

**COMMISSION REGULAR MEETING INDEX**

**04/20/04**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
APRIL 20, 2004**

Meeting was called to order at 6:11 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 David Lewis

Invocation was offered by Reverend Ron Pearson, Sunshine Cathedral/Metropolitan Community Church, followed by the recitation of the Pledge of Allegiance.

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

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that the agenda for the April 20, 2004 meeting be approved, along with the minutes of the March 3, 2004 meeting. Roll call showed: YEAS: Commissioners Teel, Trantalis, Hutchinson, Moore and Mayor Naugle. NAYS: None.

**Presentations**

**OB**

1. "Wow" Award

Commissioner Moore presented the "Wow" Award to Mr. David Burney whose home is located at 1508 NW 4<sup>th</sup> Street in District III. He stated that this was the vision of Mr. and Mrs. Vernon and Ernestine Turner whose home became known as the "Pink Diamond." When they passed on, they had left their home to their great nephew, Mr. Burney, who continues to uphold the legacy of price his aunt and uncle left behind.

2. Drinking Water Week

Commissioner Teel proceeded to present a Proclamation for the Drinking Water Week and recognized the winners of the 2004 Drop Savers Poster Contest held in conjunction with this event. Mike Bailey of Public Services assisted in the presentation.

3. Expression of Sympathy

The Mayor and City Commissioners expressed their sympathy to the family of Ron Lowenthal.

4. WaterWorks 2011 Bid Competition

Commissioner Hutchinson recognized the Stranahan High School Engineering Magnet Program as the winner of the WaterWorks 2011 Bid Competition. The winner of the award was Team 2 "Can You Dig It," accepted by the team representative Katerina Kitchen.

Mayor Naugle stated that this program was great and helped the students learn about the work and the occupation.

5. Arbor Day

Commissioner Trantalis proceeded to present a proclamation for Arbor Day celebrated on April 17, 2004.

Mayor Naugle announced that a formal presentation had taken place at Riverside Park last Saturday.

Gene Dempsey announced that this Friday native trees would be given away.

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**Event Agreement – PB and Jam with Jesus**

**(M-2)**

A motion authorizing and approving the execution of an Event Agreement with **Straight Street Ministries** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **P B & J Jam With Jesus to be held at Holiday Park on Saturday, May 22, 2004 from 11:00 AM to 6:00 PM.**

The Acting City Manager announced that this item had been withdrawn from tonight's agenda, and also stated that this was not a registered corporation with the State.

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**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 – Good Samaritan Community Fair****(M-1)**

A motion authorizing and approving the execution of an Event Agreement with **Good Samaritans Actions, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Good Samaritan Community Fair to be held at Holiday Park on Sunday, June 13, 2004 from 8:00 AM to 6:00 PM.**

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-530 from Acting City Manager.

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**Event Agreement – PB and Jam with Jesus****(M-2)**

A motion authorizing and approving the execution of an Event Agreement with **Straight Street Ministries** to indemnify, protect and hold harmless the City from any liability in connection with **P B & J Jam With Jesus to be held at Holiday Park on Saturday, May 22, 2004 from 11:00 AM to 6:00 PM.**

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-529 from Acting City Manager.

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**Event Agreement – 3<sup>rd</sup> Annual Haitian Flag Day Celebration****(M-3)**

A motion authorizing and approving the execution of an Event Agreement with **Sweet Productions** to indemnify, protect and hold harmless the City from any liability in connection with the **3<sup>rd</sup> Annual Haitian Flag Day Celebration to be held at Mills Pond Park on Saturday, May 22, 2004 from 1:00 PM to 10:00 PM.**

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-528 from Acting City Manager.

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**Event Agreement – 8<sup>th</sup> Annual Plywood Regatta****(M-4)**

A motion authorizing and approving the execution of an Event Agreement with the **Marine Industries Association of Florida, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **Plywood Regatta to be held at DC Alexander Park and the Fort Lauderdale Beach on Saturday, May 15 from 8:00 AM to 6:00 PM and Sunday, May 16, 2004 from 8:00 AM to 8:00 PM.**

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-531 from Acting City Manager.

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**Contract Award – Twenty-Second Century****(M-5)**

A motion authorizing the proper City officials to execute an agreement with Twenty-Second Century Roofing, Inc. in the amount of \$35,075 for the Fire Station 46 roof replacement project.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-487 from Acting City Manager.

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**Contract Award – Lambert Bros., Inc.**  
**Project 10350-A – Fire Station No. 13 Renovations**  
**Alterations and Roof**

**(M-6)**

A motion authorizing the proper City officials to execute an agreement with Lambert Bros., Inc. in the amount of \$228,750 for the Fire Station 13 renovations alterations and roof project.

**Funds:** See Bid Tab

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-488 from Acting City Manager.

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**Contract Award – Affordable Sprinklers, Inc. -**  
**Project 10475 – Riviera Isles – Irrigation System**

**(M-7)**

A motion authorizing the proper City officials to execute an agreement with Affordable Sprinklers, Inc. in the amount of \$13,390.65 for the installation of the Riviera Isles irrigation system project.

**Funds:** See Bid Tab

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-486 from Acting City Manager.

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**Change Order No. 2 (Final Adjusting) -**  
**Astaldi Construction Corporation – Project**  
**10377 – Miami Road Utilities Improvement Project**

**(M-8)**

A motion authorizing the proper City officials to execute a final adjusting change order with Astaldi Construction Corporation in the net **credit** amount of \$121,255.60 for the Miami Road utilities improvement project.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-591 from Acting City Manager.

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**Task Order 20– CH2M Hill, Inc. Project 10365 -  
Capital Expansion and Miscellaneous Fees Study****(M-9)**

A motion authorizing the proper City officials to execute Task Order 20 with **CH2M HILL, Inc.** in the amount of \$83,561 for assistance in the development and calculation of appropriate water and wastewater capital expansion and miscellaneous fees to be charged to individual customers and jurisdictions.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-592 from Acting City Manager.

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**Lease Agreement – Azorra Properties, Inc. -  
Marine Facilities Office, 408 South Andrews Avenue****(M-10)**

A motion authorizing the proper City officials to execute a lease agreement with Azzora Properties, Inc. for the marine facilities office located at 408 South Andrews Avenue for a term of one year effective May 1, 2004, through April 30, 2005.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-581 from Acting City Manager.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-130412 - \$53.94 U.S. Currency****(M-11)**

A motion authorizing the equitable disbursement of funds in the amount of \$53.94, with each of the 12 participating law enforcement agencies to receive \$4.49.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-4-3 from City Attorney.

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**Disbursement of Funds – Joint Investigation -  
O.R. No. 02-130414 - \$3,078.03 U.S. Currency****(M-12)**

A motion authorizing the equitable disbursement of funds in the amount of \$3,078.03, with each of the 12 participating law enforcement agencies to receive \$256.50.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-4-4 from City Attorney.

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**Disbursement of Funds – Joint Investigation - (M-13)**  
**O.R. No. 03-89682 - \$15,015.20 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$15,015.20, with each of the 12 participating law enforcement agencies to receive \$1,251.26.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-4-5 from City Attorney.

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**Disbursement of Funds – Joint Investigation - (M-14)**  
**O.R. Number 03-40467 - \$17,555.26 U.S. Currency**

A motion authorizing the equitable disbursement of funds in the amount of \$17,555.26, with each of the 12 participating law enforcement agencies to receive \$1,462.93.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-4-6 from City Attorney.

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**Revised Investment Policy – Municipal Cemetery System (M-15)**

A motion to approve the revised investment policy for the perpetual care trust fund for the municipal cemetery system.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-612 from Acting City Manager.

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**Evergreen Cemetery Private Mausoleums (M-16)**

A motion approving five (5) additional sites at Evergreen Cemetery for private mausoleums.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-557 from Acting City Manager.

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**Appropriation of Funds for the Downtown and Northwest Regional Activity Centers Plan (M-17)**

A motion authorizing the appropriation and transfer of \$62,925 of Park Impact Fees to Public Realm Project P10820.331.

**Funds:** See Memo  
**Recommend:** Motion to approve  
**Exhibit:** Memo No. 04-549 from Acting City Manager.

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**De-obligation of Grant Funds – Florida Department of Law Enforcement – Supporting the Prevention for Life Project & Approval and Appropriation of Grant Funds – Project Ecstasy** (M-18)

A motion de-obligating \$18,048 of the PFL FDLE grant; approving appropriation of \$18,048 as revenue and authorizing its transfer to the Project Ecstasy program budget; and authorizing the proper City officials to amend the program agreement between the City and Broward Partnership for the Homeless, Inc. (BPHI) for implementation, management and disbursement of the modified grant funds.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-585 from Acting City Manager.

**Authorization for Settlement with Envirocycle, Inc. - Contract ITB No. 792-8112 – Recycling and Disposal of Mixed Debris** (M-19)

A motion authorizing the proper City officials to execute a settlement agreement with Envirocycle to recover funds paid during the term of Contract ITB 792-8112 for the disposal and recycling of mixed debris; and further authorizing a new three-year agreement for the disposal and recycling of mixed debris at \$65.75 a ton and clean yard waste at \$39.98 a ton.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-596 from Acting City Manager.

**PURCHASING AGENDA**

**542-9016 – Coin Counter/Sorter with Related Software** (Pur-1)

An agreement to purchase a coin counter/sorter with related accessories, software and integration with existing City equipment is being presented for approval by the Administrative Services Parking Services Division.

**Vendor:** Cummins Allison Corporation  
Margate, FL

**Amount:** \$ 16,936.00

**Bids Solicited/Rec'd:** 14/1 with 1 no bid

**Exhibits:** Memorandum No. 04-588 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving purchase from single bidder.

**Proprietary – Debit Cards for Single-space Parking Meters****(Pur-2)**

An agreement to purchase prepaid debit cards for Duncan single-space parking meters is being presented for approval by the Administrative Services, Parking Services Division.

Vendor:	Duncan Parking Technologies Harrison, AZ
Amount:	\$ 16,000.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-570 from Acting City Manager

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

**242-9004 –Furniture, New One Stop Shop Building****(Pur-3)**

An agreement to purchase furniture and panel systems for the new One Stop Shop building is being presented for approval by the Public Services, Engineering Division.

Vendors:	NBB Office Environments Fort Lauderdale, FL Thomas W. Ruff & Co. Miramar, FL Corporate Express Deerfield Beach, FL
Amount:	\$ 388,335.83
Bids Solicited/Rec'd:	42/8 with 1 no bid and 1 late bid
Exhibits:	Memorandum No. 04-491 from Acting City Manager

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

**582-8010 – Prescription Drug Services, Interim Agreement****(Pur-4)**

An interim agreement for prescription drug services for City employees is being presented for approval by the Finance/Risk Management Division

Vendor: TDI Managed Care Services, Inc. d/b/a Eckerd Health Services  
Largo, FL

Amount: Administrative fee, plus prescription costs in accordance with average wholesale price, minus discount

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 04-453 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving execution of prescription drug services agreement.

**242-9010 – Fire Boat and Accessories****(Pur-5)**

An agreement to purchase a fire boat and accessories is being presented for approval by the Fire-Rescue Department.

Vendor: McKee Craft Boats  
Fairmont, NC

Amount: \$ 128,793.00

Bids Solicited/Rec'd: 14/5 with 2 no bids

Exhibits: Memorandum No. 04-573 from Acting City Manager

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

**742-9013 – Yoga and Aikido Instruction Services****(Pur-6)**

A one-year contract for yoga and aikido instruction services is being presented for approval by the Parks and Recreation Department.

Vendor: Mark Roberts  
Oakland Park, FL  
Aikido Florida Aikikai  
Hollywood, FL

Amount: \$30,600.00 (revenue)

Bids Solicited/Rec'd: 12/3

Exhibits: Memorandum No. 04-564 from Acting City Manager

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

**Proprietary – Engineering Services for Cryogenic Plant****(Pur-7)**

An agreement to purchase engineering services for cryogenic plant turnaround is being presented for approval by the Public Services Department.

Vendor: Air Products & Chemicals, Inc.  
Allentown, PA  
Amount: \$ 111,052.34 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-575 from Acting City Manager

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

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**Proprietary – Intercooler Set****(Pur-8)**

An agreement to purchase an intercooler set is being presented for approval by the Public Services Department.

Vendors: Comp Air Service  
Miami, FL  
Amount: \$ 30,429.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-576 from Acting City Manager

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

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**742-9021 – Cap Covers for Recycling Bins****(Pur-9)**

A one-year contract to provide cap covers for recycling bins is being presented for approval by the Public Services, Sanitation Division.

Vendor: Environmental Concepts – BinCap LTD.  
Cape Coral, FL  
Amount: Per Unit Prices  
Bids Solicited/Rec'd: 51/1 with 1 no bid  
Exhibits: Memorandum No. 04-485 from Acting City Manager

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

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**State Statute – Repair Concrete Sidewalks and Curbs****(Pur-10)**

A one-year contract for the repair of concrete sidewalks and curbs is being presented for approval by the Public Services Department.

Vendor: Three-H Learning Center, Inc.  
Dade City, FL  
Amount: \$ 220,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-546 from Acting City Manager

The Procurement and Materials Management Division has reviewed this item and recommends approving change of awarded vendor through Florida Statute 255.60.

**Proprietary – Sludge Control Valves****(Pur-11)**

An agreement to purchase four sludge control valves is being presented for approval by the Public Services Department.

Vendors: Diller-Brown & Associates  
Winter Park, FL  
Amount: \$ 26,396.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-551 from Acting City Manager

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

**Emergency – Rotating Assembly****(Pur-12)**

An agreement to purchase rotating assembly on an emergency basis is being presented for approval by the Public Services.

Vendor: Condo Electric  
Hialeah, FL  
Amount: \$ 32,090.00  
Bids Solicited/Rec'd: 3/3  
Exhibits: Memorandum No. 04-562 from Acting City Manager

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item Nos. M-2, M-4, M-15, M-16, M-19, Pur-2, Pur-5, and Pur-7 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.

**Event Agreement – 8<sup>th</sup> Annual Plywood Regatta**

**(M-4)**

Commissioner Trantalis stated that he had pulled this item, but then had seen the information that had been distributed.

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

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**Revised Investment Policy – Municipal Cemetery System**

**(M-15)**

Commissioner Moore stated that he had pulled this item, and asked how much was in the present grant fund for such investments.

Julius Delisio replied there was about \$14 Million available in the fund. Commissioner Moore asked what percentage was in real estate. Mr. Delisio replied that he did not know and would have to call in the investment banker. Commissioner Moore asked if the mutual fund was a limited partnership. Mr. Delisio stated that most likely the investment was in mutual funds.

Commissioner Moore further stated that the goal was to put 60% of the fund in equity security, and the long term range was to be 50%. Mr. Delisio confirmed and stated they were trying to give the investment banker more flexibility and that this was an audit issue. Commissioner Moore asked what the return had been last year. Mr. Delisio replied that he did not know, but with the change over in 1993 the City had about \$6 Million, and presently there was \$14 Million.

Commissioner Moore asked if the growth had been due to selling plots. Mr. Delisio stated that \$7 Million had been from capital gain. He explained that the funds worked in 2 different ways, dividends and interest. Commissioner Moore asked if monies were being put into perpetual care. Mr. Delisio explained that \$300,000 to \$400,000 per year was placed in perpetual care. Commissioner Moore stated that he was not in support of this item.

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

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**Evergreen Cemetery Private Mausoleums**

**(M-16)**

Commissioner Moore stated that he had pulled this item, and asked if they were going to take the plots and sell them.

Julius Delisio replied they were not and explained there were only 20 spaces and 13 rows provided for indigents, and no spaces were available. He added this left about 40'.

Commissioner Moore asked for clarification regarding the number of indigents buried in the area. Mr. Delisio explained there were 20 per row, but stated that the area had not been designed as such on the plat.

Mayor Naugle stated that there had been something to do with coral rock in the area. Mr. Delisio stated it was a difficult area to dig into.

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

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**Authorization for Settlement with Envirocycle, Inc. - (M-19)**  
**Contract ITB No. 792-8112 – Recycling and Disposal of Mixed Debris**

Commissioner Moore stated that he had pulled this item, and asked if the \$65.65 per ton tipping fee was to be used or the \$70.00 per ton fee.

Ed Udvardy, Public Services, stated that they would be using the \$65.65 per ton rate.

Commissioner Moore remarked that they had negotiated in regard to this matter for 18 months, thereby reducing tonnage costs they had been overcharged. Mr. Udvardy stated that the savings were \$3 to \$4 per ton and that they would come close to full recovery of costs. Commissioner Moore further stated that they would only pay \$5 Million now. Mr. Udvardy stated that they had negotiated for 2 years, and that the City Attorney had felt that the \$500,000 reduction in disposal cost was good.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to go back to the table and get \$750,000 with the same conditions.

Commissioner Hutchinson stated that this was not a good deal and that the bookkeeping records could be off once again, and overcharges would occur again.

The City Attorney stated that the issues raised were not straight forward as suggested, and there had not been a bookkeeping error. He explained they had issued an RFP suggesting that the garbage be hauled at \$65 per ton. He stated they had wanted it to go for a recycling rebid again, and the new bid was at \$73 per ton. He explained that the contract did not require them to take the garbage where the City wanted them to dump it. He explained the problem was that they had to prove there had been damages done due to their not taking it to the place the City wanted it dumped at. Mr. Udvardy stated that the initial contract was at \$65 per ton.

Commissioner Trantalis asked if this was sent out for an RFP and they were attempting to get the same type of service in the private sector, were they looking at \$73 per ton or the \$65.65 per ton figure.

Mr. Udvardy stated they had an RFP issued early in April, and added that Envirocycle had been the only respondent. He added that he believed this was a discount because \$65.75 was only \$.75 higher than the rate they had received 5 years ago. Before the bids had been received in April, they had "piggybacked" on a contract with Pembroke Park and that had been the lowest rate available. Envirocycle had negotiated a contract

with Pembroke Park for \$66 and change. He stated part of their settlement offer was to use that rate, but since they had received the bids in April, they informed Envirocycle the rate was not the lowest possible.

Commissioner Moore asked why did the City want them to use Willabrator. Mr. Udvardy replied that through interlocal agreement, anything that could go to Willabrator was to go there. Since the debris from the bulk trash had previously been routed through the transfer station, most of it was not acceptable at Willabrator. He explained that Willabrator normally only took household garbage. He stated that they were aware that a small amount of trash they took to Envirocycle would be acceptable at Willabrator, but they in turn charged in excess of 90% of the debris at the higher rate. Commissioner Moore stated that he realized they were attempting to present this in a factual manner. Mr. Udvardy agreed it had been difficult to reach this point over the last 2 ½ years.

Commissioner Moore stated that the City had to deal with a certain amount of tonnage of debris going to the location whether it was dumped or not, and a suggestion was made to utilize this contract to deal with that. Mr. Udvardy confirmed. Commissioner Moore reiterated that Envirocycle did not deal with that and had chosen to tell the City that whatever tonnage given to them at 90% of the increased cost, they would bill the City. He stated that this company basically told the taxpayers they were going to beat them, and after beating the City out of \$990,000, they stated they would give back \$500,000, and reduce future tipping fees to what it should have been 5 years ago. Over time this savings would catch up with the other \$440,000 that they had not yet paid the City. Mr. Udvardy confirmed.

Commissioner Moore reiterated that he did not agree with this settlement.

Mayor Naugle asked what portion of the waste was mixed debris, and what portion was yard waste. Mr. Udvardy stated that through the course of Envirocycle's contract, they had 2 contracts in place. One was for mixed debris and the other was for yard waste. He stated they had the same thing at Central. He explained they had a more attractive yard waste rate at Central.

The City Attorney stated that he wanted to point out that after negotiations and proof that had been provided by Envirocycle, they had trip tickets indicating that some of the waste had gone to where it was supposed to go at the higher rate. He explained the actual amount in dispute was \$550,000, and was not \$990,000. He stated that they had trip tickets showing that a good portion of it went where it should have. He explained further they negotiated a deal where they would pay the City \$500,000, and they agree to the same price for hauling as agreed to 5 years ago, and pay the City the money up front. He stated the argument all along had been that they pay the money in increments over the next contract period. He stated that he felt they had done as good a job as possible. He remarked that if they got into a contest and had to prove their case, it was not going to be easy.

Mayor Naugle asked how much debris had been taken to the incinerator.

Matt Moral, Envirocycle, stated that they were basically arguing as to what was processable waste, and what was not. He stated that had been the issue. He explained they had disposed of materials both at Willabrator and at Central Land Fill. Some reporting requirements had not been met initially which had raised the flag. He stated



there was no requirement that processable and non-processable waste be separated. He explained that they felt the number was, at most through reporting errors, about \$50,000 over a course of a 3-year contract. After looking at litigation costs and the damage to their reputation, along with the relationship they had with the City, they worked this out in good faith. The percentage that went to Willabrator was about 10% to 15%.

Commissioner Moore reiterated that back-up information had been supplied which was not accurate. He stated that he was concerned about staff's comments, and further stated that he would not accept the agreement and felt that the comments were insulting.

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

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

Commissioner Moore stated that he voted in favor of this due to the fact that he wanted to be on the prevailing side so he could raise this issue once again for discussion.

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**Proprietary – Debit Cards for Single-space Parking Meters**

**(Pur-2)**

Commissioner Hutchinson stated that she had pulled this item, and thanked the Parking Division in regard to some of the hurdles they had overcome, especially in the Las Olas area. She stated that to spend \$16,000 on a card only good for single-space meters, when it appeared they were moving away from such meters, she wanted to be able to use such cards in all meters.

Doug Gottshall, Parking Manager, explained there were 3,000 single-space meters in the City, whereas there were about 85-90 multi-space meters. Commissioner Hutchinson added that she wanted to be able to use the cards in the Schlumberger's also. Mr. Gottshall stated that could not be done. He explained there were two different types of cards. One had a chip and one had a swipe. He explained that they did not have the technology, nor did the manufacturers at this time, to put those together in one box.

Commissioner Trantalis clarified there were presently 3 ways in the City to pay for parking. One way was a credit card for multiple space areas or cash, debit cards for Duncan meters or coins, or just coins. Mr. Gottshall confirmed. Commissioner Trantalis stated that he understood what they were attempting to do over time, but asked if they could focus on one efficient type of meter which would be the Schlumberger that would take everything, and eventually cost less in the long run. Mr. Gottshall advised that the Schlumberger meters ran about \$12,000 each, and normally served about 25 spaces. He did not feel it would be cost effective to do that.

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

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**242-9010 – Fire Boat and Accessories****(Pur-5)**

Commissioner Teel stated that she had pulled this item, and remarked that e-mails had been sent and discussions held in regard to the boat, which had been pulled due to an irregularity in the bid process. She asked if the Fire Department was satisfied with the selection that had been made, and if the boat would stand the “test of time” while meeting their needs.

Chief Keith Allen, Fire-Rescue, stated that due to their inspections, they found both vessels to be quality boats and would serve at least a 10-year life span, which had warranties for that time period.

Commissioner Moore left the meeting at approximately 7:10 p.m.

Chief Allen further stated that they were satisfied with the McKee Craft. Commissioner Teel asked if there had been enough experience in the field with such craft that the Fire Department was confident in how it would function. Chief Allen stated they were satisfied from a boat manufacturing standpoint. He explained they had only produced one fire boat and the engineering behind that had been done. He stated they had visited the Port Charlotte boat and the department was quite satisfied. He stated that boat had just been received. Commissioner Teel stated she was concerned about the weight of the equipment being added to the boat to meet the department’s needs. Chief Allen stated that McKee was now in the market, and competition could bring down the prices.

Arnold Cooper stated that he questioned the use of a fire boat in this City. He felt to spend the money at this point in time did not appear necessary. He continued stating that the fires in this City were handled mostly from land. He reiterated that he could not justify such spending at this time.

The Acting City Manager stated that questions had been raised by the firefighters who were going to man this boat. Chief Allen stated that he did not know if they were aware of the bid selection process because they were not really involved. He further stated that they had been consulted regarding the features of the boat included in the bid.

Mayor Naugle stated that they wanted something that would not throw a big wake and could be used in rescue operations.

Kirk Buffington, Administrative Services, stated that some things needed to be remembered in this matter. He continued stating that Brunswick had withdrawn their bid on March 29, 2004, and he felt that needed to be remembered. He stated to maintain the ethical standards they tried to achieve, to consider a bid withdrawn and then to be reconsidered, he did not think that was the fair way to go. He explained that Fire-Rescue had looked at McKee, who had provided boats to the US Navy and other Homeland Security Agencies, and from a responsible point of view, there was no reason not to consider them responsible. He felt to go in another direction at this time would go against the grain of the public bidding process.

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

Commissioner Teel reiterated that her concern was that there had not been a boat in use for any substantial amount of time using the same equipment being required. She realized the specifications had met the requirements, but the boat had not yet been proven. She stated that she was not in favor of this purchase.

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

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**Proprietary – Engineering Services for Cryogenic Plant**

**(Pur-7)**

Commissioner Trantalis stated that he had pulled this item, and stated that his question had been answered.

**Motion** made by Commissioner Trantalis 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.

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**MOTIONS**

**Settlement of Payment of Plaintiff's Attorney's Fees -  
Case No. 81-6424-CIV-COHN (A.A Profiles)**

**(M-20)**

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

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**Code Enforcement Lien Foreclosures**

**(M-21)**

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

Commissioner Trantalis stated that the recommendation of the Code Advisory Committee was that any lien in excess of \$1,500 should be targeted for foreclosure. He felt that would strangle the process, and hoped the Commission would raise the threshold. He stated that he was glad the Legal Department was now able to implement this process.

Commissioner Moore returned to the meeting at approximately 7:20 p.m.

Mayor Naugle announced that a resolution would be introduced, and then if it passed, a motion would be made.

Commissioner Hutchinson introduced the Resolution as follows:

RESOLUTION NO. 04-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING EARNEST LAW FIRM, P.A. AND KATZ, BARRON, SQUITERO, FAUST, BRECKER, TERZO, FRIEDBERG AND GRADY, P.A. AS SPECIAL COUNSEL TO REPRESENT THE CITY IN LIEN FORECLOSURE MATTERS.

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

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Trantalis to transfer \$40,000 from Contingency to the City Attorney's Budget to pay for 40 foreclosure actions on a trial basis. Roll call showed: YEAS: Commissioners Teel, Trantalis, Hutchinson and Mayor Naugle. NAYS: Commissioner Moore.

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**Settlement of Workers' Compensation Case (M-22)**  
**Nos. WC-94-7870 and WC-00-10407 (Harold Wise)**

**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.

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**Adult Uses Implementing Zoning in Progress (M-23)**

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

**PUBLIC HEARINGS**

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**Public Purpose Use/Site Plan Approval – City of Fort (PH-1)**  
**Lauderdale – Peele-Dixie Water Treatment Plant (Case No. 4-R-04)**

A public hearing to consider an ordinance approving public purpose use. Notice of proposed ordinance was published April 8 and April 15, 2004.

Applicant: City of Fort Lauderdale  
Request: Public purpose use/site plan approval  
Location: 1500 State Road 7

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

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-22

AN ORDINANCE APPROVING A FENCE AT A CITY PUBLIC FACILITY THAT DOES NOT MEET THE FENCE AND LANDSCAPING REQUIREMENTS IN A UTILITIES (U) ZONING DISTRICT, WHICH PUBLIC FACILITY IS MORE FULLY DESCRIBED AS THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 50 SOUTH, RANGE 42 EAST, SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF STATE ROAD 7, SOUTH OF DAVIE BOULEVARD AND NORTH OF SOUTHWEST 16<sup>TH</sup> STREET; AND GRANTING RELIEF FROM THE REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) PURSUANT TO SECTION 47-18.26 OF THE ULDR REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only.

Mayor Naugle stated that he had been to the site.

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

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**Public Purpose Use for Security Fencing – City of Fort Lauderdale – G.T. Lohmeyer Water Treatment Plant (Case No. 3-R-04) (PH-2)**

A public hearing to consider an ordinance approving public purpose use. Notice of proposed ordinance was published April 8 and April 15, 2004.

Applicant: City of Fort Lauderdale  
Request: Public purpose use/site plan approval  
Location: 1765 SW 18<sup>th</sup> Street

**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 ordinance:

## ORDINANCE NO. C-04-23

AN ORDINANCE APPROVING A FENCE AT A CITY PUBLIC FACILITY THAT DOES NOT MEET THE FENCE AND LANDSCAPING REQUIREMENTS IN A UTILITIES (U) ZONING DISTRICT, WHICH PUBLIC FACILITY IS MORE FULLY DESCRIBED AS THE EAST 247.39 FEET OF THE NORTH 194.22 FEET OF THE SOUTH 881.72 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 50 SOUTH, RANGE 42' EAST; TOGETHER WITH THE NORTH 194.22 FEET OF THE SOUTH 881.72 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, LESS THE EAST 1103.84 FEET THEREOF; TOGETHER WITH THE NORTH 282.5 FEET OF THE WEST 337.67 FEET OF THE EAST 1103.84 FEET AND THE NORTH 300 FEET OF THE EAST 766.17 FEET OF THE SOUTH 970 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LOCATED IN PORT EVERGLADES, SOUTH OF NORTHEAST 17<sup>TH</sup> STREET AND WEST OF EISENHOWER BOULEVARD; AND GRANTING RELIEF FROM THE REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) PURSUANT TO SECTION 47-18.26 OF THE ULDR REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

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**Public Purpose Use for Security Fencing – City of Fort Lauderdale – Fiveash Water Treatment Plant (Case No. 2-R-04) (PH-3)**

A public hearing to consider an ordinance approving public purpose use. Notice of proposed ordinance was published April 8 and April 15, 2004.

Applicant: City of Fort Lauderdale  
 Request: Public purpose use/site plan approval  
 Location: 4321 NW 9<sup>th</sup> Avenue

**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 ordinance:

ORDINANCE NO. C-04-24

AN ORDINANCE APPROVING A FENCE AT A CITY PUBLIC FACILITY THAT DOES NOT MEET THE FENCE AND LANDSCAPING REQUIREMENTS IN A UTILITIES (U) ZONING DISTRICT, WHICH PUBLIC FACILITY IS MORE FULL DESCRIBED AS THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BOUNDED ON THE NORTH BY PROSPECT ROAD, ON THE EAST BY NORTHWEST 9<sup>TH</sup> AVENUE (POWERLINE ROAD), ON THE SOUTHEAST BY THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 95 (I-95), ON THE SOUTH BY NORTHWEST 38<sup>TH</sup> STREET AND ON THE NORTHWEST BY THE CSX RAILROAD, SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE AND THE CITY OF OAKLAND PARK, BROWARD COUNTY, FLORIDA; AND GRANTING RELIEF FROM THE REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) PURSUANT TO SECTION 47-18.26 OF THE ULDR REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

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**Public Purpose Use for Security Fencing – City of Fort Lauderdale – Central Maintenance Shop (Case No. 1-R-04) (PH-4)**

A public hearing to consider an ordinance approving public purpose use. Notice of proposed ordinance was published April 8 and April 15, 2004.

Applicant: City of Fort Lauderdale  
Request: Public purpose use/site plan approval  
Location: 4250 NW 10<sup>th</sup> Avenue

**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 ordinance:

ORDINANCE NO. C-04-25

AN ORDINANCE APPROVING A FENCE AT A CITY PUBLIC FACILITY THAT DOES NOT MEET THE FENCE AND LANDSCAPING REQUIREMENTS IN A UTILITIES (U) ZONING DISTRICT, WHICH PUBLIC FACILITY IS MORE FULLY DESCRIBED AS ALL OF BLOCKS 27 AND 27A, "TWIN LAKES SECTION 2," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 30, PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON

THE EAST SIDE OF NORTHWEST 10<sup>TH</sup> AVENUE, BETWEEN PROSPECT FIELD ROAD (NORTHWEST 44<sup>TH</sup> STREET) AND NORTHWEST 38<sup>TH</sup> STREET; AND GRANTING RELIEF FROM THE REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) PURSUANT TO SECTION 47-18.26 OF THE ULDR REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only.

Commissioner Hutchinson stated that she would vote in favor of this, but stated that she had received a call from someone with the Regional Security Domestic Task Force. She stated that since the City had to pay for the fencing, she had been informed that there were grant dollars available for this project. She announced that the City was part of Region 7.

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

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<b>ORDINANCES</b>
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**Amendment to Section 9-53 of the Code -  
Fire Safety Fee Schedule**

**(O-1)**

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. Notice of Ordinance No. was published on April 10, 2004, first reading as approved by a vote of 4-1.

Commissioner Moore introduced the following ordinance:

ORDINANCE C-04-11

AN ORDINANCE AMENDING SECTION 98-53 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED, "FIRE SAFETY FEE SCHEDULE," TO INCREASE THE EXISTING FIRE SAFETY FEE SCHEDULE BY TWENTY-FIVE PERCENT.

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

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**Amend ULDR Section 47-1.12 – Effect of Annexation  
On Property (PZ Case No. 4-T-04)****(O-2)**

At the Planning and Zoning Board regular meeting on March 17, 2004, it was recommended by a vote of 7-0 that the following application be approved. Notice of ordinance was published on April 10, 2004.

Commissioner Moore introduced the following ordinance:

## ORDINANCE NO. C-04-26

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-1.12, EFFECT OF ANNEXATION ON PROPERTY, TO PROVIDE ZONING REGULATIONS FOR EXISTING USES AND STRUCTURES ON PROPERTY ANNEXED INTO THE CITY OF FORT LAUDERDALE.

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

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**Amendment to Pay Plan****(O-3)**

An ordinance containing recommendations for amendments to Schedule I (Supervisory, Professional, and Managerial employees) and Schedule II (Confidential employees) of the Pay Plan as a result of our routine, ongoing reviews. The recommendations include the deletion of two (2) classes, the creation of two (2) new classes, the title change and pay range adjustment of two (2) classes, and the adjustment of the pay range of one (1) class, all in Schedule I. In Schedule II, the recommendations include the creation of one (1) new class. Notice of proposed ordinance was published April 10, 2004.

Commissioner Moore introduced the following ordinance:

## ORDINANCE NO. C-04-27

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE DELETION OF TWO CLASSES, THE CREATION OF TWO CLASSES, THE TITLE CHANGE AND PAY RANGE ADJUSTMENT OF TWO CLASSES, AND THE ADJUSTMENT OF THE PAY RANGE OF ONE CLASS, ALL IN SCHEDULE I; AND PROVIDING FOR THE CREATION OF ONE NEW CLASS IN SCHEDULE II.

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

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**Adult Uses Implementing Zoning in Progress**

**(O-4)**

An ordinance amending Section 47-18.2, Adult Uses, to include a definition of sexually oriented material and sexually oriented retail establishment as an adult use and to prohibit the display of such materials. (Also see Item M-23 on Regular Agenda).

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-28

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-18.2, ADULT USES, TO INCLUDE A DEFINITION OF SEXUALLY ORIENTED MATERIAL AND A SEXUALLY ORIENTED RETAIL ESTABLISHMENT AS AN ADULT USE AND TO PROHIBIT THE DISPLAY OF SUCH MATERIALS.

Which ordinance was read by title only.

Commissioner Moore asked if this would only affect upcoming places or would it apply to those already existing.

The City Attorney explained that they had not put this ordinance in its final form, and they were not yet at the point where it could be compared to existing ordinances. He explained it would apply to anyone who needed a license, and they might be able to have it apply to existing establishments, but that answer could not be provided until the second reading.

Commissioner Trantalis stated that he wanted to thank the City Attorney's office for their work in regard to this matter, and he knew the community appreciated their efforts.

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

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**RESOLUTIONS**

**Appeal of Planning and Zoning Board's Denial for Site Plan Approval – Mixed Use Development - Allocation Of Flex Units – R. Kelley – De Novo Hearing  
(PZ Case No. 115-R-03)**

**(R-1)**

At the March 17, 2003 Planning and Zoning Board Regular Meeting, the following application was **denied** by a vote of 3-3.

Applicant: Ronan Kelley, Rookery Park Estates  
Request: Appeal Planning and Zoning Board's decision to deny site plan  
Location: 5100 NW 31 Avenue

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-82

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE PLANNING AND ZONING BOARD'S ACTION DENYING A SITE PLAN TO CONSTRUCT A MIXED USE DEVELOPMENT WITH ALLOCATION OF FLEXIBILITY UNITS LOCATED AT 5100 NORTHWEST 31<sup>ST</sup> AVENUE, IN A B-1 ZONING DISTRICT, MAKING CERTAIN FINDINGS AND HOLDING A HEARING TO CONSIDER THE APPEAL AND APPROVING THE SITE PLAN SUBJECT TO CERTAIN CONDITIONS.

Which resolution was read by title only.

Mayor Naugle stated they needed to determine if they were going to hold a public hearing, and if so, whether they supported the Planning and Zoning Board's recommendation.

The City Attorney stated if a public hearing was held, they were asking for it to be held immediately.

Commissioner Trantalis asked if anyone was present who wanted to speak against the item.

**Motion** made by Commissioner Teel and seconded by Commissioner Trantalis that a public hearing be held regarding this item. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Dick Coker, attorney for the applicant, proceeded to show a drawing of the project. He explained there had been two public hearings before the Planning and Zoning Board, and one of the members had secluded themselves from the hearing due to working with the School Board. The Motion therefore had died on a 3-3 vote.

Mr. Coker explained this was a 4-acre project that was part of a larger plat that was generally commercial and located next to the Rookery Park. He proceeded to show an aerial of the site and explained the locations of various establishments. He further stated that they were 3,050 feet from the centerline of the runway at the Airport, and well south of the noise contours. He explained this was a multi-family project developed to comply with the mixed-use guidelines and overlay district.

Mr. Coker stated that under the mixed-use ordinance, such a project would be treated as a conditional use. He stated that they had provided a plaza as required in the criteria, along with additional landscaping. In addition, he felt there were some unique circumstances in regard to this project. He explained that the roadway by the park was part of an easement given by the owner of the property to Broward County for the park. He explained further they had developed an agreement with the County stating they would develop the access drive for the County, build a gazebo, improve the bank area of the lake, and fence-in the park to Commercial Boulevard. He stated that in exchange for

those improvements, the County would let them have access through such drive, which would be beneficial to everyone involved.

Mr. Coker stated that when commercial was changed to residential there were always the school impacts. He stated that staff required them to appear before the School Board Mitigation Committee who would evaluate the impacts and determine the impacts consisting of 13 additional student stations for this project. He stated they had recommended various types of mitigation. One thing suggested was to provide the costs upfront for the 13 student stations, which had been agreed to by the developer. He stated there was a letter in the Board's back-up from the School Board's Mitigation Committee accepting that and recommending approval of the project.

Mr. Coker continued stating that this process was expensive and time consuming. He stated that he felt the only issue presented at the Planning and Zoning Board meeting was the proximity of the project to the Airport. He stated that a comment had been made by the Airport Manager that on an event-by-event basis, there could be noise evident to surrounding residents. He explained that the Board's motion to approve, which had failed 3-3, had addressed the remote possibility of such a concern. He proceeded to read the motion made at the Planning and Zoning Board meeting as follows:

**“Motion...to approve the application as submitted with staff's conditions, as well as the School Board Mitigation, as stated in the March 17, 2004, letter from the School Board to Ms. Clare Vickery, and that indemnifications regarding third-party liability be included in the agreements from the developer to the City regarding Airport noise as it relates to the purchasers of the buildings.”**

Mr. Coker explained these were conditions, which had been discussed at that meeting and agreed to by the developer. He urged the Commission to approve this application.

Commissioner Hutchinson stated that she agreed with the motion made at the Planning and Zoning Board Meeting as it related to the indemnification on the third-party liability. She clarified that the developer had agreed to the recommendations at that meeting, and asked if they would agree to it if this project was approved this evening. Mr. Coker confirmed. Commissioner Hutchinson stated that once the developer sold the units, the responsibility would shift to the Association. Mr. Coker confirmed and stated it would be included in their Declaration.

Commissioner Teel stated that she felt it was important to note the developer's willingness to inform the potential buyers of the nearby facility. She thought it was amazing that individuals would move into such a situation, and then later on be astounded by the noise. She believed it was good to make such a disclosure, but she did not feel there would be a problem. She felt the planes were far enough away as to not cause extreme noise to the area. She thought that there had been a misunderstanding at the Planning and Zoning Board meeting by the member who had secluded themselves because they were working with the School Board. She stated that individual had not realized that the matter had been settled. She felt this was a well-thought out project, and asked what the price range would be for the units.

Mr. Coker replied that they would be \$250,000 and below. Commissioner Teel stated this was a price range needed in the marketplace and she felt it would be an asset to the neighborhood. She added that she would support this project.

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

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**Executive Airport – Amendment to E & C Development, Inc., Lease for Executive Airport Parcel 21A and Assignment to Matecumbe Capital Management, Inc. (R-2)**

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 a resolution authorizing the proper City officials to Consent to the Assignment of Lease to Matecumbe Capital Management, Inc.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-83

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF LEASE AGREEMENT FROM E & C DEVELOPMENT, INC., TO AIRPORT EXECUTIVE CENTER PARTNERS, LLC, PERTAINING TO PARCEL 21-A AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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 known as R-2 b as follows:

RESOLUTIONL NO. 04-84

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AMENDMENT TO EXERCISE THE OPTION TO EXTEND THE LEASE FOR AN ADDITIONAL TEN (10) YEAR TERM, TO PROVIDE AN OPTION TO EXTEND THE TERM FOR ONE (1) ADDITIONAL NINE (9) YEAR TERM, AND TO MODIFY CERTAIN RENTAL AND PAYMENT PROVISIONS OF THE LEASE AGREEMENT WITH E & C DEVELOPMENT, INC., PERTAINING TO PARCEL 21-A AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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

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**Bond Reimbursement Resolution**

**(R-3)**

A resolution authorizing the reimbursement of funds expended pursuant to the proposed Public Safety General Obligation Bonds.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-85

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THE OFFICIAL INTENT OF THE CITY OF FORT LAUDERDALE TO ISSUE DEBT IN ORDER TO REIMBURSE ITSELF FROM THE PROCEEDS OF SUCH DEBT FOR FUNDS ADVANCED BY THE CITY FOR CERTAIN EXPENSES INCURRED WITH RESPECT TO A PUBLIC SAFETY FACILITIES IMPROVEMENT PROJECT WITHIN THE CITY LIMITS; AND AUTHORIZING CERTAIN INCIDENTAL ACTIONS.

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

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**Authorization to Borrow \$485,000 from SunTrust Leasing Corporation to Fund the Purchase of the Police Department Computers**

**(R-4)**

A resolution authorizing appropriate City officials to enter into a lease agreement with SunTrust for the funding to acquire the Police Department computers, previously approved by the City Commission on April 7, 2004.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-86

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE UTILIZATION OF THE SUNTRUST LEASING CORPORATION MASTER LEASE FINANCE PROGRAM TO FINANCE THE PURCHASE OF POLICE COMPUTERS.

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

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**Approval of State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) 2004 Through 2007**

**(R-5)**

A resolution approving the new LHAP and authorizing the proper City officials to prepare the resolution for submission to the State.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-87

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING THE LOCAL HOUSING ASSISTANCE PLAN FOR FISCAL YEARS 2004/2005, 2005/2006 AND 2006/2007, PURSUANT TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM.

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

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**Amendment No. 2 to Planned Unit Development (PUD) - (R-6)**  
**The Village at Sailboard Bend (Case 1-ZPUD-02)**

Amendment #2 to PUD to include revisions to the site plan to incorporate architectural changes to the building plans, addition of ten (10) handicapped parking spaces, and decrease the number of parking spaces from 459 to 452 spaces.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04 -88

A RESOLUTION APPROVING THE AMENDMENT OF THE DEVELOPMENT PLAN APPROVED AS PART OF ORDINANCE NO. C-03-2 OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH CHANGED THE UNIFIED LAND DEVELOPMENT REGULATIONS BY REZONING FROM COMMUNITY FACILITY (CF) TO PLANNED UNIT DEVELOPMENT (PUD) PROPERTY LOCATED SOUTH OF SOUTHWEST 2<sup>ND</sup> COURT, NORTH OF THE NORTH FORK NEW RIVER BETWEEN SOUTHWEST 14<sup>TH</sup> AVENUE AND SOUTHWEST 13<sup>TH</sup> AVENUE TO INCORPORATE ARCHITECTURAL CHANGES TO THE BUILDING PLANS, TO ADD HANDICAPPEAD PARKING SPACES, TO DECREASE THE NUMBER OF PARKING SPACES AND SUCH OTHER REVISIONS REQUIRED BY THE CITY COMMISSION.

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

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**Federal Funding of U.S. Beach Nourishment Programs** (R-7)

A resolution of the opposing proposed Federal legislation that would limit the Federal Government's role in the funding of nourishment programs for beaches within the United States of America.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-89

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING CONGRESS TO REJECT EFFORTS TO END OR LIMIT THE FEDERAL GOVERNMENT’S ROLE IN THE NOURISHMENT OF U.S. BEACHES; AUTHORIZING THE ACTING CITY MANAGER TO PROVIDE COPIES OF THIS RESOLUTION TO APPROPRIATE MEMBERS OF THE U.S. HOUSE AND SENATE; AND PROVIDING AN EFFECTIVE DATE.

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

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**Extension of Code Advisory Committee** (OB)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-91

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR A 6-MONTH EXTENSION OF THE TERM OF THE CITY’S CODE ADVISORY COMMITTEE.

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

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**Advisory Board/Committee Appointments** (OB)

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

- |                              |  |
|------------------------------|--|
| Aviation Advisory Board      | Larry Holdridge  |
| Cemeteries Board of Trustees | Ned Skiff  |
| Charter Revision Board       | Chris Fertig<br>John Milledge<br>Ron Gunzburger<br>Dan Lewis<br>James D. Camp, Jr. |
| Education Advisory Board     | Elaine Schulze<br>Nancy K. Thomas<br>Leanore N. Deaner<br>Dr. Gina Eyerman         |



Doug Cureton  
Pearl Maloney  
Beth Gillon  
Brian Dassler

Marine Advisory Board

Rick Schulze  
Barry Flanigan  
Eugene Zorovich  
Dr. Geraldine Udell  
Ryan Campbell  
Roger McKee  
Joseph Hessmann  
Robert Sadowski  
Norbert McLaughlin  
Richard K. Duncan  
Peter Zachary  
Ted Peterson  
Jon Terrell

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 04-90

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

Which resolution was read by title only.

Commissioner Trantalis stated that he wanted to make an amendment regarding a member who had been dismissed due to absences, and one of the names mentioned was Pasteur, but the other name was Larry Holdridge.

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

Commissioner Moore clarified that the Commission's Special Meeting would be held on April 27, 2004 from 2:00 PM to 5:00 PM.

There being no other matters to come before the Commission, the meeting was adjourned at 7:50 PM.

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Jim Naugle  
Mayor

ATTEST:

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Assistant City Clerk  
Jeff Modarelli