

**COMMISSION REGULAR MEETING INDEX**

**June 2, 2004**

<u>Item</u>	<u>Resol. Ord.</u>	<u>Page</u>
	<u>Presentations</u>	1
	1. Smoke Detector	1
	2. Code Enforcement Officer's Appreciation Week	1
	3. Outstanding City Employees	2
	Consent Agenda	2
M-1	Event Agreement – Viva Broward Week	3
M-2	Event Agreement – Walk for Kids in Distress	3
M-3	Contract Award – Frank Hill Construction, Inc. Project 00437-A – Coral Ridge Association Entry Monument Replacement	3
M-4	Change Order No. 1 – Quality Communications Fire & Security Project 10547 – Water and Wastewater Facility Security	4
M-5	Task Order No. 8, Amendment 2 – Camp Dresser & McKee Project 10537 – Underground Fuel Storage Tank System Improvements at B-Repump	4
M-6	Task Order No. 36 – Camp Dresser & McKee, Inc. Project 10823 – Rehabilitation of Pump Stations D-40/D-41 and Replacement of the Birch Road And Vistamar Forcemains	4
M-7	Interlocal Agreement – Broward County – Local Option Taxes on Gas, Motor Fuel, the 5 <sup>th</sup> Cent Gas Tax On Motor Fuel for Transit and the Gas Tax Levied For the Homeless	5
M-8	Sports Facility Use Agreement – City of Fort Lauderdale And the Baltimore Orioles – Use of Fort Lauderdale Stadium	5, 10
M-9	Grant Acceptance – Florida Department of Health - Bureau of Emergency Medical Services Matching Grant Programming in Support of Defibrillator Project	5, 14
M-10	Grant Acceptance – Florida Department of Health - Bureau of Emergency Medical Services Matching Grant programming in Support of Ambulance Stretcher Project	5, 14
M-11	Approval of Agreement with EDWA, Inc. – Davie Boulevard Corridor Master Plan – Project 10699	6, 15
M-12	Contract Extension – LM Engineering d/b/a GFA International 2003/2004 Annual Engineering Testing Laboratory Contract	6, 15
M-13	Purchase Assistance Program Changes	6, 15
M-14	Substantial Rehabilitation Program Changes	6, 15
M-15	Neighborhood Beautification Program Changes	7
M-16	Emergency Repair program Changes	7
M-17	Paint and Plat Program Changes	7, 17
M-18	Fire Assessment Fees	7
Pur-1	2004-05 Fleet Plan	8
Pur-2	542-9019 Armored Car Services	8
Pur-3	242-9003 – Fire Fighting Apparatuses	8, 18
Pur-4	PBC 04-C-20C – Exercise Equipment for Fire Stations	9, 19
Pur-5	RLO2-1-07-SK – Increase Expenditure for Medical Services	9
Pur-6	432-8884 – Janitorial Maintenance Services	9
Pur-7	742-9024 – Police Leather and Web Gear	10
M-19	Independent Audit – FY 2004 and 2005	20
M-20	WaterWorks 2011 Audit – First Amendment to Agreement	21
M-21	Lien Settlement	21

PH-1		Historic Designation – Annie Beck House - 310 S.E. 11 Avenue (HPB Case No. 34-H-03)	22
PH-2		Appeal of Planning and Zoning Board's Decision to Deny Rezoning from CR to B-1 – De Novo Hearing Lauderdale Marine Center (PZ Case No. 5-Z-03)	22
O-1	C-04-30	Amend Ordinance No. C-03-46 – Audit Advisory Board	22
O-2	C-04-28	Adult Uses	22
O-3	C-04-31	Amendment to Code of Ordinances – Section 2-180 - Formal Bid Procedure & Section 2-170 – Applicability	28
		Citizen Presentations:	29
		1. Reverend W. Roberson II – Joseph Carter Park	29, 30
		2. Rueben Wiggan – Water Bill	29
R-1	04-106	Plat Approval for “Riverland Village” (PZ Case No. 3-P-03)	30
R-2	04-107	Plat Approval for “Champion Plat” (PZ Case No. 12-P-03)	31
R-3	04-108	City of Fort Lauderdale Notification to be on the Ballot To Annex “North Andrews Gardens Area”	31
R-4	04-109	City of Fort Lauderdale Notification to be on the Ballot To Annex the “Twin Lakes North Area”	32
R-5	04-110	City of Fort Lauderdale Notification to be on the Ballot To Annex the “Rock Island Area”	32
R-6		Appeal of Planning and Zoning Board's Decision to Deny Site Plan Approval/Six (6) Cluster Home Development/RD-15 – De Novo Hearing – The New Fort Lauderdale Group, Inc. (PZ Case No. 94-R-03)	32
R-7	04-111	Update Authority to Sign Checks on Behalf of the City Of Fort Lauderdale	32
R-8	04-112	City Manager Contract	33
OB	04-105	Advisory Board/Committee Appointments	36
		City Manager Reports	36
		1. Lauderdale Lakes Property	36
		2. Gas Increase	36
		3. Budget Workshop	37

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

Meeting was called to order at 6:05 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel  
Vice-Mayor Dean J. Trantalis  
Commissioner Cindi Hutchinson  
Commissioner Carlton B. Moore (Arrived at 6:06 p.m.)  
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 Anthony Vinson

Invocation was offered by Father Michael "Happy" Hoyer, Our Lady of Queen of Martyrs 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 and minutes for the April 20, 2004 meeting be approved. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Vice-Mayor Trantalis and Mayor Naugle. NAYS: None.

**Presentations**

**OB**

1. Smoke Detector

Commissioner Moore demonstrated the proper way to test a smoke detector.

2. Code Enforcement Officer's Appreciation Week

Vice-Mayor Trantalis read a proclamation to recognize Code Enforcement Officer's Appreciation Week to be observed June 7-11, 2004.

Commissioner Hutchinson left the meeting at approximately 6:08 p.m. and returned at 6:09 p.m.

Lori Milano, Director Community Services, thanked the Commission for the recognition and stated they would continue to adhere to the goals of the Commission, and work with the various neighborhood groups in an effort to improve the quality of life for the City's residents.

3. Outstanding City Employees

Otis Latin, Chief Fire-Rescue, stated that Lt. Gary D. Miller is the department's employee of the month for April, 2004. He continued stating that Lt. Miller was unable to be present at tonight meeting. He continued stating that Lt. Miller had been instrumental in their department's computerized Telestaff program, which is an electronic staffing and payroll system vital to their daily operations. He proceeded to recognize the hard work and efforts of Lt. Miller regarding this program and his work with the employees.

Bruce Roberts, Chief Police Department, stated that he wanted to recognize Denise Melanson, PSA Officer, as employee of the month for May, 2004. She is being recognized for her hard work regarding the PSA Program and the Code Amnesty Program.

Chief Roberts proceeded to recognize Officers Shane Calvey, Christopher Chambers, Hugo Fontalvo, and Kimberly Hancock for their response to an armed robbery of a pizza delivery person. He added that through their investigation and teamwork they located the culprits and took them into custody within one hour of the crime.

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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 –Viva Broward Week!****(M-1)**

A motion authorizing and approving the execution of an Event Agreement with **El Heraldo de Broward** to indemnify, protect, and hold harmless the City from any liability in connection with **Viva Broward Week, to be celebrated with Viva La Playa on Sunday, October 3 from 10:00 AM to 7:00 PM at South Beach; and with Viva Broward at Stranahan Park and the surrounding area on Friday, October 8 from 5:00 PM to 11:00 PM, Saturday, October 9 from 11:00 AM to 11:00 PM and Sunday, October 10, 2004 from 12:00 Noon to 7:00 PM;** and further authorizing the closing of SE 1 Avenue from Broward Boulevard to SE 2 Street from 9:00 AM on Thursday, October 7 to 4:00 PM on Monday, October 11; and SE 1 Street from SE 1 Avenue to SE 2 Avenue; from 6:00 PM Thursday, October 7 to 4:00 PM Monday, October 11, 2004.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-641 from Acting City Manager.

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**Event Agreement – Walk for Kids in Distress****(M-2)**

A motion authorizing and approving the execution of an Event Agreement with **Kids in Distress, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **Walk for Kids in Distress to be held at Huizenga Plaza and downtown sidewalks on Saturday, June 19, 2004 from 7:00 AM to 1:00 PM.**

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-640 from Acting City Manager.

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**Contract Award – Frank Hill Construction, Inc.  
Project 00437-A – Coral Ridge Association Entry  
Monument Replacement****(M-3)**

A motion authorizing the proper City officials to execute an agreement with Frank Hill Construction, Inc. in the amount of \$8,990 for the Coral Ridge Association Monument Replacement project.

**Funds:** See Bid Tab

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-730 from Acting City Manager.

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**Change Order No. 1 – Quality Communications  
Fire & Security Project 10547 – Water and Wastewater  
Facility Security**

**(M-4)**

A motion authorizing the proper City officials to execute Change Order No. 1 with Quality Communications Fire & Security in the amount of \$566 for modifications to the contract for the Water and Wastewater Facility Security project.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-670 from Acting City Manager.

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**Task Order No. 8, Amendment 2 – Camp Dresser &  
McKee Project 10537 – Underground Fuel Storage Tank  
System Improvements at B-Repump**

**(M-5)**

A motion authorizing the proper City officials to execute Task Order No. 8, Amendment 2 with Camp Dresser & McKee in the amount of \$48,505 for engineering design and construction services associated with the replacement of the underground fuel tank at Bre-pump.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-671 from Acting City Manager.

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**Task Order No. 36 – Camp Dresser & McKee Inc.  
Project 10823 – Rehabilitation of Pump Stations D-40/D-41  
And Replacement of the Birch Road and Vistamar Forcemains**

**(M-6)**

A motion authorizing the proper City officials to execute Task Order No. 36 with Camp Dresser & McKee Inc. in the amount of \$364,177 for engineering design and construction services associated with the rehabilitation of Pump Stations D-40 and D-41, and replacement of the Birch Road and Vistamar forcemains.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-731 from Acting City Manager.

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**Interlocal Agreement – Broward County – Local Option  
Taxes on Gas, Motor Fuel, the 5<sup>th</sup> Cent Gas Tax on Motor  
Fuel for Transit and the Gas Tax Levied for the Homeless** (M-7)

A motion authorizing the proper City officials to execute an amendment to the Local Option Gas Tax, the Local Option Gas Tax on Motor Fuel for Transit and the 5<sup>th</sup> Cent Gas Tax on Motor Fuel levied by Broward County for the Homeless and rejection of the amendment to the Local Option Gas Tax on Motor Fuel.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-760 from Acting City Manager.

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**Sports Facility Use Agreement – City of Fort  
Lauderdale and the Baltimore Orioles – Use of  
Fort Lauderdale Stadium** (M-8)

A motion authorizing the proper City officials to enter into a Sports Facility Use Agreement for the Baltimore Orioles to take over operation of Fort Lauderdale Stadium for a period of June 1, 2004 to June 30, 2005 with a one-year renewal option.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-710 from Acting City Manager.

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**Grant Acceptance – Florida Department of Health -  
Bureau of Emergency Medical Services Matching  
Grant Programming in Support of Defibrillator Project** (M-9)

A motion authorizing the proper City officials to accept the BEMS grant in the amount of \$119,799.59 to be used to purchase 25 ambulance stretchers; and further, authorizing the transfer of \$39,933.20 from Fire-Rescue General Fund Account FIR010501, Sub-object 6499 to Fund 129, Miscellaneous Grants, Index Code GDEF05 Revenue to be used as the required cash match.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-689 from Acting City Manager.

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**Grant Acceptance – Florida Department of Health -  
Bureau of Emergency Medical Services Matching  
Grant Programming in Support of Ambulance Stretcher Project** (M-10)

A motion authorizing the proper City officials to accept the BEMS grant in the amount of \$62,578.13 to be used to purchase 25 ambulance stretchers; and further, authorizing the transfer of \$20,859.37 from Fire-Rescue General Fund Account FIR010501, Sub-object 6499 to Fund 129, Miscellaneous Grants, Index Code GCOT05 Revenue to be used as the required cash match.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-690 from Acting City Manager.

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**Approval of Agreement with EDWA, Inc. – Davie Boulevard  
Corridor Master Plan – Project 10699 (M-11)**

A motion authorizing the proper City officials to execute an agreement with EDAW, Inc. to create the Davie Boulevard Corridor Master Plan.

**Funds:** See Memo  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-784 from Acting City Manager.

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**Contract Extension – LM Engineering d/b/a GFA  
International 2003/2004 Annual Engineering Testing  
Laboratory Contract (M-12)**

A motion authorizing the proper City officials to execute an extension to the agreement with LM Engineering d/b/a GFA International for the Annual Engineering Testing Lab contract.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-736 from Acting City Manager.

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**Purchase Assistance Program Changes (M-13)**

A motion authorizing new program changes in the Purchase Assistance Program to improve program efficiency and to keep up with changes in the construction industry, building code requirements and the economy that have increased the cost of new construction.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-763 from Acting City Manager.

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**Substantial Rehabilitation Program Changes (M-14)**

A motion authorizing new program changes in the Substantial Rehabilitation Program to improve program efficiency and to keep up with changes in the construction industry, building code requirements and the economy that have increased the cost of rehabilitation and new construction.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-770 from Acting City Manager.

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**Neighborhood Beautification Program Changes****(M-15)**

A motion authorizing new program changes in the Neighborhood Beautification Program to improve program efficiency and to keep up with changes in the construction industry, building code requirements and the economy that have increased the cost of rehabilitation and new construction.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-771 from Acting City Manager.

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**Emergency Repair Program Changes****(M-16)**

A motion authorizing new program changes in the Emergency Repair Program to improve program efficiency and to keep up with changes in the construction industry, building code requirements and the economy that have increased the cost of rehabilitation and new construction.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-772 from Acting City Manager.

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**Paint and Plant Program Changes****(M-17)**

A motion authorizing new program changes in the Paint and Plant Program to improve program efficiency and to keep up with changes in the construction industry, building code requirements and the economy that have increased the cost of rehabilitation and new construction.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-773 from Acting City Manager.

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**Fire Assessment Fees****(M-18)**

A motion authorizing award of services to Governmental Services Group, Inc. at an estimated cost of \$25,000 for professional services related to the Fire Assessment Fee.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-802 from Acting City Manager.

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<b>PURCHASING AGENDA</b>
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**2004-05 Fleet Plan****(Pur-1)**

An agreement to purchase 139 vehicles and equipment for the fiscal year 2004-05 fleet plan is being presented for approval by the Administrative Services, Fleet Services Division.

Amount: \$ 5,373,100.00 (estimated)  
 Bids Solicited/Rec'd: N/A  
 Exhibits: Memorandum No. 04-778 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving Fleet Plan purchases for fiscal year 2004-05.

Commissioner Moore announced that he had been absent when the items had been pulled, and he wanted it to show that he was against Pur-1.

**542-9019 – Armored Car Services****(Pur-2)**

A five-year contract for armored car services is being presented for approval by the Finance, Treasury Division.

Vendor: Brink's, Incorporated  
 Richmond, VA  
 Amount: \$ 26,274.00 (estimated annual)  
 Bids Solicited/Rec'd: 8/3 with 5 no bids  
 Exhibits: Memorandum No. 04-706 from Acting City Manager

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

**242-9003 – Fire Fighting Apparatuses****(Pur-3)**

A five-year term contract to purchase replacement fire fighting apparatuses is being presented for approval by the Fire-Rescue Department.

Vendor: Pierce Manufacturing Co.  
 Appleton, WI  
 Amount: \$ 3,294,108.00 (estimated)  
 Bids Solicited/Rec'd: 25/1 with 1 no bid  
 Exhibits: Memorandum No. 04-781 from Acting City Manager

The Procurement and Materials Management Division recommends awarding to the single responsive and responsible bidder with transfer of \$3,372,108 from Vehicle Replacement Reserve to Vehicles (ADM030501-6416)

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**PBC 04-C-20C – Exercise Equipment for Fire Stations**

**(Pur-4)**

An agreement to purchase exercise equipment for 12 fire stations is being presented for approval by the Fire-Rescue Department.

Vendor: Gym Source Miami, Inc.  
Miami, FL  
Amount: \$ 244,373.90  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-713 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving purchase from Palm Beach County School Board Contract.

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**RLO2-1-07-SK – Increase Expenditure for Medical Services**

**(Pur-5)**

Increase contract expenditure for medical services is being presented for approval by the Fire-Rescue Department.

Vendor: Seth Feldman, D.O.P.A..  
d/b/a Medwork 84, Inc.  
Fort Lauderdale, FL  
Amount: \$ 143,600.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-712 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the increased contract expenditure.

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**432-8884 – Janitorial Maintenance Services**

**(Pur-6)**

A one-year contract for janitorial maintenance service is being presented for approval by the Parks and Recreation Department.

Vendor: Bright Maintenance, Inc. (WBE)  
Boca Raton, FL  
Amount: \$ 37,752.00  
Bids Solicited/Rec'd: 146/12 with 4 no bids and 1 late bid  
Exhibits: Memorandum No. 04-088 from Acting City Manager

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

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**742-9024 – Police Leather and Web Gear****(Pur-7)**

A one-year contract for police leather and web gear is being presented for approval by the Police Department.

Vendor:	Special Products Group, Inc. Boynton Beach, FL Lou's Police & Security Equipment, Inc. (WBE) Hialeah, FL
Amount:	Per Unit Pricing
Bids Solicited/Rec'd:	57/11 with 4 no bids
Exhibits:	Memorandum No. 04-765 from Acting City Manager

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

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**Motion** made by Commissioner Hutchinson and seconded by Vice-Mayor Trantalis that Consent Agenda Item Nos. M-8, M-9, M-10, M-11, M-13, M-14, M-17, Pur-3, and Pur-4 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 Moore, Hutchinson, Teel, Vice-Mayor Trantalis and Mayor Naugle. NAYS: None.

**Sports Facility Use Agreement – City of Fort Lauderdale  
And the Baltimore Orioles – Use of Fort Lauderdale Stadium**

**(M-8)**

**Authorizing the proper City Officials to enter into a Sports Facility Use Agreement for the Baltimore Orioles to take over operation of Fort Lauderdale Stadium for a period of June 1, 2004 to June 30, 2005 with a one year renewal option.**

Commissioner Teel stated that she had pulled this item, and asked if an update on the matter could be provided. She continued stating that the last she had heard was that the utilities were to be turned over to the Orioles, and asked if that had occurred.

Bud Bentley, Assistant City Manager, stated that is dependent upon the final approval of the agreement, and could occur tomorrow. The Orioles asked for several last minute changes to the agreement. He read them to the Commission:

1. Term. The existing term is one-year with a one-year extension. He stated the Orioles are now asking for a third year extension. He continued stating that as mentioned in staff's memorandum, they reserved 10 days to the City for events held at the Stadium. The Orioles and the City asked that the language be slightly modified to recognize that if the traditional Blues and Cajun Festivals were held at the Stadium, then sufficient time should be given to hold those events. He explained it would remove the 10 days, and staff is in agreement with such condition.

2. Lockhart Parking Lot. The current language recognizes that the City uses the Lockhart Stadium parking lot for 12 days per year, licensing it to a private vendor for the purpose of holding a Driver Education Program. The Orioles asked that this be deleted from the contract, and that the Driver Education Program work through them for scheduling.
3. Property Insurance. The Orioles asked to be relieved of the requirement to provide property insurance on the property, or they pay the cost for the City to maintain such insurance.

Mr. Bentley clarified that the Orioles had asked to be relieved of the insurance requirement, and part of their rationale was that the expense was not originally in the Stadium's budget, and not part of the original numbers they had seen. He added it is a true expense to the City. The cost is approximately \$40,000 per year. They do not want to reimburse the City for such cost. Therefore, the City would have the option of paying it or not insuring the Stadium.

Mayor Naugle asked if the Stadium is not used, would the City continue to insure it. Mr. Bentley stated that he had discussed this item with Commissioner Moore. He asked if Commissioner Moore could provide more detail and clarification.

Commissioner Moore stated the property should continue to be insured, and he felt it should be paid for by the Orioles. He felt that is a responsibility they should hold because the facility would not be used if they did not have the extended contract. If there was any opportunity for the facility to be destroyed, he reiterated this is an asset to the City, and if they are going to enter into an agreement with the Orioles for their use of the facility, it would require them to be there year-round in order to deal with the daily operations and maintenance. Therefore, they should carry the expense. He further stated that had been the conversation, and if something had been omitted and due diligence was done and then discovered, then it was now being brought to the table to be included in the agreement. It is an appropriate request to insist that the Orioles make the payment. He further stated that he had no problem with them negotiating with another carrier in trying to find a way to lessen the expense. The City should be added as an additional insured. He did not think they would find a better rate, due to the fact that the City had negotiated a rate for all of its casualty and liability insurance. He reiterated that the obligation for such payment should be on the Orioles.

**Motion** made by Commissioner Hutchinson to approve the item as amended.

Commissioner Moore asked for further clarification of the amendment.

Commissioner Hutchinson clarified the amendment is for the Orioles to pay for the insurance at no cost to the City, the extra extension on the contract, and the 10 days set aside for the festivals sponsored by the City.

Commissioner Moore asked for further clarification regarding the extension of the contract and asked why that was considered a necessity.

Alan Koslow, representing the Baltimore Orioles, wanted to commend City staff regarding the 27-page agreement which had been done in record time.

Mr. Koslow stated that the agreement provides if State funding was not granted in 2005, then they want to attempt to receive it in 2006. He explained if the funds are received in 2006, they would not actually receive the money until about one year later. Logistically, they felt the current Stadium would still stand and be used for the 2007 season while the new stadium was being built. They felt until the funding was received, it would make sense to have the 2007 spring training year anticipated. He explained they would not exercise the option if they receive State money in 2005 and they enter into a 15-year agreement. It is a precautionary measure; they would not return to the City if they exercise the option because they are already "on the hook," and the Orioles would pay all expenses as they would do under the current agreement. He explained that no other terms would change.

Mr. Koslow referred to the insurance issue, to explain their thinking on the matter. He stated that the reason the Orioles are asking the City to absorb some of the cost is for two reasons. Even if they shut down the Stadium and the Orioles do not sign the agreement, he felt the City's asset would still be insured and they would have some expense. More importantly, he asked what would happen if a casualty did occur and they had paid the premium. The problem with the agreement, and he believed the Commission would readily agree, is that if the Orioles agree to pay the premium in full, which it appears they might not have any choice in doing, he would ask the City to agree to reinvest the insurance proceeds into the Stadium. He stated it would not be fair if the Orioles or anyone paid the premium without a commitment to take the proceeds from an insurance claim and apply them back into the Stadium. He reiterated that the agreement does not obligate the City to do so. He did not feel that is fair.

Commissioner Moore disagreed and reiterated that this is a City property. He stated that if the property was leased, as a business operator, whatever costs required to maintain the facility would be passed onto the tenant. No business would offer a square foot of rental property to anyone without the full cost of the operations being paid for by the tenant, and that is no different in this proposal. Mr. Koslow agreed. Commissioner Moore stated that if there was something that had debilitated the building and it was destroyed, and the City chose to take the money and do something else with the money, they would not be obligated to provide business continuation insurance.

Commissioner Hutchinson disagreed; if the Orioles were to pick up the tab on the insurance, then if there was a casualty at the Stadium, the City would still have a contract with them, and they still have the ability to provide the services that the City had signed for. Should there be a casualty, she did not object to placing the monies back into the Stadium.

Commissioner Moore did not think anyone should obligate him to do what is in the best interest of the City. He reiterated if they have an appropriate insurance policy, and for some reason their business could not be continued, then they have business interruption insurance, and he believed the Orioles have the appropriate insurance to make sure their operation runs properly. If they have a two-year contract, and there is a casualty at the location, nothing was stated that it could be rehabilitated within the time period of the contract. He believed the City has stated to the Orioles that the total cost of the operation of the Stadium is to be borne by them, and it was agreed to. Now that this additional cost has arisen, it is something the Orioles should have to pay.

Vice-Mayor Trantalis looked at the arrangement with the Orioles like a triple-net lease. He explained that usually means that the tenant was to pay all costs of the operation of the space, and in this case, he believed it included the insurance. But under the insurance provision in most triple-net leases, he believed it states that while the owner became the lost payee, they also have the obligation to restore the premises to the point where the tenant originally had use of the space. He did not feel it was the City's prerogative to state that they would terminate the lease if there was a casualty, thus preventing the tenant from continuing their business. With respect to Commissioner Moore, he stated that those who normally did business under such triple-net leases have the expectation that the property would be brought back to the condition where the tenant could continue their operation.

Vice-Mayor Trantalis further explained there are provisions in commercial leases that state if the condition of the property has been destroyed beyond 50%, there is an option on the part of the landlord to decide to let the tenant out of the lease, and not restore the premises. Since this is a last minute item being presented to the Commission, he had a serious belief that the details had not yet been worked out, and this is not the time to do so, when specific language is normally attributed to this type of situation.

Mr. Koslow stated they anticipated that situation, and it was addressed in the agreement. The City has the option as to whether or not to use the insurance proceeds, and in the recent draft they had addressed what would happen if that occurred. All points raised have been addressed, and the only thing he asks for is the City to seriously consider investing the proceeds, and if they do not, the agreement should state what would occur. He further stated that he does not want the City to take the position if an Act of God occurred and monies were received to rebuild the Stadium, that they would not do it. He believed the Commission would make the right decision at such a time and he will trust their judgment. He reiterated that this matter is addressed in the agreement.

Vice-Mayor Trantalis seconded the motion.

Commissioner Moore asked if the City would be obligated to only return the unused portion of the lease, if they chose not to grant the venue for the operation. He felt the only thing they would be obligated to do, would be to return the amount of money they had proposed to use for the length of the lease.

Vice-Mayor Trantalis stated that his understanding of commercial leases is that if the destruction was less than 50%, it was usually the obligation of the landlord to restore the premises to the point where the tenant could continue their business operation. He reiterated there were certain timetables within which time the landlord is required to complete the work. If it was destroyed by more than 50%, he believed the landlord has the option to terminate the lease, absolve the tenant of any future lease obligations, and pocket the money to do with as they wish.

Commissioner Moore reiterated this is a short term lease of two years. Vice-Mayor Trantalis stated that it does not matter. He stated that could be changed and possibly the tenant was thinking the same way. He felt this is an important feature. Someone has to pay the insurance. He believed the property should never be uninsured, and under most standard commercial practices, the tenant pays for the insurance. He hoped they would expect to do that here also.

Commissioner Moore felt this has always been a "let me get more" situation, and he felt the extension of the contract is a last ditch effort. He reiterated that he would not support this item with the additional year being added.

Mr. Koslow clarified that the additional year is not automatic, and is only if the State monies were not received in 2005, and not regardless. Commissioner Moore reiterated that is stringing the City along. Mr. Koslow emphasized that is not stringing the City along because the Orioles are paying every expense.

Commissioner Moore reiterated that he is voting against this item because of the additional year being added, and if they are unable to obtain additional monies from the State to build the Stadium, the City should have their options open for another bidder who could offer them an opportunity for return.

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

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**Grant Acceptance – Florida Department of Health  
Bureau of Emergency Medical Services Matching Grant  
Programming in Support of Defibrillator Project**

**(M-9)**

**Authorizing the proper City Officials to accept the BEMS grant in the amount of \$119,799.59 to be used to purchase 6 defibrillators; and further authorizing the transfer of \$39,933.20 from Fire-Rescue General Fund Account FIR010501, Sub-object 6499 to Fund 129, Miscellaneous Grants, Index Code GDEF05 Revenue to be used as the required cash match.**

Vice-Mayor Trantalis stated that he had pulled this item, and asked if he could have further clarification on this matter. He stated the math on this appears to come out to \$10,000 per stretcher, and felt this is a lot of money.

Robert Cooke, Public Safety Grants Coordinator, stated that the item should read 6 defibrillators and not 25 stretchers. The amount is correct. Commissioner Hutchinson clarified that the back-up material is correct, but the item had been listed incorrectly on the agenda.

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

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**Grant Acceptance – Florida Department of Health -  
Bureau of Emergency Medical Services Matching Grant  
Programming in Support of Ambulance Stretcher Project**

**(M-10)**

**Authorizing the proper City Officials to accept the BEMS grant in the amount of \$62,578.13 to be used to purchase 25 ambulance stretchers; and further authorizing the transfer of \$20,859.37 from Fire-Rescue General Fund Account FIR010501, Sub-object 6499 to Fund 129, Miscellaneous Grants, Index Code GCOT05 Revenue to be used as the required cash match.**



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

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**Approval of Agreement with EDWA, Inc. – Davie Boulevard Corridor Master Plan – Project 10699** (M-11)

**Authorizing the proper City officials to execute an agreement with EDAW, Inc. to create the Davie Boulevard Corridor Master Plan**

Commissioner Hutchinson stated that she had pulled this item, and stated that originally \$300,000 had been allotted for the project. She wanted to commend staff for taking the scope of the project from what had been \$177,000 down to \$140,000. She asked if the balance of the monies could be used towards matches, along with some implementation.

James Cromar, Planning and Zoning, stated that there is \$300,000 in the Community Development fund which could be applied in the future.

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

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**Purchase Assistance Program Changes** (M-13)

**Authorizing new program changes in the Purchase Assistance Program to improve program efficiency and to keep up with changes in the construction industry, building code requirements and the economy that have increased the cost of new construction**

Vice-Mayor Trantalis stated that he had pulled this item, and asked what was the source for the assistance.

Faye Outlaw, Acting Director of Community and Economic Development, stated that for purchase assistance. the source of funds is SHIP funds. They are not City funds, but either State or Federal funds.

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

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**Substantial Rehabilitation Program Changes** (M-14)

**Authorizing new program changes in the Substantial Rehabilitation Program to improve program efficiency and to keep up with changes in the construction industry, building code requirements and the economy that have increased the cost of rehabilitation and new construction**

Mayor Naugle stated that he had pulled this item, and has a question regarding the loan to value ratio. He asked what is the maximum amount of the loan.

Faye Outlaw, Acting Director of Community and Economic Development, stated that the maximum amount of the loan is \$45,000.

Mayor Naugle asked if there is a house with \$100,000 lien against it which needs a \$45,000 rehabilitation loan, but the house is only worth \$100,000, would they still be able to make the loan for the rehabilitation.

Ms. Outlaw advised that under this change they would be able to do it.

Mayor Naugle set forward this situation: someone received a \$45,000 rehabilitation loan whose home had \$100,000 in liens and the property was only valued at \$100,000, and the date it was completed they got behind in their payments, and the lender foreclosed on the property. He asked if the lender would get the benefit of the \$45,000, and the person borrowing the money would be on the street. Ms. Outlaw confirmed. Mayor Naugle asked if that is prudent. He remarked there are a lot of predatory lenders around. Ms. Outlaw stated that could happen, but in practice they look at the loan value in terms of the amount of private money, as well as the City, and try to ensure that the appraised value on the house would be able to assume both mortgages. She reiterated there were situations where there were liens, but the guiding criteria to qualify is the income requirement. If the person has an extremely low income, and there is a lien situation as well, then Federal regulations provide that they are income eligible to participate in the program, irrespective of the lien problem. She stated there is the question whether they should be denied participation based on such factors. It's a matter of striking a delicate balance. She stated that would be an exception more than the norm. She remarked that the City would continue to review them, and could go back to the 90% loan to value. Mayor Naugle remarked that this could be 200%. Ms. Outlaw stated the City could institute a higher loan to value and still meet the requirements of the program.

Commissioner Moore suggested that, due to the fact the situation is evaluated going into the loan, are they contacted if a foreclosure was to take place since they would be one of the lien holders. He was not concerned about the loan to value ratio, but about the welfare of the family in the house. Ms. Outlaw confirmed that the City would be notified. Commissioner Moore stated if the City found itself in such a situation, then that could be when they would look to make the acquisition themselves. They would still then be afforded the opportunity to protect the issue mentioned by the Mayor.

Ms. Outlaw stated that under that scenario, if they had to pass it onto another income eligible member or family, then the next family would conceivably be eligible. She preferred that they go back to the 90% loan to value ratio, and staff analyze this particular change, but asked that the Commission move forward on the balance of the changes.

Mayor Naugle stated he would be satisfied with the 110%. He felt the person in need could be on the street, while the predatory lender would receive the benefit of the rehabilitation.

Commissioner Moore stated the likelihood is slim. He had raised the issue of predatory lenders with the City Attorney and what could be done to combat them. He stated the City Attorney informed him this is an area the City could not address, the law would not allow the City to be advocates for constituents.

The City Attorney stated that this question had arisen in the past. The State has pre-empted the area and prohibited counties and cities from regulating it. In fact, he stated there is Federal legislation which would then pre-empt the State regulation. Mayor Naugle stated that makes his point exactly.

Commissioner Teel stated it is wise to look at this in more detail. As far as using the criteria that the City could purchase the house, she was very uncomfortable, depending on the number of loans against it, and also what place they would be in the order of the list. The City could end up paying hundreds of thousands of dollars for property that was not worth half the amount. She felt with more work, the City could still keep the program in such a form that the needy could still be helped, and not have them open to scams. When these opportunities present themselves, people get very creative. She felt the City need to protect their citizens against such things.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item as recommended, and that further exploration be conducted regarding the loan to value ratio. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Vice-Mayor Trantalis and Mayor Naugle. NAYS: None.

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### **Paint and Plant Program Changes**

**(M-17)**

**Authorizing new program changes in the Paint and Plant Program to improve program efficiency and to keep up with changes in the construction industry, building code requirements and the economy that have increased the cost of rehabilitation and new construction.**

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that the item be approved as recommended.

Vice-Mayor Trantalis asked if the individuals were given monies to enhance their properties could they sell the property for profit, and would the City be reimbursed any part of the funds distributed.

Faye Outlaw, Acting Director Community and Economic Development, stated there is a residency requirement included in the mortgage, and if that requirement is not met, their funds would be due and payable upon the sale of the property. The residency requirement is 10 years, which would be required upon the receipt of the funds. Beginning in the 6<sup>th</sup> year, the loan starts reducing itself by 20% and zeros out at the end of the 10 years. If they should sell the property in year one through five, the total amount of the loan would be due and payable upon sale, transfer, lease or abandonment of the property. She stated if the person remains in the property through years 6-10, then the pro-rata share of the loan would be due and payable to the City.

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

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Commissioner Moore announced that he had been absent when the items had been pulled, and he wanted it to show that he was against Pur-1.

**242-9003 – Fire Fighting Apparatuses**

**(Pur-3)**

**Awarding to the single responsive and responsible bidder with transfer of \$3,372,108 from Vehicle Replacement Reserve to Vehicles (ADM030501-6416)**

Mayor Naugle stated that he had pulled this item, and stated further that he was uncomfortable voting on this since they had received only one bidder. He felt this should be competitive.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that this item be approved as submitted.

Vice-Mayor Trantalis stated that the back-up suggests that the RFP that went out was so skewed that only one person could possibly bid on it. He asked where the City is going with such a bid process, and are they doing themselves a disservice by forcing themselves to buy from one particular manufacturing company.

Kirk Buffington, Administrative Services, referred the Commission to last Friday's memo which attempted to address some of those concerns. He stated that an addendum to the RFP was issued while it was still on the street, and he wanted to quote part of that addendum because there were concerns about the specifications. There are 92 pages of technical specifications. There are some issues that the Fire-Rescue Department felt are important, such as all-steer. He stated that every vendor was offered the opportunity to submit an alternative proposal. He proceeded to read from the RFP as follows:

“The specifications represent a level of quality and features that are desired by the City. All-steer is not intended as an absolute requirement. It is our understanding that other manufacturers make similar products. We are receptive to approve equal offerings per part 3.09 Special Conditions. Regarding the slide rule protection system, we have established safety standards in the specifications, but again if your company cannot provide this particular product, but has a similar protection, indicate and submit information on it with your offering. We are open to all manufacturers. It is the proposer's responsibility, however, to show how their vehicle meets our specifications.”

Mayor Naugle asked if Mr. Buffington had the specifications readily available at this time. Mr. Buffington replied he did not have them with him this evening, but could provide the document to the Commission. Mayor Naugle further stated that he felt it is too tight and wanted to send the message that unless more than one company bid, it be rejected until the City gets more than one bidder.

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

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**PBC 04-C-20C – Exercise Equipment for Fire Stations****(Pur-4)****Approving purchase from Palm Beach County School Board Contract**

Vice-Mayor Trantalis stated that he had pulled this item, and asked if there are currently 12 sets of exercise equipment in the various fire stations, and had they all become obsolete at the same time.

Otis Latin, Chief Fire-Rescue, stated that they had some weight equipment in the fire stations, but it had not been purchased by the City. The Union owns a lot of the equipment. He explained that this is a wellness grant from the Federal government, a 70/30 match. He stated that some of it is weight equipment, but part of it is actual employee physicals.

Vice-Mayor Trantalis asked if this was a program where they are also engaging in the hiring of individuals to supply counseling services. Chief Latin stated that the Med Works Center performs the actual physicals.

Commissioner Hutchinson explained that Pur-5 is a back-up to Pur-4.

Chief Latin explained there would be peer counselors, and stated there was a training program for peer counselors modeled after the IFC and the Fire Chief Associations program.

Vice-Mayor Trantalis asked if the City is replacing 12 fire station exercise areas, or is the equipment new to some stations. Chief Latin stated that every fire station does not have what is being installed at these particular stations.

Commissioner Moore stated he did not like the idea of “piggybacking” on another contract. He did not know what made it a requirement to be so expedient that they would have to “piggyback” on the Palm Beach School Board’s contract.

Chief Latin explained that the monies have to be spent within a certain period of time, and these contracts were received through the bid process.

Kirk Buffington, Administrative Services, stated that there is a timeline on the grant funding which is always an issue, but more importantly from a purchasing point of view, Palm Beach County School Board’s bid had more volume and leverage in their bid, than the City would have in their 12 stations. It is not unlike their office supply bid when they co-opped 30 municipalities within Broward County to bring the volume together, and achieve the most effective price discount they could get from a manufacturer. He was confident in saying that the Palm Beach County School Board represented a very good value because of the volume they brought to their bidding. He explained they have 300 schools versus the City’s 12 fire stations.

Commissioner Moore stated they would not provide gym equipment for all schools on an annual basis. He further asked what value did the City feel they are receiving. He asked what had Palm Beach County spent last year on equipment.

Mr. Buffington replied that he did not know that amount, but before this item had been brought forward, Staff contacted other providers in order to receive comparable quotes. They were not able to receive a better quote.

Commissioner Hutchinson stated that it appears that Pur-4 and Pur-5 go together. She stated that back in January the City had accepted this grant for \$419,000 for such specific use. It was known when the monies were accepted. Fire-Rescue has had the monies in their budget two consecutive years for this. She stated it is odd that Pur-5 would pass without any discussion, and yet Pur-4 did not and yet they go hand-in-hand.

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

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<b>MOTIONS</b>
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**Independent Audit – FY 2004 and 2005**

**(M-19)**

**Motion authorizing a two-year contract extension with no increase of fee.**

Commissioner Moore felt this should go out for bid. He stated that this company has been given a lot of consideration by the City even when they went under, and the City continues to offer this service without a competitive bid. He asked how many years the firm has had this contract under their old relationship, and how many years under their partners' newly formed company.

Steve Chapman, Assistant Finance Director, stated that he believed that Arthur Andersen had the contract three years prior.

Commissioner Hutchinson asked why the City had not gone out to bid. Mr. Chapman replied that they have good experience with this firm, and they have agreed to lock-in a two-year price. He added the City will have additional Federal mandates through GASB in 2006 which could drive up costs. Staff felt it would be better to lock costs in this agreement, and then, moving forward, see what happens with the GASB mandate.

Commissioner Moore stated that Arthur Andersen/Ernst & Young have had this contract for 8 years. Mr. Chapman stated that he knew that Arthur Andersen had it for 3 years. Arthur Andersen went out of business and Ernst & Young took over. He stated that he could provide additional information to the Commission.

Commissioner Moore stated that he would not support this item. He felt it should go out for bid.

Mayor Naugle asked if the City's Audit Advisory Board had recommended this item. Mr. Chapman confirmed, and stated they had actually gotten the firm to reduce their price. He added that it had originally been \$220,000, and the amount had been reduced to \$212,000. Mayor Naugle asked if the vote had been close. Mr. Chapman stated that he thought the item had been passed unanimously.

Commissioner Moore reiterated that a competitive process allowed the City an opportunity to negotiate the price even more.

The Acting City Manager stated that he had been at the Audit Advisory Board's meeting, and this item had passed unanimously. He confirmed that the price had been reduced. He continued stating there is additional work to be done in the second year. It was the advice of the Auditor and the Board to lock in the price.

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

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**WaterWorks 2011 Audit – First Amendment to Agreement**

**(M-20)**

**Approving first amendment to agreement to include an updated scope of services and tasks to be provided by Ernst & Young for WaterWorks 2011.**

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

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**Lien Settlement**

**(M-21)**

**Approving settlement offered by a property owner who is debtor in bankruptcy case No. 03-27414 BKC-PGH and further authorizing the City Manager and City Attorney to execute the necessary documents.**

Commissioner Hutchinson asked if the property is owner/occupied and homesteaded.

The City Attorney replied it is not homesteaded property, and further it is in bankruptcy.

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

Vice-Mayor Trantalis asked if a City lien, for code enforcement reasons, is a dischargeable debt in bankruptcy? The City Attorney confirmed.

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

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<b>PUBLIC HEARINGS</b>
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**Historic Designation – Annie Beck House -  
310 S.E. 11 Avenue (HPB Case No. 34-H-03)**

**(PH-1)**

**A public hearing to consider a resolution granting historic designation for landmark status to the property located at 310 S.E. 11<sup>th</sup> Avenue, which was recommended for approval on March 1, 2004 by the Historic Preservation Board by a vote of 10-0.**

Mayor Naugle stated there is a recommendation that this item be deferred.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that this matter be deferred.

Commissioner Hutchinson stated that they have been working with the owner of the property and the Bill Markham Foundation to have this house relocated. She further stated that they wanted the opportunity to have it moved before going through the designation process because it is going to be a challenge. The owner is offering it to the Foundation, and someone else donated property for a 5-year lease. She asked the Commission to support a deferral of this item.

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

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

**(PH-2)**

Mayor Naugle announced that this matter had been withdrawn by the applicant.

<b>ORDINANCES</b>
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**Amend Ordinance No. C-03-46  
Audit Advisory Board**

**(O-1)**

**Notice of ordinance was published on May 8, 2004. The first reading was approved on May 18, 2004 by a vote of 5-0.**

Commissioner Moore introduced the following ordinance on first reading:



## ORDINANCE C-04-30

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

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

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**Adult Uses****(O-2)**

**Notice of Ordinance 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; and on May 18, 2004 the second reading was deferred to June 2, 2004 by a vote of 5-0.**

Commissioner Moore introduced the following ordinance on second reading.

Liz Holt, Planning and Zoning, stated that before she began her presentation, she wanted to read proposed changes to the ordinance into the record. She explained staff wants to change the word "church" to "house of worship, and change the effective date of the ordinance to immediately effective, as opposed to 10 days after today's date. She also stated that staff wants to affirm that the following items are to be submitted into the record: Memorandum 04-633, Memorandum 04-686, Memorandum 04-762, Memorandum 04-801, including exhibits. She stated that the adult use studies listed on the exhibit which were attached to Memorandum 04-686, along with the studies summarized in the summary of the secondary affects of adult uses and the summary attached to Memorandum 04-686. She stated they also include the technical Memorandum No. 3 prepared by City Consultants, Ivy, Harris and Walls, and the back-up associated with such study. Other documents included are proposed ordinances submitted to the Planning and Zoning Board and the City Commission, along with the cases and studies cited therein. She added that the minutes of all City Commission and Planning and Zoning Board meetings held, along with the entire Planning and Zoning Services Case File No. 7-T-04.

Commissioner Moore left the meeting at approximately 7:02 p.m. and returned at 7:03 p.m.

Ms. Holt explained if the Commission decided to accept the recommended changes, then staff is requesting that it be incorporated into their motion on the ordinance.

Commissioner Hutchinson stated that since they were moving to change this ordinance because of a "hot potato" on Sunrise Boulevard, would the ordinance pertain to that matter. She remarked that at her district meeting last night, people had been led to believe that the City would try to make the business comply with this ordinance. She

asked if this ordinance applies to the "hot potato" on Sunrise Boulevard, or thereafter, to other businesses.

The City Attorney explained that this ordinance had been work in progress for a number of years, and the study conducted was a few years old. He stated staff had not yet looked at where the "hot potato" was in their process because this ordinance is not a response to it. This ordinance is the culmination of a number of years work.

Commissioner Hutchinson asked when the ordinance would be in effect, and how would it apply to a new business that had not yet received its occupational license. She stated she is asking such questions because she has not yet received the right answer.

The City Attorney stated he did not yet know the right answer until they found out what the new business is, because they have no information on the product mix, other than the name of the business which would have to be evaluated at the time.

Mayor Naugle remarked that permits had not yet been applied for. Ms. Holt added that they had applied for some building permits.

Vice-Mayor Trantalis asked if the zoning change is passed, would anyone who applied for an occupational license as of tomorrow be subject to the new ordinance. The City Attorney replied not necessarily, and stated that each case would have to be evaluated on a case-by-case basis as to what change in position had been made in reliance on the existing ordinance, and whether or not the City had issued permits by which they had the right to rely on, and whether they could proceed forward with such business as planned according to the existing Code.

Commissioner Moore left the meeting at approximately 7:04 p.m.

Vice-Mayor Trantalis clarified that if a business entity applied for a building permit and entered into a lease agreement based on the code existing at the time that agreement was entered into and such permits were issued, would they have the right to rely on such existing law when applying for occupational licenses. The City Attorney reiterated that he did not know the answer to such question. Staff is reviewing the issue. They might have the right to rely on it. They will return to the Commission if it needs to be applied to an applicant in the future. He added that they have not addressed the applicant being referred to. This ordinance is to adopt regulations to incorporate the trends they found in the industry today. As soon as such trends are identified, they would amend the ordinance and apply it as aggressively as possible.

Vice-Mayor Trantalis stated that is understood and obviously this is an ongoing effort on the part of the City, but it is now being addressed to put something permanently into place. By passing this ordinance change tonight, it would not necessarily apply to any businesses that apply for occupational licenses after such adoption. The City Attorney replied it might not, and they will address that afterwards.

Commissioner Moore returned at 7:09 p.m.

Paul Cambria, General Counsel to Larry Flynt, Larry Flynt Publications, and Hustler Hollywood Store Chain, stated that when the lease was struck for this particular property and the building permit application filed and several million dollars expended in design

and construction, it was specifically in reliance on the law in place, and as agreed to by the Legal Department in the City when the matter was litigated previously. He further stated that it appeared that the proposed ordinance is materially different than the ordinance which had been the subject of the first reading and reviewed previously by the Planning Board. Based on that, according to Florida Statutes 166.041.2.a and 166.041.3.a, the provisions which required particular publication that required public hearings are being violated. He stated they reserve the right to challenge this statute in all aspects with regard to whether or not the appropriate procedure for passage was followed. There appear to be about 17 additional paragraphs which materially change the provision from the original one read previously. In addition, he stated there is an Attorney General's opinion, 82-93, indicating where there was a material change in the legislation, the entire process must begin over. He wanted to reiterate that they object and reserve their rights in case it would be necessary in a legal challenge in the future.

Mr. Cambria stated that in addition, a number of studies had been alluded to in the legislation, and none of those dealt with the type of store that is addressed in this matter, which is a "take-out store." He added that the studies are old and the matter has been litigated across the nation for many years. In the Encore Video case, the Federal circuits recognized the take-out difference with regard to secondary effects vs. primary effects. He stated there is no credible substantive evidence of secondary effects with regard to a take-out only store, and the studies alluded to do not contain first-hand research and many have contradictory and inconclusive findings. Finally, he stated that it is clear that this legislation is solely and only on the boards due to the anticipated Hustler Hollywood store at the old Peach's location.

Mr. Cambria continued stating that they have expended several million dollars into this store which is a high-end type store. He explained they have a number of locations around the country which have increased property values. Some rumors have begun that sexually explicit materials would be advertised in the windows, and that is not true. He stated that they submitted a rendition of a sign and asked for comments from City staff which had not yet been received. Apparently there was some criticism, but they would accept suggestions. A local sign company had proposed a sign that would comply with the Code. He stated they have attempted to be a good neighbor, and he indicated to the City that they would enhance the landscaping and would accept reasonable suggestions in that regard in accordance with the neighborhood's suggestions. He further stated they do not want to be held to a higher legal standard in that regard.

Mr. Cambria further stated that there is a plan for the future to add an upscale coffee shop to the location. He stated that procedurally if this statute is passed tonight, it would violate Florida law in regard to procedure due to the material changes, and is not supported by the studies submitted that do not deal with take-out and secondary effects. In addition, it appears to be something directed solely towards this store. He stated they are not asking for litigation. However, due to the large investment made there would be litigation if the original statute presently in place is in some way changed making it impossible to operate this store in accordance with the original plan. He further stated that in this particular community if there is a challenge to the legislation, then it would be demonstrated that the current legislation and zoning plan is such that it does not provide adequate alternate avenues for adult expression, and therefore, would be subject to attack and invalidation in whole and not just to this particular store.

Mr. Cambria asked the Commission to consider all comments he had made and extended an invitation directly from Mr. Flynt that he is willing and able to sit down with anyone whenever and discuss ways to have the store participate as a good neighbor which has been done in various communities across the country.

James Benjamin, local counsel, stated that he is also present to answer any questions the Commission may have regarding this issue.

Frank Giambatista, homeowner approximately 60' from the proposed store, stated that the Homeowners Association of Victoria Park Place asked him to present a supporting petition for the ordinance to the Commission.

Vice-Mayor Trantalis referred to Mr. Cambria indicating that there may be a procedural defect in the process employed for changing of the ordinance, and asked for some further clarification from the City Attorney.

The City Attorney stated that his suggestion had been that any amendment to the ordinance after it was advertised is a violation of what he perceived to be the procedural process for adoption. He stated the only time that would be a problem would be if the changes were outside the scope of the title, and he believed that all changes made are within the scope of the title which sufficiently puts the public on notice as to the intent of the ordinance. He reiterated that staff believes the procedural arguments are not valid.

Vice-Mayor Trantalis asked if this ordinance was advertised before the first reading and proposed with certain wording, then went before Planning and Zoning with various changes in wording, and is now before the Commission for second reading with changes in wording, as long as the changes in wording came within the subject matter of the title, then such changes could take place throughout the process without violation of due process to the parties affected.

The City Attorney explained that as long as the title put the public on notice as to what the City was intending to regulate, his statement is correct.

Vice-Mayor Trantalis stated the City is not attempting to put anyone out of business or prevent anyone from doing business, but wanted everyone to co-exist in a fair and equal and neighborly way. Apparently, Mr. Cambria had read in detail the various stages of the proposed ordinance, and based on his reading of the original ordinance and the new one, he asked if Mr. Cambria found that the business contemplated by Hustler Hollywood would be inhibited in the type of business they intended to conduct at that location.

Mr. Cambria stated he had been doing this for 31 years, and the difficulty in answering that question is that this ordinance as it is being presented is a very complicated formula to determine what is permissible and what is not. The vice in that is that in the First Amendment there is a vagueness concept which he felt applies in this case. He stated there is also a standardless discretion concept, and he believed that also applies in this matter. He further stated that Mr. Benjamin and he worked today with their zoning consultant, along with other attorneys, and they had not been able to determine exactly what the contours of the statute are in this matter. He reiterated that it is different than the current statute and it apparently is more restrictive. He stated the problem with that is that in looking at the various interwoven formulas, he felt it could be interpreted as a prohibition. If it is a prohibition, it goes against the Constitution.

Vice-Mayor Trantalis asked that in giving the most liberal reading, does he find the type of business his client intended to conduct would be prohibited at this location.

Mr. Cambria replied that he could not answer that question because it requires the City to interpret without standards what those terms mean in the Statute. He reiterated that is the vice in the Statute.

Vice-Mayor Trantalis asked if at any time had this ordinance indicated that it would deny some of the things his client intended to sell at the location. Mr. Cambria confirmed and stated it would do so if interpreted in a particular way, and that is the problem. He further stated that the original ordinance had been a 49/51 ordinance. He stated that Mr. Benjamin had litigated the issue with the City, and a judgment was made that substantial and significant meant 49%. That is what they relied on when obtaining the building permit, signing an expensive long-term lease, and expending all monies for the project. Vice-Mayor Trantalis clarified that the language in the proposed ordinance is more discretionary on the part of the City, and the objective standards of the percentage are not available. Mr. Cambria reiterated that the problem is that the language is vague and the standards not present. Therefore, the combination of the two keeps them in constant suspense as to what it might be. Under the original ordinance there had been no problem with Hustler Hollywood in their usual business model, such as the one on Sunset Boulevard or in San Diego, California. It is a store that sells t-shirts, sweatshirts, lotions and potions, along with adult material. He reiterated there had been no problem operating at 49% or less. The proposed statute and comments made by this group in the past indicate why it has been proposed, which is an attempt to throw up a roadblock for Mr. Flynt. As time goes on everyone is saying that this had been work in progress, but the record would bear out whether it is so or is because Mr. Flynt wanted to open a store in the area, thereby creating a rush to pass a new statute to make it either impossible or more difficult for him to operate.

Vice-Mayor Trantalis stated that he took exception to the suggestion that they are attempting to prevent Mr. Flynt from operating. He stated there is no doubt that the issue has raised its ugly head again due to the realization that such a store is to open in the middle of a residential neighborhood.

Commissioner Moore left the meeting at approximately 7:26 p.m.

Mr. Cambria reiterated that a number of other stores have opened selling adult material in similar circumstances without any problem whatsoever. Vice-Mayor Trantalis disagreed, but stated he was not here to debate the issue. He wanted to hear that if they are to be neighbors, he is concerned that some of the issues which had arisen already making them suspect as to what would come forth down the road is the signage proposal. It is a glamorous rendering of a frontage suggested by the client's company which violates the sign ordinance and is not well thought out. It is glaringly offensive in terms of its size and language. He stated that previously the area has been a "hustler haven." He stated that alone is felt as a slap in the face to the community. He further stated that comments had been made about the applicant upgrading the landscaping for the area, especially in the parking area, and adding lighting to the parking lot. He stated that he had been informed that the absolute minimum is being offered, and he felt that is contrary to their previous discussions. With that as a prelude to what is coming "down

the pike,” he was concerned that the discussions held had been simply “talk,” and not being followed up with actions.

Mr. Cambria replied that they have not submitted a permit application with a sign design, but had sent an artist’s rendition of a possible sign design. He stated a cover letter had been submitted which had asked for comments. He explained it is not their proposal for a sign. He remarked that no comments had yet been received regarding the signage. He stated when he heard there was an objection to the rendering, they had contracted with a local sign company and asked them to make the rendering comply with local zoning and signage requirements, and then submit such a plan to the City.

Mayor Naugle remarked that they are getting off the subject, and suggested that outside meetings be held to discuss the other issues which have been raised.

Mr. Cambria further stated that in regard to the landscaping, they do not want to agree to a special law just for them. He stated they want their permit in accordance with the existing laws, but once granted, they agreed to enhance such landscaping. He stated they would do so and would work with the City on the other issues.

#### ORDINANCE NO. C-04-28

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-18.1, ADULT USES, TO INCLUDE A DEFINITION OIF ADULT MATERIAL AND A SEXUALLY ORIENTED ESTABLISHMENT AS AN ADULT USE AND TO PROHIBIT THE DISPLAY OF ADULT MATERIAL.

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

Commissioner Moore returned to the meeting at approximately 7:29 p.m. and stated that he voted “No” in regard to the above matter.

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**Amendment to Code of Ordinances – Section 2-180 -  
Formal Bid Procedure & Section 2-170 - Applicability**

**(O-3)**

**Notice of ordinance was published on May 23, 2004.**

Commissioner Hutchinson introduced the following ordinance on second:

## ORDINANCE NO. C-04-31

AN ORDINANCE AMENDING SECTION 2-180, FORMAL BID PROCEDURE, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO MODIFY THE NOTICE AND ADVERTISEMENT REQUIREMENTS FOR THE PROCUREMENT OF SUPPLIES AND SERVICES WHEN THE ESTIMATED COST EXCEEDS TEN THOUSAND DOLLARS, AND SECTION 2-172, APPLICABILITY OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT CERTAIN PURCHASES OF SUPPLIES AND SERVICES BE EXEMPT FROM THE CITY'S PURCHASING PROCEDURES.

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

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<b>CITIZEN PRESENTATIONS</b>
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**1. Reverend W. Roberson II – Joseph Carter Park**

Reverend Roberson stated that he did not want to speak in regard to repairs to the park, but in reference to the park's reopening. He continued stating that he had met with Commissioner Moore and had received a disturbing answer regarding the opening of the park, and therefore, had decided to investigate the matter further. He stated the park need to be opened for the children because it helps to reduce crime. He proceeded to discuss the statistics regarding crime since the park was closed. He is asking that Commissioner Moore expedite the time for the park's reopening.

Continued on page 30.

**2. Rueben Wiggan – Water Bill.**

Mr. Wiggan stated that from February, 2003, to February, 2004, his water bill had totaled \$1,451. He had been told by the City to have the line checked which was done, and there had been no problem with the line. He then asked the City to check the meter and asked to call him ahead of time so he could be present. He was not present when the meter had been checked. In 2001 the meter was checked, but it was situated too high above the sidewalk and would get jostled and therefore was not read correctly.

Commissioner Moore stated this meter is in front of a retail store front and not for residential use. The Water Department had stated that due to the existing ordinance, they could only forgive the dispute by a certain percentage and had offered it. He stated that once the meter had been lowered into the ground, the owner's water bill had gone back down to a normal usage. He felt the owner's assumptions have some validity, but the amount could not be automatically reduced due to the ordinance. He felt some consideration should be given to this individual and the problem. He further stated that

Mr. Wiggan has made every possible effort in this matter, and he asked if the Commission could schedule this item for their next meeting after staff has a chance to meet and discuss the issue. If it cannot then be resolved administratively, then he asked for the Commission to address the matter at their meeting.

Mayor Naugle agreed.

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**1. Reverend Roberson – Joseph C. Carter Park**

Continued from page 28.

Commissioner Moore stated that he wanted to make a comment regarding Joseph C. Carter Park and Reverend Roberson. He wanted to have the park opened years ago, and he agreed with Reverend Roberson's statements. He reiterated that everything possible has been done to have this park reopened. The last time this matter was discussed, they were informed the City was attempting to open the park for play, and they are still attempting to do so. There will a partial opening set for August. He stated there is no way the City could legally or safely allow anyone to access the park due to its condition. He stated that the Commission requested Parks and Recreation to find some methodology of providing programs for the children during the summer months, and off-site locations would be provided. He emphasized they had done everything possible to reopen the park as quickly as possible, while still obtaining a quality product at completion. He hoped that the citizens realized the positive efforts he had made in other areas, and he was sorry that the news media did not report them. He has been an advocate to bring this site to use again as expediently as possible.

<b>RESOLUTIONS</b>
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**Plat Approval for "Riverland Village" (PZ Case No. 3-P-03)**

**(R-1)**

At the April 21, 2004 Planning and Zoning Board regular meeting, the following application was approved by a vote of 6-1:

Applicant:	Robert Saporiti
Request:	Plat approval for "Riverland Village"
Location:	East side of SW 29 <sup>th</sup> Avenue immediately south of SW 19 <sup>th</sup> Street, if extended.

Commissioner Hutchinson introduced the following resolution:



RESOLUTION NO. 04-106

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

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

Commissioner Hutchinson asked if staff could provide her with the phone number of the applicant.

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**Plat Approval for "Champion Plat" (PZ Case No. 12-P-03)** (R-2)

At the March 17, 2004 Planning and Zoning Board regular meeting, the following application was approved by a vote of 5-2:

Applicant: Michael Champion  
Request: Plat approval  
Location: 1991 SW 30<sup>th</sup> Terrace

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-107

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

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

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**City of Fort Lauderdale Notification to be on the Ballot To Annex "North Andrews Gardens Area"** (R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, NOTIFYING THE BROWARD COUNTY LEGISLATIVE DELEGATION AND THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS OF ITS DESIRE TO APPEAR ON A BALLOT TO ANNEX THE AREA KNOWN AS NORTH ANDREWS GARDENS.

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

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**City of Fort Lauderdale Notification to be on the Ballot To Annex the “Twin Lakes North Area” (R-4)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, NOTIFYING THE BROWARD COUNTY LEGISLATIVE DELEGATION AND THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS OF ITS DESIRE TO APPEAR ON A BALLOT TO ANNEX THE AREA KNOWN AS TWIN LAKES NORTH.

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

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**City of Fort Lauderdale Notification to be on the Ballot To Annex the “Rock Island Area” (R-5)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-110

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING ITS SUPPORT FOR THE INCORPORATION OF THE AREA KNOWN AS ROCK ISLAND AND ENCOURAGING THE RESIDENTS TO VOTE FOR INCORPORATION AT THE NOVEMBER 2, 2004 ELECTION.

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

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

This item was withdrawn by the applicant.

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**Update Authority to Sign Checks on Behalf of the City of Fort Lauderdale (R-7)**

Commissioner Moore introduced the following resolution:

## RESOLUTION NO. 04-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 98-112, AS AMENDED, AUTHORIZING SPECIFIC CITY EMPLOYEES TO SIGN CHECKS FOR THE PAYMENT OF MONEY ON BEHALF OF THE CITY.

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

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**City Manager Contract****(R-8)**

Commissioner Hutchinson introduced the following resolution:

## RESOLUTION NO. 04-112

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT OF EMPLOYMENT WITH GEORGE GRETSAS TO SERVE AS A CITY MANAGER OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND FIXING HIS SALARY THEREFOR.

Mayor Naugle stated that there was a term sheet distributed by the City Attorney stating the City's position, along with the employee's position, regarding various terms they had not yet agreed upon.

Commissioner Hutchinson stated that originally the City sent a draft of a 4-year contract, not two-year. She suggested that the original offer should say a 4-year draft contract, and then a two-year term contract. Mayor Naugle stated he had only been aware of a two-year term contract being sent out.

The City Attorney explained there had been an original contract sent out which he had indicated was unauthorized, which was just to show the format of the previous City Manager's contract and it included a four-year term. Subsequently he called Mr. Gretsas after consultation with the Commission, and informed him that the contract was for a two-year term, based upon the consensus of the Commission.

Mayor Naugle asked if anyone objected to three years. Vice-Mayor Trantalis stated that he did object.

Commissioner Hutchinson stated she has no issue regarding the severance part of the contract, and felt it is commendable that Mr. Gretsas is willing to start with 10 months and a 60-day notice, dropping it down in years two and three to 8 months, and in consecutive years after that to 6 months. She stated that in reviewing Mr. Johnson's contract which had 12 months with a 60-day notice, it had turned out to be 14 months that he was compensated. In reviewing other staff contracts regarding termination pay,

some have a 180-day notice plus 6 months, and those individuals would be working under Mr. Gretsas.

Mayor Naugle agreed and stated it is a reasonable position. He asked if any Commissioner objected to the clause regarding termination and resignation.

Commissioner Moore objected.

Commissioner Hutchinson further stated that it was her understanding that when the City sent the second original contract for two years, it listed a \$175,000 salary, and she felt it is commendable that Mr. Gretsas understood the longevity issue and how the Commission felt, and was willing to opt out of it in his contract, along with some car allowance issues. She stated further that his proposal calls for \$175,000 base salary for the first year, \$193,000 for the second year, and \$205,000 for the third year. She stated if the Commission is uncomfortable with those salaries, she suggested they make it performance based. She is not uncomfortable with the figures submitted. When he is evaluated, if the majority of the Commission feel he has done a good job, then he would automatically get the raise as proposed.

Commissioner Moore did not agree with an automatic increase. The Commission has discussed this many times in reference to merit pay. There should be an annual evaluation of an employee. He stated no other positions receive an automatic increase, and neither should this one.

Commissioner Teel stated that any increase in salary should be based on merit and performance, and be part of the evaluation process. She stated there is no reason to believe he would not earn the increase, but she felt it should not be automatic and should be tied to his performance.

Vice-Mayor Trantalis stated that the Commission needs to take a more hybrid approach to wage increases, and was inclined to support a minimum cost of living increase, and anything above that would be based on merit. He felt the \$175,000 to \$193,000 jump is a little rich, and a smaller increase, possibly half, could be automatic and anything above that would be based on performance.

Commissioner Hutchinson stated that possibly she was not clear in her suggestion. She continued stating that the raises would be based on a performance evaluation that they could set time certain now so his contract would not automatically renew. The Commission would have the opportunity to evaluate him, but he would know that if evaluated correctly this is the amount he would receive in years two and three. She stated it would not automatically go to those amounts but be performance based, and supported by a majority of the Commission. She reiterated it would not be automatic.

Commissioner Moore stated she was stating that it would go from \$175,000 to \$193,000, and he was stating it should be based on an evaluation and no automatic dollar amount specified. It would be done at the time of the evaluation as is done with other City employees who are hired by the Commission. He did not see any reason to make it any different.

Commissioner Moore asked what his salary was in New York. Vice-Mayor Trantalis stated that he is presently receiving \$125,000, but he is not in the same position in the same size city.

**Motion** made by Commissioner Moore to offer \$175,000 as a salary to Mr. Gretsas, and everything else would be based on an evaluation of his services.

Motion died for lack of a second.

**Motion** made by Commissioner Hutchinson to accept Mr. Gretsas' proposal at \$175,000, and build into it a performance based merit pay, which would increase to \$193,000 in the second year, \$205,000 in the third year, but it would be built on approval by a majority of the Commission.

The City Attorney stated if the Commission is going to build in a performance based pay, they need to set up some objectives as to what the performance should be in order to receive the pay raise.

Commissioner Moore did not think they should do that this evening. He felt it would be better to have consideration of the motion even if it fails. He stated that other employees do not have the luxury of automatic increases at dollar amounts, and he did not feel the Commission should set such a precedent. He hoped the Commission would reconsider his motion. He reiterated that should not be done. If the person performs their job in the correct manner, he would prefer to compensate that individual in such a manner as deemed appropriate, and not have a window of \$193,000. He did not want the employee to feel that he would receive an automatic raise.

Mayor Naugle suggested that they raise the base salary to \$180,000 with the idea there would be performance based merit increases.

Commissioner Hutchinson did not want this motion to die since there does not appear to be a consensus, and therefore, she would support \$180,000. She did not think it would fly due to the conversations she had previously with Mr. Gretsas. She hoped he would be the next City Manager. She would support \$180,000, but wanted to build into it a performance based standard so he would know that in leaving one city for another, he would not be here only one year.

Mayor Naugle reiterated that the contract is for three years; the Commission is discussing the salary increases. He stated that if the individual performs properly, he would support increases.

**Motion** made by Commissioner Teel and seconded by Vice-Mayor Trantalis that a contract be offered with a salary of \$180,000, and that there be a \$5,000 increase each year with the ability to grant performance based compensation. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Vice-Mayor Trantalis and Mayor Naugle. NAYS: Commissioner Moore.

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**Advisory Board/Committee Appointments**

**(OB)**

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

Budget Advisory Board	Shane Gunderson Michael McFarland
Cemeteries Board of Trustees	Vicki Mowrey
Community Appearance Board	John Brennan Frank Vincent Reilly
Education Advisory Board	Dr. Niara Sudarkasa Frank Payne
Insurance Advisory Board	Christopher Pretera
Northwest-Progresso-Flagler Heights Redevelopment Agency	Dr. Rosalind Osgood
Planning and Zoning Board	Ed Curtis Maria Freeman Judith Hunt

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 04-105

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

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

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**City Manager Report**

**(OB)**

Lauderdale Lakes Property

The Acting City Manager stated that they had closed on the Lauderdale Lakes property and it now belongs to the CRA of Lauderdale Lakes. He commended Faye Outlaw on a job well done.

Cost of Gasoline Increase

The Acting City Manager referred to a recent newspaper article regarding the question of gas increases and the impact on cities. He indicated that since November, 2003, the rates for fuel have increased by 31.9%. He stated this required the City to look

stringently at the budget in regard to gasoline and diesel, and according to staff's projections they are about \$80,000 over, but he had been informed that the departments had made compensatory changes in their expense budgets.

#### 2004-2005 Budget

The Acting City Manager announced that there would be a budget workshop on June 8, 2004, for next fiscal year. He also advised there would be a budget revision presented at the next Commission meeting that would present some challenges. He advised the City must deal with the shortfall in regard to the alarm fee which was projected to be \$1.2 million to \$1.4 million. He further stated they are looking at a current deficit in the insurance account of another \$2 million added on. The City will have to look at some compensatory changes in the budget to deal with the issue, including some de-obligation and re-obligation of encumbrances of the past which have lapsed in closing purchase orders.

Commissioner Moore left the meeting at approximately 8:02 p.m.

The Acting City Manager further stated they would also be looking at staffing concerns for the Engineering and Building Departments which had arose during the past month, and how to pre-position monies to hire staff later in the year. He announced this budget would be tight both this year and next year, but he felt things are under control.

There being no other matters to come before the Commission, the meeting was adjourned at 8:04 PM.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk