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FORT LAUDERDALE CITY COMMISSION
MARCH 16, 2004**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
MARCH 16, 2004**

Meeting was called to order at 6:06 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

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

Absent: None

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

Invocation was offered by Reverend David Mesenbring, Seafarer's House, followed by the recitation of the Pledge of Allegiance.

Mayor Naugle invited everyone to the Easter Sunrise Service on the Beach, at South Beach Parking Lot, at sunrise. He announced it was the 70th annual service to be held. He advised that Commissioner Hutchinson would be officiating.

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 Moore and seconded by Commissioner Hutchinson 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. Expression Sympathy

The Mayor and City Commission offered an expression of sympathy to the family of Phyllis Person, Steve Person's mother, along with the family of William Markham.

2. “WOW” Award

Commissioner Trantalis presented the Community Appearance Board’s “WOW” Award for District II to Mr. Scott Kraft of 124 NE 16th Place.

Mr. Kraft had lived in this A-frame, ranch style home, which was built in 1955, for about 14 months. The house featured a well-coordinated blend of old and new with original barrel tiles and a new stamped concrete driveway. The house has varnished South Florida Pine ceilings accented with white-washed timbers in the garage, as well as the Florida room.

3. Multiple Sclerosis Foundation

Commissioner Moore presented a Proclamation to the Multiple Sclerosis Foundation declaring the month of March as MS Education Awareness Month.

Jules Cooperburg thanked the Mayor and City Commission for the proclamation, and stated that MSF provided numerous programs and services. He announced that at this time of the year there were many educational and awareness events going on throughout the Country, both on site and on the Internet.

4. Florida Department of Education

LaMont Couch, Field Director, Florida Department of Education, presented to the Mayor and the City Commission the Nation’s Report Card results for the State of Florida.

Mr. LaMont stated that five years ago when the State started the FCATs, their tests showed that many of the students here could not read at or above grade level, especially in the poor and minority communities. He stated there had been a lot of hard work over those 5 years to push up the level of education and achievement. A national test known as NAEP (National Assessment of Educational Progress) was taken to rank states. He announced that this past year, and the year before, Florida came out as the only state showing improvement in 4th grade reading. He stated that the national average of gains was 3%, and Florida was 4 times the national average in gains. He advised that they were No. 1 in writing, and the Hispanic students had made 4 times the national average in gains, and the American students did the same as well. He also stated that this was the first year they were actually at grade level in math, and stated that every other year they had been below.

Fort Lauderdale Aquatics Complex

“Mermaid Susan” announced that there would be a new program for children known as the Mermaid Club for Kids which would take place for the first time this Sunday, March 21, 2004, at noon, and another session at 1:00 p.m. She stated the program would also be held on Sunday, April 25, 2004. She announced this was a program for children between the ages of 3 and 10. She stated this was a program for children who wanted to be mermaids or mermen. She proceeded to show the costumes that would be used, along with the life jackets. She stated that the children did not have to know how to swim. She stated that there would also be a Sing-a-Long show. She further announced that this program would be held at the Fort Lauderdale Aquatics Complex in the Children’s Pool. She further stated that the Mermaid Club’s goal was to promote water

and Manatee safety by providing a fun and healthy aquatic activity for children. She urged everyone to attend.

Expression of Sympathy

Commissioner Hutchinson stated that she wanted to offer an expression of sympathy to one of the City employees' mother-in-law who had recently passed away, Pat Rupprecht.

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 – AVP Pro Beach Volleyball

(M-1)

A motion authorizing and approving the execution of an Event Agreement with the **Association for Volleyball Professionals, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with **AVP Pro Beach Volleyball, to be held at South Beach on Friday, Saturday, and Sunday, April 2 through 4, 2004.** Event hours on Friday and Saturday will be 8:00 AM to 7:00 PM and on Sunday the hours will be 9:30 AM to 5:00 PM.

Recommend: Motion to approve.

Exhibit: Memo No. 04-411 from Acting City Manager.

Event Agreement – Riverwalk Spring Tribute

(M-2)

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 the **Riverwalk Spring Tribute, to be held on Wednesday, April 28, 2004 from 6:00 PM to 9:00 PM on the Riverwalk at the River House.**

Recommend: Motion to approve.

Exhibit: Memo No. 04-412 from Acting City Manager.

Event Agreement – Hospice Regatta 2004 Clambake

(M-3)

A motion authorizing and approving the execution of an Event Agreement with **HospiceCare of Southeast Florida, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with **Hospice Regatta 2004 Clambake, to beheld at**

the Esplanade on Saturday, May 22, 2004 from 6:00 PM to 11:00 PM; and further authorizing the closing of SW 4 Avenue from just south of the parking lot behind the old post office on SW 2 Street to the cul-de-sac at Riverwalk; from 9:00 AM to 12:00 Midnight on May 22, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 04-423 from Acting City Manager.

Event Agreement – Clueless on Las Olas (M-4)

A motion authorizing and approving the execution of an Event Agreement with **Partners in Education, Inc.**, to indemnify, protect and hold harmless the City from any liability in connection with **Clueless on Las Olas, to be held Thursday, April 22, 2004 from 5:30 PM to 10:00 PM;** and further authorizing the closing of SE 9 Avenue from East Las Olas Boulevard to SE 4 Street, from 12:00 Noon to 11:00 PM.

Recommend: Motion to approve.
Exhibit: Memo No. 04-410 from Acting City Manager.

Event Agreement – 2004 Children’s Reading Festival (M-5)

A motion authorizing and approving the execution of an Event Agreement with the **Broward County Library** to indemnify, protect and hold harmless the City from any liability in connection with the **2004 Children’s Reading Festival, to be held Saturday, April 24 from 10:00 AM to 5:00 PM and Sunday, April 25, 2004 from 12:00 Noon to 5:00 PM in Stranahan Park;** and further authorizing the closing of SE 1 Avenue from Broward Boulevard to the south side of SE 2 Street (just before the City parking garage exit; SE 1 Street from SE 1 Avenue to SE 2 Avenue; and SE 2 Street from Andrews Avenue to the east side of SE 1 Avenue (allowing access for local businesses); from 6:00 PM Friday, April 23 to 8:00 PM Sunday, April 25, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 04-408 from Acting City Manager.

Work Authorization 16724.74 – Keith and Schnars, P.A. - Project 10483.331 – Professional General Civil Engineering Consultant Services to Process the Platting & Rezoning On 2000/2016 NE 16th Street (FS29/Fire Training Bureau) (M-6)

A motion authorizing the proper City officials to execute Work Authorization 16724.74 with Keith and Schnars, P.A., in the amount of \$12,570 for platting and rezoning work associated with 2000/2016 NE 16th Street (FS29/Fire Training Bureau).

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 04-393 from Acting City Manager.

Contract Award – Intrastate Construction Corporation - (M-7)
Project 10510 – Pump Station Rehabilitation A2, A17, A18, A19, A21
Project

A motion authorizing the proper City officials to execute an agreement with Intrastate Construction Corp. in the amount of \$2,556,025 for the Pump Station Rehabilitation A2, A17, A18, A19, A21 project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-346 from Acting City Manager.

Contract Award – Lanzo Lining Services, Inc. - (M-8)
Project 10749 – Wastewater Conveyance System Long
Term Remediation Program – Priority Sub-Basins
A-27.1 and A-27.3

A motion authorizing the proper City officials to execute an agreement with Lanzo Lining Services, Inc. in the amount of \$1,546,835 for the Wastewater Conveyance System Long Term Remediation Program, Priority Sub-Basins A-27.1 and A-27.2 project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-348 from Acting City Manager.

Project 10568 – A1A/Seabreeze Boulevard (M-9)
Water Main, Wastewater Force Main, and Electrical
Duct Bank Construction, Joint Project Agreement,
And Task Order

A motion authorizing the proper City officials to award project 10568, execute a Joint Project Agreement with FPL for the construction of the A1A/Seabreeze Boulevard Water Main, Wastewater Force Main, and Electrical Duct Bank Construction project and approve a task order with CH2M Hill.

Recommend: Motion to approve.

Exhibit: Memo No. 04-347 from Acting City Manager.

Federal Aviation Administration Grant Application - (M-10)
Project 10422 – Executive Airport Pavement Rehabilitation
Design of Runway 8-26 and Realignment of Taxiway Hotel

A motion authorizing the proper City officials to apply for a grant from the FAA in the amount not to exceed \$4,860,231 for the rehabilitation of Runway 8-26 and realignment of Taxiway Hotel and that said grant be accepted when offered.

Recommend: Motion to approve.
Exhibit: Memo No. 04-354 from Acting City Manager.

Change Order No. 1 – John Rohrer Contracting Company, (M-11)
Inc. Project 10707 – City Park Garage Phase IB -
Planter/Barrier Wall Rehabilitation

A motion authorizing the proper City officials to execute Change Order No. 1 with John Rohrer Contracting Company, Inc. in the amount of \$260,313.44 for additional work related to the City Park Garage Phase IB, Planter/Barrier Wall Rehabilitation project.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 04-341 from Acting City Manager.

Grant Agreement – Children’s Services Council (M-12)
Of Broward County – ACCESS Computer Grant

A motion authorizing the proper City officials to execute an agreement with the **Children’s Services Council of Broward County** to accept a grant which will provide computers, instruction and software for the Carter Park Connections Learning Lab; with such grant not exceeding \$84,028.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 04-311 from Acting City Manager.

Grant Agreement – Children’s Services Council of (M-13)
Broward County – Youth Delinquency Program

A motion authorizing the proper City officials to execute an agreement with the **Children’s Services Council of Broward County** to accept a grant which will provide delinquency prevention programming for at-risk youth at Carter Park; with such grant not exceeding \$223,650.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 04-409 from Acting City Manager.

**Florida Communities Trust Management and
Project Plan**

(M-14)

A Motion to approve the Florida Communities Trust Management and Project Plan.

Recommend: Motion to approve.

Exhibit: Memo No. 04-435 from Acting City Manager.

**Gold Coast Ski Club, Inc. – Agreement for Use of
Mills Pond Park**

(M-15)

The Parks and Recreation Department is recommending entering into a two-year agreement with the Gold Coast Ski Club for the use of Mills Pond Park with 2 one-year options.

Recommend: Motion to approve.

Exhibit: Memo No. 04-414 from Acting City Manager.

**Executive Airport – Calvary Chapel Property
Amendment to Deed Restrictions and Protective Covenants**

(M-16)

A motion authorizing the proper City officials to execute the amendment to deed restrictions and protective covenants for Calvary Chapel property in the Harris Plat.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-397 from Acting City Manager

PURCHASING AGENDA

State & 532-8796 – Data Communications/One Stop Shop**(Pur-1)**

An agreement to purchase data communications and wiring for the One Stop Shop Network is being presented for approval by the Administrative Services, Telecommunication Division.

Vendor:	ASE Telecom and Data, Inc. Miami, FL NextiraOne, LLC Pompano Beach, FL Insight Public Sector Tempe, AZ
Amount:	\$ 136,757.68
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-401 from Acting City Manager

The Procurement and Materials Management Division recommends approving purchases from various competitively bid Florida State and City contracts with transfer of \$136,757.68 from Construction Technology Fees-2.6% Surcharge (FD001 219-000009) to One Stop Shop at Lincoln Park (P10372.331).

Proprietary – Assignment of Schlumberger to Bytewise Solutions**(Pur-2)**

An assignment of current pricing agreements and open purchase orders for parking meters parts installation services and supplies (formerly Schlumberger) are being presented for approval by the Administrative Services, Parking Services Division.

Vendor:	Bytewise Solutions Opa Locka, FL
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-394 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the assignment of current annual pricing agreements and purchase orders to the proprietary Florida distributor.

572-7623 – All Risk Property Insurance Renewal**(Pur-3)**

An annual renewal of all risk property insurance for various City facilities is being presented for approval by the Finance/Risk Management Division.

Vendors:	The Beacon Group, Inc. Boca Raton, FL FM Global Insurance Company Alpharetta, GA
Amount:	\$ 914,670.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-391 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the annual contract renewal.

Proprietary – Upgrade, Public Safety System**(Pur-4)**

An agreement to purchase an upgrade for the Public Safety System is being presented for approval by the Police Department.

Vendors:	Intergraph Public Safety, Inc. Madison, AL Radio-IP Montreal, Quebec Ortivus Avel-Tech Laval Quebec, Canada
Amount:	\$ 590,546.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-398 from Acting City Manager

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

442-8962 – Reject & Re-Bid Roll Up Doors**(Pur-5)**

Rejection and re-bid the purchase and installation of roll up doors are being presented for approval by the Public Services Department.

Bids Solicited/Rec'd:	52/4 with 1 no bid
Exhibits:	Memorandum No. 04-370 from Acting City Manager

The Procurement and Materials Management Division has reviewed this item and recommends rejecting all bids.

442-8987 – Emergency Pumping Services**(Pur-6)**

One-year contract for emergency pumping services is being presented for approval by the Public Services Department.

Vendor:	F.A> Johnson, Inc. Fort Lauderdale, FL
Amount:	Per Unit Prices
Bids Solicited/Rec'd:	79/4
Exhibits:	Memorandum No. 04-378 from Acting City Manager

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-3, M-4, M-5, M-15 and Pur-3 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 – Hospice Regatta 2004 Clambake **(M-3)**

Event Agreement – Clueless on Las Olas **(M-4)**

Event Agreement – 2004 Children’s Reading Festival **(M-5)**

Mayor Naugle asked if these items were to be approved subject to review by the City Attorney’s Office. The City Attorney confirmed.

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.

Gold Coast Ski Club, Inc. – Agreement for Use of Mills Pond Park **(M-15)**

Commissioner Trantalis stated that he had pulled this item, and asked if this agreement would be giving the Gold Coast Ski Club the exclusive right to use Mills Pond Park for water skiing purposes, or would this just give them the right as well as to others who may seek out this right.

The City Attorney replied that the right was not exclusive.

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

PURCHASING AGENDA

572-7623 – All Risk Property Insurance Renewal**(Pur-3)**

Commissioner Trantalis stated that he had pulled this item, and in the back-up it had stated that under whether or not bids were solicited or received, it stated N/A. He stated it was his understanding that this was a renewal of a previous policy, and that it was a \$1 Million premium. He asked why this had not been put out for bid.

Terry Sharp, Director Finance, stated that he would ask their broker to come forward to see if other companies had been checked in the market. He stated they had been a policyholder of FM Global for a number of years, and that was why the premium had gone down.

Commissioner Trantalis stated that he understood that fact, but he did not know if that was part of the risk or was it due to the City's performance or past history. He stated that since there had been no solicitation of bids and the premium was \$1 Million per year, he felt some response was needed.

Don Dressbach, Executive Vice-President Beacon Group, Inc., stated that they were the insurance agent for the property insurance coverage for the City. He explained that in November and early December, 2003, they had approached the insurance market place to find out how competitive FM Global continued to be. He stated that he provided some general information to the City, as well as to the City's insurance consultant. He further stated that the standard market was still in the \$.50 to \$.55 range per \$100 value. He explained it had gone down from about \$.70 due to the competitive nature of the property insurance market. He further stated that FM Global's premium was around \$.30, and with a premium dividend which they were declaring, the rate actually went down to about \$.26 versus \$.29 last year.

Commissioner Trantalis asked if this carrier was rated about the same as the others mentioned. Mr. Dressbach explained that FM Global was a combination of 3 insurance companies which merged and were all rated A+15. He explained that 15 was the largest financial rating available and equated to over \$2 Billion in surplus. He stated the A+ rating was based on their management capabilities and their re-insurance treaties and other related items.

Commissioner Trantalis clarified that an effort had been made to comparison shop. Mr. Dressbach confirmed, and stated that they had worked with Mr. Sharp and the insurance consultant to make sure they were in the most competitive position for the insurance coverage being purchased by the City.

Commissioner Moore reiterated that FM Global was a very notable company and he was glad they were the City's insured. He stated that they had the opportunity with FM Global

to do engineering evaluations, and asked if that had been done in this case. Mr. Dressbach stated that during the past 12 months, he had gone with the FM Global engineers and had inspected about 9-10 locations. He explained they had the Lohmeyer Plant scheduled for re-inspection on Friday, and the War Memorial, Lockhart Stadium, and the Oriole Stadium scheduled for inspection next week. He advised that the engineering process was continuing.

Commissioner Moore stated that some of the insurance premium had been reduced because of that, as well as the fact that just negotiating a better premium with a player was beneficial to the City.

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

PUBLIC HEARINGS

Kevin Green d/b/a Clean Air Taxi

(PH-1)

A public hearing to consider a motion to approve an application from Kevin Green d/b/a Clean Air Taxi to operate ten (10) pedicabs and ten (10) rickshaws over specific routes within the City. Notice of Public Hearing was published on March 4, 2004 and March 11, 2004.

Charles Brady, Chairman of the Community Services Advisory Board, stated that his only concern was that every other vehicle for hire went through this Board, public hearings were held, and recommendations made to the Commission. He stated that personally as a tax paying resident, he wanted to have more clean air taxis, but they would submit to the Commission's desires. He stated that they wanted to suggest that in the future all applications go through this Board pursuant to the Code.

Commissioner Trantalis asked why this process was being short-circuited in this case.

John Simmons, Assistant Director Community Inspections, stated that currently the ordinance which set up these types of transportation did not require this for the pedicabs and rickshaws. He further stated that the other ones were included in the ordinance itself.

Commissioner Trantalis clarified that what the Chair had indicated to the Commission was not necessarily the process, and this did go directly to the Commission. Mr. Simmons confirmed, and explained there was no review process currently within the ordinance.

Commissioner Moore suggested that this item go before the Community Services Board for their review. He recommended that this item be tabled, and have it go before such Board for their review.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis that this matter be tabled so as to be presented to the Community Services Advisory Board for their review. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Historic Designation – The Tom Bryan House - (PH-2)
403 Tarpon Terrace (HPB Case No. 29-H-02)

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 403 Tarpon Terrace, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; on July 1, 2003, the City Commission deferred consideration of this item to September 16, 2003 by a vote of 5-0; on September 16, 2003, the City Commission deferred consideration of this item to December 2, 2003 by a vote of 5-0 and on December 2, 2003, the City Commission deferred consideration of this item to March 16, 2004 by a vote of 5-0.

Reed Bryan stated that a witness, Art Bengochea architect, was to appear this evening with him in regard to this matter, but he had not yet arrived. He asked if this item could be moved to later on in tonight's agenda.

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

Commissioner Moore asked if Mr. Bryan was in favor of this designation. Mr. Bryan replied that he was against it.

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

Continued on page 18.

Historic Designation – The John Needham House - (PH-3)
828 S.E. 4 Street (HPB Case NO. 30-H-02)

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 828 S.E. 4 Street, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; on July 1, 2003, the City Commission deferred consideration of this item to September 16, 2003 by a vote of 5-0; on September 16, 2003, the City Commission deferred consideration of this item to December 2, 2003 by a vote of 5-0 and on December 2, 2003, the City Commission deferred this item to March 16, 2004 by a vote of 5-0.

Commissioner Moore stated that he had received correspondence asking that this item be tabled until June, 2004.

Mayor Naugle stated that since this item had been tabled a multiple number of times, the Commission had discussed that they were not going to delay the item any longer. He stated the issue could be discussed at this time, and if there was a consensus to table it that would be done.

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

Ron Mastriana, attorney, stated that previously they had brought forward several potential uses for the property in order to preserve it, and the Commission had decided that they did not agree with the use presented. The current owner was now bringing forth another potential user for office/St. Regis Landing. He explained that since the Commission's last meeting, they had been meeting with City staff regarding the matter. He announced that it would probably take until June to go through the entire process.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table this item until June 15, 2004 at 6:00 p.m.

Commissioner Hutchinson stated that Mrs. Doyle had tried very hard to find a use for the site in order to preserve it, and she did not want to hamper that process in any way. She stated that she would support the deferral until June, 2004.

Commissioner Trantalis asked if this property was designated as historic, how would that impede the prospective purchaser from continuing with the conversion process. Mayor Naugle stated they did not know that answer.

The City Attorney stated that he did not have such information at this time.

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

Historic Designation – The E.N. Sperry House - (PH-4)
833 North Rio Vista Boulevard (HPB Case No. 31-H-02)

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 833 North Rio Vista Boulevard, which was recommended for approval December 9, 2002 by the Historic Preservation Board by a vote of 7-0. On April 3, 2003, the City Commission deferred consideration of this item to May 6, 2003 by a vote of 4-0; on May 6, 2003, the City Commission deferred consideration of this item to July 1, 2003 by a vote of 5-0; on September 16, 2003, the City Commission deferred consideration of this item to December 2, 2003 by a vote of 5-0 and on December 2, 2003, the City Commission deferred consideration of this item to March 16, 2004 by a vote of 5-0.

Mayor Naugle stated that after consulting with the City Attorney, he announced that he was not going to vote on this item or take part in the discussion, but would continue to conduct the hearing. He further stated that this property was located next to him, and in

the past he had conversed with the owner regarding a potential interest in the property, and he felt it would not be appropriate to vote on this item.

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

Don McClosky, representing Bob Curtis, stated that he wanted to supply some background information in order to explain what effect such a designation would have on this individual. He explained that the Curtis family was opposing the designation because they did not think it was fair or right.

Mr. McClosky stated that the family had owned this property since 1962, and had been a resident of the County since 1947. He stated that he had been a senior partner in one of the most prestigious law firms in town. He added that Mr. Curtis had been President of the Broward Bar, served on the Broward Hospital District, Marine Advisory Board, and had been Interim City Attorney in the '50's. He announced that Mr. Curtis was presently 85 years old. He explained that a substantial portion of Mr. Curtis's assets were involved in this house, and if it was designated the value would be affected substantially. He stated that most buyers nowadays bought such property, demolished the structure, and rebuilt. He stated they did not want the house torn down, and he wanted to offer the City a compromise regarding this property.

Mr. McClosky continued stating that the family agreed that they would provide in writing to the City that if someone offered to buy the property, the City would have the first right of refusal at market price. He stated they would also agree that in the interim the house would not be demolished and its historic character would be preserved with certain modifications. He stated that a conveyance within the Curtis family would not be considered a conveyance because it would not be for due consideration, but out of love and affection. He asked for the City to consider this recommendation.

Mr. McClosky stated that the 2nd story on the south wing of the house had been changed in 1935. Also, in 1940 a covered breezeway from the main house to the guest house had been constructed. In 1955, the second floor of the guest house and the garage had been built. In preparation for this hearing, they had looked at some of the dispositions that the City had made in the past, and they had come across one where the Floridian Restaurant had attempted historic designation. He stated there had been substantial changes, and therefore, they did not qualify for such designation. He added that he did not think that this property qualified either. He urged the Commission not to use their power improperly in designating this property.

Commissioner Trantalis asked that in the series of requests for historic designation a question arose as to change of use, and he asked if there was an opportunity to change the use of the property from Party A to Party B, and if Party A owned the property and it was designated historic, would it prevent the change of use from occurring.

Bruce Chatterton, Zoning and Planning Services Manager, stated that the change of use if it involved changes to the site plan or physical appearance of the structure, then the Historic Preservation Board process would be added. He explained the designation would increase the level of scrutiny of the site.

Commissioner Trantalis clarified that the second owner would now have to go through another level of examination before changes could be made to the property. He asked if

that was the only impediment that would be involved. Mr. Chatterton stated that was the only one he was aware of. He added that the designation would bring in the powers of the ordinance to preserve the site, and it was brought out through the HPB process.

Commissioner Trantalis stated that in this case there was an offer to give the City the right of first refusal, and he felt that would be a welcome opportunity if the City had the funds available. He asked if staff had considered this proposal, and possibly a bond program could be initiated to buy up desired properties over the course of time.

Mr. Chatterton stated that Construction Services and Planning and Zoning had not specifically looked at that because what had been before them was whether or not the property was eligible for designation under the Code. He stated that the possibility of City acquisition one way or another was not germane to their review, but it could play into whether the Commission would want to move ahead in that direction. He further stated that the City's historic preservation at this time was not a program, and there had been a proposal to create such a department which was encouraged by the Historic Preservation Board. He stated they were not at that point, and presently were in more of a reactive mode regarding applications coming in. He stated they were following the Commission's suggestion that the Abreu properties were suitable for designation. He stated they were not proactively looking at which properties should be preserved. He added if such a program existed, this could be something they could do and work along side the City's real estate officer.

Commissioner Moore stated that he found this matter very interesting. He continued stating that he had witnessed Mr. Curtis in his activities of service throughout the City over the years. He stated that he disagreed with the first offer made, and did not think it was a necessity for anyone to be given an opportunity to be forced to have a designation they did not desire. He felt just because this house had been built by Abreu 50 years ago, and if someone in the community wanted to save it, then let them save it. He did not think the designation should be forced on Mr. Curtis. He stated further that Commissioner Trantalis had mentioned that the City would welcome purchasing this property if money was available. He added that Mr. Curtis would probably welcome the opportunity of having it designated, if he had the necessary funds to maintain it in that fashion. He stated that the community wanted the homes saved due to the architect, but did not have a way of compensating the owner. He believed this was a "taking" in his opinion. He felt that was unfair. He did not think they should expect any citizen to be told that they had to designate their property and lose its value because the City wanted it done.

Commissioner Moore stated further that he liked the recommendation proposed by Mr. McClosky and possibly the Commissioners could agree to it.

Commissioner Hutchinson stated that she agreed with Commissioner Moore, and further stated she would not impose something on a property owner that they did not want. She stated it was one thing to raise taxes, but it was another thing when they took something away from someone. She stated that she had voted for the tabling of Mr. Bryan's property, but now she did not know why because now she was not in favor of this. She wanted the property owners to bring forth the requests for designation. She stated there was no movement in the Curtis family to sell the property, or in the Bryan home, and she did not understand why they were attempting to shove this down people's throats when they did not want it. She was not in support of this item.

Commissioner Teel stated that she agreed with the opinions expressed by the last two Commissioners, and she did not feel they had the right to take away someone's personal property and declare it to be something they did not want. She further stated that many people were uncomfortable with the fact that some valuable properties could be lost in years to come, and if an owner voluntarily offered this, then that was an entirely different matter. She stated the City did not have monies available to protect these properties, and there was no mechanism in place to do it. She felt the recommendation made would accomplish something without putting the burden on the property owner. She felt it was kind of the family for making such a recommendation. She stated this was a different approach than in the past, and she felt the idea should be considered since it did have merit.

Commissioner Trantalis stated that he understood the comments of his fellow Commissioners and realized that he was in the minority, but he felt he had to present his case. He stated that he felt this City needed character which came from its people, resources, and its appearance. He stated they had the opportunity to establish character in the structures they had which had been built in the past and designed by individuals admired for their talent and sense of architecture and design. He felt if they continued to allow such buildings to be destroyed, and continued to build new faceless, colorless, and characterless structures, they would never be able to maintain a sense of character or place. He stated that many opportunities had been lost in this City already, and many beautiful homes demolished. In his opinion, he felt they would continue to lose opportunities if they did not understand and respect the fact that there are neighborhoods, buildings and opportunities which they needed to preserve. If they did not do this, then the people wanting to come here would have one less reason to visit or live here. He stated there was nothing attractive about the City because they had one monotonous look and that was where they were headed. He felt they were doing themselves a disservice as a community.

Commissioner Trantalis continued stating that he believed historical designation fell within the realm of police power, whereby the City set a public policy to determine whether or not they wanted to retain historic buildings maintained in the City. He stated it was the same thing when they stated they did not want buildings to be higher than 150', and asked what made them the arbiter of design in such cases. He stated that historic preservation was right there, and until they fulfilled their obligation to maintain the historical integrity of the few buildings left which had character, distinction, and something they could call their own, then they would never be able to call themselves unique. He felt they needed to consider establishing some kind of fund at some point where they could compensate individuals whose properties the community wanted to save. He stated that he was not saying they should take this family's property, and no one had convinced him that designating it historic would diminish its value. It was mere speculation and conjecture. It was suggested that all of a sudden designation made properties worthless, which was not true. He felt the community needed to make a decision as to where they were going in regard to their past. He felt that was the best measure for their future.

Commissioner Moore stated that one was before, and the other was after. He continued stating that in talking about the height of a new proposed structure, it was done upfront and the rule was in place. He stated that this matter was "after-the-fact." He further stated that when it came to what public dollars should be used for historic designation

and the buying of buildings, he had seen past Commissions state that individuals should not be taxed, and then use the money for their concerns regarding social issues. He stated there should be an individual or entity who had the wherewithal if they wanted such properties salvaged. In regard to character of communities, he stated that there were entire neighborhoods who had decided they wanted to be historic, and they got together and stated how they wanted to have their neighborhood look. He stated that he would be objectionable to someone being forced to having their property designated because their neighbors were not being forced to do the same. He added that the neighbor's property could increase in value because they did not carry such designation. He stated that possibly it could add to the value of the property having such designation, but he did not want to limit the owner to his options.

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

Commissioner Moore asked if the motion was to include the proponent's proposal to give the City the right of first refusal.

Commissioner Moore stated that was not going to be the motion he was going to make, but if they wished to do that, it was all right with him. He stated that he was concerned if the City had the first right of refusal, then the next person's property up for designation would do the same. One year later, they could have 5 properties they felt were historically significant, and then someone on the Commission would state they needed to find the funds to save them. He felt this property owner should just have the property rights that he was given as an American citizen.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to deny the historic designation regarding PH-4. Roll call showed: YEAS: Commissioners Hutchinson, Teel and Moore. NAYS: Commissioners Trantalis. Mayor Naugle abstained.

**Historic Designation – The Tom Bryan House -
403 Tarpon Terrace (HPB Case No. 29-H-02)**

(PH-2)

Continued from page 13.

Reed Bryan thanked the Commission for the courtesy shown to him regarding this matter.

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

Mr. Bryan stated that he and his wife opposed this designation. He stated that they felt it was unnecessary in their case, and believed it would be unproductive. He added that they believed it was unfair and possibly unlawful. He stated that he had asked Art Bengochea and Randy Shropshire to address the Commission. He advised their position was that they had spent the money on restoration, and the property was not a "tear-down." He stated it was not on the market at this time, and if it was he would not be able to afford to sell it for a price that would be attractive to a developer. He stated they had done their first phase of renovations in the late '80's, and stated that Mr. Bengochea would explain what work had been done at that time.

Commissioner Hutchinson asked how long Mr. Bryan's family had lived in this City. Mr. Bryan replied they had lived here since 1894. Commissioner Hutchinson stated that currently the City had one of Mr. Bryan's family homes on the Riverwalk which they allow a business to rent from them. Mr. Bryan confirmed.

Art Bengochea, architect, stated that he had the pleasure of restoring many buildings in this City. He stated further the house had been neglected, and the Bryan's had stated they wanted to keep the character of the house as when it was built. He stated that the kitchen had been modernized but had used Dade County Pine for the cabinets. He explained the kitchen had been opened and they had converted the old incinerator into a fireplace in the kitchen, while also addressing the settling issues which the house had. He stated the house had been built with almost no footings. He reiterated that the "bones" of the house were in excellent condition and was not a "tear down." He explained that the house had over 6500 sq. ft. making it very attractive to someone who might want to buy it. He stated it was commensurate with houses on the River, plus there was land surrounding it for expansion.

Mr. Bengochea stated that he felt that what brought a lot of this to a head was the fact that the Gypsy Graves House had been demolished, but it was past the point of being economically viable for anyone to restore it. He stated the house in question was restored and in a "move-in" condition. He stated that Randy Shropshire, contractor, was going to offer some comments.

Randy Shropshire, contractor, stated that he was a contractor in this City for the last 24 years, and during the late '80's the Bryan's had contracted with him to do the necessary historical restoration and repair work that was necessary. He stated that the decayed doors and trim work had been replaced with Old Growth Hard Cypress, and all hardware was repaired and restored as it was originally. He added that the windows were originally restored and masonry castings used. He stated that even the exterior masonry patios which had been built were made of native coral rock. He stated that the project had taken about 10 months, and had cost the Bryan's a lot of money.

Mr. Bryan stated that he did not like to be in this position, and did not feel he was cross-wise with the purposes of the individuals behind historic preservation. He felt this was the wrong way to do things. He further stated that the experience with the Graves House showed that if the structures were lost, they were lost because they had been allowed to deteriorate, thereby not making it economically feasible to restore them. He felt they needed to look at the properties and talk to the owners earlier enough to put "their finger on the pulse" of such landmarks, if they wanted them preserved.

Mr. Bryan stated they were in the situation where when the local government reached into a neighborhood and picked out properties, but there was no real incentive for the homeowner to agree to such designation. He continued stating that when Bonnie Dearborn addressed the Historic Preservation Board on December 9, 2003, she pointed out that although there had been examples where historic preservation had been economically beneficial to a district or area, but for a single homeowner there was no incentive. He stated that even the tax rollback present under the ordinance could not be taken advantage of because it was prospective only in nature. He hoped the Commission was satisfied that his home was not a "tear down," and was not something under any danger of being lost. He stated there was no need to make any changes in order to save it.

Mr. Bryan further stated that when he went through this in 1985, he realized he was taking a risk, but he wanted to do it. He spent more money than he should have or could afford, and not sure if he had been given the historic overlay if he would have taken the same chance today. Also, he stated that going through this they had encountered many unforeseen problems and things had to be changed in mid-stream, but if they were saddled with a plan that had been approved under a particular historic overlay, then they had to change things and get new approvals which could increase the cost of the project beyond a practical standpoint. He felt it was unfair to impose such a designation on an unwilling homeowner. He stated that his concern regarding the lawfulness of the situation was that in looking at the statutes and ordinances throughout the United States, he had found most of them expressly stating that this could only be done with the homeowner's consent. He added there were substantial tax incentives if he turned his home into a commercial use. He stated they were not a certified local government under the ordinances, and that had been addressed by staff, but even if they were, the ultimate end of that was national historic registration which rests with the US Park Service under the Department of the Interior. He explained the Parks Service rule was that they would not designate without the consent of the homeowner.

Charles Jordan, resident and President of the Broward Trust for Historic Preservation, stated that they were a preservation organization and had supported the 3 Abreu houses, but he felt they needed the courage to do what was right in this case. He stated that he had chaired some of the meetings of the Historic Preservation Board, and wanted to state that the Board labored long and hard regarding these properties and the ordinances. Tonight, he stated he had not heard any reference to how the Commission was dealing with its own ordinance. He stated the Commission was to enforce the laws of the City. He explained the Historic Preservation Board had made a recommendation to the City Commission, and this Commission, in his opinion, did not have the right to blow the law off and say that the criteria did not have to be met, unless they wanted to change the law. He stated that the Board had followed the ordinance and did what had to be done. He stated that this Commission in the past and maybe even now had very cavalierly taken the view that the ordinance could be disregarded, and if that was to be done then the ordinance should be changed and the citizens should not be put through this.

Mr. Jordan reiterated that the ordinance was in effect and it should be followed, and the only way it could be followed in regard to these properties was to vote for designation. He urged the Commission to return to the process. He reiterated that there were problems with the City not following the process in the past, and they needed to return to the process and do what the law said. He did not believe there was any "gray" area. He stated the discussion regarding whether it was fair to the property owner was not the issue. He stated they should not have passed the ordinance that stated the process for historic designation.

Mr. Bryan stated that this item had been on the agenda many times, and it had also been before the Historic Preservation Board. He believed from the discussions held, there was a distinct uneasiness at making the recommendation without the owner's consent. However, he further stated that Tom Tatum had pointed out on December 9, 2003, that the ordinance did not give any discretion to the Board. He explained they were a fact-finding body, and he did not disagree with their findings. He felt they did their job and had done it well, but they did not have any leeway.

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

Commissioner Trantalis stated that it had been indicated that Mr. Bryan had gone through an extensive renovation and restoration process in order to bring the property back to its originally designed status. Mr. Bryan confirmed and stated there was a major remodeling in 1953 in which a lot of the real character of the house had been destroyed with some 50's style add-ons. Commissioner Trantalis continued stating that the house was brought back to its original design and was being maintained as such, and the purpose of historic preservation was to accomplish what he had done. He asked why historic designation would impede his ability to do something which had already been done. Mr. Bryan stated that the reason they were objecting was because he had not talked to a single appraiser or realtor who had not told him that historic designation diminished the value of the property. He stated further that where it had been economically beneficial was in neighborhoods where the City got behind an entire district with a large expenditure on infrastructure to get people to restore old buildings which otherwise would be in danger of loss.

Mayor Naugle stated that he supported the designation and in looking at the definition of a historic building in the dictionary, it would show a picture of this house. He felt this house was gorgeous, but what he was finding regarding the designation was 2 objections. One objection was that it could impede the sale of the property for someone who might want to slow down the process of the sale and demolish the structure, and the other objection was not wanting historic preservation because of the "nitpicking" that would occur regarding improvements or changes to the structure. He stated the two applicants present this evening loved their homes and did not want them torn down. He stated further that the offer of first refusal to the City was sending a message that they saw the value of the house and did not want it torn down, but they did not want to be damaged economically or have to go through the bureaucracy involved. He felt that meant there was a problem in the way the Board was working, and it should be less bureaucratic with shorter time frames. He added that was not saying that the Board was not doing their job. He continued stating that the right of first refusal notion would give up some time in the sale of the property, and he did not think the City would ever purchase the property. Possibly it would be done on a very rare occasion. He stated but giving the City the right of first refusal could enable them to find another person that would be interested in the property. He stated in most instances where such structures were demolished, there were interested individuals interested in restoring and loving the structure.

Mayor Naugle stated that in regard to the Shepherd Estate, the property owner wanted to demolish it and build a condominium, but the City had found a person who wanted to restore it. He added that had been done and was beautiful. He stated the most recently house was Himmarshee Court. He stated that historic designation did not guarantee that the house would last forever, but set a "cooling off" period for demolition. He further stated that until the bureaucratic portion of the Historic Preservation Board was solved, this idea, in lieu of a designation, of giving a time period for seeking out someone interested in saving the property was a win-win situation for everyone involved. He stated that Mr. Jordan was right in saying that the ordinance was not being followed, but there were problems and how things were operating. He stated that he supported the

designation, and if that failed then he would support the notion of having an option on the property with a prohibition on demolition.

Commissioner Hutchinson stated that she had toured this house and a tremendous job had been done in its restoration. She stated it was incredible what the contractor, architect and owner had accomplished. She stated that she had spoken to the owner about the right of first refusal and she liked that idea. She reiterated that it would give the City an opportunity to possibly find someone interested if the present owner ever wished to sell it outside of the family. She wanted that recommendation made as part of the motion as it related to no demolition and the opportunity that if it was sold outside of the family that the City would have the right of first refusal. She stated this family had been in the City forever.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to deny the historic designation, but to have the property owner issue the City a legal agreement stating there would be no demolition of the property, along with the right of first refusal.

Commissioner Moore stated that he was concerned about the first right of refusal because this person had explained the effort that he and his contractors had put forward in restoring this property. He felt the first right of refusal could slow down a future purchase process. He stated that he could live with the no demolition caveat, but he believed the public tax dollars should not be used for social causes. He stated if there were going to be conversations by the leaders and the Commission that public dollars should be used for certain things and not for others. He stated further that he did not feel that historic designation played a different role than those other things.

Mayor Naugle stated that the City Attorney would be the one to implement this item, and asked if any other detailed information would be needed in regard to the motion.

The City Attorney stated that they would need to know the time for the right of refusal. He added that 30 days would not be sufficient time, but 90 days would be more than sufficient.

Commissioner Hutchinson suggested that 45 days be considered for the right of refusal.

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

Mayor Naugle announced that he had visited the site. Commissioner Teel stated that she had also been to the site and had toured the home.

**Historic Designation – Fort Lauderdale Woman’s
Club – 15 SE 1st Street (HPB Case No. 7-H-04)**

(PH-5)

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 15 SE 1st Street, which was recommended for approval February 2, 2004 by the Historic Preservation Board by a vote of 7-0.

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

Kitty Presiose, President of the Fort Lauderdale Woman's Club, stated that they did want historic preservation. She stated they had been in existence since 1911 and had been started as the Women's Civic Improvement Association. She added they had started the first library in the City. She advised that in 1916 Frank and Ivy Stranahan had given them the property on which the club now sat. She stated they owned the house and property and the house had been designed by August Geiger, who between 1915 and 1920 had been the most important architect in Broward County. She advised they had been responsible for getting the livestock and poultry off the streets in 1920 with the passing of the ordinance. She stated that in 1924 the City had built a library, and they had donated the 1200 books they had in their library to the City. She stated they had assisted the Commission in securing the home for the aged known as Haven of Rest in Dania. She advised that the residents of the City had been asked to submit a new name for the big world port, and their Club had recommended Port Everglades which had been chosen and was now known worldwide. She stated the building had been enlarged and remodeled in the '50's. She further stated that they had moved their entrance from Andrews Avenue to SE 1st Street, but the original front door still stood. She continued stating that the roof had been raised and constructed over the original roof which could still be seen, and the Dade County Pine floors had been covered with linoleum, and jealously windows had been installed.

Ms. Presiose continued stating that in 1951 air conditioning had been installed making it the first club in the State to have such a comfort. She stated that in 1953 they had burned their mortgage. She further stated that in 1969 a past President, Virginia Young, had been named City Commissioner and then Mayor of this City. She stated that in 1981 23' of land had been sold to the City for the widening of Andrews Avenue, and the money was used for more renovations for the building. She stated the Club continued to support charities such as the Hacienda Girls' Club, Canine Companions, and Special Olympics for which they were a Charter Member, Jack 'n Jill Day Care Center, and others. She further stated that they were still using the Clubhouse and presently had 45 members, and intended to increase their membership back to where it had been.

Ms. Presiose stated they would like this Clubhouse to be on the Fort Lauderdale Historic Register, and then the building could be restored back to its glory and be the jewel of Downtown Fort Lauderdale. She stated they were on the corner of Broward Boulevard and Andrews Avenue surrounded by the park. She stated they operated financially by renting out the Clubhouse on the weekends. She added that renovation would allow them to generate even more revenue.

Ms. Presiose advised that in 2006 they would celebrate their Centennial and want the Club to look like the jewel of Fort Lauderdale that it was, and therefore, urged the Commission to grant them this designation.

Scott Strawbridge state they had worked on this for a while. He stated further that once in a while he was able to bring forth a willing property owner wanting designation. He stated the Commission needed to grant this designation.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the historic designation for landmark status to the property located at 15 SE 1st Street.

Mayor Naugle disclosed that he had been to the site.

RESOLUTION NO. 04-51

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE BUILDING AND PROPERTY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF BLOCK "D", OF STRANAHANS SUBDIVISION, OF LOTS 13, 14, 15, 16, 17 AND 18, IN BLOCK 14, OF THE TOWN OF FORT LAUDERDALE, THENCE EAST 135 FEET; THENCE NORTH 100 FEET; THENCE WEST 135 FEET; THENCE SOUTH 100 FEET TO PLACE OF BEGINNING, LESS PORTION FOR ROAD RIGHT OF WAY, ACCORDING TO THE PLAT OF SAID STRANAHANS SUBDIVISION RECORDED IN PLAT BOOK 3, AT PAGE 10, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA 40 SOUTH ANDREWS AVENUE, FORT LAUDERDALE, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

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

**Sale of Property – Lauderdale Lakes CRA – Purchase of (PH-6)
Certain HOPWA Properties located at 3981 NW 31st Avenue,
3100 NW 40th Street and 3110 NW 40th Street in Lauderdale Lakes**

A public hearing to consider a resolution authorizing the sale of the properties to the Lauderdale Lakes CRA and approval of a program amendment to the 2000-2005 HUD Consolidated Plan as it relates to the HOPWA Program. Notice of Public Hearing was published on February 11, 2004.

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RATIFYING AND CONFIRMING RESOLUTION NO. 04-25 DECLARING THE COMMISSION'S INTENT TO CONVEY CERTAIN PUBLIC PROPERTY LOCATED IN THE CITY OF LAUDERDALE LAKES, LANDS PARTICULARLY DESCRIBED BELOW, TO THE LAUDERDALE LAKES COMMUNITY

REDEVELOPMENT AGENCY UPON CERTAIN TERMS AND CONDITIONS; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PURCHASE AND SALE FOR THE PUBLIC LANDS WITH A PURCHASE PRICE OF \$345,000.00; AND FURTHER AUTHORIZING EXECUTION AND DELIVERY OF A DEED OF CONVEYANCE AT CLOSING FOR THE PUBLIC LANDS TO THE LAUDERDALE LAKES COMMUNITY REDEVELOPMENT AGENCY TO BE USED FOR PARKS AND OPEN SPACE.

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

Proposal for Street Closure on SW 5 Avenue/South New River Drive in the Vicinity of the New River Bridge and Modification of the Existing Diverter at the Intersection of SW 5 Avenue and SW 5 Street (PH-7)

A public hearing to consider a proposal for a street closure on SW 5 Avenue/South New River Drive in the vicinity of the New River Bridge and to modify the existing diverter at the intersection of SW 5 Avenue and SW 5 Street. Notice of Public Hearing was published on March 4, 2004 and March 11, 2004.

Dennis Girisgen, Project Engineer, stated that this public hearing was to discuss a proposal to make traffic modifications on SW 5 Avenue within the Tarpon River Civic Association. He proceeded to show a diagram of the site. He stated that the proposal had two components. The first was a full road closure under the SW 4th Avenue Bridge, and the second component was the removal of the existing diverter at the intersection of SW 5 Avenue and 5th Street, along with the installation of a full road closure across the west approach of the same intersection. He continued stating that based on some preliminary minutes, the Tarpon River Civic Association had stated they would be in support of the modifications at the SW 5 Avenue intersection contingent on approval of the closure under the Bridge.

Mr. Girisgen proceeded to show a diagram of the existing traffic circulation, and explained that presently residents and properties located north of the diverter had two access points to SW 4 Avenue. He stated that one of those was along SW 5th Street where there was a one-way entrance ramp onto the 4th Avenue southbound lanes. He stated that the other access would be around South New River Drive, SW 4th Court, 3rd Avenue, and 6th Street to a fully signalized intersection where there would be full access. He continued to explain that the residents south of the diverter would either use SW 5 Avenue or 6th Avenue to access 7th Street to a signal at the intersection of 4th Avenue. He explained there was also a road closure which existed on 6th Street at the east approach which was not part of this proposal.

Mr. Girisgen stated that if this proposal was approved, the following circulation plan would result. He stated that anyone north of the Bridge would take the eastern access, and anyone south of the Bridge would need to take the 5th or 6th Avenue access to 7th Street. He continued stating that there were a number of factors associated with the implementation of permanent closures. He stated the first one was the provision of an adequate turn-around area at both locations. He added that there was limited right-of-

way information available at this time, and they would need to gather additional typographical information in order to determine if they could accommodate a proper turn-around at those locations. He also stated that they had to consider drainage, utilities and driveway conflicts. He further stated that currently under construction were beautification improvements associated with the Riverwalk/Esplanade project. He stated that such improvements included the area under the Bridge. He stated further that both the permanent and temporary closures in any form implemented would affect such improvements.

Mr. Girisgen stated that the other considerations were that the Bridge itself, the area under the Bridge, and SW 4th Avenue was under the jurisdiction of Broward County and it was their maintenance responsibility. He stated they would have to discuss with them potential impacts to their maintenance operation and the right-of-way. Also, he stated that funding was a consideration, and advised that they had a couple of potential sources that might be able to help the City implement the two locations. He advised that FPL was about to complete an under grounding project on SW 5 Avenue to the Esplanade, and as part of the project they had to remove part of the diverter. He stated they had told FPL to hold off working on the diverter until the outcome of this hearing was known. He stated it was possible that they might assist the City in removing the diverter should the Commission opt for any type of closure.

Mr. Girisgen further stated that in past discussions the Esplanade had indicated that they might be able to contribute \$10,000 towards local traffic improvements. He stated that should the Commission want to implement any closures, they would discuss the matter with the Esplanade and see if they wanted to consider funding any of them. Historically, the City had asked the local association to bear the responsibility of maintaining any landscaping and paying for monthly water bills for irrigation. He stated they would ask the Tarpon River Association to sign an agreement to that affect. He further stated it would be feasible to implement a temporary road closure in both areas bearing in mind that they would not be able to provide the adequate turn-around for the short term, and private driveways could be impacted. He stated that the temporary closures would be implemented through the large planters that they typically used, and he advised they were concerned about the area under the Bridge so that the abutment and bridge piers would be protected. He added they would also have to initiate discussions with the contractor for the Riverwalk project in order to see how they could modify their ongoing construction to accommodate the temporary closure.

Mr. Girisgen stated there were a number of concerns associated with implementing permanent enclosures, and they would prefer to be able to study the affects of the Esplanade traffic once it was established. He stated it would also provide them with the opportunity of exploring other alternatives that could be easier to implement than what was presently being proposed. He stated that it would probably take about 9 months to assess the traffic and potentially come back for a second public hearing. He stated that if the Commission decided to implement some form of road closure, they believe it could be implemented on a temporary basis.

Reed Morgan, President Tarpon River Association, stated that there was a consensus at their meeting in favor of the temporary closing under the Bridge, with modifications to SW 5 Avenue and SW 5 Street. He stated that the financing still had to be decided. He added that they were also in favor of further exploration of this matter.

Commissioner Hutchinson stated that when this item had been brought to her attention, her biggest concern had been that they needed to get a consensus for the project. She stated that she was concerned that there was not a consensus, but she did not want to deprive Mr. Morgan of the opportunity to be heard. She stated that if she saw this matter "going down the tubes," then she was going to have it tabled. She felt there was probably a consensus to close the area under the Bridge, but then what should be done after that. She stated that she knew there was a rush to get this done, and she knew the residents had lived through some issues due to the construction in the area. Before they got into a long-drawn out deal, if there was an opportunity to have this tabled until the Commission's next meeting, then she would suggest that be done. This way they could all meet and decide how to swing the closure and what should be done.

Mr. Morgan stated that the matter did need to be discussed. Commissioner Hutchinson stated she did not want this matter to fail for the residents, and understood where they were headed and wanted to help get them there with a consensus.

Nick Sakhnovsky, resident of SW 5 Avenue, stated that they all wanted to be friendly neighbors, and he felt the large number of calls received about this matter was due to miscommunication. He stated that they had gone through a lot in the neighborhood and proceeded to show current conditions due to the ongoing construction. He further stated that there should be a temporary solution, along with a long-term solution. Currently, he stated that half of the area was open and half of it was closed, but the area opened was not accessible because some framework was installed in anticipation of restoration of the existing diverter. He suggested they go until the end of June with a temporary closure similar to what staff suggested, and then simply pave over the northbound portion only. He stated that the 3-month period would take them to the end of the construction.

Commissioner Hutchinson clarified that for southbound traffic, they would have to use the horrible movement where the traffic merges. Mr. Sakhnovsky stated they did that anyway and they had been stuck with it from day one. He added that maybe that could be part of the long-term solution. He suggested that meetings continue with the neighborhoods for a long-term solution. He stated they were asking the Commission for the 3-month trial period.

Commissioner Hutchinson suggested that this item be tabled until the first meeting in April to allow everyone the opportunity to meet and discuss the issue.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to table this item until April 7, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

**Rezone from AIP to CF – Calvary Chapel of Fort
Lauderdale Inc. (PZ Case No. 11-Z-03)**

(PH-8)

At the Planning and Zoning Board regular meeting on January 22, 2003, it was recommended (7-1), that the following application be approved. Notice of public hearing was published March 4 and March 11, 2004.

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

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-15

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM AIP TO CF A PORTION OF TRACT "A", "HARRIS CORPORATION," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 100, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEING SOUTH 300 FEET OF THE WEST 850 FEET MORE OR LESS OF SAID PARCEL "A", LOCATED ON THE NORTH SIDE OF NORTHWEST 62ND STREET BETWEEN N.W. 21ST AVENUE AND N.W. 27TH WAY, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Rezone from AIP to CF – Calvary Chapel of Fort Lauderdale, Inc. (PZ Case No. 12-Z-03)

(PH-9)

At the Planning and Zoning Board regular meeting on January 22, 2003, it was recommended (7-1), that the following application be approved. Notice of public hearing was published March 4 and March 11, 2004.

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

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-16

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM AIP TO CF; A PORTION OF THE WEST 338 FEET MORE OR LESS OF PARCEL "A", "VANTAGE INDUSTRIAL PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 89, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LESS THE SOUTH 797.33 MORE OR LESS AND TOGETHER WITH A 15 FOOT STRIP CONNECTING THE SUBJECT PARCEL TO THE RIGHT-OF-WAY OF NORTHWEST 63RD COURT; LOCATED NORTHEAST OF THE INTERSECTION OF NORTHWEST 63RD COURT AND NORTHWEST 27TH WAY, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**Rezoning from AIP to CF – Calvary Chapel of Fort Lauderdale
Inc. (PZ Case No. 15-Z-03)**

(PH-10)

At the Planning and Zoning Board regular meeting on January 22, 2003, it was recommended (7-1) that the following application be approved. Notice of public hearing was published March 4 and March 11, 2004.

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

Commissioner Hutchinson introduced the following ordinance:

ORDINANCE NO. C-04-17

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM AIP TO CF; THE SOUTH 606 FEET MORE OR LESS OF THE EAST 747 FEET MORE OR LESS OF TRACT "A", "HARRIS CORPORATION," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 100, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LESS AND EXCEPT THE WEST 199.21 FEET MORE OR LESS OF THE SOUTH 309 FEET MORE OR LESS, THEREOF AND LESS THAT PORTION LYING SOUTHEAST OF THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 529.60 FEET AND HAVING A RADIUS POINT LYING 62 FEET MORE OR LESS NORTH OF THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 62ND STREET AND 68 FEET MORE OR LESS WEST OF THE WEST RIGHT-OF-WAY OF NORTHWEST 21ST AVENUE, LOCATED AT THE NORTHWEST INTERSECTION OF NORTHWEST 62ND STREET AND NORTHWEST 21ST AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

ORDINANCES

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 No. 1-T-04) (O-1)

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 No. C-04-9 was published February 21, 2004; on March 2, 2004, first reading was approved by a vote of 5-0.

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

Amendment to ULDR – Codifying the Current Zoning In Progress (ZIP) Provisions on the Barrier Island with Respect to Height, Density and FAR (O-2)

The proposed Ordinance No. C-04-10 was published February 21, 2004 and March 6, 2004; on March 2, 2004, first reading was approved by a vote of 5-0.

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

Commissioner Trantalis stated that he had not been around when the zoning in progress had been put in place at 120', and he was not sure how that figure had been established, but asked if that could be reduced to 100'.

Mayor Naugle stated that if that was to be decided, then the matter should be discussed at the time it was being deferred.

Commissioner Trantalis asked for the City Attorney to be prepared to answer his question at the time when the matter would be scheduled for discussion.

The City Attorney stated he could answer it then or before.

Commissioner Moore suggested that the answer be supplied before the matter was deferred.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore 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." On February 17, 2004, the City Commission deferred first reading to March 2, 2004. The proposed Ordinance No. C-04-12 was published on February 7, 2004; on March 2, 2004, first reading was approved by a vote of 5-0.

Commissioner Moore introduced the Ordinance on second 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 was 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-4)

The Commission requested to introduce the ordinance on first reading to modify the deferred retirement option plan. Notice of proposed Ordinance No. C-04-13 was published on March 6, 2004; on March 2, 2004, first reading was approved by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-04-13

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 3 OF 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 DEFERREED 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-5)

The Commission requested to introduce the ordinance on first reading to terminate the deferred retirement option plan for bargaining unit employees effective January 14, 2004. Notice of proposed Ordinance No. C-04-14 was published on March 6, 2004; on March 2, 2004; first reading was approved by a vote of 3-2 (Hutchinson and Moore).

Commissioner Moore introduced the following Ordinance on second 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. Roll call showed: YEAS: Commissioners Teel, Trantalis, and Mayor Naugle. NAYS: Commissioners Hutchinson and Moore.

Amendment to Chapter 28 – Water and Wastewater (O-6)
Master Plan – Water Works 2011 Program – Connection Fee
For Riverland Annexed Areas (Chula Vista, River
Landings and River Woods)

AN ordinance amending Chapter 28 entitled "Water, Wastewater and Stormwater," of the Code of Ordinances, providing an exception for owners of property within the Riverland Annexed Area from the requirement to pay the connection fee for connection to new sewer facilities under WaterWorks 2011; specifying that owner-occupants of residential properties may finance that portion of the connection fee that represents the dwelling unit occupied by the owner; including the connection fee for two family homes; and amending such other sections of Chapter 28 necessary to make all sections consistent. Ordinance NO. C-03-36 was published October 9 and 16, 2003, passed on first reading October 21, 2003 by a vote of 5-0; on November 4, 2003, second reading was deferred to February 3, 2004 by a vote of 5-0 and on February 3, 2004, second reading was deferred to March 16, 2004 by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-03-36

AN ORDINANCE AMENDING CHAPTER 28, "WATER, WASTEWATER AND STORM WATER," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING AN EXCEPTION FOR OWNERS OF PROPERTY WITHIN THE RIVERLAND ANNEXED AREA FROM THE REQUIREMENT TO PAY THE CONNECTION FEE FOR CONNECTION TO NEW SEWER FACILITIES UNDER WATERWORKS 2011; SPECIFYING THAT OWNER-OCCUPANTS OF RESIDENTIAL PROPERTIES MAY FINANCE THAT PORTION OF THE CONNECTION FEE THAT REPRESENTS THE DWELLING UNIT OCCUPIED BY THE OWNER; INCLUDING THE CONNECTION FEE FOR TWO FAMILY HOMES; AND AMENDING SUCH OTHER SECTIONS OF CHAPTER 28 NECESSARY TO MAKE ALL SECTIONS CONSISTENT.

Which ordinance was read by title only.

Jackie Sewlich, resident of Riverland, stated that they had an area which was special, and the WaterWorks Master Plan was to install sewers to those fragile areas, but they had been assured during the annexation to the City that they would be given an exclusion to the WaterWorks Plan. She stated that she had attended previous meetings asking how they could officially become excluded, and she had been told by Commissioner Hutchinson that the verbiage in this ordinance would release them from the responsibility. She stated that she had received a copy of the ordinance from Commissioner Hutchinson.

Commissioner Hutchinson stated that there was specific language which spoke of private roads, and the City Attorney had deemed that if they did not choose to grant the City an easement, they would not participate in the WaterWorks 2011 Program. She stated that for the residents of the annexed area who were going to participate, the connection fee had been paid as part of the annexation from the County.

Ms. Sewlich stated that in the materials given to her, she did not see anything specific regarding the roads that were going to participate.

Mayor Naugle stated they should receive a letter from the City stating that the records had been reviewed, and they did not have sewage available contiguous to their property and they would not fall within the program. He stated it would be easier to handle the situation in that manner, than to attempt to lineate each parcel in the ordinance. Ms. Sewlich stated that sounded good. The City Attorney added that it could be accomplished in that manner.

Paul Bohlander, Assistant Utilities Service Director, stated that it was not the ordinance which would preclude them from going into those private roads, but it was the fact that there was no right-of-way which served both properties. Therefore, they would not have the right to bring sewers into those areas. He stated that the ordinance dealt with the connection fee and other housekeeping items.

Commissioner Hutchinson stated that the City Attorney had offered his opinion as part of the memo which stated if there was no right-of-way, and the property owners did not want to grant it, then they would have no right to install the sewers on their private roads. Mr. Bohlander confirmed.

Mr. Bohlander added that other issues which had been previously raised dealt with the Health Department due to the fact that they may require connection at some point. He stated it was their understanding after checking with them that they would not require that based on the fact that those properties would not be served by a sewer directly adjacent to their property.

Mayor Naugle stated that would not prevent a property owner who wanted the service to grant an easement to the City if they had a way to get into the property from the City's line from hooking up.

Mr. Bohlander further stated that the last issue had to deal with program costs and whether or not there would be a negative impact. He stated they did not believe there

would be a negative impact because in all likelihood service in these areas would be expensive. In fact, the Riverland area had not been included in the program originally.

Commissioner Moore stated he was afraid of this because it stated that the only reason it was not being considered was due to the present owner of the private road not desiring such service and the accessibility of granting the easement, but next year it could be a different owner who would desire such a line. He stated he was concerned and asked what would stop a person from wanting to keep things as they were, and the neighbor next door who wanted such a line.

Mr. Bohlander stated that at some point it would become a matter between the two neighbors. He stated there was a large area which could not be serviced unless all the property owners agreed to provide the easements. He stated it was his understanding that it was the first property owner who was unwilling to provide the easement.

Commissioner Hutchinson stated that there were property owners all along the street who had to be a part of the granting of the easement.

The City Attorney stated that Commissioner Hutchinson was correct. He stated if they could not get across the first property, then the other owners could not have the sewers.

Commissioner Moore stated that the only way it would change would be that the property owners would sue each other, and the City would not be involved. The City Attorney confirmed.

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

**Amendment to Chapter 2 – Administration – Fees for
Services of City for Furnishing Information Regarding
Unpaid Utility Bills and Special Assessments**

(O-7)

An ordinance amending Chapter 2 entitled "Administration" of the Code of Ordinances, providing for an increase in the fees charged for municipal lien searches in order to recover the cost of performing the searches. Notice of proposed ordinance was published March 6, 2004.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-18

AN ORDINANCE AMENDING SECTION 2-150, "FEES FOR SERVICES OF CITY FOR FURNISHING INFORMATION REGARDING UNPAID UTILITY BILLS AND SPECIAL ASSESSMENTS," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR AN INCREASE IN THE FEES CHARGED FOR MUNICIPAL LIEN SEARCHES.

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

**Pawnbroker and Secondhand Dealers – Annual
Inspection and Transaction Fees**

(O-8)

An ordinance imposing annual inspection fees on Pawnbrokers and Secondhand Dealers and imposing transaction fees on items processed in these establishments. Notice of proposed ordinance will be published between first and second reading.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-19

AN ORDINANCE CREATING ARTICLE VI, SECTION 15-207, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED “ADMINISTRATIVE INSPECTION AND TRANSACTION FEES FOR PAWNBROKERS AND SECONDHAND DEALERS” ESTABLISHING AN ANNUAL PAWNBROKER AND SECONDHAND DEALER INSPECTION FEE IN THE AMOUNT OF \$250.00; ESTABLISHING A PAWNBROKER AND SECONDHAND DEALER TRANSACTION FEE FOR EACH TRANSACTION IN THE AMOUNT OF \$1.50.

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

Amendment to Section 4-9 – Service Fee – Fire-Rescue

(O-9)

An ordinance amending Section 4-9, service fee, providing for service fee if the City's Fire Rescue responds to the same premises two (2) times within any twelve-month period.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-20

AN ORDINANCE AMENDING SECTION 4-9, SERVICE FEE, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR A SERVICE FEE IF THE CITY'S FIRE RESCUE RESPONDS TO THE SAME PREMISES TWO TIMES WITHIN ANY TWELVE-MONTH PERIOD.

Which ordinance was read by title only.

Commissioner Trantalis asked if this was referring to false alarm responses or any type of response twice a year.

Bud Bentley, Assistant City Manager, stated that the ordinance did not define false alarms and it was for a response to an alarm. He stated it was not classified as an unfounded response.

Commissioner Hutchinson suggested that the words "false alarm" be added. Mr. Bentley stated that he would defer to the City Attorney, but they had never had that in the past due to the difficulties in finding a definition.

Commissioner Trantalis stated if there was a response to an alarm, and there was no fire, then it was clearly a false alarm. He stated it did not make sense if two legitimate calls to the police or fire department were incurred, and the third time that year they were called, the resident was penalized regardless of the outcome. The City Attorney stated they would have to find a definition for false alarm. Commissioner Trantalis stated that he felt there was a general common sense definition of false alarm, and he felt they were penalizing the community by suggesting that any time the police or fire were called in excess of two responses that they would be penalized. He added that he felt that would be an inappropriate type of ordinance to have.

Motion made by Commissioner Trantalis that this amendment be approved subject to the words "false alarm" be added to the definition.

Commissioner Hutchinson asked if the word "unfounded" could be substituted for "false alarm." The City Attorney confirmed.

Commissioner Moore stated that was a good recommendation.

The ordinance was amended.

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

The Acting City Manager asked if this was an appropriate time for a reconsideration of a vote from the last agenda.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to offer Item O-5, Amendment to Section 95-3 of the Code, Fire Safety Fee Schedule, from the March 2, 2004 Agenda for reconsideration. Roll call showed: YEAS: Commissioners Trantalis, Moore and Mayor Naugle. NAYS: Commissioners Hutchinson and Teel.

Motion made by Commissioner Moore and seconded by Commissioner Teel to discuss this item on April 7, 2004 Commission meeting. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore and Mayor Naugle. NAYS: Commissioner Hutchinson.

RESOLUTIONS

**Executive Airport – Lots 16 and 17 – Assignment of
The Case Holding Company, Inc. Lease to Broward County**

(R-1)

A resolution authorizing the appropriate City staff to Consent to the Assignment of Lease Lots 16 and 17 of Broward County.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF LEASE AGREEMENT FROM CASE HOLDING COMPANY, INC., TO BROWARD COUNTY, FLORIDA, AND MODIFICATION OF CERTAIN TERMS OF THE LEASE AGREEMENT RELATIVE TO THE STATUS OF BROWARD COUNTY, FLORIDA, AS A GOVERNMENTAL ENTITY, PERTAINING TO LOTS 16 AND 17 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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

Civil Service Board Election

(R-2)

A resolution certifying Civil Service Board election results and appointing Mary Ann Trahan as the employee-elected member of the Civil Service Board for the balance of a four (4) year term beginning March 16, 2004, and expiring January 3, 2008.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-54

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING MARY ANN TRAHAN AS A MEMBER OF THE CITY OF FORT LAUDERDALE CIVIL SERVICE BOARD, EFFECTIVE MARCH 16, 2004, THROUGH JANUARY 3, 2008.

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

Outside Counsel – Policy Re: Conflicts of Interest**(R-3)**

A resolution to obtain legal advice and representation from time-to-time from outside law firms and allow firms to represent the City so long as there are no conflicts of interest that would result in materially adverse consequences to the City's interest.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO OBTAIN LEGAL ADVICE AND REPRESENTATION FROM TIME-TO-TIME FROM OUTSIDE LAW FIRMS AND ALLOW FIRMS TO REPRESENT THE CITY SO LONG AS THERE ARE NO CONFLICTS OF INTEREST THAT WOULD RESULT IN MATERIALLY ADVERSE CONSEQUENCES TO THE CITY'S INTEREST.

Which resolution was read by title only.

Mayor Naugle asked if the conflict would be disclosed to the Commission and then they would vote on it, or would you have discretion.

The City Attorney stated there were 3 categories in this. He stated that in Section 1 there were waivers, and if they were appearing on behalf of other clients before the City Commission in areas of the law which were not the same as they were in conflict with or before advisory boards, according to this resolution it would be the City Attorney. He stated that in Section 2, if they had other clients in eminent domain initiated by the City or regulatory enforcement or other clients in judicial or administrative proceedings by the City, then in that instance he could waive it and notify the City Commission, and if anyone objected it would then have to be voted on by the City Commission. He explained that in Section 3, there were waivers that were not authorized at all by the City Attorney, but the City Commission could waive any and all conflicts.

Mayor Naugle stated that in regard to the first item, he would prefer for the City Attorney to have the ability to waive it, but there would be Commission call-up. The City Attorney stated that in order to accomplish that, they could simply combine Sections 1 and 2 and require notice for A, B, and C in Section 1, and then add them to Section 2, and delete Section 1. Mayor Naugle stated that the commission would be held accountable if there were conflicts, and by delegating the waiver to the City Attorney they would still be held accountable.

Commissioner Teel stated that she agreed and ultimately the Commission was responsible, and she felt they needed to be aware of the assignments to the various law firms and she felt this was the best way to do it. She added that it would be handled easier with just two processes.

Commissioner Hutchinson agreed.

Commissioner Moore introduced the resolution as amended.

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

**Reschedule April 6, 2004 City Commission Conference (R-4)
And Regular Meetings to April 7, 2004**

A resolution authorizing the Tuesday, April 6, 2004 City Commission Conference and Regular meetings to be rescheduled to Wednesday, April 7, 2004.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE APRIL 6, 2004, REGULAR AND CONFERENCE MEETINGS OF THE CITY COIMMISSION TO APRIL 7, 2004.

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

Mayor Naugle stated that if there was a CRA meeting scheduled for April 13, 2004, he announced that he and Commissioner Moore had a meeting in Tallahassee. He suggested that someone contact them before the agenda was decided upon. He suggested that possibly the meeting could be rescheduled.

**Execution of Interlocal Agreement, Declaration (R-5)
Of Restrictive Covenants and Conceptual Open
Space Park Management Plan; Five-Year Capital
Improvement Plan Southside School – Broward County**

A resolution authorizing execution of an Interlocal Agreement, Declaration of Restrictive Covenants and Conceptual Open Space Park Management Plan with Broward County relative to the purchase and use of Southside School North and Southside School South and a resolution committing to amend the Five Year Capital Improvement Plan.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL OPEN SPACE PARK MANAGEMENT PLAN FOR THE SOUTHSIDE SCHOOL SITE, ALSO KNOWN AS OPEN SPACE SITE OS-23 ("HARDY PARK ADDITION"), WILL BE INCLUDED WITHIN CITY'S FIVE YEAR CAPITAL IMPROVEMENT PROGRAM.

Which resolution was read by title only.

Kathy Connor, Parks and Recreation, explained that they were also bringing forth today two other resolutions. She explained further they were accepting grant funding which had requirements, and they wanted to review the numbers grouped by parcel. She stated that these numbers had been shown previously to the Commission at a Conference Meeting. She stated these numbers were somewhat lower than the ones they had originally looked at. She explained that the County's money was contingent on the whole thing and the bottom line was \$7 Million to build a park. She remarked that they wanted the Commission to look at the figures and know what they were committing to within 5 years, as far as the South Side School parcel went. She added that the Hardy Park item was outside of the 5-years.

Mayor Naugle announced that it was suggested there be two separate resolutions. One was for the 5-year capital improvement plan, and the second was in conjunction with the interlocal agreement.

Commissioner Trantalis stated they were being asked to approve the execution of the agreement for the purchase and sale of South Side School North which was the building itself, and it was his understanding that since the last conference meeting there was an agreement with the County Commission that they rehabilitate the outside of the building within 2 ½ years. He asked what was in place to guarantee that they would have the funds needed for the rehabilitation within that time frame.

Commissioner Hutchinson stated there was a commitment to the CIP.

Ms. Connor explained that in order to obtain the permitting done within the first year, they were going to do a task to the civil engineering firm they were using, and have them do that portion. In the meantime, they would review the various options which had been presented previously for raising such funds.

Commissioner Trantalis stated that he understood that, but asked what happened if they came up short.

Bud Bentley, Assistant City Manager, explained that this information was out of the packet which had been placed on file with the Commission. He added that it was very similar to the numbers which had been discussed. He further stated if they did not fulfill the commitments being made, along with the grant requirements, they would have to return the property.

Commissioner Moore stated he was confused in the layout. He asked if they were saying that the South Side parcel in description of Phase I was \$472,000. Ms. Connor confirmed. Commissioner Moore further asked if Phase I dealt with year 1. Ms. Connor confirmed. Commissioner Moore clarified that Phase II dealt with year 2. Ms. Connor confirmed. Commissioner Moore asked if it went across the chart by years. Ms. Connor confirmed.

Commissioner Moore asked if the same years for spending would be the same for Hardy Park (South Side). Ms. Connor confirmed, but stated that there was nothing for the first year. She stated they were buying the north parcel, and then separating the park parcel

which was South Side South. She added they were committing to both Broward County and Florida Communities Trust to build a park within 5 years. Therefore, that was why there was Phase I and II. Commissioner Moore clarified that in regard to Hardy Park they were not worried about the money until 5 years from now. Ms. Connor confirmed.

Mayor Naugle stated that the requirement of the grant did not include the bottom half of the exhibit.

Commissioner Moore stated he was concerned about the first year spending.

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

Commissioner Moore introduced resolution R-5(2) as follows:

RESOLUTION NO. 04-58

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT, TWO (2) DECLARATIONS OF RESTRICTIVE COVENANTS, AND A CONCEPTUAL OPEN SPACE MANAGEMENT PLAN WITH BROWARD COUNTY RELATIVE TO THE PURCHASE OF THE SOUTHSIDE SCHOOL SITE FROM THE SCHOOL BOARD OF BROWARD COUNTY; DELEGATING DISCRETIONARY AUTHORITY TO THE ACTING CITY MANAGER TO APPROVE TEXT REVISIONS IN THE AFOREMENTIONED DOCUMENTS SUBSEQUENT TO THE ADOPTION OF THIS RESOLUTION; AND DELEGATING AUTHORITY TO THE ACTING CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, DOCUMENTS NECESSARY AND INCIDENTAL TO THE CLOSING OF THE SOUTHSIDE SCHOOL SITE.

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

Special Master Appointments

(R-6)

A resolution approving the reappointment of M. Daniel Futch, Jr., Richard E. Connor, Floyd V. Hull, Meah Rothman Tell, Zebedee W. Wright and Karen M. Zann as Special Master for a period of one year.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-59

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, KAREN M. ZANN AND JUDGE ZEBEDEE W. WRIGHT AS SPECIAL MASTERS FOR THE CITY OF FORT LAUDERDALE.

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

**Execution of Option Agreement for Purchase and Sale (R-7)
And Grant Award Agreement (Declaration of Restrictive
Covenants) – Southside School Site (South) – Broward
County School Board – Florida Communities Trust Bond Funds**

A resolution authorizing execution of the Option Agreement for Purchase and Sale and the Grant Award Agreement (Declaration of Restrictive Covenants) by the proper City officials.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-60

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF AN OPTION AGREEMENT FOR PURCHASE AND SALE OF A PORTION OF THE SOUTHSIDE SCHOOL SITE KNOWN AS "SOUTHSIDE SOUTH," MORE PARTICULARLY DESCRIBED BELOW, SUCH OPTION AGREEMENT BEING BETWEEN THE FLORIDA COMMUNITIES TRUST, THE SCHOOL BOARD OF BROWAD COUNTY, FLORIDA AND THE CITY OF FORT LAUDERDALE WITH A PURCHASE PRICE OF \$3,843,300.00; FURTHER AUTHORIZING EXECUTION OF A GRANT AWARD AGREEMENT BETWEEN THE CITY AND THE FLORIDA COMMUNITIES TRUST RESTRICTING THE USE OF THE SOUTHSIDE SOUTH PARCEL; DELEGATING DISCRETIONARY AUTHORITY TO THE ACTING CITY MANAGER TO APPROVE TEXT REVISIONS IN THE OPTION AGREEMENT AND GRANT AWARD AGREEMENT SUBSEQUENT TO THE ADOPTION OF THIS RESOLUTION; AND DELEGATING AUTHORITY TO THE ACTING CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, DOCUMENTS NECESSARY AND INCIDENTAL TO THE CLOSING OF THE SOUTHSIDE SOUTH PARCEL.

Which resolution was read by title only.

Mayor Naugle stated that the City Attorney had the ability to approve changes which were not material, but he felt the resolution should be worded as authorizing "proper City officials" because certain officials had to sign and they could not be delegated to the City Manager.

The City Attorney stated that he was not certain that they could not delegate, as long as it was non-substantial. Mayor Naugle stated that in order to sign the documents, the Charter required certain City officials to sign documents which could not be delegated to the City Manager. The City Attorney confirmed and stated they would execute the documents in the normal manner.

Robert Dunckel, Assistant City Attorney, explained that the resolution still called for the proper City officials to sign it, and authorized the City Manager to approve changes in text.

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

**Execution of Agreement for Purchase and Sale of
Southside School (North) – The School Board of
Broward County**

(R-8)

A resolution authorizing execution of an agreement for Purchase and Sale for the purchase of Southside school north from the School Board of Broward County.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04 -61

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF AN AGREEMENT FOR PURCHASE AND SALE OF A PORTION OF THE SOUTHSIDE SCHOOL SITE KNOWN AS "SOUTHSIDE NORTH," MORE PARTICULARLY DESCRIBED BELOW, FROM THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA; DELEGATING DISCRETIONALRY AUTHORITY TO THE ACTING CITY MANAGER TO APPROVE TEXT REVISIONS IN THE AGREEMENT SUBSEQUENT TO THE ADOPTON OF THIS RESOLUTION; AND DELEGATING AUTHORITY TO THE ACTING CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, DOCUMENTS NECESSARY AND INCIDENTAL TO THE CLOSING OF THE SOUTHSIDE NORTH PARCEL.

Which resolution was read by title only.

Mayor Naugle stated that it should reflect the language written in the Charter.

Commissioner Trantalis stated that this was committing the City to the purchase of property when they were not sure they had the necessary funds.

The Acting City Manager explained that the monies for the rehabilitation would be included in the CIP for next year. Commissioner Trantalis stated that he understood that, but asked if he was suggesting they increase the CIP allocation to do that. The Acting City Manager explained they would either increase the allocation or they would be bonding the CIP.

Mayor Naugle stated that possibly if a user that fit the criteria in the restrictive covenants would agree to do it.

Commissioner Trantalis stated he was in favor of preserving the school just like everyone else, and he knew there were other opportunities for preserving it and rehabilitating it. He stated that the County had also offered to "step up to the plate." He asked why the City was committing themselves. He reiterated the purpose of buying the property was to preserve it and its historical integrity, along with making it a part of the parks system which was adjacent. He stated he did not understand why the City was quick to spend money they did not yet have, and was concerned about this approach being taken.

Commissioner Hutchinson stated that she disagreed that it would "zap" all the CIP monies, and stated this was a priority for the Commission. She added there had been discussions that they would allocate \$500,000 every year in the CIP to accomplish some of the renovations. Fortunately, staff had negotiated a better deal with the County in regard to the improvements which needed to be done over the course of 5 years, which did not hold "their feet to the fire" on the entire building in a 2-year time frame. She felt it could be accomplished, but it would take them to prioritize where the Commission wanted to spend the CIP monies.

Commissioner Trantalis stated that he had raised this concern at the last meeting, and the reason he did not react was because Mr. Bentley was to get back to the Commission because they had still been negotiating. He felt if the County did it, then the City would not lose and the building would be preserved.

Bud Bentley, Assistant City Manager, stated that as mentioned at the last meeting, there were elements that had to be concluded in their negotiations, but there had been 2 priority items. He stated that one item was the time scheduled for the renovation of the building which was 2 ½ years for the exterior and another year for the interior. He stated a key point was the use of the building, and that had been negotiated for any governmental use and not a private use.

Mr. Bentley advised that the School Board had wanted to close on this property about 30-45 days ago, and had been benevolent in working with the City to complete the documents for such closure. He explained the FCT closure had to take place by the middle of May. He stated that it was his opinion if they changed direction at this time, the deal would not go through. He further stated they had no assurance that the County would actually come up with the money, and the initial discussions were held with one County Commissioner.

Commissioner Moore stated this was the price of historic structures. He stated he did not like to commit himself to such expenses, but he did want to commit himself to a public commitment that the project would work. He stated this did not negate them from

entering into a process with the County government if they could help make what the citizens wanted.

The Acting City Manager stated that this did not preclude them from attempting to obtain other sources. He stated it would guarantee that this would be in the CIP, and the money would be available. If the money was not needed, then the funds would be diverted to a secondary priority. He reiterated they needed to move forward on this as quickly as possible.

Commissioner Hutchinson stated that there were two members from the Board of Friends of South Side and by the time they moved forward, the entire Board would be in place, and they would show that not only was the City committed to this project, but also the community.

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:

Budget Advisory Board	Mark Dozier
Cemeteries Board of Trustees	John Bauer

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 04-62

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

Reconsideration of Impact Fees

(OB)

Mayor Naugle announced that Commissioner Hutchinson had a motion to reconsider impact fees.

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

Mayor Naugle stated the motion is to require the collection of impact fees on certain items where money was owed to the County. Previously, he stated they had decided not

to do that because some of the members of the League of Cities had questioned it, but as a result the County had taken some sort of action to hold up the development.

Bruce Chatterton, Planning and Zoning Services Manager, clarified that the City was to ensure that impact fees were paid before issuing building permits. He stated this was different than what the County appeared to be hoisting on the City these days. He further stated that he did not think it was as onerous. He announced it was holding up Konover and all plats.

Mayor Naugle clarified that because of what the Commission had done at the last minute stating they were not going to be their collection agency, they had decided unilaterally that they were not going to process any paperwork in the City.

Mr. Chatterton stated they were not accepting any plats from the City of Fort Lauderdale currently.

Commissioner Moore asked when all this came about. Commissioner Hutchinson stated that this had come to her attention and that was why she had requested the reconsideration.

Cecelia Hollar, Acting Public Services Director, stated that this resolution had been passed by the Commission and then it had been rescinded. She stated that the County, through their ordinances, and they had the requirement of ensuring that charges impact fees for plats. She stated there was a certain timing when those fees were required to be paid, and the County was asking all local governments to ensure that the impact fees were paid now prior to the issuance of building permits. She added that they had experienced where those fees were not paid and then liens had been put on properties. Therefore, they had recently received letters stating that any City that did not pass this would not have their plats processed.

Commissioner Moore stated he would not support someone "blackmailing" them. He stated it was absolutely absurd that another governmental entity would attempt to put another out of business or deplete their opportunity for developing the tax base and delivery of service.

Commissioner Hutchinson asked if they could legally do this. The City Attorney stated he was not aware of any authority of them to require the City to collect their monies. Commissioner Hutchinson stated she agreed this was ridiculous, but she did not want to hold up any projects that they had worked hard for. She admitted they were holding the City hostage. Commissioner Moore stated there comes a time when one had to stand up for their position. He stated if the City allowed this to happen, then next week it would be something else. Commissioner Hutchinson stated they had to fight this issue.

Commissioner Moore stated he wanted to see letters from individuals that stated the County had stated in writing that they were not issuing them their plat because the City had not signed this ordinance.

Commissioner Trantalis stated that by doing that they would not be hurting the County, but only the individuals. He stated further that the delays were hurting the individual developers who had been waiting to move their projects. He stated by the time this was

resolved with the County, it could take many months and they would just be hurting themselves.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to table this item until April 7, 2004 at 6:00 p.m. in order to obtain further information.

Mayor Naugle asked if what the County was doing was legal. The City Attorney stated if the Commission tabled this until their next meeting, he would provide an answer on this matter. Mayor Naugle stated if they were being bullied, then they should take a stand.

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

Appointment of City Clerk

(OB)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-50

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING JONDA K. JOSEPH AS CITY CLERK AND ESTABLISHING HER COMPENSATION.

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

Commissioner Hutchinson announced that as of tomorrow she was going to give her notice to Lauderdale-By-The-Sea who required 4 workweek's notice. Therefore, she anticipated being in this City by May 1, 2004.

The City Attorney stated that her starting date would be May 3, 2004. He added that in order to keep her certification as a City Clerk, that she was due to attend the Clerks' meeting the last week of May.

At 8:55 p.m., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

City Clerk