

COMMISSION REGULAR MEETING INDEX

June 15, 2004

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
JUNE 15, 2004**

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

Roll call showed:

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

Absent: None

Also Present: Acting City Manager Alan Silva
City Attorney Harry A. Stewart
City Clerk Jonda K. Joseph
Sergeant At Arms Sergeant Mark Spencer

Invocation was offered by Captain Stephen Morris, Area Commander of the Salvation Army of Broward County, 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 were 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 May 4, 2004 and May 18, 2004 meetings be approved. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Vice-Mayor Trantalis and Mayor Naugle. NAYS: None.

Presentations

OB

1. "WOW" Award

Commissioner Teel recognized the Community Appearance Board's "WOW" Award for District I to Edward Walters of 1316 Middle River Drive in Coral Ridge.

2. Expression of Sympathy

The Mayor and City Commission offered an expression of sympathy to the families of Dr. Ulysses Grant Horne, Jr. and Ernie Loprich.

3. NUSA Conference

The Mayor and City Commission recognized the NUSA volunteers with certificates of appreciation. Commissioner Hutchinson announced that it is NUSA's 29th Conference this year which was held at The Diplomat in Hollywood. She stated that the City hosted and conducted 6 tours for the participants of the conference. She proceeded to thank Katherine Wickman for designing the neighborhood services logo, and Marisol Lotito for her efforts in arranging the tours through the City, along with Hal Barnes for his work in coordinating the City's exhibit booth at the conference.

Commissioner Hutchinson also thanked Tanzier Collachee and Pete Sheridan from Keith and Schnars who donated \$5,000 which enabled the City to put up their exhibit booth and send staff to the conference. She also thanked Jim Ellis from Ellis Diversified who donated \$4,000 assisting with other activities and also helped to send staff to the conference.

Commissioner Hutchinson introduced Valerie Taylor to explain NUSA, and what she had learned as a first-time participant.

Valerie Taylor, Secretary of Harbor Isles, stated she had been lucky enough to be chosen to attend this conference, and she wanted to thank everyone responsible for giving her such a remarkable experience.

4. Lauderdale Knights

The Mayor and City Commission proceeded to recognize the Lauderdale Knights. Commissioner Hutchinson stated that this is a group of public service employees who defended their State title by earning their 4th consecutive victory at the Florida Water Environment Association Operator's Challenge. She proceeded to call forward Jim Crawford, Carlton Great, Scott Hall, Keith Hutchinson, and John McGeary to be honored.

5. July 4th Fireworks Sponsorship

Commissioner Moore proceeded to recognize Comcast & Taylor Hodkin Kopelowitz & Ostrow, P.A. for sponsoring the July 4th Fireworks show. He announced that these sponsors donated \$30,000 for this event.

Cindy Stoddard, Comcast, stated that she is not here to promote their company, but is present to give their commitment to the communities they serve. She announced that many of their employees are residents in various cities in Broward County. She stated it gave them great pleasure to step forward and make sure that the City could continue their tradition of the 4th of July event. She stated that Taylor Hodkin Kopelowitz & Ostrow, P.A. had been a terrific partner in this initiative, along with Linda Gill of Gill Hotels who had stepped up and assisted them in this unique partnership. She also wanted to state what a pleasure it is to work with the City's Parks and Recreation Department. She proceeded to show a clip of one of the public service announcements they had prepared to promote the event. She then distributed a beach package to the Mayor and Commissioners.

Brian Kopelowitz, Hodkin Kopelowitz & Ostrow, P.A., stated they did not want this event to not move forward. He stated they are constructing a building at the corner of Las Olas and Andrews Avenue, and they felt this is a way to entrench their commitment to the City and create a lasting partnership. He thanked Comcast for their part in the partnership

Commissioner Hutchinson left the meeting at approximately 6:30 p.m.

6. William McLamore Day

Vice-Mayor Trantalis proceeded to read a proclamation honoring William McLamore. He stated that he is an unsung hero and most times went overlooked, but yet no one could do without. Mr. McLamore worked in Public Works and is going to retire on June 25, 2004 after 30 years service to the City.

Commissioner Hutchinson returned to the meeting at approximately 6:34 p.m.

7. Friends of Children United Succeed (FOCUS)

Lee Richter, Executive Director of FOCUS, stated that the organization was formed to have a National Child's Day. She stated that the U.S. is one of the few countries which does not have a date to officially and legally honor their children.

Commissioner Moore left the meeting at approximately 6:36 p.m.

Ms. Richter stated that Senator Bob Graham had helped their organization to have such a celebration. She stated she wanted to do something for the future so that this could be a permanent celebration. She stated that National Child's Day would be the second Sunday of June. This year she wanted to outreach and honor the children of the moderate Muslim Nation. She stated that the Ambassador of Cutter had replied to her letter and stated there is great interest for the acknowledgement of the children. She stated that besides Mayor Naugle, she had reached out for assistance to Carol Spring of the NCCJ to help create this event. She further stated that the third person she had reached out to was Nazareth Stock, a lady of high faith persecuted overseas and Dan Rather had included in his book "*The American Dream*."

Commissioner Moore returned to the meeting at approximately 6:40 p.m.

Carol Spring, NCCJ, stated that students would be writing letters stating what it is like to be an American, and they would be sent to the Ambassador to distribute them to the students in his country, and hopefully such students would write back. She stated they are happy that the pilot project would be in this City.

Mayor Naugle thanked Dr. Spring for her service over the years, and stated that she is being given an award for distinctive service and an outstanding citizen. He proceeded to read a proclamation to Dr. Spring.

Nazareth Stock stated that she is the President of the Interfaith Council of Greater Hollywood and that had been publicized in the papers because in the country where she came from, there is nothing proud in being a woman or a woman of her faith. She stated that since she had been persecuted in her country, the information had been sent to Dan

Rather for his book. She reiterated that her dream had come true in this country. Her final words were "God Bless America."

Appeal of May 3, 2004 Historic Preservation Board (HPB) (PH-2)
Decision 1001-1009 SW 4th Street (HPB Case No. 8-H-04 SB)

The applicant has appealed the HPB decision at its May 3, 2004 meeting to deny (2-6) the request for COA's for Demolition of one (1) structure, relocation of two (2) structures, and new construction of a total of nine (9) townhouses.

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

Consent Agenda (CA)

The following items are 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 – Legends Cup (M-1)

A motion authorizing and approving the execution of an Event Agreement with **SportsUSA Group, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **The Legends Cup to be held on Saturday and Sunday, October 16 and 17, 2004 from 8:00 AM to 5:00 PM** at the Radisson Bahia Mar Resort and in the ocean from Fort Lauderdale to Key Largo.

Recommend: Motion to approve.
Exhibit: Memo No. 04-818 from Acting City Manager.

Event Agreement – 17th Annual Las Olas Labor Day Art Fair**(M-2)**

A motion authorizing and approving the execution of an Event Agreement with the **Las Olas Association** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **17th Annual Las Olas Labor Day Art Fair to be held in the East Las Olas shopping district on Saturday and Sunday, September 4 and 5, 2004 from 10:00 AM to 6:00 PM**; and further authorizing the closing of East Las Olas Boulevard from SE 6 Avenue to SE 11 Avenue from 4:30 AM Saturday, September 4 to 10:00 PM Sunday, September 5, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-817 from Acting City Manager.

Event Agreement – Rally Day**(M-3)**

A motion authorizing and approving the execution of an Event Agreement with **First Presbyterian Church of Fort Lauderdale, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **Rally Day to be held at the Church on Sunday, September 12, 2004 from 8:00 AM to 1:00 PM**; and further authorizing the closing of Tarpon Drive from Tarpon Terrace to Brickell Avenue from 10:00 AM on Saturday, September 11 to 12:00 Noon on Monday, September 13, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-816 from Acting City Manager.

Event Agreement – The Thrill of the Grill**(M-4)**

A motion authorizing and approving the execution of an Event Agreement with **Wild Oats Markets, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **The Thrill of The Grill to be held at the Wild Oats Market at 2501 East Sunrise Boulevard on Saturday, June 19, 2004 from 12:00 Noon to 4:00 PM.**

Recommend: Motion to approve.

Exhibit: Memo No. 04-840 from Acting City Manager.

Interlocal Agreement – Broward County, Hollywood & Sunrise – Cooperative Emergency Response to Hazardous Materials**(M-5)**

A motion authorizing and approving the execution of an Interlocal Agreement between the City of Fort Lauderdale and Kenneth C. Jenne, II, Sheriff of Broward County, establishing initial funding in the amount of \$450,000 annually for each municipal team (Fort Lauderdale, Hollywood and Sunrise) with renewal and annual increase clauses to partially fund the cost of providing HazMat and weapons of mass destruction services.

Recommend: Motion to approve.

Exhibit: Memo No. 04-883 from Acting City Manager.

Disbursement of Funds – Joint Investigation - (M-6)
O.R. No. 03-150497 - \$1,741.04 U.S. Currency

A motion authorizing the equitable disbursement of funds in the amount of \$20,892.59 with each of the participating law enforcement agencies to receive \$1,741.04.

Recommend: Motion to approve.
Exhibit: Memo No. 04-05-03 from City Attorney.

Disbursement of Funds – Joint Investigation - (M-7)
O.R. No. 02-12508 - \$711.68 U.S. Currency

A motion authorizing the equitable disbursement of funds in the amount of \$8,540.20 with each of the participating law enforcement agencies to receive \$711.68.

Recommend: Motion to approve.
Exhibit: Memo No. 04-05-04 from City Attorney.

Contract for Surveying Services – Stoner & Associates (M-8)
Project 10712 – Surveying and Mapping Services

A motion authorizing the proper City officials to execute an agreement with Stoner & Associates for the Surveying and Mapping Services project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-749 from Acting City Manager.

Contract Extension – F & L Construction, Inc. (M-9)
Project 10612-A – 2004/2005 Annual Contract for Concrete and Paving Stone Repair

A motion authorizing the proper City officials to execute a one-hear contract extension with F & L Construction, Inc. in the amount of \$128,000 for the 2004/2005 Annual Contract for Concrete and Paving Stone Repair project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-745 from Acting City Manager.

Task Order No. 04-01 – Hazen & Sawyer, P.C. (M-10)
Project 10508 – Phase II Upgrades at Fiveash Water Treatment Plant

A motion authorizing the proper City officials to execute Task Order No. 04-01 with Hazen & Sawyer, P.C., in an amount not to exceed \$775,890 for engineering services related to the Phase II Upgrades at the Fiveash Water Treatment Plant.

Recommend: Motion to approve.
Exhibit: Memo No. 04-741 from Acting City Manager.

Rejection of Bids – Project 10817 – 2004/2005 Annual Storm Sewer Contract (M-11)

A motion authorizing the proper City officials to reject all bids received on May 19, 2004 for Project 10817, 2004/2005 Annual Storm Sewer Contract.

Recommend: Motion to approve.
Exhibit: Memo No. 04-737 from Acting City Manager.

Notice to Proceed with Performance Demonstration Pilot Test – Hydranautics Project 10454 – Peele-Dixie WTP Membrane Elements Procurement (M-12)

A motion authorizing the proper City officials to issue a Notice to Proceed with Performance Demonstration Pilot Test to Hydranautics in association with the Peele Dixie WTP Membrane Elements Procurement Project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-740 from Acting City Manager.

Agreement – North Broward Hospital District - Fitness/Wellness/Healing Arts Classes (M-13)

A motion authorizing the proper City officials to execute an agreement with the **North Broward Hospital District from July 1, 2004 through June 30, 2005** to conduct Fitness and Wellness at the Beach Community Center.

Recommend: Motion to approve.
Exhibit: Memo No. 04-819 from Acting City Manager.

Contract Award to MBR Construction, Inc. and Approval of First Amendment to Joint Project Agreement with DDA Project 15393 – SE/SW 2nd Street Corridor Streetscape Improvements (M-14)

- (a) A motion authorizing the proper City officials to execute an agreement with MBR Construction, Inc. in the amount of \$3,859,046 for the SE/SW 2nd Street Corridor Streetscape Improvements project.
- (b) A motion to approve a First Amendment to the current contract with the downtown Development Authority (DDA).

Recommend: Motion to approve.
Exhibit: Memo No. 04-733 from Acting City Manager.

PURCHASING AGENDA

Proprietary – Management In-Basket Examinations**(Pur-1)**

An agreement to purchase general management in-basket and other supervisory examinations is being presented for approval by the Administrative Services, Human Resources Division.

Vendor: Management & Personnel Systems, Inc.
Walnut Creek, CA
Amount: \$ 40,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-516 Acting City Manager

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

Proprietary – Software Upgrade and Computer Hardware**(Pur-2)**

An agreement to purchase software upgrade and related computer hardware is being presented for approval by the Administrative Services, Procurement and Materials Management Division.

Vendor: Periscope Holdings, Inc.
Austin, TX
Dell Marketing, LLP
Dallas, TX
Amount: \$ 30,000.00 (estimated not to exceed)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-805 from Acting City Manager

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

Co-Op Contract – Diesel Fuel, Transport and Tankwagon**(Pur-3)**

One-year contract for diesel fuel, transport and tank wagon delivery is being presented for approval for city-wide use.

Vendor: Ryder Energy Distribution Corporation
Fort Wayne, IN
Macmillan Oil Company of Florida, Inc.
Hialeah, FL
Port Consolidated, Inc.
Fort Lauderdale, FL

Amount: Per Firm Markup
Bids Solicited/Rec'd: 37/9 with 3 no bids
Exhibits: Memorandum No. 04-831 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the purchase from the Southeast Florida Governmental Purchasing Co-Op contract.

432-8883 – Contract Extension – Turf Grass Maintenance**(Pur-4)**

One-year contract extension for turf grass maintenance is being presented for approval by the Public Services Department.

Vendor: Sonny's Total Landscaping, Inc. (MBE)
Oakland Park, FL

Amount: \$ 29,500.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-837 Acting City Manager

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

622-8651 – Contract Extension – Anhydrous Ammonia**(Pur-5)**

One-year contract extension for anhydrous ammonia is being presented for approval by the Public Services Department.

Vendor: Tanner Industries, Inc.
Southampton, PA

Amount: \$ 46,600.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-836 Acting City Manager

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

Emergency Purchase of Sleeves and Ring Kits**(Pur-6)**

An emergency purchase of sleeves and ring kits is being presented for approval by the Public Services Department.

Vendor: Ferguson Enterprises, Inc.
Pompano Beach, FL
Amount: \$ 14,800.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-832 from Acting City Manager

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

Proprietary – Annual Computer Maintenance Agreement**(Pur-7)**

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

Vendor: Hansen Information Technologies Corp.
Sacramento, CA
Amount: \$ 89,970.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-798 from Acting City Manager

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

Hollywood Contract – Lab Testing Services**(Pur-8)**

An agreement to purchase lab-testing services is being presented for approval by the Public Services Department.

Vendor: U.S. Biosystems
Boca Raton, FL
Amount: \$ 35,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-776 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the purchase from the City of Hollywood contract.

Co-Op Contract – Photographic Film**(Pur-9)**

One-year contract for photographic film is being presented for approval for city-wide use.

Vendor:	HPI International, Inc. Brooklyn, NY Dixie Sales Company USA, Inc. Jacksonville, FL
Amount:	Per Unit Pricing
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-813 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the purchase from the Southeast Florida Governmental Purchasing Co-Op contract.

Motion made by Commissioner Moore and seconded by Vice-Mayor Trantalis that Consent Agenda Item Nos. M-1, Pur-1, Pur-5, and Pur-7 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

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

Event Agreement – The Legends Cup**(M-1)**

The City Attorney stated that he had asked that this item be pulled because staff had not yet had time to review it. He asked that it be approved subject to the City Attorney's approval.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve this item subject to approval by the City Attorney. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Vice-Mayor Trantalis and Mayor Naugle. NAYS: None.

Proprietary – Management In-Basket Examinations**(Pur-1)**

Mayor Naugle stated that he is not sure if the incoming City Manager would want to use this company.

Mayor Naugle announced that this item would be deleted from tonight's agenda until input is received from the incoming City Manager.

Kirk Buffington, Administrative Services, stated that would be acceptable due to the timetable involved.

Mayor Naugle stated he did not want to authorize money for something that is obsolete.

622-8651 – Contract Extension – Anhydrous Ammonia

(Pur-5)

The Acting City Manager stated that he had pulled this item.

Kirk Buffington, Administrative Services, stated that staff thought they had an agreement with the current contractor, but due to a large price increase from fuel increases, staff is going to put this out for bid. Consequently, there is no need to extend the contract.

Mayor Naugle announced that this item is pulled from tonight’s agenda.

Proprietary – Annual Computer Maintenance Agreement

(Pur-7)

Kirk Buffington, Administrative Services, stated that they needed to make a correction to the amount listed. He advised that the correct amount to be approved is \$89,970.

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

MOTIONS

Amendment to Air & Sea Show Agreement

(M-15)

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

Mayor Naugle stated that during the year he hoped to reduce expenditures or raise additional funds so there would be a zero balance.

Johnny Williams, President Pro-Series, Inc., stated that after this afternoon’s meeting, he had met with Assistant City Manager Bud Bentley and there are 2 items he wanted to address in regard to the amendment.

Mr. Williams stated that currently there is a 2-year non-compete provision in the event the City canceled the Air Show prior to the conclusion of the 2005 event. In an effort to continue operating in good faith and to keep the show in Fort Lauderdale, and encourage future negotiations, they are asking that this provision also be applied if the City were to cancel the event after the 2005 Show.

Vice-Mayor Trantalis asked if this provision is currently in effect.

Bud Bentley, Assistant City Manager, stated that there is currently a non-compete clause if the City cancels the agreement, but they are asking that after the 2005 Show, if there is no new agreement, the City agrees to a non-compete provision for 2 years.

Commissioner Moore stated that even if the City chose to do the event and look for a new promoter, it would probably take two years to put everything together.

Mr. Williams stated that, in regard to the wording of the amendment dealing with PSI taking on the responsibility of certain City services previously provided by the City, they want a detailed breakdown of what the services encompass. They also want to make sure that such services could be procured by their company. They do not want to expose themselves to additional fees that the City had not detailed, such as permits or site plans.

Commissioner Moore reiterated that in earlier discussions, it was indicated that City staff would oversee the staging and barricade work for the Show. He asked if permits are necessary for such work.

Mr. Bentley advised that there would be no City permits required, but he did not know if FDOT required any.

Mr. Williams reiterated that they want to make sure that the figure discussed earlier today is accurate, and there would be no additional fees.

Commissioner Teel was very concerned about the statements being made at this time. She did not think the City should have to guarantee that the promoter could find a vendor that would perform the work City staff had done for the amount charged. She did not feel it is the City's responsibility to provide such guarantees. These amendments affect the contract that the Commission is supposed to vote on tonight. She asked when this is going to stop because requests are constantly being made.

Mr. Williams explained that he is stating if there are expenses not incurred by the City in connection with such work, they also do not want to incur such additional costs.

Vice-Mayor Trantalis referred to remarks previously made that they are not sure if they could procure some of the services provided by the City included in the \$51,000 figure. If they do not procure such services, there needs to be an understanding that an agreement was reached this afternoon that such responsibilities are now going to be shifted to the Promoter. He reiterated that their contribution to the City would then be reduced by \$51,000. He asked where the line is to be drawn.

Mr. Williams stated that for an example, he is referring to work such as outside speakers being installed on poles where FPL does not allow a private entity to do such work, but permits the City to do it. He explained that he is not referring to items that they are not willing to provide, but work that could not be permitted by a private entity.

Mayor Naugle asked if there would be any problems with such work. Mr. Bentley replied that he spoke with staff and they are not aware of any services that the Promoter could not provide. Staff understands the concerns. Language could be included in the agreement in case there is a service that could not be provided. In such case, he explained they would renegotiate the matter and the City would provide the service, but likewise there would be a change in the \$51,000 figure. Staff does not anticipate such a thing taking place, or a small portion of work.

Commissioner Moore remarked that it might be possible to save money with the barricade work.

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

Mr. Williams wanted to make sure that they are not exposing themselves to any additional liability. He asked if the amendment could specify such things so they could be aware of the items. Commissioner Moore asked if he is referring to the barricades being run over as an example. Mr. Williams confirmed. Commissioner Moore stated if they are obligated to do such work and the supervisors approve the work, then it would fall under their present insurance plan with the City as an event operator.

Fiscal Year 2003-2004 Budget Amendment

(M-16)

Commissioner Hutchinson was uncomfortable with one part of the amendment in regard to the clerical position in the City Manager's office that is proposed for reinstatement.

Commissioner Moore stated he did not want this item moved at all.

Motion made by Commissioner Hutchinson and seconded by Vice-Mayor Trantalis to approve the item with the exclusion of the clerical position for the City Manager's office. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: Commissioner Moore.

PUBLIC HEARINGS

**Application for Dock Waiver of Distance Limitations -
Larry Spring and Deborah Spring – 3013 NE 20 Court**

(PH-1)

A public hearing to consider a resolution for an application from Larry Spring and Deborah Spring for a dock waiver of limitations under Section 47-19.3.D of the Code of Ordinances for property located at 3013 NE 20 Court. Notice of public hearing published June 3 and 10, 2004.

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

Commissioner Teel was concerned about this item and asked for further explanation.

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

Jamie Hart, Supervisor Marine Facilities, stated that the existing lift extends 27'. Commissioner Teel stated that it appears that it would be difficult to navigate the boat onto the lift without going in front of the neighbor's property. She stated that in District I there appears to be more and more conflicts between neighbors when waivers have

been granted. She is concerned that in the future when properties are sold more problems could arise.

Mr. Hart explained that the lift is 20' from the adjoining property line. The lift has been there for quite some time. The matter has been before the Marine Advisory Board.

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

Mayor Naugle asked if the lift is approached from the west instead of the east would there be a problem. Commissioner Teel stated that is not possible due to a large yacht in place.

Mr. Hart stated the lift had not been permitted, but the dock is acceptable. Mayor Naugle reiterated that they would not have to encroach on the neighbor's property if the yacht is moved while the other boat is being taken off the lift. He added that they could reverse the lift and reset the posts. Commissioner Teel reiterated that she believed it would cause a problem in the future.

Clare Vickery stated that the owner would not have a problem with a stipulation regarding future owners so that no one would be liable for the inability to park a boat at the current dock. She suggested that be memorialized or recorded in some way with the title so that future owners would be aware of the document. She explained the title work showed the permit for the dock, but it had never been finalized.

The City Attorney stated that this could be done. The City could condition the waiver on the recordation of such document.

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

Historic Designation of Property at 828 SE 4th Street
(HPB Case No. 30-H-02)

(PH-3)

This is a request to grant historic designation (landmark) status to the property located at 828 SE 4th Street. On December 9, 2002, the Historic Preservation Board by a vote of 7-0 recommended that the City Commission approve the historic designation of the subject property.

Mayor Naugle remarked that there is a request for deferral of this matter.

Individuals wishing to speak on this matter are sworn in.

Ron Mastriana, attorney, stated that they are requesting that this matter be deferred again. He explained they had submitted a request for 4 variances for re-adaptive use. He stated they hoped to be through the process by September.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this matter to September 21, 2004 at 6:00 p.m.. Roll call showed: YEAS:

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

Rezoning; 221-229 SW 12 Avenue (PH-4)
PZ Case No. 4-Z-04

At the Planning and Zoning Board regular meeting on March 17, 2004, it was recommended by a 6-1 vote that the following application be approved. Notice of public hearing was published on June 3 and 10, 2004.

Applicant: G. Brett and Caroline D. Bass
Request: Rezone from RC-15 to RM-15
Location: 221-229 SE 12 Avenue

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

Commissioner Hutchinson introduced the following ordinance:

ORDINANCE C-04-34

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RC-15 TO RM-15, LOT 1, BLOCK 21, "BEVERLY HEIGHTS," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE SOUTHWEST CORNER OF SOUTHEAST 12TH AVENUE AND SOUTHEAST 2ND COURT IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

ORDINANCES

Amendment to Code of Ordinances - (O-1)
Section 2-180 – Formal Bid Procedure &
Section 2-170 - Applicability

Notice of ordinance was published on May 23, 2004. The first reading was approved on June 2, 2004 by a vote of 5-0.

Commissioner Moore introduced the following ordinance:

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

**Adoption of Amendments to the City of Fort Lauderdale
Future Land Use Map and Comprehensive Plan (O-2)**

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-32

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 1989 FORT LAUDERDALE COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE PLAN MAP TO INCLUDE NEWLY ANNEXED AREAS AND PROVIDE LAND USE DESIGNATIONS; TO AMEND PERMITTED USES TO REMOVE ELECTRICAL POWER PLANTS FROM CERTAIN LAND USE DESIGNATIONS AND TO ADD A NEW LAND USE ENTITLED "ELECTRICAL GENERATING FACILITIES;" TO PROHIBIT CO-LOCATION OF PARKS AND PUBLIC SCHOOLS; TO IDENTIFY IRREGULAR DENSITIES AS A PERMITTED USE IN THE RESIDENTIAL LAND USE DESIGNATION; TO RENAME THE ELEMENT DEALING WITH SANITARY SEWERS AND DRAINAGE; TO REVISE THE GOALS, OBJECTIVES, AND POLICIES OF DIFFERENT ELEMENTS OF THE COMPREHENSIVE PLAN AND TO ADOPT A NEW TRANSPORTATION ELEMENT.

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

**Allocation of Downtown Regional Activity
Center Dwelling Units (O-3)**

Notice of ordinance was published on June 5, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-33

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13.20, DOWNTOWN REGIONAL ACTIVITY CENTER REVIEW PROCESS AND SPECIAL REGULATIONS TO PROVIDE A PROCESS AND REQUIREMENTS FOR THE ALLOCATION OF DWELLING UNITS IN EXCESS OF THE ORIGINAL 5,100 UNITS ALLOCATED TO THE DOWNTOWN RAC.

Which ordinance was read by title only.

Mayor Naugle stated that this was discussed previously. Time was allotted to complete the necessary study to adjust the impact fee for parks assessed on residential units because the amount had not been adequate in the past. He asked if that had been done.

Bruce Chatterton, Planning and Zoning Services Manager, stated that had not been done, but the impact fees for parks and open space are being reviewed as part of the Public Realm Plan which was approved by the Commission. It is also part of the implementation of the Downtown Master Plan.

Mayor Naugle asked if the Commission took action now would it be necessary for the units to pay the new amount. Mr. Chatterton explained it would have to be done retroactively. Mayor Naugle clarified that is what he had thought. The units are going to be held up until this is in place. He felt the transportation impact fee should also be included, but at a minimum they had discussed they would have the new parks rate. He stated this should not have been on the agenda if that had not yet been done.

Commissioner Moore was concerned about the issue of affordable housing. He felt that should be addressed. He asked for further clarification regarding both issues.

The City Attorney stated that the parks issue is being studied so staff could come up with additional numbers to discover the value of the property. The affordable housing issue is also being studied as to what type of program would be put into place.

Commissioner Moore asked if the motion is passed as written with a caveat that the units would be subject to any new ordinance dealing with affordability of units and parks, would it meet the requirements of the law. The City Attorney stated it would be difficult to enforce.

Mayor Naugle remarked that it would be better to have these things in place before the units are approved. The City Attorney replied that the Commission could approve this.

Motion made by Commissioner Moore to approve the item, but the allocation would not occur until both ordinances are in place.

Cecelia Hollar, Director Construction Services, stated that staff is working with the community and the Housing Development Department regarding the affordable housing study, and with Parks and Recreation regarding their study. She explained that this ordinance is to direct authority to the Commission for allocation of the units. She suggested that as projects come to the Commission for allocation of units, if the

ordinances are not in place, then possibly they could look at the merits of each project as they achieve affordable housing and additional parks and recreation goals until such ordinances are in place.

Commissioner Moore stated he likes the recommendation being made, but would not agree to it. He stated that they wait on issues, the doors keep closing, and they still do not receive what they are requesting. An affordable housing ordinance was requested, and no unit would be given until that ordinance is received. This is the only opportunity they have to capture these items. He stated he is willing to allocate the units, but wanted it clear that there would be an affordable housing ordinance that would allow the City to impact the additional units being offered, as well as address the City's park needs.

Mayor Naugle felt if they approved it now, then things would not get done. Commissioner Moore felt it would get done with the caveat suggested. He felt otherwise it would not get done because the City would get pressured by the development community. No one is willing to address the issue of affordable housing in this ordinance or they are using a very slow method.

Commissioner Hutchinson was comfortable with the ordinance as it is written. She stated it does not mean the units are "up for grab" because the Commission would still have to allocate them. They are being allocated now, but there are rules that have to be followed in order to capture such units.

Motion died for lack of a second.

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

RESOLUTIONS

**Water and Wastewater Capital Improvement Program
WaterWorks 2011 – State Revolving Fund Construction
Loan Agreement**

(R-1)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, RELATING TO THE STATE
REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS,
AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN
AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING
AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE;

PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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

Reschedule July 6, 2004 City Commission Conference and Regular Meetings to July 7, 2004 (R-2)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-116

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

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

Site Plan Review/Allocation of Sixty-Nine (69) Dwelling Units/RAC-CC – Winter Haven Lofts (DRC Case 11-R-04) (R-3)

Pursuant to ULDR Sec. 47-13.20, The Winter Haven Lofts Development has been reviewed by the Development Review Committee, and must be reviewed and approved by the City Commission in order for dwelling units to be allocated from the new units added to the Downtown RAC in November, 2003.

Applicant: Sidney M. & Stewart A. Robin; Hermop, Inc. and Las Olas Properties, Inc.
Location: 401-409 N.E. 3 Street

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-117

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN AND ALLOCATION OF POST 2003 DWELLING UNITS TO DEVELOP A MIXED USE BUILDING LOCATED AT 401-409 N.E. 3RD STREET, FORT LAUDERDALE, FLORIDA IN THE DOWNTOWN RAC-CC ZONING DISTRICT.

Which resolution was read by title only.

Vice-Mayor Trantalis stated that he has a conflict of interest in regard to this matter and would not be voting. He stated that one of the Petitioners is his client, but added that he has no financial interest in the project. To avoid the appearance of impropriety, he did not want to vote on the matter.

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

Mayor Naugle explained that he had voted against this item because of the allocation of units, and not being able to capture the cost on the impact fees. This is not what the Commission directed staff to do.

Vice-Mayor Trantalis stated that he did not think any of the Commissioners are interested in thwarting the efforts of the community in trying to establish a balanced market for all levels of housing. Many people in the community have stepped forward in trying to establish guidelines, along with a long-term plan, in terms of allocating their resources to provide affordable housing. He felt through the CRA and other avenues, the City has expended and pledged millions of dollars to establish all types of housing at all income levels.

Vice-Mayor Trantalis further stated that it was his understanding that when the City agreed to ask Broward County Planning Council and the County Commission to allow for these units to be authorized, he thought the matter had not yet made this round of allocation, but that it was their intention to move forward and identify affordable housing, and a program that would fit in with the allocation of future units. He did not think it was based on this particular allocation.

Mayor Naugle stated it is based on the parks impact fee.

Vice-Mayor Trantalis stated he did not want to suggest that he is trying to deny the continual policy of this Commission to provide affordable housing. Since they had not provided definitions in time for the use of these units, he did not think it is fair to hold up these units. He felt they all needed to work together on this.

Commissioner Moore commended the Commission regarding affordable housing, but each time a development is permitted to take place without this ordinance in place, there would not be a willing development community necessity to have it. He explained that each time a unit of development took place and there is no impact on affordability, it would give them more money. He felt the development community is willing to do anything, if it slows down their opportunity of development. If not, then they are not willing to do much. He reiterated that no business wants an unnecessary expense.

Vice-Mayor Trantalis stated that formulation of an affordable housing ordinance is not the prerogative or the responsibility of the development community, but it is the City's responsibility which they have not yet measured up to. He stated the City is imposing a penalty on the development community because they have not yet acted. They still have the prerogative as to which development they are going to approve. He felt as the numbers of available units dwindle, the ones with the affordable housing or parks space would be the first choice. The City has not abandoned the need for parks or affordable housing by passing this item.

City Cemeteries General Price List

(R-4)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-118

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE THE GENERAL PRICE LIST FOR THE CITY CEMETERIES EFFECTIVE, JULY 1, 2004.

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

Agreement – North Broward Hospital District – Fitness/Wellness/Healing Arts Classes

(M-13)

Mayor Naugle stated that this item was approved in error. It has not been distributed.

Motion made by Commissioner Hutchinson and seconded by Vice-Mayor Trantalis to reconsider Item No. M-13. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

Motion made by Commissioner Moore and seconded by Vice-Mayor Trantalis to rescind Item No.M-13. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

Advisory Board/Committee Appointments

(OB)

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

- | | |
|-----------------------------|---|
| Aviation Advisory Board | Chris Pollock
Steve Stella
Joseph Scerbo
Bunney Brenneman
Larry Holdridge
Thomas B. Newman
Bernie Petreccia |
| Community Services Board | Michael Kimmy |
| Historic Preservation Board | Tom Welch
Christopher Eck
Bill Howard |
| Marine Advisory Board | Steve Tilbrook |

Northwest-Progresso-Flagler Heights Redevelopment Advisory Board	James Brady Hector Labarro
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Performing Arts Center Authority	Barbara Jones Patrick McTiegue
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Utility Advisory Committee	Margaret Haynie Birch
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Commissioner Moore introduced the resolution entitled:

RESOLUTION NO. 04-114

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.

Adoption of Amendments to the City of Fort Lauderdale Future Land Use Map and Comprehensive Plan (O-2)

Bruce Chatterton stated that a Comprehensive Plan Citizen Courtesy Information List, required by the State of Florida, is available to anyone who wants such information. The Department of Community Affairs will keep everyone informed of the process.

City Manager Contract (OB)

Motion made by Commissioner Hutchinson to approve the contract as presented.

Vice-Mayor Trantalis stated that the Commission had received a copy of the revised contract, and he had asked about particular language to be included in paragraph 3. It had been indicated that the City Attorney’s office would provide a memo with such information to be attached to the revised contract. He asked that since the contract had not yet been approved, could they possibly interlineate the two words that are needed which would clarify the situation.

Commissioner Moore seconded the motion to include the word “may.”

Vice-Mayor Trantalis suggested the wording could also be “...the City Commission shall consider approval....”. Commissioners Moore and Hutchinson concurred.

The City Attorney stated there would be no problem using such language.

Vice-Mayor Trantalis referred everyone to the termination language in paragraph 5, and asked what would happen if the individual quit after the first year and asked if he would be entitled to severance pay. The City Attorney stated that the contract would not entitle the person to severance pay if he resigned, only if he was terminated. Vice-Mayor Trantalis read from the contract as follows: "...any termination of this contract prior to expiration date shall entitle the City Manager..." and he felt there is an ambiguity in that language using the word "any." He felt the language needed to be further clarified. The City Attorney stated that after the word "contract," the words "...by the City Commission." could be added. The Commission agreed to the change in language.

Commissioner Moore preferred "may" be used. The Commission agreed that the word "may" would be used.

Commissioner Moore further asked who is the individual permitted to sign the contract for continuation on a year-to-year basis. It was his understanding that person is to be the Mayor. He asked if this is to be an action by the Commission or the Mayor. The City Attorney explained that under the terms of this contract, the Mayor, ten months prior to its expiration, would meet with the Manager, and they would determine if any amendments are necessary to the contract. Then such recommendations would be brought before the Commission who would either approve or deny them. If such recommendations are not approved, the contract would be renewed under the old terms and conditions.

Commissioner Hutchinson asked if that was the standard operating procedure in the past. The City Attorney replied it had been done in other contracts in the past.

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

There being no other matters to come before the Commission, the meeting was adjourned at 7:43 PM.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk