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FORT LAUDERDALE CITY COMMISSION
OCTOBER 7, 2003**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
OCTOBER 7, 2003**

Meeting was called to order at 6:00 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

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

Absent: None

Also Present: Acting City Manager Bud Bentley
City Attorney Harry A. Stewart
City Clerk Lucy Kisela
Sergeant At Arms Sergeant H. Jacques

Invocation was offered by Reverend Grant Lynn Ford, Sunshine Cathedral/Metropolitan Community Church, followed by the recitation of the Pledge of Allegiance.

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

Mayor Naugle announced that the approval of the minutes from the November 19, 2002 meeting would be deferred until October 21, 2003.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the agenda and minutes of the September 3, 2003 and September 16, 2003 meetings.

Commissioner Trantalis stated that he wanted to make a correction to the September 16, 2003 meeting minutes. He stated that on September 16, 2003, he did not have the opportunity to register his vote in regard to the budget. He advised that in the earlier conference meeting he had stated that he was not in favor of the budget. He stated that he wanted that to be noted on the record.

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

Presentations**OB**1. Smoke Detector

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

2. "Young Adolescent Week"

Commissioner Hutchinson read a proclamation for "Young Adolescent Week" to be observed from October 13-18, 2003. The proclamation was presented to Dr. Elizabeth Hays who stated that they had a number of representatives from the middle schools present at tonight's meeting and she asked them to come forward to receive their proclamations. She also recognized the Education Advisory Board and the Council of Fort Lauderdale Civic Associations who were helpful in the establishment of this precedence.

Dr. Hays further stated that as Chair of the Council Schools and Parks Committee and Council Liaison to the Education Advisory Board, she thanked the City for recognizing the students and for their participation in the middle school "Shadow Day" on October 16, 2003. She announced this year there was a new middle school which was Arthur Ash Jr., and added that private schools had been invited to participate this year and those were St. Mark's Episcopal, Fort Lauderdale Prep, and Pinecrest.

3. "National Customer Service Appreciation Week"

Commissioner Trantalis presented a Proclamation for "National Customer Service Appreciation Week" which would be observed on October 6-10, 2003. Accepting on behalf of their offices were: Lee D'Aurio and Julia Castillo, Construction Services Bureau; Yvonne Redding, Planning and Zoning; Kim Warren, Public Services Customer Service; and Alexandria Woolweaver and Donna Wolske, Utility Billing Office.

4. "Drive Safely to Work Week"

Commissioner Teel presented a Proclamation to Alan Harvey, Risk Management, for "Drive Safely to Work Week" to be observed October 6-10, 2003.

5. "Lights On! After School Day"

Commissioner Hutchinson presented a Proclamation to Lu Deaner, Chair of the Education Advisory Board, for "Lights On! After School Day" to be observed on October 9, 2003.

Ms. Deaner thanked the Commission for the Proclamation and introduced the new Co-Chairman of the Education Advisory Board, Bryan Dasler. She stated that this was an important program due to the changes which had taken place in the family structure. She also stated that the lighting issue had been raised by the Riverside Park Residents Association who were contesting the lighting at the Stranahan High School Athletic Facility. She stated they supported the facility but were not in favor of the evening lighting, and were asking for the support of the Education Advisory Board. Ms. Deaner stated the Board had conflicting opinions and wanted to be sensitive to the Association, but at the same time they were in support of all educational activities. Therefore, the

Board could not give the Association their support because they had supported the Stranahan facility at the School Board meeting, and they encouraged all after-school programs. She also stated that the Board was interested in equality at all facilities and could not differentiate between schools, and they also felt that schools should be the center of the communities.

Ms. Deaner also quoted from an article that had appeared in the Business Section of the newspaper which was from the Florida Chamber of Commerce entitled "The New Cornerstone Foundation for Florida's 25th Century Economy."

6. Outstanding City Employees

Otis Latin, Chief Fire-Rescue, introduced Lt. Eric Pologruto, Employee of the Month. Chief Latin explained that this individual was a member of their Training and Special Operations Bureau and was being commended for preparing, providing and coordinating the City's SERC Program.

Commissioner Moore left the meeting at approximately 6:25 p.m.

Ernest Burkeen, Director Parks and Recreation, stated that the department wanted to recognize Greg Williams as their September Employee of the Month. He advised that he was unable to be present at tonight's meeting due to an illness. He further stated that their Employee of the Month for October was Marie Rock, Recreation Program Coordinator, who now supervised and developed community events and was in charge of marketing.

Commissioner Moore returned to the meeting at approximately 6:29 p.m.

Greg Kisela, Assistant City Manager, proceeded to recognize Damian Katzmark for his efforts in assisting residents at an apartment complex during a fire while on his way to repair a water main break.

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 – MS Challenge Walk**(M-1)**

A motion authorizing the proper City officials to execute an event agreement with the **National Multiple Sclerosis Society** to indemnify, protect and hold harmless the City from any liability in connection with the **MS Challenge Walk** to be held **Friday, October 17, 2003 from 7:30 a.m. to 5:00 p.m.** from the northern city limits along the sidewalks of State Road A-1-A and continuing on to S.E. 17 Street.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1387 from City Manager.

Event Agreement – Race Fest**(M-2)**

A motion authorizing the proper City officials to execute an event agreement with **Las Olas Riverfront Associates** to indemnify, protect and hold harmless the City from any liability in connection with **Race Fest** to be held **Thursday, November 13, 2003 from 12:00 noon to 11:00 p.m.** at Las Olas Riverfront and Huizenga Plaza; and further authorizing the closing of S.W. 1 Avenue from S.W. 2 Street to the valet driveway at One River Plaza from 7:00 p.m. on Thursday, November 13 to 5:00 a.m. on Friday, November 14, 2003; and the eastbound lanes only of East Las Olas Boulevard from Andrews Avenue to S.E. 1 Avenue from 9:30 a.m. Thursday, November 14 to 5:00 a.m. Friday, November 14, 2003.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1370 from City Manager.

Event Agreement – Miles for Smiles Inlet Challenge**(M-3)**

A motion authorizing the proper City officials to execute an event agreement with **Kids in Distress** to indemnify, protect and hold harmless the City from any liability in connection with **Miles for Smiles Inlet Challenge** to be held **Sunday, December 7, 2003 from 7:00 a.m. to 1:00 p.m.** at South Beach Parking Lot and on State Road A-1-A north to the city limits.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1369 from City Manager.

Event Agreement – Red Ball 2003**(M-4)**

A motion authorizing the proper City officials to execute an event agreement with **Red Ball Events, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **Red Ball 2003** to be held **Sunday, October 19, 2003 from 3:00 p.m. to 10:00 p.m.** at the International Swimming Hall of Fame Panorama Room and the surrounding outdoor area.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1367 from City Manager.

Event Agreement – Get Downtown Office Party**(M-5)**

A motion authorizing the proper City officials to execute an event agreement with **Riverwalk Fort Lauderdale Trust Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **Get Downtown Office Party** to be held **Friday, November 14, 2003 from 5:00 p.m. to 8:30 p.m.** at 333 East Las Olas Boulevard at Brasserie Las Olas and the adjoining courtyard.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1344 from City Manager.

Event Agreement – Fall Family Festival**(M-6)**

A motion authorizing the proper City officials to execute an event agreement with **Saint Jerome Catholic Church** to indemnify, protect and hold harmless the City from any liability in connection with the **Fall Family Festival** to be held **Wednesday and Thursday, November 19 and 20, 2003 from 6:00 p.m. to 10:00 p.m.; Friday, November 21, 2003 from 6:00 p.m. to 11:00 P.M.; Saturday, November 22, 2003 from 1:00 p.m. to 11:00 p.m.; and Sunday, November 23, 2003 from 1:00 p.m. to 10:00 p.m.** on Church property at 2601 S.W. 9 Avenue; and further authorizing the closing of S.W. 26 Street from S.W. 9 Avenue west to the 1000 Block (approximately one-quarter mile) from 8:00 a.m. Monday, November 17, to 12:00 midnight on Sunday, November 23, 2003.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1368 from City Manager.

Event Agreement - Broward Carnival**(M-7)**

A motion authorizing the proper City officials to execute an event agreement with **Broward Carnival Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **Broward Carnival** to be held **Sunday, October 12, 2003 from 1:00 p.m. to 11:00 p.m.** at Fort Lauderdale Stadium festival site; and further authorizing the closing of the following parade route from 11:00 a.m. to 7:00 p.m. on Sunday; N.W. 12 Avenue/Oriole Boulevard from Cypress Creek Road to N.W. 53 Street.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1340 from City Manager.

Event Agreement – Fall Carnival**(M-8)**

A motion authorizing the proper City officials to execute an event agreement with **Our Lady Queen of Martyrs Church** to indemnify, protect and hold harmless the City from any liability in connection with the **Fall Carnival** to be held **Thursday, November 6, 2003 from 6:00 p.m. to 10:00 p.m.; Friday, November 7, 2003 from 5:00 p.m. to 11:00 p.m.; Saturday, November 8, 2003 from 12:00 noon to 11:00 p.m.; and Sunday, November 9, 2003 from 12:00 noon to 1000 p.m.;** and further authorizing the closing of S.W. 11 Court (Happy Hoyer Street) from S.W. 27 Avenue to S.W. 28 Avenue from 9:00 a.m. Monday, November 3 to 5:00 p.m. Monday, November 10, 2003.

Recommend: Motion to approve.**Exhibit:** Memo No. 03-1366 from City Manager.

Event Agreement – Healthy Lifestyle Longer Life Health Fair**(M-9)**

A motion authorizing the proper City officials to execute an event agreement with the **Fort Lauderdale Seventh Day Adventist Church** to indemnify, protect and hold harmless the City from any liability in connection with the **Healthy Lifestyle Longer Life Health Fair** to be held **Sunday, November 2, 2003 from 12:00 noon to 5:00 p.m.** on Church property located at 850 West Davie Boulevard; and further authorizing the closing of S.W. 12 Court from S.W. 9 Avenue to the east end of Church property (approximately half a block) from 9:00 a.m. to 8:00 p.m.

Recommend: Motion to approve.**Exhibit:** Memo No. 03-1343 from City Manager.

Event Agreement - Monster Mash Halloween Bash**(M-10)**

A motion authorizing the proper City officials to execute an event agreement with **Covenant House Florida** to indemnify, protect and hold harmless the City from any liability in connection with the **Monster Mash Halloween Bash** to be held **Saturday, October 25, 2003 from 5:00 p.m. to 11:00 p.m.;** and further authorizing the closing of Sunrise Lane from N.E. 9 Street to the north end of the Parrot Lounge from 9:00 a.m. to 12:00 midnight Saturday, October 25, 2003.

Recommend: Motion to approve.**Exhibit:** Memo No. 03-1342 from City Manager.

**Event Agreement- 21st Annual Halloween Costume Contest (M-11)
And Party at Shooters/Caribbean Corner**

A motion authorizing the proper City officials to execute an event agreement with **Roscoe LLC** to indemnify, protect and hold harmless the City from any liability in connection with the **21st Annual Halloween Costume Contest and Party at Shooters/Caribbean Corner** to be held **Friday, October 31, 2003 from 6:00 p.m. to 12:00 midnight**; and further authorizing the closing of N.E. 32 Avenue from the south edge of the Shooters/Bridgeside Place Valet entrance to the south side of the Shooters/Caribbean Corner property line from 5:00 p.m. October 31 to 1:00 a.m. on November 1, 2003.

Recommend: Motion to approve.
Exhibit: Memo No. 03-1341 from City Manager.

**Transfer of Funds from the AT&T Broadband Trust Fund (M-12)
to the General Fund for Fiscal Year 2003/2004 – Funding of Nonprofit Organizations**

A motion authorizing the proper City officials to transfer \$55,000 from the AT&T Broadband Trust account to the Other General Governmental account for funding of nonprofit organizations.

Recommend: Motion to approve.
Exhibit: Memo No. 03-1406 from City Manager.

Concession Agreement – Mark Roberts – Yoga Classes (M-13)

A motion authorizing the proper City officials to execute an agreement with Mark Roberts to conduct Yoga classes at Holiday Park Activity Center for a period of October 1, 2003 through March 31, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 03-1074 from City Manager.

Concession Agreement – Peter Bernath, Inc. – Aikido Classes (M-14)

A motion authorizing the proper City officials to execute an agreement with Peter Bernath, Inc. to conduct Aikido classes at Holiday Park Activity Center for a period of October 1, 2003 through March 31, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 03-1075 from City Manager.

**Transfer of Law Enforcement Trust Funds (LETf) (M-15)
and Program Agreement – FY 2003/2004 Youth Motivation
Program An Alternative to Suspension (YMP)**

A motion authorizing the proper City officials to transfer \$50,000 from the LETf Fund 104 to Fund 129 effective October 1, 2003; and further authorizing the proper City officials to execute all documents necessary to receive and expend the FY 2003/2004 YMP program funds in the amount of \$352,363 in support of the YMP.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1084 from City Manager.

**Agreement – Commission for Florida Law Enforcement (M-16)
Accreditation, Inc. (CFA) – Re-Accreditation of the Police Department**

A motion authorizing the proper City officials to execute an agreement with CFA for the three-year re-accreditation of the Police Department.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1374 from City Manager.

**Rescind Contract Award to SA Consultants, LLC and (M-17)
Contract Award to Miami Skyline Construction Corporation -
Project 10401 – Fire Station No. 3 Renovations**

A motion authorizing the proper City officials to rescind the contract award to SA Consultants, LLC in the amount of \$213,500 and award to second low bidder, Miami Skyline Construction Corporation, in the amount of \$283,100 for the Fire Station No. 3 renovations project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 03-1298 from City Manager.

**Transfer from General Fund Contingencies - (M-18)
Recruitment of City Manager**

A motion authorizing the proper City officials to transfer \$57,000 from General Fund Contingencies to the City Manager's Office account to conduct a recruitment for the position of City Manager.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1419 from City Manager.

Consultant Agreement – Architectural Alliance – Project 10476 - (M-19)
Sailboat Bend Neighborhood Improvements – Master Plan
Development

A motion authorizing the proper City officials to execute an agreement with Architectural Alliance in the amount of \$21,500 for consulting services related to the Sailboat Bend Neighborhood Improvements Master Plan Development.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1162 from City Manager.

Change Order No. 2 – Astaldi Construction Corporation - (M-20)
Project 9766-B – Progresso Sanitary Sewer/Storm
Improvements Gravity Sewers and Water Mains

A motion authorizing the proper City officials to execute Change Order No. 2 with Astaldi Construction Corporation in the amount of \$149,600 for additional quantities associated with the Progresso Sanitary Sewer/Storm Improvements Gravity Sewers and Water Mains project. (Also see Item M-21 on this Agenda)

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 03-1303 from City Manager.

Change Order No. 2 – Astaldi Construction Corporation - (M-21)
Project 10121 – Lauderdale Manors Phase I Utilities Improvements

A motion authorizing the proper City officials to execute Change Order No. 2 with Astaldi Construction Corporation in the amount of \$199,683 for design modifications associated with the Lauderdale Manors Phase I Utilities Improvement project. (Also see Item M-20 on this Agenda)

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 03-1299 from City Manager.

**Amendment to Work Authorization 16724.14 -
Keith & Schnars, P.A. – Project 10372 – One Stop
Shop at Lincoln Park**

(M-22)

A motion authorizing the proper City officials to execute an amendment to Work Authorization No. 16724.14 with Keith & Schnars, P.A. in the amount of \$4,600 for additional design services for the One Stop Shop at Lincoln Park

Funds: See Memo

Recommend: Motion to approve.

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

**Contract Award – Lambert Bros., Inc. – Project 10598 -
Bass Park Playground**

(M-23)

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. 03-1365 from City Manager.

PURCHASING AGENDA

Proprietary – Software Support and Maintenance - Sungard Pentamation **(Pur-1)**

An annual agreement to purchase software support and maintenance is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award:	Sungard Pentamation Bethlehem, PA
Amount:	\$ 23,210.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 03-1331 from City Manager

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

State – Software Support and Maintenance – Informix **(Pur-2)**

An annual agreement to purchase software support and maintenance is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award:	Kazar Corporation Independence, MO
Amount:	\$ 53,757.04
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 03-1330 from City Manager

The Procurement and Materials Management Division recommends approving purchase from the Florida State contract.

Proprietary – Software Support and Maintenance - Procurement **(Pur-3)**

An annual agreement to purchase procurement software support and maintenance is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award:	Periscope Holdings, Inc. Austin, TX
Amount:	\$ 23,010.20 (not to exceed)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 03-1329 from City Manager

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

Proprietary – Software License – GIS Software**(Pur-4)**

An annual agreement to purchase software license renewals for GIS software is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: Environmental System Research Institute, Inc.
Redlands, CA
Amount: \$ 20,300.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1337 from City Manager

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

Proprietary – “Smart Park” in-car Parking Meters**(Pur-5)**

An agreement to purchase “Smart Park” in-car parking meters, software, hardware and smart cards is being presented for approval by Administrative Services, Parking Services Division.

Recommended Award: Ganis Smart Park Systems, Inc.
New Ziona, Israel
Amount: \$ 19,300.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1347 from City Manager

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

Proprietary – Software Support and Maintenance – Message Switch**(Pur-6)**

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

Recommended Award: Tiburon, Inc.
Freemont, CA
Amount: \$ 25,931.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1379 from City Manager

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

Co-Op Contract – Fertilizer Products**(Pur-7)**

A one-year contract for fertilizer products is being presented for approval by the Parks and Recreation Department.

Recommended Award:	Lesco Strongsville, OH Atlantic FL East Coast Chemical Homestead, FL Howard Fertilizer Groveland, FL Pro Source One Fort Myers, FL
Amount:	Per Unit Pricing
Bids Solicited/Rec'd:	22/4
Exhibits:	Memorandum No. 03-1149 from City Manager

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

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-6, M-12, M-20, M-21, and Pur-7, be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

Bud Bentley, Acting City Manager, stated that regarding item M-25 Code Cases Nos. 5 and 6 were to be withdrawn.

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

Event Agreement – Fall Family Festival**(M-6)**

Commissioner Hutchinson stated that she had pulled this item and added that she had a conflict of interest regarding this item, and therefore, would not be voting.

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

**Transfer of Funds from the AT&T Broadband Trust Fund
To the General Fund for Fiscal Year 2003/2004 – Funding of
Nonprofit Organizations****(M-12)**

Commissioner Hutchinson that she had pulled this item and asked for some further clarification regarding this matter. She added that two other organizations had approached the Commission which were Women in Distress and Kids Voting Broward,

and asked if monies had been allotted in the budget for Family Central and Area on Aging.

Terry Sharp, Director Finance, replied there were monies in the budget, and explained that one option would be to allocate the \$55,000 for additional organizations.

Commissioner Hutchinson asked if the two groups mentioned were being given monies, that the two additional organizations mentioned should also be contributed to.

Bud Bentley, Acting City Manager, stated that in this year's budget they had to achieve the equivalence of \$25,000 per day in savings, and he stated this was an opportunity to achieve approximately two days of savings.

Mayor Naugle suggested that if the Commission wanted to further discuss this matter, that it be done at the next Commission meeting.

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

Commissioner Moore asked for some further clarification regarding Exhibit 1.

Mr. Sharp explained that a question had been asked regarding Family Central and how many families being served were in the northwest quadrant of the City. A zip code count had been done which showed various provider names and the parent and child count. Mr. Sharp stated he would see if more detailed information could be provided.

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

Change Order No. 2 – Astaldi Construction Corporation - (M-20)
Project 9766-B – Progresso Sanitary Sewer/Storm Improvements
Gravity Sewers and Water Mains

Change Order No. 2 – Astaldi Construction Corporation - (M-21)
Project 10121 – Lauderdale Manors Phase I Utilities Improvements

Commissioner Teel stated that she had pulled this item as well as item M-21 and stated that her concerns were regarding change orders. She asked if staff could provide some further explanation. She continued stating that regarding M-21, the original contract amount had been \$7,236,352, and now with the change orders the project was up to \$8,108,376 for a total increase of \$722,000 plus. She asked how this increase had come about.

Greg Kisela, Assistant City Manager, stated that basically as they worked through the first 3 of the neighborhoods, there had been 3 policy-related issues which had impacted the construction costs. One of those issues had been the single laterals versus the double laterals and was the result of one of tonight's change orders. In addition, as they worked through the constructability of the sanitary sewers, a big issue had been the depth of the sewers. He explained that in Lauderdale Manors some of those sewers had been 16' to 17' deep. He further explained that was achievable with a lot of de-watering

but would impact the amount of road left after restoration, and also impacted the neighbors as the sewers were installed. He stated that the third issue was as they did the deep cut sanitary sewers, they were left with very little road base for restoration. He advised they had been doing some value engineering, and explained that from a customer service standpoint, they had inquired of each property owner regarding the location of their lateral. He explained such things had driven up the costs of the project, but yet some things had helped to reduce costs and they were attempting to keep the project within the \$555 Million.

Commissioner Teel stated she was concerned that as they moved forward would there continually be change orders of this magnitude, and at what point would a total report be presented to the Commission regarding the credits versus the debits.

Mr. Kisela advised that they closed out individual task orders and soon would be done in the Miami Road corridor, and then Phase I of Lauderdale Manors and the Progresso project would be brought to the Commission in a comprehensive fashion and the costs would be laid out and explanations given as to why they had either increased or decreased. He advised they were making adjustments in the operating and capital portions of the project in order to be able to achieve what they wanted to do.

Commissioner Teel asked if item M-21 was the same thing. Mr. Kisela stated it was a similar issue.

Commissioner Hutchinson stated that regarding Item M-20 in the second paragraph they stated: "that if property owners failed to respond to the pre-designed inquiries as to where they wanted it...", she asked how a better job could be done in communicating the information. She stated the property owners had suggested that instead of a letter being sent, individuals go door-to-door to the property owners. She stated she was led to believe the reason they received the \$722,000 plus change order was due to the property owners.

Mr. Kisela stated that was part of the reason and announced that many individuals had responded to the direct mailings. Commissioner Hutchinson asked when they would reach the point where things would get cut off. Mr. Kisela stated they had reached that point. He explained that these were some of the policy-related issues they needed to further discuss. Commissioner Hutchinson asked for some further information regarding the time frame.

Paul Bohlander, Assistant Utilities Services Director, explained that regarding these two change orders, they were still on a "learning curve," and they were attempting to do direct mailings and a follow-up through construction to confirm lateral locations. He explained they had found that during the construction period, there were not sufficient resources or time to do a good job in working with homeowners during the day. He explained they were trying to evolve a process which would confirm with each property owner where the lateral location should be placed. He added the second issue with respect to the change orders was that what they were paying additional costs based on competitively established unit prices. He stated they were not paying a premium or a penalty, but paying for laterals being installed per bid price. He continued stating that they were looking at the first 3 projects very carefully and possibly down the road there could be issues as to whether they would provide each property owner with a single lateral versus a double at the property line. He explained that the double would be half

the price, and stated the double came from the main with a single pipe, split at the property line, and would serve two properties for the price of one. He stated that might not be as convenient for the adjoining property owner to tie into, but as they evaluated the first few projects and determined the costs for the entire program period, they needed to discuss the issues before they developed into a problem which could not be addressed, and then return to the Commission to balance whether they were to be entirely customer service oriented versus achieving the project according to budget. He further explained they would be dealing with restoration, connection issues, and the number of pump stations versus the depth of the sanitary main. He explained that they might have to go back to the deeper and more disruptive cuts, if they needed to in order to keep the projects within budget.

Commissioner Hutchinson asked if it was the City's responsibility to contact the property owners, or did that fall within the contractor's duties. Mr. Bohlander replied it was the City's responsibility.

Mayor Naugle added that Lauderdale Manors was not a typical neighborhood, and therefore, he did not know what knowledge could be obtained from that part of the project. He stated the soil and elevation conditions were totally different than other areas. Mr. Kisela stated they felt the 3 would give a good idea as to what they might experience during the project, and they realized some adjustments might have to be made, along with policy discussions regarding customer orientation.

Mayor Naugle asked how long had they been doing dual laterals. Mr. Kisela stated they had done surveys in Tarpon Bend, and individuals had been asked regarding their locations. He explained in a new subdivision sewers would be laid before the homes were built and double laterals would be used. He added that dual laterals had been used previously in other areas of the eastern portion of the City. Mayor Naugle asked if there were service problems if one property owner had a problem. Mr. Kisela stated that it would not affect the other property owner. He stated if there was a blockage in the main line, then both owners could be affected.

Commissioner Moore stated that during this entire Waterworks project, they would be experiencing some value engineering in the various neighborhoods, and he felt customer satisfaction had to be paramount. He believed they would also have to address that a number of individuals had not responded to the request, and that was the reason for the suggestion of going door-to-door. He stated he was concerned not just regarding the fact that changes were being made due to experiences being encountered, but what would be done to have the taxpayer given a product that would grant customer satisfaction. He stated that he was concerned regarding Item M-21 that they were not dealing with the opportunity of allowing the swell reclamation to take place in those communities. On the front end, he stated nothing had been done. He reiterated that after the \$9 Million infrastructure was installed, what happened when flooding still occurred and the property owners began complaining.

Mr. Kisela stated that they were working on a memorandum which would deal specifically with the stormwater issue. He explained that storm drainage was not included in the 2011 Waterworks project, and stated the average cost for saving a swell was about \$1200. He added that some areas the cost for that could range from \$5,000 to \$6,000 per lot. He stated they were attempting to identify such issues and were not financially included in the Waterworks 2011, and wanted to have discussions with the

Commissioner so they could understand the financial implications and how to address them. He stated philosophically as they went into the areas, they needed to comprehensively deal with the sanitary sewer systems, the waterlines, and the storm sewers, but there were dramatic budgetary implications involved.

Motion made by Commissioner Moore and seconded by Commissioner Teel to approve Item M-20.

Commissioner Moore stated he did not feel the concerns were being addressed and no assurances were being given. He felt value engineering could be done with the present contractor when returning the swells to how they were, and there could be an opportunity to save money. He asked that a method be found to address the issues upfront.

Mayor Naugle asked for this to be set for a Conference meeting. Mr. Kisela suggested the item be set for discussion at one of the November meetings.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Item M-21. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

Co-Op Contract – Fertilizer Products

(Pur-7)

A one-year contract for fertilizer products is being presented for approval by the Parks and Recreation Department.

Recommended Award:	Lesco Strongsville, OH Atlantic FL East Coast Chemical Homestead, FL Howard Fertilizer Groveland, FL Pro Source One Fort Myers, FL
Amount:	Per Unit Pricing
Bids Solicited/Rec'd:	22/4
Exhibits:	Memorandum No. 03-1149 from City Manager

Commissioner Teel stated she had pulled this item and asked if there was a ball park figure for the total.

Kirk Buffington, Procurement Manager, stated that based on last year's usage for the entire City, they were looking at \$75,000 to \$80,000 per year for fertilizer products which included the stadium which was a large user.

Commissioner Teel asked if the projection for this year was about a 6% increase. Mr. Buffington stated that if they looked at every item, there was a 6.02% overall increase from last year.

Commissioner Moore and the Commission congratulated Chief Kerr in regard to her new job. Commissioner Hutchinson explained that she had been selected as Fire Chief for Little Rock, Arkansas.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Item M-21. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

Beautification Agreement – Broward County – Infrastructure Improvements for N.E. 6 Street and N.E. 3 Avenue – JPI Residential Development **(M-24)**

This item was withdrawn from the agenda per staff's request.

Code Advisory Committee

Commissioner Moore stated he wanted to thank the Commission regarding the matters to be brought forth this evening. He explained that over a year ago a request had been made by the Commission to allow recommendations to be made to the Code of Ordinances which dealt with code violations and how they were to be addressed by this Board, as well as staff. He stated a number of recommendations had been proposed and 8 points of interest had been listed by the Committee to be addressed.

A power point presentation was shown of various areas and the violations which existed in those communities. The presentation stated that the code was not working.

Marsha Goldsby, member of the Code Advisory Committee, stated that what had been displayed this evening was a plea for something to be done. She reiterated that the Code was not working. She stated that she wanted the Commission to address boarded-up properties, as well as properties which were repeat offenders, and where fines totaled \$1500 for the City to foreclose on such properties and begin enforcing such provision that was provided in the Code. She felt the City should become more forceful in regard to such issues and give a stronger message to the individuals who had exploited communities in the City.

Ms. Goldsby further stated that the other issue she wanted the Commission to address was the Minimum Housing Code which included the term "occupied." She explained that slum landlords eliminated the violation by evicting the tenant, and then allowed a new tenant to move in and citations had to begin all over. She stated that individuals had learned how to maneuver the Code Ordinances, thereby causing all the existing problems the communities had today. She stated that she wanted to leave tonight's meeting with an assurance that the Commission would take a stand against the repeat offenders, and for the City to foreclose on properties with large liens sending a message to the offenders.

Arthur O'Neal, resident, stated that a change was needed because the present system of enforcement had problems. He continued stating that a reasonable time should be determined for individual code infractions to be brought into compliance. Such time should be standardized and address the severity of the infraction, but still be in line with the Florida Statutes.

Chris Suarez, Sunset resident, stated that she wanted to bring up the matter of convenience stores and "Mom 'n Pop" stores. She stated that she began checking the Florida Statutes and the municipal code regarding such stores, and discovered that many of the stores in her area did not fall under the definition of a convenience store, and therefore, certain regulations were not in effect. She stated that they did not fall under the time frame for convenience stores and had many code problems. She explained that Fort Myers had a designation in their municipal code for "Not Late Night Convenience Stores," and safety regulations were in effect which included the view of the interior, silent alarm system connecting to the Police Department, conspicuous sign saying there was less than \$50 in cash in the store, and illumination of parking lots. She urged the Commission to form a category and strong code of ordinances for such stores.

Ginnie Hancock, Riverside Park, stated the people needed the Commission to create a neighborhood nuisance board. She stated further there were constant reoccurring City-wide code violations that needed to be addressed. She further stated that Section 9-329 D.1 & 2 of the Minimum Housing Code provided for a time line for the sale of the property, new owners came in and the problems reoccurred. She felt they needed equal distribution of code enforcement services in all areas of the City. She urged the Commission to create the neighborhood nuisance board.

Inez Dean, President of Lauderdale Manors Homeowners Association, stated that with the pictures shown this evening in the presentation, it appeared the Commission was not listening to the citizens. She felt the Commission needed to address these problems. She stated that either the personnel was not sufficient in the City to deal with the problems, or they were not trained properly to handle the situation. She stated that more code enforcement officers should be added to the department. She added that if the City needed to increase their revenue, they could do so from such violations.

Denise Wrighter, Coral Ridge Isles, stated that she had been the ad hoc code enforcement officer in their homeowners association. She complimented their code officer and stated he had been responsive to their needs. She suggested that the code enforcement group have an e-mail capacity. She added that their group had taken a boat ride along the water and discovered about 12 docks which were in violation of the code. She suggested that code officers be available on nights and weekends because individuals violated the code at those times, and no officers were available. She further stated that signs appeared advertising "unseemly businesses" which were posted over the weekends.

Mayor Naugle stated that e-mails could be sent to his office, and he would then forward them to staff.

Greg Smith, Vice-President of Sunset Civic Association, stated that there was a high concentration of duplexes and four-plexes on streets between 35th and 38th Avenues and it had been 3 weeks before the bulk trash had been removed. He stated that he lived next to vacant property that had an unseemly odor to it, and added that another big

problem in the area was commercial vehicles parked on private property. He continued stating that 2 dump trucks registered to a company in Hialeah constantly parked next to his property. Lastly, he stated another problem was that many homes in the area were rented and in disrepair.

Margaret Haynie Birch, member of the Code Advisory Committee and President of Lake Aire Homeowners Association, thanked the Commission for allowing them to share visual pictures of concerns facing many members of the communities. She stated the theme of the presentation this evening was "It isn't working," but stated she wanted to be more emphatic and say "It ain't working." She reiterated that the City had a hard working Code Enforcement Department, but their hands were tied in many instances due to the ordinances in effect. She added there were problems throughout the City. She asked the Commission to examine the recommendations when made by this Committee and give the support necessary to move forward. She stated the City needed to get the pristine image back that they had previously.

Caldwell Cooper, member of the Advisory Committee, stated that this committee had representatives from every district and many matters had been discussed, but he asked why this matter was on tonight's agenda. He stated there were code violations that needed to be dealt with, but the way things were being handled this evening caused him concern. He asked why everyone's time was being wasted, if this committee was not going to bring forth the proper recommendations in the proper manner.

Gerry Cooper stated that he had been in business for over 35 years and recognized there were many problems throughout the City. He further stated that the items brought to the Commission's attention this evening could be observed in a "drive-by." He proceeded to show a photograph of a particular property. He stated that he had heard rumors that Commissioner Moore might want to have an ordinance charging all property owners for the bad ones. He stated there were no reasons to go inside apartments because one could drive by and see the problems. He felt the code enforcement officers were doing an excellent job, but the enforcement end was lax and possibly they needed to improve on that end.

Commissioner Moore stated that the picture shown was a home that he owned located at 1515 NW 4th Street which showed a pod, and this was why he was pushing this issue this evening. He continued stating that the pod was an example of a code section that was outdated. He added that was what the community was complaining about, a dysfunctional code ordinance that was not in pace with today's standards. He felt this was why they needed to get inside the units because sometimes the exterior was deceiving and people were relieved of paying fines because buildings looked good. He suggested that everyone not be afraid of change because if annual inspections were not done, the City would not know if proper fire equipment was being provided in buildings.

Commissioner Moore stated the individuals on the committee had brought back what they felt were problems in the communities and wanted changes. Recommendations were being made to improve a quality of life for individuals. He stated that a police officer had attended a meeting recently and told the residents that they had been towing cars in the northeast section with a 10-day notice, but were told to stop doing that 3 weeks ago because questions were raised that such towing had not taken place in the northwest quadrant. He reiterated that an even playing field was needed.

Commissioner Moore continued stating that this had come to a head because the residents were consistently telling Commissioners that staff was saying they could not do better enforcement of the violations due to the present code. He emphasized that if the present code was not working, then get one that did work. He wanted the legal department to stop saying they could not do something, but to tell the residents how it could get done.

Commissioner Hutchinson thanked the residents who had brought this matter to a head and remarked that "it ain't worked" since she was an activist back in 1990, and the same problems existed over and over again. She stated they should be ashamed that the matter had continued on for so long. She stated it should not take 10 days to remove a car, but should be removed with 48 hours. She stated everyone needed to work together to make things work. She reiterated that she could not wait any longer for a code that worked.

Mayor Naugle announced that the Code Advisory Committee had a meeting scheduled for tomorrow that included a tour to dissect the problems. He stated that as a result of the committee's work, the Commission had received a memorandum from the City Manager stating that they were going to enforce codes in unoccupied buildings, and the City Attorney was looking for a way to remove cars from private property. He explained that when a vehicle was on private property certain procedures had to be followed. He stated that he wanted the storage pods to be addressed. He proceeded to show a photograph of such a shed on a property where he stated the property owner had been defiant and felt he was above the law and had refused to remove the structure. He stated they were a blight and advertised for companies. He stated they had to find a way to go after individuals who were defiant and not willing to follow the laws.

Commissioner Moore stated that he was the individual who had stated if the City did not have an ordinance for him to follow, then he could not be cited for a violation. He stated he was defiant due to the fact it was an unwritten law that someone wanted to use politically to make him act properly. He reiterated that this situation might need the Commission's action regarding how to address a pod. He felt by being defiant possibly the City would get an ordinance adopted that would get results.

Mayor Naugle stated this was against the law and the ordinance. He welcomed the work of the committee and hoped some "teeth" could be put into the matters and everyone should attempt to set an example. He reiterated that no building in the City was 100% free from code violations, and they needed to correct the problem. He remarked that he had sold most of his properties in the City due to not wanting to be a victim of political effort. He stated that he did not support setting up a massive bureaucracy of 22 more inspectors at a \$2.8 Million budget to address the individuals who were abusing the rules, but he would rather go after the few individuals causing such problems. He added that he looked forward to the committee's future reports.

Commissioner Moore stated that the Clearwater Report should be scheduled for the Commission's next Conference Agenda so they could see how inspections could be done to rental units which were not harmful. He asked for the Commission to evaluate how other municipal entities empowered their communities in order to obtain results. He felt it was not confrontational, but wanted the Commission to look at a methodology to generate a fee for the inspections and make this a better living environment for everyone involved.

Commissioner Hutchinson stated that she wanted to see the Code Advisory Committee's report. Commissioner Moore reiterated that he also wanted to see such report, but also wanted the Commission to have the opportunity to look at the particular actions taken by Clearwater.

Bunney Brenneman, Chairman Code Advisory Committee, stated that the Committee had not formally voted to request time to be on the Commission's agenda, but were pleased to appear at the pleasure of the Commission. She stated that she had been a delegate to the Sarasota Conference on Neighborhoods and saw a presentation given by the author of the Clearwater booklet being presented to the Commission. She stated that she had met with the gentleman who was very interested in knowing that this committee existed in Fort Lauderdale. She remarked that the material he presented was very good, and stated that every member of the committee had received a copy and were working diligently. She stated they had 6 meetings so far. This summer she stated that she had sent an e-mail to the Mayor stating that this committee could not accomplish the scope of the work as set forth and would need additional time. Mayor Naugle had replied on July 27, 2003, that a time extension could be requested in January, 2004, if necessary. She announced that on September 10, 2003, the committee had voted to increase their meetings to twice a month.

Ms. Brenneman stated the committee had done extensive research on these matters and had been asked to make recommendations that would work for the City. She stated they had come up with a "Top 10 List," and Maurice Murray had created a parking ticket type citation which they were still reviewing, but could be a workable mechanism. She thanked the Commission for their encouragement and stated that the committee would continue to do their very best. She asked if the committee voted for additional time in order to accomplish their scope of work, she hoped such extension would be granted.

Ms. Brenneman stated that it was their plan to submit a proper report at the conclusion of their work which would include specific recommendations for the City.

Commissioner Trantalis asked if the Commission was going to wait for the final report and then respond to the committee's recommendations. Mayor Naugle confirmed and added that Commissioner Moore meantime wanted to have the Clearwater report scheduled for discussion. Commissioner Trantalis agreed they could review the information from other municipalities, but felt it would be beneficial to let the committee do their work and rely on their investigation. He hoped staff would be given sufficient opportunity to respond to such recommendations.

Mayor Naugle stated that they should ask the City Attorney to move forward with the information regarding the removal of vehicles from private property.

Commissioner Moore reiterated that he wanted the Commission to review something which was different and that had worked in other communities. He agreed that the committee should continue to bring forth their recommendations, and added that he applauded the City Attorney for having developed concepts that should have been done in the past. He was glad things were finally going to be implemented, but he wanted to take the most controversial issue away from the committee and allow the policymakers an opportunity to evaluate the matter.

It was agreed that this matter would be on the next Commission Conference Agenda.

PUBLIC HEARINGS

**Proposed Use of FY 2003-2005 Local Law
Enforcement Block Grant (LLEBG) Funds**

(PH-1)

A public hearing to consider the proposed use of LLEBG funds in the amount of \$325,683 for the period of October 1, 2003 through September 30, 2005; authorizing the transfer of \$32,568 from the Law Enforcement Trust Fund to be used as a cash match to Grant Account GLLEBG05 as revenue; and further authorizing for the proper City officials to accept such grant via the electronic Department of Justice Grants Management System account. Notice of public hearing was published September 25 and October 2, 2003.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve use of the FY2003-2005 Local Law Enforcement Block Grant Funds. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

**Certificate of Public Convenience and Necessity -
B.C.'s Express, Inc.**

(PH-2)

A public hearing to consider a resolution authorizing the issuance of a Certificate of Public Convenience and Necessity to B.C.'s Express, Inc. to operate rental vehicles with chauffeurs pursuant to Sections 27-191 and 27-192 of the Code of Ordinances. Notice of public hearing was published September 25 and October 2, 2003.

Commissioner Moore left the meeting at approximately 8:09 p.m.

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ISSUANCE OF FIVE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO B.C.'S EXPRESS, INC. TO OPERATE FIVE RENTAL VEHICLES WITH CHAUFFEURS PURSUANT TO SECTIONS 27-192 AND 27-192 OF THE CODE OF ORDINANCES.

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

Appeal of Planning and Zoning Board’s Decision to Deny Rezoning from CR to B-1 – De Novo Hearing – Lauderdale Marine Center (PZ Case No. 5-Z-03) (PH-3)

At the July 16, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 8-0.

Applicant: Lauderdale Marine Center
Request: Appeal Planning and Zoning Board’s decision to deny rezoning From CR (Commercial Recreation) to B-1 (Boulevard Business)
Location: 2001 S.W. 20 Street

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

CITIZEN PRESENTATIONS

Commissioner Moore returned at approximately 8:10 p.m.

Tonya Sevalia – Code Enforcement

Tonya Sevalia stated that she was present tonight to offer an alternative perspective to code enforcement. She proceeded to show a photograph of a duplex which was boarded-up which she had inherited from her father. She stated such properties definitely lowered the value of other people’s properties. She explained that she had been cited because the building needed to be repainted, as well as repairs done to the fence. She announced that the property had been brought into compliance within 30 days and showed a photograph of how the building presently looked. She stated that she had a problem with code inspectors who abused their power. She explained that once her property was in compliance she had contacted the inspector, and her response was that it was “okay.” As far as she was concerned, the matters had been taken care

of. She advised that the building was going to be renovated and she had notified the inspector of her rehabilitation. She stated that she had discovered at that time, the inspector had failed to input the date of her compliance into the computer and fines began accumulating on the property.

Ms. Sevalia stated that at the Special Master's Hearing, she had been fined \$3,350. She announced that this was not a level playing field, and that she had done what she was asked to do. She firmly believed that some of the inspectors abused the power given to them.

Mayor Naugle stated that it appeared this matter should be placed on the lien settlement hearing list and asked if that had been offered to her by staff. Ms. Sevalia stated it was not offered to her and that she had inquired as to how to appeal a decision made by the Special Master. Mayor Naugle announced that if the City agreed that the property was in compliance, this matter could be scheduled for a future meeting where the fines could be discussed.

Bud Bentley, Acting City Manager, stated that this case sounded as if some information needed to be further reviewed. He suggested that this matter be referred to staff so they could review the matter with the property owner, and then return with a recommendation.

Lori Milano, Director Community Inspections, stated that they had reviewed the facts regarding this case and the fines had been reduced to \$2,300 due to a different compliance date. She stated that the Special Master had chosen not to abate the fines, and since the property was not yet liened and because the fines were under \$5,000, the Commission would not normally hear this case.

Commissioner Moore stated that he wanted staff to review this case and provide a report to the Commission.

P.J. Hardy – Police Department

This individual was not present at the Commission meeting.

George A. Jawde – Peters Road Water Main Project

George A. Jawde thanked the Commission for meeting with him regarding the Peters Road Water Main project. He stated that his company, ARC Buildings, Inc. had been awarded this contract in February, 1999, for \$225,000 and the work was to be done within 30 days. He stated that this project had major planning problems and they had to operate under 3 separate jurisdictions which were the City of Plantation, City of Fort Lauderdale, and Broward County which had not been mentioned in the plans. He stated the project had taken 5 months to complete due to lack of planning for the project. He stated that he wanted the Commission to review the problems he had been facing in the last 5 years due to this project because he had lost his bonding capacity. He stated the City had settled with the bonding company without his knowledge, and he wanted the problem remedied.

Bud Bentley, Acting City Manager, stated that his was a contract dispute involving the bonding company. He explained they were willing to sit down with this company and the

bonding company, and attempt to resolve the matter. Mr. Jawde agreed and stated he would appreciate it.

Mayor Naugle asked that a final report be given to the Commission regarding this matter. Commissioner Hutchinson asked if a Friday memo could be distributed regarding this information.

Greg Kisela, Assitant City Manager, stated that staff had provided the Commission with a report concerning the issues involved, and that there was a dispute between this individual and the bonding company. He stated the City had settled with the bonding company who had agreed to indemnify the City regarding any claims.

Mayor Naugle stated that he was concerned about the City's conduct and how the vendor had been treated. Mr. Kisela replied that staff had acknowledged in the memorandum that they had some responsibility and that was why they had agreed to a settlement amount. He remarked that the attorney for the bonding company also needed to attend the meeting since they had agreed to indemnify the City.

Elvira Williams – Tennis Club 2

Elvira Williams stated that she wanted Joanne Greenstone to explain about the tests which had been conducted at the property regarding the mold analysis.

Joanne Greenstone, On-Site Mold Analysis, stated that she wanted to read the highlights of the mold analysis which had been done on July 3, 2003 at Ms. Williams' apartment as follows:

“Ms. Williams indicated to Ms. Greenstone that her former residence at 701 N.W. 19th Street, Apt. 107, Tennis Club 2 development, seemed to have a severe mold infestation due to water leakage from an unrepaired roof. Her personal belongings had a blue/green growth on them and she was filling ill while residing there. She currently has experienced respiratory problems, impaired mental function, lethargy, and sores in her mouth. Due to the fact that many of her personal belongings are collectibles, she chose to bring those items with her to her new residence. She attempted to clean them as best she could before bringing them. The laboratory analysis showed a substantial quantity of aspergillus mold both spores and full structures. Aspergillus was found in all 6 samples tested. The findings indicated active growth of this mold and the presence of mold spores could cause mild to severe health affects in people and can deteriorate the building materials resulting in structural damage. Health affects include, but are not limited to, asthma and other respiratory problems, allergic symptoms such as watery eyes and sneezing, skin irritation, chronic fatigue, memory loss, and bleeding in the lungs. An individual's reaction to mold exposure can vary greatly from person to person. Identification of mold in the environment by On-Site Mold Analysis Inc. was only the first step to correct the situation. A professional mold remediation company must be employed in an expedient manner as the extent of aspergillus contamination creates an imminent health threat to inhabitants of the premises.”

Ms. Greenstone explained that the lab results were enclosed for review by the Commission. She stated that she wanted to read specific statements regarding aspergillus and its clinical significance.

“Aspergillus was occasionally reported as a cause of disease in people and animals. It may cause eye, sinus, ear, lung or skin infections call aspergilliosis. This disease can also affect the bones, brain and other body organs. Immunic oppressed individuals are particularly vulnerable to infection by this mold. Some aspergillus produces various toxins which had proven to produce cancer causing agents. Aspergillus can also produce allergic symptoms.”

Ms. Greenstone further stated that Ms. Williams’ residence had been seriously contaminated with such mold and she had experienced numerous health problems due to this problem. She further explained that the second apartment had not been as severely infected with the mold as the first apartment when she had moved her belongings.

Commissioner Hutchinson stated that in the backup material housing vouchers had been mentioned, and she wanted to know how the City was involved.

Faye Outlaw, Interim Director Community and Economic Development, stated that they had not provided a housing voucher. The City had attempted to qualify Ms. Williams to buy her home, but there were issues regarding income and payments.

Mayor Naugle stated that it appeared to be a problem between a private condominium owner and the development.

Ms. Williams stated that she wanted to be an activist for the poor and she had moved here from Boca Raton and their housing authority was having the same problems. She advised that the housing voucher had been provided from the Boca Raton Housing Authority. She stated that she had taken pictures to Legal Aid, but felt the poor got ignored by everyone and needed someone to listen to them. She explained that the County had put her into a hotel while the apartment and her belongings were being cleaned.

**No Objection to Plat Note Amendment – “6601 Corporation”
First Citizens Bank (PZ Case No. 7-P-03)**

(R-1)

A resolution expressing no objection to an amendment to a previously-approved plat as follows:

Applicant:	First Citizens Bank
Request:	Plat note amendment
Location:	Northwest corner of N.E. 65 Street and Federal Highway (U.S. 1)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-149

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 “6601 CORPORATION.”

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

Building Board-Up and Securing Charges

(R-2)

A resolution authorizing the proper City officials to impose liens against such properties for costs associated with boarding and securing the buildings.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 111 OF THE FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

Acting City Manager

(R-3)

A resolution appointing an Acting City Manager. (Also see Item I-B on the Conference Agenda)

The City Clerk explained there would be two resolutions involved with this matter. The first would be a resolution extending Mr. Bentley's term until Thursday, October 9, 2003, at 7:59 a.m.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-151

A RESOLUTION OF THE CITY COIMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CONTINUING THE APPOINTMENT OF THE ACTING CITY MANAGER.

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING AN INTERIM CITY MANAGER.

Which resolution was read by title only.

Commissioner Moore clarified that the Interim City Manager would have the opportunity to displace employees in the system.

The City Attorney explained that the Charter provided full power to the Acting City Manager. He explained that there was no such position as an Interim City Manager under the Charter.

Mayor Naugle replied that he would still have to consult with the legal department and just cause had to be provided. The City Attorney stated they City had a civil service system.

Commissioner Moore asked Mr. Silva if there were to be dismissals of employees would they be based on cause.

Alan Silva replied that he did not foresee any dismissals at this time.

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

Interlocal Agreement – City of Miami Health Facilities Authority – Holy Cross Hospital Bond Financing**(R-4)**

A resolution authorizing the proper City officials to execute an interlocal agreement with the City of Miami Health Facilities Authority and approve the Authority's issuance of bonds on behalf of the Holy Cross Hospital for the purpose of financing various capital improvements to its Fort Lauderdale facilities.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-153

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE (THE "CITY") AND THE CITY OF MIAMI HEALTH FACILITIES AUTHORITY (THE "AUTHORITY") PROVIDING FOR THE ISSUANCE BY THE AUTHORITY OF ITS HEALTH SYSTEM REVENUE BONDS, CATHOLIC HEALTH EAST ISSUE, SERIES 2003B FOR THE PURPOSES OF FINANCING HEALTH CARE FACILITIES TO BE OWNED BY HOLY CROSS HOSPITAL, INC. WITHIN THE CITY; AUTHORIZING THE APPROVAL OF THE ISSUANCE OF

SUCH BONDS FOR PURPOSES OF SECTION 147 (f) OF THE
INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND
PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.

Which resolution was read by title only.

Commissioner Hutchinson stated that originally it had been stated that there would be no charge to the City, and they would be charging Holy Cross Hospital \$3500. She asked if that amount would cover all costs.

Terry Sharp, Director Finance, stated the costs would be covered with the \$3500.

Commissioner Hutchinson asked if the costs went over the \$3500 would they be able to obtain the difference from the hospital. Mr. Sharp stated they would discuss the matter with the hospital.

Mayor Naugle stated that this appeared similar to the Pinecrest situation. Mr. Sharp stated that in that case there was more expense on the City's end and \$30,000 had been charged. He explained the City's name was not on this issue and they had less involvement with this matter.

Commissioner Moore asked why they could not state incurred expenses instead of giving a particular dollar amount.

The City Attorney explained that the \$3500 figure far exceeded what they expected the costs to be and should make money on this matter.

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

**Downtown Development Authority (DDA) Budget
And Millage Rates for Fiscal Year 2003/2004**

(R-5)

A resolution authorizing and approving the DDA's FY 2004 budget and millage rates for operations and debt service.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-154

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, LEVYING AN AD VALOREM
TAX FOR FISCAL YEAR 2003/2004 ON BEHALF OF THE
DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY
OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER
69-1056, LAWS OF FLORIDA, SPECIAL ACTS OF 1969.

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

**Lauderdale Isles Water Control District Assessment
Rate for Fiscal Year 2003/2004****(R-6)**

A resolution authorizing and approving the Lauderdale Isles District FY 2004 budget and assessment rate for operations.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-155

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, LEVYING A PROPERTY
ASSESSMENT FOR FISCAL YEAR 2003/2004 ON BEHALF OF
THE LAUDERDALE ISLES WATER MANAGEMENT DISTRICT.

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

**Proposed Lien Settlements – Special Master and
Code Enforcement Board Cases****(M-25)**

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

1. 433 S.W. 22 Terrace (CE02031037) – Keith Kotrady \$4,350.

Keith Kotrady, owner, stated that he disagreed with the amount of the lien and would like the fines to be abated. He stated that he had inherited the problem when he had purchased the property on May 6, 2003. He stated that he was in full compliance after receiving all his permits by May 13, 2003. He explained that he had been cited regarding some life safety issues which dealt with mesh on the windows, and had discovered that the home had been vacant for 5 years.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to reduce the fines to \$500 on this site. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: Commissioner Trantalis.

2. 2726 N.E. 17 Street (CE02021711) – Manuel DeJesus Martinez & Delores S. Martinez - \$11,150.

Delores Martinez, owner, stated that she was requesting that the fine be lowered in this matter. She explained that after discovering the amount of money that would be needed to renovate the property, they decided to rent it. The renters had agreed to maintain the site. She stated that she had not received the notices.

Commissioner Teel clarified that the owner had visited the property once-a-month to check on the property. She proceeded to show photographs of the property and advised that it had been a derelict property. Ms. Martinez stated that they would take care of the boat, and had been informed by the inspector that it could be parked on the left side of

the property. She advised that the house had been demolished and now the site was a vacant lot and they were planning to build on the site for their own personal purposes.

Motion made by Commissioner Teel and seconded by Commissioner Moore that a fine of \$20,000 be placed on the property. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

3. 1309 N.W. 4 Avenue (CE02121756) – Mildred Robinson - \$7,000.

Mildred Robinson, owner, stated that she would like the fine to be lowered. She stated that she had been fined also for the picket fence for which she had a problem in obtaining the permit. She advised that she also had problems with the windows.

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

Commissioner Moore asked about the present condition of the property.

John Simmons, Assistant Director Community Inspections, stated the property did show some improvement.

Commissioner Trantalis stated that Commissioner Moore had recently given a lengthy discussion regarding blight and debris on front yards which detracted from the quality of life for neighboring property owners. He stated that if the Commission was going to send a strong message to the violators, then they needed to proceed with the recommendations.

Commissioner Teel stated if the City was serious about cleaning up the neighborhoods of derelict vehicles and other blight, then they could not send out mixed messages. She advised that this property had a history of 25 code violation cases. She felt the \$7,000 was a reasonable settlement.

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

4. 1000 N.W. 51 Court (CE02070145) – Vito and Mary Croce - \$4,335.

Vito Croce, owner, stated that he wanted the fine lowered. He stated that he had lung cancer and had been in the hospital and had several operations with bills totaling about \$200,000. He advised that he had hired a very bad and ineffective architect and contractor.

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

5. 814 N.E. 14 Place (CE98100643) – Ronald T. Spann, Rev. Living Trust – \$26,000.

This item had been withdrawn from tonight's agenda.

6. 2509 S.W. 9 Avenue (CE01010461 & CE00111371) – Ronald T. Spann, Rev. Living Trust - \$6,650 and \$11,780

This item had been withdrawn from tonight's agenda.

7. 930 N.W. 8 Street (CE02102348) – Joseph D. Irby and Essie Jones – \$5,250.

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

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

Commissioner Trantalis stated that he wanted an item to be reconsidered by the Commission. He advised that at the last meeting, he had made a motion to schedule the hearing for Flagler Junction for October 21, 2003, and there had been a lot of confusion during that meeting. He had intended to make a motion to defer consideration of scheduling the hearing for October 21, 2003. He explained that he wanted to make a motion to have this item reconsidered so he could then move to defer approval of the request for City Commission review to October 21, 2003 at 6:00 p.m. He explained that he wanted to do this even though Planning and Zoning had approved the project since there had been concerns voiced by the community. He felt the proponents were making a good faith effort in order to accommodate the concerns being raised, and had hoped to take the appropriate measures so the proponents of the project would not lose their units.

Motion made by Commissioner Trantalis to have this item reconsidered.

Mayor Naugle stated there was a notice requirement regarding the amount of time an item could be called up.

The City Attorney explained that he recalled Commissioner Trantalis had made a motion to reschedule the matter, it had been called up and rescheduled. Commissioner Trantalis explained that he did not want to call up the matter at that time, and only wanted to defer calling it up. He stated that he had been informed that he had preserved his rights for calling it up through that method since it had to be done within 30 days after the decision made by Planning and Zoning. The City Attorney stated that once the 30 days expired, the time had expired and the hearing was scheduled for October 21, 2003.

Commissioner Moore asked if it was being suggested to defer the date of the hearing. Commissioner Trantalis explained that he had made a mistake and had wanted to defer the decision to calling it up at a later time due to their good faith efforts in resolving the issues raised by the community.

The City Attorney stated that his rights would have been preserved had he asked to defer the call up, and the applicant would have to agree. He explained the motion was to call the matter up and schedule it for a hearing. He asked if Commissioner Trantalis still wanted to call the matter up. Commissioner Trantalis reiterated that he wanted the

Commissioner Moore asked if a motion could be made for the consideration of this item for a date beyond October 21, 2003. The City Attorney confirmed.

Mayor Naugle suggested they wait until October 21, 2003, and if the owner agreed to an extension, then the deferral could be made to a date certain. The City Attorney stated it did not matter if the property owner agreed or not in this case. He explained that on October 21, 2003, the Commission could defer the matter to a time in the future. He stated that the problem was that in order to defer calling up the matter and extending the 30-day period, the owner's approval would be necessary. Commissioner Trantalis reiterated they had made that request and he was responding to such a request.

The City Attorney explained that if the Commissioner did not have concurrence of the developer, then the call up would be void. Commissioner Moore suggested that it would be safer to proceed as scheduled, and then an extension could be requested.

Cecelia Hollar, Director Construction Services, stated that if the Commission deferred the item on October 21, 2003 to another date, and she believed it could be deferred for 60 days, the developer would still have his rights as recommended for approval.

Therefore, no action was necessary at this time.

Advisory Board/Committee Appointments

(OB)

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

Budget Advisory Board	Ken D. Cooper Don Winsett Garry Johnson Shane Gunderson Keith Nicholson Elizabeth Hernandez William Nielsen Ann Gregory Gregory Smith
Code Advisory Committee	David Bishop
Community Services Board	Bob Lynn
Northwest-Progresso-Flagler Heights Redevelopment Advisory Board	Marsha Goldsby

Parks, Recreation and Beaches
Advisory Board

Leon Robinson (subsequently declined)

Unsafe Structures and Housing
Appeals Board

Michael Madfis
Jackie Scott

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 03-156

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

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

Mayor Naugle thanked Bud Bentley for a job well done.

There being no further business to come before this Board, the meeting was adjourned at 9:10 p.m. Mayor Naugle adjourned the meeting.