated she did not see that happening and saw the situation getting worse. She stated it was a few years now that the Country was in an economic down turn.

Commissioner Teel further stated that citizens want accountability and want consequences for individuals who were to manage the City funds properly and had not. She stated they needed to see the light at the end of the tunnel getting lighter, but instead it was getting darker. She stated that frightened her, and if they did not take the

action that was necessary the City would be in worse shape next year. She stated that she had asked a lot of questions about the budget, and she had been provided a lot of numbers, along with print-out sheets and other pieces of information which meant nothing to her. She stated all the information was beyond her to analyze it, and therefore, she had a constituent who had worked as a City Manager to analyze the figures for her. She stated that person had spent hundreds of hours analyzing the documents for her, and the reports given to her which she shared with the Commission were frightening. She felt that the City Manager meant well and had tried to work hard, but was not able to meet the challenges facing the City at this time. She felt the action should have been taken a few years ago, and the health plan was steadily deteriorating. She stated it was her understanding that it would be many years before they got out of that debt.

Commissioner Teel stated that in the City Manager's budget message, he had stated that one of the options to be considered would be to scale back large special events and parks and recreation. She did not feel the fireworks were a large special event at \$35,000. She stated rather the large special event was the Air & Sea Show which was costing the City between \$500,000 to \$600,000. She stated the show could be canceled if done so within a window of opportunity that existed within one month of the completion of the show. She stated there had been no report on the show to the Commission. She reminded the people that the cost was "in-kind" which was the tax dollars, and they were also giving \$28,000 towards the sponsorship. She stated this all went back to "moving figures." If the City was caught in the contract for the show, then they should look how to negotiate for the following year since the City had two more years of commitment.

Commissioner Teel further stated it was clear the City could not continue down the path they were on and continue repeating errors of the past. The auditor who had been hired had stated in their report that the City's financial condition was deteriorating. She stated they should not wait because reserves and contingencies were down to nothing. A change was inevitable. She felt ultimate accountability had to take place and the sooner the better. If they did not act now, they were going down a very dangerous road. She continued stating that the long-range financial plan being discussed was another curious matter. She did not understand why the City had not had such a plan before this. She stated there should have been such a plan in which the City Manager responded to and was adjusting as economics changed. She stated she had seconded the motion made because the time had come to make changes. The numbers she was receiving were constantly changing and figures were rising. She reiterated she could not continue down such a path in good conscience because she had a responsibility to her constituents.

Commissioner Teel reiterated it was clear that all employees were important, but the problem was there were no funds available and until the City got healthy, there would be no such funds next year or the year after either. She felt the goal tonight was to have a long-term vision of where the City was going and how they were going to get there. She stated she was sorry but she did not feel the present City Manager was the person to do that, and she had lost confidence in what she had seen that had taken place during the last few years and what was being proposed for the future.

Commissioner Hutchinson further stated that today they had discussed the Code Advisory Committee and how they had met for two years and yet nothing had changed. She stated this came down to management skills and effective management. She further stated it came down to the Commission having to hold someone accountable, and that

person was the City Manager. She stated citizens would tell what a lack of response there was from that office. She felt it was appalling that she had to find out something from the newspapers and other forms of media. She felt she deserved a phone call when things of a large magnitude occurred. She reiterated that she was tired of finding things out indirectly because citizens held her accountable for the position she held, and therefore, she had to hold the City Manager accountable and that was why she made her motion this evening. She reiterated that she was sticking by the motion she had made this evening.

Commissioner Trantalis stated that he had to admit that the budget process was exhausting and a lot had taken place during the last few months. He felt everyone had done their best to attempt to resolve the problems facing everyone. When he had first heard of the deficit, he felt everyone wondered how this could happen. It had not been anticipated or budgeted for, but had just been "discovered." The budget was for \$4 Million or \$5 Million and in comparison with the overall spending of the City, it came down to about 2%. He reiterated that no one should over spend, but he did not feel that 2% was a "crisis." The matter still needed to be addressed and that would be done this evening, and the matter would be resolved. He stated he was not sure if the City Manager had chosen the best items in an attempt to make cuts to resolve the deficit. He did not think that the City Manager was a good politician, but at the same time he should not be the scapegoat.

Commissioner Trantalis further stated that attempts to eliminate the mounted police, closing swimming pools, or discontinuing fireworks were not good ideas. He stated the reality was that the deficit had been creeping up on them for several years, and he felt it was something they had their "heads in the sand" about because the reserve accounts were slowly being depleted, and there were no plans to restore such accounts either because cuts could not be identified or tax increases had not been agreed upon. He also discovered that the City's investment income was less than what had been budgeted, and there was an increase in employees' benefits. He felt jumping to a private system might not be the answer either, and would not necessarily prevent future increases. Private industry passed on costs to the consumer no matter what the impact might be. He felt it was unfair to throw the entire blame for the budget onto the City. He felt they needed to compare "apples" to "apples" before attempting to eliminate the current system.

Commissioner Trantalis continued stating that there was the possibility of the jail being closed and at first he thought that was a good idea, until he had received additional information, such as receiving subsidies from the Federal government, that it was used, that the Sheriff's Department would not guarantee a number of beds to the City, and that access to the County jail was not easily nor readily available. He stated he did not want to see vagrants on the street, an increase in prostitution, and he did not want to see the City digress to what it had been years ago. Panhandling had been stopped due to the Police Department's efforts in cleaning up the streets. He applauded the Police Department for their efforts. He reiterated there was now a cash flow problem in the City. It was his opinion that the City needed to maintain the force at their highest level, and he did not want to see the attrition as an excuse to diminish the supply of officers. He believed the statements made by SMRCA were repeated testimonies of how the police had made their neighborhoods more enjoyable to live in. He stated code enforcement was another way in which they attempted to maintain the look and livability of the communities. Therefore, he was asking the police and fire-rescue departments to be

patient and not demand an increase in pay or benefits until the City once again got back on its feet financially. He reiterated that the Commissioners could not micro-manage the City.

Commissioner Trantalis stated that the Mayor was now requesting monthly reports regarding spending, but the information distributed was tremendous and individuals did not have the time to dwell on every expenditure made. He did not think that was the way to run a City. He stated there were ways to change their form of government, but presently they had a City Manager form of government, and they had to rely on him to run the City. He stated that he could not support the motion because he did not feel it was time to change management due to the budgetary problems that needed resolving. If the Commission decided to change the City Manager, there was another process that could be followed to do that. He reiterated he did not see the need for such a change in management.

Commissioner Trantalis further stated that he did not want to eliminate the jail, and did not feel they should eliminate other programs in place, such as the fireworks, nor did he want to have the pools closed or the medians go unmowed. He agreed that the Air & Sea Show should not be subsidized by the City, and it was time to pull out and use the money in other areas. He reiterated that he was against the motion and he felt they needed to move forward and not target one individual and their office for the problems of the City. He felt to some extent decisions of the past contributed to the present situation, and once such things were recognized and they realized they needed to move forward, more could be accomplished.

Commissioner Moore stated that policymakers gave a management team direction. He stated that every manager followed that team's direction even though they might disagree. He stated the policymaking board could easily say the "magic" was not done to allow the policies selected to occur. He stated the budget in municipal governments had to be balanced and was the law. Even though information was received late, they had not gone into a deficit because a balancing act was taking place. Individuals had been reigned in, and the Governor had not come to take over the City's operations. There was no crisis. He explained that out of 30 municipalities in the County, 22 of them had budget problems and was not due to bad management, but was based upon the economy. He stated he did not agree with all the recommendations that had been made regarding this budget, but they needed to approve the millage rate tonight and then look at the budget. He stated leadership was required, not a strong Mayor, to keep everyone afloat. He reiterated it required the policymakers saying what had to be done to balance the budget. He stated he could rationalize why some of the recommendations regarding the budget had been made.

Commissioner Moore continued stating that when he first learned of the furloughs he had called the City Manager, and asked if the management team would be furloughed also. He had been informed they would. He requested that this Commission agree on the millage rate being proposed tonight.

Commissioner Hutchinson stated that everything mentioned by everyone here tonight came back to effective management whether it was the jail, the stadium, or the trash transfer station. She stated if facilities did not make money either close them or find out how they could bring in revenue, but none of that was being done. She stated it was not their job to come up with a budget, that was the job of the City Manager. He had to lead

his department heads in an effective managerial way so they could lead their departments in the most effective fiscal way possible. She felt things had gone on for 5 years and they still did not have an effective strategic plan in relation to the City's finances. They were just talking about creating one. She felt it went back to management and she still had to hold one person accountability because she was not permitted to hold staff accountable. She reiterated that was why she had made her motion. She apologized she had done it at this time because there might have been another opportunity to do so, but she felt they needed to begin tonight with more effective management.

Commissioner Moore stated that the Commission had directed the City Manager to retain the Orioles contract. He stated he had debated two years ago regarding the loss of a half a million dollars for running the stadium then, and 5 years earlier the amount had been around \$700,000. He reiterated that the City was bearing the burden. He explained that the reason for a government was because certain things would not run as revenue generators. The City was in business for doing a service. Therefore, taxes were imposed to supplement the deficit.

The City Manager stated that he fully understood and respected the responsibility that he had for developing and recommending a budget to the Commission for the operation of the City. Inasmuch as several weighty items were being considered this evening, he wanted to correct the record regarding certain matters. He continued stating it was not just tonight that they arrived at the notion, idea or proposal to embark upon a strategic planning process in regard to the finances of the City. He stated that during his opening speech he had attempted to state that in 4 of the last 5 budget messages, he had set forth the prospectus that such planning take place. To back that up, in every one of the budgets he had proposed to this Commission, he had fully recommended to increase their level of reserves. Unfortunately, during the course of implementing such budgets, there were other considerations this policymaking body had to consider and had opted not to do such planning. Two years ago they had rolled back the rate of taxation to address some other considerations. He stated he was not pointing the finger, but was saying that in the course of recommending a budget in a political environment, other factors were considered beyond those which made business sense. He felt this Commission had been responsible in doing such things. He stated if they had just stated we need more, and more was levied, then perhaps they would be in better shape. He continued to remind the Commission and the citizens that they were not in a crisis. In discussing capacity, they were at one-half of their taxing capacity regarding ad valorem taxation. He stated that he was not sure how his previous words had been twisted, but he had said that within their ability to control the property tax was the single most vital source in terms of controlling their ability to generate revenue. He stated there was a great deal of competition for the revenue.

The City Manager stated it was not comfortable, nor was it the most pleasant task, to sit and make choices in terms of all the competing interests that called for funds. As stated in his budget message, he had the Commission who represented the electorate in terms of their needs, the people who constituted the most valuable asset of the City which were the employees, and the individuals paying the freight who were the taxpayers and the rate payers. At any one time, they were all equally important and it was his challenge and job to balance everyone. He stated he had not tried to saddle this Commission nor any other elected body with such responsibility. He stated he was setting forth what he

thought to be the best course, adjustments could be made, and then they could move forward. He stated neither he nor his staff took their jobs lightly.

The City Manager remarked that Commissioner Hutchinson stated that he was the one accountable and responsible. He agreed, but the department directors and members of staff who aided him and advised him in the performance of his job, had not just sat back and "thrown him under the bus." They had stepped up to the plate and the departments who were conspicuous due to their cost overruns had stepped forward saying, if it got to the point that someone had to feel the pain, they were ready to do so. He stated he would be as loyal to them, as they had been to him. It had been said that nothing had changed and things remained the same. He continued stating that when he had presented this budget in July up to this time, there had been no great amount of opportunity to make positive, tangible changes. He committed tonight to implement what he had suggested a few budgets ago, which was the long-range financial plan. He stated that he needed time to do that and had asked that he be given the first quarter of next year to try and do that, and bring forward a plan which would give such assurance they felt they needed. Absent that, he stated he did not think he had anything else to say except that he had done, and would continue to do, his best for the City. He reiterated he would continue to exhibit that degree of courage to do the right thing, at the right time, for the right reasons. He stated that might not always be popular, and he rarely would have an opportunity where all 5 of the Commissioners, all the unions, all homeowner and civic associations, along with all constituents would agree 100% with his recommendations. He wanted to have the opportunity to get them closer on an agreed-upon path for the future of the City. He promised they would have his continued 110% effort.

Mayor Naugle quoted Commissioner Moore in stating that it was the City Manager's job to follow the policymaking Board's direction, and he agreed with that statement and that was his biggest problem with the City Manager. He stated a budget had been adopted last year, it was not followed, and they ended up with a \$4 Million deficit. He felt that was what had made this budget year so difficult since there had been no carry forward funds. It was apparent they did not know they were "getting in the hole" until 6 months into the year. He stated he had talked to executive directors of small non-profit organizations with a \$1 Million budget, and had been informed they used monthly reconciliations. Essentially, the City was writing checks where no money was available. He stated adjustments could be made to the budget, funds could be transferred, and stay out of trouble. He stated he was uncomfortable making such a decision at this time because there was an evaluation process coming up next month, but given the motion which had been made, he stated he would support the motion at this time.

The City Attorney stated that he understood the motion to be requesting the City Manager's resignation. He believed the City Manager had a contract and there were termination provisions included which the Board had to follow. He stated that as long as the motion was to request the City Manager to resign, then the motion would be in order. Mayor Naugle confirmed.

Commissioner Trantalis stated he realized the City Attorney did not have a copy of the City Manager's contract in his possession at this time, but asked what would be the consequences of an early termination. He further stated that he was not sure if the motion was just a polite way of saying they were firing him as of tonight. He stated if that was the case, who would run the City tomorrow.

The City Attorney explained that it was his opinion that the motion would be taken as a notice as required by the contract. He believed the contract required 60 days notice of intent to terminate. If passed, that is what would be accomplished by the motion. The City Manager would be at the City for 60 days until which time the Commission would take formal action for termination, upon which the termination clause would then kick in regarding severance damages and payoffs that he would be entitled to.

Commissioner Trantalis clarified if the vote was in the affirmative would the Commission be giving itself another opportunity to revote based on an examination of the termination provisions, and what amount of damages were to be sustained as a result of such termination.

The City Attorney confirmed, and stated that the contract required notice of intent to terminate. This motion was requesting the City Manager to resign. He may decide to do that and he might not. This motion could then be interpreted to be the intent of the Commission to give such notice as required under the contract.

Mayor Naugle stated if the City Manager agreed to resign, then the City would agree upon an acting City Manager in the interim.

Commissioner Hutchinson asked if she could restate her motion because she had requested the immediate resignation of the City Manager, and if that was not forthcoming they would immediately seek to terminate his employment. The City Attorney asked if that was pursuant to the terms of the contract. Commissioner Hutchinson replied it would have to be.

Commissioner Trantalis stated he felt they needed a clarification on that matter. He felt the motion now was saying that tonight was the last night, and pack up.

The City Attorney clarified that was not what he understood the motion to be stating. He stated that his interpretation of the motion was to request the City Manager's resignation. If that resignation was not forthcoming, which was his prerogative since he had a contract and expected the City to honor the terms of the contract under normal circumstances, then at that point this motion would give him notice that in 60 days the Commission intended to terminate his contract. If at the end of the 60 days, it was required there be another vote.

Mayor Naugle stated that he believed the contract stated that the Commission could terminate the contract, but had to pay the severance package. He reiterated that he had not read the contract in 5 years and was not sure of its exact wording.

The City Attorney reiterated that as he recalled, the contract required a notice which he believed was 60 days of intent to terminate. Then, there was a severance package which began at the end of the 60 days.

Mayor Naugle stated he believed the 60 days was provided in the Charter, and the contract stated that the Commission could terminate employment. He stated they would review the contract.

The City Attorney stated that Commissioner Moore had suggested that the Commission adopt the millage rate. He reiterated that tonight was the time to adopt the final budget and the millage rate. He explained that the budget could be amended later on, but come October 1, 2003, the City could not write a check or spend a dime without a final budget.

Commissioner Trantalis stated he understood that, but that was not the pending motion. The City Attorney stated he understood that, but he was suggesting that he could obtain a copy of the contract and review it, and then after the adoption of the budget, the motion could then be remade.

Commissioner Moore stated he saw the policymakers making a "knee jerk" reaction without understanding the impact, and yet were telling the City Manager that he was not doing his job appropriately. He stated that what he recalled about the contract was that the action the Commission was about to take would cost the City a quarter of a million dollars.

Mayor Naugle stated he understood what they were doing, but he realized that possibly all the Commissioners were not familiar with the contract involved. Commissioner Hutchinson remarked that she was familiar with the contract and stated she wanted to vote on the motion. She stated that after the millage rate vote, the City Attorney could present his findings regarding the contract.

The City Attorney reiterated the motion was to request the resignation of the City Manager. Commissioner Hutchinson confirmed and stated if such resignation was not forthcoming, that they immediately seek to terminate his employment. She further stated that the City Attorney could then review the contract and present his findings to the Commission.

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

COMMISSION MEETING RECESSED AT 9:30 P.M.

COMMISSION MEETING RECONVENED AT 9:42 P.M.

Mayor Naugle asked if the City Attorney had a report for the City Commission.

The City Attorney stated that he had obtained a copy of the signed contract for the City Manager and it required 60 days written notice, which would specify the effective date that was to be not less than 60 days from the time the notice had been given. It also required that the final discharge be done by a duly adopted resolution. The motion which passed had requested the City Manager's resignation, and if that was not forthcoming the notice would be given and in 60 days they would bring back a resolution.

Mayor Naugle confirmed and stated unless the City Manager was to waive his rights. The City Attorney confirmed and stated the contract required a 12-month severance package, which included salary and benefits.

Mayor Naugle announced that the City Manager had been served with notice as required under the contract, and the Commission would proceed with the items regarding the budget.

Commissioner Trantalis stated that according to his understanding of the motion, if the City Manager did not resign immediately, he would be terminated immediately. He asked for further clarification of the motion.

The City Attorney explained that the immediate termination would be pursuant to the contract. He further stated that upon adoption of a resolution, the City Manager would be entitled to the severance package. Commissioner Trantalis asked what happened if the City Manager resigned. The City Attorney stated there would have to be a replacement provided. Commissioner Trantalis asked if the City Manager resigned due to the request made by the Commission would he be entitled to the severance package. The City Attorney stated that would have to be negotiated. Commissioner Trantalis asked if such a contingency was spelled out in the contract. The City Attorney replied it was not.

Commissioner Moore recommended that they adopt the budget and proposed millage rate and make adjustments to the budget later on.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to adopt the proposed millage rate at 4.8288.

Mayor Naugle announced that this millage rate represented an 11.25% increase in the millage rate over the rollback rate of 4.3403 mills which by State Statute was characterized as an 11.25 % increase in property taxes. He further stated that the millage rate for the debt service combining 1987, 1992, 1998 general obligation refunding bond was .2194 which represented a 2.62% increase in the millage rate over the rollback rate of .2138. The millage rate for the debt service for the 1997 general obligation bond and the 2002 general obligation refunding bond was .1488 which represented an 8.94% decrease in the millage rate under the rollback rate of .1634.

Commissioner Moore introduced the following resolution establishing the millage rates as follows:

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

RESOLUTION NO. 03-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE 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 Moore, Hutchinson, Teel and Mayor Naugle. NAYS: Commissioner Trantalis.

Mayor Naugle stated that in the budget there were carry forwards for purchasing of vehicles in relation to the Sanitation Department for several million dollars, and he asked if there was any support in putting such funds into contingencies temporarily until the

City could analyze whether or not they should seek bids for such services. He stated that recently he had a problem with City services which he had discussed with the City Manager, and he felt it was now time to take a look and see if they wanted to continue providing such services or see if they should put the jobs out for bid.

Commissioner Moore reiterated that the budget could be changed at any time and the appropriations could be moved. The only thing they had done was to agree to the millage rate. He stated he was concerned about allowing sanitation services only contracted outside. He felt that part of the reason was that they were able to control and get the satisfaction they got because the City had their own equipment for such services. He felt if they were to eliminate the sanitation purchase at this time, it would be short-sighted.

Mayor Naugle stated that was why he had not proposed eliminating them, but only proposing to put the purchases on hold until they could analyze whether funds could be saved by contracting out the service.

Commissioner Moore recommended they not amend the budget at this time, and basically accept it as proposed and later on make the necessary adjustments.

Commissioner Teel stated she supported the motion if it would give the most flexibility. If they did not put the funds into contingencies would they be locking themselves to continuing with the same procedures they had followed in the past.

Commissioner Hutchinson stated that in light of the budget situation, it would be prudent for them as policymakers to put the purchases on hold and see what the existing outsourcing contracts had before purchasing expensive equipment that would require more funds for maintenance. She stated it did not mean they would not make such purchases in the long run, it just meant things would be put on hold while the matter was further investigated.

Greg Kisela, Assistant City Manager, stated that they would bring back a report to the Commission as it related to sanitation, along with recommendations as to whether they should continue in such business or to outsource such services.

Commissioner Hutchinson asked if the money used to purchase such vehicles came out of the Enterprise Fund. Mr. Kisela stated it came from the fleet which was reimbursed by the Enterprise Fund.

Mayor Naugle stated that he wanted to bring up the fact that there were two CRA Directors and he asked if that made sense or not, and could the positions possibly be combined. He had been told that was not part of the General Fund, but yet the General Fund contributed to the CRA, and if that amount was reduced, they could then put such savings into the contingency fund or elsewhere where needed. He asked if the Commission supported such an action.

Commissioner Hutchinson stated she felt there was one CRA Director who had been hired for the northwest area and who was doing a great job, and she did not feel it made sense for them to pay for two such positions. She stated she would support such a recommendation.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to combine the CRA Director positions into one.

Commissioner Moore stated that there was a successfully run northwest CRA because that Director was only dealing with one area. He felt if one threw additional tasks onto that individual, they could be watering down the efficiency that existed. He felt it would be inappropriate to make such a recommendation based on the budget. He felt by adopting the budget they could make amendments later on. He felt that no action should be taken this evening as to how they could use the proposed budget.

The City Manager stated that he wanted to caution the Commission about making such a move. He reiterated that the northwest CRA had been successful, as was the beach CRA, and that the Beach Redevelopment Advisory Board had been through a lot of examination and had stated to the Commission that they wanted to proceed forward in that area. He felt other moves could be contemplated to obtain a more efficient operation. He did not think that should be mandated this evening.

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

Mayor Naugle stated that he understood that the funding for such position would be added to the Contingency Fund. Commissioner Moore stated the motion dealt with the elimination of one CRA position.

Mayor Naugle asked if there was a motion to direct the funds that had been contributed to the CRA to be directed to the Contingency Fund. Commissioner Moore urged the Commission to "take a breath" and understand that the funds were not going anywhere and the motion just passed had eliminated the position of one CRA Director. He recommended that a workshop be held regarding the budget on September 23, 2003 at 1:30 p.m.

Mr. Sharp explained that the funds would stay in the CRA Fund at this time. He stated they were not budgeting any advance for next year from the General Fund to the CRA, but future funding was contemplated. He stated that when the Commission identified the date of the CRA meeting this month that would be when they would officially be adopting that budget. He stated that would be an appropriate time for them to make any such decisions.

Commissioner Trantalis asked if it was appropriate to discuss a CRA position while convening as a City Commission.

Mr. Sharp stated it was his understanding that the CRA budget was adopted by the Commission meeting as the CRA Board. Mayor Naugle reiterated that such funding was included in the budget, so this hearing would supersede the actual CRA meeting. He stated they were adopting the CRA budget at this meeting tonight as part of the regular budget.

Commissioner Trantalis reiterated that Mr. Sharp had advised that no funds were budgeted in the next fiscal year to the CRA from the General Fund, but there could be some in the future. Mr. Sharp stated that the five-year plan called for future advances from the General Fund. Mayor Naugle reiterated that the funds could be left at this time

in the CRA budget. He stated he would, therefore, withdraw his previous suggestion. Commissioner Trantalis reiterated that he wanted such discussions held at the appropriate time.

Commissioner Moore reiterated that since the Commission had taken the action they had due to the fact there would be a number of issues as to how to reappropriate the budget or amend it, that a special meeting be held on September 23, 2003 at 1:30 p.m. This would give the public the opportunity of understanding what might be done since they had adopted the proposed millage rate. Mayor Naugle reiterated that a CRA meeting was scheduled for September 30, 2003. Commissioner Moore reiterated he was discussing the general budget, and felt due to how they operated a clear direction was needed.

Commissioner Moore introduced the following ordinance on second 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: Commissioner Teel and Mayor Naugle. NAYS: Commissioners Trantalis, Moore, and Hutchinson.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table the budget discussion until September 23, 2003 at 1:30 p.m.

Commissioner Hutchinson reiterated they had been discussing the budget since July. Commissioner Moore reiterated they were discussing a budget that Commissioner Hutchinson did not agree with and it was just voted down.

The City Attorney explained that the budget had just been voted down and the City was required to have a budget in order to spend money as of October 1, 2003. He stated there was no budget at this time, and one had not been approved. He stated they would have to re-advertise. This meeting could not be recessed, deferred or continued because the Statute required that the budget be adopted now or notice be given and a hearing be held within 2-5 days after the publishing of such notice. He explained they had adopted a tentative budget and would be allowed as of October 1, 2003 to spend money in accordance with last year's budget.

Mayor Naugle asked the Commission to consider adopting the proposed budget. He asked if the CRA Director was once again included in the budget would Commissioners Moore and Trantalis be agreeable to adopting the budget. Commissioner Moore replied he would not be agreeable to do so. Commissioner Trantalis stated that a final decision would have to be made this evening. He felt it was going to be a "Chinese Menu" and they needed to decide what should or should not be included in the budget, and make the best selections as possible.

Mayor Naugle asked if anyone wanted to propose an amendment to make the budget acceptable. Commissioner Trantalis asked the Commission to make sure that the Police Department was fully staffed and had all tools necessary at their disposal in order to protect the community. He felt if that included filling the vacancies, then they would have to budget accordingly. He felt if it meant maintaining the jail, then they would have to budget for it. He felt that would be a start for the budget. He summarized they should restore the jail, and budget for a full police department, and to explore alternate funding sources for the jail. Mayor Naugle stated they had a list from a former City Manager who had assisted Commissioner Teel as to what items could be included in the budget. One of the recommendations was to replace management longevity pay with merit pay plans capped at \$700,000. Other suggestions were reducing car allowances by 50% and not to exceed a monthly cap of \$100, which would save \$150,000, and further reductions in overtime by \$700,000. Those suggestions could possibly help to retain the jail and possibly revenues could be increased from the Federal Government.

Commissioner Moore emphasized that this was not the way to run a government. He stated there was a \$1.8 Million deficit in the jail, and if they attempted to retain the luxury jail that bedded 20 people that was not the route to take. Mayor Naugle stated he preferred not to do things in this manner. Commissioner Moore asked that the meeting be recessed and a meeting be set for next week.

Commissioner Hutchinson stated that at one of the first budget hearings on July 29, 2003 recommendations had been made, and she questioned what had been done since that date. She stated that the Budget Advisory Board finally had a quorum to approve the budget on September 11, 2003. She stated that some of their recommendations had been to reduce overtime by at least 10% which would save \$450,000, eliminate the subsidy for the Air & Sea Show which would save about \$350,000, and convert to expense reports instead of allowances which would save about \$150,000. She stated that everyone had been given an opportunity to do this and she did not want to do this tonight either, and she believed things would not change if they waited until next week.

Commissioner Moore asked why there had been \$5 Million in overtime for the Police Department.

Bruce Roberts, Police Chief, stated they were projecting a little under \$4.5 Million in overtime. He stated there was a Court case in the 5th Circuit Court which affected the Houston Police Department, and they had adopted the findings. He explained that in dealing with the issue in the last 5-6 payrolls overtime had been cut about 60%. He stated how they had gotten in such a position had to do with the hiring and staffing which involved filling all the vacancies. He explained it took 35 weeks from the hire date for the individuals to receive all their training and the officer went solo. At that time was when they considered that person a working body. In the meantime before filling the vacancies, those positions were being filled partially with overtime. He further explained other demands were put on the department regarding other areas of the City. He stated they were confident that they could maintain the same rate of expenditure for the next year.

Commissioner Moore asked if the level of service was being met for the annexed areas through overtime. Chief Roberts stated that was not the case at this time. Commissioner Moore asked if the alerts set by the Federal Government had anything to do with the department's overtime. Chief Roberts replied it had impacted the department's overtime.

He stated they could not guarantee that special services and overtime would not be needed for unforeseen circumstances, but they could guarantee the cuts for certain expenditures that they had during the previous year. Commissioner Moore emphasized that the point he was attempting to make was that if they were trying to deal with a budget they wanted to balance, they could not deal in an overtime situation that could not be controlled.

Commissioner Moore proceeded to ask why so much overtime had been encountered in the Fire-Rescue Department.

Otis Latin, Chief Fire-Rescue, stated that they had a number of people which had to be placed on each piece of apparatus every day. It involved minimal staffing comprised of 82 individuals, if people were sick or injured, then those individuals had to be replaced by overtime in order to maintain the staffing as required. Another item which generated overtime was that there was mandatory training for all managers throughout the City, and the officers which had to be taken from the field and put in a 40-hour class, and overtime was required for the replacement of those individuals. Overtime was then paid to the individuals in the class, along with the individuals who replaced those people on the apparatus. He stated there was no way to get around the overtime because he had to meet the minimal staffing. Some overtime was also generated due to the WMB training. He stated that in order for them to train their firefighters in operations, there had been two grants from the government for training in regarding to weapons of mass destruction, and individuals were paid overtime.

Commissioner Moore stated that one of the policies which this Commission had always stated was that public safety was the first priority. He reiterated that a budget which had built in overtime was due to policymakers' directions. He stated they needed to discuss how to build a reserve, and how to forecast what they had as a revenue stream that could be counted on in order to lessen the projections. He stated that during these budget discussions, he had heard the comment that the City Manager had been creative regarding the proposed budget due to greater revenues being projected. He reiterated that he did not agree with all the City Manager's recommendations, and the projections were one thing he disagreed with.

Commissioner Moore further asked the Director of Parks and Recreation why they had incurred so much overtime.

Ernest Burkeen, Director Parks and Recreation, stated that their overtime was in the parks because new areas had been added, and there had been a number of special events. Commissioner Moore asked what special event had the City lost money on. Mr. Burkeen replied that they lost money on all special events. Commissioner Moore stated the government attempted to bring in people for special events, and therefore, additional monies were spent.

Mayor Naugle asked what was the total amount of overtime for All Funds. Mr. Sharp replied that the actual overtime for fiscal year 2001 had been \$6.9 Million.

Commissioner Hutchinson stated that knowing departments budgeted for overtime, it had historically been displayed in various documents that such costs went up 40% per year, and the City did not budget properly for overtime and they constantly over spent. She stated that in a discussion she had with one of the Assistant City Managers

regarding Parks and Recreation, it concerned her that they were not able to budget for their true water costs which were around \$1.2 Million. She stated they budgeted for half the amount knowing they were not going to meet the water cost. She stated she did not agree that they pay for the useage of water in medians that did not produce revenue. She stated she was concerned they were budgeting for overtime, but they were still going over the caps, and therefore, they were never going to get ahead.

Mayor Naugle remarked that he was aware that Commissioner Hutchinson was very unhappy with the budget as he was, but he felt if they rolled up their sleeves they could keep the jail opened. He realized the City had to move forward and be able to operate. Therefore, they needed to adopt the budget and he did not want to readvertise.

Commissioners Trantalis and Moore left the meeting at approximately 10:22 p.m. Commissioner Moore returned at approximately 10:23 p.m.

Commissioner Hutchinson stated if they took the transfers of the equipment out of the budget, and they were given the opportunity to relook at the jail and other things which needed to be financially solvent whether they were bureaucratic government or not, she would consider changing her vote to approve the budget. She reiterated it went "against her grain" and against what she believed in. She emphasized that she would not approve the transfers of the money, and would not approve the carry forward money until they had looked at whether they needed to purchase the equipment or not.

Mr. Kisela remarked that they had made such a commitment. Commissioner Hutchinson stated she wanted it as part of the motion.

Mayor Naugle asked if the monies would be put in contingencies until it could be reappropriated.

Mr. Kisela stated they would commit that they would not spend the dollars until there was a review by the policymakers of the expenditures.

Commissioner Hutchinson re-introduced the following ordinance on second 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 Hutchinson, Teel and Mayor Naugle. NAYS: Commissioner Moore.*

* Note: Minutes were amended on October 7, 2003 to reflect a "nay" vote for Commissioner Trantalis.

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 Trantalis returned to the meeting at approximately 10:25 p.m.

Mayor Naugle stated this was the second of two public hearings to be held as required by law for the millage rate in the Sunrise Key Neighborhood Improvement District budget for fiscal year 2003/2004. The purpose of this hearing was to receive requests and comments regarding the Sunrise Key Neighborhood Improvement District budget and tax levy, and to explain the budget and any amendments thereto.

Commissioner Moore left the meeting at approximately 10:27 p.m.

Mayor Naugle opened the public hearing.

Terry Sharp, Director Finance, stated that the Sunrise Key Neighborhood Improvement District millage rate as tentatively adopted was .75 mills which would be primarily for security, insurance, and administrative costs.

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

Commissioner Moore returned to the meeting at approximately 10:28 p.m.

Mayor Naugle stated the millage rate for Sunrise Key Neighborhood Improvement District Budget would be .7500 mills which represented a decrease in 48.68% under the rollback rate of 1.4613 mills.

Commissioner Moore called a point of order and asked if there had been a reconsideration of the budget. Mayor Naugle confirmed.

Commissioner Hutchinson introduced the following resolution establishing the millage rate to be levied by the Sunrise Key Neighborhood Improvement District for FY 2003/2004 as follows:

Sunrise Key Neighborhood Improvement District Budget	0.7500
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RESOLUTION NO. 03-142

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 10, 2004.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the budget for the Sunrise Key Neighborhood Improvement District for FY 2003/2004.

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

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 – Miami Carnival Kiddies Parade

(M-1)

A motion authorizing the proper City officials to execute an event agreement with the **Miami Carnival, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with **Miami Carnival Kiddies Parade** to be held **Sunday, October 5, 2003 from 1:00 p.m. to 8:00 p.m.** from Stranahan Park to Esplanade Park; and further authorizing the processional-style closing of the following roads for the parade portion of the event only; beginning at 1:00 p.m. at Stranahan Park and proceeding south on S.E. 1 Avenue to East Las Olas Boulevard; west on Las Olas Boulevard into the Las Olas Riverfront Complex and continue along as the street turns into S.W. 1 Avenue to S.W. 2 Street; west on S.W. 2 Street to the Esplanade, and S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue from 9:00 a.m. to 10:00 p.m. on the event day.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1290 from City Manager.

Transfer of Law Enforcement Trust Funds (LETf) - (M-2)
Confiscation Operating Budget for FY 2002/2003 and FY 2003/2004

A motion authorizing the proper City officials to appropriate and transfer \$418,171 from the LETf (Funds 104 and 107) to various accounts to fund the FY 2003/2004 Confiscation Operating Budget; and further authorizing the appropriation and transfer of \$8,103 from the LETf (Fund 104) in FY 2002/2003 (current year) to cover certain costs.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1296 from City Manager.

Transfer of Law Enforcement Trust Funds (LETf) - (M-3)
School Resource Officers for FY 2002/2003 and FY 2003/2004

A motion authorizing the proper City officials to transfer a total of \$436,378 from the LETf to various accounts for four (4) School Resource Officers' salaries and operating expenses for FY 2003/2004; and further authorizing the transfer of \$10,414 from the LETf to the FY 2002/2003 School Resource Officer budget to cover certain costs.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1267 from City Manager.

Contract Award – Lambert Bros., Inc. – Project 10598 - (M-4)
Bass Park Playground

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 Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1178 from City Manager.

Contract Award – Weekley Asphalt Paving, Inc. - (M-5)
Project 10692 – FY 2003/2004 Annual Asphalt Resurfacing Contract

A motion authorizing the proper City officials to execute an agreement with Weekley Asphalt Paving, Inc. in the amount of \$868,715 for the FY 2003/2004 annual asphalt resurfacing contract.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 03-1176 from City Manager.

Project 10621 – Neighborhood Capital Improvement Program (M-6)
(NCIP) Riverside Park Speed Hump Project (S.W. 5 Court Corridor)

A motion approving the NCIP project for Riverside Park for installation of speed humps along the S.W. 5 Court corridor, between S.W. 12 Avenue and S.W. 14 Terrace.

Recommend: Motion to approve.
Exhibit: Memo No. 03-1175 from City Manager.

Contract Extension – Woolpert, LLP – Project 414A - (M-7)
Geographic Information Systems (GIS) Utility Mapping
And Data Conversion Services

A motion authorizing the proper City officials to execute a second 1-year extension of the agreement with Woolpert, LLP for a term of October 4, 2003 through October 3, 2004.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 03-1268 from City Manager.

Reimbursement of Costs – Florida East Coast Railway (M-8)
Company (FEC) – Pipeline Crossings

A motion approving the payment of \$11,670.89 to the FEC for reimbursement of costs associated with the City's share of the pipeline crossings pavement rehabilitation in accordance with the 1954 FEC Pipeline/Crossing Blanket Utility Agreement.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 03-1172 from City Manager.

Change Order No. 11 (Final) – Whiting-Turner Contracting (M-9)
Company – Project 10222 – City Park Mall Garage Rehabilitation

A motion authorizing the proper City officials to execute Change Order No. 11 (Final) with Whiting-Turner Contracting Company in the **net credit** amount of (\$69,231.14) for additional work related to the City Park Mall Garage Rehabilitation Project.

Funds: See Change Order

Recommend: Motion to approve.
Exhibit: Memo No. 03-1174 from City Manager.

Interlocal Agreement – Broward County - Community Transit Program/Public Transportation Services**(M-10)**

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. (On September 3, 2003, the City Commission deferred this item for consideration to September 16, 2003.) (Also see Items I-E and I-F on the Conference Agenda and Item M-11 on this Agenda)

Recommend: Motion to approve.
Exhibit: Memo No. 03-1232 from City Manager.

Agreement – Downtown Fort Lauderdale Transportation Management Association (TMA) – Operation of Transit Services**(M-11)**

A motion authorizing the proper City officials to execute an agreement with TMA to provide transit services in the City. (Also see Items I-E and I-F on the Conference Agenda and Item M-10 on this Agenda)

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 03-1280 from City Manager.

PURCHASING AGENDA

Three-Year Contract – Citywide Medical Services and Medical Director Oversight**(Pur-1)**

A three-year contract for citywide medical services and medical director oversight is being presented for approval by the Finance Department, Risk Management Division.

Recommended Award: Seth Feldman, D.O., P.A.
d/b/a Medwork 84, Inc.
Fort Lauderdale, FL
Amount: \$ 150,000.00 (estimated annual)
Bids Solicited/Rec'd: 16/6
Exhibits: Memorandum No. 03-1263 from City Manager

The Procurement and Materials Management Division recommends approving purchase from the Broward Sheriff's Office Contract.

Contract Assignment for Wellness Program and Fees Amendment**(Pur-2)**

An assignment of a one-year contract for wellness program and fees amendment is being presented for approval by the Finance, Risk Management Division.

Recommended Award:	Intervent USA, Inc. Savannah, GA
Amount:	\$ 37,260.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 03-1261 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving contract assignment and amendment of fees.

2001-23 – Contract Extension, Insurance Consulting Services**(Pur-3)**

A one-year contract extension for insurance consulting services is being presented for approval by the Finance, Risk Management Division.

Recommended Award:	The Rhodes Insurance Group Fort Lauderdale, FL
Amount:	\$ 42,000.00 (not to exceed)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 03-1262 from City Manager

The Procurement and Materials Management Division recommends approving the contract extension

Proprietary – Broward County Recording Fees**(Pur-4)**

An agreement to purchase Broward County recording fees is being presented for approval by the Finance, Treasury Division.

Recommended Award:	Broward County Revenue Collection Division Fort Lauderdale, FL
Amount:	\$ 12,600.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 03-1265 from City Manager

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

742-8924 – Sewing and Alteration Services**(Pur-5)**

A one-year contract to provide sewing and alteration services is being presented for approval by Police Department.

Recommended Award: Americlean (MBE)
Fort Lauderdale, FL
Amount: \$ 20,793.00 (estimated)
Bids Solicited/Rec'd: 12/3
Exhibits: Memorandum No. 03-1225 from City Manager

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

Proprietary – Mobile Data System Maintenance Renewal**(Pur-6)**

A one-year contract renewal for mobile data system maintenance is being presented for approval by the Police Department.

Recommended Award: Motorola, Inc.
Schaumburg, IL
Amount: \$ 105,945.12
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1256 from City Manager

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

Proprietary – Hansen Software Maintenance**(Pur-7)**

An agreement to purchase software maintenance is being presented for approval by the Public Services Department.

Recommended Award: Hansen Information Technologies
Sacramento, CA
Amount: \$ 87,070.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1215 from City Manager

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

Proprietary – Membership and Utility Line Notification**(Pur-8)**

An agreement to purchase membership and cost of utility line notifications (FY 2003 and 2004) is being presented for approval by the Public Services Department.

Recommended Award: Sunshine State One Call of Florida, Inc.
DeBary, FL
Amount: \$ 22,900.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1254 from City Manager

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

Proprietary – Laboratory Reagent**(Pur-9)**

An agreement to purchase laboratory reagent (for FY 2003 and 2004) is being presented for approval by the Public Services Department.

Recommended Award: Idexx Laboratories, Inc.
Westbrook, ME
Amount: \$ 29,038.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1205 from City Manager

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

BD-476 – Bridge Tending Services**(Pur-10)**

A seven-month contract for bridge tending services is being presented for approval by the Public Services Department.

Recommended Award: Florida Drawbridges, Inc.
Boca Raton, FL
Amount: \$ 86,800.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1169 from City Manager

The Procurement and Materials Management Division recommends approving purchase from FDOT Miami-Dade contract.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis that Consent Agenda Item Nos. M-4, M-5, M-6, M-11, Pur-3, 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.

**Contract Award – Lambert Bros., Inc. – Project 10598 -
Bass Park Playground****(M-4)**

Commissioner Hutchinson stated that she had pulled this item and stated that in light of the overruns in Parks and Recreation, she suggested that the \$157,651.60 be put towards such overruns versus buying new equipment. She stated that she would not support this item.

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.

Commissioner Hutchinson restated her suggestion. Commissioner Moore asked why Commissioner Hutchinson had pulled this item. He suggested if she felt that way, the money should be taken from parks in her district. He reiterated that his community had been waiting on this for a number of years, and they were picking on a project that would impact a large number of children. Commissioner Hutchinson asked why they had not allotted more money for the project. Commissioner Hutchinson reiterated that at the last meeting they had attempted to take her parks bond money from her two parks, and she had pulled it. Commissioner Moore stated that Commissioner Hutchinson had received her money and asked why she wanted to keep this project from happening. Commissioner Hutchinson reiterated that it did not make sense to take money from a department that overran its budget, and buy equipment they would not be able to maintain.

Commissioner Moore reiterated they were to provide services to the public. He added that if they wanted to deal with budget issues, then the money should be taken from special events. He recommended that money be taken from the Air & Sea Show and fund such equipment. Commissioner Hutchinson replied all the money should be taken from that special event. Commissioner Moore stated if they were going to micro-manage things that was fine with him.

Greg Kisela, Assistant City Manager, asked if they were recommending taking deductions from the Air & Sea Show for the 2003/2004 budget.

Commissioner Moore reiterated they wanted the funding for this park and emphasized that the equipment was unsafe in its present condition. Mayor Naugle asked if there were funds available that were not contractually obligated.

Mr. Kisela stated that it was his understanding what they were contractually obligated to provide had been programmed into the 2003/2004 budget, and therefore, to reduce the amount they would have to negotiate with the promoter for the reduction or be in breach of the contract.

Commissioner Moore reiterated they would be breaching a contract with the public if this project was not funded.

Commissioner Hutchinson suggested that this item be postponed until the next meeting giving them an opportunity to find a funding source for the playground equipment.

Mayor Naugle stated that this item would be scheduled for a conference meeting in order to discuss other sources of funding for this project.

**Contract Award – Weekley Asphalt Paving, Inc. -
Project 10692 – FY 2003/2004 Annual Asphalt
Resurfacing Contract**

(M-5)

Commissioner Moore stated that he had pulled this item for two reasons. One reason was because in the Dorsey Riverbend area they were repaving and recapping the streets, and about 30 days ago the work had stopped due to the fact that they had come to the conclusion of the resources. He stated that in reviewing where the monies were to be spent, he did not see the Dorsey Riverbend work listed. He asked if they funded Weekley to do the resurfacing project would they start in Dorsey Riverbend where the work had been stopped.

Mike Fayazz, Engineering, replied they would do so and there were sufficient funds. He stated that the work would begin as soon as the contract was signed.

Commissioner Trantalis thanked the City Manager for working with the South Middle River Civic Association and for having designated that area for resurfacing. He thanked the group for their untiring efforts.

Commissioner Moore asked for staff to report which roadways had been resurfaced in the last 15 years, and he also wanted an indication as to where the need was for future resurfacing projects. He stated that they would be able to do 6 communities with the funds which were available, and he did not feel doing 6 a year would meet the rotation requirements.

Greg Kisela, Assistant City Manager, stated that they would schedule the item for a Conference Meeting and would show which streets had been resurface. He advised they had maps going back as far as 1985 which would visually show which streets had been resurfaced, and which streets still needed to be done. Mayor Naugle asked if there were any records available before 1985. Mr. Kisela stated none they would rely upon.

Commissioner Hutchinson stated that in light of concerns that Commissioner Moore had brought forward, she saw there were six projects listed but Dorsey Riverbend was not on the list. Therefore, she suggested that staff give the Commission a Friday memo assuring them that Dorsey Riverbend was on the list.

Mr. Kisel stated that staff would provide such a memorandum

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

**Project 10621 – Neighborhood Capital Improvement
Program (NCIP) Riverside Park Speed Hump Project
(S.W. 5 Court Corridor)****(M-6)**

Commissioner Trantalis stated that he had pulled this item and wanted to know how much the speed humps cost.

The City Manager stated that they had a contracted price, and some of the neighborhoods had gone out and contracted for them.

Hal Barnes, Engineering Design Manager, stated that they had different types of speed humps which averaged anywhere from \$2500 to \$3000 per speed hump.

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

**Agreement – Downtown Fort Lauderdale Transportation
Management Association (TMA) – Operation of Transit Services****(M-11)**

Commissioner Moore stated that he had pulled this item and the contractual relationship had been discussed today, but now tonight there was this item which would give them a budget for an entire year. He further stated that he did not want to give them a budget for a year, and he wanted to find out if they met the obligation they had agreed to this morning six months down the road. He suggested that the budget be offered in six-month intervals, rather than an annual agreement, and asked if that would prevent the service from being provided.

Horace McHugh, Assistant to the City Manager, explained that there were certain contractual obligations they wanted assurances on before going ahead and purchasing equipment and putting contracts in place, and obtain services from providers. He felt that would impact their ability to get a quality level service. He further stated they were having difficulty with that.

Commissioner Moore asked what would happen if TMA did not produce the results requested. He reiterated that he only wanted to offer a budget for six months.

Mayor Naugle asked if the same could be accomplished if they gave them a one-year agreement with the clause that it could be cancelled after six months, if they were satisfied. Commissioner Moore stated he would agree to that.

Motion made by Commissioner Moore and seconded by Commissioner Teel to enter into a one-year agreement with the opportunity to cancel after six months, if dissatisfied.

Mayor Naugle asked if that would be workable. It was explained that their agreement was with the City for 3 years with two one-year renewals. Commissioner Moore explained the City was entering into an agreement with the TMA to provide the service, and asked if the County would be upset if the matter was handled as he was suggesting. Commissioner Moore was informed that it was not the County's concern.

Mr. McHugh stated if that was the desire of the Commission, they would convey that information to the TMA and hopefully they would work with such an agreement. He stated if the service could not be supplied due to lack of commitment, they would have no option but to reappear before the Commission. The only problem was that the next Commission meeting would be in October and the contract was effective October 1, 2003.

Bud Bentley, Assistant City Manager, stated that this contract consisted of two things. One was the operating and management provided by the TMA, and in addition, they contracted with private entities to provide the service. There could be a possible conflict with the second item which would be curable with something being place in the contract saying that if they terminated their contract with the TMA, the City would continue managing the contract through the end of the year. He explained that would be a fall-back position, and they would try to achieve the six-month cancellation in regard to both elements. He further stated they would like the Commission's flexibility since they were dealing with private vendors who were making substantial capital expenditures in order to provide the services to the City.

Commissioner Trantalis stated he did not know if they could work in that manner since they were dealing with third parties which required long-term planning and commitment. He stated that would force them into a breach of their contract. Commissioner Moore stated that was not correct because the City could continue the contracting service with the same individual TMA had contracted with, and they would just not be the administrator.

Mr. McHugh stated that in terms of issues like marketing, it would be difficult to market something on an annual basis without anticipating it would be their function for the entire year. Some of the marketing involved putting graphics on the vehicles and providing fliers and the like. Commissioner Moore stated if fliers were printed, they would be done so for the whole year whether there was a six or 12 month contract. He stated the distribution would still take place and the advertisements on the vehicles would still be done. He did not know what the debate was regarding this matter.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve the contract with TMA for one year. Roll call showed: Commissioners Trantalis, Hutchinson, Teel and Mayor Naugle. NAYS: Commissioner Moore.

2001-23 – Contract Extension, Insurance Consulting Services

(Pur-3)

A one-year contract extension for insurance consulting services is being presented for approval by the Finance, Risk Management Division.

Recommended Award:	The Rhodes Insurance Group Fort Lauderdale, FL
Amount:	\$ 42,000.00 (not to exceed)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 03-1262 from City Manager

Commissioner Moore stated that he had pulled this item, and asked if Mr. Rhodes was going to be with the City full time until a Risk Manager was hired.

Kirk Buffington, Procurement Manager, stated that Mr. Rhodes' services were being used extensively, especially due to the advent of the open-enrollment period they had coming up in November, but he was not a full-time contractor. He explained that Mr. Rhodes was received \$3500 per month while the Risk Management position was vacant.

Commissioner Moore reiterated that he did not feel this contract made any sense. He reiterated that Mr. Rhodes was being paid as if a full-time employee running the office on a day-to-day basis. He suggested this item be pulled so further discussions could be held.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Item Pur-3 be pulled from tonight's agenda.

Terry Sharp, Director of Finance, stated that they believed as long as they had a key vacancy in Risk Management, they needed outside support. Commissioner Moore stated he agreed with that.

Mayor Naugle asked what the time frame was on this matter and did the item have to be adopted this evening.

Mr. Buffington further explained the City had an ongoing agreement with Mr. Rhodes. He asked if Commissioner Moore wanted staff to renegotiate his fee. Commissioner Moore confirmed, and added they needed to establish a working relationship so a person could be in the office for the same amount.

Commissioner Hutchinson stated that the position they were in need of was a Risk Manager, and if any consulting pay-out was to be done, it should be done for that position. Commissioner Moore replied he was not in disagreement with such statement, but added that the City was not benefiting from this contract. He emphasized that the individual was not on site and was not doing any Risk Management. He asked if Mr. Rhodes did not have a contract to do the open enrollment.

Mr. Buffington explained the current agreement expired September 30, 2003. Mr. Sharp stated that Mr. Rhodes was being paid \$2500 per month for his services. Commissioner Moore suggested the matter be extended for one month until resolved. Mr. Buffington added there would have to be a bilateral agreement between the City and Mr. Rhodes.

Lloyd Rhodes, President of Rhodes Insurance Group, stated that the amount of work on the table for January 1, 2004 fully justified the \$3500 monthly project fee being discussed. He explained there were a number of meetings they were required to attend, various options had to be put forth for January 1st, work had to be done with the actuary to provide adequate rates for January 1st, the need to negotiate the insurance renewal, and they were currently analyzing the North Broward Hospital District renewal being suggested. He explained that the work they had put into this particular project had produced positive results. He stated that the deficit was not building in the health plan and was coming down. Changes made, such as the implementation of AvMed, had been positive, and the negotiations conducted on the City's behalf with the dimension network far outweighed the fees they had collected during the past year. He stated they felt the

time they had put into this project was fully justified. He felt there was too much work on the table for them to begin negotiating their fee this evening. He stated they needed to continue their efforts towards the January deadline.

Commissioner Moore reminded everyone that this had been done without a bid and they had piggybacked the contract with the City of Lauderhill because the staff had stressed that it was urgent to have this person on board. Now, they wanted to extend the contract without competitive bids. He felt this was not the way to run a government.

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

BD-476 -- Bridge Tending Services**(Pur-10)**

A seven-month contract for bridge tending services is being presented for approval by the Public Services Department.

Recommended Award:	Florida Drawbridges, Inc. Boca Raton, FL
Amount:	\$ 86,800.00
Bids Solicited/Rec'd:	N/A
Exhibits	Memorandum No. 03-1169 from City Manager

Commissioner Hutchinson stated that she had pulled this item and asked why the contract was not for 12 months.

Kirk Buffington, Procurement Manager, stated they were piggy-backing the FDOT contract which was only good for another 7 months, and they had an option at that point to either rebid or renew. Since the City did not know what action they would be taking, they decided to do it this way.

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

MOTIONS

City Commission Request for Review – Site Plan Level III - (M-12)
Conditional Use/RAC-UV – Tamatsu and Maizel Kobayashi
And Charles March – Flagler Junction (PZ Case No. 130-R-02)

A motion scheduling a public hearing for Tuesday, October 21, 2003, for the City Commission to review the application filed by T. Kobayashi and C. March for approval of a Site Plan Level III/Conditional Use/RAC-UV as follows:

Applicant:	Tamatsu and Maizel Kobayashi, and Charles March
Request:	Site Plan Level III/Conditional Use/RAC-UV approval
Location:	721 N.E. 4 Avenue

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to schedule the hearing for Tuesday, October 21, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: none.

Lease and Development Agreements – Palazzo Las Olas Group, LLC - (M-13)
Las Olas Intracoastal Municipal Parking Lot and Redevelopment
Parcels A and B

A motion approving the deferral of the lease and development agreements with Palazzo Las Olas Group, LLC for the lease and development of the Las Olas Intracoastal Municipal Parking Lot and Redevelopment Parcels A and B. On March 4, 2003, consideration of this item was deferred to May 6, 2003 by a vote of 5-0; and on May 6, 2003, the City Commission deferred this item to September 16, 2003 by a vote of 5-0. (Also see the CRA Item on the Conference Agenda, and PH-3, PH-4 and PH-5 on this Agenda)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer consideration of this item to Tuesday, November 4, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

**Vacate Portion of Right-of-Way at Birch Road, Southwest
Corner of Birch Road and Las Olas Circle – Palazzo Las
Olas Group, LLC (PZ Case No. 17-P-02)**

(PH-3)

A public hearing to consider an ordinance to vacate a portion of Birch Road, at the southwest corner of Birch Road and Las Olas Circle. Notice of public hearing was published February 20 and 27, 2003. On March 4, 2003, the City Commission deferred first reading to May 6, 2003 by a vote of 5-0; and on May 6, 2003, the City Commission deferred first reading of this item to September 16, 2003 by a vote of 5-0. (Also see CRA Item on the Conference Agenda and Items M-13, PH-4 and PH-5 on this Agenda).

Applicant: Palazzo Las Olas Group, LLC
Request: Vacate portion of the right-of-way
Location: Southwest corner of Birch Road and Las Olas Circle

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer consideration of this item to Tuesday, November 4, 2003 at 6:00 p.m.. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

**Vacate Portion of Right-of-Way at Birch Road,
North of Las Olas Boulevard, West of Banyon
Street/Birch Road Intersection – Palazzo Las
Olas Group, LLC (PZ Case No. 18-P-02)**

(PH-4)

A public hearing to consider an ordinance to vacate a portion of Birch Road, at the southwest corner of Birch Road and Las Olas Circle. Notice of public hearing was published February 20 and 27, 2003. On March 4, 2003, the City Commission deferred first reading to May 6, 2003 by a vote of 5-0; and on May 6, 2003, the City Commission deferred first reading of this item to September 16, 2003 by a vote of 5-0. (Also see CRA Item on the Conference Agenda and Items M-13, PH-3 and PH-5 on this Agenda)

Applicant: Palazzo Las Olas Group, LLC
Request: Vacate portion of the right-of-way
Location: Southwest corner of Birch Road and Las Olas Circle

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to defer consideration of this item to Tuesday, November 4, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

**Vacate Portion of Right-of-Way at Las Olas Circle,
Immediately West of Madeline Street – Palazzo
Las Olas Group, LLC (PZ Case No. 19-P-02)**

(PH-5)

A public hearing to consider an ordinance to vacate a portion of Birch Road, at the southwest corner of Birch Road and Las Olas Circle. Notice of public hearing was published February 20 and 27, 2003. On March 4, 2003, the City Commission deferred

first reading to May 6, 2003 by a vote of 5-0; and on May 6, 2003, the City Commission deferred first reading of this item to September 16, 2003 by a vote of 5-0. (Also see CRA Item on the Conference Agenda and Items M-13, PH-3 and PH-4 on this Agenda).

Applicant: Palazzo Las Olas Group, LLC
Request: Vacate portion of the right-of-way
Location: Southwest corner of Birch Road and Las Olas Circle

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer consideration of this item to Tuesday, November 4, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

FY 2003/2004 Regional Wastewater Large User Rates

(PH-6)

A public hearing to consider a resolution authorizing the wastewater large user rate be decreased from \$0.75 per 1,000 gallons to \$0.73 per 1,000 gallons effective FY 2003/2004.

Motion made by Commissioner Trantalis 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 if rebates were made at the end of the year, it did not make sense to reduce the rates. She asked for some further clarification.

Frank Coulter, Deputy Public Services Director, stated this had been the discussion held between all the cities at the Large User Advisory Board meeting and they felt the same, but the smaller cities felt advancing the money and then getting it back was actually a burden, and they did not want the extra money to come back as a rebate.

Commissioner Hutchinson asked what would happen if there was an overrun. Mr. Coulter stated people would be unhappy and they would have to issue checks. Therefore, he stated they cautioned for them to not come down too low.

Commissioner Moore asked if the City's water rates had gone up. Mr. Coulter stated they were going to go up 5%.

Motion made by Commissioner Moore to approve that the large user rate be increased by 5%.

Mr. Coulter explained this was just a billing rate, and the actual rate to the larger user wastewater would be the final cost and would be increased next year. He stated this was merely an estimate of the billing throughout the year. He explained they were lowering the billing to come closer to what they thought the estimate would be.

Mayor Naugle stated they had long term agreements with the cities where they did not have the ability to have a surcharge and could only pass on the real cost.

Greg Kisela, Assistant City Manager, stated that some of the criticism the City got from their partners in the regional wastewater treatment plant had been if they made the rate too high and the City had the use of their money, they felt the City had taken advantage of them. He explained they attempted to put the rate as close as possible to what they felt the estimates would be.

Commissioner Moore stated if the rates were increasing for the citizens, why could there not be a projection for the large user. Mr. Kisela explained that the cost per 1,000 gallons for the bulk service for the Regional Wastewater Treatment Plant had gone down over the decade, but the other costs had increased. The component just to provide the wastewater and disposal costs had been reduced, and because they were reduced they had been able to keep all rates from increasing substantially.

Mayor Naugle stated they had to maintain the distribution system, which this did not include because cities had to have their own distribution system.

Mr. Kisela stated that Oakland Park, Wilton Manors, and Port Everglades were going to increase their rates when their rates were increased. He explained this was one component of costs to provide service.

Commissioner Moore asked who were the members of the Large Water Users Advisory Board. Mr. Kisela explained there were representatives from the City Manager's Office, Finance Director, City Attorney, and depending on their percentage of contribution the large users such as Oakland Park, Wilton Manors, Tamarac. He further stated the City was 80% of the flow into the treatment plant, and therefore, had the majority of the votes.

Commissioner Teel asked how much of a refund had the cities received. Mr. Kisela stated that one year the City of Oakland Park had received a quarter of a million dollars. Commissioner Teel further stated they were objecting to the fact that the City had the use of the money interest free. Mr. Kisela stated that had been one of the criticisms, and stated the cities preferred to have the money available to them. He added that only once in 15 years had they gone over.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SET A RATE OF \$0.73 PER 1,000 GALLONS, DURING FISCAL YEAR 2003/2004, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION.

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

**Historic Designation – City of Fort Lauderdale -
403 Tarpon Terrace (HPB Case No. 29-H-02)****(PH-7)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 403 Tarpon Terrace, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; and on July 1, 2003, the City Commission deferred consideration of this item to September 16, 2003 by a vote of 5-0.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to defer consideration of this item to Tuesday, December 2, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

**Historic Designation – City of Fort Lauderdale -
828 S.E. 4 Street (HPB Case No. 30-H-02)****(PH-8)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 828 S.E. 4 Street, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; and on July 1, 2003, the City Commission deferred consideration of this item to September 16, 2003 by a vote of 5-0.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to defer consideration of this item to Tuesday, December 2, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

**Historic Designation – City of Fort Lauderdale -
833 North Rio Vista Boulevard (HPB Case No. 31-H-02)****(PH-9)**

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 833 North Rio Vista Boulevard, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; and on July 1, 2003, the City Commission deferred consideration of this item to September 16, 2003 by a vote of 5-0.

Applicant: City of Fort Lauderdale
Request: Historic designation (landmark) status
Location: 833 North Rio Vista Boulevard

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to defer consideration of this item to Tuesday, December 2, 2003 at 6:00 p.m.

Commissioner Trantalis asked why these items kept getting deferred. Commissioner Hutchinson remarked that the City had nothing to offer the individuals; there were no incentives. Commissioner Moore added they did not want to be historically designated. Mayor Naugle added they were still protected since it was zoning in progress, and they would not be able to obtain demolition permits. Commissioner Trantalis wondered if they needed the property owner's concurrence in order to proceed with the designation.

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

Rezone CB to RM-15 – City of Fort Lauderdale – Sweeting (O-1)
Estates Neighborhood (PZ Case No. 10-Z-03)

At the June 18, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 9-0. Ordinance No. C-03-30 was published August 22 and 29, 2003, and approved on first reading September 3, 2003 by a vote of 5-0.

Applicant: City of Fort Lauderdale
Request: Rezone Sweeting Estates Neighborhood from CB to RM-15
Location: Area bounded by Sistrunk Boulevard (N.W. 6 Street) to the north; the south line of the lots fronting Sistrunk Boulevard (N.W. 6 Street) to the south; N.W. 23 Avenue to the west, excepting the westernmost two (2) lots; and CSX Railroad to the east.

Commissioner Hutchinson introduced the following ordinance on second 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 6TH STREET (SISTRUNK BOULEVARD), WEST OF THE CSX RAILROAD AND EAST OF NORTHWEST 23RD AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**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 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). Ordinance No. C-03-31 was published August 24, 2003, and approved on first reading September 3, 2003 by a vote of 3-2 (Naugle and Hutchinson).

Commissioner Hutchinson introduced the following ordinance on second 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.

Commissioner Trantalis stated that he felt it might be appropriate to rethink the increase regarding the parking fines they were looking to implement this evening. He realized in the past they had agreed to increase the hourly rate from \$.25 to \$1.50 depending on the lot, but he reiterated that presently the parking fine was \$19 and if not paid within 10 days the amount rose to \$29.

Doug Gottshall, Parking Manager, explained that the timetables had been changed, and now the time frame was within 20 business days for the payment of a fine, which effectively was a month. He further explained the City was on the low-end to the medium-end with comparable cities in the County relative to such fines.

Commissioner Trantalis stated it was his personal opinion that the City had made the point to individuals and now the City was attempting to impose higher fines, but he felt the problem in doing that was it "put a bad taste in a person's mouth," especially if they

were tourists, and he believed the City had to decide at what point did they want to encourage individuals to come here but still penalize them for overstaying their time. He felt it should not be a hurtful reminder so when they left the City they would remember they had been hit with a high fine. He reiterated that he had voted in favor for the increase in per hour parking, but he felt in rethinking that approach raising the fine might be inappropriate.

Commissioner Moore stated that the budget included a certain projection regarding fines, and asked what impact this would have on the City's budget.

Mr. Gottshall explained they projected revenues based on various components of the parking system which included permit, citation and fine rates, but he did not have such numbers with him at tonight's meeting. He stated he did have numbers available stating that the fine increase being proposed and which had been passed on first reading would produce \$500,000 to the General Fund to offset the State mandated School Crossing Guard Program.

Commissioner Moore stated they as policymakers made such moves which were emotional, but which had an impact on the budget. He stated he would prefer a penalty for someone doing something to generate revenue, than for it to be actions from the public using the meters. He stated he favored increasing the meter cost because there were individuals who were not residents of the City giving revenue to help run the City. He emphasized that these fines did generate revenue and allowed the City not to increase property taxes.

Commissioner Hutchinson stated that she had not supported this the last time it had been voted on, but she would support it this evening. She stated there had been extensive discussion at her district meeting, and they had pushed her into a new thinking regarding these fines.

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

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. Ordinance No. C-03-32 was published August 24, 2003, and approved on first reading September 3, 2003 by a vote of 3-2 (Moore and Hutchinson)

Commissioner Hutchinson introduced the following ordinance on second 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.

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. Ordinance No. C-03-33 was published August 24, 2003, and approved on first reading September 3, 2003 by a vote of 4-1 (Moore).

Commissioner Hutchinson introduced the following resolution:

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.

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, 4-2 and 4-9 of the Code of Ordinances entitled "Alarm Systems," to provide that the required registration period be extended from 30 days to 90 days, and further that there be a registration fee for all alarm systems operating in the City in the amount of \$50 for an initial registration and an annual

registration fee thereafter of \$25, and further increasing the police service fee for non-residential properties from \$50 to \$100 for each response. Ordinance No. C-03-34 was published August 24, 2003, and approved on first reading September 3, 2003 by a vote of 4-1 (Trantalis).

Commissioner Hutchinson introduced the following ordinance on second reading, as revised:

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; THAT THERE BE A REGISTRATION FEE FOR ALL ALARM SYSTEMS OPERATING IN THE CITY AND AN ANNUAL REGISTRATION FEE THEREAFTER, AND FURTHER INCREASING THE POLICE SERVICE FEE FOR EACH RESPONSE.

Which ordinance was read by title only.

Commissioner Teel stated that if an individual had previously registered would they still have to pay the \$50 fee.

Bruce Roberts, Chief of Police, stated if the registration was on hand, the individual would not have to pay the \$50 fee.

Commissioner Moore asked for further clarification as to the procedure regarding this matter. Chief Roberts explained that failure to register or re-register an alarm system would be enforced commencing February 1, 2004.

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

**Plat Note Amendment – "Beta Plat" – Hibiscus LLC
(PZ Case No. 11-P-03)**

(R-1)

A resolution approving an amendment to a previously-approved plat as follows:

Applicant:	Hibiscus LLC
Request:	Plat note amendment
Location:	Northeast corner of S.W. 15 Avenue and State Road 84

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS "BETA PLAT."

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

Issuance of Sunshine State Governmental Financing Commission Debt – Construction of Lincoln Park Project

(R-2)

A resolution authorizing the issuance of Sunshine State Governmental Commission debt in the amount of \$4,000,000 for the construction of the Lincoln Park Project; and further specifying the Mayor, City Manager and Director of Finance as Authorized Officers for the City.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-145

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$4,000,000 FROM THE SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND ERECTING CERTAIN OTHER CAPITAL IMPROVEMENTS; APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND A TAX REGULATORY AGREEMENT; PROVIDING FOR THE REPAYMENT OF SUCH LOAN FROM CERTAIN LEGALLY AVAILABLE REVENUES OF THE CITY OF FORT LAUDERDALE; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN; AND PROVIDING AN EFFECTIVE DATE.

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

Proposed Lien Settlements – Special Master and Code Enforcement Board Cases

(M-14)

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

1. 930 N.W. 8 Street (CE02102348) – Irby, Joseph D. and Essie Jones - \$5,250

John Simmons, Assistant Director Community Inspections, stated that he had contacted Ms. Jones informing her that this was to be on the Commission's agenda. When this had been approved, the Commission had indicated they wanted a sale of the property within a certain time limit, otherwise, the case was to be reheard. Therefore, he was bringing this matter back before the Commission. He stated that Ms. Jones had indicated that her husband had passed away and she was attempting to get her affairs in order.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table this matter for 30 days.

Commissioner Trantalis asked if Ms. Jones' husband had passed away prior to the last meeting. Mr. Simmons stated it was his understanding that he had passed away after the last hearing and had been involved in the sale of the property at the time. He stated there were no "For Sale" signs on the property and he was not familiar with any listing agreements. He added that a realtor had been involved, but no contract had been signed.

2. 3728 S.W. 12 Place (CE02020446) – Menendez, Martha - \$77,400

Martha Menendez, owner, stated she lived in Key West and announced that she had attempted to reach the tenants at the property and also was in the process of selling the house.

Jeanie Ackerblum, property owner in the area, stated that she had been assisting Ms. Menendez regarding this property. She proceeded to show photographs of the site in question, along with photographs of other properties she and her husband owned. She stated the property was not valued at the amount of the fines. She explained they had a contract for the property, but they needed to have the fines lowered in order to proceed with the contract. She added they had been maintaining the property for her and it would require additional funds for renovation. She stated there was a stipulation in their contract that the lien had to be lowered to about 10% in order to be effective. She added the contract was for \$40,000.

Commissioner Moore stated the alternatives appeared to be to either have Ms. Menendez pay the fine in full or demolish the building.

Ms. Ackerblum asked why the City would do that and it appeared they were punishing the property owner. She stated that Ms. Menendez had some medical problems and bills, and it would be nice if she could have a slight profit from the sale of this property.

Commissioner Trantalis reiterated they were not attempting to make money for the City, but were attempting to keep the neighborhood and the adjacent properties intact. He stated this property depleted the value of the area, and the property owner had a responsibility in maintaining the site.

Motion made by Commissioner Trantalis that a \$20,000 fine be assessed on the subject property.

Commissioner Moore stated this property would be an income property and he did not feel the fine should be waived or greatly lowered, but if it was lowered than it should be

sold to a first-time homebuyer. He suggested that Community Development could find an owner who was qualified and pre-approved.

Ms. Ackerblum reiterated that they had spent a great deal of money already on this property. Mr. Moore stated they had taken a risk.

Commissioner Moore suggested they waive the fine by 100% if sold to a first-time homebuyer that would occupy the property. He added that if the property was sold to an investor, then he was not willing to give any sort of reduction.

Mayor Naugle announced that the motion regarding the \$20,000 assessment died for lack of a second.

Motion made by Commissioner Moore that they offer through the Community Development Division a first-time homebuyer that would be qualified for owner occupancy, the fines be waived in full, and to grant a purchase amount to Ms. Menendez with the remaining funds placed in the rehabilitation of the property.

The City Attorney stated the Commission could not discriminate based on ownership. He suggested that the matter be delayed until the City could deliver an opinion.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table this matter until October 7, 2003 at 6:00 p.m.

Ms. Ackerblum proceeded to show photographs of a sidewalk at the entrance to the neighborhood which the City had neglected to repair. She reiterated that she was being fined for assisting this property owner in demolishing part of the building, stopping the fines, and placing a good faith contract on the property.

Commissioner Moore asked the City Manager to address the sidewalk problem. Mayor Naugle stated he thought the sidewalk was the County's responsibility. He also asked if staff could meet with Ms. Menendez and get all pertinent information so the City could assist her in this matter.

Caldwell Cooper stated that as a property owner in the City, he was suggesting that he would meet with Ms. Menendez and offer her \$75,400 for the property. Thereby, Ms. Menendez would walk away with \$1,000 and he would pay all closing costs and the matter could be put to rest.

Mayor Naugle stated he appreciated the offer, but business could not be conducted in this fashion.

The City Manager stated that in attempting to follow the dictates of the Commission, Ms. Outlaw had reached out to the property owner who indicated she did not want to share information with the City since she had a contract with Ackerblum.

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

3. 1021 North Federal Highway (CE01110343) – Essex Patervic Birchtree d/b/a Gateway Shoppes Joint Venture - \$89,000

George Morgan, Morgan Real Estate, stated they were the property managers of this site. He explained that a tenant who leased space at the Gateway Shoppes had made improvements to the property without obtaining proper permits, but a licensed contractor had been employed. He stated they had been informed that the tenant had obtained their occupational license without getting the necessary permits and without the completion of plans. Plans were finally completed and the work had been closed out. Mr. Morgan stated that they nor the tenant had been aware of work being done without permits. He remarked it had been a complex problem and one that had “slipped through the cracks.”

John Simmons, Assistant Director Community Inspections, stated that notice had been delivered to the property manager who happened to be on the Broward County Property Appraiser’s Notice List as the owner’s agent. He stated when speaking to the person in lien settlements, they had indicated that the leasing agent had received proper notice, but had not followed through with it.

Motion made by Commissioner Moore to approve the lien settlement as recommended. Commissioner Moore asked why the City was not asking for 90% in this case. Mr. Simmons explained that he had given consideration regarding the time spent in the plan review process. Staff had not delayed the matter, but it had involved extra time.

Mr. Morgan stated he had received a memorandum from staff stating that the lien had been reduced to \$77,000 due to other problems.

Commissioner Trantalis suggested while waiting on information to be provided by Mr. Morgan, that the Commission have a philosophical discussion regarding these matters. He stated that when a landlord had a tenant who willfully shielded the landlord from any communications being sent by the City due to violations, he asked if full penalty would be considered for the landlord due to the actions of the tenant.

Mr. Morgan explained the notice procedure. He asked if the Commission would be willing to have this matter tabled for 30 days so he could meet with staff and review the matter.

Commissioner Hutchinson stated she would second the motion made by Commissioner Moore for purposes of discussion.

Mr. Morgan requested that the fine be reduced because he felt the fine was out of relationship as to what had taken place in this matter.

Commissioner Trantalis stated it was being suggested that the Commission give these individuals additional consideration because someone in their office neglected to bring this matter to their attention. He added that a bakery was not an easy conversion and he felt there was an obligation on their part as managers to have taken an affirmative step in asking for copies of permits. Mr. Morgan replied that this was a small venture with only one oven for baking cakes. He announced this had previously been a British Pub. He agreed they had made a mistake, but felt the size of the fine in this matter was out of proportion.

Commissioner Moore asked if the fines assessed were normal for the violations that had occurred. Mr. Simmons explained that the daily fine was in line for the violations and added that a fire wall had been involved. He added that it had taken 397 days to obtain the permits and the Code Enforcement Board had given a certain amount of time to obtain them. He explained that 137 days of courtesy time had also been given before they were even given a compliance date. Commissioner Moore added that the shopping center had 70 code violations.

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

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

4. 2740 East Oakland Park Blvd. (CE02110243) – Liberty Properties LLC - \$28,500

John Aurelius, representative of 2740 Land Trust (former owners of the property), stated that he had met with Commissioner Teel regarding this matter. He felt this was a case of miscommunication and proceeded to explain. He added that the trash issues and land maintenance had been taken care of, and there was now a full-time manager on the site. He explained that the current owner who purchased the property on June 6, 2003, had rehabilitated the building and were proceeding forward with new landscaping and restriping and rehabilitation of the parking lot. He stated they agreed to meet with the new code officer, Lynn Ackerly, for a complete inspection. He stated the Order entered had been a preliminary one, and no Massey Hearing had yet been held.

Commissioner Teel stated she had met with Mr. Aurelius and the former and present owners who were maintaining the building. She explained the violations had been in regard to the cleanliness of the building. She stated the owners were committed to maintain the building.

Commissioner Moore asked if \$250 was a common fine regarding pressure cleaning.

John Simmons, Assistant Director Community Inspections, stated that it was slightly high and he was not sure who had injected that amount, but the previous owner had many code violations on the property. The new owner committed to maintaining the property and there appeared to be a change at the site. He stated the \$250 fine had been based on past history.

Motion made by Commissioner Teel and seconded by Commissioner Moore to accept a \$10,000 settlement regarding this property. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

5. 3322 N.E. 18 Street (CE00041885) – Schifter, G.S. and Sarah - \$104,425 and 1451 N.E. 13 Avenue (CE01070184) – Schifter, G.S. and Sarah - \$18,075

Sarah Schifter, owner, stated that she was requesting a reduction in the fines.

Commissioner Teel had left the meeting at approximately 12:08 a.m. and returned at 12:11 a.m.

Commissioner Trantalis remarked that it appeared to have taken about 3 years for the property to be brought into compliance.

Ms. Schifter stated that she had been ill and had lived at the property. She stated that she had hired a contractor who had taken \$20,000 to repair the property, but he had not done the work. She stated that her son was attempting to maintain the property. She stated that she wanted to sell the property at this time.

John Simmons, Assistant Director Community Inspections, stated that the pool was still a problem and had to be constantly drained. Pictures were shown of the site.

Commissioner Trantalis asked if the other property was a rental income. Ms. Schifter confirmed.

Mr. Simmons stated that the son had taken possession of the machine shop and had been doing work out of it, and had promised to repair the property but had placed the disabled vehicle at the site. He added that the vehicle had been removed from the property.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson that the fine be assessed at \$50,000 for the property located at 3322 N.E. 18 Street. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to approve the lien settlement as recommended for the property located at 1451 N.E. 13 Avenue. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Mr. Simmons stated that Ms. Outlaw had spoken with Ms. Menendez regarding the matter. Ms. Outlaw stated that Ms. Menendez wanted to be given the opportunity to meet with staff and then have the Commission reconsider her case.

Commissioner Moore stated that the matter would be discussed 30 days from today's date.

6. 2630 S.W. 5 Street (CE01090046) – Walker, Dorothy & Walker, Zoe, \$2,505

Ms. Walker asked if the fine could be lowered because her hands were tied due to the guardianship situation. She explained the attorney had been disbarred in the process, and then another attorney had been assigned who began reviewing the case. She stated she had resided in the house in 1997 and had purchased it in 1999. She explained that she had to go through the guardian regarding the obtaining of funds for improvements on the house.

Mr. Walker stated that the windows had been installed in the house in 1994. He continued stating that they were requesting the fines to be reduced since they had inherited the problems.

John Simmons, Assistant Director Community Inspections, stated that he had reduced the fine to 15% because there were product approvals involved with the replacement windows which were unattainable.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve a \$500 lien settlement on the property in question.

Commissioner Trantalis asked if there were code violations on the property when it had been purchased. Mr. Simmons explained that the lien had been recorded on August 22, 2002 and he believed the purchase had been made in 1998. He explained further there had been no lien of record.

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

7. 1131 N.W. 9 Avenue (CE01061554) – Pittman, Joyce - \$5,300

Dan Ford, fiancé of the owner of the property, stated that the owner of the chickens lived behind their property and they had gotten out.

Willie Winman, 1134 N.W. 9 Terrace, stated the chickens had gotten out of the coop.

Commissioner Moore stated he was concerned about the fact that the property owner had an altercation with a City employee. Ms. Pittman stated that the City had driven her out of the house due to the chickens. She added that she had an operation on her back at that time, and the police had dragged her out of her house. She advised that the police had told her if she did not say the chickens were her property, then they were going to tow the cars in front of her house. She announced that her neighbor had taken a video of the police dragging her out of her house and had taken her to jail.

Mr. Ford announced that the matter had been taken to Court, and the case had been dismissed giving them 30 days to remove the chickens from the property. Ms. Pittman stated that a lien had still been placed on the property even after the chickens had been removed.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to waive the entire fine.

Mayor Naugle asked what officer or detective had made the arrest.

John Simmons, Assistant Director Community Inspections, stated that he was aware that Estelle Abrams had gone to the site when Ms. Pittman had gotten belligerent with the code officer.

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

8. 1301 N.W. 8 Avenue (CE98120224) – Goberville, Todd - \$70,785

Todd Goberville, owner, explained that he had purchased this property about 4 ½ years ago as a rental property. Pictures were shown of the site. He explained that he had made the necessary repairs to the property. He advised that he had become aware of the violations only due to the fact that he was in the process of selling the property and had been notified by the Title Company. He stated that he had spoken with Bob Pignataro and Ursula Tyne regarding the repairs needed on the property. Repairs were made and he had been informed that the fines totaled \$78,600. He stated that a tenant had received notification of the lien, but had not informed him of the problems. He added that he had never received the Certified Mail notices and they had been returned to the City. He urged the Commission to understand the situation.

Mr. Goberville stated it was his impression that the property had been purchased by a homeowner.

Mayor Naugle asked for further clarification regarding the notices sent to the property owner.

John Simmons, Assistant Director Community Inspections, stated that the property appraiser showed the owner's address was the property address and someone over the age of 18 had signed for the Notice of Violation. He further stated all the violations had been external and the pictures shown were the condition of the property as of yesterday.

Mayor Naugle clarified that this could be fee simple since they were built on party-wall and possibly were responsible for maintenance individually. He advised that such types of homes were known as cluster homes. Mr. Simmons stated they were separate ownership per each unit. He added that the owner did not visit the property often and the violations had been visible from the street.

Mayor Naugle asked if there was legal notice if the tenant had signed instead of the property owner.

The City Attorney stated they were required to serve the individual at the address on the property appraiser's records. Therefore, they believed correct service had been made.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to approve the lien settlement at \$10,000. Roll call showed: YEAS: Commissioners Trantalis, Moore and Teel. NAYS: Commissioner Hutchinson and Mayor Naugle.

Commissioner Moore stated that he wanted this property sold within 30 days, and if it was not sold in that time frame, then the original amount of the lien would be imposed.

Mayor Naugle suggested that an additional motion be made to cover such a request.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis that the reduction in fines would be contingent on the sale of the property. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

9. 1811 N.W. 26 Avenue (CE02050941) – Sanders, J. and Johnnie M. \$1,136.25

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

10. 1028 N.W. 6 Street (CE99040233) – Cone, William Jr. - \$5,300

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

11. 1241 West Sunrise Boulevard (CE01061192) – Lobel, Jerry, Rev. Trust - \$26,415

Ken Gottlieb, representing Jerry Lobel, stated that the property was liened at \$108,000. He stated that this person owned 3 other properties in the area that had never been in violation of the code. He added that the owner was very committed in taking care of his properties. There was a problem at this site and the tenant had been responsible for certain things that he had not done. Pictures were shown of the site.

John Simmons, Assistant Director Community Inspections, explained some of the pictures being presented and stated they were as of September 15, 2003. He stated the operator of the business was responsible for the vehicles and his name was Dennis Jones.

Commissioner Moore asked when the present tenant's lease would expire. Mr. Gottlieb advised that it would end at the direction of the City Commission. Commissioner Moore stated he wanted the lease to expire since the tenant did not respect the property, the code, or the neighborhood.

Mr. Gottlieb stated he was not sure of the terms of the lease and possibly it was rented on a month-to-month basis. He announced if it was a monthly lease, the tenant was required to give a 15-day notice, and if that was the case, it would probably be the following month before the lease could be legally terminated.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis that the present tenant's lease agreement be terminated within 60 days, and the lien be reduced to 10% with the requirement that the building be painted. Roll call showed: YEAS: Commissioners Trantalis, Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

12. 827, 829, 833, 837 N.W. 10 Terrace (CE00110207, CE00111108, CE001113351, CE00140048) – Richards, Charles and Leonie; King, Leroy - \$50,000 (proposed payment plan)

Mayor Naugle announced that this item had been deleted from tonight's agenda.

Commissioner Moore announced that he had been to the site after the previous meeting and advised that he wanted the owner of the building to permit him to enter one of the dwelling units. He stated that a fine of \$50,000 had been assessed in regard to this

property. He stated it was his understanding that there were interior violations and that the property was not well maintained.

Motion made by Commissioner Moore and seconded by Commissioner Teel that the City Commission reconsider the settlement in this case.

John Simmons, Assistant Director Community Inspections, stated that this item had been brought back because at the previous meeting, the Commission had agreed upon a settlement but the owners were requesting a payment plan. Therefore, the Commission had directed him to bring forth this matter so such a plan could be discussed. He stated that the attorney for the owner had called him this morning, and advised they were in the process of refinancing the property and the entire fine would be paid in one amount. Mr. Simmons advised that he had recommended bringing this matter forward so the City could receive the entire 50%. He added that Commissioner Moore had received further information regarding the interior of the building.

Commissioner Moore reiterated that the matter could be revisited by the Commission.

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

13. 500 West Broward Boulevard (CE01080603) – Chavez Acquisitions Ltd. Partnership - \$118,500

Robert Lochrie, representing Parking Company of America, stated that when this company purchased the property in 1999 it had been used as a used-car lot and was an eyesore for the community. The new owners upgraded the property and installed a landscaped parking facility at the site. The proper permitting processes had been done through and they had received a use permit from the City. He advised it had been the owner's intent to acquire other properties in the area and then build a building on the site, but that had not happened. Meantime, the temporary use permit expired, and the owners had then been cited for a violation of the expired permit. At no time did the citations which had been issued deal with life safety, nor did they involve the maintenance of the facility. He stated that the property had been brought into compliance in March, 2003. He added that the owners apologized for the situation. Pictures were shown of the site.

Mr. Lochrie advised that the Commission had previously approved a lien settlement in the amount of \$118,000, and staff recommended a settlement of \$35,500. He stated they were requesting a reduction of fines closer to the original proposal of \$35,000. He suggested that the amount be doubled for a lien settlement of \$70,000.

Commissioner Trantalis explained that he had asked for this item to be reconsidered for two reasons. One reason was that the City had granted a temporary use permit for their business, and the fine had accrued during the time between the permits. He stated that the new owners had totally enhanced the appearance of the site.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to approve the lien settlement at \$70,000 and the amount was to be paid within 10 days for the subject property. Roll call showed: YEAS: Commissioners Trantalis, Hutchinson, and Mayor Naugle. NAYS: Commissioners Moore and Teel.

Advisory Board/Committee Appointments

(OB)

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

Board of Adjustment	Don Larson Patricia Rathburn Jon Albee, Alternate
Community Services Board	Robert Pascal John Hurley Sanford Rosenthal R. "Chas" Brady Jennie Brooks Audrey O'Brien
Education Advisory Board	Dr. Dorothy Orr
Parks, Recreation and Beaches Advisory Board	Victoria Pristo-Revier Julie Cameron John Rude JoAnn Medalie Randolph R. Powers John Melnicoff Dr. Elizabeth Hays P.S. "Joe" Shover Timothy Nast

Commissioner Teel introduced a written resolution entitled:

RESOLUTION NO. 03-146

**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.

There being no other matters to come before the Commission, the meeting was adjourned at 12:55 A.M.

Jim Naugle
Mayor

Lucy Kisela
City Clerk