

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
MAY 18, 2004**

<u>Agenda Item</u>	<u>Reso/Ord. No.</u>	<u>Page(s)</u>
	<u>Presentations</u>	
	1. "WOW" Award	1
	2. National Safe Boating Week	2
	3. Emergency Medical Service Week	2
	4. National HIV Vaccine Awareness Day	2
	5. Maritime Day	2
	6. Junior League of Greater Fort Lauderdale	2
	7. City Engineer Award	3
	Consent Agenda	3
M-1	Event Agreement – Music Fest	3
M-2	Contract Award – Weekley Asphalt Paving, Inc. Project 10422 – Executive Airport Pavement Rehabilitation Of Runway 8-26 and Realignment Of Taxiway Hotel	4
M-3	Contract Extension – Environmental Analytical Management, Inc. (EAM) Project 10629-A – Annual Mobile Laboratory Services	4
M-4	Change Order No. 3 – Commercial Fence Contractors, Inc. – Project 10462 – Executive Airport Airfield Access and Security Program – Phase 2	4
M-5	Task Order No. 03-12 – Hazen & Sawyer, P.C. Project 10824 – Peele-Dixie Wellfield Improvements, Phase 4: Design and Construction Services	5
M-6	Task Order No. 5 – Kimley-Horn & Associates, Inc. – Project 10422 – Construction Support/Inspection Services for Executive Airport Pavement Evaluation and Rehabilitation Design of Runway 8-26 and Realignment of Taxiway Hotel	5
M-7	Task Order No. 6 – Kimley-Horn and Associates, Inc. – Project 10819 – Evaluation and Report of U.S. Customs Facility at Executive Airport	5
M-8	Amendment of Agreements – Broward County For the HOME Grant for Tenant Voucher Programs	6
M-9	Road Transfer Agreement – Broward County - Transfer of Jurisdiction of NE/NW 6 th Street from the City Corporate limits	6
M-10	Maintenance Agreement – Intersection Improvements at N.E. 6 Street and N.E. 7 Avenue – Victoria Park Shoppes	6

Pur-1		242-8974 – Sabal Palmetto Replacement	7
Pur-2		582-7986 – Interim Contract Agreement For Commercial Banking Services	7
Pur-3		442-8999 – Computer Maintenance Services	8
Pur-4		442-9035 – Cast Iron Valve Boxes	8
Pur-5		442-8988 – Water Meters and Parts	8
M-11		Fiscal Year 2003/2004 Budget Amendment	9
M-12		Donation of Flags to Explorer Post No. 713	9
M-13		Implosion Training Costs Offset for Stiles Corporation	9
PH-1		Housing Opportunities for Persons with AIDS (HOPWA) Program Amendment	10
O-1	C-04-29	Amend Ordinance No. C-04-5 – General Employees’ Retirement System	11
O-2	C-04-30	Amend Ordinance No. C-03-46 – Audit Advisory Board	11
O-3		Adult Uses	12
R-1	04-97	Reschedule June 1, 2004 City Commission Conference and Regular Meetings to June 2, 2004	12
R-2	04-98	Vacate Sewer Easement – Lennar Homes, Inc./Sweetings’s Landing (Case 1-M-04)	13
R-3	04-99	South Andrews Avenue Master Plan and Development Guide – Project 10455.331	13
R-4	04-100	Historical Resources Grant	14
R-5	04-101	Interlocal Agreement – Broward County Acquisition, Improvement, Enhancement, Operation and Management of Green Space 141A	14
R-6	04-102	Maintenance Memorandum of Agreement (MOA) – Florida Department of Transportation (FDOT) – Landscaping Improvements – Sistrunk Boulevard Interstate 95 to NW 21 Avenue	15
R-7	04-103	Amendment to Broward County Trafficways Plan – NE 6 th Street from Andrews Avenue to Federal Highway	15
R-8		Deferral of Bid for Sale of Surplus Property - Resolution 04-68 Southeast Corner Of Cortez Street and Seabreeze Boulevard	16
OB	04-104	City Manager	16
OB	04-96	Advisory Board /Committee Appointments	17
		City Commission Reports	17
		1. Definition Condo/Hotel	17

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
MAY 18, 2004**

Meeting was called to order at 6:10 p.m. by Mayor Naugle on May 18, 2004, in the Commission Meeting Room of City Hall, 100 North Andrews Avenue.

Roll call showed:

Present: Commissioner Christine Teel
Vice Mayor 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
City Clerk Jonda K. Joseph
Sergeant At Arms Sergeant Judy Waldman

Invocation was offered by Pastor Louis Abel, Trinity Lutheran 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 Vice Mayor Trantalis and seconded by Commissioner Hutchinson that the agenda and minutes for the April 7, 2004 meeting be approved. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Presentations

OB

1. "WOW" Award for District IV

Commissioner Hutchinson proceeded to present the Community Appearance Board's "WOW" Award for District IV to Mr. & Mrs. Brian Bennett of 847 SW 10th Street, Tarpon River. The Bennetts were unable to attend the meeting.

After purchasing their home in 2000, the Bennetts began upgrading the interior and the exterior. Coral stone pillars were added, the tile roof was replaced, and the home received an Italian villa-style paint job. The Bennetts researched collectors of exotic palms to find outstanding species from all over the world to line their new brick driveway. Huge hand-made Italian pots are seen in the garden.

2. National Safe Boating Week

Commissioner Teel presented a Proclamation for the National Safe Boating Week to Howard Carstens of the Coast Guard Auxiliary.

Howard Carstens stated that courses would begin on May 22, 2004, and the Vessel Examiners would be at the 15th Street Fisheries on that date and they would be providing information regarding education of boaters.

3. Emergency Medical Service Week

Commissioner Hutchinson proceeded to present a Proclamation for Emergency Medical Service Week to be observed May 16-22, 2004. She asked for Fire-Rescue Company #2 and Engine #2 to join her at the podium. She advised that tonight at 6:00 p.m. Channel 10 was to air a program on the Fort Lauderdale Fire-Rescue Department, along with Broward General Medical Center. She explained the segment would deal with the interaction, experience, professionalism and dedication of the Fire-Rescue personnel and the doctors, nurses and employees at Broward General working together to save lives.

4. National HIV Vaccine Awareness Day

Commissioner Moore proceeded to read a Proclamation for National HIV Vaccine Awareness Day - May 18, 2004.

Norman Kent thanked the Commission for the award and for their continued support of their organization. He proceeded to introduce the Coordinator of their past project, Manny Rodriguez.

Manny Rodriguez stated they were one of 20 nation-wide organizations who chose to be a part of this initiative.

5. Maritime Day

Vice Mayor Trantalis proceeded to read a Proclamation for Maritime Day. He stated that this was the 18th Anniversary of Maritime Day, originally declared by Congress on May 20, 1933.

Commissioner Moore left the meeting at approximately 6:19 p.m.

Howard Tutor, Merchant Marine, thanked the Commission for their continued support.

6. Junior League of Greater Fort Lauderdale

Katherine Guide, President of the Junior League of Greater Fort Lauderdale, proceeded to present a check to the City in the amount of \$30,000. She explained that the City and their organization had partnered to build a children's playground in Holiday Park.

Commissioner Moore returned to the meeting at approximately 6:26 p.m.

7. City Engineer Award

Commissioner Hutchinson proceeded to present a Proclamation to Hector Castro, City Engineer. She thanked him for his hard work and dedication over the years, and wished him luck in his future endeavors.

Hector Castro thanked the Commission for this honor and stated he had been proud to be a City of Fort Lauderdale employee for over 24 years. He stated it was a great experience and he was very proud of what they had done together as a group, and how the City had been transformed.

Commissioner Hutchinson stated that on behalf of District IV, she wanted to thank Hector Castro for his time and work regarding their district.

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 – Music Fest**(M-1)**

A motion authorizing and approving the execution of an Event Agreement with the **Downtowner Saloon Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Music Fest, to be held Friday, November 19 from 8:00 AM to 11:00 PM, Saturday, November 20 from 12:00 Noon to 11:00 PM, and Sunday, November 21, 2004 from 12:00 Noon to 7:00 PM;** and further authorizing the closing of the following roads: East New River Drive from Andrews Avenue to SE 3 Avenue from 8:00 AM on Friday, November 19 to 11:00 AM on Monday, November 22, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-639 from Acting City Manager.

Contract Award – Weekley Asphalt Paving, Inc. (M-2)
Project 10422 – Executive Airport Pavement
Rehabilitation of Runway 8-26 and Realignment of Taxiway Hotel

A motion authorizing the proper City officials to execute an agreement with Weekley Asphalt Paving, Inc. in the amount of \$4,166,224 for the pavement rehabilitation of Runway 8-26 and realignment of Taxiway Hotel.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-608 from Acting City Manager.

Contract Extension – Environmental Analytical (M-3)
Management, Inc. (EAM) Project 10629-A –
Annual Mobile Laboratory Services

A motion authorizing the proper City officials to execute a one-year contract extension with EAM, Inc. in the amount of \$49,950 for the 2004/2005 Annual Mobile Laboratory Services project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-668 from Acting City Manager.

Change Order No. 3 – Commercial Fence Contractors, Inc. - (M-4)
Project 10462 – Executive Airport Airfield Access and
Security Program – Phase 2

A motion authorizing the proper City officials to execute Change Order No. 3 with Commercial Fence Contractors, Inc., in the amount of \$130,790 and an additional 53 working days for the installation of airfield security signage, security folding gates, and aircraft gate.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-666 from Acting City Manager.

Task Order No. 03-12 – Hazen & Sawyer, P.C. Project (M-5)
10824 – Peele-Dixie Wellfield Improvements, Phase 4:
Design and Construction Services

A motion authorizing the proper City officials to execute Task Order No. 03-12 with Hazen & Sawyer, P.C., in the amount of \$930,776 for engineering design and construction services associated with Peele-Dixie Wellfield Improvements, Phase 4.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-669 from Acting City Manager.

Task Order No. 5 – Kimley-Horn & Associates, Inc. - (M-6)
Project 10422 – Construction Support/Inspection
Services for Executive Airport Pavement Evaluation and
Rehabilitation Design of Runway 8-26 and Realignment
Of Taxiway Hotel

A motion authorizing the proper City officials to execute Task Order NO. 5, in an amount not to exceed \$396,600 with Kimley-Horn & Associates, Inc., to provide construction inspection and support services for Runway 8-26 and realignment of Taxiway Hotel.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-609 from Acting City Manager.

Task Order No. 6 – Kimley-Horn and Associates, Inc. - (M-7)
Project 10819 – Evaluation and Report of U.S.
Customs Facility at Executive Airport

A motion authorizing the proper City officials to execute Task Order No. 6 in an amount not to exceed \$51,353, with Kimley-Horn & Associates, Inc. to provide for the evaluation of the U.S. Customs Facility at Executive Airport.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-667 from Acting City Manager.

Amendment of Agreements – Broward County for the HOME Grant for Tenant Voucher Programs (M-8)

A motion approving the shift of carryover funds in the amount of \$80,781 from 2000-2001 FY HOME Grant awarded to Broward County's Family Success Administration Division for the issuance of housing vouchers to disabled and homeless clients in Fort Lauderdale to the 2002-2004 grant to the same entity for the same activities, and an extension of the expiration date for the 2003-2004 FY HOME Grant for one additional year.

Recommend: Motion to approve.
Exhibit: Memo No. 04-545 from Acting City Manager.

Road Transfer Agreement – Broward County - Transfer Of Jurisdiction of NE/NW 6th Street from the City Corporate Limits (M-9)

A Motion to approve a Road Transfer Agreement between the City of Fort Lauderdale and Broward County for transfer of Jurisdiction to the City of Fort Lauderdale of NE/NW 6th Street from the City Corporate Limits at NW 24 Avenue on the west to N. Federal Highway on the east. (Also see Item R-7)

Recommend: Motion to approve.
Exhibit: Memo No. 04-721 from Acting City Manager.

Maintenance Agreement – Intersection Improvements at N.E. 6 Street and N.E. 7 Avenue – Victoria Park Shoppes (M-10)

A motion approving a maintenance agreement for privately constructed intersection improvements in conjunction with a new shopping center called Victoria Park Shoppes.

Recommend: Motion to approve.
Exhibit: Memo No. 04-702 from Acting City Manager.

PURCHASING AGENDA

242-8974 – Sabal Palmetto Replacement**(Pur-1)**

Sabal Palmetto replacements at Executive Airport is being presented for approval by the Public Services, Engineering Division.

Vendor:	Superior Landscaping & Lawn Service, Inc. Miami, FL
Amount:	\$ 27,080.00
Bids Solicited/Rec'd:	128/8 with 1 no bid
Exhibits:	Memorandum No. 04-665 Acting City Manager

The Procurement and Materials Management Division recommends awarding to the lowest responsive and responsible bidder with transfer of \$27,080 from P08402 to Project 9831A.

582-7986 – Interim Contract Agreement for Commercial Banking Services**(Pur-2)**

An interim contract agreement for commercial banking services is being presented for approval by the Finance, Treasury Division.

Vendor:	SunTrust Merchant Services, LLC Greenwood Village, CO Bank of America Corporation Charlotte, NC InTuition Systems, Inc. Jacksonville, FL
Amount:	\$ 29,293.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-707 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the interim contract agreement.

442-8999 – Computer Maintenance Services**(Pur-3)**

A one-year contract for computer maintenance services is being presented for approval by the Public Services Department.

Vendor: Electronic Visions, Inc.
Rockledge, FL
Amount: \$ 25,080.00 (estimated)
Bids Solicited/Rec'd: 71/3 with 2 no bids
Exhibits: Memorandum No. 04-701 from Acting City Manager

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

442-9035 – Cast Iron Valve Boxes**(Pur-4)**

An agreement to purchase cast iron valve boxes is being presented for approval by the Public Services Department.

Vendor: Hughes Supply, Inc.
Pompano Beach, FL
Amount: \$ 25,342.00 (estimated)
Bids Solicited/Rec'd: 24/7
Exhibits: Memorandum No. 04-693 Acting City Manager

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

442-8988 – Water Meters and Parts**(Pur-5)**

A two-year agreement to purchase water meters and parts is being presented for approval by the Public Services Department.

Vendor: National Waterworks, Inc.
Oakland Park, FL
Amco Water Metering Systems, Inc.
Ocala, FL
Amount: \$ 695,064.00 (estimated)
Bids Solicited/Rec'd: 39/6 with 3 no bids
Exhibits: Memorandum No. 04-716 Acting City Manager

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

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis that Consent Agenda items be approved as recommended.

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

MOTIONS

Fiscal Year 2003/2004 Budge Amendment**(M-11)**

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

Donation of Flags to Explorer Post No. 713**(M-12)**

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the proper City Officials to declare the retired flags surplus property and approving the donation of these flags to Explorer Post No. 713. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS:

Implosion Training Costs Offset for Stiles Corporation**(M-13)**

Commissioner Teel asked for further clarification regarding this matter.

Keith Allen, Deputy Chief Fire-Rescue, stated that the opportunity to use this site for a drill and receive unique and specialized training had presented itself to the department when they discovered the building was to be demolished. He explained that from a value standpoint, the training far exceeded the \$14,000 amount due to the number of individuals at the site and the training received. Normally, he explained that those types of classes were not found locally and individuals would have to be sent to various sites such as New Mexico at a Bomb Technician School.

Chief Allen stated that as the drill proceeded and preparations were made, they had notified the Commission of the drill, and Mr. Stiles, through the advice of his attorneys, sought additional liability insurance which was extremely costly. Therefore, he had asked the department if they could assist in helping to offset some of that cost. The \$14,000 arose due to the demolition permit cost. The department felt that was very reasonable for the training that would be received, and they had the ability to offer the training to other area HazMat and TRT teams, such as Miami. He did not feel they could have put a price tag on such training at \$14,000. He advised that the ultimate cost to Mr. Stiles was \$52,625.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the Fire Department to pay the Stiles Corporation's \$14,000 demolition permit fee in recognition of unique and special training benefits to the Fire-Rescue Department.

Commissioner Hutchinson clarified that at today's Conference Meeting it was stated that the money was not coming out of the Fire Department's budget, but would come from Contingencies.

The Acting City Manager recommended that an amendment be made so the funds would be taken from the Contingency Fund.

Vice Mayor Trantalis asked when had the deal been made to pay the \$14,000 to the Stiles Corporation.

Chief Allen explained that the request for them to consider this came about last week. Vice Mayor Trantalis asked if it was a last minute idea for the Fire Department to participate in this activity. Chief Allen stated they were looking to participate all along. Vice Mayor Trantalis asked if there had been a price tag prior to a week ago on this item. Chief Allen explained further there had been no cost at that point to the Fire Department, and they were looking to the interlocal and hold harmless agreements to be sufficient. He also stated that the corporation had tried to get the price reduced through their general contractor who already had liability insurance, but a separate policy was needed.

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

PUBLIC HEARINGS

**Housing Opportunities for Persons With
AIDS (HOPWA) Program Amendment**

(PH-1)

A public hearing to consider Program Amendment changes to the 1995-2000 and 2000-2005 HUD Consolidated Plans and authorizing the proper City Officials to reprogram \$1,023,067 from Renovation and Operation activities to the Tenant Based Rental Assistance Voucher Program.

There were no comments from the public.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the public hearing be closed. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioner Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Motion made by Commissioner Moore and seconded by Commissioner Teel that this matter be approved as recommended. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

ORDINANCES

Amend Ordinance No. C-04-5
General Employees' Retirement System

(O-1)

An ordinance amending the deadline for rollovers from defined contribution plans into General Employees' Retirement System for Previously Ineligible Employees and for Non-classified Employees. Notice of Ordinance No. C-04-29 was published on May 8, 2004; first reading was approved by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE C-04-29

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA RESPECTING THE GENERAL EMPLOYEES' RETIREMENT SYSTEM BY AMENDING SECTIONS 4 AND 5 OF ORDINANCE NO. C-04-5 TO PROVIDE MODIFIED DATES FOR COMPLETION OF ELIGIBLE ROLLOVERS TO RECEIVE RETROACTIVE SERVICE CREDITS.

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

Amend Ordinance No. C-03-46 – Audit Advisory Board

(O-2)

An amendment to ordinance C-03-46 establishing the Audit Advisory Board to more fully explain the purpose and duties of the board and to provide for regular meetings. Notice of ordinance was published on May 8, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-03-30

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-03-46 WHICH CREATED AN ADVISORY BOARD OF THE CITY OF FORT LAUDERDALE, FLORIDA, KNOWN AS THE AUDIT ADVISORY BOARD TO ADD AND MAKE MORE SPECIFIC THE PURPOSE AND DUTIES OF THE BOARD AND TO PROVIDE FOR REGULAR MEETINGS.

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

Adult Uses**(O-3)**

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 material. Notice of Ordinance No. C-04-28 was published April 24, 2004. The first reading was approved on April 20, 2004 by a vote of 5-0. On May 4, 2004, the second reading was deferred to May 18, 2004 by a vote of 5-0.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item until June 2, 2004 at 6:00 p.m.

Vice Mayor Trantalis stated it was his understanding that one of the reasons this item was being deferred was due to a procedural matter, and that the Planning and Zoning Board, who had to review the ordinance change, had their next regular meeting scheduled for May 19, 2004. He asked who would be the proponent at the Planning and Zoning Board meeting advocating the ordinance change.

The City Attorney stated that it would be staff in conjunction with the City Attorney's Office.

Cecelia Hollar, Acting Public Services Director, stated that Liz Holt was the Senior Planner who was specifically working on this ordinance. She added that Chris Barton was the Liaison to the Planning and Zoning Board, and Assistant City Attorney Sharon Miller would also be present at that meeting. She stated they were proposing the amendment to the Code.

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

RESOLUTIONS

**Reschedule June 1, 2004 City Commission Conference
And Regular Meetings to June 2, 2004****(R-1)**

A resolution authorizing that the Tuesday, June 1, 2004 City Commission Conference and Regular Meetings to be rescheduled to Wednesday, June 2, 2004.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-97

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE JUNE 1, 2004, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO JUNE 2, 2004.

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

Vacate Sewer Easement – Lennar Homes, Inc./ Sweetings’s Landing (Case 1-M-04) (R-2)

A resolution authorizing the vacation of a 5’ sewer easement.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-98

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN 5’ WIDE SEWER EASEMENT LYING IN LOTS 12 AND 13, BLOCK 4, “RIVER GARDENS,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 23 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND LYING 2.50 FEET EACH SIDE OF A LINE BEGINNING 19.48 FEET NORTHWEST OF THE SOUTHEAST CORNER OF SAID LOT 12 AND ENDING AT THE APPROXIMATE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 12 WITH THE WET FACE OF SEAWALL ALONG THE NORTH FORK NEW RIVER, LOCATED WEST OF NORTHWEST 22ND AVENUE AT THE INTERSECTION WITH NORTHWEST 4TH STREET AND EAST OF THE EAST BANK OF THE NORTH FORK NEW RIVER, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

South Andrews Avenue Master Plan and Development Guide – Project 10455.331 (R-3)

A resolution authorizing the proper City Officials to accept the South Andrews Avenue Master Plan.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-99

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE SOUTH ANDREWS AVENUE MASTER PLAN & DEVELOPMENT GUIDE.

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

Historical Resources Grant

(R-4)

A resolution authorizing the proper City Officials to apply for a Historical Resources Grant, Special Category, for approximately \$350,000 to assist in the rehabilitation of Southside School.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A HISTORICAL RESOURCES GRANT, SPECIAL CATEGORY, FOR APPROXIMATELY THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) TO ASSIST IN THE REHABILITATION OF SOUTHSIDE SCHOOL.

Which resolution was read by title only.

Commissioner Hutchinson asked if there were going to be letters of support from the City’s Historical Society and the Historical Commission as it relates to this grant. She stated that if they needed any other letters of support, they should notify her.

Cathy Connor, Parks and Recreation Department, stated that she had sent an e-mail to the representative from Tarpon River who worked on the Parks Subcommittee regarding such letters. She advised that he had sent out the e-mail to everyone involved in the process. She advised that County Commissioner Rodstrom had already sent his letter.

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

Interlocal Agreement – Broward County Acquisition, Improvement, Enhancement, Operation and Management of Green Space 141A

(R-5)

A resolution authorizing the proper City officials to include development funding for green space site 141A (200 NW 18th Avenue) in the City’s 5-year Capital Improvement Plan and to execute all necessary documents.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-101

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION

BY THE PROPER CITY OFFICIALS OF AN INTERLOCAL AGREEMENT AND CONCEPTUAL OPEN SPACE PARK MANAGEMENT PLAN WITH BROWARD COUNTY, FLORIDA FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF BROWARD COUNTY LANDS PRESERVATION SITE 141A; AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A CONSERVATION EASEMENT IN FAVOR OF BROWARD COUNTY RESPECTING RESTRICTIONS ON THE USE OF SITE 141A; PROVIDING THAT THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL OPEN SPACE PARK MANAGEMENT PLAN FOR THE CITY'S ACQUISITION OF SITE 141A FROM BROWARD COUNTY WILL BE INCLUDED IN THE CITY'S FIVE YEAR CAPITAL IMPROVEMENT PROGRAM; AND FURTHER AUTHORIZING CLOSING COST EXPENDITURES ATTENDANT TO THE ACQUISITION OF SITE 141A.

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

Maintenance Memorandum of Agreement (MOA) – Florida (R-6)
Department of Transportation (FDOT) – Landscaping Improvements –
Sistrunk Boulevard – Interstate 95 to NW 21 Avenue

A resolution authorizing the proper City Officials to execute an Memorandum of Agreement with FDOT for landscaping improvements to Sistrunk Boulevard from Interstate 95 to NW 21 Avenue.

RESOLUTION NO. 04-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A MAINTENANCE MEMORANDUM OF AGREEMENT (MOA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LANDSCAPING IMPROVEMENTS TO SISTRUNK BOULEVARD FROM INTERSTATE 95 TO NORTHWEST 21ST AVENUE.

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

Amendment to Broward County Trafficways Plan – (R-7)
NE 6th Street from Andrews Avenue to Federal Highway

A resolution that:

- (a) Authorizes submittal of an application by the City of Fort Lauderdale to Broward County Planning Council to amend the Broward County Trafficways Plan from the current 80' requirement to 70' for that portion of NE 6 Street from Andrews Avenue to Federal Highway; and

- (b) Requests that the Broward County Planning Council sponsor the amendment to the Broward County Trafficways Plan, thereby waiving the application fee.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-103

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING THE BROWARD COUNTY PLANNING COUNCIL AMEND THE BROWARD COUNTY TRAFFICWAYS PLAN TO REDUCE THE TRAFFICWAY WIDTH OF N.E. 6TH STREET FROM ANDREWS AVENUE TO FEDERAL HIGHWAY FROM 80 FEET TO 70 FEET; REQUESTING THE BROWARD COUNTY PLANNING COUNCIL SPONSOR THE AMENDMENT THEREBY WAIVING THE APPLICATION FEE.

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

**Deferral of Bid for Sale of Surplus Property -
Resolution 04-68 Southeast Corner of Cortez Street
And Seabreeze Boulevard**

(R-8)

A motion to defer the single bid received for the sale of surplus property under Resolution 04-68 located at the southeast corner of Cortez Street and Seabreeze Boulevard in accordance with Section 8.04 of the City Charter.

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis to defer this item until June 2, 2004 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

City Manager

(OB)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to adopt the following resolution, appointing George Gretsas as City Manager.

RESOLUTION NO. 04-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING GEORGE GRETSAS TO THE POSITION OF CITY MANAGER OF THE CITY OF FORT LAUDERDALE AND AUTHORIZING THE PROPER CITY OFFICIALS TO NEGOTIATE A CONTRACT OF EMPLOYMENT WITH GEORGE GRETSAS.

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

Advisory Board/Committee Appointments

(OB)

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

Board of Adjustment	Gus Carbonell E. Birch Willey Fred Stresau Jon Albee
Community Appearance Board	Ayisha Gordon
Community Services Board	John Hurley William Goetz
Historic Preservation Board	Clay Wieland Margi Glavovic-Nothard William Saunders
Northwest-Progresso-Flagler Heights Redevelopment Advisory Board	Jim Carras

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 04-96

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

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

Commissioner Hutchinson left the meeting at approximately 6:48 p.m. and returned at 6:49 p.m.

City Commission Reports

Definition Condo/Hotel

Vice Mayor Trantalis stated that with a number of new buildings being constructed on the beach under the concept of a condo/hotel, had the City defined a condo/hotel.

Cecelia Hollar, Acting Public Services Director, stated that the Code did not provide a definition for condo/hotel. She explained the Code defines hotel, and stated that staff had been working on such a definition. She stated that the question was if the Commission wanted to amend the Code to include condo/hotels because that would start changing the vision for the beach originally established by introducing and recognizing more than a transient type of activity for an area that had been envisioned to be a transient 5-star tourist destination.

Vice Mayor Trantalis stated that if the vision was to encourage transients to a 5-star tourist destination, then the concern which had arisen was that a number of such places of business were marketing their condo/hotels as more condo than hotel. He stated that it was being advertised that individuals could stay in those dwellings longer than 6 months which detracted from the concept of transiency. He stated further since there was no law which restricted the owners from marketing such places in any way they chose, he was concerned that the vision would be lost through their failure to arrive at a definition, thinking they would rely on the honor system. He reiterated that they had no way to enforce the concept or the vision.

Ms. Hollar explained that through zoning they could not regulate ownership. Mayor Naugle stated that a condominium was an individual owning a unit instead of a developer owning multiple units. He explained the definition would still be a hotel room. He stated that a definition of a condo/hotel was what was a hotel and the ownership was that it was owned as a condominium unit, but was still a hotel room. He asked staff what was the definition of a hotel.

Ms. Hollar stated that she did not have the exact wording of the Code in front of her at this time, but basically it stated that it was to be used for transient use and that it had to be licensed by the State as a hotel, and must have maid service, a front desk, and also set out provisions for sizes of suites if a hotel suite. She further stated that there were other venues for responding to this other than through zoning. She stated if they were violating some other State law in respect to how the units were marketed when the approval was for a hotel, the property owners had been put on notice, but there was no provision in the Code. She stated that the owners had also been put on notice when requesting a temporary certificate of occupancy, and there had to be an acknowledgement that they were only for the hotel as approved in accordance with the zoning regulations. She advised that the City Attorney had been following up on that other aspect of marketing.

Vice Mayor Trantalis stated that no one owned a hotel room except for the individual owning the building, unless it was a time share. He was concerned they were playing with vagueness hoping for the best result, but the reality was that he could go to a building on the beach and establish a transiency relationship with one of the rooms for as much as 6 months which belied the concept of transiency, especially since he had a fee simple title to the room. He emphasized they were not hotels and were being marketed as condos, and each building was using its own definition of transiency. He explained that some were stating 6 months, some 60 days or 30 days, and such concepts were being used because there was no definition in the Code. He reiterated people were doing what they could best do to market their property in order to make a profit.

Vice Mayor Trantalis stated that he understood their perspective. The hotel/condo owners had let them loose on the marketplace to the peril of the beach and its economic development. He reiterated that transiency should be encouraged, fee simple ownership was instead. He asked how this matter was going to be addressed.

Ms. Hollar understood what they were doing, but that did not make it correct; they were in violation of what they had been approved to build. She stated they had received such notification in writing, and they still chose to market the units in that fashion. She explained staff is working with the Legal Department and Code Enforcement to follow up on the matter.

Ms. Hollar further explained if the City defines it, then they would have to get into the issue of whether they were going to permit such use, and it would involve more than just a definition and also trigger parking standards and open space. She stated they would be introducing a different character into the area.

Vice Mayor Trantalis asked if one of the condo/hotels were about to open and wanted to secure their certificate of occupancy, and staff discovered, either through independent investigation or the owner's confession, that they had sold condo units where they intended to permit individuals to stay up to 60 days, would that be a violation of what staff felt was the transiency concept under which they had been approved.

Ms. Hollar stated if the City received a request from one of the owners who had been advertising as a condo/hotel in order to receive their temporary CO, they must acknowledge in writing that they are only a hotel use as approved and permitted through the zoning regulations. Vice Mayor Trantalis asked what happened if they lied. Ms. Hollar stated she would then have to defer to the City Attorney who was following up on another venue, because zoning does not regulate ownership, and there were other ways this could be addressed.

Vice Mayor Trantalis stated that zoning regulated the type of business permitted to operate at a particular site. Ms. Hollar explained that is occupational licensing. Vice Mayor Trantalis noted that there are zoning ordinances. Ms. Hollar confirmed. Vice Mayor Trantalis stated that within such ordinances, there are certain permitted uses which are categorized. He further stated if there was a category which should be listed within such permitted uses that was not covered by today's situation, then it would fall against the City insofar that they would not be able to enforce a use they were trying to prevent. He felt if they were trying to prevent non-transient use, they had nothing with which to enforce that vision. He stated staff was now saying if they attempted to put something in place, they were going to defeat the purpose of transiency, but by not having something in place, they were opening the door to fee simple ownership in buildings they did not specifically want in that area.

The City Attorney explained that the City may not regulate on the basis of ownership. He explained it could be a condo, an apartment, a rental or an ownership, and a hotel could be owned through a condo association. If the use is a residence, then it would violate the zoning, and that could be enforced. He stated they were looking at various venues, such as the Florida Real Estate Commission and the State Attorney's Office in regard to what they were doing, and whether they were fraudulent sales. He reiterated they could only regulate on the basis of use and that was an after-the-fact enforcement issue.

Vice Mayor Trantalis stated if there were advertisements in the newspaper where they specifically stated that ownership rights were vested in such particular rooms, and they were allowing the owners to use such space more than 60 days, and in some cases 6 months, did they have to wait until the doors were opened to investigate the use.

Mayor Naugle stated that if one saw such an advertisement, it should be forwarded to the City Attorney's Office. He stated that instead of a single person owning a hotel, it had about 100 investors who owned rooms. He explained there were condo/office buildings within the City with multiple owners, but that did not mean they could be used for residences just because they were owned by individuals in fee simple.

Vice Mayor Trantalis reiterated that they needed to look at the reality of the situation, and the substance of what was occurring should be looked at. He felt they should not be blinded by the form in which they were presented. He felt that knowing such a practice was happening, the City should not just bury their heads in the sand and say it was not happening. He emphasized that the reality was that they were allowing an opportunity to slip through their hands in order to enforce what they wanted which was the vision of transiency on the beach, and if they continued to allow individuals to buy into such units and permit them to stay in such places longer than originally planned, then the City was ignoring the problem. He stated when the problem materialized in a big way, then they would say it was too late and would not have the enforcement capability to monitor the situation. He stated they would then be taking a step back in attempting to control the vision for the beach. He urged the City to be smart about this matter, and not attempt to second guess what such operators were doing. He felt they should not allow them to continue to operate on the honor system pretending they did not know what was occurring because in the end he felt they would only be hurting themselves.

Mayor Naugle asked if the City Attorney was aware of any City in America that had been able to restrict the sale of condominium ownership or having multiple owners for a hotel. The City Attorney stated there was case law which prohibited such regulation.

Vice Mayor Trantalis stated that was not the question. The question was not to restrict the sale of condominium ownership, but under what use did they allow the buildings to be constructed and what permits had been granted so they could market their units. Mayor Naugle replied it was granted under hotels. Vice Mayor Trantalis reiterated they were not restricting condominium use, but the manner in which the rooms were being marketed. He stated the City wanted to insure that it was a permitted use under the zoning law according to the building permit issued originally. He reiterated that this evening he was hearing that the City had no intention of trying to confine the permitted use within the definition they originally intended for such buildings, and they would just let things go and see what happened.

The City Attorney stated that was absolutely not true. He stated that nothing has yet happened because no one was in the buildings, and they would have to enforce the use. He reiterated that staff was also looking at other avenues which they anticipated coming up, and requiring them to sign an affidavit saying that was not the way they would use the property, and would use it in accordance with the zoning regulations.

Mayor Naugle stated that letters had been sent out in response to ads that were slightly "gray." The City Attorney stated this had been called to their attention, and they would continue to work with the State Attorney's Office.

Vice Mayor Trantalis further stated that individuals visited the sales offices from time to time and did independent research, and had found that the units were being sold contrary to the vision set for the area.

Mayor Naugle asked if Vice Mayor Trantalis was suggesting they publicize the definition of a hotel, and state what would and would not be permitted. Vice Mayor Trantalis suggested the City pay more attention to the fact that they want the hotel to be marketed and not a condominium. He reiterated they were being sold as condo units. He stated that a time share is a hybrid concept between hotel and condominium.

Ms. Hollar explained that the City's Code defines time share, and some projects had specifically been approved as such with specified parameters as to the length of stay.

Vice Mayor Trantalis stated he brought this up not just in regard to the buildings on the beach, but that investors had looked at properties on Las Olas Isles and other areas where houses were expensive and shares were sold in those houses. Therefore, he asked how such places would be defined. He added that there were new marketing concepts being presented so people could make money, and he felt they needed to keep up with such concepts. He felt by not defining such things would hurt the City, as opposed to stepping up to the plate and providing a definition.

Mayor Naugle stated that he paid attention to the ads, and when he saw ones that were questionable, he forwarded them to the City Attorney's Office. He suggested that everyone else should do the same. He stated if there were unsuspecting buyers and owners were misrepresenting their products, the City should ensure that individuals not have a misunderstanding of what was being sold.

There being no other matters to come before the Commission, the meeting was adjourned at 7:04 PM.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk