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04/07/04

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
APRIL 7, 2004**

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

Roll call showed:

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

Absent: None

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

Invocation was offered by Dr. Harold W. McSwain, Jr., The First Congregational Church of Fort Lauderdale, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the agenda for the April 7, 2004 meeting be approved. Roll call showed: YEAS: Commissioners Teel, Trantalis, Hutchinson Moore and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expression Sympathy

The Mayor and City Commission offered an expression of sympathy to Velma Folson and family in the passing of Mrs. Thelma Folson (Velma's Mother). An expression of sympathy was also given to the family of Fred Peterson, who at the age of 102 had passed away and had been a local resident.

2. Smoke Detector

Commissioner Moore proceeded to demonstrate the testing of a smoke detector. He added that it was also the time of the year to change the battery in the smoke detector since the time had changed.

3. Broward County Spelling Bee

Commissioner Hutchinson presented a commendation to Aaron Ho, Winner of the Broward County Spelling Bee. She announced that he was a third year winner of such Spelling Bee and attended St. Jerome's School. She advised that he would now go on to Washington, D.C. to the National Spelling Bee, and would be 1 of 251 spellers competing for the national title. She stated that he was also an honor roll student who excelled in math in the 8th grade.

4. National Community Development Week

Commissioner Teel presented a proclamation to Margarete Hayes for the National Community Development Week to be observed April 12 through April 18, 2004.

Margarete Hayes thanked the Commission on behalf of Ray Bernardi, Assistant Secretary of HUD; Maria R. Ortiz-Hill, Director for CPD for the southeast region; Armando Fauna, Field Officer Director from Miami; and the Office of Housing and Community Development. She stated that the staff of the Office of Housing and Community Development was committed to the City's commitment of continuing to help communities develop, to build and to grow.

Mayor Naugle thanked everyone for his or her hard work.

5. Outstanding City Employees

Cecelia Hollar, Acting Director of Public Services, stated that she wanted to recognize Donald Gadson as the Outstanding Employee of the Month. She stated that he was a maintenance worker in the Streets Department, Lots and Alley Crew, and was a perfect example of the high quality ethics they had in that department. She explained that he had been at a gas station pumping gas and had found a wallet and turned it in to his foreman. The wallet had been returned to its rightful owner.

Chief Allen, Fire-Rescue, stated that he wanted to recognize Lt. John Millroy as the outstanding employee of the month. He explained that Lt. Millroy had saved an individual's life in a Subway restaurant. The individual had written a letter stating "...without Lt. Millroy's assistance and ability, and that of his daughter who was with him, I would not be alive today..."

Bruce Roberts, Chief of Police, stated that the Department wanted to recognize the following employees as Employees of the Month.

Chief Roberts proceeded to recognize Allan Ragoonanan as Civilian Employee of the Month of March for keeping the City Jail mechanically sound for the past year until its closure in January, 2004.

Chief Roberts also recognized Vickie Horton for Civilian Honorable Mention for the Month of March for developing crime scene photographs at 1:00 a.m. for Detective Smith of Cooper City Police Department to take out of State to Michigan where he was pursuing 2 suspects in a homicide investigation.

Chief Roberts then recognized Officer Jon Conti as Officer of the Month for February, 2004, for talking a despondent person who possessed a large cache of weapons into surrendering unarmed after threatening to kill himself.

Chief Roberts also recognized Officer Thomas J. White with a Life Saving Award for January, 2004 for talking a despondent individual off the railing who was poised to throw himself from Broward Boulevard overpass onto I-95.

Chief Roberts then proceeded to recognize Officer Phil Seguin as Police Officer of the Month for January, 2004. He explained that after being fired at with a gun by a suspect fleeing a suspicious vehicle, Officer Seguin disabled the culprit who was found to have felony drug warrants against him.

**Proposed Traffic Modifications – SW 5 Avenue/
South New River Drive (PH-1)**

Commissioner Hutchinson stated that at the Commission's last hearing, she had asked that this item be deferred until April 7, 2004. She further stated that in light of the fact that she had received minutes of a meeting from the Tarpon River Civic Association stating that at this time they were unable to reach an agreement, and wanted to continue to work with staff, and upon reaching an agreement, they would return before the Commission. Therefore, she stated that she would like PH-1 to be disregarded from tonight's agenda.

**Executive Airport – Amendment to E & C Development,
Inc – Lease for Parcel 21A – Assignment to Matecumbe
Capital Management, Inc. (R-13)**

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

Consent Agenda (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – Ronald McDonald House of Fort
Lauderdale Grand Opening****(M-1)**

A motion authorizing and approving the execution of an Event Agreement with the **Ronald McDonald House Charities of South Florida** to indemnify, protect and hold harmless the City from any liability in connection with the **Ronald McDonald House of Fort Lauderdale Grand Opening, to be held Tuesday, May 11 from 10:00 AM to 1:00 PM at 15 SW 15 Street**; and further authorizing the closing of the westbound lane of SE 15 Street from Andrews Avenue to SE 1 Avenue, and the southbound lane of SE 1 Avenue from SE 15 Street to SE 14 Street; from 1:00 PM Monday, May 10 to 3:00 PM Tuesday, May 11, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 04-424 from Acting City Manager.

Event Agreement – Ocean Festival Dive and Adventure Sports Expo**(M-2)**

A motion authorizing and approving the execution of an Event Agreement with the **Greater Fort Lauderdale Chamber of Commerce** to indemnify, protect and hold harmless the City from any liability in connection with the **Ocean Festival Dive and Adventure Sports Expo, to be held at South Beach and the adjacent parking lot on Friday, May 14 from 5:00 PM to 11:00 PM, Saturday, May 15 from 10:00 AM to 11:00 PM, and Sunday, May 16, 2004 from 10:00 AM to 6:00 PM.**

Recommend: Motion to approve.
Exhibit: Memo No. 04-425 from Acting City Manager.

Event Agreement – 2nd Annual Arthritis Walk**(M-3)**

A motion authorizing and approving the execution of an Event Agreement with the **Arthritis Foundation Florida Chapter, Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **2nd Annual Arthritis Walk to be held at Holiday Park on Saturday, May 15, 2004 from 7:00 AM to 11:00 AM.**

Recommend: Motion to approve.
Exhibit: Memo No. 04-426 from Acting City Manager.

Event Agreement – March of Dimes – Walk America**(M-4)**

A motion authorizing and approving the execution of an Event Agreement with the **March of Dimes Birth Defects Foundation** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **Walk America, to be held Saturday, April 17, 2004 from 7:00 AM to 3:00 PM**; and further authorizing the closing of the following walk route from 8:30 AM to 8:30 AM to 10:30 AM; beginning in Birch State Park and crossing Sunrise Boulevard to the eastbound lanes; east in both eastbound lanes of Sunrise Boulevard to Sunrise Lane; south to NE 9 Street; east to A-1-A; south in the westernmost southbound lane to East Las Olas Boulevard; east in westbound lanes to northbound A-1-A; north in easternmost northbound lane to tunnel entrance back into the park. As the group thins out throughout the walk, participants will be directed onto sidewalks only.

Recommend: Motion to approve.

Exhibit: Memo No. 04-427 from Acting City Manager.

Summer Food Service Program**(M-5)**

A motion authorizing the proper City officials to apply for a Grant from the State of Florida Department of Education for approximately \$134,0000 (on a reimbursable basis) for Summer Food Service Program; and further authorizing to enter into an agreement with The School Board of Broward County to provide food preparation services.

Recommend: Motion to approve.

Exhibit: Memo No. 04-527 from Acting City Manager.

**Contract Award – Widell, Inc. – Project 10541 -
GT Lohmeyer WWTP Improvements Bid Package B
Flow Control, Biosolids, Chlorine and Architectural
Rehabilitation****(M-6)**

A motion authorizing the proper City officials to execute an agreement with Widell, Inc. in the amount of \$3,716,000 for the G.T. Lohmeyer WWTP Improvements bid Package B, Flow Control, Biosolids, Chlorine and Architectural Rehabilitation project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-477 from Acting City Manager.

Contract Award – AGC Electric, Inc. - (M-7)
Project 9957-A – Fire Station No. 2 Dispatch System

A motion authorizing the proper City officials to execute an agreement with AGC Electric, Inc. in the amount of \$159,615 for the Fire Station No. 2 Dispatch System project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-474 from Acting City Manager.

Contract Extension – Molloy Brothers, Inc. - (M-8)
Project 10445-B – 2004/2005 Annual Sanitary Storm Sewer Repairs

A motion authorizing the proper City officials to execute a one-year contract extension with Molloy Brothers, Inc. in the amount of \$773,460 for the 2004/2005 Annual Sanitary and Storm Sewer Repair project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-478 from Acting City Manager.

Task Order – Evans Environmental and Geosciences - (M-9)
Project 10800 – Police Department/Public Works Compound – Phase 2 Environmental Study

A motion authorizing the proper City officials to execute a Task Order with Evans Environmental and Geosciences in an amount not to exceed \$44,596.95 for the Police Department and Public Works Compound Phase 2 environmental study.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-475 from Acting City Manager.

Change Order No. 4 – Merkury Development (M-10)
Project 10307 – Police Department Gun Range Renovation

A motion authorizing the proper City officials to execute Change Order No. 4 with Merkury Development in the amount of \$42,337.85 for additional costs associated with the Police Department Gun Range Renovation project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 04-358 from Acting City Manager.

Contract Award – Danella Companies, Inc. – Project (M-11)
10553-F Davie Boulevard Water Main and Force Main
Improvements – Package F – 54” Force Main from SE-10
Avenue in to G.T. Lohmeyer WWTP

A motion authorizing the proper City officials to execute an agreement with Danella Companies, Inc. in the amount of \$468,345 for the Davie Boulevard Water Main and Force Main Improvements, Package F-54” Force Main from SE 10 Avenue into G.T. Lohmeyer WWTP project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-483 from Acting City Manager.

Consultant Committee Negotiation Act (CCNA) (M-12)
Survey and Mapping Services – Project 10712

A motion authorizing the proper City officials to accept the Consultant Selection and Negotiation Committee’s recommendation of ranking short-listed firms for survey and mapping services; and further authorizing the proper City officials to commence negotiations with the top-ranked firms of Stoner & Associates, Keith & Schnars, P.A. and Calvin, Giordano & Associates or successively ranked firms in such negotiations become necessary.

Recommend: Motion to approve.

Exhibit: Memo No. 04-554 from Acting City Manager.

Contract Award – MBR Construction, Inc. - (M-13)
Project 10322 – Lauderdale Harbor Entranceway Improvements

A motion authorizing the proper City officials to execute an agreement with MBR Construction, Inc. in the amount of \$20,587 for the Lauderdale Harbor Entranceway Improvements project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-479 from Acting City Manager.

Disbursement of Funds – Joint Investigation - (M-14)
O.R. Number: 03-45650 - \$4,935.20 U.S. Currency

A motion authorizing the equitable disbursement of funds. Twelve agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$411.26.

Recommend: Motion to approve.

Exhibit: Memo No. 04-02-05 from City Attorney.

**Disbursement of Funds – Joint Investigation -
O.R. Number 02-163874 - \$1,574.77 U.S. Currency**

(M-15)

A motion authorizing the equitable disbursement of funds. Twelve agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$263.95.

Recommend: Motion to approve.
Exhibit: Memo No. 04-03-01 from City Attorney.

**Disbursement of Funds – Joint Investigation -
O.R. Number 02-163874 - \$1,574.77 U.S. Currency**

(M-16)

A motion authorizing the equitable disbursement of funds. Twelve agencies participated in the seizure (Task Force). Each participating law enforcement agency to receive \$131.23.

Recommend: Motion to approve.
Exhibit: Memo No. 04-03-02 from City Attorney.

PURCHASING AGENDA

532-8788 – Avmed EPN Administrative Services Agreement

(Pur-1)

The first amendment to the Avmed EPN Administrative Services (ASO) agreement is being presented for approval by the Finance/Risk Management Division.

Vendor: Avmed Health Plan of Florida
Sunrise, FL
Amount: \$ 599,000.00 (estimated annual)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-515 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the first amendment to the administrative services agreement.

Proprietary – Additional Multi-Space Parking Meters (Las Olas)**(Pur-2)**

An agreement to purchase additional multi-space parking meters for Las Olas area is being presented for approval by the Administrative Services, Parking Services Division.

Vendor: Bytewise Solutions, Inc. (MBE)
Opa Locka, FL
Amount: \$ 44,180.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-513 from Acting City Manager

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

542-8991 – Plumbing Services – Housing Rehab Program**(Pur-3)**

A one-year contract for emergency plumbing services for the Housing Rehab Program is being presented for approval by the Community Economic Development, Community Development Division.

Vendors: A-1 Paradise Plumbing, Inc.
Oakland Park, FL
Amount: \$ 50,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-469 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding to the single responsive and responsible bidder.

Proprietary – Membership Broward League of Cities**(Pur-4)**

An agreement to purchase annual membership dues for fiscal year 2003-04 is being presented for approval by the City Clerk's Office.

Vendors: Broward League of Cities
Fort Lauderdale, FL
Amount: \$ 16,995.16
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-505 from Acting City Manager

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

542-8994 – Contract for Risk Management Consulting Services**(Pur-5)**

Three-year contract for risk management consulting services is being presented for approval by the Finance, Risk Management Division.

Vendor: Fortune Risk Management, Inc.
Pembroke Pines, FL
Amount: \$ 14,580.00 (estimated annual)
Bids Solicited/Rec'd: 47/3 with 2 no bids
Exhibits: Memorandum No. 04-508 from Acting City Manager

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

**542-9002 – Insurance Policy for Police & Firefighters
Death Benefits****(Pur-6)**

Three-year insurance policy for police and firefighters' death benefits is being presented for approval by the Finance, Risk Management Division.

Vendor: Aon Consulting, Inc./Hartford Life Insurance
Company
Miami, FL
Amount: \$ 80,087.00 (three-year prepaid)
Bids Solicited/Rec'd: 51/1
Exhibits: Memorandum No. 04-502 from Acting City Manager

The Procurement and Materials Management Division has reviewed this item and recommends awarding the contract to the single responsive and responsible bidder.

742-9007 – Marcite Pool Surface Replacement**(Pur-7)**

An agreement to replace the marcite pool surface at the Fort Lauderdale Aquatic Complex is being presented for approval by the Parks and Recreation Department.

Vendor: Ultimate Pools, Inc.
Davie, FL
Amount: \$ 87,000.00
Bids Solicited/Rec'd: 12/1
Exhibits: Memorandum No. 04-481 from Acting City Manager

The Procurement and Materials Management Division has reviewed this item and recommends awarding to the single responsive and responsible bidder.

742-9005 – Ammunition**(Pur-8)**

One-year contract for ammunition is being presented for approval by the Police Department.

Vendors:	Florida Bullet, Inc. Clearwater, FL Gulf State Dist., Inc. Montgomery, AL Lawmens & Shooters Supply, Inc. Vero Beach, FL
Amount:	\$ 51,517.74 (estimated)
Bids Solicited/Rec'd:	36/4
Exhibits:	Memorandum No. 04-509 from Acting City Manager

The Procurement and Materials Management Division has reviewed this item and recommends awarding to the low responsive and responsible bidders.

742-8998 – Dockside Marine Fuel**(Pur-9)**

A one-year contract for dockside marine fuel is being presented for approval by the Parks and Recreation Department.

Vendor:	Lauderdale Marina, Inc. Fort Lauderdale, FL
Amount:	\$ 25,000.00 (estimated)
Bids Solicited/Rec'd:	19/1 with 1 no bid
Exhibits:	Memorandum No. 04-374 from Acting City Manager

The Procurement and Materials Management Division has reviewed this item and recommends awarding to the single responsive and responsible bidder.

Co-Op – Aggregate Contract Cancellation and Re-Award**(Pur-10)**

A seven-month re-award of the contract for aggregates and the cancellation of a previous contract are being presented for approval by the Public Services Department.

Vendor:	Austin Tupler Trucking, Inc. Davie, FL
Amount:	Per Unit Pricing
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-324 from Acting City Manager

The Procurement and Materials Management Division has reviewed this item and recommends approving cancellation of the contract with Tenex Enterprises and re-awarding contract to Austin Tupler Trucking.

Proprietary – Two, 30-Inch Pumps**(Pur-11)**

An agreement to purchase two, 30-inch pumps is being presented for approval by the Public Services Department.

Vendors: Hydro Pumps, Inc.
Plantation, FL
Amount: \$ 54,780.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-423 from Acting City Manager

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

WSCA – Technology Plan (Police/Public Services)**(Pur-12)**

An annual agreement to purchase computers, upgrades and supplies for Police and Public Services technology plan is being presented for approval by the Public Services and Police Department.

Vendor: Dell Marketing, L.P.
Round Rock, TX
Amount: \$ 579,900.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-510 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the annual computer purchase plan and purchases from the Western States Contracting Alliance (WSCA) contract.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item Nos. M-5, M-7, M-9, M-10, M-12 and Pur-1, Pur-2, Pur-6, Pur-10 and Pur-11 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 Teel, Trantalis, Moore, Hutchinson, and Mayor Naugle. NAYS: None.

Summer Food Service Program**(M-5)**

Commissioner Moore stated that he had pulled this item, and asked what sites had been served by this program last year. He advised that such information could be provided to him at a later date.

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

**Contract Award – AGC Electric, Inc. -
Project 9957-A – Fire Station No. 2 Dispatch System****(M-7)**

Commissioner Moore stated that he had pulled this item, and remarked that he was concerned about this matter. He felt they were possibly putting themselves in a situation that they were attempting to get themselves out of. He asked why this recommendation was being made.

Keith Allen, Fire-Rescue Deputy Chief, stated that the Z-Tron system was proprietary and there was one other system that he knew did the alerting. He explained the system being purchased was redundant. He added that the Z-Tron was still going to be in place as a redundant system. He further stated that the other system which was WestNet did more than the alerting, and had a lighting system and a system designating what unit based on the type of alert. He explained that the original Z-Tron system was outdated in terms of its ability to provide distinctions to the units that was a safety aspect.

Commissioner Moore asked why such a device had been considered if it was antiquated. Chief Allen stated it was antiquated in the terms that it did not provide such features, but it was needed as part of the radio system as back-up. He explained it operated from the radio system to generate the station tones. He remarked that during the day the tones were adequate, but at night some of the other safety features should be placed in the station since it was a two-story station involving a pole slide.

Commissioner Moore clarified that the projected cost for such a system was \$39,000 or \$50,000 more than the bid received.

Hector Castro, City Engineer, stated that the increase in cost was in regard to installation. He stated that the equipment cost was the same as quoted, but since it was a 3-story installation, which was atypical in a fire station, it was due to increase in costs.

Commissioner Hutchinson stated that it was her understanding that the Z-Tron system would be the back-up system once the WestNet system was put in place. She stated that only the appropriate rooms would be affected by the lights and sirens going on, and the firefighters who did not have to respond would not be disturbed. Chief Allen confirmed and added that the Z-Tron system would continue to provide such back-up. Commissioner Hutchinson further stated that according to the NFPA standards, they had to have a back-up system. Chief Allen confirmed and remarked that not only the NFPA, but the NISO also required such a system.

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

Task Order – Evans Environmental and Geosciences -**(M-9)**

Project 10800 – Police Department/Public Works Compound – Phase 2 Environmental Study

Commissioner Trantalis stated that he had pulled this item, and stated that in reading the back-up it appeared to suggest that this was being done in anticipation of a referendum that they were planning to undertake for the building of a new police and public safety building. He asked what would happen if the electorate did not vote in favor of the bond issue, and added that they would have spent \$45,000 unnecessarily.

Hector Castro, City Engineer, stated that was one way to put this, but they needed this information in order to adequately estimate costs for any potential public safety bond issue and was essential information from that standpoint. He further stated they would not be able to otherwise advise how much of a bond issue the voters would have to decide upon. He explained that if the bond issue was not approved, then the information would be needed in the future because ultimately the site would have to be cleaned up.

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

Commissioner Moore asked what the visual inspection had cost. Mr. Castro explained that for Phase I, it had cost \$4,500.

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

**Change Order No. 4 – Merkury Development Project
10307 – Police Department Gun Range Renovation****(M-10)**

Commissioner Moore stated that he had pulled this item, and clarified that the renovations being done at this site were to total \$1.2 Million. He further clarified that this add-on was approximately \$42,000, but there had been one previously in connection with a code requirement. He stated that he did not understand how the sites were not being evaluated in an appropriate manner up front, instead of after-the-fact. He further stated that if these were the individuals making the requirements to meet OSHA regulations, as well as the structural calculations, he asked why they were so far off. He felt it was apparent that they should be familiar with the Code.

Hector Castro, City Engineer, stated that this was a final adjusting change order. He explained they took all the things that occurred during construction and put them together and finalize the project out. He admitted that some things had been missed in this case. He advised that it was an old structure and there had been air conditioning issues, and the fact that the cooling tower had to be raised had also been missed, but they were honest mistakes. He stated that had been the bulk of the cost. He reiterated that this was the final adjusting change order.

Commissioner Moore stated that he did not understand why the individuals reviewing these sites were making such errors. He stated that outside City Hall tonight there were individuals waving signs stating that they were paying for the Commission's mistakes. He stated further that week-after-week change orders were being made because human

beings were employees, and did make such mistakes. He stated he was concerned that this sort of thing keeps continuing, and therefore, he would not support this item.

Cecelia Hollar, Acting Public Services Director, stated that this was a good example of how on new projects there was more direct contact with the Building Department from early on. She stated that it helped having a more hands-on direct communication. She further stated that when this came through, she believed the new building code had gone into effect and this issue had arisen with other individuals who had previously submitted plans.

Mayor Naugle stated that hopefully when the reorganization plans went into effect, things would run more smoothly.

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

Consultant Committee Negotiation Act (CCNA)
Survey and Mapping Services – Project 10712

(M-12)

Commissioner Moore stated that he had pulled this item, and stated that at a previous meeting he had asked about the participation of minority subcontractors with the City engineers. He stated that he had received such list and in reviewing it, he was concerned as to how they were doing the listings as MBEs with the lead contractors. He stated there were a number of participants, but he wanted to know the certification. He asked why there was no clarification for MBE and WBE.

Hector Castro, City Engineer, stated that he was not equipped to answer such a question at this time. He explained that a breakdown could be provided and stated that they had been lumped together in that report. He added that he did not know how Purchasing listed their certifications.

Kirk Buffington, Administrative Services, stated that since this was an engineering item, he was not sure what report the Commissioner was referring to. He explained that in Purchasing they classified vendors if they submitted an MBE or WBE defined under their definitions in accordance with the contract terms, which were 51% owned by African-American, Hispanic, and Asian would be an MBE. He further stated that 51% owned by a woman would be a WBE.

Commissioner Moore stated that he wanted the information presented to him reviewed and a report given because he did not believe there was such adequate participation. Therefore, he felt this item should be tabled until a later date.

Mayor Naugle asked if this item was time sensitive and would there be a problem if this item was tabled until the next Commission meeting.

Mr. Castro replied that the impact would be in WaterWorks 2011 because this was additional survey work to support that operation. He felt a two-week delay would not be a problem.

Motion made by Commissioner Moore and seconded by Commissioner Teel to table this item until April 20, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Mayor Naugle stated that this was another item that was to be addressed in the reorganization discussions.

532-8788 – Avmed EPN Administrative Services Agreement

(Pur-1)

Commissioner Moore stated that he had pulled this item and was not going to support it because he felt the increase was too high.

Terry Sharp, Finance Director, stated that the proposed increase in the fees was within the 5-year agreement requirement. He explained they had asked them if they were willing to hold their fees, but they declined. He remarked this was in compliance with the contract. He further stated that one of the reasons why this plan was running so well was because they received excellent discounts from Avmed, and part of it was the administration and control they had over the 2 HMO options available to the employees in this plan.

Commissioner Moore stated that due to the contractual arrangement, it stated that it would go up to 5%, but it did not state they had to accept it. He reiterated that he felt this was too high.

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

Proprietary – Additional Multi-Space Parking Meters (Las Olas)

(Pur-2)

Commissioner Moore stated that he had pulled this item, and asked if this was a minority owned business.

Kirk Buffington, Administrative Services, stated this was a brand new corporation that had just taken over this contract for former Schlumberger, but were certified as an MBE. He explained that generally under \$50,000 they did not have an actual certification process, but a copy could be obtained.

Commissioner Moore asked if this was forcing them into a singular bid on an item giving them a proprietary situation. He felt they paid more in the end if they continued in this fashion.

Mr. Buffington explained that they had standardized the Schlumberger meters through a competitive process at least 8-9 years ago. He stated they had looked at different manufacturers and determined that these meters and this application was the best to use for the City. He stated that to go out to bid each time they bought 2-3 parking meters would necessitate them to need different parts stored for maintenance, along with training. Therefore, through a competitive process years ago, they had selected

Schlumberger as being one of the standard meters to be used. He advised that they also used Duncan meters.

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

542-9002 – Insurance Policy for Police & Firefighters
Death Benefits

(Pur-6)

Commissioner Moore stated that he had pulled this item, and felt that it should be re-bid. He stated that there had been one company who had locked up every insurance agency. He continued stating that he could not believe that only one bid was submitted for life insurance. He stated that he realized the police department was a special risk, but he believed there could be a more competitive bid.

Terry Sharp, Director Finance, stated that Sonia Blumenthal was present at tonight's meeting from Aion, but had indicated that they had also contacted AIG, CHUBS, CIGNA, Hartford, Reliance Standard, and Zurich. He explained that the Insurance Advisory Board had also looked at this issue, and it was there concurrence that this was a limited field in terms of life insurance.

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

Co-op – Aggregate Contract Cancellation and Re-Award

(Pur-10)

Commissioner Moore stated that he had pulled this item, and asked what the increased recommendation of Tenex had been.

Kirk Buffington, Administrative Services, stated that Tenex had been higher than Austin Tupler. He explained this was a cooperative bid by Broward County, and part of the problem was that there were only 3 quarries in South Florida that provided this type of material. He added that he would find out the specific price and report back to the Commission.

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

Proprietary – Two, 30-Inch Pumps

(Pur-11)

Commissioner Hutchinson stated that she had pulled this item, and wanted to know the cost for the modification of the pumping system, along with the replacement of the motor drive and base that led them to obtain this specific pump. She proceeded to read the following from staff's memo: "The pumps in this station were originally manufactured by Cascade Pump Company and are parts of an engineered pump configuration. To use a

pump other than a direct replacement from Cascade would necessitate re-engineering and a modification of the pumping system or a replacement of motor drive and base which would not be cost effective.”

Commissioner Hutchinson proceeded to ask what would be those costs.

Mike Bailey, Public Services, replied that he did not know specifically what the costs would be for this station. Commissioner Hutchinson reiterated that she wanted such cost information to be provided to the Commission.

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

MOTIONS

Fiscal Year 2003/2004 Budget Amendment

(M-17)

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

Commissioner Hutchinson asked about the adjustment to the fire inspection fees. She asked if the \$290,000 was strictly for overtime costs.

Terry Sharp, Finance Director, stated that it was the impact because when they did the budget amendment in December, 2003, they had assumed they would receive \$160,000 from these fees, and if they did not receive such revenue, then they would have to cut back on overtime in the Fire Department.

Commissioner Hutchinson asked why would they take a rescue vehicle out of service in operations to fix the overtime issue in fire inspections. She stated that this item was directly related to Item O-8 on tonight's agenda, and it caused her great pain when she read if this was not done, then Rescue 13 would be taken out of service. She stated that Rescue 13 had nothing to do with fire inspection fees.

Keith Allen, Deputy Chief Fire-Rescue, stated that this was the budget impact for the current year.

Commissioner Hutchinson reiterated that it was disheartening that if the Fire Department could not run their operations correctly that they could put in writing that a rescue would be taken out of service. She stated that in December when such fees had been discussed and she had brought forward an issue as it related to this department that according to the records she had received from the fire inspection office, it had cost them \$2.1 Million to bring in \$1.2 Million. Therefore, there was a shortfall of \$900,000 as it related to these fees. She felt if they had to pay so much overtime, then possibly they needed to readjust how fire inspections were being done. She stated that she wanted to support this item because there were other things she wanted to see happen, but it

concerned her, and once again asked if this item was related to Item O-8 on tonight's agenda.

The Acting City Manager stated that the \$290,000 consisted of the \$160,000 that had been added back into the budget in December. He stated they would not realize the \$160,000 and would only realize \$130,000. Then, the \$130,000 would be placed back in lieu of the \$160,000 if they approved the fire inspection fees. If not, then the \$130,000 would not go in, but the \$160,000 would still come out, which would reduce the overtime budget by \$160,000. He explained that most of the \$160,000 was not going to fire inspections. He remarked they had minimal, if any, overtime.

Chief Allen stated that their overtime involved fire watches which were recovered by billing.

The Acting City Manager stated that the \$130,000 that would be put back would replace the \$160,000 being removed from the overtime account, and most of that would go to Operations, and almost none of it to Inspections due to the reimbursement feature.

Commissioner Moore stated that he was concerned about the increase in the fees. He stated that he had met with the Acting City Manager and the Fire Chief in regard to the necessity for the increase in this manner, and this was what had been explained to him.

Chief Allen explained that the \$160,000 had been proposed at the beginning. He added that they were taking Engine 13 out of service for more than 50% of the time. He stated that the rescue truck had not yet been taken out of service, but it probably would be done if the \$160,000 was not included in the budget.

Commissioner Trantalis stated that in regard to another item and the revenue brought into the Code Amnesty Program, he assumed that placing the balance in reserves was the lion's share of the amount. He remarked that it was stated it would be used to also offset the additional expenditures incurred to administer such a program. He asked what were the expenditures involved.

The Acting City Manager stated it was his understanding that the expenditures were slightly over \$10,000.

Steven Chapman, Research and Budget Office, stated that were a little over \$10,000. He added that they had collected \$1,349,000. Commissioner Trantalis stated that the press had reported that \$1.7 Million had been collected. Commissioner Hutchinson added that they had collected over \$1.3 Million.

John Simmons, Assistant Director Community Inspections, stated that they had collected approximately \$1,345,000.

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

PUBLIC HEARINGS

**Proposed Traffic Modifications – SW 5 Avenue/
South New River Drive**

(PH-1)

A public hearing to consider a proposal to install 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. This Public Hearing is a continuation of the Public Hearing held on March 16, 2004. Notice of Public Hearing was published on March 4, 2004 and March 11, 2004.

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

Georgian Oaks, LLC (1-ZPUD-03)

(PH-2)

- (a) At the Property and Right-of-Way Committee meeting of July 17, 2003, it was recommended that the exchange of property be approved.
- (b) At the Planning and Zoning Board meeting on January 22, 2004, it was recommended that the Georgian Oaks Plat be approved.
- (c) At the Planning and Zoning Board on January 22, 2004, it was recommended by a (5-3) vote, that the following application be approved. Notice of a public hearing was published on March 26, 2004 and April 2, 2004.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS ITEM WERE SWORN IN.

Angela Csinsi, Planning and Zoning, suggested that the second reading of this item be held on May 18, 2004 due to revisions being made to the plat.

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

Commissioner Moore introduced the following resolution for PH-2a:

RESOLUTION NO. 04-64

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS, PURSUANT TO SECTION 8.04(f) OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, TO CONVEY TO GEORGIAN OAKS, LLC. A CERTAIN 13 FOOT STRIP OF LAND LOCATED ON THE EAST OF THE GEORGIAN OAKS PLANNED UNIT DEVELOPMENT (PUD) LOCATED BETWEEN SOUTHWEST 20TH STREET AND SOUTHWEST 24TH STREET, ADJACENT TO AND EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR SOUTHWEST 17TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, IN EXCHANGE FOR THE CONVEYANCE OF A ONE-ACRE PARCEL LOCATED ON

THE SOUTHERN PORTION OF THE PUD FOR PARK PURPOSES SUBJECT TO CERTAIN CONDITIONS AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SUCH INSTRUMENTS AS ARE NECESSARY TO EFFECTUATE THE CONVEYANCE.

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

Commissioner Moore introduced the following resolution, PH-2(b):

RESOLUTION NO. 04-65

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS "GEORGIAN OAKS."

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

Commissioner Moore introduced the following ordinance, PH-2(c):

ORDINANCE NO. C-04-21

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RD-15 TO PLANNED UNIT DEVELOPMENT (PUD); CONSISTING OF PARCEL 1: THE SOUTH 260 FEET OF THE EAST 195.31 FEET OF THE WEST 325.32 FEET OF THE SOUTH 1/2 OF THE NE 1/4 OF THE SE 1/4 OF THE SW 1/4; AND THE NORTH 290 FEET OF THE EAST 3 ACRES OF THE WEST 5 ACRES OF THE SE 1/4 OF THE SE 1/4 OF THE SW 1/4; IN SECTION 16, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; TOGETHER WITH PARCEL 2; THAT PART OF THE WEST 325.32 FEET OF THE NE 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, LESS THE NORTH 125 FEET OF THE WEST 150 FEET AND ALSO LESS THE EAST 195.31 FEET OF THE SOUTH 260 FEET OF THE SAID TRACT; AND ALSO TOGETHER WITH PARCEL 3 THE WEST 2 ACRES OF THE SE 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 42 EAST, SAID LANDS SITUATED IN BROWARD COUNTY, FLORIDA; LESS AND ACCEPT THE SOUTH 378.32 FEET, TOGETHER WITH PARCEL 4, THE WEST 1/2 OF THE NE 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; LESS AND ACCEPT THE WEST 325.32 FEET AND THE NORTH 32 FEET THEREOF, SAID LANDS SITUATED IN AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, INCLUDING THE APPROVAL OF A DEVELOPMENT PLAN ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING, BUT NOT LIMITED, TO USES HEIGHT,

YARDS, SETBACKS, PARKING, OPEN SPACE AND LANDSCAPING LOCATED BETWEEN SW 20TH STREET AND SW 24TH STREET, ADJACENT TO AND EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR SW 17TH 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 Teel, Trantalis, Moore, Hutchinson and Mayor Naugle. NAYS: None.

ORDINANCES

**Amendment to ULDR – Codifying the Current Zoning
In Progress (ZIP) Provisions on the Barrier Island with
Respect to Height, Density**

(O-1)

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 and deferred on March 16, 2004 by a vote of 5-0.

Commissioner Hutchinson introduced the following ordinance:

ORDINANCE C-04-10

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

Which ordinance was read by title only.

Bill Spencer, representing Premier Developers, stated that this was a 1.160 acre parcel that permitted 150' height and 60 DU per acre development. He advised that this property had been purchased in May, 2003, and a site plan application had been submitted to the City. He stated that they wanted to reserve any of their rights due to reason of the procedures because there had been a first reading, and the matter had not been noticed or treated as a quasi-judicial proceeding. He added that they believed this would adversely impact their clients' property. He stated that they asked for this ordinance to be amended so the property owner's property rights would be protected.

Mr. Spencer further stated that there appeared to be a discrepancy between the proposal, height reduction and density with the overall objectives and goals of the City's Comprehensive Plan, as well as the Beach Redevelopment Plan. He stated that staff should have some justification for the overall 20%. He remarked that the City's past historical comments beginning in 2001, and even before that, regarding this proposed ordinance showed there had been no real studies completed showing why this was a necessary component of the IOA zoning district.

Mr. Spencer suggested that this should not be implemented on their property because they would suffer a negative impact with economic consequences. He felt unless there was a basis to choose a 20% reduction, they suggested that this was arbitrary, capricious and not justified.

Commissioner Trantalis stated that several points had been raised with regard to the legal justification for such a proposal, and asked for the City Attorney to respond.

The City Attorney stated that zoning in progress on this had started back in July, 2002, and there had been a number of discussions since that point in time. He explained this was basically the end product of all such discussions. He further stated that this particular developer had applied for a site plan at 120' previously, and were well aware of the limitation imposed, but such application had been denied. He explained they returned with a revised application that was pending and would be subject to zoning in progress assuming this ordinance was adopted tonight.

Commissioner Trantalis clarified that the allegation made by the developer's representative that this law would interfere with his client's property rights since they had bought, financed, and submitted for application a development project, and if this was approved tonight would this apply retroactively to when zoning in progress had first been imposed. The City Attorney replied that it would apply to any application that had been received, but not yet acted on, since July, 2002. He further stated that this property had been purchased in May, 2003, which was subsequent to the beginning of the period that they believed zoning in progress had begun. He stated that Mr. Spencer disagreed with whether the zoning in progress existed, and if this was adopted it would then apply to any pending application since July, 2002.

Commissioner Moore clarified that the representative of the developer had not stated there was a request for 120' that had been declined. The City Attorney stated that he had not heard Mr. Spencer say that. Commissioner Moore stated that an application had been declined for 120'. The City Attorney confirmed.

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

Rezone from AIP to CF – Calvary Chapel of Fort Lauderdale Inc. (PZ Case No. 11-Z-03)**(O-2)**

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 proposed Ordinance No. C-04-15 was published March 4 and March 11, 2004, first reading was approved by a vote of 5-0.

Commissioner Hutchinson 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 TRACE "A", "HARRIS CORPORATION," 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 Teel, Trantalis, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Rezone from AIP to CF – Calvary Chapel of Fort Lauderdale Inc. (PZ Case No. 12-Z-03)**(O-3)**

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 proposed Ordinance No. C-04-16 was published March 4 and March 11, 2004, first reading was approved by a vote of 5-0.

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

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

(O-4)

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 proposed Ordinance No. C-04-17 was published March 4 and March 11, 2004, first reading was approved by a vote of 5-0.

Commissioner Moore 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 Teel, Trantalis, Moore, Hutchinson 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-5)

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 No. C-04-18 was published March 6, 2004; first reading was approved by a vote of 5-0.

Commissioner Moore introduced the following Ordinance:

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

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

(O-6)

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 No. C-04-19 was published March 28, 2004, first reading was approved by a vote of 5-0.

Commissioner Moore introduced the following ordinance:

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.

David Siegerson, Pawnbroker’s Association, stated that at today’s meeting was Bob DiMartina, pawnshop owner; Jack Marley, pawnshop owner; Cash America

representative; Roger Favor, President of the Pawnbroker's Association; Dennis Burger, pawnshop owner; Tom Sams, Chairman United Pawnbrokers Group; Larry Hamilton, pawnshop owner Alattro County; and Jay Loeb, pawnshop owner.

Dennis Bedard, attorney for Florida Pawnbrokers Association and United Pawnbrokers Group, stated that the proposed ordinance was in regard to a transaction fee for each and every transaction form completed by a pawnbroker, as well as an administrative fee. He further stated that it was his position that this fee was blatantly illegal and was an unconstitutional tax on pawnshops. He stated the Commission would have to categorize this as a user fee, and in order to do that, there had to be some evidence that the service being performed benefited the pawnbrokers. He explained that the requirements under the Florida Pawnbroker's Act was that they must fill out transaction forms for every transaction they engage it. He reiterated that this was a burden on every pawnbroker. He stated to charge a tax for every form completed would not benefit them in any way, and would only hinder them in their ability to do their business.

Mr. Bedard further stated that there was a recent Court of Appeals case in Miami where the City had passed an ordinance in 1997 that had imposed a \$1.50 transaction fee on each transaction form completed. He explained it was declared unconstitutional in trial, but had been reversed by the Third District Court of Appeals. In looking at that ordinance, the only justification for the fee was that the Police Department had to manually review each transaction form they received from the pawnshop owners. Since that time, the filling out and reviewing of transaction form by the Police Department was obsolete because almost every pawnshop in the State electronically downloaded such information to either the Broward Sheriff's Office or its relevant law enforcement agency that was to review the forms. He explained that in Miami such fees were no longer enforced because the entire reason for its justification was the manually review of forms which was no longer done.

Mr. Bedard stated that when the police officers reviewed the information, they gathered it to detect crime, but the beneficiaries were not the pawnshop owners, but the citizens of the City. He remarked that if this ordinance passed, they would obviously be in Court within a week challenging it.

Matt Morral, Cash America, stated that he had distributed a letter to the Commission outlining the concerns of his client in reference to this ordinance. He stated the first concern was the definition of transactions, and that no minimum dollars were listed. He stated the next concern was in regard to the individuals being taxed because they were people who could afford it the least. The third concern was that out of the 24,000 transactions in the last 2 years, there had been one item of stolen property that was allegedly recovered. Currently, he stated that police officers picked up discs that were part of the \$103,000 cost, and they were willing to transmit such information electronically. He stated further that an independent private company had stepped forward stating that they would provide a service matching stolen goods nationwide. He stated another way to avoid the transaction fee would be to look at the occupational license fee that was charged, and reduce the cost to the police department. He stated that they would like to meet with City staff and discuss the situation.

Bob DeMatina, pawnshop owner, stated that he owned 2 stores and had operated in the City for the last 18 years. He felt they had a cooperative relationship with the Police Department. He added that he had even bought their first computer for them 10-12 years

ago when they had computerized operations. He stated the big problem was that pawns of \$25 or less accounts for about 28% of their business, they would be collected a \$5 fee, but the average cost of the transaction would be \$3.65, excluding the \$1.50 fee. He stated if this was passed, they would have to possibly decide not to perform transactions under \$25 that would hurt many individuals. He further stated that he did about 10,000 pawns per year, and out of those he averaged about 30,000 items coming through. From among those items, possibly 20 items had been stolen. He stated that the City had a lot of secondhand dealers that were not licensed as such, and therefore, were not inspected.

Roger Favor, President Florida Pawnbrokers Association, stated that this would hurt the needy individuals, and the revenue raised would exceed the cost of reviewing the tickets. He felt the City needed to review this further.

Shawn Weiss, pawnshop owner, stated that he owned a very small store and this fee would affect him greatly. He stated that so far no one had been able to explain to him what this fee would be paying for. He stated further that he was capable of e-mailing his information, and during the past years he could count on one hand items that had been perceived as stolen. He stated he had a good relationship with the police and encouraged them to visit his store. He stated further that this fee was the difference between him expanding his business or not because it would take a lot of money out of his pocket if passed.

Mark Evans, CompuPawn Software, stated they had been in the County for about 22 years and had approximately 1200 shops involved with their program. He stated this program could report electronically if that was the goal of the tax. He stated they were against this fee because it would affect their ability to continue to expand the companies in the City. He felt it was targeting individuals who were already having a difficult time. He stated it was their feeling that the tax was not valid and should not be enacted.

Commissioner Moore asked if this ordinance was similar to any other in South Florida. The City Attorney stated that this ordinance was patterned after the one in Miami-Dade. Commissioner Moore asked if the same type of fee was involved. The City Attorney replied that he felt the fees were in the same range.

Bruce Roberts, Chief Police Department, stated that the fee was the same.

Commissioner Trantalis stated that it appeared he was getting mixed signals. He asked if the Police Department had costs associated with monitoring the activities of the pawnshops. Chief Roberts confirmed and stated that Detective Jack Gee would be able to answer any questions the Commission might have in regard to this issue. He added that about \$100,000 per year was spent for such costs, including time spent. Commissioner Trantalis asked for some further clarification as to what the police were doing in regard to this matter.

Detective Jack Gee explained they had a full-time officer who did nothing but inspect transactions from the pawnshops. He further stated that they did electronically download the transactions, but they still had to be gone through manually because certain items had to be listed and checked to make sure the forms were complete.

Commissioner Trantalis asked if this was done in regard to searching for stolen items or was it just a ticket review for items that were to be filled in. Detective Gee replied they searched for stolen property, and they also had to make sure that the forms were completed properly in accordance with the State Statute 539.

Commissioner Moore felt they had some good pawnbrokers in the City due to the strict methodology of the Police Department. He remarked that he was supportive of this ordinance because many times the individuals who were impacted as victims of crime were the lowest employed people.

Commissioner Moore introduced the following ordinance:

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 SECOND HAND DEALER TRANSACTION FEE FOR EACH TRANSACTION IN THE AMOUNT OF \$1.50.

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

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

(O-7)

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. Notice of proposed Ordinance No. C-04-20 was published March 6, 2004; first reading was approved, as amended, by a vote of 5-0.

Commissioner Moore introduced the following ordinance:

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

**Amendment to Section 9-53 of the Code -
Fire Safety Fee Schedule****(O-8)**

An Ordinance amending Section 9-53 of the Code, Fire Safety Fee Schedule, to increase fire inspection fees 25% above the current schedule. A motion failed at the March 2, 2004 Commission Meeting by a vote of 2-3. On March 16, 2004 the Commission agreed to reconsider the ordinance at its April 7, 2004 meeting.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-11

AN ORDINANCE AMENDING SECTION 9-53 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED, "FIRE SAFETY FEE SCHEDULE," TO INCREASE THE EXISTING FIRE SAFETY FEE SCHEDULE BY TWENTY-FIVE PERCENT.

Which ordinance was read by title only.

Commissioner Hutchinson stated that she would not support this item and felt they were "feeing the public to death." She felt they needed to do a comprehensive study of the department, and if the City wanted to fee people, then they should charge one fire assessment fee and make it work.

Commissioner Teel stated that she would support this because she believed this was due to the fact that fees had not been raised in 10 years. She felt that it came to a 25% increase, but when figured out over 10 years, it was a 2.5% increase per year. She felt there were better ways to handle these things, and that was why they were looking at reorganization. She felt this was an example of not having good management in the past. She felt it was not gouging the public, but was just covering the cost of doing business.

Commissioner Hutchinson stated that the Fire Department was not part of the reorganization. She stated that it was "shame on them" for not increasing the fees for the last 10 years.

Commissioner Moore stated that if they were going to deal with a fee, then it should cover the entire cost of the operation. He stated there was nothing that stated this could not be revisited after they had evaluated the matter. He stated this was a method of generating income and would not impact residential units. He stated since there had not been an increase in the last 10 years, then he was willing to accept this, but wanted to have further deliberations as suggested by Commissioner Hutchinson.

Commissioner Trantalis stated that it was his understanding that the fee was being increased because they were looking to shore-up a shortfall on the income side for running the Fire Department. He further stated that he was hearing from the Fire Department that if the fees were not increased, they were going to take a truck out-of-service. He asked if that was the only alternative available in reducing expenses.

The Acting City Manager stated they had to return where they were in December where there was broad-based concurrence to move forward with the \$160,000 into the budget so they would not have to cutback on services. At that time it was part of a wider plan, and reiterated if this was taken out of the budget it would definitely impact service levels. According to the Fire Department, the areas least impacted from the point of view of service delivery would be Engine and Rescue 13. He remarked that the Chief reported to his office on a daily basis regarding overtime, and for all intents and purposes, they were looking at Engine 13 being out of service for half the time. If the overtime budget was reduced by 15-16%, then they would guarantee that Engine 13 would be out, and Rescue 13 might be out sporadically.

Commissioner Moore stated that they needed to deal with other measures that might adjust revenues to operate all departments in a more efficient manner. He reiterated that this was a temporary solution. Commissioner Trantalis stated that once a fee was raised, it was never temporary. Commissioner Moore stated they should not say "never." He stated adjustments could be made when there was the political will. He stated he did not like the fees. Commissioner Trantalis stated that when they were first discussing overtime for the police and fire departments, they had seen a significant reduction in the budgeted amount, and through such reductions there had been no impact on services. But now they were being told if they did not allow another \$160,000, there would be an impact on services. He stated he was tired of "nickel and diming" the residents to death.

Commissioner Teel stated they were still not collecting enough revenue to cover the costs of the program. She stated they had heard the concerns of the public when equipment was removed from service, and she did not believe the Commission was doing their duty if they did not respond to such concerns. If this ordinance did not pass and it resulted in Rescue 13 coming out of the Galt, there would be many individuals concerned about their safety, and therefore, willing to accept the additional expense.

Mayor Naugle stated that this fee was a user fee mandated by the Florida Legislature. If the expense was assessed in accordance with a fire assessment fee, then they would be charging individuals not receiving the service, such as single-family dwellings. Since they were not recovering the entire cost through the fee, they were being threatened with losing Rescue 13 and this appeared to be the only alternative available. If this was done, he stated that he hoped they would be able to cut down on the weekend flu.

Commissioner Hutchinson stated that they were now taking the blame for what should have been done 10 years ago. She said she was now being forced to support this, otherwise services were going to be reduced. She felt that was "crappy," because if the Department was running in the hole by \$900,000 plus, it was not her fault.

Commissioner Moore stated that he was a policymaker 10 years ago, and he wanted to explain how the culture of this government operated back then. He stated there was an opportunity of an ad valorem tax that they were able to put money in places where services did not pay for themselves, but over the last 1-2 years with the change of the discretion of the policymakers, they were now putting everyone in boxes. If the person's box did not provide enough water to make it float, then they would make one do that. In the past they utilized the entire General Fund to balance the budget of the City. Now, they were suggesting that each department validate their expenses. He stated it was not about inefficiencies or a department that was being run in the hole, but it was about the methodology in which they were counting "the beans."

Commissioner Hutchinson stated that she disagreed.

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

CITIZEN PRESENTATION

Paret and Myrataile Lamadieu – Permitting – Code Issue

Paret Lamadieu stated that he tried to get things under control and wanted to explain he had done things and wanted to request the City to help him out.

John Simmons, Assistant Director Community Inspections, stated that this went back to some code lien settlements that the Commission had voted on in June, 2003. He stated the Commission had agreed to reduce the liens on this person's property, along with accepting \$25 per month in payment, as long as no other Code violations arose. He advised that no payments had been received. He assumed that a letter had been sent to him stating that he had not met the requirements set forth by the Commission, and that the lien would revert back to the 100%. He was probably asking for mercy from the Commission. He advised that the property was located at 60 SW 30th Avenue, and was in Commissioner Moore's district.

Commissioner Moore stated that he had met with this gentleman who had informed him that he had gone to see the Mayor who was willing to reconsider this item, if Commissioner Moore agreed. He continued stating that this person was a Canadian Police Officer for a number of years, and his son lived at this residence during that time. Upon his return, he found the property in violation and began to address the problems. He felt consideration had been given to this person through the reduction in the lien. He stated that he had even suggested to Code that a payment plan be devised for this person because he did not want to harm the family financially. The individual chose not to cooperate, and now he was asking for further reconsideration. He stated that he did not agree with such a request.

Commissioner Hutchinson stated she did not agree with the request being made either. Commissioner Moore stated the neighbors were harmed through his neglect. Commissioner Hutchinson stated the lien needed to be back to the 100%.

Motion made by Commissioner Moore to approve the recommendation of the first entered agreement since the stipulation had not been met.

Mr. Simmons stated that this did not require a motion and was only brought to the Commission for discussion.

Commissioner Trantalis asked what had been the amount they had agreed upon. Mr. Simmons stated that evening two different liens had been presented to the Commission. The first began at \$9,625 that the Commission reduced to 15% bringing the amount to \$1,443. The other lien was \$118,500 and the Commission had reduced that amount to

15%. A payment was to be made of \$25 per month for the entire total of the liens. He stated further that remarks had been made that night that it would take a lifetime to repay the lien.

Commissioner Moore stated the Commission had attempted to be compassionate, but sometimes people took kindness for weakness.

RESOLUTIONS

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

A resolution approving an amendment to a previously approved plat. On March 2, 2004 the City Commission deferred this item by a vote of 5-0. The applicant has notified the City that it has withdrawn its application.

No Objection to Amendment to Note - Everglades LLC (PZ Case No. 25-P-02) (R-2)

A resolution of no objection to an amendment to a plat note.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-66

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

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

Site Plan Level IV Approval – Sidewalk Café/ PRD (PZ Case No. 122-R-03) (R-3)

At the Planning and Zoning Board regular meeting on February 18, 2004, the motion to approve the following application failed 3-5.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS ITEM WERE SWORN IN.

Steve Osborn, attorney, stated that this restaurant was seeking to obtain a sidewalk café for the operation of a functioning restaurant which had been in existence for several months. He stated that the Planning and Zoning Board had rejected their proposal by a

vote of 5-3. He stated they had complied with all planning and zoning requirements. He remarked that all code issues had been addressed.

Commissioner Trantalis stated that he was concerned because the back-up information showed that the Planning and Zoning Board had denied this application, but the representative for the applicant had now indicated that they had complied with the planning and zoning requirements. He asked if they had returned with their changes to the Planning and Zoning Board. Mr. Osborn confirmed.

Lois Udvardy, Planning and Zoning, stated that they had not returned before the Planning and Zoning Board.

Commissioner Trantalis asked if changes had been made to the application since that vote had been taken. Ms. Udvardy replied that the application had not changed and they were requesting the same amount of tables and chairs. Commissioner Trantalis asked what was staff's recommendation in regard to this matter. Ms. Udvardy explained that the application met the requirements of the sidewalk café ordinance. It was a site plan level IV. Commissioner Trantalis stated that he felt the concerns of Planning and Zoning were that the activity that went on inside the place of business would spill out onto the sidewalks. He stated that everyone felt that detracted from the Beach.

Mr. Osborn stated that 219 had been a good corporate citizen since Club Atlantis was no longer in existence. He stated that the owner had invested significant monies for the beautification of this site, and had upgraded the restaurant and the interior to meet with a more upscale clientele. He stated that there had been off-duty police officers at the site during spring break in order to maintain order, and no incidents had been reported. He stated further it was now primarily operating as a restaurant, but did have a nightclub facility and patio in the rear. He advised that the name of the restaurant was Beach Bums, and inside it was called Squid Row. Commissioner Trantalis clarified that the main share of business done at this site was a restaurant. Mr. Osborn confirmed and stated that it was such currently.

Commissioner Teel stated that according to the plans, it was showing they were requesting 9 tables and 34 chairs, and asked how they arrived at such figures. Ms. Udvardy replied that there had to be a 13' clear path with no tables blocking entrances. Commissioner Teel clarified if there were more, than they would be in violation. Ms. Udvardy confirmed. Commissioner Teel added that she had visited the site on Saturday and there had been 10 tables and 40 chairs on the sidewalk below the deck. Therefore, they were already in violation of the Code. Ms. Udvardy explained they had not received approval for the chairs and tables on the sidewalks presently. Commissioner Teel stated it appeared the intent of the owner was to continue having an excess number of tables and chairs on the sidewalk.

Commissioner Hutchinson stated that she was going to support this item prior to tonight's discussion, but since they were currently in violation she would not be able to support it. She explained that she would have supported it because it would then be code's responsibility to police the situation. Likewise, there were other sidewalk cafes in the area.

Cecelia Hollar, Acting Director Public Services, stated that if the Commission granted approval, the owner would be limited to 9 tables with 34 chairs. Any violation involved would be a code enforcement issue.

Commissioner Moore stated that he had not been to the site, but asked what was the amount of the fine for the violations currently on this property.

John Simmons, Assistant Director Code Enforcement, stated that he did not have such information available this evening, but he would obtain it for the Commission. He added that he was aware that a citation had been given.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to deny this application.

RESOLUTION NO. 04-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A DEVELOPMENT PERMIT FOR A SIDEWALK CAFÉ ON THE SIDEWALK ABUTTING THE PROPERTY LOCATED AT 219 SOUTH FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA, IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

Amend Resolution 04-10 – Sale of Surplus Property - Southeast Corner of Cortez Street and Seabreeze Boulevard

(R-4)

A resolution amending Resolution No. 04-10 respecting the offering for sale of certain surplus property by revising the date for submitting offers to purchase property to April 30, 2004, and by revising the date for acceptance of the best offer to May 18, 2004.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING RESOLUTION NO. 04-10 WHICH DECLARED CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT WAS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE, AMENDING RESOLUTION NO. 04-10 TO PROVIDE A REVISED DATE FOR SUBMISSION OF BIDS BY APRIL 30, 2004 AND SCHEDULING FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON MAY 18, 2004, RELATIVE TO REVIEW OF THE BIDS AND PROCEEDING IN ACCORDANCE

WITH SECTION 8.04 OF THE CITY CHARTER.

Which resolution was read by title only.

Commissioner Trantalis asked if this would interfere with the City’s ability to implement the 3+2 plan designated for the area.

Peter Partington, Engineering, stated that they were reserving an easement for such improvement.

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

Federal Department of Homeland Security – Maritime Security Facilities – Designation of the New River Marginal Dock and Linear Park as a Public Access Facility and Area (R-5)

A resolution of the City Commission of the City of Fort Lauderdale, Florida, officially declaring the New River/Riverwalk Marginal Dockage Facility as a Public Access Facility in accordance with Title 33 of the Federal Code of Regulations (CFR), Sub Chapter H, Section 101.105, and a Public Access Area in accordance with Title 33 of the Federal Code of Regulations (CFR), Sub Chapter H, Section 105.106; and further authorizing the proper City officials to seek exemption or waiver from the facility security plan requirements of 33 CFR Part 105.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE CITY’S NEW RIVER/RIVERWALK MARGINAL DOCKAGE FACILITY AS A “PUBLIC ACCESS AREA” IN ACCORDANCE WITH 33 CODE OF FEDERAL REGULATION SECTION 105.106 AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO SEEK APPLICABLE EXEMPTIONS OR WAIVERS FROM THE REQUIREMENTS OF 33 CODE OF FEDERAL REGULATIONS, PART 105 OR EQUIVALENCIES THERETO.

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

New River Submerged Land Lease (R-6)

A resolution authorizing the proper City Officials to enter into a sovereignty submerged land lease with the Board of Trustees of the Internal Improvement Trust Fund pertaining to the New River/Riverwalk Marginal Docking Facility.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04 -70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE PURSUANT TO CHARTER SECTION 4.01(B), A RENEWAL OF A SOVEREIGNTY SUBMERGED LANDS LEASE BETWEEN THE CITY OF FORT LAUDERDALE AND BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, PERTAINING TO THE NEW RIVER/RIVERWALK MARGINAL DOCKING FACILITY.

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

Application for Dock Permit – Jeffrey T. Barson, 2630 Barcelona Drive (R-7)

A resolution permitting under Code Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, the use by Jeffrey T. Barson, of public property for construction of a 5' wide x 20' long dock with improvements located on Barcelona Drive immediately north of the applicants residence with the street address of 2630 Barcelona Drive and more particularly described under certain terms and conditions.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, THE CONSTRUCTION AND USE BY JEFFREY T. BARSON OF A DOCK ON PUBLIC PROPERTY LOCATED ON BARCELONA DRIVE IMMEDIATELY NORTH OF HIS RESIDENCE WITH THE STREET ADDRESS OF 2630 BARCELONA DRIVE AND MORE PARTICULARLY DESCRIBED BELOW, UNDERS CERTAIN TERMS AND CONDITIONS.

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

First Amendments to Agreements – FDOT – Broward County - Landscaping Improvements – I-95 and the Sunrise Boulevard Interchange (R-8)

A resolution authorizing the proper City officials to execute a First Amendment to Joint Participation Agreement with FDOT and a First Amendment to Agreement with Broward County for landscaping improvements to I-95 and the Sunrise Boulevard Interchange.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-72

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO FIRST AMENDMENTS TO AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND BROWARD COUNTY FOR LANDSCAPING IMPROVEMENTS AT THE I-95 AND SUNRISE BOULEVARD INTERCHANGE.

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

County Impact Fee Resolution

(R-9)

A resolution agreeing not to issue building permits prior to confirmation that County impact fees have been paid.

Commissioner Trantalis asked if this item had not been tabled.

Commissioner Moore stated that they had requested that the Attorney General review this item.

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

Mayor Naugle asked for the City Attorney to send a letter to the Attorney General asking for an opinion in regard to this issue.

Appointment of Vice Mayor

(R-10)

A resolution appointing a Vice Mayor for a term of one year, in accordance with Section 3.05 of the City Charter.

Mayor Naugle stated that it appeared that it was Commissioner Trantalis's district's turn for being Vice Mayor.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the appointment of Commissioner Trantalis as Vice Mayor for a one-year term.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING A VICE-MAYOR FOR A ONE-YEAR TERM IN ACCORDANCE WITH SECTION 3.05 OF THE CITY CHARTER.

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

Street Name Addition – NE 11 Avenue Between Broward Boulevard And NE 2 Street to be also known as Hazel E. Calvet Avenue (R-11)

A resolution requesting that NE 11 Avenue between Broward Boulevard and NE 2nd Street also be known as Hazel E. Calvet Avenue.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-74

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE THAT THE LENGTH OF N.E. 11TH AVENUE FROM BROWARD BOULEVARD TO N.E. 2ND STREET SHALL ALSO BE KNOWN AS "HAZEL E. CALVET AVENUE."

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

NUSA Conference Contribution (R-12)

A resolution accepting a \$4,000 donation from Jim Ellis with the Tides at Bridgewide Square/Ellis Diversified, Inc./Lauderdale Beach towards the NUSA Conference.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A DONATION FROM THE TIDES CONDOMINIUM AT BRIDGESIDE SQUARE, ELLIS DIVERSIFIED, INC. AND THE LAUDERDALE BEACH HOMEOWNERS' ASSOCIATION TO FINANCE EXPENSES ASSOCIATED WITH THE CITY'S INVOLVEMENT IN THE NEIGHBORHOODS USA 2004 CONFERENCE.

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

Executive Airport – Amendment to E & C Development, Inc. - (R-13)
Lease for Parcel 21A – Assignment to Matecumbe Capital
Management, Inc.

A resolution authorizing the proper City officials to execute an amendment to lease for Parcel 21A at Fort Lauderdale Executive Airport Industrial Airpark with E&C Development, Inc. and consenting to an assignment of lease to Matecumbe Capital Management, Inc.

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

Settlement – Anthony Evans – 1324 NW 5th Avenue (M-18)

A motion for discussion regarding property owner's refusal to pay the code enforcement lien settlement amount established by City Commission on December 16, 2003 and accepted by the City as consideration for release of the lien. Address: 1324 NW 5th Avenue (CE03021925).

Commissioner Moore stated that he had spoken to Mr. Evans, and it had been Mr. Evans' understanding that this was to be discussed at the third meeting but did not know he had to be present. Since he had not been at the meeting, the Commission had moved to have him pay 75% of the lien. He felt that they had agreed on a settlement, and he had assured the City that he would pay the minimum requirement in the Amnesty Program that had been 25%, rather than the 15% the Commission had discussed at the second meeting. He advised that Mr. Evans would pay in cash, and the property was now in full compliance. He stated that the violations did not impact the neighborhood and had to deal with painting a parking lot bumper.

Commissioner Hutchinson stated that in reading the back-up material, it had stated there were 3 violations, including disrepair of the roof, derelict vehicles, and the parking lot did not consist of a hard dustless surface. She stated when they had voted to settle the case for 75%, Mr. Evans had sent the payment but then stopped payment on the check.

Mayor Naugle stated that he thought Mr. Evans had stopped payment on the check due to the letter he had received regarding the Amnesty Program.

The City Attorney stated that whatever the Commission decided in regard to this matter, they wanted to add \$103 service fee because the check had bounced twice.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to approve 25% of the settlement plus the \$103 service fee.

Commissioner Trantalis stated he was concerned about the precedence they would be setting in this matter. He continued stating that they had indicated that if a deal had been made, they would compel the property owner to comply regardless of whether the Amnesty Program was put into effect or not. He reiterated they had stated that all prior

deals and subsequent deals would not be affected during the amnesty period. He stated the fact that he had stopped payment on the check, which was a felony, suggested there was bad faith on the part of Mr. Evans.

Commissioner Moore stated it was his understanding that Mr. Evans had blacktopped the driveway, but Code had not signed off because he had not had the stoppers.

Mr. Evans explained that he had not stopped payment on the check. He explained further that he was refinancing the property and when he had received a letter stating that he was qualified for the Amnesty Program, he had sent it to the mortgage company who had mistakenly sent the original amount of the lien.

The Acting City Manager stated that he wanted to bring to the Commission's attention that there had been an ad hoc committee for the Amnesty Program who had voted unanimously at their last meeting that there should be a situation where no reprieves would be granted, and fines would revert back to 100%.

Commissioner Teel agreed that they could not be going back and revisiting these cases. She stated they would be gutting the idea of the Amnesty Program. She stated it would result in individuals coming forward with similar situations. She stated she could not support this. She reiterated the violations had to be outrageous if the amount had rose to \$10,000 in fines.

Mrs. Evans advised that the check had been sent during the amnesty period. Commissioner Teel remarked that it was her understanding that they had not qualified for the program.

Mayor Naugle stated that a letter had been sent to these individuals offering to settle for 25%, and that concerned him. He asked how many letters might have been sent out by mistake. He stated the City was offering to settle, but then they were not going to honor such letters.

The City Attorney stated that apparently there was no way within the time frame to get such letters out and pull the ones which had previously appeared before the Commission for settlement. He continued stating that the files had been merged and letters sent to each outstanding file.

Mayor Naugle asked if the property owners could not rely on such letters received from the City.

Mrs. Evans remarked they were law abiding citizens and hard working individuals.

Commissioner Moore stated that he understood the situation and that was why he was asking the Commission to reconsider the matter.

The City Attorney stated that the question posed was whether the City would honor its obligations. He stated they had a policy as the Commission stating that they would not consider amnesty for individuals who had previously been before the Commission and a settlement imposed. He stated a mistake had been made by staff, and therefore, it was up to the Commission to change the policy and honor the letters because staff did not

have such authority. He stated that a number of such letters had gone out, and probably numbered about 6-12.

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

Settlement – Francis Powell – 1005 NW 14th Street (M-19)

A motion for discussion regarding property owner's participation in the City's Code Lien Amnesty Program. Address: 105 NW 14th Street (CE9106253).

Commissioner Hutchinson asked for some further clarification regarding this issue.

John Simmons, Assistant Director Community Inspections, stated that this case had never been presented to the Commission, but they had received a request to put this on tonight's agenda. He stated they had already paid 25%.

Lien Settlement – Martha Menendez – 3728 SW 12th Place (M-20)

A motion for discussion regarding property owner's failure to pay code enforcement lien settlement amount established by City Commission on November 18, 2003. Address: 3728 SW 12th Place (CE02020446).

Commissioner Moore stated that this situation was similar to Mr. Evans' situation where a letter had been sent by the City in error.

Bob Smith, agent for the property owner, stated that they had received two letters stating their eligibility for the Amnesty Program. He stated the 10% reduction had been made by code enforcement, and no reduction had been made by the Commission. He asked how they could consider that a settlement.

Commissioner Hutchinson stated they had accepted staff's recommendation. Commissioner Moore stated that was correct, and they had also felt there should not be a reduction unless it was sold to a person who met the income requirements of a first-time home buyer.

Mr. Smith further asked if the City wanted the property. He advised they had a buyer and were willing to pay the 25% settlement. He stated the property had been in compliance since October, 2003. He stated the owner could not afford the property.

Commissioner Moore stated he was not in favor of this.

Increase of Passenger Facility Charges (OB)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS TO INCREASE PASSENGER FACILITY CHARGES AT THE FORT LAUDERDALE/HOLLYWOOD INTERNATIONAL AIRPORT AND TO COMMIT SUCH FUNDS TO SUPPORT THE ISSUANCE OF BONDS TO IMPLEMENT NOISE MITIGATION MEASURES.

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

Re-Appointment/Tourist Development Council**(OB)**

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the reappointment of Mayor Jim Naugle as the Commission's representative on the Broward County Tourist Development Council.

RESOLUTION NO. 04-63

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, NOMINATING MAYOR JIM NAUGLE FOR APPOINTMENT AS THE CITY COMMISSION'S REPRESENTATIVE ON THE BROWARD COUNTY TOURIST DEVELOPMENT COUNCIL.

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

City Commission Report

Commissioner Trantalis stated that he wanted to bring forth a matter that was of grave concern to his neighborhood. He stated that an allegation had been made in the newspaper that a business person was looking to locate a business that would sell adult oriented materials at NE 15th Avenue and Sunrise Boulevard, formerly known as Peaches Record and Tapes. He stated that he was concerned because they were attempting to keep this area in a family oriented atmosphere. He also stated that developers were looking to change the retail and commercial into residential developments. He added this area was also within 500' of a church. He further stated that this type of business would be inappropriate in the area, and the City should not permit it.

Commissioner Trantalis stated that the City Attorney was to convene a meeting with the State Attorney, Code Enforcement, Police Chief, and other interested parties in order to see how this matter could be addressed. The City Attorney had suggested that they consider zoning in progress to redefine the existing zoning requirement that currently

allowed a business to provide 49% of their products for adult themed materials. He felt that was a generous allowance, and he hoped they would consider a lower standard.

Commissioner Moore stated that a few years ago an x-rated video store had opened at Sunrise and 10th Avenue, which was 300' from a church. He stated he had received complaints from individuals regarding that facility, and added that it was also less than 1,000 ft. from an elementary school. He stated that they had been told at the time that nothing could be done because it met the commercial zoning requirements. He stated that when this meeting was to take place, he hoped they would also include discussion regarding 10th Avenue.

Mayor Naugle asked what the City Attorney had in mind regarding zoning in progress and how it could work.

The City Attorney explained that the only flaw he saw was changing the definition of adult video store to be similar or the same as an adult book store. He explained further that in the ordinance for special uses an adult book store was defined as a store that had a substantial portion of their inventory in sexually explicit material. He stated that an adult video store was defined differently, and 51% of the inventory had to consist of sexually explicit material. He felt if they made it substantially the same as an adult book store, then they would be in a better position to defend the ordinance, and perhaps keep something overtly an adult video store out of any particular neighborhood. He advised that it would then have to be 500' from a church, 1,000' separation from another adult video store, and 500' from a park or residentially zoned property.

Mayor Naugle clarified that the motion before the Commission should be to establish zoning in progress to change the definition of an adult video store. The City Attorney confirmed.

Commissioner Moore asked if it would capture the description he had provided regarding the 10th Avenue and Sunrise establishment. The City Attorney stated that he would have to check into the matter because if they had an occupational license for an adult store, then the answer would probably be no because it was retroactive. If they were not given an occupational license as an adult book or video store and were simply retail and flying under the radar of the ordinance, then it would apply.

Commissioner Moore stated he was concerned because he could not see taking action for one establishment. He felt everyone had to be placed under the same rules.

Mayor Naugle stated that everything would be done to ensure that all stores were covered, but reiterated that it would affect future stores.

Commissioner Moore stated he would be supportive of this matter with the understanding that the City Attorney would meet with the Minister of the Church involved, along with other ministers in the community, and arriving at some type of methodology of addressing the situation.

Motion made by Commissioner Trantalis and seconded by Commissioner Moore to establish zoning in progress to change the definition of adult video stores so as to be similar to adult book stores. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson and Mayor Naugle. NAYS: None.

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:40 p.m.

Jim Naugle
Mayor

ATTEST:

City Clerk