

COMMISSION REGULAR MEETING INDEX**July 20, 2004**

<u>Item</u>	<u>Resol. Ord.</u>	<u>Page</u>
	<u>Presentations</u>	1
	1. Recognition – Amos Chess	1
	2. Community Appearance Board's "WOW" Award for District II	1
	3. 26 th Annual Community Appearance Awards	2
	4. Expression of Sympathy	2
	Consent Agenda	2
M-1	Event Agreement – National Night Out Against Crime	3
M-2	Event Agreement – Fort Lauderdale Historical Society, Old Fort Lauderdale Holiday Fest	3, 19
M-3	Event Agreement – 45 th Annual Fort Lauderdale Inter- National Boat Show	3
M-4	Event Agreement – Party Gras	4, 19
M-5	Event Agreement – Mount Bethel's Summer Rumble	4, 19
M-6	Event Agreement – Promenade Fort Lauderdale	4
M-7	Event Agreement – Start Your Engines Gala	5
M-8	Event Agreement – Beach Flix	5, 20
M-9	Event Agreement – Fort Lauderdale Billfish Tournament	5, 19
M-10	Public Hearing Dates for Fiscal Year 2004/2005 Budget Adoption	5, 20
M-11	Surveying & Mapping Services Contract – Calvin, Giodano & Associates, Inc. – Project 10712	6
M-12	2004/2005 Annual Navigational Waterway Signs Replacement Contract Project 10498 – B.K. Marine Construction, Inc.	6, 20
M-13	Contract Award – G.T. Lohmeyer WWTP & Fiveash WTP Electrical Maintenance Testing Project 10667 – Electrical Reliability Services, Inc.	6
M-14	Contract Award – War Memorial Auditorium Equipment Replacement and Maintenance Measures – Project 10423 – Seldin Construction Company, Inc.	6
M-15	Contract Award – I-95 and Sunrise Boulevard Interchange Landscaping Project 10660 – Arazoza Bros. Corp.	7, 21
M-16	License Agreement – Bus Staging for Diana Exhibit - Museum of Art (Southside School Property)	7
M-17	Disbursement of Funds – Joint Investigation – O.R. No. 03-157068	7
M-18	Disbursement of Funds – Joint Investigation - O.R. No. 03-135194	7, 21
M-19	Disbursement of Funds – Joint Investigation - O.R. No. 03-167678	7
M-20	Disbursement of Funds – Joint Investigation - O.R. No. 03-135194	8
M-21	Task Order No. 04-6570 Design Survey Services, Riverland/Woodlands Project 10712, Sewer Area 2 – Stoner and Associates	8
M-22	Task Order – ADA Compliance Report of City Parking Facilities – Project 10768E – Keith & Schnars, P.A.	8
M-23	Task Order – Bench Scale Testing for FAC 62-555 Disinfection Compliance – Project 10860 – Hazen and Sawyer, P.C.	8
M-24	Task Order No. 02481, Amendment No. 4 – Project P10506 Keith & Schnars, Inc. – Lauderdale West Sunset Sanitary Sewer Improvement Project – Sewer Area 3	9

M-25	Task Order No. 16724.41, Amendment No. 4 – Project P10507 – Keith & Schnars, Inc. – River Run, Oak River, Flamingo Park Sanitary Sewer Improvement Project – Sewer Area 4	9
M-26	Change Order No. 1 – One Stop Shop Security System Project 10372A – Security One Systems, Inc.	9
M-27	Change Order No. 3 – City Park Garage Planter/Barrier Wall Rehabilitation Phase IB – Project 10707 – John Rohrer Contracting Company	9
M-28	Change Order No. 4 – One Stop Shop at Lincoln Park Project 10372 – Hewett-Kier Construction, Inc.	10
M-29	Change Order No. 5 – Progresso Sanitary Sewer Improvements – Project 9766B – Astaldi Construction Corporation	10
M-30	Revocable License – Stiles Corporation for Publix Supermarket – Wall and Landscaping Plan	10
M-31	Proposed Convention Center Shuttle Service - \$2,475,073 - Interlocal Agreement with Broward County to Fund And Operate - Allocate Funds for Position of Transit Planner/Contract Administrator	10
M-32	Agreement with Symphony Boat Fair, LLC – Temporary Meter Installations	11, 21
M-33	Agreement – Greater Fort Lauderdale Sister Cities International, Inc. – Payment of the 2003-2004 Funding Allocation	11, 22
M-34	Radio Operated Auto Racing at Mills Pond Park Agreement – Broward County R.C. Race Club, Inc.	11
M-35	Grant Acceptance – Riverwalk Park Kiosk & Signage Design Project – Broward Cultural Affairs Division – Design Arts Program (DAP03-2004)	11
M-36	Grant Acceptance – Community Trials Initiative Florida Office of Drug Control in Support of the Enforcing the Underage Drinking Laws Discretionary Program	12
M-37	Amendments to Work Authorization 16724.14 – One Stop Shop at Lincoln Park – Project 10372 – Keith & Schnars, P.A.	12
M-38	Contract Extension – 2004/2005 Annual Engineering Testing Lab Contract LM Engineering, GFA International Testing & Engineering, Inc. – Project 10451	12
M-39	Modifications to Proposal – Hector Park – Rio Vista Civic Association – Convert Portion of Ponce de Leon Drive to Pedestrian Walkway	12
M-40	Purchase of Property – Wingate Road Site Remediation Project – 2913 NW 13 Street	13
M-41	Amendment to Cooperation Agreement – Housing Authority Payment in Lieu of Taxes	13
M-42	Closing SW 2 Street During Streetscape Improvement Construction	13
M-43	Consent to Assignment – Easement Agreement & Construction, Use & Operation Agreement – Bridgeside Square Development – Public Parking Facility	13
Pur-1	592-8108 – Contract Assignment and Purchase of Additional Software Upgrade	14
Pur-2	State Contract – Maintenance Renewal, Storage Area Network System	14
Pur-3	Proprietary – Upgrade, City Telephone Switches	15
Pur-4	542-9011 – Parking Consulting Services	15
Pur-5	242-9004 – Additional Furniture, One Stop Shop	15

Pur-6		542-9049 – Contract, Actuarial Services for Self-Funded Health Plans	16
Pur-7		Co-Op – Swimming Pool Chemicals	16
Pur-8		Proprietary – Sewer Pump Parts and Rewind Services	16
Pur-9		442-9063 – Chlorine	17
Pur-10		Emergency – Automatic Transfer Switch	17
Pur-11		Proprietary – Two Wastewater Pumps and Parts	17
Pur-12		Proprietary – Video Crawler and Parts	18
Pur-13		Proprietary – Propeller Pump Parts	18
Pur-14		442-9030 – Sewer Pumps	18
Pur-15		Proprietary – Software Upgrade and Annual Maintenance	19
Pur-16		742-9052 – Solid Waste Collection	19
M-44		East Community Area Planning Implementation Plan	22
M-45		City of Fort Lauderdale v. Coolidge-South Markets Equities, L.P.	23
M-46		Broward Trust for Historic Preservation v. City of Fort Lauderdale and TRG&S Las Olas Beach Club, Ltd.	30
M-47		Settlement of Code Enforcement Lien – Silveri Leasing, Inc. – 6700 NW 9 Avenue – Case 03-0-50858	30
O-1		Charter Amendment for Placement on November 2, 2004 Ballot – Sale, Transfer or Lease of City Park Property	32
O-2		Charter Amendment for Placement on November 2, 2004 Ballot – To Create Position of City Auditor	33
O-3		Charter Amendment for Placement on November 2, 2004 Ballot Providing for City Commission Appointment Of City Commission Assistants	33
O-4		General Employees Retirement System Pension Amendment Extend Deadline for Purchase of Prior Service Credit	33
O-5		Adoption of Amendments to the City of Fort Lauderdale Future Land Use Map and Comprehensive Plan	34
O-6		Amendments to the Pay Plan	35
O-7		Alarm Ordinance Revisions	35
O-8		Financial Policies	35
R-1		Accepting Budget Message – Fiscal Year 2004/2005	37
R-2	04-135	Amendment to Approved Site Plan Level IV – Trump International Beach Club – 550 Seabreeze Blvd. PZ Case 53-R-04 (30-R-98 previous review)	39
R-3	04-136	National Park Service Technical Assistance Grant Greenway, Bicycle Facilities and Blueways Master Plan	41
R-4	04-137	Settlement of Code Enforcement Liens in Lieu of Foreclosure	42
R-5	04-138	Reschedule September 7, 2004 City Commission Conference and Regular Meetings to September 8, 2004	42
R-6	04-139	Vacation of Portion of 8' Sidewalk Easement 501 SE 2 nd Street – Case 2-M-04	43
R-7		Vacation of Portion of Non-Vehicular Access Line Mariana Asphalt Plat – Case 4-P-04	43
R-8	04-141 & 04-144	NE 33 Avenue Neighborhood Improvement Special Assessment Project – Project 10247 – Declaration of Intent & Establishing Public Hearing Date	47
R-9	04-142	Property Conveyance – 845 NW 3 Avenue Northwest Neighborhood Improvement District – In-Fill Housing Program	48
OB	04-143	Advisory Board/Committee Appointments	49
OB		Allocation of Downtown RAC Dwelling Units	49

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

Meeting was called to order at 6:03 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 (arrived at 6:04)
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 Frank Sebreganelio

Invocation was offered by the City Clerk 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 Hutchinson and seconded by Vice Mayor Trantalis that the agenda and minutes for the July 7, 2004 meeting be approved. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Vice Mayor Trantalis, Commissioner Moore and Mayor Naugle. NAYS: None.

Presentations

OB

1. Recognition – Amos Chess

Commissioner Hutchinson proceeded to read a commendation honoring Amos Chess for saving 3 individuals from drowning. She added that he had also saved a "would-be rescuer" who had become exhausted due to his own rescue efforts and was in danger of drowning in the strong rip current.

2. Community Appearance Board's "WOW" Award for District II

Vice Mayor Trantalis recognized Gary and Wendy Boivin with the Community Appearance Board's "WOW" Award for District II.

The Boivins purchased this home last year and the house has undergone substantial exterior renovations such as a new tile roof and lush, tropical landscaping.

3. 26th Annual Community Appearance Awards

Commissioner Teel presented plaques to the sponsors of the Community Appearance Awards and the WOW sponsors as follows:

Community Appearance Award Sponsors:

Wayne & Marti Huizenga and Family
Coldwell Banker Residential Real Estate, Inc.
Stiles Corporation
Edward D. Stone, Jr. and Associates
Dickey Consulting Services, Inc.
CH2M Hill, Inc.
The Las Olas Company, Inc.
Gustavo J. Carbonell, P.A.
Home Fort Lauderdale

WOW Sponsors:

Lennar Corporation
AMAR Hardware

4. Expression of Sympathy

Commissioner Moore and the City Commission expressed their sympathy to the family of Chris Barton, Principal Planner in the Planning and Zoning Services Division, on the death of his mother, Betty Jo (BJ) Donahue, and his sister, Michelle Barton Shields. He announced that a scholarship fund had been established for Michelle's two children. Any contributions should be sent to the First Presbyterian Church, P.O. Box 1094, Columbus, Ohio.

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 – National Night Out Against Crime**(M-1)**

A motion authorizing and approving the execution of an Event Agreement with **Croissant Park Homeowners Association** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **National Night Out Against Crime**, to be held on **Tuesday, August 3, 2004 from 6:00 PM to 9:30 PM at Bryant Peney Park**; and authorizing the closing of the following roads for the parade staging area – SW 13 Street from SW 3 Avenue to SW 4 Avenue from 3:30 PM to 6:30 PM; for the parade route – the southbound lanes of SW 4 Avenue from SW 13 Street to Bryant Peney Park from 5:45 to 6:15 PM; for the event site – the roads bordering Bryant Peney Park from 3:00 PM to 10:00 PM, SW 21 Street from SW 3 Terrace to SW 4 Avenue, SW 22 Street from SW 3 Terrace to SW 4 Avenue, and SW 3 Terrace from SW 21 Street to SW 22 Street.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1052 from Acting City Manager.

**Event Agreement – Fort Lauderdale Historical Society,
Old Fort Lauderdale Holiday Fest****(M-2)**

A motion authorizing and approving the execution of an Event Agreement with the **Fort Lauderdale Historical Society** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **Old Fort Lauderdale Holiday Fest** to be held **Saturday and Sunday, December 11 and 12, 2004 from 11:00 AM to 5:00 PM in the Old Fort Lauderdale Village area and the surrounding Riverwalk**; and further authorizing the closing of SW 2 Avenue from SW 2 Street south to the Riverwalk from 6:00 AM Saturday, December 11 to 11:00 PM Sunday, December 12, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1022 from Acting City Manager.

**Event Agreement – 45th Annual Fort Lauderdale
International Boat Show****(M-3)**

A motion authorizing and approving the execution of an Event Agreement with **Yachting Promotions, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **45th Annual Fort Lauderdale International Boat Show** to be held from **Thursday, October 28 to Sunday, October 31 from 10:00 AM to 7:00 PM, and Monday, November 1, 2004 from 10:00 AM to 6:00 PM, at Bahia Mar, Broward County Convention Center, Pier 66, Marina Marriott, Las Olas Marina, Hall of Fame, and D.C. Alexander Park**; and further authorizing the closing of SE 5 Street between Fort Lauderdale Beach Boulevard (northbound A-1-A) to Seabreeze Boulevard (southbound A-1-A); from one hour before the show opens until one hour after the show closes each day.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1024 from Acting City Manager.

Event Agreement – Party Gras**(M-4)**

A motion authorizing and approving the execution of an Event Agreement with **Nortec Telecom Group, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **Party Gras to be held on Saturday, August 21, 2004 from 2:00 PM to 9:00 PM at Mills Pond Park.**

Recommend: Motion to approve.

Exhibit: Memo No. 04-1025 from Acting City Manager.

Event Agreement – Mount Bethel's Summer Rumble**(M-5)**

A motion authorizing and approving the execution of an Event Agreement with **Mount Bethel Human Services Corporation, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **Mount Bethel's Summer Rumble to be held on Friday, August 13 from 12:00 Noon to 7:30 PM and Saturday, August 14, 2004 from 8:30 AM to 9:00 PM;** and further authorizing the closing of NW 9 Street from NW 11 Avenue to NW 12 Avenue on Saturday, August 14, only from 8:30 AM to 9:00 PM.

Recommend: Motion to approve.

Exhibit: Memo No. 04-933 from Acting City Manager.

Event Agreement – Promenade Fort Lauderdale**(M-6)**

A motion authorizing and approving the execution of an Event Agreement with **Beaux Arts Associates of Fort Lauderdale Museum of the Arts, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **Promenade Fort Lauderdale to be held on Friday, November 12, 2004 from 5:00 PM to 11:00 PM, Saturday, November 13 from 10:00 AM to 11:00 PM, and Sunday, November 14 from 11:00 AM to 7:00 PM at Huizenga Plaza;** and further authorizing the closing of the following roads: SW 1 Avenue from the City Parking Garage exit north to SE 2 Street (leaving the garage exit open) and SE 1 Avenue from SE 2 Street north to SE 1 Street (leaving SE 2 Street open) from 10:00 AM on Thursday, November 11 to 12:00 Midnight on Monday, November 15; East Las Olas Boulevard from Andrews Avenue to SE 1 Avenue and SE 2 Street from Andrews Avenue to SE 1 Avenue (allowing access to ANC parking garage if necessary) from 9:30 AM on Friday, November 12 to 6:00 AM on Monday, November 15, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-932 from Acting City Manager.

Event Agreement – Start Your Engines Gala**(M-7)**

A motion authorizing and approving the execution of an Event Agreement with the **Museum of Discovery and Science** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the **Start Your Engines Gala to be held Saturday, October 2, 2004 from 6:00 PM to 12:00 Midnight**; and further authorizing the closing of SW 2 Street from SW 4 Avenue to SW 5 Avenue, and SW 4 Avenue from Broward Boulevard to SW 2 Street from 9:00 AM, Friday, October 1 to 7:00 AM Sunday, October 3, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1021 from Acting City Manager.

Event Agreement – Beach Flix**(M-8)**

A motion authorizing and approving the execution of an Event Agreement with the **Broward County Film Society, Inc.** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with **Beach Flix to be held Saturday, August 21, 2004 from 10:00 AM to 12:00 Midnight on the beach in front of Beach Place**; and further authorizing road closing of Cortez Street.

Recommend: Motion to approve.

Exhibit: Memo No. 04-931 from Acting City Manager.

Event Agreement – Fort Lauderdale Billfish Tournament**(M-9)**

A motion authorizing and approving the execution of an Event Agreement with the **Official Fort Lauderdale Billfish Tournament** to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the Fort Lauderdale Billfish Tournament to be held Wednesday, November 17 from 8:00 AM to 10:00 PM; Friday and Saturday, November 19 and 20 from 6:00 AM to 8:00 PM; and Sunday, November 21, 2004 from 6:00 AM to 10:00 PM at Las Olas Marina and adjacent parking lot.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1023 from Acting City Manager.

Public Hearing Dates for Fiscal Year 2004/2005**(M-10)****Budget Adoption**

A motion setting the public hearing date to consider the proposed millage rate and the City's Fiscal Year 2004-2005 tentative budget on September 8, 2004, at 6:00 p.m. and setting the hearing date to consider the final millage rate and budget on September 21, 2004 at 6:00 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1043 from Acting City Manager.

**Surveying & Mapping Services Contract
Calvin, Giodano & Associates, Inc. – Project 10712**

(M-11)

A motion authorizing the proper City Officials to execute an agreement with Calvin, Giodano & Associates, Inc. for the surveying and mapping services project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-970 from Acting City Manager.

**2004/2005 Annual Navigational Waterway Signs
Replacement Contract Project 10498 –
B.K. Marine Construction, Inc.**

(M-12)

A motion authorizing the proper City Officials to execute an agreement with B.K. Marine Construction, Inc. in the amount of \$164,525 for the 2004/2005 Annual Navigational Waterway Signs Replacement Contract, and to appropriate \$12,206.55 from the 1998 Excise Tax Fund and \$40,055.95 from the CIP account as the required cash match for the FIND grant portion of the project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-964 from Police Legal Advisor.

**Contract Award – G.T. Lohmeyer WWTP & Fiveash WTP
Electrical Maintenance Testing Project 10667 -
Electrical Reliability Services, Inc.**

(M-13)

A motion authorizing the proper City Officials to execute an agreement with Electrical Reliability Services, Inc. in the amount of \$311,610 for the G.T. Lohmeyer WWTP and Fiveash WTP Electrical Maintenance Testing project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1068 from Acting City Manager.

**Contract Award – War Memorial Auditorium Equipment
Replacement and Maintenance Measures – Project 10423 -
Seldin Construction Company, Inc.**

(M-14)

A motion authorizing the proper City Officials to execute an agreement with Seldin Construction Company, Inc. in the amount of \$1,653,963 for the War Memorial Auditorium Equipment Replacement and Maintenance Measures project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-981 from Acting City Manager.

**Contract Award – I-95 and Sunrise Boulevard Interchange
Landscaping Project 10660 – Arazoza Bros. Corp.****(M-15)**

A motion authorizing the proper City Officials to execute an agreement with Arazoza Bros. Corp. in the amount of \$438,409.52 for I-95 and Sunrise Boulevard Interchange Landscaping Project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-973 from Acting City Manager.

**License Agreement – Bus Staging for Diana Exhibit -
Museum of Art (Southside School Property)****(M-16)**

A motion authorizing the proper City Officials to execute a license agreement with the Museum of Art for bus staging on the Southside School property in connection with the Diana Exhibit from October 10, 2004 through December 31, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1098 from Acting City Manager.

**Disbursement of Funds - Joint Investigation -
O.R. No. 03-157068****(M-17)**

A motion authorizing the equitable disbursement of funds in the amount of \$1,009.83, with each of the twelve participating law enforcement agencies to receive \$84.15.

Recommend: Motion to approve.
Exhibit: Memo No. 04/06/12 from Police Legal Advisor.

**Disbursement of Funds – Joint Investigation -
O.R. No. 03-135194****(M-18)**

A motion authorizing the equitable disbursement of funds in the amount of \$12,398.69 with each of the twelve participating law enforcement agencies to receive \$1,033.22.

Recommend: Motion to approve.
Exhibit: Memo No. 04/06/11 from Police Legal Advisor.

**Disbursement of Funds – Joint Investigation -
O.R. No. 03-167678****(M-19)**

A motion authorizing the equitable disbursement of funds in the amount of \$1,314.26 with each of the twelve participating law enforcement agencies to receive \$109.52.

Recommend: Motion to approve.
Exhibit: Memo No. 04/06/09 from Police Legal Advisor.

**Disbursement of Funds – Joint Investigation -
O.R. No. 03-135194****(M-20)**

A motion authorizing the equitable disbursement of funds in the amount of \$1,962.41 with each of the twelve participating law enforcement agencies to receive \$163.53.

Recommend: Motion to approve.

Exhibit: Memo No. 04/06/10 from Police Legal Advisor.

**Task Order No. 04-6570 Design Survey Services,
Riverland/Woodlands Project 10712, Sewer Area 2 –
Stoner and Associates****(M-21)**

A motion authorizing the proper City Officials to execute Task Order No. 04-6570 with Stoner & Associates in the amount of \$59,060 for design survey services associated with Waterworks 2011, Sewer Area 2.

Recommend: Motion to approve.

Exhibit: Memo No. 04-977 from Acting City Manager.

**Task Order – ADA Compliance Report of City Parking
Facilities – Project 10768E – Keith & Schnars, P.A.****(M-22)**

A motion authorizing the proper City Officials to execute a task order with Keith & Schnars, P.A. in the amount of \$55,860 for the preparation of an ADA Compliance Report of City Parking Facilities project.

Recommend: Motion to approve.

Exhibit: Memo No. 04-972 from Acting City Manager.

**Task Order – Bench Scale Testing for FAC 62-555 Disinfection
Compliance – Project 10860 – Hazen and Sawyer, P.C.****(M-23)**

A motion authorizing the proper City Officials to execute Task Order 04-11 with Hazen and Sawyer, P.C. in the amount of \$28,310 for bench scale testing for FAC 62-555 disinfection compliance project.

Recommend: Motion to approve.

Exhibit: Memo No. 04-980 from Acting City Manager.

**Task Order No. 02481, Amendment No. 4 – Project P10506
Keith & Schnars, Inc. – Lauderdale West Sunset Sanitary
Sewer Improvement Project – Sewer Area 3**

(M-24)

A motion authorizing Task Order 02481, Amendment No. 4 to Keith and Schnars, Inc. in the amount of \$240,324 for additional consulting engineering services associated with design, survey and services during construction for additional water main improvements in the Lauderdale West/Sunset Sanitary Sewer Area 3 – WaterWorks 2011.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1070 from Acting City Manager.

**Task Order No. 16724.41, Amendment No. 4 – Project P10507 -
Keith & Schnars, Inc. – River Run, Oak River, Flamingo Park
Sanitary Sewer Improvement Project – Sewer Area 4**

(M-25)

A motion authorizing the proper City Officials to authorize Task Order No. 16724.41, Amendment No. 4 to Keith and Schnars, Inc. in the amount of \$158,965 for the provision of consulting engineering services associated with additional design services for the River Run/Oak River/Flamingo Park Sanitary Sewer Improvement – WaterWorks 2011 – Sewer Area 4.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1067 from Acting City Manager.

**Change Order No. 1 – One Stop Shop Security System
Project 10372A – Security One Systems, Inc.**

(M-26)

A motion authorizing the proper City Officials to execute Change Order No. 1 with Security One Systems, Inc. in the amount of \$11,968.22 for additional costs related to the One Stop Shop Security System project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-963 from Acting City Manager.

**Change Order No. 3 – City Park Garage Planter/Barrier
Wall Rehabilitation Phase IB – Project 10707 – John Rohrer
Contracting Company**

(M-27)

A motion authorizing the proper City Officials to execute Change Order No. 3 with John Rohrer Contracting Company in the amount of \$71,517 for additional work related to the City Park Garage Planter/Barrier Wall Rehabilitation Phase IB project from the Parking Fund Working Capital Reserve.

Recommend: Motion to approve.
Exhibit: Memo No. 04-971 from Acting City Manager.

Change Order No. 4 – One Stop Shop at Lincoln Park - (M-28)
Project 10372 – Hewett-Kier Construction, Inc.

A motion authorizing the proper City Officials to execute Change Order No. 4 with Hewett-Kier in the amount of \$145,710.68 for additional work related to the One Stop Shop at Lincoln Park project, and a time extension of thirty days.

Recommend: Motion to approve.
Exhibit: Memo No. 04-978 from Acting City Manager.

Change Order No. 5 – Progresso Sanitary Sewer Improvements (M-29)
Project 9766B – Astaldi Construction Corporation

A motion authorizing the proper City Officials to execute Change Order No. 5 with Astaldi Construction Corporation in the credit amount of \$83,447.13 for the Progresso Sanitary Sewer Improvements project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-982 from Acting City Manager.

Revocable License – Stiles Corporation for Publix Supermarket - (M-30)
Wall and Landscaping Plan

A motion authorizing the proper City Officials to execute a revocable license with Stiles Corporation for Publix Supermarket to replace and relocate temporary barricades at NE 14 Avenue with a permanent wall and landscaping plan, execution of a turnaround easement dedication with continuing obligation to maintain wall and landscaping at no cost to City.

Recommend: Motion to approve.
Exhibit: Memo No. 04-975 from Acting City Manager.

Proposed Convention Center Shuttle Service - \$2,475,073 - (M-31)
Interlocal Agreement with Broward County to Fund and Operate
Allocate Funds for Position of Transit Planner/Contract
Administrator

A motion authorizing the proper City Officials to execute Interlocal Agreement with Broward County to fund and operate proposed convention center shuttle service in the amount of \$2,475,073, contingent on the execution of agreements between the City and the Transportation Management Association and Transportation Management Association and private contractor, and to authorize recruitment of a Transit Planner/Contract Administrator. See Conference Agenda Item I-C.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1069 from Acting City Manager.

**Agreement with Symphony Boat Fair, LLC -
Temporary Meter Installations****(M-32)**

A motion authorizing the proper City Officials to execute an agreement with Symphony Boat Fair, LLC for the temporary installation of five (5) parking meters on private property located at 301 SW 7 Avenue until the Symphony Tower project is completed.

Recommend: Motion to approve.

Exhibit: Memo No. 04-957 from Acting City Manager.

**Agreement – Greater Fort Lauderdale Sister Cities
International, Inc. – Payment of the 2003-2004
Funding Allocation****(M-33)**

A motion authorizing the proper City Officials to execute an agreement with the Greater Fort Lauderdale Sister Cities International, Inc. to allow the payment of a previously authorized 2003-04 funding allocation in the amount of \$19,000.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1080 from Acting City Manager.

**Radio Operated Auto Racing at Mills Pond Park
Agreement – Broward County R.C. Race Club, Inc.****(M-34)**

A motion authorizing the proper City Officials to execute a two-year agreement with Broward County R. C. Race Club, Inc. to conduct radio operated auto racing at Mills Pond Park.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1002 from Acting City Manager.

**Grant Acceptance – Riverwalk Park Kiosk & Signage
Design Project – Broward Cultural Affairs Division –
Design Arts Program (DAP03-2004)****(M-35)**

A motion authorizing the proper City Officials to accept a grant in the amount of \$10,000 from the Broward Cultural Affairs Division, Design Arts Program, and to execute all documents necessary to receive such grant funding.

Recommend: Motion to approve.

Exhibit: Memo No. 04-986 from Acting City Manager.

Grant Acceptance – Community Trials Initiative (M-36)
Florida Office of Drug Control in Support of the
Enforcing the Underage Drinking Laws Discretionary Program

A motion authorizing the proper City Officials to accept the FODC CTI grant in the amount of \$111,171, and to execute all documents necessary to receive and disburse grant funds.

Recommend: Motion to approve.
Exhibit: Memo No. 04-945 from Acting City Manager

Amendments to Work Authorization 16724.14 – One Stop Shop (M-37)
At Lincoln Park – Project 10372 – Keith & Schnars, P.A.

A motion authorizing the proper City Officials to execute three (3) amendments to Work Authorization 16724.14 with Keith and Schnars, P.A. for a total amount of \$23,300 for additional design work related to the One Stop Shop at Lincoln Park project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-866 from Acting City Manager

Contract Extension – 2004/2005 Annual Engineering Testing (M-38)
Lab Contract LM Engineering, GFA International Testing &
Engineering, Inc. – Project 10451

A motion authorizing the proper City Officials to execute a contract extension with L.M. Engineering, GFA International Testing and Engineering, Inc. for the 2004-2005 Annual Engineering Testing Lab Contract; Project 10451.

Recommend: Motion to approve.
Exhibit: Memo No. 04-968 from Acting City Manager

Modifications to Proposal – Hector Park – Rio Vista Civic (M-39)
Association – Convert portion of Ponce de Leon Drive to
Pedestrian Walkway

A motion approving a request by the Rio Vista Civic Association to delete from Rio Vista FY 02/03 NCIP project the proposal to convert a portion of Ponce de Leon Drive to meandering pedestrian pathway through Hector Park authorized on July 1, 2003.

Recommend: Motion to approve.
Exhibit: Memo No. 04-965 from Acting City Manager

**Purchase of Property – Wingate Road Site Remediation
Project – 2913 NW 13 Street****(M-40)**

A motion authorizing the proper City Officials to execute a purchase agreement with Lulu Walker to purchase property located at 2913 NW 13 Street (Lot 4, Block 68, Ishington Park 6th Addition, PB 39/9B) in the amount of \$80,000 plus estimated closing costs of \$5,000 from Sanitation Reserves.

Recommend: Motion to approve.
Exhibit: Memo No. 04-865 from Acting City Manager

**Amendment to Cooperation Agreement -
Housing Authority Payment in Lieu of Taxes****(M-41)**

A motion authorizing an amendment to the Cooperation Agreement with the Housing Authority to reinstate payment based on shelter rent charged in lieu of property taxes.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1033 from Acting City Manager

Closing SW 2 Street during Streetscape Improvement Construction**(M-42)**

A motion authorizing the closing of SW 2 Street from SW 2 Avenue to SW 3 Avenue (one block) from 6:00 p.m. to 12:00 midnight during the construction period of the streetscape improvements due to begin on August 1, 2004 and lasting for approximately eight weeks.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1053 from Acting City Manager

**Consent to Assignment – Easement Agreement & Construction,
Use & Operation Agreement – Bridgeside Square Development
Public Parking Facility****(M-43)**

A motion authorizing the proper City Officials to execute a consent to assignment to the Easement Agreement and Construction, Use and Operation Agreement for the Bridgeside Square Development Public Parking Facility from the New York Teacher's Retirement Fund (Knickerbocker Properties, Inc.) to Paradisio at Bridgeside LLC, d/b/a The Tides at Bridgeside Square.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1013 from Acting City Manager

PURCHASING AGENDA

**592-8108 – Contract Assignment and Purchase of
Additional Software Upgrade****(Pur-1)**

An assignment of the contract for the Payroll/Personnel/Pension system and purchase approval of a new software product enhancement is being presented for approval by the Administrative Services Department.

Vendor: Hewitt Associates, LLC
Lincolnshire, IL
Amount: \$ 42,900.00 (estimated – not to exceed)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1010 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the contract assignment and purchase of additional software upgrade.

**State Contract – Maintenance Renewal, Storage
Area Network System****(Pur-2)**

A 16-month maintenance renewal for Hitachi Storage Area Network System is being presented for approval by the Administrative Services, Information Technology Division.

Vendor: Accris Corporation
Boca Raton, FL
Amount: \$ 43,472.00 (estimated – not to exceed)
Bids Solicited/Rec'd: 5/3
Exhibits: Memorandum No. 04-1009 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the purchase from the Florida State Contract.

Proprietary – Upgrade, City Telephone Switches**(Pur-3)**

An upgrade of the City telephone switches is being presented for approval by the Administrative Services, Information Technology Division.

Vendor:	NextiraOne, LLC Houston, TX
Amount:	\$ 115,446.84 (estimated-not to exceed)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-579 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary purchase with transfer of \$2,604.38 from Parking-Equipment Repair & Maintenance (ADM030701-3407) and \$5,729.64 from Treasury-Other Professional Services (FIN040201-3199) to Administrative Services Telecommunications-Computer Software (ADM020403-6405).

542-9011 – Parking Consulting Services**(Pur-4)**

Three-year contract for parking consulting services, as needed, is being presented for approval by the Administrative Services, Parking Services Division.

Vendor:	Walker Parking Consultants/Engineers, Inc. Kalamazoo, MI
Amount:	\$ 200,000.00 (estimated annual)
Bids Solicited/Rec'd:	60/6 with 1 no bid
Exhibits:	Memorandum No. 04-1004 Acting City Manager

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

242-9004 – Additional Furniture, One Stop Shop**(Pur-5)**

An agreement to purchase additional furniture for the One Stop Shop Building is being presented for approval by the Engineering Division.

Vendor:	NBB Office Environments Fort Lauderdale, FL Thomas W. Ruff & Co. of Florida, Inc. Miramar, FL
Amount:	\$ 90,857.09
Bids Solicited/Rec'd:	42/8 with 1 no bid, 1 late bid
Exhibits:	Memorandum No. 04-969 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving additional purchases from the low responsive and responsible bidders.

542-9049 – Contract, Actuarial Services for Self-Funded Health Plans (Pur-6)

Five-year contract for actuarial services for self-funded health plans is being presented for approval by the Finance, Risk Management Division.

Vendor: Wakely Consulting Group, Inc.
Clearwater, FL
Amount: \$ 20,000.00 (estimated annual)
Bids Solicited/Rec'd: 31/4
Exhibits: Memorandum No. 04-934 from Acting City Manager

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

Co-Op – Swimming Pool Chemicals (Pur-7)

Two-year contract for swimming pool chemicals is being presented for approval by the Parks and Recreation Department.

Vendor: Leslie's Poolmart, Inc.
Phoenix, AZ
Allied Universal Corp.
Miami, FL
Pro-Star Pool Supplies, Inc.
Coconut Creek, FL
Commercial Energy Specialists, Inc.
Jupiter, FL
SCP Distributors, LLC
Weston, FL
Amount: Per Unit Pricing
Bids Solicited/Rec'd: 10/6
Exhibits: Memorandum No. 04-1008 from Acting City Manager

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

Proprietary – Sewer Pump Parts and Rewind Services (Pur-8)

An agreement to purchase sanitary sewer pump parts and rewind services is being presented for approval by the Public Services Department.

Vendor: ABS Pumps, Inc.
Sanford, FL
Amount: \$ 18,165.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1042 from Acting City Manager

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

442-9063 - Chlorine**(Pur-9)**

Oine-yar contract for chlorine is being presented for approval by the Public Services Department.

Vendor: Allied Universal Corp.
Miami, FL
Amount: \$ 261,885.00 (estimated)
Bids Solicited/Rec'd: 35/3 with 2 no bids
Exhibits: Memorandum No. 04-1029 from Acting City Manager

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

Emergency – Automatic Transfer Switch**(Pur-10)**

An agreement to purchase an automatic transfer switch is being presented for approval by the Public Services Department.

Vendor: DHI Investments d/b/a Don Hillman, Inc.
Fort Lauderdale, FL
Amount: \$ 10,865.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-966 from Acting City Manager

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

Proprietary – Two Wastewater Pumps and Parts**(Pur-11)**

An agreement to purchase two istewater pumps and parts is being presented for approval by the Public Services Department.

Vendor: Florida Bearings, Inc.
Fort Lauderdale, FL
Amount: \$ 26,617.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1041 from Acting City Manager

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

Proprietary – Video Crawler and Parts**(Pur-12)**

An agreement to purchase a sanitary sewer transport video crawler and parts is being presented for approval by the Public Services Department.

Vendor:	Pearpoint, Inc. Thousand Palms, CA
Amount:	\$ 24,041.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-1049 from Acting City Manager

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

Proprietary – Propeller Pump Parts**(Pur-13)**

An agreement to purchase propeller pump parts is being presented for approval by the Public Services Department.

Vendor:	FPI, Inc. Pompano Beach, FL
Amount:	\$ 10,824.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-1040 from Acting City Manager

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

442-9030 – Sewer Pumps**(Pur-14)**

An agreement to purchase three sewer pumps is being presented for approval by the Public Services Department.

Vendor:	Thompson Pump & Manufacturing Co., Inc. Port Orange, FL
Amount:	\$ 83,985.00
Bids Solicited/Rec'd:	117/8 with 3 no bids
Exhibits:	Memorandum No. 04-936 from Acting City Manager

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

Proprietary – Software Upgrade and Annual Maintenance**(Pur-15)**

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

Vendor:	Kronos Systems, Inc. Chelmsford, MA
Amount:	\$ 74,325.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 04-1028 from Acting City Manager

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

742-9052 – Solid Waste Collection**(Pur-16)**

Three-year contract for solid waste collection is being presented for approval by the Public Services, Sanitation Division.

Vendor:	Iste Management, Inc. of Florida Pompano Beach, FL
Amount:	\$ 1,520,964.00 (estimated)
Bids Solicited/Rec'd:	48/4 with 2 no bids
Exhibits:	Memorandum No. 04-976 from Acting City Manager

The Procurement and Materials Management Division recommends awarding Option 1 to the low responsive and responsible bidder.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item Nos. M-2, M-4, M-5, M-8, M-9, M-10, M-12, M-15, M-18, M-32, and M-33 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 Hutchinson, Teel, Vice Mayor Trantalis, Commissioner Moore and Mayor Naugle. NAYS: None.

Event Agreement – Fort Lauderdale Historical Society, Inc. – Old Fort Lauderdale Holiday Fest**(M-2)****Event Agreement – Party Gras****(M-4)****Event Agreement – Mount Bethel's Summer Rumble****(M-5)****Event Agreement – Fort Lauderdale Billfish Tournament****(M-9)**

The City Attorney stated that he had requested that Items M-2, M-4, M-5, and M-9 be pulled subject to final approval by the Legal Department. He explained they had not yet received the contracts back.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Items M-2, M-4, M-5 and M-9 subject to final approval by the Legal Department.

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

Event Agreement – Beach Flix

(M-8)

Vice Mayor Trantalis stated that he had pulled this item because the agenda states that the road closing would be at Cortez Street, but the back-up states the closing is to be at A-1-A. He wanted everyone to understand that they were voting for the A-1-A closure, and not just Cortez Street.

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

**Public Hearing Dates for Fiscal Year 2004/2005
Budget Adoption**

(M-10)

Commissioner Moore stated that he had pulled this item because it pertains to the millage rate, and he wanted to offer a different rate, however he would wait to do so under Item M-41.

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

**2004/2005 Annual Navigational Waterway Signs Replacement
Contract - Project 10498 – B.K. Marine Construction, Inc.**

(M-12)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item as presented.

The Acting City Manager clarified that there were errors in the amounts on the first page, but the bid agenda form on the back page is correct, which is \$12,000 from P10498.344, Annual Navigation Sign Replacement; \$46,262.50 from P10498.328, and \$21,969.25 from P10753.331. Commissioner Moore asked if there is a \$6,000 increase.

Bud Bentley, Assistant City Manager, stated that there is a different distribution between the numbers, but the totals remain the same.

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

Contract Award – I-95 and Sunrise Boulevard Interchange

(M-15)

Landscaping – Project 10660 – Arazoza Bros. Corp.

Vice Mayor Trantalis stated that he had pulled this item, and explained that concern had been expressed at his pre-agenda meeting regarding the wall where the junkyard is located and how it is in disrepair. Even though the Commission is authorizing something that does not directly relate to what he is bringing up, he asked if Staff had considered the other side of the street from where the beautification improvements are taking place.

Alan Gavazzi, Chief Architect, explained that the scope of this project only involves landscaping. Vice Mayor Trantalis understood that, but indicated that it had triggered these thoughts. Mr. Gavazzi stated he would have to check into the matter, and explained there are no funds at this time to do any other work. Vice Mayor Trantalis asked if any code issues are involved. Mr. Gavazzi explained that he is not aware of any, but would have to check on that as well.

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

**Disbursement of Funds – Joint Investigation -
O.R. No. 03-135194****(M-18)**

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

**Agreement with Symphony Boat Fair, LLC -
Temporary Meter Installations****(M-32)**

Commissioner Hutchinson stated that she had pulled this item. She was not confident that the public would know that there were 5 spaces available that were being used by the construction crew on the property. She asked why they had not captured the revenue during that period of time versus those spaces.

John Hoezle, Acting Parking and Fleet Services Manager, stated that they had tried to find places to replace those 5 public spaces which is their number one priority. He explained they were not able to locate any in that immediate area. He stated they had been paying the City for the loss of those meters for the time they were out of service. He explained further that this is an agreement only to get them from the point of the finalization of the agreement until the construction is complete, and then they intended to put the meters back.

Commissioner Hutchinson asked if they were still augmenting with money, and stated that unless the property is open and available on Sundays when no construction is taking place, it had been her understanding that it is a gated and fenced-in property.

Mr. Hoezle stated that the area recommended to be used is private property, but is not gated or enclosed. He explained they had worked on signage with them that would be required.

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

Agreement – Greater Fort Lauderdale Sister Cities (M-33)
International, Inc. – Payment of the 2003-2004 Funding Allocation

Commissioner Moore stated that he is opposed to this item.

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

MOTIONS

(M-22)

East Community Area Planning Implementation Plan (M-44)

Mark McDonald, Planning and Zoning Services, stated that on behalf of the East Cap Community Leadership Committee, he is pleased to present the East Cap Area Implementation Plan. The kick-off community forum had begun in June, 2003, and 862 comments had been submitted by the stakeholders in the area. There had also been a 25 member community leadership committee that had been appointed one year ago who had held 9 evening meetings, along with several weekend meetings, to help contribute to this program.

Mr. McDonald explained that at their first meeting, they had decided that the plan would be formed by a 2/3 vote on the various components, and that full consensus of the CLC for every item was not intended. He further stated that issue statements identifying concerns in the area were formed, and then the 11 goals and objectives, along with specific strategies, had been developed to help resolve the concerns. He explained that this plan is a collaborative effort, including guidance from the City Commission, specialized expert City Staff known as the Interdepartmental Work Team, along with special guests who spoke on and clarified particular issues with all final decisions made by the CLC members.

Mr. McDonald explained further they had continued their research regarding available grants through the Grants Locator Service.

Mr. McDonald further stated that the top goals voted on by the community were as follows:

1. Neighborhood preservation, including historic preservation and the promotion of appropriate transition between neighborhoods.
2. To preserve existing marine facilities. Concerns were expressed that high-end residential uses are replacing marineland, and there is a desire to promote visionary leadership.

Mr. McDonald stated that some of the projects already begun include a solicitor action plan to improve safety at major intersections, new yellow public notice signs regarding current planning projects, and enhancements at US-1 SE 17th Street FDOT project as a major gateway into the City.

Mr. McDonald explained that if the Commission accepts this plan, the implementation process would begin. He thanked everyone involved for their hard work. Staff recommends that the Commission accept this plan recognizing that it represents a framework designed to achieve the collective vision of the East Area as voiced by the area stakeholders.

Mayor Naugle stated that it sounds like a great plan, and hoped they could move forward towards implementation.

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

**City of Fort Lauderdale v. Coolidge-South Markets
Equities, L.P.**

(M-45)

Mayor Naugle explained that the Commission had discussed this item earlier today, and concluded that they wanted to see if there is support to move forward towards a possible settlement before spending additional funds on the project.

Vice Mayor Trantalis asked how the Commission wanted to proceed, and asked if a motion should be made followed by open discussion.

Motion made by Vice Mayor Trantalis and seconded by Commissioner Moore to not accept the proposed settlement agreement as presented.

Jim Blosser stated that he worked with the supporters of the Stranahan House, and they want to pursue the Hyde Park site as open space in recognition of the founders of this community, and what this site means to the future of the City. He thanked everyone in the City for the diligent work that had been done in moving forward in litigation that would maintain this site either entirely or partially as open space, which had been the objective of the voters years ago. He further stated that the higher purpose of the public good is the key objective in this issue. He stated if there is a way to keep the dialogue alive in such discussions, then they are hopeful towards such an objective. He hoped the developer would continue such responsible dialogue which they had engaged in, and that whatever the outcome of the Commission's vote that such responsible and high purpose dialogue would continue. They pledge their continuing support to such an objective.

Jim Brady, representing the Alhambra Condominium Association, stated they are opposed to the proposed settlement. He stated they know most of the information through the newspaper, and they would have preferred receiving information from the City. He wanted to raise three points for the Commission's consideration to vote no in regard to this matter. First, it is contrary to the spirit and the intent of Section 8.04 of the

City Charter, which states that if real property is to be sold or conveyed that is owned by the City, it be done pursuant to a process inviting individuals to bid on the process, and have public input. Subsection (f) of 8.04 could be argued that this would fall under an exemption to the process. He explained that section states that properties are not being traded, but are being bartered in the settlement of a lawsuit, which is not contemplated in the Charter. He stated if this transaction is accepted, then they would be violating the City's Charter.

Mr. Brady further stated that the second point is that there appears to be a notion that there is \$12 million of loss in damages to the City. If the City put aside the eminent domain action or what they might pay in delayed damages if the property is not purchased, he did not feel there is any fair reading of the law, suggesting that the City would be liable for compensatory damages for actions taken in good faith which led to the delay of the project. He proceeded to list various cases regarding such damages. He stated that the commentary suggested to the public that the City would face some horrendous money judgment, aside from the eminent domain action, is a "scare tactic" and should be recognized as such.

Mr. Brady stated that the third point is that there does not appear to be any proportionality in terms of the weighing values of the two sides. A quick analysis puts the value of the deal at about \$30 million to \$35 million. In measuring the value against the loss, the deal is too costly. There is a way to resolve the problem by approving the original site plan, and letting the developer build a few extra stories, and proceeding forward. He indicated that the deal being proposed is a bad deal.

Steve Glassman, President Central Beach Alliance, stated that no one would debate what Mr. Blosser stated regarding the importance of the Stranahan House to the City's historic fabric. The main issue is that the beach does not belong in the game. He explained that the divide which had been created is not fair to anyone because the beach does not belong solely to the residents and businesses at the beach. He stated this is an incredibly lopsided giveaway. He stated that the parcel was purchased by the City with general obligation and parking system funds, and had been identified in reports as a spot for parking and open space with some retail on the first floor. He indicated that the City needs to follow the ULI reports, and stop spending money on reports unnecessarily and then putting such reports on the shelf. He indicated that the area is zoned commercial and hotel, not residential or condominium. Every report spoke against constructing condominiums directly on A-1-A. This is an issue about neighborhood compatibility. Parcels surrounding this site have restored their properties and would be hurt due to lack of parking and the shadowing caused by the proposed structure.

Mr. Glassman stated that the developer paid \$2.4 million for the Hyde Park Market land and half would be retained as a restaurant and retail, but in turn they were getting a parcel on the beach worth about \$20 million, along with development rights downtown worth about \$10 million, a profit on the 167 condominiums, all totaling about \$80 million. He stated they are asking the Commission to return to the negotiating table and arrive at a new deal that would be beneficial to the citizens on the beach and the entire City.

James Arstranic, small property owner on Alhambra Street, stated this street is one block long between the two parts of A-1-A and is anchored by Casablanca Café, which is designated historic, and to the west is a single-family home owned by a family in Maryland. He continued stating there is a two-story motel, along with his building which

is a two-story, 5-unit apartment building, a 6-unit apartment building, a 9-room bed and breakfast, and a new simulated deco building, containing a photographic gallery, along with 3 luxury rentals. He stated that the scale of the block ranges from about 12 feet to 35 feet and is a unique part of the City, dating from 1937 to 1940. He felt if a 24-story high-rise is permitted across the street, the sun would be blocked on those properties for about five months of the year. He believed that a building of such scale would be totally incompatible with the block. He asked for the Commission to reconsider this project due to what would happen to the neighborhood and the beach.

Judith Scher, President of Birch Crest Condominiums, Vice-President of Central Beach Alliance, and member of the Beach Redevelopment Advisory Board, stated that she is appalled and angry about this land swap. She stated that the citizens had voted for the Commission with the belief that they would look out for the good of the City and all of its citizens. She stated that it drives her crazy to think that they would give away a large piece of the beach. She hoped they would renegotiate a better deal.

Douglas Perry, President of Alhambra Homeowners Association, stated that they were going to lose about 1,200 parking spaces with the new building in the area causing them to lose about \$1 million income. He stated that granting the developers extra stories to make up for damages would be a good idea.

Shirley Smith, member of the Central Beach Alliance, stated that they had voted to keep the area as a park, but they had lost in that regard. She indicated that people came to Fort Lauderdale for the beach. She stated further that the Stranahan House is beautiful and nothing is going to hurt it. She felt this is a silly deal. She stressed that if one bends over in this City, a building is built.

James London, homeowner, 3029 Alhambra Street, stated that he represents one of the few remaining single-family homes in the area. He stated further that he has spent money to restore his house. He reminded everyone that previously the beach consisted of all single-family homes. When he purchased his property, it had been with the understanding that the property across the street would be dedicated to the use of the beach community. He stated it is also his understanding that such property would be used primarily for parking, and no structure more than 4 stories would ever be built at the site. He explained that the proposed building would shadow his property. The Commission needs to consider the best use of this land for the beach community. He was sorry to see such a dispute take place regarding a property that had been acquired through eminent domain for the use of the community and not for private development. He asked for the Commission to look deeper at what is being traded, and what the community would benefit from such a trade.

Art Seitz, 30-year resident, stated that this reminds him of the Birch Site Square deal where they had gotten rid of a parking lot and ended up with a condominium. He felt the Commission has an obligation to protect, enhance and preserve the City's most precious asset that came from the American assembly process, which is the beach. It will be worthless to the public without parking. It makes no sense to see buildings constructed of several dozen stories high; it would be a huge mistake. He further stated that three-story condominiums are for sale on the beach for \$800,000. The land is valuable. He urged the Commission to vote this proposal down and do what they promised to do when running for office, which is to protect, preserve and enhance the beach. It is their obligation to leave a proper legacy.

Courtney Crush, attorney representing the applicant, stated that on November 5th a letter had been sent to the Mayor indicating that they would be receptive to talks regarding settlement of this matter. Since then, they appreciated the opportunity to sit down with the City and proceed to move forward on this matter. She further stated that it appears that there are more concerns regarding this particular settlement option. She stated they are unaware of such concerns, but would be happy to return to the table. She suggested that since they had come so far in good faith and now are hearing from the City regarding the best use of the property and their willingness to settle this lawsuit, this could be the perfect opportunity to defer such discussion regarding settlement to a time certain. Earlier today she had suggested one week, but realistically in reviewing the information that the Commissioners are requesting, additional time would be needed. She suggested that a mediation take place between the appropriate parties. In working toward a settlement of this litigation, she suggested that the Commission defer action this evening and consider the request for mediation where additional information could be supplied. There appears to have been some misinformation, along with a lack of information, regarding the matter. She stated that since the Commission did not meet in August, Mr. Hall suggested that they prepare the information during that time.

Terry Stiles urged the Commission to continue with their discussions and negotiations regarding this matter. He stated they have a huge investment in this City and there has been an eyesore at this site for many years. He believed the settlement outlined should be a settlement arrangement, not a devastating legal battle. He felt the solution brought forward is fair but realized some additional information is needed. He urged the Commission to stay at the table and continue negotiating a settlement.

Richard Weiner, 40-year resident, stated that a couple weeks ago he had been on a boat on the New River and in approaching the Third Avenue Bridge, he could not believe what he saw. He could not see the sky unless he looked straight up due to all the concrete. He felt it is like going down the Grand Canyon on a raft. He stated people are retiring and leaving this City because it is becoming too crowded and too many concrete buildings are being erected. He stated when developers do not receive approval, they immediately threaten to sue the City and the politicians panick. He would prefer to have his taxes increased to pay for good lawyers to fight the developers, than to use the taxes for what they are planning. The Commission is supposed to represent the citizens. He felt it is time for the Commission to stand up and fight the developers and take a chance.

Jim Farrow, resident since 1973, stated that there is a lot of positive things taking place in the City, but he felt there are better alternatives for the subject property. He felt something should be placed at the site to accommodate the public, and not just condominium owners. He stated the developers involved are very good, and he felt they could accommodate the Stranahan House, incorporate some new ideas and work in a spirit of cooperation to make this project work. There should be a bridge between the east and west of Las Olas, but he did not feel they could stop people from moving into condominiums. He is very concerned about the beach, which is what Fort Lauderdale is known for. He felt there are better uses for the site other than a parking lot or condominium.

Christopher Eck stated that he has spoken before regarding other preservation issues over the years, and he realized this is not an easy decision for anyone. He felt the settlement being presented is one of the better things they could hope for out of a

difficult situation. He stated that the Stranahan House is the epicenter of the City's modern history, and to lose the setting for such a jewel would be a loss of their roots. He urged the Commission to support the proposed settlement.

Kevin Quinn stated that the voters had wanted a park at the site and such wishes should be carried out.

Mayor Naugle stated that Mr. Glassman had commented that ½ of the site next to the Stranahan House is to be used for a restaurant, but he believed that .4 acres are to be used for the restaurant site and one acre would be the City's footprint. He stated that Riverwalk had sent a letter, stating that they preferred a restaurant or some type of retail use along Las Olas instead of the entire area being a park. Mayor Naugle indicated that he would prefer the whole area be a park, but there is a group of planners and designers who feel there is a break on the street. He further stated that the Commission had voted unanimously to purchase the property back in June, 2003, not subject to any surveys or environmental studies. He explained that any purchase made has to be a lawful one and has to pass the legal tests. He stated the City Attorney has stated that everything being proposed had been investigated and the sale would be done through the CRA which has different rules than the City.

Mayor Naugle remembered the property on A-1-A south of the Bonnet House which had been restricted due to the surrounding historic property. The proposal is to build a 38-story building over the County's most historic structure. He had spoken to a couple in New York who lived in a building in the area and were concerned about their view. He had asked them if they had ever been to the Stranahan House, but they were not aware of it. He stated that the entire City had grown around this building which represents their roots and foundation. The threat of having the proposed building contiguous to this historic site is the main issue.

Mayor Naugle further stated that he is going to vote against the motion to reject the settlement. He hoped to keep talks alive in order to prevent the 38-story building from being built contiguous to the Stranahan House.

Commissioner Hutchinson stated that she had requested additional information and stated that she should have asked for it in 2003. She is requesting this information now because she does not want to go into this settlement blindly not knowing the value of the land swap. People of the City are holding her accountable for every decision she makes, and she indicated that she would not make a decision blindly. She did not think by voting against this land swap that she is saying negotiations are over because she would like to sit at the negotiating table. She felt there could be a better deal and she wanted to know what this is going to cost the City before she blindly signed a piece of paper. The voters had approved \$8 million, but she did not know if they intended to vote for a 24-story building on the beach. She indicated that she has to be comfortable regarding her vote. She is going to reject the swap because she has not been provided the necessary information in order to make a sound decision on behalf of this City's citizens. She did not feel it would keep her from the negotiating table. She stated the City is not due in Court until November, 2004.

Commissioner Moore wanted to compliment the Mayor on his effort in trying to settle this issue. He realized everyone had different opinions regarding the matter. He complimented the City Attorney in dealing with all the legal matters and trying to settle

the matter. There is concern as to how the communication had gotten out, and he felt it caused an opportunity for misinformation.

Commissioner Moore further stated that a settlement had to take place, but what had been seen thus far is that they would lose in the courts and enormous amounts of money could be lost. He had been one of the unanimous votes in 2003 regarding this beach front property to be used in a redevelopment effort. He did not state that it was to be a land swap or of a certain height, or that it would be condominiums, or that different developments could not be offered regarding their proposals for the site. He still felt it is in the best interest of the City to redevelop the property. He explained they had gone through various processes regarding this site. If the site is developed, it would affect someone's view. He did not feel that a parking garage on the beach makes sense. He felt the City should find ways to incorporate parking off the beach so some sort of shuttle system could be established; make things more pedestrian friendly, and stop trying to build communities around vehicles.

Commissioner Moore continued stating that this settlement should happen because the property had been purchased in a Regional Activity Center. He stated that the previous lawmakers decided to place a land use designation on certain properties, and individuals have rights to buy such properties with the opportunity to develop what the policymakers have stated could be built. He indicated that the downtown area is to be an RAC. Development was so important that parking requirements were not established. It was to be a stimulation for opportunities of development in order to create a downtown atmosphere that would be 24/7, 365 days a year. This Commission and past commissions have stated why it made sense to do this in the downtown core. To take an opportunity which is meritorious of settlement and reach out to address this beach property is ingenious, but it did not hit home for him. This is not the right opportunity.

Commissioner Moore was concerned when the Commission pits one department against another in regard to the budget, and now they are pitting communities against each other regarding whether a development is viable in an RAC in comparison to a beachfront publicly owned property. He stated they are pitting people against each other instead of the project's merits. He indicated that he wants a settlement and the only one he sees, and how this conversation began, is that this developer suggested they would end their endeavors if they were allowed to build their building where they had acquired the property. Conversations were then held with good intentions to solve the dispute. He differed with them from the beginning. He agreed the Stranahan House is a significant structure, but he believed it could be moved and still remain significant. He believed that if this particular developer understood there is an opportunity to settle this matter, that they would do a different design concept that might even give greater accessibility to the Stranahan House and be a viable option. When given no options regarding this site, they had been told the City was going to take the property through eminent domain. They stood their ground and argued the fact. In the argument, they decided to settle and this particular option was presented. He did not think the developer requested the beachfront property instead of the property located in the RAC. He felt it is a method to find an end to something so it would not end up in court.

Commissioner Moore felt it is in everyone's best interest for them to state publicly that the beach property would not be a part of the settlement. He stressed that is his feeling this evening, but he also wanted everyone to know that the beachfront property should be considered for development. He did not think there should be a one-on-one solution

regarding settlement, but it should be opened to the public so a number of proposed plans could be submitted that would be beneficial to the City. To offer this settlement is beyond what he is willing to do. He recommended that they end this evening with a discussion regarding settlement, and he urged the Commission to follow the recommendations made by Commissioner Hutchinson and the applicant's counsel. He also urged that they see if there could be a design concept on the present location so they could have an opportunity to have another option, and still give visibility to the Stranahan House. The public has not availed themselves of the Stranahan House for a number of years. He agreed with the maker of the motion that this land swap should not be done, and the beach site should be removed from the table.

Commissioner Moore indicated that he could not support this proposal.

Commissioner Teel stated that she also wanted to thank everyone for their e-mails and appreciated hearing from everyone. She stated the emails were overwhelmingly in support of preserving the land surrounding the Stranahan House. Many people felt this is a difficult decision to make because it should not be pitting open space against preserving history. The land around the historic structure is extraordinarily precious. They need to preserve the site for future generations. She stated that she came here tonight thinking negotiations were over and they would have to vote for or against the proposed settlement. She was pleased to hear the developer say they are willing to move forward. She felt more information is needed to bring the matter forward to the public and let them know they are acting responsibly, and working to make other compromises. She did not think that a 38-story building around the historic structure would be appropriate. She believed the owner is willing to work with the City and she felt he is trying to help. She felt moving forward into mediation to "tweak" the issue further would benefit everyone.

Commissioner Teel explained that she had done a lot of research regarding the Alhambra site, and she did not find anything that the site is to be forever a park or open space, or even to be used for parking. References had been made to use of it as an instrument to promote development. She agreed with Commissioner Moore regarding using the land for a parking garage, and felt it is amazing that they would put such a structure at this location. It would be totally inappropriate. At this time, she would support moving forward and continuing mediation regarding this matter.

The motion was restated as follows:

Motion made by Vice Mayor Trantalis and seconded by Commissioner Moore to not accept the proposed settlement agreement between Coolidge South Market Equities and the City.

Commissioner Moore offered an amendment that the beach property be taken out of the settlement. Vice Mayor Trantalis accepted the amendment.

Motion made by Vice Mayor Trantalis and seconded by Commissioner Moore to not accept the proposed settlement agreement between Coolidge South Market Equities and the City, and that the Alhambra site be taken out of the negotiations for settlement.

Commissioner Hutchinson wanted to offer another friendly amendment in regard to returning to the negotiation table. Vice Mayor Trantalis accepted such amendment, along with the second for the motion.

The motion now read as follows:

Motion made by Vice Mayor Trantalis and seconded by Commissioner Moore to not accept the proposed settlement agreement between Coolidge-South Market Equities and the City, and that the Alhambra site be taken out of the negotiations for settlement, and that negotiations continue.

Commissioner Teel had a problem in regard to removing the Alhambra site from the table completely. She felt they should leave as many options as possible open and have more flexibility. She felt limiting this would stifle creativity that could occur. She believed it would be counter-productive to remove Alhambra.

Mayor Naugle stated that he agreed with Commissioner Teel and would not support the motion in its current form.

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

**Broward Trust for Historic Preservation v. City of
Fort Lauderdale and TRG&S Las Olas Beach Club, Ltd.**

(M-46)

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve a proposed Settlement Agreement between the Broward Trust for Historic Preservation, TRG&S Las Olas Beach Club, Ltd., and the City.
Commissioner Hutchinson asked if the recommendations were listed.

The City Attorney explained that the recommendation is to amend it, but it is not listed as such. The recommendation is to delete in the settlement agreement the requirement that the City create a department, and replace it with the provision that funds would be available to enhance the City's historic preservation efforts by funding one position in the Planning Department for historic preservation efforts for the next three years.

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

**Settlement of Code Enforcement Lien – Silveri Leasing, Inc.
6700 NW 9 Avenue – Case 03-050858**

(M-47)

Motion made by Commissioner Moore and seconded by Commissioner Teel to approve a proposed settlement between Silveri Leasing, Inc. and the City in the amount of \$68,175 concerning a lien placed on property located at 6700 NW 9 Avenue.

Commissioner Moore asked for some further clarification.

The City Attorney stated that the lack of compliance is due to their inability to obtain after-the-fact permits. He stated the City is going to settle the matter, collect the monies, cite them immediately, and thereby give them 30 days to obtain the permits before the fines would begin running once again. He stated there are no life-safety issues involved.

Vice Mayor Trantalis was not sure if he understood the process, and asked if these items were to be voted on after compliance is complete.

Commissioner Moore left the meeting at approximately 7:27 p.m.

The City Attorney stated that this particular building is for sale, therefore they wanted to have this matter resolved in order to complete the transaction. There was agreement if the 75% is paid, then the City would begin running the fines once again, but they would have an additional 30 days to obtain the necessary permits.

Vice Mayor Trantalis clarified that they are going to establish a dollar figure for the purpose of closing, but the responsible person would have to pay such amount to the City; the property would still be in violation and the buyer would be aware of such violations. The City Attorney confirmed and added that the buyer has agreed to repair the property.

Commissioner Moore returned to the meeting at approximately 7:28 p.m.

Commissioner Teel stated that this property is in her district. She spoke to the property owner and tenant who is the purchaser; there had been some disagreement between the parties. She explained that the property owner felt the tenant had a responsibility to take care of the problem and vice versa. She felt they had come to an agreement and wanted to close on the issue. She explained that the new purchaser understood they would be cited immediately after the closing, and they would begin working to correct the problems. She stated this is to expedite the closing and make the 75% payment.

Commissioner Moore asked when such payment is going to be made. Commissioner Teel believed it would be made at the closing. The City Attorney stated it would be made in less than 30 days.

Vice Mayor Trantalis stated he would vote in favor of the motion as long as the City is not waiving its right to reassess the property.

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

ORDINANCES

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-36

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REQUIRE THE APPROVAL BY A UNANIMOUS VOTE OF THE ENTIRE CITY COMMISSION TO SELL, TRANSFER, OR LEASE FOR MORE THAN ONE YEAR, CITY PARK PROPERTY; PROVIDING FOR APPROVAL BY THE ELECTORS; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

**Charter Amendment for Placement on November 2, 2004
Ballot – to Create Position of City Auditor**

(O-2)

Commissioner Moore wanted the City Attorney to clarify how this matter is to be handled.

The City Attorney asked that the Commission pass this item and explained there is an error in it which he would conform to the recommendation of the Code Review Board, and to the recommendation adopted by the City Commission.

Commissioner Moore clarified that the second reading would contain the correction. The City Attorney confirmed.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-37

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING THE POSITION OF CITY AUDITOR; ESTABLISHING QUALIFICATIONS FOR THE CITY AUDITOR; ESTABLISHING RESPONSIBILITIES FOR THE CITY AUDITOR; PROVIDING FOR THE CITY AUDITOR'S AUTHORITY TO REMOVE ITEMS FROM CITY COMMISSION AGENDA; PROVIDING FOR THE HIRING OF ASSISTANTS TO THE CITY AUDITOR; PROVIDING FOR APPROVAL BY THE ELECTORS; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Charter Amendment for Placement on November 2, 2004 Ballot (O-3)
Providing for City Commission Appointment of City Commission
Assistants

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-38

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE CITY COMMISSION'S APPOINTMENT OF COMMISSION ASSISTANTS, PROVIDING FOR APPROVAL BY THE ELECTORS, AND PROVIDING FOR SEVERABILITY FOR REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND FOR AN EFFECTIVE DATE.

Which ordinance was read by title only.

Mayor Naugle stated when they discussed this, the Commission had asked that the wording be different. He did not feel that it is clear as to what is actually being done. He stated that after the language: "The Assistant City Attorney shall be appointed by the City Attorney," he felt it should state: "Appointment of City Commission Assistant should be transferred from the City Manager to the City Commission," or something similar because it sounds as if they are appointing new positions, but in reality the appointment of such individuals is to be transferred from the City Manager to the City Commission. There is a difference, and he is not happy with the present wording.

Commissioner Moore stated that he differed with the Mayor and read the ordinance as follows: "The Commission Assistant shall be appointed by the City Commission." He stated that it is very clear in the first section of the ordinance. He stated it also is mentioned in the question.

Mayor Naugle proceeded to read the question. He felt it does not state that the City Manager appoints the assistants at the present time.

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

General Employees Retirement System Pension Amendment (O-4)
Extend Deadline for Purchase of Prior Service Credit

Commissioner Moore asked if this is giving them adequate time to take care of the matter. The City Attorney confirmed.

Terry Sharp, Director of Finance, also confirmed.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-39

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

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

**Adoption of Amendments to the City of Fort Lauderdale
Future Land Use Map and Comprehensive Plan**

(O-5)

Commissioner Moore introduced the following ordinance on second reading:

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; AND TO REVISE THE GOALS, OBJECTIVES, AND POLICIES OF DIFFERENT ELEMENTS OF THE COMPREHENSIVE PLAN.

Which ordinance was read by title only.

Mayor Naugle notified the public that a form entitled Comprehensive Plan Citizens Courtesy Information List is available at the rear of the Commission Chambers from the Assistant City Clerk. This notice is being provided to any citizen who wants to receive personal notice from the Florida Department of Community Affairs of the State's intention to either find these amendments in compliance with State law or not. He stated that the form would be submitted to the State along with the amendments.

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

Amendments to the Pay Plan

(O-6)

Commissioner Moore stated that he would not support this item.

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-04-35

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

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

Alarm Ordinance Revisions

(O-7)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-40

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, DELETING THE ANNUAL ALARM SYSTEM REGISTRATION RENEWAL FEE, RESTRUCTURING THE SERVICE FEE FOR ALARM RESPONSES, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Financial Policies

(O-8)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-41

AN ORDINANCE CREATING SECTION 2-159, ARTICLE V,

FINANCE, OF THE CODE OF ORDINANCES OF THE CITY
OF FORT LAUDERDALE, FLORIDA, TO PROVIDE
FINANCIAL POLICIES.

Which ordinance was read by title only.

Vice Mayor Trantalis stated that it was his understanding that if these policies were adopted, the City would not then be able to veer from them, if there is an emergency situation.

Mayor Naugle replied that is correct unless the ordinance is rescinded.

Vice Mayor Trantalis asked if each Commissioner would take another look at this item. He believed the concept of the amnesty would not have been permitted to be used to fund the PSAs, and he felt their hands are being totally tied. If the City was ever in a situation where they had to redirect funds in one year, they would not be able to do so. He felt it is lunacy to constrain themselves in such a way and not provide some flexibility in running the City in the best way possible. He asked that the Commission vote against this item.

Commissioner Moore agreed and stated that in the future all budget issues would have to be dealt with through this ordinance. Future Commissions should be able to utilize the budget or changes in it to impact the delivery of services at the time. He asked the Commission not to support this item.

Commissioner Teel asked if more information could be provided regarding this matter.

Terry Sharp, Director of Finance, stated that because the City was not at the reserve levels that the Acting City Manager had recommended, this ordinance indicated that there would be a phase-in period, and the targets would be met by the fiscal year ending September 30, 2007. In order to take money from the working capital reserves, stabilization fund, or the emergency reserve fund would require a majority plus one vote of the Commission, if the Commission decided it was an emergency and such funds should be tapped into. He read from the ordinance as follows:

“Should the projected or actual amounts for each reserve fall below the target levels following full implementation, a financial plan outlining an increase in revenues or a decrease in expenditures would be submitted by the City Manager to the City Commission for approval.”

Mr. Sharp stated that a provision is built into the ordinance that if the Commission deemed there was an emergency to tap into such reserve funds, then there is a way to restore them at a future date.

Commissioner Hutchinson stated it was her understanding that the City had these financial policies and procedures in place for the last 24 years. She asked if they had been in an ordinance form.

Mr. Sharp replied that the City has financial policies, but not the detail regarding reserves in the way the Acting City Manager is recommending them. There are financial policies which served as the basis for their policies and procedures in the department

since 1980, but the Commission had never adopted them as part of the Code, and this is what they are now proposing to do.

Commissioner Hutchinson stated that in regard to the Amnesty Program, No. 2 states: "One time revenues can be used to build up reserves or be used for truly one-time expenses without impacting service levels." She stated that they knew going into the Amnesty Program that it was going to be a one-time shot for the PSAs, and then it would be up to the Police Chief to fund them in his budget. She felt that No. 2 would permit them to do that.

Mr. Sharp stated the City considered the amnesty revenue as one-time revenue, but recurring revenue is needed on a regular basis.

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

RESOLUTIONS

Accepting Budget Message – Fiscal Year 2004/2005

(R-1)

RESOLUTION NO. 04-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY MANAGER'S BUDGET MESSAGE, ESTIMATES AND RECOMMENDATIONS FOR FISCAL YEAR 2004-2005 AND AUTHORIZING THE CITY MANAGER TO COMPUTE PROPOSED MILLAGE RATES AND TO ADVISE THE BROWARD COUNTY PROPERTY APPRAISER OF SUCH PROPOSED MILLAGE RATES.

Commissioner Moore wanted to recommend a trial balloon. The Commission can reduce the millage, but not increase it. Therefore, he suggested they increase the millage rate from what is proposed because he wanted to have flexibility on the fire fees. If the Commission chooses to use the fire fee instead of the ad valorem, then he wanted to have flexibility for such dialogue. He recommended the millage rate be 6.2327. He clarified that it might not be increased to that amount, but he wanted the option of having further input and discussions in reference to a 100% fire assessment fee. He explained it is proposed to take the fire assessment fee from \$52 to \$119.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve a millage rate of 6.2327.

Vice Mayor Trantalis asked for further clarification regarding what the recommended millage rate increase. Commissioner Moore replied that the amount would be 6.2327.

Mayor Naugle asked what that would be in regard to the trim notice.

Mr. Sharp stated that the trim notice does not contain a percentage. Mayor Naugle stated that when the millage rate is adopted, an amount has to be read regarding the increase. Mr. Sharp explained that is based on the rollback. In reviewing the number provided this afternoon, they had discovered that due to the fact that the Commission had agreed not to charge governments and non-profits, the City would not have to pay its bill of \$400,000, and therefore, the number would now be lower than previously stated. He stated that the millage rate would now be 6.2098.

Therefore, the motion was revised as follows:

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve a millage rate of 6.2098.

Mayor Naugle asked if Mr. Sharp could calculate the amount of the tax increase to be read into the record.

Mr. Sharp stated there would be an increase of 32.6%.

Commissioner Hutchinson asked how it would differ from the current millage rate. Mr. Sharp replied it would be 20%. Commissioner Hutchinson stated that this would be a preliminary rate to get them through the next two months of budget discussions. Commissioner Moore confirmed.

Mayor Naugle could not support this because he felt there is too much new spending included, such as the addition of Commission staff and travel budgets.

Commissioner Moore agreed that there are a number of issues in the budget that he did not plan to support, but he did not want to be in the same situation as previously where there is a limited opportunity to do the best thing for the City. He preferred that all issues be placed on the table, and then they could look at the possibilities of some of the recommendations and delete anything inappropriate. He preferred to have that extra flexibility, and he wanted to receive input from the public. He indicated that there are many things in the proposed budget that he did not agree with, but having monies appropriated for things he wanted to see included is where he is headed.

Vice Mayor Trantalis agreed a tax increase is necessary, but he was concerned that they are pushing it too high which would create confusion and misrepresentation regarding the numbers being suggested. He was comfortable with the number suggested by the Acting City Manager even though it is an outside number and not a conservative one. He further stated if the Commission is going forward with such a liberal assessment, the suggestion to further increase the amount would not affect the planning which had gone into the new budget to increase staff, police, and fire. He felt all that is being taken into consideration is already in the Acting City Manager's recommendation. He further stated that they are suggesting to second guess the vote on the fire assessment fee by including enough money in a tax increase to allow them not to increase the fire assessment fee to 100%. If that is how they are voting, then maybe this is a straw vote on how the Commission is going to vote on the fire assessment fee.

Commissioner Moore stated that is not the case. There are many things in the recommended budget that he did not agree with, but he believed it is a necessity to have an adequate budget which would allow the Commission to address many issues that the

public has cried out for over the last 1 ½ years. This does not state it would be done. He wanted the additional flexibility to give the citizens what they want.

Vice Mayor Trantalis asked if the budget included funding for increased levels of positions for police and fire personnel.

The Acting City Manager replied that it includes increases for the Fire Department, Police PSAs to not be deleted from the budget, and \$1 million for 21 positions in the Fire Department, if annexation takes place. Additionally, Commissioner Moore is suggesting that instead of having a fire fee that would go from 52% to 100%, they would be able to take it from within the tax rate as currently is the case. His concern is that it would be \$8 million more.

Vice Mayor Trantalis clarified there would be no new hires in the Police Department under the current level of budgeting.

Mr. Sharp stated there are 21 authorized positions if annexation occurred.

Commissioner Moore indicated that this is the Acting City Manager's recommendation regarding the budget, and he wanted additional flexibility so the Commission could produce a budget that they might want, with all due respect for the Acting City Manager.

Vice Mayor Trantalis asked that if there is no annexation, would the City not be considering 21 new hires. The Acting City Manager confirmed, and clarified there is \$1 million for annexation which would be voted on August 31, 2004. He further clarified if the annexation does not occur, then it would be up to the Commission to delete this from the budget and millage rate. It does not mean there would not be latitude to use that \$1 million elsewhere if desired.

Commissioner Hutchinson stated that in her discussions with the public regarding the fire assessment fee, some preferred that it be rolled into their tax bill versus the extra assessment charge. She continued stating that she liked that flexibility. She indicated that this would change within the next two months. Vice Mayor Trantalis was concerned about the initial impact.

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

**Amendment to Approved Site Plan Level IV
Trump International Beach Club – 550 Seabreeze Blvd.
PZ Case 53-R-04 (30-R-98 previous review)**

(R-2)

Trump Ocean Club, aka Ocean Dunes, Club Regent or Ocean Club.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, APPROVING AN

AMENDMENT TO AN APPROVED SITE PLAN FOR THE
CONSTRUCTION OF A RESORT HOTEL ON PROPERTY
LOCATED AT 550 SEABREEZE BOULEVARD IN FORT
LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT
AS A SITE PLAN LEVEL IV DEVELOPMENT.

Which resolution was read by title only.

Steve Glassman, on behalf of the Central Beach Alliance, stated that this issue arose before their membership about two months ago, and they are asking that the Commission send this project back through the process. He stated the process has been "turning dirt over" for about 7 years due to extensions of permits, changes were made in the principles and design, and the CBA felt this project needed to return in front of the public so there would be ample opportunity to review the new plans. He stated that 7 years is too long for a project to go on with extensions.

Commissioner Moore left the meeting at approximately 7:58 p.m.

Tayo Wolf stated their condominium board is undecided about this project, and therefore, she would be speaking on behalf of herself. She asked the Commission to consider the traffic impact this project would create in an area that is already overcrowded. She stated that a letter had been sent by Chris Beck asking the Commission to check out the legalities of the condo/hotel issue.

Commissioner Hutchinson left the meeting at approximately 7:59 p.m.

Mary Taldo stated their condominium unit is adjacent to the Ocean Club Hotel which is currently under construction. She further stated that in April they had been presented the proposed changes for the project, but their board had declined. She invited them to speak to the owners as her guest; about 30 owners attended.

Commissioners Moore and Hutchinson returned to the meeting at approximately 8:00 p.m.

Ms. Taldo continued stating that in speaking with her neighbors, they are happy with the changes that had been made in the project.

Greg West stated that he is in support of this project and felt such projects are a step to revitalizing the beach and increasing tax revenues.

Art Seitz stated that he is just hearing information which disturbed him, and that is that \$10,000 had been offered to the individuals living on the north side of this building for their support of the project. He stated that when Bridgeside Square went up, the developer had paid about \$250,000 to various neighborhood associations for their support. He felt this matter should be investigated.

Vice Mayor Trantalis stated this is an approved project, and the original one had been more massive than the proposed project. He was hopeful that something would be built on this site. He believed Mr. Trump would add a level of prestige to the project. He stated that when he met with the architects, some aesthetic changes had been made

which he felt would add to the quality of the project. He indicated that he is in support of this project.

Commissioner Teel stated that on June 15, 1999, the Planning and Zoning Board had placed conditions on the approval of the project. She stated that No. 3 is that 124 parking spaces were required for construction personnel, and asked if that is still a condition.

Ron Mastriana, attorney representing the applicant, confirmed that all conditions are still in place. He added that two individuals from the Trump organization are present this evening to answer questions.

Mayor Naugle asked if a developer offered a unit owner money for their support of the process would it be a lawful act on their part. The City Attorney replied yes Mayor Naugle asked if they were paid to support the project would they have to register as a lobbyist. The City Attorney replied yes.

Mayor Naugle stated that it appears there are more setbacks than the original project.

Cecelia Hollar, Acting Public Services Director, confirmed in the positive. Mayor Naugle asked if the Commission voted against this project could they build the original one. Ms. Hollar replied yes and stated they are still vested for the original site plan.

Mayor Naugle stated he is torn on this matter. He felt the applicant had kept the requirement of keeping the permit alive by pulling a building permit, but he did not think meaningful activity was taking place. Therefore, they should begin over.

Ms. Hollar stated that they fall under the previous provisions for vesting of the site plan which had been changed. The requirement is now more stringent and more building activity has to be taking place.

Mayor Naugle asked how long is their original approval for to pull a building permit. Ms. Hollar stated it is 18 months for a building permit, which includes a foundation permit, and once that is received they are vested as long as they are active in accordance with the Building Code requirement.

Mr. Mastriana announced that they had commenced construction in January, 2004, had constructed pilings and complied with Code. He understood everyone's concern regarding the delay which had been caused because they did not have a flag at the time. They could have proceeded. Since they now have a high quality flag, they had been sent back to the drawing board to make it a better project.

Vice Mayor Trantalis stated that the original project would be more massive, and therefore, he is in support of this proposal.

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE ACCEPTANCE OF A TECHNICAL ASSISTANCE GRANT FROM THE NATIONAL PARK SERVICE (NPS) THROUGH THE RIVERS AND TRAILS CONSERVATION ASSISTANCE (RTCA) PROGRAM, FLORIDA FIELD OFFICE TO HELP DEVELOP A GREENWAY, BICYCLE FACILITIES AND BLUEWAYS MASTER PLAN FOR THE CITY OF FORT LAUDERDALE.

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

**Settlement of Code Enforcement Liens in Lieu
Of Foreclosure**

(R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO SETTLE AND RELEASE CERTAIN CODE ENFORCEMENT LIENS FOR EITHER 75% OR 85% OF THEIR FACE VALUE.

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

**Reschedule September 7, 2004 City Commission
Conference and Regular Meetings to September 8, 2004**

(R-5)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE SEPTEMBER 7, 2004, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO SEPTEMBER 8, 2004.

Which resolution was read by title only.

Vice Mayor Trantalis disclosed that he would be late in attending the meeting and would arrive straight from the airport.

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

**Vacation of Portion of 8' Sidewalk Easement
501 SE 2nd Street – Case 2-M-04**

(R-6)

Applicant: Summit Properties Partnership L.P.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-139

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE NORTH 2.25 FEET OF THE EAST 72.37 FEET OF THE WEST 465.73 FEET OF THE 8 FOOT WIDE SIDEWALK EASEMENT DEDICATED BY THE PLAT OF "CROCKER TOWER," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 142, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF SOUTHEAST 2ND STREET, 160 FEET MORE OR LESS WEST OF SOUTH FEDERAL HIGHWAY (U.S. HIGHWAY 1), LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Vacation of Portion of Non-Vehicular Access Line
Mariana Asphalt Plat – Case 4-P-04**

(R-7)

Applicant: Mariani, LLC

Location: Northeast intersection of SE 10th Ave. and SE 20th Street

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-140

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE NON-VEHICULAR ACCESS LINE ALONG THE WEST LINE OF PARCEL "A" OF "MARIANI ASPHALT PLAT" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 135, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF

SOUTHEAST 10TH AVENUE, NORTH OF SOUTHEAST 20TH STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Commissioner Hutchinson supported the project at Harbor Shops, but wanted to ask for one condition. The applicant wants to vacate a 100' non-vehicular access on 10th Avenue; she asked if they would close the current entrance on SE 20th Street.

Commissioner Moore stated that he would support Commissioner Hutchinson's request.

Peter Partington, Acting City Engineer, stated that one way to achieve this is when they apply for a driveway for 10th Avenue, the City could condition the driveway permit that the driveway to 20th Street be kept closed. Commissioner Hutchinson asked how she could be sure that would take place. Mr. Partington stated that it would be in the minutes and staff would act upon those minutes, but it would not be part of the formal resolution.

Jack Loos stated that he is one of the property owners of the subject property, but the ownership is not the same between the two owners and he could not agree to closing the street even if he wanted to do so. He had conferred with their attorney. They had dedicated right-of-way on 20th Street when the property was originally been platted. The City has no grounds to require closure of the other entrance. The individuals pushing for this closure are represented by Mr. Stacker, and they have opposed them every step of the way. He stated that they are complying with the City requirement that an access be provided to SE 10th Avenue. Originally there was to be the opening of SE 20th Street, but City staff was against it, so at great expense the group purchased the adjoining property. He explained that they are providing access which has nothing to do with 20th Street, and that they are lessening the traffic in that area. Students who presently park in the area have to enter through the Port and along 20th Street.

Mr. Loos further stated that he had informed Mr. Stacker that he would be happy to agree that as long as the students need to park there, they would retain the gate at the opening to 20th Street. He did not think the group would agree to close it, and he did not believe there are any legal rights to make them do it. The right-of-way has been donated. He asked Commissioner Hutchinson to reconsider because such access is needed in order to comply with the City's development order. He indicated that they had spent a great deal of money to clean up the polluted site, and they are bringing a positive tax base to the community. He added that things with Mr. Stacker tended to pop up at the last minute.

Commissioner Hutchinson indicated that she is not blaming this on Mr. Stacker. Individuals at her pre-agenda meeting brought up this concern. If the only access is via the Port, and they are creating access on 10th Avenue, she did not know why they needed both. It would be a safer movement off 10th Avenue versus SE 20th Street. She indicated that she has been extremely supportive of this property and what Mr. Loos and his partners are doing and would grant the opening, but she wanted the minutes to reflect that she wanted some sort of gate or closure on 20th Street.

Mr. Loos stated that a gate already existed there, and he agreed that as long as students are utilizing the parking lot, they would not open it. He is not empowered to agree and did not feel that the City has the right to stop their legal access, especially since they donated right-of-way for the property. It is unacceptable to them to restrict

their property long term. They have complied with all reasonable requests and would continue to do so. He stressed that all of the students are now on 20th Street, and they are doing nothing but enhancing the security and access along 20th Street by allowing them to enter without coming through 20th Street. They are meeting all requirements at great expense and donated right-of-way on 20th Street. They are only making the area better. He did not understand why the City would require them to close it long-term. He stated they are willing to close it on a short-term basis in connection with the students.

Mr. Loos reminded everyone that the students could go a few blocks further and exit onto 20th Street through the Harbor Shops project. They are only taking their access right-of-way and not preventing anyone from exiting onto 20th Street because there are two other access points through Harbor Shops.

Ed Stacker, attorney on behalf of Carnac South, Inc. and Owens Corning Trumble, industrial operations on the south side of SE 20th Street immediately south of this parking lot, stated that their clients' concerns are not last minute or new. The only means of ingress and egress to their properties are via Eisenhower and west on SE 20th Street. Due to security measures being put in place since September 11, there is now going to be a sally gate on the east end on 20th Street and their vehicular traffic would have to enter through the Port. They had raised concerns because the Harbor Shop site plan had not come before the Commission for approval since it was the Port Everglades Development District; it was only processed through the Development Review Committee. If public hearings had been held, they would have attended and objected to the ingress and egress from Harbor Shops to 20th Street because it exacerbates the traffic circulation in that area.

Mr. Stacker stated that the Commission is being asked to consider whether or not they would approve a break in a non-vehicular access line which exists along the east side of 10th Avenue, adjacent to this lot. He indicated that his clients have no objection to that driveway connection being permitted. He discussed the issue with Mr. Loos via the telephone various times, and he had indicated that he had no objection to closing off the southern ingress and egress. It does not make sense and is not needed and would be a win-win situation for the industrial traffic to preclude unnecessary vehicular traffic. He stated that Mr. Loos had mentioned this evening last minute shenanigans, but in looking at how Harbor Shops had been approved, they had received a parking reduction for the site based on a traffic study and analysis that the residential property at Mediterranean Village to the south and west would be pedestrian traffic. There would be no vehicular traffic because there would be no connection to 10th Avenue and 20th Street; going west, 20th Street is a dead end.

Mr. Stacker further stated that now they are applying for a non-vehicular access line driveway connection which his clients have no problem with, but would not want a non-vehicular access line to be placed on the south side of the plat. They are insisting that the southern driveway connection not be a functional driveway. This is the first time he is hearing that Mr. Loos does not have authorization to make certain decisions, and that the City does not have the legal right to require such a condition. This is a request to the Commission for a new driveway connection to facilitate ingress and egress for the students, residents of Mediterranean Village, and the public into the parking lot and into Harbor Shops off 10th Avenue. He stated that his clients support that, and believe it is a win-win situation for everyone. They are asking to close the southern driveway. The

only way to get from 20th would be through the Port. He felt it would be confusing to motorists to let traffic enter 20th Street.

Mr. Stacker continued, stating that the Commission has a clear right to condition a plat modification with another condition; and tie the driveway connection site plan permitting process with the closure of the southern driveway.

Mr. Loos stated that he wanted to make some corrections. Within 200' to 300' of the access point of this property is an access point from Harbor Shops. There are two existing access points onto 20th Street from Harbor Shops. They do not want to add a third access point while the students are utilizing the lot. No traffic is being kept from the Harbor Shops or anywhere else. He proceeded to show the site plan.

Vice Mayor Trantalis asked if this matter should be deferred. Commissioner Hutchinson disagreed and stated they all agree to the request, but she wanted it noted at the time they are permitted.

Mr. Loos indicated that Mr. Stacker had spoken with him last week in regard to this matter. Vice Mayor Trantalis asked if there is consensus among the property owners regarding this issue. Mr. Loos stated it had not crossed his mind that the Commission would consider this for many reasons: the location of the access points and 20th Street is a circulator street. He agreed to keep the gate closed as long as the students are tenants of the lot, but he did not think it is right to require permanent closure as it would restrict their rights.

Motion made by Vice Mayor Trantalis to table the item. Motion died for lack of a second.

Commissioner Teel asked for some further clarification by staff.

Mr. Partington proceeded to show on the map the lot and explained that the non-vehicular access line is being sought for removal so a driveway could be constructed. He proceeded to further explain the map and location of the streets involved.

Mr. Partington continued stating that the concern is that in adding the driveway, no one wants through-traffic to connect 20th Street to 10th Avenue illegally because there is a significant amount of truck traffic on 20th Street.

Commissioner Moore asked what is going to be developed in the area. Mr. Loos replied that they have not yet decided; presently the property is leased to the Art Institute who has renewed a 5-year lease. They could break the lease with a 6-month notice. He explained further that the lot was acquired in order to meet the City's requirement to provide access to Harbor Shops off 10th Avenue. He stated they were before the Planning and Zoning Board with this project, and had met with staff. He stated that Commissioner Hutchinson has been a great supporter of this project. It is a flat surface parking lot with a gate on 20th Street.

Commissioner Moore asked what Mr. Stacker's clients are concerned about if they closed it with a fence or gate.

Mr. Stacker explained that their concern is that they do not believe the stated purposes for the driveway connection on 10th. Keeping the driveway connection to the south

exacerbates a bad traffic problem on 20th. Mr. Loos has agreed to keep it closed until something is done alternatively with the parcel, and the lease could be broken. Mr. Loos was also willing to accommodate this for at least six months. Mr. Stacker further stated they are saying that this is a long-range plan and there is no functional need for coming out of the lot onto 20th at the southern end. They are not asking for the non-vehicular access line to be placed on the plat; simply that, as a condition to opening the connection onto 10th Avenue, their needs be accommodated by closing the driveway connection onto 20th.

Mr. Partington stated that there would be driveways from the Harbor Shops to 20th.

Commissioner Hutchinson stated that as long as the lot is used for art students which no one knows how long that will continue, and it is ultimately purchased for Harbor Shops. If she had seen the site plans, possibly she might not have liked the openings onto 20th, but she understood they need a road for truck access. 20th Street is not safe for normal traffic. It is not a safe movement. She did not know how long the art students would be there, and therefore, was not concerned about that situation. She clarified that she is supporting what is presented for Item R-7, but noted that when they apply for a driveway permit, they find a way to close the entrance on 20th Street.

Commissioner Moore asked that once the driveway on 10th is opened, would it be possible to get to the Harbor Shops and would there be an opening in the rear of the property. Mr. Partington replied yes and explained there is currently a driveway with a gate. Mr. Loos stated it would remain closed. Commissioner Hutchinson understood that is located at the southern end, and eventually there would be an opening on the eastern end of the property to enter the Harbor Shops. Mr. Partington confirmed.

Commissioner Hutchinson further clarified there would be openings on 10th, 20th, and at the Harbor Shops. She questioned the need for one on 20th. This lot would eventually access the Harbor Shops.

Commissioner Teel asked about the traffic pattern for Mr. Stacker's clients. Mr. Stacker explained the movements on the map.

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

**NE 33 Avenue Neighborhood Improvement Special Assessment
Project – Project 10247 – Declaration of Intent & Establishing Public
Hearing Date**

(R-8)

Commissioner Moore introduced the following resolution (1):

RESOLUTION NO. A-04-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, DECLARING THE INTENT
TO INSTALL NEIGHBORHOOD IMPROVEMENTS IN THE N.E.
33RD AVENUE AREA AND TO DEFRAY THE EXPENSE BY
SPECIAL ASSESSMENTS; DESCRIBING THE NATURE AND

LOCATION OF THE PROPOSED IMPROVEMENTS; PROVIDING FOR THE ESTIMATED COST OF THE IMPROVEMENTS; PROVIDING FOR THE MANNER IN WHICH SAID ASSESSMENTS SHALL BE MADE, WHEN SAID ASSESSMENTS ARE TO BE PAID AND DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED.

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

Commissioner Moore introduced the following resolution (2):

RESOLUTION NO. A-04-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THE DATE, TIME AND PLACE TO HOLD A PUBLIC HEARING AT WHICH OWNERS OF PROPERTY TO BE ASSESSED AND OTHER INTERESTED PERSONS MAY APPEAR TO BE HEARD ON THE N.E. 33RD AVENUE NEIGHBORHOOD IMPROVEMENT PROJECT; PROJECT NO. 10247, AND THE SPECIAL ASSESSMENTS PROPOSED TO BE LEVIED TO PAY THE COST FOR SUCH IMPROVEMENTS.

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

**Property Conveyance – 845 NW 3 Avenue
Northwest Neighborhood Improvement District –
In-Fill Housing Program**

(R-9)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-142

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.02 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE DETERMINING AND DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTIES TO THE NORTHWEST NEIGHBORHOOD IMPROVEMENT DISTRICT OF THE CITY OF FORT LAUDERDALE TO ASSIST IN PROVIDING RESIDENTIAL IN-FILL HOUSING REDEVELOPMENT, AND DESIGNATING A DATE AND TIME FOR A PUBLIC HEARING UPON SUCH PROPOSAL.

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

Advisory Board/Committee Appointments

(OB)

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

Aviation Advisory Board

Sharon Woods

Education Advisory Board

William J. Wilson, Jr.

Commissioner Moore introduced the resolution entitled:

RESOLUTION NO. 04-143

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

Allocation of Downtown RAC Dwelling Units

(OB)

Commissioner Hutchinson stated that at the previous Commission meeting where the Commission approved a second reading to provide for the allocation of residential units in the Downtown RAC, part 3 of the ordinance discussed the criteria and in the last sentence it stated: "In the event compliance with the ULDR would not permit consistency with the Design Guidelines, the Design Guidelines shall govern." She asked for some further clarification.

Cecelia Hollar, Acting Director of Public Services, stated that the intent is that the Downtown Master Plan provide for flexibility that the zoning regulations do not provide, and also encourage types of creative design. This provision would permit them to use the Downtown Master Plan more consistent with the vision created.

Commissioner Hutchinson asked if the Design Guidelines would provide the flexibility that the ULDR does not provide. Ms. Hollar replied yes.

Courtney Crush, attorney, stated that a concern which had been raised is that the Downtown Master Plan addresses maximum floor plates and core cuts at intersections, but there had been some conflict as to whether this is a maximum. She stated if it is a maximum or dimension with such language, it appears that the Master Plan overrides the Code. In that case it is not providing more flexibility, and not only providing guidance.

Mayor Naugle asked if Ms. Crush is concerned in regard to a specific project or client. Ms. Crush replied that she is concerned about Summit Properties, Main Street Capital Partners, and The Related Group.

Ms. Hollar stated that this would allow the Downtown Master Plan to be utilized and implemented, and in some cases floor plates might have to be modified in accordance with such plan.

Commissioner Moore was concerned that this particular directive had only been offered through the Department of Community Development. He felt it should be part of zoning, as well. In dealing with affordable housing units, this would be an intricate part to both departments. He felt the Commission needs to add the staff and energies of both departments to craft the methodology of such an ordinance.

Mayor Naugle stated that this matter would be discussed at the joint meeting with the Downtown Development Authority that is scheduled for next week.

There being no other matters to come before the Commission, the meeting was adjourned at 8:55 PM.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk