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FORT LAUDERDALE CITY COMMISSION
MARCH 2, 2004**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
MARCH 2, 2004**

Meeting was called to order at 6:15 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Dean J. Trantalis (entered meeting at 6:16 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 Frank Sebregandio

Invocation was offered by the Assistant City Clerk, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that the agenda and minutes of the February 17, 2004 meeting be approved. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Moore and Mayor Naugle. NAYS: None.

Presentations

OB

1. Smoke Detector

Commissioner Moore demonstrated how to check a smoke detector and reminded everyone to do so each month.

2. "Ladies, Let's Go Fishing" Days

Commissioner Hutchinson asked Linda Fouke to join her at the podium and proceeded to present a Proclamation for "Ladies, Let's Go Fishing" Days to be observed March 19-21, 2004.

Commissioner Trantalis entered the meeting at approximately 6:16 p.m.

Linda Fouke thanked the City and Commission for the proclamation and stated that they had been around for 9 years conducting seminars to bring to women the joy of fishing. She stated that the State of Florida Wildlife Fish and Game Commission, along with Mercury Marine Motors, were sponsors of this group. She stated that individuals could register on line for the events to be held, and added that brochures were being distributed with additional information.

3. Employees and Volunteers/Code Amnesty Program

Commissioner Trantalis stated that this Fall the City had realized that many of the departments which provided services to the community were going to be either reduced or eliminated. A program which brought about a good deal of concern from the community was the Public Safety Aides (PSAs), and 30 were to be removed from the payroll. Out of that concern was born the idea of establishing an Amnesty Program for individuals who came into compliance with code violations against their properties. In January 2004, the City Commission had decided to implement an Amnesty Program from February 1, 2004 to March 1, 2004 whereby 75% of a lien would be removed and the owner would only have to pay 25% of such violation.

Commissioner Trantalis continued stating that tonight they wanted to recognize the different employee groups and City volunteers who played an integral role in this program. He stated the program had met and exceeded the goal of raising \$550,000 to save the PSA positions. He thanked everyone for his or her hard work and diligence. He added that this program had raised \$1,346,890.95.

Commissioner Trantalis proceeded to present a Proclamation to Lori Milano and John Simmons, along with presentations made to the volunteers – Jon Albee, Marge Anderson, Genia Ellis, P.J. Espanol, Ted Fling, Ginnee Hancock, Elizabeth Hayes, Richard Mancuso, Tom Peterson, and Tim Smith.

Commissioner Hutchinson thanked everyone for his or her hard work. She reminded everyone of the CVC project scheduled for this Saturday on the Riverwalk.

Faye Outlaw, Interim Director Community Economic and Development, stated that the City also wanted to thank all the City Departments involved in this program and reiterated that it took a real team effort to make this a success. She reiterated that 9 departments had been involved in addition to all the volunteers and proceeded to recognize all the individuals.

4. Outstanding City Employees

Bruce Roberts, Chief Police Department, stated that he wanted to recognize their employee of the month for February 2004, which was Evelyn Rubin who had been with the Department for several years. He stated that she had volunteered to perform the duties of the Administrative Aide for the Administrative Support Division who had taken a medical leave of absence, along with performing duties as Acting Captain of the Division for a period of time. He thanked her for her hard work.

Otis Latin, Chief Fire-Rescue Department, stated that he wanted to recognize Lt. William Humphrey, Driver/Engineer Ralph Daiz, Firefighter/Paramedic John Heiser, Firefighter/Paramedic David Motta, Firefighter/Paramedic Tamara Rose,

Firefighter/Paramedic Kimberly Vansant, and Firefighter/Paramedic Kimberly Wales. He explained that on January 30, 2004, Fire Rescue 47 and 247 responded to a house fire caused by burning food being prepared for a gathering and family funeral. The crew then made arrangements to provide the family with food for their gathering. He thanked the crew for their consideration and the showing of the true meaning of serving citizens in the community.

Chief Latin stated that he wanted to recognize a group of firefighters and a group of police officers that worked together to save lives. He proceeded to recognize Lt. Stanley Giesey, Drive/Engineer Donald Morton, Firefighter/Paramedic Christopher Nunez, Firefighter/Paramedic Gregory Schutzer, Firefighter/EMT Stacy Parrish, Firefighter/EMT Matt Schaefer, Sgt. Joseph Ryan, and Sgt. David Wheeler for assisting an individual in cardiac arrest on February 12, 2004 at the 2700 block of Broward Boulevard. He stated that the quick action of these individuals had saved the person's life.

**Ratification of Successor Agreement Between the City
Of Fort Lauderdale and Florida State Lodge, Fraternal Order
Of Police, Inc. a/k/a FOP/FOPA Upon Ratification through
September 30, 2004** (R-3)

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

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 – Smoking Relief Fund (M-1)

A motion authorizing and approving the execution of an Event Agreement with **Big Game Bar and Grill, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **Smoking Relief Fund, to be held at the Big Game Bar and Grill at 2935 North Federal Highway, on Saturday, March 20, 2004 from 12:00 Noon to 12:00 Midnight and Sunday, March 21, 2004 from 12:00 Noon to 8:00 PM.**

Recommend: Motion to approve.
Exhibit: Memo No. 04-309 from Acting City Manager.

Event Agreement – St. Patrick’s Day Celebration**(M-2)**

A motion authorizing and approving the execution of an Event Agreement with **Cilddara Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **St. Patrick’s Day Celebration**, to be held at **Maguire’s Hill 16, 535 North Andrews Avenue, on Tuesday, March 16 from 2:00 PM to 12:00 Midnight and Wednesday, March 17, 2004 from 7:00 AM to 12:00 Midnight**; and further authorizing the closing of the southbound curb lane of North Andrews Avenue from 5 Street to 6 Street from 2:00 PM March 16 to 2:00 AM March 18, 2004; and the alley running parallel to Andrews Avenue at the back of Maguire’s Hill between their property lines only from 6:00 AM March 16 to 12:00 Noon March 18.

Recommend: Motion to approve.

Exhibit: Memo No. 04-267 from Acting City Manager.

Event Agreement –Social on the Intracoastal at Shooter’s Waterfront Café**(M-3)**

A motion authorizing and approving the execution of an Event Agreement with **Roscoe LLC** to indemnify, protect and hold harmless the City from any liability in connection with **Social On The Intracoastal at Shooters Waterfront Café** to be held **Friday, March 12, 2004 from 5:30 PM to 12:00 Midnight**; and further authorizing the closing of NE 32 Avenue from the south edge of the Shooters/Bridgeside Place Valet entrance to the south side of the Shooters/Caribbean Corner property line; from 10:00 AM on March 12 to 8:00 AM on March 13, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-307 from Acting City Manager.

Event Agreement – Great Strides**(M-4)**

A motion authorizing and approving the execution of an Event Agreement with **Cystic Fibrosis Foundation**, to indemnify, protect and hold harmless the City from any liability in connection with **Great Strides, to be held Saturday, March 27, 2004 from 7:30 AM to 12:30 PM at Las Olas Riverfront and downtown sidewalks.**

Recommend: Motion to approve.

Exhibit: Memo No. 04-308 from Acting City Manager.

Event Agreement – St. Patarick’s Day Street Party**(M-5)**

A motion authorizing and approving the execution of an Event Agreement with the **Old Town at Riverwalk Merchants Association Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **St. Patrick’s Day Street Party, to be held Wednesday, March 17, 2004 from 2:00 PM to 11:00 PM**; and further authorizing the closing of the following streets from 10:00 AM on Wednesday, March 17 to 4:00 AM on Thursday, March 18; SW 2 Street from SW 2 Avenue to SW 3 Avenue (leaving SW 3 Avenue open); and SW 2 Street from SW 3 Avenue to the alley east of the post office (leaving the alley open and leaving access to the parking lot at Fat Cat’s in the 300 block of SW 2 Street).

Recommend: Motion to approve.

Exhibit: Memo No. 04-310 from Acting City Manager.

Contract Award – Florida Coast Elevator – Project 10702 - Police Department Elevator Rehabilitation**(M-6)**

A motion authorizing the proper City officials to execute an agreement with Florida East Coast Elevator in the amount of \$36,491 for the Police Department elevator rehabilitation project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-276 from Acting City Manager.

Contract Award – Metro Equipment Services, Inc. - Project 10383 – 20” DIP Force Main on 27th Avenue Project**(M-7)**

A motion authorizing the proper City officials to execute an agreement with Metro Equipment Service, Inc. in the amount of \$2,294,225 for the 20” DIP Force Main on 27th Avenue project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-283 from Acting City Manager.

**Contract Award – Security One Systems, Inc. -
Project 10372-A – One Stop Shop Security System**

(M-8)

A motion authorizing the proper City officials to execute an agreement with Security One Systems, Inc. in the amount of \$83,743.73 for the One Stop Shop Security System project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-339 from Acting City Manager.

**Takeover Agreement – Hartford Insurance -
Project 15160 – Joseph C. Carter Park**

(M-9)

A motion authorizing the proper City officials to execute a takeover agreement with Hartford Insurance for Joseph C. Carter Park, Project 15160.

Recommend: Motion to approve.

Exhibit: Memo No. 04-362 from Acting City Manager.

**Task Order No. 03-16 – Hazen and Sawyer, P.C. -
Project 10790 – Risk Management Update**

(M-10)

A motion authorizing the proper City officials to execute Task Order No. 03-16 with Hazen and Sawyer, P.C., in the amount of \$37,420 for professional services associated with the submission of a Risk Management Update to the Environmental Protection Agency.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-281 from Acting City Manager.

**Work Authorization 16724.76 – Keith and Schnars, P.A.-
Project 10707 – Inspection Services at City Park Mall Garage**

(M-11)

A motion authorizing the proper City officials to execute Work Authorization 16724.76 with Keith and Schnars, P.A., in the amount of \$88,240 for the provision of inspection services for the City Park Garage Rehabilitation Phase I-B Planter/Barrier Wall Rehabilitation project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-338 from Acting City Manager.

Change Order No. 1 – Florida Design Contractors - (M-12)
Project 10532 – Fiveash Wellfield Abandonment and
Relocation Phase II

A motion authorizing the proper City officials to execute Change Order No. 1 with Florida Design Contractors in the amount of \$95,129.53 for provision of the installation of 852 feet of 24-inch ductile iron piping and excavation and replacement of fill material associated with the Fiveash Wellfield Abandonment & Relocation Phase II project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 04-189 from Acting City Manager.

Work Authorization 16724.72 – Keith and Schnars, P.A. - (M-13)
Project 10766 – Fire Station No. 47 Surveying and Planning Services

A motion authorizing the proper City officials to execute Work Authorization 16724.72 with Keith and Schnars, P.A. in the amount of \$13,860 for the provision of professional engineering services associated with platting of the Fire Station No. 47 property.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-279 from Acting City Manager.

Lease Agreement – Paul James Salon, Inc. - (M-14)
Shop No. 132 – City Park Mall

A motion authorizing the proper City officials to execute a five-year lease agreement with Paul James Salon, Inc. for the operation of a beauty salon at the City Park Mall

Recommend: Motion to approve.

Exhibit: Memo No. 04-278 from Acting City Manager.

Naming of Riverside Park Community Center (M-15)

A motion authorizing the extension the naming of the newly constructed recreation center at Riverside Park in honor of Charles and Irene Radford.

Recommend: Motion to approve.

Exhibit: Memo No. 04-380 from Acting City Manager.

Disbursement of Funds – Joint Investigation - (M-16)
O.R. No. 02-103359 - \$4,460.67 U.S. Currency

A motion authorizing the equitable disbursement of funds in the amount of \$4,460.67, with each of the 12 participating law enforcement agencies to receive \$371.72.

Recommend: Motion to approve.
Exhibit: Memo No. 04-2-2 from City Attorney.

Appropriation and Transfer from Law Enforcement (M-17)
Trust Fund

A motion authorizing the appropriation and transfer of funds in the amount of \$36,000 from the Law Enforcement Trust Fund for mailings to all alarm users to update on the Alarm Registration Program and fee requirements.

Recommend: Motion to approve.
Exhibit: Memo No. 04-317 from Acting City Manager.

PURCHASING AGENDA

542-8935 – Mobile Radio Installation/Programming (Pur-1)
Services

Three-year contract for mobile radio installation and programming services is being presented for approval by the Administrative Services, Telecommunication Division.

Vendor: Control Communications, Inc. (MBE)
Davie, FL
Rapid Wireless of Florida, Inc.
Margate, FL
Amount: \$ 97,320.00 (estimated annual)
Bids Solicited/Rec'd: 70/3 with 1 no bid
Exhibits: Memorandum No. 04-295 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding to recommended proposers.

712-8365 – Contract Extension/Turf Grass Maintenance**(Pur-2)**

Cost reduction and two-year extension for turf grass maintenance and turf grass maintenance for additional areas is being presented for approval by the Parks and Recreation Department.

Vendor: Dynaserv Florida, Inc.
Davie, FL
Amount: \$ 11,634.00 (estimated for additional areas)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-327 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the cost reduction and two-year extension with additional locations.

432-8904 – Contract Extension/Security Guard Services**(Pur-3)**

Cost reduction and one-year extension for security guard services is being presented for approval by the Public Services Department.

Vendor: Sereca Security Corp. (WBE)
Miami, FL
Amount: \$ 8,500.00 (estimated annual savings)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-301 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the cost reduction and one-year extension

State – Wireless Services**(Pur-4)**

An agreement to purchase wireless services is being presented for approval by the Public Services Department.

Vendor: AT&T Wireless, Inc.
Phoenix, AZ
Amount: \$ 25,200.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-306 from Acting City Manager

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

**422-8733 – Cancellation & Re-Award Turf
Grass Maintenance**

(Pur-5)

Cancellation and re-award of one-year contract for turf grass maintenance services is being presented for approval by the Public Services Department.

Vendor:	Hines Landscaping Fort Lauderdale, FL
Amount:	\$31,828.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-314 from Acting City Manager

The Procurement and Materials Management Division recommends canceling contract and re-awarding to next low responsive and responsible bidder.

Emergency – Asphalt Repair

(Pur-6)

Emergency asphalt repair at Broward Blvd. and NW 18 Avenue is being presented for approval by the Public Services Department.

Vendor:	Molloy Brothers, Inc. Fort Lauderdale, FL
Amount:	\$ 10,500.00
Bids Solicited/Rec'd:	2/2
Exhibits:	Memorandum No. 04-326 from Acting City Manager

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

**502-8315 – Extension – Trial Services for Citation
Collection Payment**

(Pur-7)

Annual contract extension of trial services for out-of-state-owner citation collection/payment processing agreement is being presented for approval by the Administrative Services, Parking Services Division.

Vendor:	Enforcement Technologies, Inc. Irvine, CA
Amount:	\$ 60,000.00 (estimated annual)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-288 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the trial services extension.

Proprietary – Software Subscription, Grants Locator System**(Pur-8)**

An agreement to purchase a subscription to grants locator system software for various departments is being presented for approval by the Police Department.

Vendor:	eCivix Washington, DC
Amount:	\$ 13,500.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-109 from Acting City Manager

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

Proprietary – Maintenance, Public Safety Equipment**(Pur-9)**

An annual maintenance agreement for public safety equipment is being presented for approval by the Police Department.

Vendors:	Unisys Corporation Atlanta, GA Smart Business Systems Tampa, FL Ortivus Avel-Tech Laval Quebec, Canada
Amount:	\$ 156,406.80
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-315 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary maintenance support agreement.

Mayor Naugle announced that the City Attorney requested that the Commission approve M-1, M-3 and M-5 subject to final approval from his office.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-1, M-3, and M-5, 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 Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Event Agreement – Smoking Relief Fund (M-1)

Event Agreement – Social on the Intracoastal at Shooter’s Waterfront Café (M-3)

Event Agreement – St. Patrick’s Day Street Party (M-5)

The City Attorney requested that these items be pulled, and if approved, be subject to final review by his office.

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

Commissioner Hutchinson thanked the Commission for their affirmative vote on M-15.

MOTIONS

Proposed Traffic Calming Plan – South Ocean Drive Between Mayan Drive and Harbor Beach Parkway (M-18)

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

Commissioner Trantalis stated there was a proposal previously to create a one-way diverter for this street. He continued stating that during the testimony made at the public hearing, they had been told that this was used as a main access for other parts of the beach area, and they were going to place 3 speed humps on the street. He asked what the Commission was voting for at this time.

Dennis Girisgen, engineering, stated they were going to install speed tables that were 22’ long. He proceeded to show a diagram of the tables. He explained that the tables were more gradual than a 12’ speed hump. He further stated that the speed hump was shorter and the deflection of the vehicle was over a shorter period and had a more pronounced effect. He stated that one could drive over these tables comfortably at 20-25 mph.

Commissioner Hutchinson stated that she had spent a great deal of time in regard to this issue, and had assembled a group of individuals living in the area. She stated that a consensus had been reached that this was the direction to move in. She advised that speed tables had been installed in Rio Vista.

Commissioner Moore congratulated Commissioner Hutchinson for her work in this matter, and stated that since the community had reached a consensus he was willing to support it. He added that the community was also committed to funding this project. He stated that there had been great deliberation in regard to the hedges and that they

should conform to Code, and asked what was the status at this time regarding that issue.

Mr. Girisgen stated that the meetings were centered on developing a consensus. Commissioner Moore stated that the citizens had nothing to do with the Code, and he had thought that staff was to go out and contact the property owners regarding the requirements for the hedges.

Hector Castro, City Engineer, stated that Commissioner Moore was correct in that the residents were to be contacted. He further stated that the hedges were primarily in the right-of-way, and initially they contacted Code Compliance who had confirmed they did not have jurisdiction over this matter. He explained this matter fell within the jurisdiction of his office, and it had been the history to not site landscaping in the right-of-way unless it dealt with a site triangle issue of a public intersection. He explained these were site triangles with driveways.

Commissioner Moore reiterated that this Commission had instructed staff to implement the Code, and anything short of that was unsatisfactory. Therefore, he asked the Acting City Manager to have staff implement the Commission's policy.

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

PUBLIC HEARINGS

**Appeal of Planning and Zoning Board's Decision Denying (PH-1)
An Application for Vacation of Right-of-Way – De Novo Hearing –
Susan Prescott (PZ Case No. 8-P-03)**

At the December 17, 2003 Planning and Zoning Board regular meeting, the following application was DENIED (0-9). The applicant is appealing this decision.

Applicant:	Susan Prescott
Request:	Appeal Planning and Zoning Board's decision denying An application for vacation of a portion of SW 6 th Avenue
Location:	S.W. 6 th Avenue between S.W. 10 th Street and S.W. 11 th Street

William Toms, attorney for the applicant, stated that he wanted to make a statement as to how counsel understood tonight's procedure. He stated it was his understanding of the ULDR that this was a two-step process. He further stated that the threshold question was based on the record of the zoning commission, and whether there had been a departure from the essential requirements of law and insufficient evidence to support their findings.

Mr. Toms proceeded to state that it was his understanding that they would strictly limit the discussion for matters of record, as opposed to anything else. He stated that if the

Commission eventually determined that a De Novo Hearing should be heard, then additional evidence would be heard. He advised that he intended to adhere to the procedure of the ULDR and would refrain from any objections, and he hoped the Commission would hold all speakers to the same standard.

Mr. Toms reiterated that he represented Susan Prescott and that this was a matter which came before the Planning and Zoning Board in regard to a vacation of a certain right-of-way located on SW 6th Avenue between SW 10th Street and SW 11th Street. He stated that he wanted to point out what was in the record and what he did not believe was in dispute.

Mr. Toms continued stating that it needed to be clear that they were discussing the vacation of a right-of-way which abutted his client's property. He explained that his client wanted to reclaim the property because the right-of-way had never been developed by the City, and had no intentions of doing so. He stated that this undeveloped right-of-way was undeniably his client's property, and was not City property. He further stated that the City had a right-of-way by virtue of a dedication of a plat filed on May 5, 1925.

Mr. Toms further stated that what was labeled as SW 6th Avenue was not a developed street and had never been used for any City designated purpose. He explained this was a strip of land approximately 50' wide beginning at the end of SW 11th Street, running north for 125' to the end of his client's property line. He stated it was essentially a strip of land between two residential homes, his client's home and the home of her daughter, Wendy Malone whom he also represented. He continued stating that the property had never been utilized and never developed. He explained that Ms. Prescott had submitted an application for the vacation of the right-of-way, and had been approved at the first two meetings, but was denied by Planning and Zoning on December 17, 2003 by a vote of 0-9.

Mr. Toms stated there had been public opposition to the vacation. He explained when one got a right-of-way, all one did was obtain a non-possessive right to use someone else's property. He stated that no deed was received. He stated further that the property remained in the titleholder and successor titleholder's name of Susan Prescott. He explained it was only subject to the City's right-of-way, and if that right-of-way was abandoned through non-use or formal vacation, the encumbrance on the title was removed, and that permitted the applicant to use the property. He explained it had been dedicated as property reserved for a street or thoroughfare. He stated that at the Planning and Zoning meeting issues arose asking if it could be converted to a park. The City Attorney in attendance at the meeting had properly advised the Board that could not be done because it would be an abandonment of the dedication. He explained it would be a confiscation of the applicant's property by using it for some other purpose other than the dedication. He stated that someone had then asked if the area could be used as a green space. He continued stating that he did not know what a green space was, and asked if someone could show him in the Code where green space was designated. In that regard, someone at the meeting had pointed out that it had not been intended as a green space. He reiterated that it then became a public thoroughfare, and people in the neighborhood walked between the houses for their own purposes, and not because the City had designated it as a walkway for pedestrians. He stated that according to the opposition, it was City property and citizens could do whatever they wanted. He felt that was not true in accordance with the law.

Mr. Toms further stated the Planning and Zoning Board had voted down the application, and what was important to understand was that the ULDR had specific criteria by which the Board had to measure acceptance or rejection of an application for vacation of a right-of-way which was Section 47-24.6. He proceeded to read paragraph 4 as follows:

“ A. The right-of-way or otherwise public place was no longer needed for the public purposes.

B. Alternate routes, if needed, are available which do not cause adverse impact on surrounding areas.”

Mr. Toms stated that what was intended was that if an existing street with pavement was closed and vacated were there alternate routes available for vehicular traffic that would allow it without being an undue burden to the surrounding neighborhood. He stated that was not a problem because there was no traffic, and the street had never been paved.

Mr. Toms proceeded to read from Section 47-24.6 as follows:

“C. The closure of the right-of-way provides safe areas for vehicles to turn around and exit.”

Mr. Toms stated that language was anticipating a street being closed. He continued to read as follows:

“D. The closure of the right-of-way shall not adversely impact pedestrian traffic.”

Mr. Toms explained if an existing road was closed, they would have to be concerned about the residents who relied on the road for ingress and egress. He reiterated that was no problem in this case because there was no existing street. He stated that item E had already been addressed.

Mr. Toms stated that in conclusion of all the evidence, the Planning and Zoning Board had issued their findings, along with their reasons for such findings. He proceeded to state that he had copies of those findings.

Mayor Naugle asked Mr. Toms to summarize and added that the Commission had the material referred to in their backup and had reviewed it.

Mr. Toms stated it was clear that the concern was in regard to development. He stated that had nothing to do with ownership and pertained to use. He stated further if the applicant ever wanted to use the property for a lawful purpose, they would still have to comply with the zoning requirements. He reiterated that use had nothing to do with the issue of the vacation of this right-of-way. He stated it dealt with the applicant's property and their right to make use of it in view of the fact that the City had determined they had no use for it.

Mayor Naugle stated that after hearing from the applicant, it was now the Commission's decision as to whether or not to grant a hearing and allow additional speakers to be heard. He explained the Commission had the options as to whether there had been a departure from the essential requirements of law and the proceedings, or that substantial

evidence did not exist to support the decision of the Planning and Zoning Board, or the Commission could move to uphold the decision of the Planning and Zoning Board.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to move to uphold the decision of the Planning and Zoning Board. She stated that in looking at Section 47-24.6 it lead her to believe that one of the criteria to be considered was that the right-of-way was not used for public purpose. She stated she was convinced that it was still used for a public purpose and would support the decision of the Planning and Zoning Board. She stated they were also the Local Planning Agency for the City and she was comfortable with their recommendation.

Commissioner Trantalis stated that the attorney for the applicant kept referring to vehicular traffic, and asked when such property as this was dedicated for public purpose, how did case law read regarding this issue.

The City Attorney stated that if the dedication was for right-of-way, pedestrian, vehicular travel or roadway purposes they would have to look at the definition of the dedication on the plat itself. He stated further if it simply stated for public purpose, then it could be for almost any purpose.

Commissioner Trantalis asked if counsel for the applicant had any information as to what was stated on the plat. Mr. Toms stated he had a copy of the original plat recorded in the Public Records of Broward County, at Plat Book 7, Page 50. He proceeded to show a schematic of the plat in question. Commissioner Trantalis asked if the plat indicated what was the intended right-of-way for this situation. Mr. Toms read from the copy of the plat as follows: "The said Woods and Hoskins and Young Company being the owners of all parcels of land re-subdivided, and also the owners of all the land abutting upon the streets and alleys of which the location is altered by this re-subdivision shown hereon, have made this re-subdivision to be known as the River Section of Croissant Park, and hereby dedicates for the perpetual use of the public as thoroughfares, all streets, avenues, alleys and parkways shown or plat hereon." He stated that this dedication had been made in 1925.

Commissioner Trantalis asked how many cars were on the road at that time. Mayor Naugle reiterated it could have been horses, cars, roller skates, bicycles or pedestrians. Commissioner Trantalis remarked that cars were used less in 1925. He reiterated that he was attempting to get a feel for what the intent was for the parcel. He stated if there had been a departure from the essential requirements of law, then clearly they would have to focus on the intent at the time of the dedication.

Mr. Toms stated that clearly words in any legal document were to be given their common understanding. He explained that a street was a street and not a pathway or pedestrian right-of-way. He stated that a right-of-way was a legal term.

Commissioner Trantalis stated that he wondered how many people in 1925 in that area even owned a car. He stated he was trying to give this issue some historical context, and therefore, trying to determine if they had gone outside the bounds of the law. He stated if they agreed with Planning and Zoning, then they would have to say they had found evidence of intending to deny the petition. He stated if the Commission found that there was sufficient factual basis to rule against the applicant, than it would be based on what

the plat indicated as the intention for the right-of-way. He felt it had been given broader interpretation than just vehicular traffic.

Commissioner Moore stated that within the last 78 years there had been a great increase in automobile use, and if it was a necessity for automobiles to travel on this right-of-way, then the City would have utilized it for such purpose. He reiterated that he saw no reason to support the recommendation made because it was clear to him that this was an inappropriate method and an error had been made in their judgment in both cases in regard to this matter. He stated further that he felt this was an inappropriate argument, and the method for voting on this should fall under Item B and not Item A.

Mr. Toms stated that the Commissioner was right, but he wanted to draw the Commission's attention to the fact that the City had abandoned in 1997 the same right-of-way, and giving them back to their lawful owners. He explained that the right-of-way on the plat had been shortened because they were the only property owners, plus one other, who had not had it vacated.

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

Mayor Naugle proceeded to open the public hearing.

Sara Horn, Vice-President of Tarpon River Civic Association, announced that she had been chosen to speak on their behalf in regard to this matter. She stated that the neighborhood could not back the vacation of this property for the simple reason that it was used as a pedestrian right-of-way. She stated that in the '80's when the neighborhood had done their master plan, they had been told by the engineer that they should place bollards in the location at the alleyway to keep pedestrian trafficway from continuing from 10th to 11th Streets. She stated at this point 10th Street to the alleyway was used by vehicular traffic to access the alley. She explained that the streets from 4th to 8th Avenues had no cross streets, and individuals wanting to access the alley had always used the 6th Avenue right-of-way to the alley. She explained further that the bollards had been put up to keep the traffic from continuing through, but still allow for pedestrian access.

Ms. Horn further stated that in 1997 the 6th Avenue right-of-way between 9th and 10th Streets had been vacated to the property owners on the insistence of the neighborhood so they could have their master plan and road closures implemented properly. She stated the road closures were circumvented by trucks coming from 9th to 10th Streets and going out. They then approached the property owners adjacent to the right-of-way, and asked if they would let them vacate to them the property, but with the exception that the property was never to be built on.

Commissioner Moore left the meeting at approximately 7:15 p.m.

Ms. Horn continued stating that one of the properties had been sold, and townhouses had been built right to the right-of-way. She reiterated that individuals in the area used this area to walk and was the only way to get from 10th Street to 11th Street without walking 4 city blocks. She stated that some individuals in the audience could not walk easily and wanted her to state their opposition to this request which they would show by standing.

Reed Morgan, President of Tarpon River Civic Association, stated that he felt he had been “bamboozled” and the rules had been changed. He stated that the Commission had not been to the site to understand the situation. He explained this was public right-of-way and vehicles were understood in the street. He stated they purposely were known in Tarpon River of having green space for pedestrian use. He stated further they had purposely tried not to have the area paved. He stated if the Commission was stating that he had to petition the City to pave this area in order for pedestrians to have access to it, and then he would personally make it his goal that their next NCIP project would be to have it paved so it could be protected as public right-of-way. He felt there was nothing wrong in anyone wanting this beautiful piece of land.

Commissioner Moore returned to the meeting at approximately 7:17 p.m.

Mr. Morgan further stated that the Commission had to decide if it was for the better of the good of all or just the good of two individuals.

Scott Parker, resident on SW 11th Street, stated that he used this property as a thoroughfare. He stated it was a safer route than using 4th Avenue. He felt this was an important right-of-way and used it frequently.

Gary Hecker, Co-Chair Broward County Green Party, stated that he was representing that organization. He stated he lived in the neighborhood and used the area in question. He explained that one of the 10 key values of the Green Party was future focus and sustainability. He stated that all he was hearing this evening was vehicular traffic. He felt they were stepping backwards. He further stated that one of the things they discussed was coming up with non-vehicular traffic, and encouraging bike lanes and pedestrian activities. He stated this applicant wanted the land given back because the City had not paved it. He reiterated that was not future focus, and stated the Commission’s responsibility was to interpret what had been intended 75 years ago, which was a thoroughfare. He agreed that 75 years ago a thoroughfare was used for all types of traffic, such as a wagon, pedestrian, horse or an automobile. He stated for the City to give back something now that the neighborhood might want to use as a community in the future, they would not be able to take back what had been given up, but now they had the opportunity on property the City had some control over to protect the land and preserve the right-of-way for future citizens. He urged the Commission not to grant this vacation.

Clyde Horn, resident of SW 11th Court, stated that he moved to the area in 1955 and the area was being used by pedestrians, and children played there. He explained the property was a right-of-way between two streets. According to the plat, it had stated: “All streets, thoroughfares, etc. for the perpetual use of the citizens.” He felt perpetual meant forever.

Don Berringer, resident of SW 11th Street, stated that he used the space to cut through and used it as a thoroughfare. He felt it should stay the way it was.

Julia Horn, resident of SW 11th Street, stated that the 6th Avenue right-of-way had not been abandoned by the City because in the last year they had planted several pine trees there. It was an opened thoroughfare and green space and was opened to pedestrian traffic. She felt if the applicant needed to utilize the property in order to gain access to

their property, then she could agree with the vacation, but the applicant did not need the property to gain access.

Gloria Reese, resident of SW 11th Court, stated she had lived in Tarpon River since 1994. She stated there were a lot of walkers in the area and everyone used this right-of-way often. She felt it was valuable to the neighborhood, and asked the Commission's support in leaving it as it was at this time.

Carol Johnson, resident of SW 8th Avenue, stated that she had lived there for 20 years and she had always used the right-of-way. She felt the right-of-way was a better access for getting through the neighborhood instead of using 4th Avenue. She felt it was valuable to the community. She stated she wanted the property to remain as community property.

Andy Ziffer, resident of SW 5th Street, stated there had been a lot of verbiage regarding public purpose and he did not think it was restricted only to vehicular traffic. He stated that he had participated in the workshop for the Downtown Master Plan, and people had encouraged movement and discussions were held on moving people through the communities without vehicles. He felt this piece of property could be instrumental in future planning of the area.

Mike Meecham stated that he lived across the street from the property in question and had lived there for 20 years. He further stated that he saw many people using the property as a right-of-way, and he felt the City should leave it as is since it was a public right-of-way.

Richard Williams, resident of SW 11th Court, stated that he had lived there for over 50 years. He further stated that he enjoyed the neighborhood and wanted to voice his support in having the right-of-way remain as is.

Art Seitz, resident of North Atlantic Boulevard, stated that if the property was good for pedestrian activities, then he was in support of this and urged the Commission to support it also. He stated that this City had one of the worst pedestrian and bicycle safety records in the world.

Mr. Toms stated that it sounded like everyone loved the property and wanted to use it, but there was one problem, which was that it was his client's property. He stated that if everyone was concerned about pedestrian traffic, then why had they vacated the other portions. He stated there was case law that stated if they accepted part of an easement or right-of-way specifically, but did not mention the other part of the right-of-way, they assumed it all. However, if they abandoned part of a right-of-way, then they abandoned the entire right-of-way.

Mr. Toms further stated that reference had been made to a master plan. He stated no such plan existed, and referred the Commission to page 2 of the Planning and Zoning Board minutes wherein Chris Barton had referred to the fact that they had never been able to find such a plan. In regard to pedestrian traffic, he stated it had been observed that the property had never been dedicated for pedestrian use, and therefore, such individuals were trespassers. He further stated that he also loved green space, but he did not believe that in 1925 whoever had subdivided the lot, and the individuals who had settled the City, were concerned about green space. He felt they were doing everything

possible at that time to eradicate green space. He reiterated this was not a pedestrian right-of-way.

Mr. Toms continued stating that he wanted to talk about what the City considered a pedestrian thoroughfare. He stated in Section 25-192 under definitions it stated: "A sidewalk or pedestrian pathway shall mean any service area provided for that portion of a public right-of-way which is designed and ordinarily used for pedestrian travel." He stated he was not concerned about the intent in 1925, but whoever drafted the Code had not ruminated about the issue, and had stated the definition for a pedestrian walkway. He stated that everyone was talking about walking and how he or she loved to stroll as if this was a promenade at the park. He stated this issue had nothing to do with walking, but everything to do with the use of the property.

Susan Prescott, applicant and owner of the property at 601 SW 11th Street, stated she had purchased the property in April, 2003, She stated that she had submitted the application for vacation of the right-of-way in question in May, 2003. She advised that she had met at that time with the Property and Right-of-Way Committee, along with DRC and Planning and Zoning.

Mr. Toms asked Ms. Prescott what the first committee had told her about her application. Ms. Prescott replied that the Property and Right-of-Way Committee had informed her that they had no use for the property, and saw no reason for it not to be vacated.

Commissioner Trantalis stated that all this was hearsay. Mayor Naugle asked how much more time Mr. Toms needed for his presentation because an abundance of time had been allowed to him.

Mr. Toms asked Ms. Prescott what her understanding was in regard to the reason why the vacation was being opposed.

Commissioner Trantalis stated that the applicant repeating what someone thought or said was pure hearsay. He reiterated that she was to testify only to her experience. The City Attorney agreed.

Mr. Toms asked if a party admission such as Ms. Horn had also been hearsay. The City Attorney stated that under the Evidence Code if it was a party admission, it would not be. Mr. Toms stated that Ms. Horn represented a group.

Commissioner Trantalis stated that he could see where this testimony was headed, and stated that since he had been on the majority side of the previous motion, he wanted to ask the Mayor for the motion to be reconsidered due to the fact that he wanted to change his vote.

Mayor Naugle stated that the hearing had already been granted, and asked if it would be better to proceed or was this motion appropriate at this point in time.

The City Attorney stated that his recommendation was that this hearing be finalized, instead of a reconsideration.

Commissioner Trantalis asked if he could reconsider the motion. The City Attorney confirmed, but recommended that it not be done.

Mr. Toms asked the applicant what her understanding was regarding the opposition to the vacation, and asked if she had any evidence to support her understanding. Ms. Prescott stated that it was her understanding that the reason this was being opposed was because they did not think the City should give her back a valuable piece of property. She further stated that they wanted her to pay for the property. She stated that the bottom line was that it was a money issue, and had nothing to do with pedestrian walkways. She stated this had everything to do with the value of the property. She stated that she had an e-mail from Sara Horn, which had been forwarded by a member of the Tarpon River Civic Association to all members. Mr. Toms submitted the e-mail as evidence to the Commission.

Mayor Naugle stated they were going on record from the Planning and Zoning Board, but he would accept the material. Mr. Toms replied that it was his understanding that this was a new hearing. Mayor Naugle stated that something similar had been mentioned at the Planning and Zoning Board meeting, and was part of their minutes.

Ms. Prescott continued stating that several of the Planning and Zoning Board members had raised a concern regarding future development and the cost of the land. She reiterated that had nothing to do with the issue. She stated it had to do with what was right and what had already happened regarding the other portions of the right-of-way.

There being no other individuals who wished to speak on this item, the public hearing was closed and discussion was brought back to the Board.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Board unanimously approved.

Commissioner Trantalis stated that he was concerned about the evidence being brought before the Commission. He stated further that he was not sure if their acting in a De Novo Hearing was the appropriate way to settle this matter. He reiterated that he wanted to renew his motion for reconsideration to support the findings of the Planning and Zoning Board. Since he was on the prevailing side, he believed that he could do that.

Mayor Naugle stated he believed that a motion could be made to uphold the decision of the Planning and Zoning Board without reconsidering the previous vote, since a hearing had been held.

The City Attorney stated that would be based upon the information, which had been provided at this hearing, which was similar to the information, which had been provided.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to reconsider the vote previously taken with regard to the Planning and Zoning vote.

Commissioner Teel stated that she felt it would be unfortunate not to proceed a little further in this issue. She stated she had a suggestion that could possibly be a compromise between the parties.

The City Attorney stated that reconsideration of the Motion would bring the other motion back to the floor, and the matter could still be discussed.

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

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to accept the finding of the Planning and Zoning Board.

Mayor Naugle stated that he supported the Planning and Zoning Board's decision based on the testimony during their meeting that individuals had represented that they used the site for pedestrian access. He did not think that comments regarding development had anything to do with this issue. He stated that additional comments had been made this evening regarding the site's use.

Commissioner Hutchinson stated that she agreed and was not convinced that this was not a pedestrian walkway of sorts. She felt the evidence at the Planning and Zoning Board meeting had been compelling, and likewise so it was this evening. She added that she had not been part of the prior vacations, and she did not intend to make another mistake as done in the past. She stated that she intended to uphold the decision of the Planning and Zoning Board and not support this vacation.

Commissioner Teel stated that she agreed and felt it was clear that this was a pedestrian thoroughfare. She also agreed that mistakes had been made in the past, but they should not continue to make them. She proposed that since it was a 50' wide right-of-way, that 25' on the centerline be dedicated or be used as a pedestrian pathway, thereby giving 12 ½' of remaining property back to Lots 43 and 24. She felt that could serve all concerned parties. She felt it was clear that it was a long way around, and she believed that the pedestrian activity was very much a part of transit.

Commissioner Moore stated that he did not support the other vacations in the past, and he felt that Riverside Park made a worse mistake regarding vacations and giving away property, thereby giving the public accessibility to the water. In this case, if they were going to operate appropriately, he stated they should consider granting the 12 ½' as recommended to both property owners, and truly designate it as a pedestrian right-of-way. He asked if that would satisfy the applicant.

Commissioner Trantalis stated that he would agree that compromise should always be sought by the parties, but a few months ago such a compromise had been sought by individuals who were seeking to narrow a path to the Beach access. He stated they had wanted to build garages to enhance their property. He further stated that they had decided that evening it would not be appropriate, and they did not want to narrow the public access. He stated they had admitted that the reason for the vacation was to build on the right-of-way, and he felt that would be setting a dangerous precedent. He stated that he did not want them to limit public access, but to enhance it.

Mr. Toms stated that his client had asked if she was required to render her decision at this time.

Commissioner Teel pointed out that 25' was a very generous walkway and normally sidewalks were about 7'. She further stated that if people were concerned about a lot of building taking place, they were only adding 12 ½' to the lots and there would not be a lot of ability for expansion. She felt this would be a good compromise and the issue could be resolved.

Commissioner Hutchinson stated that they had fought hard in another area to keep an access opened, and she could not take this one away. She further stated that the access at the Beach referred to, along with the one in Harbor Beach, had been fought hard for to be used for pedestrian activity. She stated that she wanted to call the question and move on.

Commissioner Moore asked if an answer could be given by the applicant to his previous question.

Mr. Toms stated that the applicant was concerned about her property being taken and the issue of security with people walking by her home, and also concerned about the fact that her valuable property, which was loved by all, was being trespassed on.

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

Appeal of Planning and Zoning Board's Decision to Deny Rezoning from CR to B-1 – De Novo Hearing – Lauderdale Marine Center (PZ Case No. 5-Z-03) (PH-2)

At the July 16, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 8-0; on October 7, 2003, the City Commission deferred first reading to October 21, 2003 by a vote of 5-0; and on October 21, 21003, the City Commission deferred first reading to November 18, 2003 by a vote of 5-0; on November 18, 2003 the City Commission deferred first reading to December 16, 2003 by a vote of 5-0; on December 16, 2003, the City Commission deferred first reading to January 21, 2004 by a vote of 5-0 and on January 21, 2004 the City Commission deferred first reading to March 2, 2004 by a vote of 5-0.

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

Commissioner Hutchinson stated that this was in her district and had been a controversial issue. She stated that she had asked Lauderdale Marine Center to be a good neighbor, and encouraged them to defer this matter so as to work with the neighborhood and reach an agreement.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer this item until June 1, 2004 at 6:00 p.m.

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

ORDINANCES

Vacation of Alley – 600 & 700 Blocks of NW 1 and 2 Avenues - (O-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 No. C-04-7 was published February 5, 2004 and February 12, 2004, and passed on first reading February 17, 2004.

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

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-04-7

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 LOCATE DIN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**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. At the February 17, 2004 meeting, the Commission approved the ordinance on first reading by a vote of 5-0. Notice of proposed Ordinance No. C-04-8 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 Hutchinson, Teel, Trantalis, Moore, and Mayor Naugle. NAYS: None.

**Amendment to Section 2-216 – General Power to Create
Advisory Boards, Section 47-30.2 – Membership to Planning
And Zoning Board and Chapter 21 – Planning and Development
(PZ Case 1-T-04)**

(O-3)

At the Planning and Zoning Board regular meeting on January 22, 2004, it was recommended (8-0), that the following application be approved. The proposed ordinance was published February 21, 2004.

Applicant: City of Fort Lauderdale/Construction Services
Request: Amend Section 2-216 - General power to create advisory boards, ULDR Section 47-30.2 - Membership to the Planning and Zoning Board and Chapter 21 - Planning and Development (PZ Case 1-T-04)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-9

AN ORDINANCE AMENDING SECTION 2-216, GENERAL POWER TO CREATE ADVISORY BOARDS, DELETING CHAPTER 21, PLANNING AND DEVELOPMENT OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND AMENDING SECTION 47-30, PLANNING AND ZONING BOARD OF THE UNIFIED

LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE THAT MEMBERS OF THE PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT MAY ONLY BE REMOVED FOR GOOD CAUSE BASED ON THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE CITY COMMISSION AND TO DELETE REPETITIVE PROVISIONS.

Which ordinance was read by title only.

Mayor Naugle stated that he would vote for this ordinance, but felt it was unnecessary because this had been the law all along, but if this helped to give individuals a better understanding then he would support it.

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

Amendment to ULDR – Codifying the Current Zoning in Progress (ZIP) Provisions on the Barrier Island with Respect To Height, Density and FAR (O-4)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-10

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-5.38, TABLE OF DIMENSIONAL REQUIREMENTS FOR THE RMH-60 DISTRICT, SECTION 47-6.20, TABLE OF DIMENSIONAL REQUIREMENTS, BUSINESS ZONING DISTRICTS, AND SECTION 47-12, CENTRAL BEACH DISTRICTS, INCLUDING PRD, ABA, SLA, IOA, NBRA AND SBMHA, TO REDUCE THE HEIGHT AND DENSITY IN CERTAIN BARRIER ISLAND ZONING DISTRICTS; RPROVIDING A MAXIMUM DENSITY IN PRD AND SBMHA DISTRICTS AND REVISING TABLES AND OTHER SECTIONS OF THE ULDR FOR CONSISTENCY WITH THESE AMENDMENTS.

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

Amendment to Section 98-53 of the Code – Fire Safety Fee Schedule (O-5)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-11

AN ORDINANCE AMENDING SECTION 9-53 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED, "FIRE SAFETY

FEE SCHEDULE,” TO INCREASE THE EXISTING FIRE SAFETY FEE SCHEDULE BY TWENTY-FIVE PERCENT.

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

Emergency Preparedness Task Force

(O-6)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-12

AN ORDINANCE CREATING ARTICLE IX, SECTIONS 2-270 THROUGH 2-280, “EMERGENCY PREPAREDNESS TASK FORCE”, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING AN EMERGENCY MANAGEMENT AND SERVICES ORGANIZATION TO PREPARE AND CARRY OUT EMERGENCY MANAGEMENT AND SERVICES, TO PROVIDE FOR THE PREPARATION AND IMPLEMENTATION OF AN EMERGENCY MANAGEMENT AND SERVICES PLAN TO MITIGATE, PREPARE FOR, RESPOND TO AND RECOVER FROM INJURY AND DAMAGE TO PERSONS OR PROPERTY WITHIN THE CITY RESULTING FROM EMERGENCIES OR DISASTERS, WHETHER NATURAL OR MAN-MADE; DEFINING THE POWERS AND DUTIES OF OFFICERS AND EMPLOYEES RELATING TO EMERGENCY MANAGEMENT; PROHIBITING A PERSON FROM WILFULLY OBSTRUCTING OR HINDERING ANY MEMBER OF THE EMERGENCY PREPAREDNESS TASK FORCE OR EMERGENCY RESPONSE TEAM ACTING IN AN EMERGENCY OR DISASTER; PROHIBITING THE EXCESSIVE INCREASE OF PRICES DURING AN EMERGENCY OR DISASTER; PROVIDING FOR THE PENALTIES FOR VIOLATIONS THEREOF; AND AMENDING SECTION 16-51, “DECLARATION OF STATE OF EMERGENCY,” TO AUTHORIZE THE CITY MANAGER TO DECLARE A STATE OF EMERGENCY, AND SECTION 2-190, “EMERGENCY PURCHASES” TO EXPAND THE SCOPE OF EMERGENCY PURCHASES.

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

Amendment to Chapter 20 – Police and Firefighters’ Retirement System – Modifying the Deferred Retirement Option Plan

(O-7)

Commissioner Moore introduce the following ordinance on first reading:

ORDINANCE NO. C-04-13

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 3 THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA PERTAINING TO THE CITY OF FORT LAUDERDALE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDED SECTION 20-127, ENTITLED "DEFINITIONS" BY MODIFYING EXISTING DEFINITIONS AND CREATING NEW DEFINITIONS RELATING TO THE DEFERRED RETIREMENT OPTION PROGRAM AND AMENDING SECTION 20-129(B.1) RESPECTING THE DEFERRED RETIREMENT OPTION PROGRAM (HEREINAFTER, "DROP"), MODIFYING THE TERMS AND CONDITIONS OF DROP FOR CERTAIN MEMBERS, AMENDING THE MANNER IN WHICH DROP MAY BE TERMINATED FOR CERTAIN MEMBERS AND THE GROUNDS UPON WHICH DROP MAY BE SUSPENDED OR TERMINATED FOR THOSE WHOSE DROP PERIOD COMMENCES ON OR AFTER APRIL 1, 2004.

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

Amendment to Chapter 20 – General Employees Retirement System – Terminating the Deferred Retirement Option Plan for Bargaining Unit Employees (O-8)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-14

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE PERTAINING TO THE CITY OF FORT LAUDERDALE GENERAL EMPLOYEES' RETIREMENT SYSTEM BY TERMINATING DROP ELIGIBILITY FOR MEMBERS WHO ARE INCLUDED IN THE BARGAINING UNIT FOR GENERAL EMPLOYEES EFFECTIVE JANUARY 14, 2004; PROVIDING FOR MANNER OF ADMINISTRATION OF APPLICATIONS FOR DROP FILED BEFORE JANUARY 14, 2004 AND FOR MEMBERS NOT INCLUDED IN THE BARGAINING UNIT FOR GENERAL EMPLOYEES.

Which ordinance was read by title only.

Commissioner Moore asked if an individual who had been an employee of the City did not have the opportunity to address DROP by January 14, 2004, then they could not.

Terry Sharp, Finance Director, replied that if they were in the bargaining unit that was correct. Commissioner Moore further clarified that even if an individual's years of service did not offer them the opportunity, then it was not a request of theirs and their opportunity to be in DROP would not take place until March, 2004, and they were being excluded by this action. Mr. Sharp confirmed.

Commissioner Hutchinson thanked Commissioner Moore for clarifying the issue and stated that during the budget process or impasse hearing this had been something she had not supported, and would not now.

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

RESOLUTIONS

No objection to Plat Amendment – “Holy Cross Hospital Plat” – Holy Cross Hospital Inc. (PZ Case No. 22-P-03) **(R-1)**

A resolution approving an amendment to a previously approved plat:

Applicant:	Holy Cross Hospital Inc.
Request:	No objection to plat amendment for “Holy Cross Hospital Plat”
Location:	4725 North Federal Highway

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS “HOLY CROSS HOSPITAL PLAT.”

Commissioner Hutchinson stated they were asking for a deferral until April 7, 2004.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item until April 7, 2004, at 6:00 p.m.

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

Appeal of Planning and Zoning Board’s Decision to Deny Site Plan Approval/Six (6) Cluster Home Development/ RD-15 – De Novo Hearing – The New Fort Lauderdale Group, Inc. (PZ Case No. 94-R-03) **(R-2)**

At the December 17, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 2-6. On February 3, 2004 the City Commission deferred this item to March 2, 2004 by a vote of 5-0.

Applicant: The New Fort Lauderdale Group, Inc.
 Request: Appeal Planning and Zoning Board's decision to deny site
 Plan approval for six-unit cluster home development/RD-15
 District.
 Location: 2512-2520 N.E. 32 Avenue and 3210 N.E. 26 Street

Mayor Naugle stated that this was an appeal of the Planning and Zoning Board's decision. He stated the Commission had to either hear the appeal or uphold the decision of the Board.

Commissioner Trantalis stated that he had received information that the presenters had a different plan than what had been presented previously to Planning and Zoning.

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

Commissioner Trantalis again asked if the sketches being presented this evening were different than what had been presented previously to the Planning and Zoning Board.

Gus Carbonell stated he was representing the applicant and confirmed that the plans contained substantial changes as recommended by the neighborhood and city staff.

Motion made by Commissioner Trantalis and seconded by Commissioner Moore to defer this item so it could be returned for further review to planning and zoning.

Commissioner Hutchinson stated that knowing the process could get lengthy, she suggested this matter be put on the Commission's agenda as quickly as possible.

Cecelia Hollar, Director Construction Services, stated that the DRC had not yet seen the revised plans, and recommended that they be given another 90 days for such review.

The motion was revised as follows:

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to defer this item until June 1, 2004 at 6:00 p.m.

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

**Ratification of Successor Agreement Between the City
 Of Fort Lauderdale and Florida State Lodge, Fraternal Order
 Of Police, Inc. a/k/a FOP/FOPA Upon Ratification
 Through September 30, 2004** (R-3)

This item had been deleted from tonight's agenda.

Special Master Appointments (R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING RICHARD E. CONNOR, M. DANIEL FUTCH, FLOYD V. HULL, MEAH ROTHMAN TELL AND KAREN M. ZANN AS SPECIAL MASTERS FOR THE CITY OF FORT LAUDERDALE.

Commissioner Moore stated it had come to his attention that regarding the services of Special Master, there were no individuals of color, and he was not going to support this.

Mayor Naugle stated that the Acting City Manager would take that recommendation into account so they could come up with such an individual.

Commissioner Trantalis asked if anyone of color had applied for these positions. The Acting City Manager stated that he did not know.

Commissioner Moore stated that in most cases, the individuals were not applicants and were sought out by counsel. He stated he had no objection to tabling this matter. Mayor Naugle asked if the matter was tabled would there be a problem with the hearings that were scheduled. The City Attorney stated that he would check on that now.

Mayor Naugle stated that the vote would be suspended until the City Attorney reported back to the Commission.

Board Up Charges**(R-5)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-40

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

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

Lot Clearing/Cleaning Charges

(R-6)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-41

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

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

Interlocal Agreement – Broward County – Acquisition, Improvement, Enhancement, Operation and Management of Green Space 232

(R-7)

Mayor Naugle stated that he had a correction to make regarding this item. He stated that the address on the agenda should read as follows: 1116 S.W. 15th Avenue.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, ENHANCEMENT, OPERATION AND MANAGEMENT OF GREEN SPACE 232; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE THE PROPERTY, WHICH INCLUDES AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY AND CONSERVATION EASEMENT.

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

Artspace Affordable Housing Development Project

(R-8)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04 - 43

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING ARTSPACE PROJECTS, INC. AFFORDABLE HOUSING PROJECT IN THE SAILBOAT BEND HISTORIC DISTRICT (A PARTNERSHIP OF LENNAR HOMES AND ARTSPACE PROJECTS, INC.) RELATING TO THE HISTORIC REHABILITATION OF THE WEST SIDE SCHOOL AND THE CONSTRUCTION OF 39 UNITS OF AFFORDABLE HOUSING GIVING PREFERENCE TO THE CITY'S ARTS COMMUNITY; DIRECTING THE CITY MANAGER TO PLACE THE REQUESTED APPROPRIATION OF \$110,000 IN THE PROPOSED BUDGET FOR FISCAL YEAR 2004-2005, AND TO FORWARD SUCH IMPLEMENTING AGREEMENTS AS MAY BE NECESSARY, TO THE CITY COMMISSION FOR ITS REVIEW AND APPROVAL; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.

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

Easement – Florida Power and Light Company - (R-9)
NW 19th Avenue – One Stop Shop

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY BY THE PROPER CITY OFFICIALS OF AN ELECTRICAL UTILITIES EASEMENT DEED TO FLORIDA POWER & LIGHT COMPANY, OVER CITY OWNED LANDS MORE COMMONLY KNOWN AS THE ONE STOP SHOP, SUCH LANDS BEING MORE PARTICULARLY DESCRIBED BELOW AND SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

Tower Apartments – Supporting a Feasibility Study on (R-10)
Possible Acquisition and Use

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-45

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE CONCEPT

OF PURCHASING A CERTAIN SITE IN THE DOWNTOWN REGIONAL ACTIVITY CENTER TO BE THE HEADQUARTERS FOR THE BROWARD COUNTY HISTORICAL COMMISSION AND ENCOURAGING FURTHER EXPLORATION OF THIS PURCHASE.

Which resolution was read by title only.

Mayor Naugle stated that this item had been amended per the Commission's discussions regarding compatibility and parking.

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

Florida Legislative Support for Partial State Funding (R-11)
For the Rehabilitation of the Fort Lauderdale Stadium

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT, DURING THE 2004 LEGISLATIVE SESSION, PARTIAL STATE FUNDING FOR THE REHABILITATION OF THE FORT LAUDERDALE STADIUM.

Which resolution was read by title only.

Commissioner Hutchinson asked when the money was going to run out and the facility would have to be shut down. She asked who was going to help keep the Stadium opened.

Vince Gizzi, Parks and Recreation, advised that the facility, based on budget numbers, was due to shut down April 30, 2004, and they were presently in discussions with the Orioles who had verbally committed to offset the City's deficit as of September 30, 2004 and for the next 3 years. He reiterated that the City would then break even.

Commissioner Moore stated that the City was to be reimbursed for their expenses. Mr. Gizzi confirmed and explained that there would be an agreement. He explained that whatever the City's deficit was at the end of the fiscal year, the Orioles would write them a check.

Commissioner Moore asked how that could be done if the operation was closed down on April 30, 2004. Mr. Gizzi explained that an agreement would be brought to the Commission in April, 2004, for approval. He reiterated that this was just a resolution supporting the legislative monies.

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

Special Master Appointments**(R-4)**

Continued from Page 30.

Mayor Naugle asked if the City had the ability to continue on with the individuals they had and then bring this back.

The City Attorney advised that this item could be on the Commission's next agenda. He explained these special masters had been appointed on March 4, 2004 for one year. He stated there were hearings scheduled for this Thursday, March 4, 2004, and such hearings would be held. He reiterated that the next hearings would not be scheduled until March 18, 2004.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer approving the appointments of the Special Masters until March 16, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Proposed Lien Settlements – Special Master and Code Enforcement Board Cases**(M-19)**

A motion authorizing proposed settlements for the following Special Master case:

1. 3715 S.W. 14 Street (CE1090941 and CE03050751) – Manufactures & Traders Trust Company - \$10,000

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

Commissioner Moore clarified that the fine was being reduced from \$100,000 to \$10,000 and get the property. It was confirmed.

Commissioner Trantalis asked for some detail regarding this property.

Lori Milano, Director Community Inspections, stated that this was actually a vacant lot. She stated that the area was predominantly single-family and a rental community.

Commissioner Trantalis asked if the property was in compliance, and if there would be no difficulty keeping it as such once the City took over its ownership. Ms. Milano explained that the property was in compliance, and the only maintenance involved would be for the City to ensure that the lot was kept cleaned and the grass mowed.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore 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	Steve Glassman Me. Rubenstein
Cemeteries Board of Trustees	Franci Bindler Richard Kurtz Walter Boyd
City Manager Recruitment Ad Hoc Committee	Jim Concannon
Community Appearance Board	Mary Graham George Henderson Dan Remy
Economic Development Advisory Board	Mark Ludwig
Education Advisory Board	Dr. Dorothy Orr Pearl Maloney
Nuisance Abatement Advisory Board	Caldwell Cooper Harry MacGrotty Douglas H. Reynolds David C. Svetlick (Alt) Dil Hatchett (Alt)

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 04-49

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.

Commissioner Hutchinson stated that Rita Jackson was coming off the Nuisance Abatement Board, and she asked if the alternates were going to move up, and then the alternates would be replaced. Commissioner Moore confirmed and stated that was the way it should be handled.

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

Henderson Mental Health Center

(OB)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING BROWARD COUNTY OR THE APPROPRIATE AGENCY THEREOF, TO ISSUE TAX EXEMPT REVENUE BONDS TO BE USED TO FINANCE PROPERTY ACQUISITION AND REFINANCING OF CERTAIN LOANS FOR HENDERSON MENTAL HEALTH CENTER.

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

Neighborhoods USA Conference**(OB)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-48

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING SPONSORSHIP FROM KEITH AND SCHNARS, P.A. FOR THE COST OF NECESSARY EXPENSES RELATED TO ATTENDING THE CONFERENCE.

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

Commission Reports**Broward County Planning Council**

Commissioner Trantalis stated that last week he had received a very strongly worded memorandum from Commissioner Hutchinson regarding the Broward County Planning Council. He felt there was some misunderstanding regarding this matter and he wanted to clear the air.

Commissioner Trantalis continued stating that on January 20, 2004, the City Commission had asked that the Broward County Planning Council defer any action regarding a measure it was to review in connection with making changes to the Land Use Plan, which it had to certify to the State by March 1, 2004. He stated there was a certain amount of urgency involved in this matter. He added that this Commission had asked the Council in their January 22, 2004 meeting to defer the matter and not make a decision regarding this item. He explained that he had been authorized and instructed to vote for a deferral. At the January 22, 2004 meeting, it was deferred by his motion and the matter was raised at a special meeting held on February 19, 2004. At that time, the Council had decided to re-certify the Land Use Plan as modified by the Council, and it had been indicated to them that there would be an 18-month period in which to make any modifications.

Commissioner Trantalis stated that the other matter to be taken up was in regard to whether the County Commission would be permitted to participate in the decision making regarding neighborhood compatibility issues in the RAC. He stated that had been scheduled for February 19, 2004, but it had not been reviewed and the matter was to be scheduled for February 26, 2004. At that time, the Council voted in favor of allowing the County to participate in such decisions. He advised that he had voted against that item.

Commissioner Trantalis stated that he wanted everyone to understand the sequence of events involved.

Commissioner Hutchinson stated that she had received the vote, which had listed Commissioner Trantalis as a "yes" vote. Commissioner Trantalis stated that her memorandum had stated: "That the resolution passed by the County Commission calling for a deferral of the Planning Council Meeting..." had been deferred. Commissioner Hutchinson stated she realized that. Commissioner Trantalis stated there was nothing in the memorandum addressing as to how he was to vote on the matter. He felt that his vote was appropriate and allowed the County to certify its Land Use Plan, which had to be done by the end of February. Otherwise, such plan would not be in force. Commissioner Hutchinson stated that she would share the information she had received with Commissioner Trantalis.

Budget

The Acting City Manager stated that when they had the budget meeting about one week ago, he had indicated that as new information became available, he would be open and communicative as possible with the Commission regarding the budget ramifications for this year. He continued stating that he had received word that the amount of money they had anticipated getting from the furloughs which was to be \$2.4 Million would be lower and probably in the area of \$2.1 Million. He stated that item of savings would, therefore, have a \$300,000 shortfall. He explained they would bring a budget revision to the Commission's next meeting to deal with that problem.

The Acting City Manager further stated that the audit report and management letter would be coming out within the next two weeks, and he wanted the Commission to be aware that one of the findings on the financial side was that the insurance fund had increased its deficit from \$15 Million to \$21 Million as of the end of the last fiscal year.

Commissioner Moore left the meeting at approximately 8:24 p.m.

Mayor Naugle asked if this was in regard to health or was it in reference to liability. The Acting City Manager stated it was the whole insurance fund, but the reason for it was due to employer's practices, workers' compensation, and police liability coming in at higher levels than anticipated. He added that they had received some good news today that they had done well in the amnesty program. Their goal had been \$550,000, but they had actually received \$1.3 Million. He further stated there was news on the other side that would counter-balance that piece of information.

Commissioner Trantalis asked if they had been re-insured. The Acting City Manager stated not on these items to that extent. He added that in next year's budget they would have to deal with restraint. He explained that he would have to deal with a shortfall in

this year's budget. He stated that the unfortunate thing was that they had estimated it based on a staffing level that had since declined. He advised that would be addressed in the budget revision to be presented at the next Commission meeting.

At 8:24 p.m., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

City Clerk