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FORT LAUDERDALE CITY COMMISSION
FEBRUARY 17, 2004**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
FEBRUARY 17, 2004**

Meeting was called to order at 6:04 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 6:05 p.m.)
Commissioner Cindi Hutchinson
Commissioner Carlton B. Moore
Mayor Jim Naugle

Absent: None

Also Present: Acting City Manager Alan Silva
City Attorney Harry A. Stewart
Assistant City Clerk Jeff Modarelli
Sergeant At Arms Sergeant Judy Waldman

Invocation was offered by Dr. Diane Mann, Senior Pastor, 4th Avenue Church of God, 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).

Presentations

OB

1. "WOW" Award

Commissioner Teel presented the Community Appearance Board's "WOW" Award for District I to Mr. Michael Rogier and Mr. John Paonessa who reside at 5300 NE 15th Avenue.

Within the past 18 months, Mr. Rogier and Mr. Paonessa had worked hard to completely remodel their home, including new windows, doors, a Key West style metal roof, new lawn and landscaping, and a paver tile driveway and walkway.

2. Broward County Recycler of the Year Award

Commissioner Trantalis announced that Casey Eckles had been named Recycler of the Year at the December 18, 2003 Broward County Resource Recovery Board. He explained that recycling coordinators throughout the County were given the opportunity to name a business or person they thought deserved recognition for outstanding recycling efforts. He advised that Ms. Eckles had served as Recycling Coordinator for the City for over 3 years, and had previously managed a multi-family recycling program

for Broward County's unincorporated areas where she had created the popular Children's Recycling Fair. He added that she had also developed the Recycle Fort Lauderdale Campaign that promoted recycling at home, work, school and play.

Casey Eckles thanked everyone for the award, and stated that this award gave her the opportunity to remind everyone why recycling made a difference. She explained recycling reduced waste and saved money, while fostering a community involvement and responsibility. She thanked the Commission for having the vision to create the opportunity for her to innovate, create and implement waste reduction programs for the City.

3. "Bicycle Week 2004"

Commissioner Hutchinson presented a proclamation to Dave Marshall in regard to Bicycle Week 2004 to be celebrated from March 6th to March 14th.

Dave Marshall thanked the Commission for the award on behalf of Cycle Mobility that is a local bicycle advocacy group. He also thanked Parks and Recreation for their work in regard to an event they were holding on March 13, 2004 for training children from 8-18 and giving away bicycles donated by Rick Case Honda and Broward County Transit. He added that the Memorial Hospital System had also donated 100 helmets to be given away at the event.

4. Expression of Sympathy

Mayor Naugle and the City Commission offered an expression of sympathy to the family of James and Marie Gabriel, along with their son, who were tragically killed in an automobile accident.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the agenda and minutes of the February 3, 2004 meeting. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis 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 – Drug Awareness Parade**(M-1)**

A motion authorizing and approving the execution of an Event Agreement with **Mt. Olivet S.D.A. Church** to indemnify, protect and hold harmless the City from any liability in connection with the **Jerome E. Gray Esq. Drug Awareness Parade**, to be held **Saturday, February 21, 2004 from 3:00 p.m. to 6:00 p.m.**; and further authorizing the closing of the following route beginning at the church, 649 NW 15 Way, at 3:00 PM; proceeding to NW 7 Street; west to NW 18 Avenue; north to NW 8 Street; east to NW 9 Avenue; south to NW 5 Street; west to NW 21 Avenue, north to NW 6 Street, east to finish at Provident Park. Roads will be re-opened as participants clear each area.

Recommend: Motion to approve.

Exhibit: Memo No. 04-266 from Acting City Manager.

Event Agreement – 15th Annual MS Walk**(M-2)**

A motion authorizing and approving the execution of an Event Agreement with the **National Multiple Sclerosis Society** to indemnify, protect and hold harmless the City from any liability in connection with the **15th Annual MS Walk, to be held at George English Park and beach area sidewalks on Sunday, March 28, 2004 from 7:30 AM to 2:30 PM.**

Recommend: Motion to approve.

Exhibit: Memo No. 04-265 from Acting City Manager.

Event Agreement – Imperial Point 5K Race for All Ages**(M-3)**

A motion authorizing and approving the execution of an Event Agreement with **North Broward Hospital District** to indemnify, protect and hold harmless the City from any liability in connection with the **Imperial Point 5K Race For All Ages**, to be held **Saturday, March 27, 2004 from 7:00 AM to 11:00 AM**; and further authorizing the closing of the following route on Saturday, from 7:00 AM to 9:30 AM: beginning at the east entrance of Imperial Point Medical Center, proceeding south on Federal Highway to Imperial Point Drive; west to NE 22 Avenue; south to NE 54 Street; west to NE 19 Avenue; north to NE 56 Street; east to NE 20 Avenue; north to NE 59 Court; east to Imperial Point Drive; continuing east on Imperial Point Drive to NE 22 Avenue; north to finish at the west entrance of the Medical Center.

Recommend: Motion to approve.

Exhibit: Memo No. 04-264 from Acting City Manager.

Event Agreement – 17th Street Causeway Run**(M-4)**

A motion authorizing and approving the execution of an Event Agreement with **Hospice Care of Southeast Florida, Inc.**, to indemnify, protect and hold harmless the City from any liability in connection with the **17th Street Causeway Run**, to be held on **Saturday, April 3, 2004 from 7:30 AM to 10:00 AM**; and further authorizing the closing of the following route from 6:30 AM to 8:30 AM: beginning on the west side of the Intracoastal Waterway at the bottom of the eastbound span of 17th Street Causeway Bridge and continuing east in the eastbound lanes to A-1-A; proceeding north in the northbound lanes of A-1-A to Holiday Drive where runners will turn around and return by the same route in reverse to the start/finish line.

Recommend: Motion to approve.

Exhibit: Memo No. 04-263 from Acting City Manager.

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

A motion authorizing and approving the execution of an Event Agreement with **Riverwalk Fort Lauderdale, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with **Get Downtown**, to be held **Friday, March 26, 2004 from 5:00 PM to 8:30 PM at 333 East Las Olas Boulevard at Brasserie Las Olas and the adjoining courtyard.**

Recommend: Motion to approve.

Exhibit: Memo No. 04-225 from Acting City Manager.

Agreement - Florida Beach Volleyball Tour**(M-6)**

A motion authorizing and approving the execution of an Event Agreement with **Pro-Motions Sports Marketing** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **Florida Beach Volleyball Tour, to be held on the following Saturdays and Sundays in 2004: February 21 and 22, April 17 and 18, and August 7 and 8 from 8:00 AM to 7:00 PM at Fort Lauderdale's South Beach.**

Recommend: Motion to approve.

Exhibit: Memo No. 04-224 from Acting City Manager.

Grant Acceptance – Las Olas Wine and Food Festival**(M-7)**

A motion authorizing and approving the execution of an Event Agreement with the **American Lung Association of Florida – South Area** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **Las Olas Wine and Food Festival to be held on Thursday, March 18, 2004 from 7:00 PM to 9:00 PM**; and further authorizing the closing of East Las Olas Boulevard from SE 6 Avenue to SE 11 Avenue, and SE 8 Avenue, SE 9 Avenue, and SE 10 Terrace from East Las Olas north and south to the alley on each side; from 3:00 PM to 10:00 PM.

Recommend: Motion to approve.

Exhibit: Memo No. 04-222 from City Attorney.

Event Agreement – St. Pat’s Street Dance**(M-8)**

A motion authorizing and approving the execution of an Event Agreement with the **Downtowner Saloon, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **St. Pat’s Street Dance, to be held Wednesday, March 17, 2004 from 12:00 Noon to 11:00 PM**; and further authorizing the closing of South New River Drive from east of the Andrews Avenue Bridge to the circle at SE 1 Avenue (1/2 block immediately in front of the Downtowner), from 8:00 AM to 12:00 Midnight on Wednesday, March 17, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-223 from Acting City Manager.

Marine Facilities Boat Ramps Parking Fees**(M-9)**

A motion authorizing metered and permit parking rate fee increases for municipal boat ramp vehicular and trailer parking at George English Park, S.E. 15th Street, and Coolee’s Landing.

Recommend: Motion to approve.

Exhibit: Memo No. 04-268 from Acting City Manager.

**Task Order Nos. 83, 84, 85, 86, 87 and 90 -
Evans Environmental & Geosciences (EE&G) -****(M-10)****Project 10777 – South Side School Purchase and Restoration**

A motion authorizing the proper City officials to execute six (6) task orders with Evans Environmental & Geosciences (EE&G) in the total amount not to exceed \$24,705 for environmental study for the South Side School project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-274 from Acting City Manager.

Joint Project Agreement (JPA) – Broward County - (M-11)
Project 10710 – Design and Construction of Utility
Relocations in Melrose Park East

A motion authorizing the proper City officials to execute a City/County Joint Project Agreement for County design services and the construction of water mains in Melrose Park East.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-192 from Acting City Manager.

Task Order No. 34 – Camp, Dresser, and McKee, Inc. (CDM) - (M-12)
Project 10769 – Croissant Park Sanitary Sewer and Water
Main Improvements

A motion authorizing the proper City officials to execute a task order with Camp, Dresser, and McKee Inc., in the amount of \$1,069,199 for the provision of consulting engineering services associated with Croissant Park Area Sanitary Sewer and Water Main Improvements (Sewer Area 7).

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-191 from Acting City Manager.

Change Order No. 2 – F & L Construction, Inc. - (M-13)
Project 10612 – Annual Contract for Concrete and Paving
Stones Repair

A motion authorizing the proper City officials to execute Change Order No. 2 with F & L Construction, Inc. in the amount of \$12,866.25 for additional work under the Annual Contract for Concrete & Paving Stones Repair contract.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-188 from Acting City Manager.

**Authorization for Litigation – Envirocycle, Inc. -
Contract ITB 792-8112 – Recycling and Disposal
Of Mixed Debris**

(M-14)

A motion authorizing the proper City officials to continue negotiations with Envirocycle, Inc. to recover funds overpaid during the term of contract ITB 792-8112 for the disposal and recycling of mixed debris.

Recommend: Motion to approve.
Exhibit: Memo No. 04-293 from Acting City Manager.

**Contract Extension – Keith and Schnars, P.A. -
Project 10281 – Professional General/Civil
Engineering Consultant Services**

(M-15)

A motion authorizing the extension of the contract with Keith & Schnars, P.A., for three (3) additional years for Professional General/Civil Engineering consultant services at the same hourly rates as the original three-year contract.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 04-272 from Acting City Manager.

**Agreement – Use of School Buses for Programs and
Events – Broward County School Board**

(M-16)

A motion authorizing the proper City officials to execute an agreement with the School Board of Broward County for the use of their school buses for programs and events. The term of this agreement will be May 1, 2004 through April 30, 2005.

Recommend: Motion to approve.
Exhibit: Memo No. 04-221 from Acting City Manager.

**Rejection of Bids – Project 10560 – Beach Wall
Fiber Optic Lighting System Replacement**

(M-17)

A motion authorizing the proper City officials to **reject** all bids for the beach wall fiber optic lighting system replacement project.

Funds: See Bid Tab

Recommend: Motion to approve.
Exhibit: Memo No. 04-187 from Acting City Manager.

PURCHASING AGENDA

Co-Op Contract – Temporary Personnel Services**(Pur-1)**

Additional temporary personnel services “as needed” city-wide are being presented for approval by the Administrative Services Department.

Recommended Award:	Various Vendors
Amount:	\$ 50,000.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-231 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving purchase for city-wide use as needed.

542-8935 – Delinquent Collection Services**(Pur-2)**

A one-year contract extension for delinquent collection services and various late fee collections is being presented for approval by the Finance, Treasury Division.

Vendor:	Penn Credit Corporation Harrisburg, PA
Amount:	\$ 50,000.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-255 from Acting City Manager

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

742-8956 – Management of the Fort Lauderdale Baseball Stadium**(Pur-3)**

Management services for the Fort Lauderdale Baseball Stadium is being presented for approval by the Parks and Recreation Department.

Recommended Award:	Broward County Youth Fair, Inc. Hollywood, FL
Amount:	\$ 100,000.00 (estimated annual revenue)
Bids Solicited/Rec'd:	92/3
Exhibits:	Memorandum No. 04-201 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving authorization to enter into negotiations with the first-ranked proposer.

742-8951 – Consultant Services Public Realm Plan**(Pur-4)**

An agreement to purchase consulting services to establish public realm plan and urban design guidelines is being presented for approval by the Parks and Recreation Department.

Vendor: Space Imaging (MBE)
Orlando, FL
Amount: \$125,991.00
Bids Solicited/Rec'd: 53/5
Exhibits: Memorandum No. 04-151 from Acting City Manager

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

222-8747 – Increase Contract Expenditure – Janitorial Services**(Pur-5)**

Increase contract expenditure for janitorial services for the City jail is being presented for approval by the Police Department.

Vendor: Cleaning Systems, Inc.
Sunrise, FL
Amount: Per unit prices
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-226 from Acting City Manager

The Procurement and Materials Management Division has reviewed this item and recommends approving increased contract expenditure.

Proprietary – Water Meters for Testing**(Pur-6)**

An agreement to purchase water meters for testing is being presented for approval by the Public Services Department.

Vendor: Metron Farnier
Boulder, CO
Amount: \$ 10,000.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-229 from Acting City Manager

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

Proprietary – Parts for Sewer Pump Repairs**(Pur-7)**

An agreement to purchase parts for sewer pump repairs is being presented for approval by the Public Services Department.

Recommended Award:	Ellis K. Phelps & Company Apopka, FL
Amount:	\$ 13,000.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-258 Acting City Manager

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

Proprietary – Video Camera for Sewer Line Inspection**(Pur-8)**

An agreement to purchase a video camera for sewer line inspections is being presented for approval by the Public Services Department.

Vendor:	Pearpoint, Inc. Thousand Palms, CA
Amount:	\$ 14,100.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-257 from Acting City Manager

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-1, M-2, M-3, M-4, M-6, M-8, M-9, M-11, M-14, M-15, M-16, M-17, Pur-1, Pur-2, Pur-3, Pur-4, Pur-5 and Pur-6 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 Moore, Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: None.

Event Agreement – Drug Awareness Parade**(M-1)**

The City Attorney requested that this item be pulled and if approved the final documents be subjected to review by his office.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve this item subject to review and approval by the City Attorney's Office. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: None.

Event Agreement – 15th Annual MS Walk**(M-2)**

Commissioner Teel stated that she had pulled this item because some residents of Coral Ridge were concerned that the application indicated there would be a DJ at the event beginning at 7:30 a.m.

The Commissioner stated that as long as the music was not blaring at 7:30 a.m. or 8:00 a.m. she did not think there would be a problem.

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

Event Agreement – Imperial Point 5K Race for All Ages**(M-3)****Event Agreement – 17th Street Causeway Run****(M-4)****Event Agreement – Florida Beach Volleyball Tour****(M-6)****Event Agreement – St. Pat's Street Dance****(M-8)**

The City Attorney requested that these items be pulled and if approved the final documents be subjected to review by his office.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Item Nos. M-3, M-4, M-6 and M-8 subject to City Attorney approval. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

Marine Facilities Boat Ramps Parking Fees**(M-9)**

Commissioner Moore stated that he had pulled this item and asked if these increases were being recommended for all the parks.

Jamie Hart, Supervisor Marine Facilities, confirmed.

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

**Joint Project Agreement (JPA) – Broward County -
Project 10710 – Design and Construction of Utility Relocations
In Melrose Park East****(M-11)**

Commissioner Moore stated that he had pulled this item, and asked for some further clarification as to how staff had arrived at the dollar amount submitted. He asked if this had to do with the CCNA amounts agreed to by the County.

Paul Bohlander, Assistant Utilities Director, stated that the dollar amounts for this item had to do with the City related work, such as the water main improvements and some design and services costs. He further stated that he felt this was the most efficient way in order to avoid any conflicts with contractors and designs.

Commissioner Moore asked if the estimates submitted had been based on the prices recently received, and would the numbers remain stable. Mr. Bohlander confirmed and stated they would have the opportunity to accept or deny the bids that the County received for the work. Commissioner Moore asked if the CCNA process had taken place as of this time. Mr. Bohlander stated the engineer identified in the back-up material was the one the County had hired using CCNA guidelines. He stated that the City wanted to have this engineer overlay their improvements. Commissioner Moore asked why there were estimates of costs shown and would he charge the City the same rate as the County. Mr. Bohlander stated that the services provided to the City for water main improvements would be above and beyond what they were charging the County for their improvements. He stated since the County would be in the area, it made sense to the City to add their work and construct their improvements at the same time. Commissioner Moore asked if the engineer had charged a fixed rate to the County for the design, but would also charge the City a fixed rate for the additional work. Mr. Bohlander confirmed and stated they were negotiated amounts that totaled less than 16% of the estimated construction costs that were in line for this type of work.

Commissioner Hutchinson stated that work was scheduled to be done by the County at 31st Avenue south of Davie Boulevard, and asked if it would conflict with the work and maintenance of traffic in regard to the south side. Mr. Bohlander stated the City's work was essential to the Melrose Park neighborhood, but he was not sure about the County's work.

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

Commissioner Moore clarified that the fee the consultant was going to charge would be above the \$599,000 for the actual construction, replacement and engineering service. Mr. Bohlander explained that the construction estimate was \$518,000, the engineering costs were \$57,985, and the costs for services during construction would be \$23,300. He explained that the total cost of the project would be close to \$600,000.

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

**Authorization for Litigation – Envirocycle, Inc. -
Contract ITB 792-8112 – Recycling and Disposal
Of Mixed Debris**

(M-14)

Commissioner Moore stated that he had pulled this item and asked if a settlement agreement was reached, what would happen to the \$900,000.

Ed Udvardy, Public Services, explained that the monies would be returned to the Sanitation Fund.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the proper City officials to continue negotiations with Envirocycle, Inc. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

Contract Extension – Keith and Schnars, P.A. – Project (M-15)
10281 – Professional General/Civil Engineering Consultant Services

Commissioner Moore stated that he had pulled this item, and asked why it was being assumed that it would be over the \$10,000.

Hector Castro, City Engineer, stated that this was a contract extension with Keith and Schnars, and any task order issued above \$10,000 would be approved by the Commission. He reiterated that this was a continuation of the existing contract.

Commissioner Moore asked what the firm had been paid last year for their services. Mr. Castro stated he did not have that information readily available, but added that the firm's performance had been excellent. Commissioner Moore asked if the amount could be provided before the Commission voted. Mr. Castro added they had worked for both general and civil which were the general fund side, as well as WaterWorks 2011, and therefore, both numbers would have to be compiled.

Commissioner Moore asked if the Commission could not vote until that information was supplied.

Continued on page 25.

Agreement – Use of School Buses for Programs and (M-16)
Events – Broward County School Board

Commissioner Hutchinson stated that she had pulled this item, and asked what these buses were used for.

Steve Person, Recreation Superintendent, explained that this was for a back-up and normally there had been a 5-year contract, but this year it was only a one-year contract. He stated in case they needed a bus for an emergency, they would be able to call upon the School Board for service and in this way all agreements were at hand. He added that they hardly ever used their buses.

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

Rejection of Bids – Project 10560 – Beach Wall Fiber (M-17)
Optic Lighting System Replacement

Commissioner Moore stated that he had pulled this item and understood that there was some communication at the Beach Redevelopment Advisory Board meeting in reference

to a proposal for trying to find a way to fund this project. He asked if staff could provide some further clarification on this item.

Chuck Adams, Manager Redevelopment Services and Marine Facilities, stated that the Beach Redevelopment Advisory Board was very interested in finding a way to get this project done. He stated they wanted to work with Commissioner Trantalis to see if monies could be raised in the private sector. He explained there was a partnership being offered with the Chair of the Beach Redevelopment Advisory Board and the Commissioner to make inquiries of various sources. He stated he believed the request was to have this item deferred in order to supply additional time for their inquiries.

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

Co-Op Contract – Temporary Personnel Services

(Pur-1)

Commissioner Teel stated that she had pulled this item, and asked what type of job descriptions were they filling with temporary personnel. She also asked if there was any possibility that individuals who had been laid off or had taken cuts in salary or days off could be utilized instead of hiring temporary personnel.

Kirk Buffington, Administrative Services, stated that primarily this was used for secretarial, administrative aides, and clerical type positions that needed to be filled on a temporary basis. He advised that they worked closely with Human Resources in order to make sure that an employee was not available to bump into such positions. He stated these were not positions that were being vacated by employees who had been laid off, but these were positions that needed to be filled for short-term staffing needs. He explained that any requisition for such positions had to be approved by either the Assistant City Manager or the City Manager. He stated this procedure had been put in place about 3 years ago in an attempt to control the expenditures for temporary services.

Commissioner Teel asked if the number of temporary employees had been increased since the realignment of personnel had taken place. Mr. Buffington replied that it was too early for him to answer this question because when using the term temporary personnel most people referred to employees who were full and part-time temporary personnel versus contract employees. He explained this item was in reference to individuals being brought in on very short term basis. He stated that such individuals were normally brought in for 6-8 months.

Commissioner Hutchinson asked if they ever had anyone longer than one year. Mr. Buffington stated that he was told no, but he would check on that.

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

542-8935 – Delinquent Collection Services

(Pur-2)

Commissioner Moore stated that he had pulled this item, and in reading the back-up information it had stated how well this entity had done their work for the City. In reading the exhibit, he stated that in most cases they were collecting no more than 20% of the delinquent money in every area, and averaged around 7 ½% to 8%, and he did not think that was a high collection percentage. He remarked the City was receiving less than 10% of the collection.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to reject this recommendation.

Kirk Buffington, Administrative Services, stated that the contract was based on the fee the City paid them, but it should be understood that the collections placed with Penn Credit had been through several attempts for collection before being passed on to them. He stated that any money collected at that point was positive money. He added that a contractor could do better, and they intended to rebid this contract by June 30, 2004.

Commissioner Trantalis asked what would happen to the delinquent accounts if this contract were rejected. Commissioner Moore replied they would have to quickly put the contract out for rebid.

Mr. Buffington explained they would have to immediately get a contract bid in place, but in the interim there would basically not be a collection service in place.

Boe Cole, City Treasurer, stated that these accounts were routinely placed with Penn Credit for collection. He stated that any monies received were like "found money." He stated further if this recommendation were not approved, then they would probably have to withdraw the accounts and start a rebid. He announced they would probably not be read for the bids until about May 2004. He added they would make routine collection efforts in the interim.

Commissioner Moore stated that in the back-up it was also stated that this agency would be above the \$25,000 this time. Mr. Cole replied that would be due to their collections. Commissioner Moore stated he preferred to reject this recommendation.

The Acting City Manager stated that it was his understanding that the City Attorney would use this contract to aggressively pursue the residuals of the amnesty for code enforcement. The City Attorney confirmed and stated they were going to use this collection process when the amnesty program was over.

Commissioner Trantalis stated that if the City Attorney's office intended to pursue the delinquent properties, he asked why they were accepting 10% if there were liens on the properties. The City Attorney explained that the lien would not be taken off the property until the full amount was paid or a settlement was entered into. He added they were getting 83% of what was collected.

Commissioner Moore explained that of the uncollected dollars that this entity was collecting, they had a success ratio of about 8.8% of the outstanding monies. He further stated that of that 8.8%, the City was paying them 17% commission for the collection. He stated that it was projected the amount would be above the \$25,000, and the City Attorney had stated it was due to the Amnesty Program. He stated that the Amnesty Program ran from February 1 to March 1, 2004, and this contract ran until June 2004. He

stated he did not see the validity of this at all and would not support this recommendation.

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

742-8956 – Management of the Fort Lauderdale Baseball Stadium

(Pur-3)

Commissioner Moore stated that he had pulled this item, and stated that in looking at staff's recommendation, it appeared that the one group which met the requirements of the RFP did not meet the dollar amount.

Motion made by Commissioner Moore to reject all bids and entertain what the Aviation Advisory Board had placed on the table, along with other recreational uses, and that the RFP responses received by mid-April. He stated that a selection should be made before the contract ended with the Orioles.

Commissioner Hutchinson stated that she had read about the Fair, but she was not convinced they should break away from the Baltimore Orioles. She felt if there was the possibility for a long-term lease with the Orioles, she did not want to miss out on the money in Tallahassee that would enable them to rebuild the stadium.

Commissioner Teel seconded the motion. She further stated that residents from District I believed there should be more income from this facility than the \$100,000. She stated that she had some concerns if the Fair would be compatible with the Airport activities. She stated that the residents wanted to see more opportunities explored with the Orioles and other individuals who might step forward. They felt the one bid did not provide an overall picture of the facility.

Commissioner Moore left the meeting at approximately 6:45 p.m. and returned at 6:46 p.m.

Gerald Lynn Pisarro, President Broward County Fair, stated that she wanted to introduce some individuals who were present on behalf of the Fair. She gave the following introductions: Henry Graham, Bill Markham, Wendy Barocco, J.R. Markham, individuals on behalf of the Puerto Rican Chamber of Commerce, Linda Brown – Fair Marketing Manager, Mr. Dooty – Legal Counsel, Chuck Malcus – Malcus Communications, and Beth Jarvis – Fair Production Manager.

Ms. Pisarro stated further that they were a 501(c) 3 corporation and had a long-standing relationship with the community. She advised their organization was 28 years old. She realized that some issues had been raised this evening in regard to the amount of the bid, as well as the relationship with the Baltimore Orioles. She stated that if they were awarded this contract, they would maintain all current relationships, including the Baltimore Orioles. She hoped with such a triad relationship, they could accomplish all their goals while increasing the revenue of the City substantially through the events which would be held at the facility. She stated the monies calculated were a minimum amount guaranteed.

Beth Jarvis, Fair Production Manager, stated that she had been involved with the fair since she was 15, and a full-time employee of the Fair for the last 8 years, and a Fair Manager for the last 3 years. She stated the Fair has been seeking a year-round venue to continue the community relationships they had established, and to expand on their programs and offer more to the community. She stated that they realized finances were of a special concern to the City at this time, and the figure being thrown around was \$100,000. But as Ms. Pizarro had stated, that was a conservative estimate on their part and was being used as a minimum. She added it did not include the 10% included in the proposal that they would give the City from the gross gate revenues from the other events hosted at the facility. She remarked it would be more of a \$1 Million benefit to the City. She added that as stated in the RFP, they needed to contribute at least \$500,000 over the next few years to bring the facility up to ADA requirements relieving the City of that burden.

Ms. Jarvis further stated that in looking at the agreement that the School Board had with the Lockhart Stadium, there was no minimum guarantee at this time to the City. She explained they paid 5% of the first \$600,000 in revenues, and 10% in excess of \$600,000. The proposal they submitted stipulated a minimum amount, as well as a higher percentage than what was already in place. She stated that one of the Commissioners had expressed a concern in regard to the employees who were currently working at the Stadium who might be displaced by a private company. She explained that in Item No. 10 of the RFP they had been asked to address that issue, and if such employees could be given first right of refusal of any positions that might come available along the lines of those jobs. She added they were willing to meet that requirement.

Chuck Malcus, Malcus Communications, stated that he as a resident and business owner in the City understood all the concerns raised, and agreed with those statements. He stated that he was on the Board of Directors for the Broward Alliance, Fort Lauderdale Chamber of Commerce, Neighbors for Neighbors, Junior Achievement, and other groups, and such organizations would benefit by the arrangement with the Fair because there would be a recreational facility that would be opened for other groups. He stated that the City had stated in October 2003, that this RFP would be put out, and 92 organizations had requested the packages. He stated it was now the middle of February, and at the last hour they were hearing false information. He stated if the Airport had an intended use for this land to better benefit the City, the Airport had sufficient time to present such a plan or information to the City. He stated the \$7 Million or \$8 Million being talked about by the Orioles did not exist at the State level. He explained that money had evaporated in the last State budget.

Mr. Malcus further stated that the Fair had gone through the RFP process and was willing to ensure \$1 Million to the City over a period of 5 years, and additionally would save the City \$300,000 per year that was currently being lost at the site. He stated the Fair was a family entertainment value that would benefit the citizens of the City that would bring in \$1 Million over 5 years, and had been through a process to supply the information.

Frank Ayers, President of Puerto Rican Chamber of Commerce of Broward County, stated that they supported this recommendation regarding the Fair. He felt their event could bring in a \$700,000 promotional package they had put out, including 45 different markets throughout the United States. He stated that he wanted to give his support to the Fair organization.

Allen Coslo, representing Baltimore Orioles, stated that John Angeles, Executive Vice-President of the Orioles and one of the principles, was present this evening. He stated they respected the Commissioner's motion and understood it, and further stated they had a 9-year arrangement with the City. He stated the only reason the Orioles could not propose a management agreement as requested in the RFP was because they needed a long-term commitment from the City for the Stadium site and eventually for Lockhart Stadium. He added that if the City stepped up to the plate on a long-term basis with the Orioles, they should step up on a long-term and short-term basis regarding the shortfall and public outreach programs. He stated they had no problem with the Fair and they would be happy to work with them. He added that as recently as this week, they had been on the phone with the Speaker of the House in Florida, along with the Chairman of Finance and Tax, who stated they would make it a priority to help them get State funding under the State Program by replenishing the fund from a sales tax rebate program if the City and the Orioles were serious. He stated that possibly funds were not available on paper, but the legislation was coming into session and if they wanted to make something happen, they knew how to go about doing it.

Mr. Coslo stated the problem was that they were going to say to them and the lobbyists, where was the long-term commitment. He stated that the RFP did not allow a 15-20 year commitment, but if they had such commitment they would be able to obtain State money. The City would not have to match any funds. He stated the Orioles would step up to the plate regarding the local match, and would seek alternate funding sources at other levels. He stated they only needed the land from the City. He advised that they were taking a neutral position regarding the policy decision of management. He asked the Commission not to trade the Orioles for another management company. He stated they wanted to stay here, and a letter had been submitted to the City stating their commitment. He added if they had Lockhart Stadium, they would have 200 additional players and coaches coming to the City for 2-3 months spending their money.

John Angeles, Executive Vice-President of the Orioles, stated that one of the first decisions the Orioles ownership made after purchasing the club in 1994 was to relocate their spring training home from St. Petersburg to Fort Lauderdale. He stated they felt that was the right decision both for the organization, the community, and the season ticket holders and fans in the Baltimore/Washington area. He explained that their goal has been to have a long-term, permanent, unified spring training home in this City. He stated the bulk of their operations now ran out of Sarasota, even though it was not their organizational preference. He stated that their preference was to have a unified complex in this City. Recently, it was becoming foreseeable the opportunities possibly available with the Lockhart property. He reiterated that as recently as last week in conversations with individuals in Tallahassee, their support had been expressed for the Orioles to remain in Florida. He stated they had not entertained the opportunities over the years that had been presented to them to relocate to other cities. He stated their organization believed in continuity and the long-term health of a franchise rested on one that had a permanent home. He stated that many individuals were familiar with Camden Yards that was the pre-eminent sporting facility and baseball park. He stated it began the revolution of downtown urban state-of-the-art facilities with modern amenities in 1992. During the 12 years of the ballpark's existence, they had entertained over 35 Million fans and led the league in attendance for over 6 years. He stated their only intention was to bring HOK and other architects who pioneered such renovations to this area to participate with political leadership, City staff, and other interested parties in the community to create

that same level of professionalism in Fort Lauderdale. He stated they were only asking to be given that opportunity. He stated the Orioles wanted to remain in Fort Lauderdale and they were committed to working with the City and the community at-large to make things happen.

Kathleen Summers, Executive Director of the Greater Fort Lauderdale Lodging and Hospitality Association. She stated they were concerned about losing the Baltimore Orioles. She stated they were representing their members in the uptown district. She stated that in polling only 3 of their hotel members, the Orioles brought in over \$500,000 per year in hotel revenue. She added that the uptown vacancy rate was around 30% at this time. She stated they wanted the Orioles to stay and felt they were a benefit to the community and were a part of this City.

Lee Alexander, past Chair of the Aviation Advisory Board, stated that he was speaking on behalf of the Airport. He continued stating that the Airport was important to the past growth of the City and was equally important for its future. He stated further that a City that could not provide corporate air travel could not become great, nor continue to grow. He stated they were out of land at the Airport, and as great as the Orioles were and the Fair was, they could build a baseball stadium somewhere else, along with a fairground. He reiterated that the only place they could put more aviation property was at the Airport. He felt they needed to consider taking advantage of the last available parcel of land for aviation property.

D. J. Dooty, attorney, stated that he was representing Broward County Fair this evening. He continued stating that he wanted to clarify the fact that the Fair was ready to work with the Baltimore Orioles, and he did not want anyone to misunderstand that there was any provision that would preclude the Fair from engaging in active negotiations with the Orioles to ensure they remain a component of the community. He reiterated that the Fair acknowledged and fully understood and appreciated the importance the Orioles had with the community. He stated the Fair wanted to partner with the City to ensure that the Orioles stayed an important component of the community.

Commissioner Moore stated that he wanted the public to understand that the Commission would decide whether to reject any offer or have another RFP process. He suggested that all bids be rejected because he had been working on this venue for a number of years, and he felt it was an emotional issue instead of a business one. He stated that this time he wanted to do everything he could to make sure it would no longer be an emotional issue.

Commissioner Moore reiterated that the hotel/motel association had benefited last year to the tune of \$500,000 because of individuals using such facilities, but it cost the taxpayers \$500,000 to keep the Stadium open. He added that such businesses had not stepped up to the plate over the years regarding this venue. He felt the facility should be closed if no one could come to the table and offer something beneficial to the government. He stated there had been an emotional plea made earlier today in regard to the City's desires to continue with parkland use, and he stated that once again was an emotional issue. He stated further if there was going to be a different use of this property, and then they must bring in enough revenue on the business side so they could enhance other park programs in the remaining parks throughout the City.

Commissioner Moore stated that in regard to the Aviation Advisory Board, he reminded everyone that a few years ago they had gone through a great deal of effort, money and time to establish a Free Trade Zone Center at this Airport. He stated that in regard to the uptown businesses, if there was to be a proposal by the Airport and its enterprise they would be developing a property different than the present office uses. It would probably not be office space, but something that would generate the opportunity for an individual to benefit from the Free Trade Zone. He stated the only way to benefit would be through an assemblage of some sorts at the site. He stated it would not be competitive with the uptown business community.

Commissioner Moore stated that he felt the baseball industry was the wealthiest industry in America, and he felt that a City should not be subsidizing it. He felt if they could get money from the State, more power to them. He stated that he wanted options that he felt benefited the taxpayers of the City, rather than emotions. He urged the Commission to reject the bids, and place a date whereby those interested in bidding could possibly joint venture. He felt it was not beneficial to the taxpayers to deal with a non-profit entity for \$100,000. He suggested that they needed to raise the figure when he had spoken with them previously. He stated that when the Fair made their presentation again emotional issues were raised. He reiterated that this needed to be a business decision.

Commissioner Hutchinson stated that she was not convinced about putting out another RFP because 92 packages had been distributed and she did not think they would get more than what they had received previously. She stated that they did need more "bang for their buck" as it related to the Youth Fair, but at the same time how could they enter into a 5-year agreement with the Fair and look towards a long-term agreement with the Orioles. She stated that Session was getting ready to start, and the Orioles did not want to leave. She felt if there was some opportunity for funding of the facility, then she wanted to go after it.

Vince Gizzi, Parks and Recreation, stated that 3 years ago Legislature passed money for aging facilities in order to keep teams in Florida, and 5 facilities had benefited to the tune of about \$75 Million. He stated they were going through the process now, and lobbyists were working. He stated this facility would be a priority due to the age of the facility and the amount of years they had been in this business. He reiterated that if the Orioles put up the \$7.5 Million match, there was a good possibility that they would be able to receive the monies.

Commissioner Hutchinson asked what was the commitment on the City's part to go after those funds. Mr. Gizzi explained that the requirement was a 15-year lease.

Mayor Naugle stated that they would need a letter stating they would be willing to enter into an agreement if they were able to receive the funds. Commissioner Hutchinson urged the Commission to go after the funds.

Bud Bentley, Assistant City Manager, stated that it was important for them to reflect back on the original approval from the FAA. He proceeded to read as follows: "There will be no transfer of title, nor will there be any lease agreement..." He stated this had been written in 1958, but they felt the FAA was of the same opinion, and this could not be structured as a normal land lease, but they would have to look at some sort of management contract to accomplish such goals.

Commissioner Hutchinson asked what type of lease they presently had with Lockhart Stadium. Mr. Gizzi replied they had a lease with Lockhart and the School Board until 2008. Commissioner Hutchinson asked if they had started it after the document was written. Mr. Gizzi confirmed and stated it had begun in 1988. Commissioner Hutchinson asked if it had been an issue with the FAA at that time. Mr. Gizzi replied he did not think so. He stated that the School Board was paying 5% of the gross receipts.

Mr. Bentley stated that the lease had been taken to the FAA and they had approved it. He reiterated that they were not saying that the FAA would not approve a long-term lease with the Orioles; it was only the fact that it would be complicated in its structure.

Commissioner Trantalis stated that he wanted this item to move forward. He stated that they wanted to accomplish what Commissioner Moore had suggested, but he was not sure how to do that. He asked further if they were to reject the bids or a tabling of the item so they could renegotiate. He asked if there would be a restructuring of the RFP and did they have the right to redo it since they had an individual who had complied with those requirements. He stated he was not sure of the City's position at this time, but he felt it was great that so many opportunities were now available.

The City Attorney stated that in the RFP the City reserved the right to reject all bids. He further stated if they wanted to explore other options, then he recommended that the item be deferred until the next meeting, and staff could provide information regarding available options. He stated the Commission tonight could approve this item, defer it, or reject all bids.

Commissioner Teel stated that she believed the best move for the City, the taxpayers and any potential managers and users of the facility, was to move in the right direction as quickly as possible. She felt one of the things they should do was to reject all bids, and not open it up as another RFP, but to go into negotiations with Parks and Recreation and Purchasing. In addition, she felt they should use the Economic Development Advisory Board to assist in this matter and try to return with options for review, instead of crafting another RFP that would be for people that may or may not respond. She stated she was not 100% wed to the Economic Development Advisory Board participating, but however, with the challenges the City faced with the budget and the lack of a functioning Economic Development Department, there could be talent there that could be utilized. She stated she wanted the bids rejected and start serious negotiations with the Orioles, while still listening to the Fair organization. She felt that other organizations might step up and possibly other combinations of partnerships could occur. She stated that she wanted staff to have the flexibility to obtain other options.

Commissioner Hutchinson stated that she was not sure they would receive more options. She stated that she wanted to go back to the Letter of Intent regarding the Orioles, and asked if there was the possibility of doing this in relation to a long-term lease in regard to being present when the Session opened.

Mr. Gizzi stated that the Orioles were in agreement.

Commissioner Moore stated they needed to deal with the rejection of the motion first, and then see how to proceed. He felt it needed to be clear that they were rejecting the bids. Then, later they could act on other recommendations made.

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

Mayor Naugle stated that he wanted the Commission to have a resolution for the purpose of the session in order to pursue the grant money.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to pass a resolution to be ready when the Session opened to seek funds for the rehabilitation of the Stadium.

Commissioner Moore reiterated that he wanted options, and if the motion was being made to deal with legislative lobbying to assist the Orioles for possible funding for rehabilitation of the stadium, he did not object, as long as other options would be presented. He stated he did not want an exclusive relationship with the Orioles. He emphasized he wanted options so this venue could get the maximum return for the City.

Commissioner Hutchinson stated that in her discussion with the Orioles, she felt it did not matter to them who managed the Stadium. She remarked they had the ability to bring money to the table, and she felt they should see if it was available. She reiterated that she was not saying that the Fair could not be a part of this, but was simply asking they issue the Letter of Intent to see if there was the possibility of obtaining the funding.

Mr. Gizzi remarked they needed a 15-year lease agreement, and they would have to negotiate with the team.

Commissioner Trantalis clarified they were authorizing the Legal Department to prepare and issue to the Orioles' organization a Letter of Intent indicating their willingness to enter into a 15-year agreement provided that the monies be obtained from the State. He stated he did not want to give carte blanche to an organization.

The City Attorney stated that if this motion passed they would draft a resolution and bring it back to the Commission that would clarify all issues.

The Acting City Manager clarified that when they were talking about a long-term relationship with the Orioles, it would not only be for the Fort Lauderdale Stadium, but also for Lockhart Stadium. He stated that everyone needed to understand that point.

Commissioner Trantalis asked the Fair organization for their reaction to such a proposal.

Ms. Pizarro stated they did want to work with the Baltimore Orioles because that was a significant source of funding. She stated they also needed some planning periods for the Fair, and wanted to be part of the arrangement and did not want to be pushed out of the picture. Ms. Jarvis explained that their event traditionally ran in the fall around Thanksgiving, and there would be no conflict with the Orioles.

Commissioner Trantalis asked if the Orioles foresaw any problems working with the Fair organization.

Mr. Coster stated that they would work with whomever the City requested them to do so, as long as it did not conflict with the overall goal to have a better facility for spring training and minor league activities at both sites.

Commissioner Moore reiterated he had no problem with the motion on the table, but he felt there should be an RFP process because it might nurture the relationship between the entities involved. He felt they were doing the right thing by supplying options.

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

Mayor Naugle stated that this did not resolve what happened after spring training. Now, there were no funds in the budget to continue operating the Stadium and was scheduled to close the end of April. He stated that the Fair proposal would have covered the City's operating losses, and in addition, pays a minimum of \$100,000. He asked if any work had been done regarding an estimated figure.

Mr. Gizzi stated that he could only state what was included in the RFP which was the guaranteed \$100,000, meaning \$1 Million in gate receipts, plus the \$500,000 over 5 years for ADA improvements, along with the 5% to the FAA. Commissioner Moore remarked that they were basing that calculation on the revenue from the gate of the Orioles.

Mayor Naugle stated there needed to be a program in order to continue the operation. He hoped staff would return with a recommendation, and suggested a short-term use agreement for the interim period. Mr. Gizzi confirmed that after April 30, 2004, there were no more funds available to run the facility.

Commissioner Moore asked for staff to show how they would close the Stadium at its conclusion. He asked what would also happen to those employees.

Mayor Naugle stated that through the RFP they showed they were taking away the operating deficit, while still providing revenue and improvements to the facility. He stated he was hopeful that they could retain the Orioles on a long-term basis and that the Stadium could remain opened. He felt if it included the use of other organizations, it would be great.

742-8951 – Consultant Services Public Realm Plan

(Pur-4)

Commissioner Hutchinson stated that she had pulled this item, and asked where the funding was coming from for this project.

Cathy Connor, Parks and Recreation, stated the funding was a combination of monies designated for Riverwalk in the amount of \$50,000. She explained the department was matching that because they were doing an impact fee study with impact fee monies for the Downtown, the Northwest, and the CRA.

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

Commissioner Trantalis stated that he thought Gladding Jackson had already been hired to do design guidelines.

Bruce Chatterton, Planning and Zoning Services Manager, stated that they had been hired to do the precinct plan for Flagler Heights specifically. He further stated that was implementation of the Downtown Master Plan for a portion of the Downtown. He explained this was a master plan for the public realm, including parks and recreation open space within the Downtown and the Northwest CRA area as well. He stated it had been recommended by the Greenberg team that a precinct plan be done for parks and recreation, open space, and public spaces based on the framework plan laid out in the Downtown Master Plan. He stated the Master Plan was both public and private, and the urban design guidelines dealt with what private development could do.

Scott Strawbridge, Riverwalk Trust, stated that Riverwalk had monies set aside to update their design guidelines, and in collaboration with the Planning Department that was being done. He remarked that this was an important component for the Downtown Master Plan, and he hoped the Commission would support this item.

The Acting City Manager stated that this was a necessity if there were going to be any impact fees in the Downtown area for green space.

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

222-8747 – Increase Contract Expenditure – Janitorial Services

(Pur-5)

Commissioner Trantalis stated that he had pulled this item, and felt that if they were reducing the use of the jail, he felt the janitorial services should be decreased.

Kirk Buffington, Administrative Services, stated that logically this was correct, but when the jail was opened the janitorial work was being done by trustees. Those trustees were moved, but the facility was still being used and there was a need to keep the booking area clean.

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

Proprietary – Water Meters for Testing

(Pur-6)

Commissioner Hutchinson stated that she had pulled this item and asked for some further clarification regarding the \$10,000 for two meters.

Kirk Buffington, Administrative Services, stated that generally these types of meters were expensive. Commissioner Hutchinson proceeded to quote from the material distributed which stated: "Test items may be purchased without bid when it's probable that such purchases will result in formulating future bid speculations." She stated it sounded like they would be using these meters in the first place.

Mike Bailey, Public Services, stated that they had been approached by the meter company and had been negotiating with them for a long time. They were told these meters would reduce maintenance costs and produce greater revenue for the City. He

stated they were not willing to just give a meter to the City for a test program. Commissioner Hutchinson asked if it was worth the money and would it actually save the City money in the long run. Mr. Bailey stated they were being used in other areas of the State and he had done some due diligence, and the company's claims were backed up by the other entities.

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

Contract Extension – Keith and Schnars, P.A. – Project (M-15)
10281 – Professional General/Civil Engineering Consultant Services

Cont'd from page 13.

Hector Castro, City Engineer, stated that Commissioner Moore had asked earlier the amount that had been paid to Keith and Schnars under the general contract during the previous fiscal year. He stated they had paid approximately \$1,763,000 to the firm during the year 2002/2003. He believed a large percentage, about 2/3, of that had been for water and sewer work. He stated he was estimating because the City's financial accounting system was not available at this time. He stated further that this contract was a conglomerate of consultants with Keith and Schnars as the lead. He advised there were about 7 other consultants and about 30% to 40% of this amount was pass-through money to those consultants.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the item as recommended.

Commissioner Moore asked if a breakdown could be provided to him of the sub-consultants within the next week, along with the percentage of monies that had been paid to those consultants during the past year.

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

MOTIONS

Florida State Lodge, Fraternal Order of Police, Inc. (M-18)
(FOP/FOPA) – Impasse Hearing

Motion to reconvene the legislative body to hear the motion for clarification of the Fraternal Order of Police Associates by regarding the language: "at least two (2) unpaid vacation days."

Mayor Naugle stated that it was his understanding that they were going to hear from both parties, and then the Commission would make a determination. The City Attorney confirmed.

Commissioner Hutchinson left the meeting at approximately 7:44 p.m.

Mayor Naugle announced that they were going to hear from the Fraternal Order of Police Associates first.

Tony Lavoti stated that last time they had not been given the opportunity to participate in the discussion with the Commission regarding the two vacation days. Therefore, he wanted sufficient time to state their opinion and to answer any questions the Commission might have.

Mr. Lavoti continued stating that while they had consented and agreed to many issues during the impasse hearing in a spirit of compromise, they had agreed to the issue of 6 furlough days. During the discussions regarding those furlough days, a Community Service Aide had gone before the Commission asking if vacation days were already scheduled could they then use those vacation days for furlough days. The discussion finally ended with a motion being made that required the municipal employees to use 2 of their vacation days they had earned during the year as furlough days. He stated the net impact was that not only would they not be paid for 6 days, but also they would have 2 extra days taken from their vacation. Therefore, in essence the City would have an 8-day benefit.

Commissioner Hutchinson returned to the meeting at approximately 7:47 p.m.

Mr. Lavoti further stated that the City Attorney had raised the issue that if vacation time was taken away, then they were not helping their cash flow problem. He explained that there had been a discussion regarding the asset and liability sides of the budget, and Commissioner Hutchinson had asked if they were really accomplishing what they needed to financially. The Acting City Manager had indicated they were not. In essence by giving the 6 furlough days that they had agreed to do to help implement the process, even though at the time the motion was pending. He explained they did not have a problem with taking the 6 furlough days, but taking 2 that might be vacation days they were losing in essence 8 days. He reiterated that would not help the cash flow situation. He asked if the Commission intended to get 8 days from the employees or did they want to take the 6 furlough days that the Union had agreed to, while still allowing them their vacation days. He explained that was the clarification that was needed.

Denise Molanson, Public Safety Aide, stated that previously she was suggesting to the Commission an alternative. She explained she was not offering 2 additional days from vacation days and has them as furlough days.

The Acting City Manager stated that when this matter had been discussed, he had thought the issue was clear. He indicated that he did not think 6 days were doable at the time. He had originally proposed a hybrid system of a rollback and 4 furlough days, but the discussion had revolved around having 6 furlough days. He stated that 2 of those days would have been taken otherwise, such as unpaid vacation days. He thought he had made it very clear they were to be unpaid vacation days. He explained one only had unpaid vacation days if vacation was used. For operational efficiencies it was necessary

that during the times when someone was out, they would not be paid. He stated he had also indicated that the firefighters were going to do the same and were going to take 48 hours of unpaid vacation days, and were not deferring them. He explained for the purposes of consistency, he had thought this was the way to do it and not reduce salaries by the 1.2% rollback.

Mr. Lavoti stated they had never stipulated to vacation time and that had been the misstatement. He clarified that they had stipulated to 6 days, and not 6 days including 2 vacation days.

Mayor Naugle stated that their position was the 6 days, but they were at an impasse hearing and had to impose something. The Acting City Manager had stated they could not do the 6 days, and therefore, they had worked out the vacation days.

Mr. Lavoti reiterated that the police did not have the same days. Mayor Naugle stated that they had settled before the end of the year. Mr. Lavoti asked if they were being punished. Mayor Naugle explained there had been a deadline due to budget constraints and the scheduling problems. He stated the police had been the only ones able to accomplish that. Mr. Lavoti stated the issue was that the people would still not be at work on those days. He explained they were taking 2 vacation days of monies out of the employee's pocket. He reiterated that the employees earned those days every month.

Commissioner Trantalis stated it was his understanding that they had offered and agreed upon 6 furlough days, and it was the option of the employee if they wanted to take up to 2 of their vacation days to cover 2 of those furlough days. He thought it was an option for the employee. He felt there had been a complete breakdown of communication and a simple matter had become very complicated. He stated that if they started at the beginning, there was an agreement for 6 furlough days. He stated the vacation days were an afterthought for helping some of the employees who had already scheduled some vacation time. He reiterated that there appeared to be a misunderstanding of the motion.

Commissioner Hutchinson stated that she agreed with Commissioner Trantalis and it was her intention that it was to be 6 days. She stated that she had watched the tape of the meeting and she knew her intent when voting was for 6 furlough days, and if one chose to use vacation that was the employee's choice. In reading the motions, Commissioner Moore had stated 2 vacation days would be used for the 6 total days. When Mr. Bentley clarified the motion, it stated 2 of which had to be used as vacation days. She stated it was the words "will" and "must" that she had a problem with in this matter. She reiterated that her intent of her vote was 6 furlough days, and if the employee chose to use vacation time that was entirely up to them.

Commissioner Moore stated that he also agreed with the Commissioners, but they were dealing with 6 days or a reduction in salary. He stated further that a member of the audience had talked about vacation days, and that was when this became an issue. He thought it was clear that the vacation days could be an option.

Commissioner Hutchinson stated that when Mr. Bentley clarified Commissioner Moore's motion it was 2 of which "must" be used as vacation. She stated that was the breakdown in communications. Commissioner Moore stated if they were making a mistake and there would be an impact on the budget, he asked for further clarification.

Mayor Naugle asked for some further clarification because he did not want the City put in a situation where they could not accomplish the savings that were desired. Then, they would have to require some further action tonight.

Mr. Lavoti clarified that Mr. Bentley was not included to address the Commission on this issue and an agreement had already been reached.

Commissioner Teel stated that as she recalled they had started out with the goal of saving expenses by asking employees to take 6 furlough days. She felt the Acting City Manager had made it very clear that this had to be agreed to by the end of the year. Since that did not happen because the Union had not come to an agreement, the longer the delay the less chance that 6 furlough days could be taken. When they began the impasse hearing, the Acting City Manager clarified that they still needed the 6 days, but instead of taking the 6 days they were looking at 4 furlough days plus the 1.5% rollback. She recalled that the PSAs had objected to that, but because of the scheduling, there was no choice. Therefore, the suggestion regarding vacation days was made. She wondered if that would work in place of the 1.5% rollback, but she had been given the indication that it would work. Somehow things got changed around, but she felt they had to recognize the fact that the 6 furlough days were basically lost because the agreement did not happen when it was supposed to have happened. She felt they might have been trying to get "too fancy" in helping the employees to get the days off they wanted. She felt the simplest thing to do was take 4 furlough days, plus the 1.5% rollback.

Commissioner Moore asked if they could use the words "will" or "must" with the vacation days so there could be an understanding. He stated if the word were "may" would they still meet their obligation.

The Acting City Manager replied they would not meet their obligation from the point of view of operational efficiencies because there were not enough days left to schedule 6. There would only be enough days left if 2 of the days would be either a vacation day or holiday day, a time when the employee would have been scheduled off. He further they could not do the rollback now, and could only deal with the vacation days. Since they had also indicated that vacation or holidays would work as well, they could interpret it to say that if a person did not want to take the 2 days as vacation days, then they could take 2 unpaid holidays in lieu of that. He explained in that case the employee would not be working, and there would be no operational efficiency problems.

Mr. Lavoti stated that they had been given a deadline of December 31, 2003. A meeting had been held on January 14, 2004, and he felt 2 weeks would not make a difference in the operational efficiency of the City. He reiterated that on the 14th, they had agreed to the 6 furlough days. He further stated that the vacation time would not be helping the City in regard to its cash flow and that had been admitted. He hoped after the Commission made their decision tonight that the employees would be better off. He stated he did not see from the asset/liability issue that they would be helping the City by having the employees take 2 vacation days from their pockets.

John Dargis, Employee Relations Division, stated that the intent of the Acting City Manager with all the bargaining groups was that there was a need for 48 hours where employees would be without pay. What would not work financially would be when an employee took 4 furlough days, and then stated they would give up 2 vacation days

because the City would not realize any savings. It had to be 6 days without pay for savings to be realized.

Commissioner Moore asked if the days could be unpaid vacation days. The Acting City Manager explained that the City would get the savings if there were an unpaid vacation or holiday. He explained they could not defer that time later on in the year. He further stated that the impact on the budget was that it would get the savings, but there would be an impact on operational efficiency. He stated they did not want to reduce levels beyond what they thought were sane. He felt 4 days were what they could deal with in this matter.

Mr. Lavoti reiterated that the employees had begun taking their furlough days.

The Acting City Manager stated the question was the other 2 days and whether they were being taken as vacation or holidays. His position had been consistently clear.

Commissioner Trantalis clarified that the motion was that the employee was required to take the days as a vacation or as a paid holiday, as opposed to it being their option. He stated that he was not in favor of that motion

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

PUBLIC HEARINGS

Vacation of Alley – 600 & 700 Blocks of NW 1 and 2 Avenues - (PH-1)
Maison Saint-Antoine LLC, Old Progresso Village (PZ Case No. 13-P-03)

At the Planning and Zoning Board regular meeting on December 17, 2003, it was recommended by a 5 to 2 vote, that the following application be approved. Notice of public hearing and proposed ordinance was published February 5, 2004 and February 12, 2004.

Applicant: Maison Saint-Antoine LLC, Old Progresso Village
Request: Vacation of Alley
Location: 600 & 700 Blocks of NW 1 and 2 Avenues

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.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-07

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THE ALLEY LYING NORTHERLY OF AND ADJACENT TO TRACT "A", "S & R INVESTMENT CO. PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 76, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH ALL OF THE 15 FOOT RESERVED ALLEY LYING WESTERLY OF AND ADJACENT TO LOTS 1 THROUGH 11, BLOCK 320, "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED SOUTH OF NORTHWEST 7TH STREET, BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 1ST AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Amend Planned Unit Development (PUD) Site Plan – The Village at Sailboat Bend (Case 1-ZPUD-02) (PH-2)

Amendment to PUD to include addition to West Side School, relocation of utility easement and realignment of the curve at the south end of SW 14th Avenue. Notice of proposed amendment was published February 5, 2004 and February 12, 2004.

Applicant: Lennar Homes, Inc.
 Request: Amendment to PUD – The Village at Sailboat Bend
 (Case 1-ZPUD-02)
 Location: 1320 SW 4th Street

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-33

A RESOLUTION APPROVING THE AMENDMENT OF THE DEVELOPMENT PLAN APPROVED AS PART OF ORDINANCE No. C-03-2, OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH CHANGED THE UNIFIED LAND DEVELOPMENT REGULATIONS BY REZONING FROM COMMUNITY FACILITY (CF) TO PLANNED UNIT DEVELOPMENT (PUD) ON PROPERTY LOCATED SOUTH OF SOUTHWEST 2ND COURT, NORTH OF THE NORTH FORK NEW RIVER BETWEEN SOUTHWEST 14TH AVENUE AND SOUTHWEST 13TH AVENUE TO RELOCATE A UTILITIES EASEMENT, REALIGN

RIGHT-OF-WAY; RELOCATE A STRUCTURE, INCLUDE AN ADDITION TO WEST SIDE SCHOOL AND SUCH OTHER REVISIONS REQUIRED BY THE CITY COMMISSION.

Which resolution was read by title only.

Mayor Naugle asked if this proposal had met the wishes of the neighbor, Mr. Willard. Mr. Willard stated he was in agreement.

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

Chuck Willard stated that a vacation had been given so he could have a legal lot for the purpose of rebuilding in case the house would be destroyed, but it was not clear to him where his property line would be located once the street was built over the corner of his property.

Cecelia Hollar, Acting Public Services Director, explained that since this was an easement it would not change where his property line would be located. The measurement of his home would still be from the property line as it existed today.

ORDINANCES

**Amendment to Chapter 27 – Vehicles for Hire – Rental Cars
With Chauffeurs and Sightseeing Vehicles**

(O-1)

An ordinance amending Chapter 27, "Vehicles for Hire," Article V, "Rental Cars with Chauffeurs and Sightseeing Vehicles," Division 2, "Certificate of Public Convenience and Necessity," Section 27-192, "Application; Information to be Shown; Fee," of the Code of Ordinances of the City, providing a limit on the number of certificates issued, providing a mechanism to increase that limit when necessary, providing an application process by which certificates shall be requested, providing minimum requirements for applicants, providing a process for staff review of each application received, providing for review of applications by the Community Services Board, providing a schedule for review by the Community Services Board, deleting moot provisions, and providing for severability, repeal of conflicting ordinance provisions, and an effective date. Notice of proposed ordinance was published January 24, 2004.

Lori Milano, Director Community Inspections, stated that this item had been presented for first reading, and the Commission had directed staff to take this back so the industry would have the opportunity to be heard before the Community Services Board. She stated further that had been done at the February 9, 2004 Community Services Board meeting and a public hearing had been held. She advised that several people from the industry had also been notified. She stated that Board had chosen to uphold their criteria and evaluation system which they had initially approved and asked for it to be forwarded to the Commission for approval.

Anthony Alfano stated that his company was Tri-County Van Tours. He asked if anything had been stated about grandfathering in businesses that had been operating up until this time. He reiterated that his business had been operating since 1995, and asked if he would receive these permits.

Ms. Milano explained that at the Community Services Board public hearing, there had never been any discussion about grandfathering in the existing businesses. However, following the meeting some discussion had taken place between the Chair and the industry stating this could be a consideration.

Commissioner Moore stated that the individual would not be excluded from going through the permitting process. Ms. Milano confirmed. Commissioner Moore asked when there would be another allocation opportunity. Ms. Milano replied that there would be another allocation when the occupancy rate changed which was based on hotel occupied units. A standard was established at this time at 100. Commissioner Moore asked of the 100 available, how many permits had been requested. Ms. Milano replied that they had issued 89 permits. She added there were 33 new applications on file, and since the Community Services Board meeting, they had received applications for 134 certificates. She believed those were from the existing operators. She stated they would forward 167 requests to the Board. Commissioner Moore stated that grandfathering was not an issue because if the applicant was not included in the 33, then that person could not be considered due to the fact of how many were available. Ms. Milano stated they would consider all the applications and forward them to the Board for ranking. Then, those results would be brought before the Commission.

It was stated that individuals were operating with County licenses, and if they did not receive City licenses they would be put out of business. It was further stated that the City was in fiscal disarray and needed money. A plea was made for the City to let individuals make their living.

Jesse Gaddes, Yellow Cab, stated that it was his understanding that the Chair of the Community Services Board had some recommendations to make that would solve some of the pending issues. He felt the recommendation was that the City would consider licensing the companies that had been in business and could prove so, and therefore, be permitted to continue operating.

Mr. Gaddes stated that they had over 100 vehicles and the reason they never had to license the vehicles since 1965 with the City or the County was because they were operating under an interstate commerce exemption that meant that companies who transported individuals to and from airports were exempt from local licensing. He stated that law had been on the books for over 30 years. He explained the ICC had been taken over by the US Department of Transportation.

Commissioner Trantalis asked if a cab company chose to transport people to and from an airport did they have to be licensed by a local municipality. Mr. Geddes explained that the law did not apply to cab companies because they had not been exclusively involved in interstate commerce. Their business was to operate within the municipality and other places, and the airport was an incidental part of their business.

Commissioner Moore clarified that the Community Services Board had stated they wanted the Commission to continue under the auspices of the first reading. Ms. Milano

confirmed. Commissioner Moore stated that after that meeting, the Chair decided to bring back to the Board the issue of grandfathering. Ms. Milano confirmed.

Commissioner Trantalis stated they were about to put businesses out of business due to a bureaucratic process they were attempting to impose. He further stated that the market had determined the necessity for a greater number of such vehicle operators, and not an advisory board determining what number was necessary to serve the tourists and local residents. He stated that with due respect to the members of that Board, he took exception to the proposal and recommendation. He asked the Commission to reject the Board's recommendation, knowing that the market should determine the necessary number of such vehicles. He stated he could not put individuals out of business who had been operating for years and had serviced the City and helped it to function well due to the determination of an advisory board. He stated that he was not in support of the proposed recommendation.

Mayor Naugle reminded everyone that they had asked the Board for a recommendation in this matter. He asked if the vehicles were exempt from the interstate commerce clause.

The City Attorney stated he could not answer that question, and the only reason they would be exempt was because they operated exclusively as transportation to and from the Airport. He stated if they were taking passengers from hotels or attractions, then they would not be exempt.

Commissioner Moore stated that the necessity issue was the appropriate way to handle this matter. The question was what was the appropriate number. He felt if an operator was operating inappropriately in the City, then they should not grandfather that person in. If someone followed the law and was attempting to obtain a license, then he had stopped his past actions of serving within a jurisdiction where he had no license simply because he was asked to wait on the outcome of this ordinance.

Ms. Milano clarified that the way the criteria was set up, the only way the limit could be increased would be if there was an increase in hotel/motel occupancy, along as a change in the occupancy rate.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-04-6

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 27, VEHICLES FOR HIRE, ARTICLE V, RENTAL CARS WITH CHAUFFEURS AND SIGHTSEEING VEHICLES, DIVISION 2, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, SECTION 27-192, APPLICATION; INFORMATION TO BE SHOWN; FEE, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING A LIMIT ON THE NUMBER OF CERTIFICATES ISSUED, PROVIDING A MECHANISM TO INCREASE THAT LIMIT WHEN NECESSARY, PROVIDING AN APPLICATION PROCESS BY WHICH CERTIFICATES SHALL BE REQUESTED, PROVIDING MINIMUM REQUIREMENTS FOR APPLICANTS, PROVIDING A PROCESS FOR STAFF REVIEW OF EACH

APPLICATION RECEIVED, PROVIDING FOR REVIEW OF APPLICATIONS BY THE COMMUNITY SERVICE BOARD, PROVIDING A SCHEDULE FOR REVIEW BY THE COMMUNITY SERVICES BOARD, DELETING MOOT PROVISIONS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Mayor Naugle stated that the Board would probably discuss this matter again. He stated if there was a way for the companies who had been operating to grandfather them in, possibly that could be permitted by having them pay past license fee. He stated he was uncomfortable in putting individuals out of business.

Faye Outlaw, Interim Director Community Economic Development, asked if the applications on file were to be brought forward, or were they to hold them and go back before the Community Services Board to see if they would change their criteria.

The City Attorney stated that when this matter arose, there had been no criteria for issuing the certificates. He stated that the ordinance provided for a first-come/first-serve basis. He stated that the Commission had adopted a moratorium until the ordinance was passed. He asked what they wanted to do in the interim.

Commissioner Moore asked for a reconsideration of this matter. He asked that the item be continued for another 30 days instead of denying the item, and receive clarification on the grandfather issue.

Commissioner Hutchinson stated that she had a problem putting people out of business since they had been operating for 10 years or more. She felt the market drove the business. She stated that she could not support the recommendation as made.

Commissioner Moore stated if that was the wish of the majority, then they should reconsider the item and continue it for 30 days so the Advisory Board could hear everyone's comments made tonight and then make some adjustments, instead of continuing with no rules. Commissioner Hutchinson asked if the advisory board could attend the next Commission meeting.

Ms. Outlaw stated that the advisory board was scheduled to meet on March 8, 2004, but she felt the Commission should know that the point they were all presently arguing about, the Board had heard those comments and still proceeded with the limitation. She stated that possibly they would revisit the issue.

Mayor Naugle requested that staff return with options. Commissioner Moore asked if the moratorium was continuing.

Commissioner Hutchinson asked if the limit could be placed at 200 certificates. She stated the ordinance stated: "The City Commission shall not issue more than 100," and asked why that could not be changed to "200." She stated the last sentence in the ordinance read: "Hotel/motel units occupied in Fort Lauderdale had exceeded 25,000 by at least 275..." and asked if that number could be changed to 150.

Ms. Outlaw stated that she thought the Board had done what the Commission had requested which was to bring forth the criteria. Then, it would be up to the Commission to vote the recommendation up or down. She felt the numbers could be changed, but stated the City Attorney could provide further clarification.

The City Attorney stated that they could adopt any rational basis as long as there was a rational nexus between the standard set, and public convenience and necessity. Commissioner Hutchinson stated it suddenly allowed her the opportunity to issue more licenses should it warrant the 167 individuals out there presently doing business. She felt it allowed for the opportunity of grandfathering and allowed more flexibility than the 11 remaining certificates.

Commissioner Moore stated that the other applicants had attempted to go through the procedure, and the others had operated under a County license. When cited many individuals still continued operating illegally. By having a proliferation of such vehicles on the roadway competed with individuals who were legally operating.

Commissioner Trantalis stated that they needed to establish a rational nexus between the necessity of having a license and showing a public convenience and necessity. He stated that establishing an artificial number was just that artificial, and if anyone challenged that it would be struck down. He stated that to him public convenience and necessity was two separate concepts. He explained that the public convenience was simply the mode of transportation. He felt their culture, scientific knowledge, and state-of-the-art technology determined what was public convenience. He further stated that the aspect of necessity reflected the number that was determined by the market. He stated that he did not feel they should reconsider the motion, and asked the Commission to move forward with tonight's agenda.

Commissioner Moore stated if it was not a necessity to arrive at a number for other transportation vehicles, then he suggested that the advisory board look at unlimited use of taxicabs. If the marketplace was to justify it, then the market should justify it on all levels of transportation.

**Amend ULDR – Section 47-21 – Landscape and Tree
Preservation Requirements (PZ Case No. 3-T-04)**

(O-2)

At the January 22, 2004 Planning and Zoning Board meeting, the following application was recommended by a vote of 8-0. Notice of proposed ordinance was published February 7, 2004.

Applicant: City of Fort Lauderdale
Request: Amend ULDR Section 47-21 Landscape and Tree
Preservation Requirements (PZ Case 3-T-04)

Commissioner Moore introduced the following ordinance on second reading.

ORDINANCE NO. C-04-8

AN ORDINANCE AMENDING SECTION 47-21, LANDSCAPE AND TREE PRESERVATION REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO DESCRIBE CERTAIN TRIMMING METHODS AS TREE ABUSE AND TO REQUIRE CERTAIN STANDARDS FOR TRIMMING THE FICUS SPECIES.

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

Emergency Preparedness Task Force

(O-3)

An Ordinance creating Article IX, Sections 2-270 through 2-281 "Emergency Preparedness Task Force."

Motion made by Commissioner Moore and seconded by Commissioner Teel to defer **first** reading to Tuesday, March 2, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

RESOLUTIONS

**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)**

(R-1)

A resolution to consider an application filed by T. Kobayashi and C. March for approval of a Site Plan Level III/Conditional Use/RAC-UV. On October 21, 2003, the City Commission deferred consideration of the following item to November 18, 2003 by a vote of 5-0, and on November 18, 2003 the City Commission deferred consideration to December 16, 2003 by a vote of 5-0. On December 16, 2003 the City Commission deferred consideration of the following item to February 17, 2004 by a vote of 4-1.

Mayor Naugle disclosed that he had met with the owner of the development. Commissioner Hutchinson disclosed that she had spoken with the applicant. Commissioner Teel stated that she had met with Ron Mastriana. Commissioner Moore stated he also had met with Ron Mastriana. Commissioner Trantalis stated that he also had met with Ron Mastriana.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A MIXED USE PROJECT CONSISTING OF MULTI-FAMILY UNITS AND RETAIL, LOCATED AT N.E. 3RD AVENUE AND N.E. 7TH STREET, FORT LAUDERDALE, FLORIDA IN A RAC-UV ZONING DISTRICT.

Which resolution was read by title only.

Commissioner Teel clarified that they were talking about Bamboo Flats.

Cecelia Hollar, Acting Director Public Services, confirmed. Commissioner Trantalis commended the developer and his representatives for responding to the work that had gone into the area.

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

**Grant Application – Florida Inland Navigation District (R-2)
(FIND) – Waterways Assistance Program Grant –
(P10754) – Riverwalk South Regional Park Project**

A resolution authorizing the proper City officials to apply and execute all documents necessary to receive such grant funding.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR GRANT FUNDING FROM THE FLORIDA INLAND NAVIGATION DISTRICT (FIND) FOR THE DEVELOPMENT AND CONSTRUCTION OF RIVERWALK SOUTH REGIONAL PARK PROJECT; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS TO ACCEPT SUCH GRANT FUNDS.

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

Successor Agreement – Fort Lauderdale Professional Firefighters, Inc. (IAFF), Local 765

(R-3)

A resolution authorizing the proper City officials to execute a successor agreement with IAFF, Local 765, upon ratification through September 30, 2004.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND FIREFIGHTERS OF FORT LAUDERDALE, LOCAL 1545, I.A.F.F., INC.

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

Extension to Grant Agreement – Broward Boating Improvement Program for George English Park Improvements

(R-4)

A resolution authorizing the proper City officials to enter into an agreement with Broward County Broward Boating Improvement Program for a grant of \$103,000 to help fund the construction of boating improvements in George English Park.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROEPR CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH BROWARD COUNTY'S BROWARD BOATING IMPROVEMENT PROGRAM FOR A GRANT OF \$103,000 (ONE HUNDRED THREE THOUSAND DOLLARS) TO HELP FUND THE CONSTRUCTION OF BOATING IMPROVEMENTS IN GEORGE ENGLISH PARK.

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

Final Utility Easements – Bahia Mar Resort Expansion

(R-5)

A resolution (a) authorizing execution and delivery of an electrical utilities easement deed to Florida Power & Light, subject to certain terms and conditions, (b) vacating previously dedicated utility easements, and (c) dedicating a utility easement all over property commonly known as Bahia Mar.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-38

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY OF AN ELECTRICAL UTILITIES EASEMENT DEED TO FLORIDA POWER & LIGHT COMPANY, SUBJECT TO CERTAIN TERMS AND CONDITIONS; VACATING PREVIOUSLY DEDICATED UTILITY EASEMENTS; AND DEDICATING UTILITY EASEMENTS ALL OVER CITY OWNED LANDS MORE COMMONLY KNOWN AS BAHIA MAR, SUCH LANDS BEING MORE PARTICULARLY DESCRIBED BELOW.

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

Advisory Board/Committee Appointments

(OB)

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

Beach Redevelopment Advisory Board	Ina Lee Pamela Adams
Cemeteries Board of Trustees	Joe Goldberg
Community Appearance Board	Joanne Johnson William Hahne Ginger De Simon
Nuisance Abatement Advisory Board	Ginnee Hancock

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 04-39

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.

At 8:50 p.m., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

City Clerk