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FORT LAUDERDALE CITY COMMISSION
OCTOBER 5, 2004**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
OCTOBER 5, 2004**

Meeting is called to order at 6:02 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

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

Absent: None

Also Present: City Manager George Gretsas
City Attorney Harry A. Stewart
City Clerk Jonda K. Joseph
Sergeant At Arms Sergeant Martin

Invocation offered by Reverend Grant Lynn Ford, Sunshine Cathedral/Metropolitan Community Church, followed by the recitation of the Pledge of Allegiance.

NOTE: All items are presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard are hard. 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 Commissioner Moore that the minutes and agenda for the September 8, 2004 Regular Meeting and the September 13, 2004 Special Conference Meeting be approved. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expression of Sympathy

The City Commission and the Mayor offered an Expression of Sympathy to the families of Arthur Fertig and Kenneth Teel.

2. Report from Mayor Lieberman

Eileen Lieberman, Mayor of Broward County, stated that she and her entire Board wanted to extend their sincere condolences to Commissioner Teel on her recent loss. She stated that as Mayor of Broward County she has been visiting this year with all the cities in the County, and Fort Lauderdale is 27th on her list. She explained that all too often when one reads the newspapers, there is more of a splashy story regarding all the

issues that divide the County and the City, than the ways in which they cooperate. She wanted to mention the great cooperative efforts of this community. It is no more apparent than right here in Downtown Fort Lauderdale. They are in the midst of a study at this time to recreate the Downtown. She stated the Downtown Feasibility Study promises to be exciting with opportunities for housing, retail, commercial and office space in the Downtown, and to make changes to the landscape that would benefit everyone for generations to come.

Mayor Lieberman further stated that one of the areas in which the County partnered with the City of Fort Lauderdale is the Community Bus Service Program. This service has increased the number of destinations that can be reached through public transit. The County provided the City with \$412,584 for 8 vehicles, and \$72,000 towards the capital costs of contracting for the operation of 6 vehicles. Currently County transit staff is working with the Downtown Development Authority to implement a transit circulator system in Downtown Fort Lauderdale.

Mayor Lieberman continued, stating that they are working with City staff regarding roadway improvements along the Sistrunk Boulevard Corridor, as well as in the 7th and 9th Avenue areas. She stated that the County and City are part of a street design task force to implement the Downtown Fort Lauderdale Master Plan. The parent transit boardings are 1.2 million annual trips, which increased by about 10%. They anticipate that about 400,000 of the allotment has been for residents of the City.

Mayor Lieberman indicated that the greatest success story is the water bus ridership. She announced that the ridership from September, 2003 to August, 2004 was a 51% increase over the prior year with 724,074 passenger boardings. Due to its success, the County is to contribute additional money. In addition, the County funded \$56,610 to the Broward Partnership for the Homeless for supportive services or families receiving emergency shelter, and services at the Broward County Central Homeless Assistance Center. The County gave \$55,600 to the general operating budget of the Bonnet House, \$31,000 to the Chinese Cultural Association, \$62,500 to the Fort Lauderdale Children's Theater, \$81,600 to the Fort Lauderdale Historical Society's Cultural Tourism Program, \$341,000 to the Museum of Discovery and Science Discover Our World Program, \$65,000 to the Performing Arts Authority to provide art education for County residents, and \$67,700 to Stranahan House.

Mayor Lieberman continued, stating that an issue which is important to everyone is that the City schools participated with Broward County in their Swim Central Program which made deaths from drowning among children an issue no longer important in the County, since they are providing kindergarten-aged children with instruction. She explained that they taught the children how to be "drown proof" and protect them in their neighborhoods.

Mayor Lieberman stated that the Broward County Land Preservation Program has already allocated to the City of Fort Lauderdale; over \$6 Million to purchase over 150 acres at 25 different sites in the City, with an additional \$5 Million allocated for the next group of City projects. Some of the projects are the Riverside Park Community Center which received \$441,370 from the challenge grant dollars given towards the construction of a community center and renovation of parking spaces; Bayview Park which received a \$500,000 challenge grant for outdoor concession stands, restrooms, pavilions, gazebos, sidewalks and other renovations; Riverland Park Aquatic Center received \$1.5 Million

towards swimming education; Riverwalk South Regional Park received \$1 Million appropriated by the County Commission from the bond program and regional park improvements for the development and construction of a site, which would include a linear park and brick-paved pedestrian walkways. She added that the libraries have benefited from the library bond issue with Imperial Pointe Library receiving \$565,000 towards improvements; Riverland Branch received \$350,000; Tyrone Bryant received \$2.4 Million, and the main library which celebrated its 20th anniversary, circulated over 800,000 items and 600,000 people visited it. She continued, stating that recently in the African-American Research Library and Cultural Center, the Board increased their operating hours to match other regional libraries. She stated that the Fort Lauderdale Branch of the Library received \$380,000 for improvements. She added that the Galt Ocean Mile received \$95,555 for renovations.

Mayor Lieberman stated that they do not always agree on everything, but she felt this report showed that they “put their money where their mouth is” on issues of importance to everyone. In addition she stated that she and Mayor Naugle served on the Resource Recovery Board, and they would be sending a check to the City in the approximate amount of \$1 Million from their contributions to the Waste to Energy Plant which exceeded their expectations.

Mayor Lieberman explained that this report gives a picture of where the County is going, and she thanked the Commission and Mayor Naugle for letting her present it, showing how the County and City cooperate to make Broward County a great place to live.

3. Junior League of Greater Fort Lauderdale

Suzanne McCawley, Junior League President, stated that she wanted to present the Mayor and City Commissioners a check in the amount of \$20,000 which is the final payment for their \$200,000 pledge towards the Junior League Play Station at Holiday Park. She explained that the Junior League is an organization of women committed to promoting volunteerism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers. She stated their purpose is exclusively educational and charitable. She felt that with the City they have made a significant impact for children in the community. She thanked the Parks and Recreation Department who have been great to work with. She looked forward to future partnerships. Vice Mayor Trantalis accepted the check on behalf of the City.

Mayor Naugle proceeded to thank the Junior League and stated that the Play Station is a great contribution for the children of the City to enjoy.

4. Hurricane Clean-Up/Holiday Park

Vice Mayor Trantalis asked if a report could be given regarding the clean-up of hurricane debris at Holiday Park. Mayor Naugle suggested that possibly someone could give a report on the matter before the end of tonight's meeting.

4. National Customer Services Appreciation Week

Commissioner Moore proceeded to read and present a Proclamation recognizing National Customer Services Appreciation Week to be observed October 4-8, 2004. The award was presented to Karen Garrard, Julie Leonard and Alexandria Woolweaver.

Julie Leonard, Customer Operations Manager, thanked the City for recognizing National Customer Service Week. She stated that there are many of these positions within the City, and the representatives are on the front line every day and often are unsung heroes.

5. National Breast Cancer Awareness

Commissioner Hutchinson asked for Joe Scott, CEO of Broward General Medical Center; Dr. Nicholas Trantakis, Medical Director of Cancer Services for the District; and the Medical Director for the Women's Comprehensive Breast Center at Broward General; and Kim English, Manager and Fund Development Marketing and Outreach Cancer Services for the District. She proceeded to read and present a proclamation to the group and explained that it recognizes National Breast Cancer Awareness Month.

Commissioner Hutchinson further urged every woman to get a mammogram.

Joe Scott thanked the City for the proclamation and for being at the forefront as an employer group. They are getting ready to open a 400,000 sq. ft. expansion. He thanked the City for their support.

6. Smoke Detector

Vice Mayor Trantalis proceeded to demonstrate the proper way to test a smoke detector.

7. Outstanding City Employees

Bruce Roberts, Chief Police Department, stated that he wanted to honor Richard Murrell, Parking Enforcement Specialist, who is the department's civilian employee of the month for August, 2004. He explained that after investigation he discovered counterfeit parking permits being used, and uncovered \$1,700 owed to the City from the subjects.

Chief Roberts proceeded to honor Damon Harrell, Parking Enforcement Division, for saving City equipment and assisting other City employees during heavy thunderstorms.

Chief Roberts proceeded to honor the Department's Police Officers for the month of September: Officers Darian Burkholder and Nicky Bruce. He stated they responded to an armed robbery and suspects were arrested. In another instance, Officer Burkholder also arrested six armed felons in regard to another robbery.

Mike Bailey, Public Works Department, stated that he wanted to honor Henry Weston, Jr. and Steve Holland of the Distribution and Collection Division, as outstanding employees for September, 2004. He explained that they assisted an elderly woman found in her yard who had a mild stroke.

Otis Latin, Chief Fire-Rescue, stated that he wanted to honor two lifeguards this evening. He explained the Lifeguard Division is a new part of Fire-Rescue. He announced the first outstanding employee is Giovanni Serrano-Sanchez who while off-duty assisted and saved three individuals caught in a rip current, and is being honored as outstanding employee for August, 2004.

Chief Latin stated that the other employee is Piotr Zatorski who assisted in an ocean rescue and also helped a would-be rescuer, and is being honored as outstanding employee for September, 2004.

Consent Agenda

(CA)

The following items are listed on the agenda for approval as recommended. The City Manager reviewed each item and observations are made as shown. The following statement is 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 – Fall Carnival – Our Lady Queen Of Martyrs Church

(M-1)

A motion authorizing and approving the execution of an Event Agreement with Our Lady Queen of Martyrs Church to indemnify, protect and hold harmless the City from any liability in connection with the Fall Carnival to be held Thursday, November 4, 2004, 6-10 p.m.; Friday, November 5, 2004, 5-11 p.m.; Saturday, November 6, 2004, 12 noon-11 p.m.; & Sunday, November 7, 2004, 12 noon – 10 p.m.; and authorizing the closing of SW 11 Court from SW 27 Avenue to SW 28 Avenue from 9 a.m., Monday, November 1, 2004 to 5 p.m., Monday, November 8, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1301 from City Manager.

Event Agreement – Making Strides Against Breast Cancer American Cancer Society Florida Division, Inc.

(M-2)

A motion authorizing and approving the execution of an Event Agreement with the American Cancer Society Florida Division, Inc. to indemnify, protect and hold harmless the City from any liability in connection with Making Strides Against Breast Cancer to be held at Huizenga Plaza, Riverwalk, and downtown area sidewalks on Saturday, October 16, 2004, from 7 a.m. to 1 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1300 from City Manager.

**Event Agreement – Christmas on Las Olas
Las Olas Association, Inc.****(M-3)**

A motion authorizing and approving the execution of an Event Agreement with Las Olas Association, Inc. to indemnify, protect and hold harmless the City from any liability in connection with Christmas on Las Olas to be held on Tuesday, November 30, 2004, 6-10 p.m.; and authorizing the closing of east Las Olas Boulevard from SE 6 Avenue to SE 11 Avenue, and SE 8 Avenue, SE 9 Avenue and SE 10 Terrace from east Las Olas north and south to the alley on each side, 12 noon – 11 p.m., on Tuesday, November 30, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1302 from City Manager.

**Event Agreement – Fort Lauderdale International Film
Festival's Closing Night Party – Broward County
Film Society, Inc.****(M-4)**

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 from any liability in connection with Fort Lauderdale International Film Festival's Closing Night Party to be held on Saturday, November 13, 2004, 8 p.m. – 12 midnight at South Beach.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1363 from City Manager.

**Event Agreement – Broward Carnival
Broward Carnival, Inc.****(M-5)**

A motion authorizing and approving the execution of an Event Agreement with Broward Carnival, Inc. to indemnify, protect and hold harmless the City from any liability in connection with Broward Carnival to be held at the Fort Lauderdale Stadium Festival site on Friday, October 8, 2004, 9 p.m. – 1 a.m.; Saturday, October 9, 2004, 6 a.m. – 11 p.m., and Sunday, October 10, 2004, 11 a.m. – 11 p.m.; and authorizing the closing of NW 12 Avenue/NW 10 Terrace from Cypress Creek Road to NW 53 Street 11 a.m. – 8 p.m. on Sunday, October 10, 2004 only for the Broward Carnival Parade.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1303 from City Manager.

**Event Agreement – Veterans Day Parade and Celebration
Vietnam Veterans of America Chapter 23****(M-6)**

A motion authorizing and approving the execution of an Event Agreement with Vietnam Veterans of America Chapter 23 to indemnify, protect and hold harmless the City from any liability in connection with the Veterans Day Parade and Celebration to be held on Thursday, November 11, 2004, 8:30 a.m. – 5 p.m.; and authorizing the closing of City roads in the following parade route: beginning at Holiday Park at 10 a.m. and going west on Ninninger Drive/NE 8 Street to NE 3 Avenue, south to Broward Boulevard, west to SW 1 Avenue and south to end at Las Olas Riverfront.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1361 from City Manager.

**Event Agreement – 22nd Annual Halloween Costume
Contest – Roscoe LLC****(M-7)**

A motion authorizing and approving the execution of an Event Agreement with Roscoe LLC to indemnify, protect and hold harmless the City from any liability in connection with the 22nd Annual Halloween Costume Contest and Party at Shooters/Caribbean Corner to be held on Friday, October 29, 2004, 6 p.m. – 12 midnight; and authorizing the closing of NE 32 Avenue from the south edge of Shooters/Bridgeside Place Valet entrance to the south side of the Shooters/Caribbean Corner property line, from 5 p.m., October 29, 2004 to 1 a.m., October 30, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1362 from City Manager.

**Lease Agreement – School Board of Broward County
Property at Corner of Davie Boulevard Extension & SW 42 Avenue****(M-8)**

A motion authorizing and approving the execution of a 50-year Lease Agreement with the School Board of Broward County for property located at the corner of Davie Boulevard Extension and SW 42 Avenue used for well fields at a cost of \$1 per year.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1318 from City Manager.

**Davie Boulevard Corridor Master Plan
Steering Committee Membership****(M-9)**

A motion appointing the Steering Committee membership to provide community perspective concerning the Davie Boulevard Corridor Master Plan.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1387 from City Manager.

Grant Acceptance – U.S. Department of Justice (M-10)
GREAT Grant - \$63,750

A motion approving acceptance of the U.S. Department of Justice, Bureau of Justice Assistance in Support of the GREAT Program grant in the amount of \$63,750; and authorizing proper City Officials to execute all necessary documents to receive and expend the grant funds.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1339 from City Manager.

Task Order No. 44 – Camp Dresser & McKee, Inc. - \$595,791 (M-11)
Wastewater Pump Station Upgrades Phase 1

A motion authorizing the proper City Officials to execute Task Order No. 44 with Camp Dresser & McKee, Inc. in the amount of \$595,791 for design and construction inspection services associated with improvements at nine wastewater pump stations.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1321 from City Manager.

Work Authorization 16724.84 – Keith and Schnars, P.A. (M-12)
\$111,512 – Sistrunk Boulevard Water Main Design
Services – Project 10830

A motion authorizing the proper City Officials to execute Work Authorization 16724.84 with Keith and Schnars, P.A. in the amount of \$111,512, for Sistrunk Boulevard water main design services.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1323 from City Manager.

Amendment No. 2, Task Order 29 – Camp Dresser & McKee, (M-13)
Inc. - \$49,727 – G.T. Lohmeyer Regional Wastewater Treatment
Plant – Deep Injection Well Mechanical Integrity Testing (P10764)

A motion authorizing the Amendment No. 2 to Task Order 29 with Camp Dresser & McKee, Inc. in the amount of \$56,943 for design and construction services associated with water and wastewater improvements on Mola Avenue, Isle of Capri and Coconut Isle.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1322 from City Manager.

Amendment No. 1, Task Order 38 – Camp Dresser & McKee, Inc. - (M-14)
\$49,727 – G.T. Lohmeyer Regional Wastewater Treatment Plant
Deep Injection Well Mechanical Integrity Testing (P10764)

A motion authorizing Amendment No. 1 to Task Order 38 with Camp Dresser & McKee, Inc. in the amount of \$49,727 to provide for the next step in the FDEP Well Operating Permit process: 5 year analysis and reporting of monitoring well sampling data.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1324 from City Manager.

Five-Year Capital Improvement Plan (M-15)

A motion approving the Five-Year Capital Improvement Plan.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1358 from City Manager.

PURCHASING AGENDA

442-9081 – Motor Rewind Services (Pur-1)

One-year contract for motor rewind services is being presented for approval by the Public Works Department.

Vendor: Tampa Armature Works, Inc.
Miami, FL
Amount: \$ 39,340.00 (estimated)
Bids Solicited/Rec'd: 19/5
Exhibits: Memorandum No. 04-1378 from City Manager.

The Procurement Department recommends awarding to the low responsive and responsible bidder.

512-8415 – City Clerk Agenda Management System**(Pur-2)**

An agreement to purchase a City Clerk agenda management system is being presented for approval by the City Clerk's Office.

Vendor: eiStream Identitech, Inc.
Dallas, TX
Amount: \$ 70,000.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1376 from City Manager.

The Procurement Department recommends approving the purchase from the City contract.

Proprietary – Maintenance Renewals for Police Systems**(Pur-3)**

An agreement to purchase maintenance renewals for police systems is being presented for approval by the Police Department.

Vendor: Smart Business Systems
Tampa, FL
Analysis Central Systems
Tiburon, CA
PC Professionals, Inc.
Lakewood, WA
Tiburon, Inc.
Fremont, CA
Amount: \$ 99,344.38
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1360 from City Manager.

The Procurement Department reviewed this item and recommends approving the proprietary purchase.

432-8904 – Security Guard Services**(Pur-4)**

An agreement to purchase additional security guard services is being presented for approval by the Public Works Department.

Vendor: Sereca Security Corp. (MBE)
Miami, FL
Amount: \$ 61,932.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1320 from City Manager.

The Procurement Department reviewed this item and recommends approving increase for additional services.

Proprietary – Disposal of Street Sweeping Material**(Pur-5)**

An agreement to purchase services for the disposal of street sweeping material and storm drain cleaning debris is being presented for approval by the Public Works, Sanitation Division.

Vendor: Central Sanitary Landfill
Pompano Beach, FL
Amount: \$ 87,550.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1239 from City Manager.

The Procurement Department reviewed this item and recommends approving the proprietary agreement.

Ductile Iron and PVC Pipe**(Pur-6)**

An agreement to purchase ductile iron and PVC pipe with waiver of formal bid requirements is being presented for approval by the Public Works Department.

Vendor: To be determined
Amount: \$ 300,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1298 from City Manager.

The Procurement Department reviewed this item and recommends approving the waiver of formal bid requirements.

442-9083 – Flexible Couplings**(Pur-7)**

One-year contract for flexible couplings is being presented for approval by the Public Works Department.

Vendor: Lion Plumbing, Inc.
Miami, FL
Hughes Supply
Pompano Beach, FL
Ferguson Waterworks
Pompano Beach, FL
Amount: \$ 39,456.00 (estimated)
Bids Solicited/Rec'd: 62/5 with 1 no bids
Exhibits: Memorandum No. 04-1377 from City Manager.

The Procurement Department recommends awarding to the low responsive and responsible bidders.

The following items are removed from the Consent Agenda as recommended:

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis that Consent Agenda Item Nos. M-8 and Pur-6 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

Lease Agreement – School Board of Broward County (M-8)
Property at Corner of Davie Boulevard Extension & SW 42 Avenue

Mayor Naugle stated that he pulled this item, and wanted to know if there is any thought on the part of the Commission to have the lease for 10 years, instead of 50 years, and renew it every 10 years. He explained this is a well field and if they were to abandon it in the next 10 years, and they wanted to do something with the property, it would be encumbered by the lease. He indicated that the lease payment is \$1 per year.

Commissioner Hutchinson did not have a problem with that recommendation.

Commissioner Moore asked what is the likelihood that they would not utilize the wells in 10-50 years.

Peter Partington, Acting City Engineer, stated that he would have to fall back to the Property and Right-of-Way Committee whose recommendation was 50 years.

Mike Bailey, Public Works Department, understood the Mayor's point, but he did not foresee stopping use at the Dixie Wellfield. He indicated that water supply issues are changing and would continue to change in the next 10 years, and therefore, it would not be impossible.

Mayor Naugle noted it is not the City's main wellfield, and indicated that there has been salt water intrusion and pollution problems at the site. He further stated that they have discussed the idea of using the Floridian Aquifer and using reverse osmosis, and they would not need ground water in that way. One never knows what could occur with the Water Management District, along with issues regarding permitting at wellfields. He felt it is a real question mark because they do not know if it would be needed for 10 years or 50 years, and he did not want to tie up the property for a future Commission.

Commissioner Moore stated that the purpose for which the School Board is utilizing this property would be open green space because they could never construct anything on it. Mayor Naugle stated that they want to construct a parking lot. Commissioner Moore asked how that could be done.

Victor Volpi, Senior Real Estate Officer, stated that they want to expand the parking lot. Commissioner Moore stated that the parking lot would have certain landscaping requirements. Mr. Volpi confirmed that as correct, and stated that there are also lighting requirements that would have to be met, but no buildings could be constructed at the site.

Commissioner Teel asked about the use of chemicals to maintain the landscaping at the site.

Commissioner Moore left the meeting at approximately 6:37 p.m.

Mr. Bailey stated that whatever use is at the site would have to comply with the Broward County Wellfield Protection Ordinance. He did not think there are any specific regulations against using lawn fertilizer, and he did not think that would affect the wells because they are over 100' deep.

Commissioner Teel felt 10 years is generous; she would be willing to go to 15 years, but not 50 years. There are too many unknown factors that could arise over the next 50 years. She suggested that this be looked at more carefully.

Commissioner Hutchinson asked if something could be included in the lease in case they ever were to abandon the wellfields. The City Attorney confirmed that could be done. Commissioner Hutchinson asked if they could renew the 50-year lease, but cover themselves with some language in the lease in case the wellfields ever were to be abandoned. The City Attorney stated the better thing to do is include a clause which stated if they are abandoned, then they could give them a two-year notice to leave.

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

Commissioner Hutchinson amended the motion as follows:

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to amend the lease by adding a clause that if the wellfields are abandoned, they could give a two-year notice before leaving.

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

Ductile Iron and PVC Pipe

(Pur-6)

Vice Mayor Trantalis stated that he pulled this item, and asked why the City is waiving formal bid requirements for a \$300,000 purchase.

Kirk Buffington, Procurement Services, stated that because the market of PVC pipe and ductile pipe changes on a weekly basis, this would allow them to do spot buying of small amounts of pipe for the pipe crew on an as-needed basis. He explained if they went into a fixed-term contract, they would probably pay more because the contractor would want to hold their price over a period of time even though the market goes up and down all the time because of plastic resin. The City also does not have storage space for the amount of pipe used by the crew. This was first started in 1996. It is one way to help the PBS pipe crew compete with the private sector. Prior to that, the pipe was being laid by the private sector. They do not buy \$300,000 of pipe at one time.

Vice Mayor Trantalis asked if this is the maximum they would be allowed to purchase. Mr. Buffington confirmed yes and stated that if additional pipe is needed, they would return before the Commission. Typically if it is over \$10,000, staff would obtain 6-7

quotes as explained in the back-up material. This system would allow them to work more efficiently.

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

MOTIONS

Workers' Compensation Settlement – File WC-00-10399 (M-16)
Donnell Bryant - \$250,000

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the proposed Settlement Agreement between Donnell Bryant and the City. Roll call showed: YEAS: Vice-Mayor Trantalis, Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Proposed Expansion of First Baptist Church (M-17)
415 East Broward Boulevard – Request to Set Public Hearing
& Refer to Development Review Committee; Case 34-R-04

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis to set a public hearing for this case on November 16, 2004 at 6:00 p.m.

Romney Rogers, on behalf of the First Baptist Church, stated that the substitute motion would be to address the fact that they have been in limbo for a long period of time. He explained they are attempting to get this back to the Development Review Committee in order to complete the preliminary approval. Once DRC signs off, then the 30-day time period would run. It was his understanding that there is a procedure where the additional 30-day wait period could be waived. If everyone signed-off, then they could receive their permit.

Marc LaFerrier, Planning and Zoning Director, stated that they have worked hard in an attempt to come to a conclusion, and he felt they are close.

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

PUBLIC HEARINGS

**Appeal of Planning & Zoning Board Decision
Inwood Property Investments; Case 10-P-03
SE 18 Avenue – Hendricks Isle**

(PH-1)

At the June 16, 2004 Planning and Zoning Board meeting, the application was denied by a vote of 6-2. The applicant has appealed the Planning and Zoning Board decision.

Mayor Naugle announced that there has been a request by the applicant to have this item deferred until November 2, 2004 at 6:00 p.m.

**Proposed Expansion of First Baptist Church
415 East Broward Boulevard – Request to Set Public Hearing
& Refer to Development Review Committee; Case 34-R-04**

(M-17)

In regard to the previous item, Commissioner Moore asked if this is properly before the City government or is it a private matter between adjacent property owners. The City Attorney stated it is both of those things. Vice Mayor Trantalis stated that the City has an interest in the outcome between the two property owners. The City Attorney stated the City approved one of the owner's subdivision plans and the development of a shopping center based upon certain easements granted by the adjacent property owner. Now there is a question as to how much of the easement is useable and whether or not they could utilize such easement in a manner in which they have been relying on, in order to make the first approval. The second property owner, First Baptist Church, has come back and has plans, and their argument is that it is possible to accomplish what needs to be accomplished in a smaller area, and they want to utilize the easement area.

Vice Mayor Trantalis further asked if this issue should be before the City.

The City Attorney stated that they could come to an agreement, and accomplish what has to be done, such as access for trash pick-up. If the Church can use the property they want for what they want, and as long as that can be accomplished, the City's job is only to see that the two site plans could work together.

Vice Mayor Trantalis stated that possibly he is misunderstanding the purpose of the public hearing. He felt it is not to air the laundry between the two private parties, but to let them make a decision between themselves regarding their private property rights. Then, it would come to staff to see if they are in compliance with the City's requirements.

The City Attorney indicated that it is his understanding that the way it came to the Commission in the first place was that the Church submitted an application for the use of the property, and the questionnaire was not answered properly which indicated there were no easements or other encroachments on the property. The survey did not show the easement, nor was it discovered during the preliminary site plan approval. It would have been discovered at the time of the final review.

Vice Mayor Trantalis clarified that they are seeking a building permit, and the City is attempting to determine whether their easement right gives them use of their property in the way that is required so they could move forward. The City Attorney confirmed that as correct. Vice Mayor Trantalis further asked if the public hearing is the proper forum to determine the easement rights. He did not feel it is the proper procedure to follow. He stated that the public hearing is to determine whether they are complying with the City's zoning laws, but they have not yet resolved their dispute.

The City Attorney further explained that is the reason they requested it go back to the DRC because it would have been discovered during final review. Once the final plans are approved, then everything would be worked out and there would be no need to come before the Commission.

Vice Mayor Trantalis stated he is questioning why it would come before the Commission for a public hearing. He is considering reversing his vote because he does not feel this is ripe yet for the purposes which are important to the City. He continued, stating that permits have not yet been issued, and no permission has been granted for them to proceed with construction. The City could not give approval for them to move forward if their property rights have not yet been resolved.

The City Attorney explained that the reason for the formality is that in the preliminary site plan review, there is language in the Code which states if the matter is not called up within a 30-day period, then the preliminary plan would become the final one.

Vice Mayor Trantalis asked if that would be the case even if it is based on information not yet resolved. The City Attorney stated staff believes not, but in order not to take a chance since it has been called up, they would continue the process to make sure there would be no argument that the preliminary approval became a final approval.

Appeal of Planning & Zoning Board Decision
Inwood Property Investments; Case 10-P-03
SE 18 Avenue – Hendricks Isle

(PH-1)

Continued from page 15

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

**NE 33 Avenue Neighborhood Improvement Special Assessment (PH-2)
Final Assessment Roll; Project 10247 – Dolphin Isles**

NE 33 Avenue Neighborhood Improvement Special Assessment Project including safety, security, entranceway features and signage, traffic speed and flow, pedestrian facilities, decorative lighting and enhanced landscaping.

Hal Barnes, Engineering Design Manager, stated that the general objectives of this project involve safety, which is the #1 concern of the area, along with entranceway features, traffic calming, pedestrian facilities, street lighting, landscaping, drainage, aesthetics, along with general quality of life. They developed a master plan which was completed under the direction of the North Beach Island Alliance, which is an umbrella association for the condominiums and single-family homes. He added that they worked with the Dolphin Isles Homeowners Association, the NE 33rd Avenue Isles Alliance representing the multi-family properties, the commercial properties, condominiums, co-ops, and the single-family homes. He then showed the master plan for the site.

Mr. Barnes stated that the assessment plat was created in accordance with Chapter 170 which defined the boundaries of the project. He explained the boundaries include NE 29th Court in the north, the Intracoastal to the west, NE 33rd Avenue including the condominiums and co-ops to the east, and 19th to Birch State Park. He then showed the assessment plan which has been filed with the City Clerk.

Mr. Barnes explained that a landscape median island would be constructed along 33rd Avenue at 27th Street that would also include a neighborhood entrance sign. A concrete winding pathway would be constructed on the east side of NE 33rd Avenue, maximizing the sidewalk to 8' wide at all possible points. In some points due to constraints within the right-of-way, the sidewalks are reduced to 5'. Also, landscape plantings, decorative benches, trash receptacles, and the upgrading of street lighting at the intersections would be done. He proceeded to show various photographs of the area. He also showed an artist's rendering of the new entranceway, featuring the landscaping and monument.

Mr. Barnes then showed a rendering, depicting the traffic with a separation buffer, and the sidewalk or pathway being proposed. He proceeded to show typical street furniture and trash receptacles used in other projects that are being proposed for 33rd Avenue. He stated they are also proposing raised brick paver intersections at 21st, 23rd and 27th Streets, along with decorative paver crosswalks at 28th and 29th Streets, and decorative street sign posts. He proceeded to show renderings of raised brick paver intersections.

Commissioner Moore left the meeting at approximately 6:57 p.m.

Mr. Barnes stated that along 32nd Avenue, they are proposing raised brick paver intersections at 21st and 23rd Streets, a landscape round-about at 26th Street, decorative street lighting at the intersections, along with decorative street sign posts. He proceeded to show a raised brick intersection along 32nd Avenue. He also showed an artist's rendering for the round-about being proposed at 26th. He added they are creating a landscape median at 19th Street and entrance walls at 21st and 23rd Streets, along with brick paver circles in the cul-de-sacs at 27th, 28th, and 29th. He proceeded to show an artist's rendering for the entranceways at 21st and 23rd Streets.

Mr. Barnes stated that throughout the neighborhood they would install decorative street lights at the intersections, along with decorative street sign posts and tree plantings.

Commissioner Moore returned to the meeting at approximately 6:58

Mr. Barnes explained that storm drainage is another important feature that they are addressing, and are looking to make improvements along 33rd and 32nd in the 21st Street area. They are also making improvements along 21st, and at the north end of the project south of 28th Street, improvements would be made along 32nd Avenue also. A water main upgrade would be done along 33rd Avenue, and repaving and restriping of the roadways.

Commissioner Hutchinson left the meeting at approximately 6:59 p.m.

Mr. Barnes added they are working with the Parks and Recreation Department through the Tree Planting Program to increase the tree canopy in the area. He stated that community consensus is important and official questionnaires were mailed to 1,293 residents. The City received 625 responses, a 48% response rate. Of the responses, 374 are in favor of the project giving it a 60% approval rate.

Mr. Barnes continued, stating that staff worked with the neighborhood associations and held design workshops and open houses. He stressed that such projects require a lot of team work from everyone involved.

Mr. Barnes announced that the total cost of the project is \$4,197,688.

Commissioner Hutchinson returned to the meeting at approximately 7:01 p.m.

Mr. Barnes further stated that as the project is constructed, two maintenance agreements would be initiated through the City and the community. The first would be with the NBIA who has agreed to maintain the entranceway features, the specialized landscaping, sidewalks, and street sign posts, which are things that are above and beyond what the City would be placing in those areas. In addition, there would be an agreement with the Dolphin Isles Homeowners Association for their entranceway walls, landscaping and other specialized features. The City would continue to maintain the roadways, underground infrastructure, and the street lighting system.

Mr. Barnes advised staff has created a preliminary assessment role which was filed with the City Clerk, and has been adjusted to correspond with the September 13, 2004, Commission directive regarding drainage. In order to determine the actual accessible cost, they looked at various credits coming in from various entities. The first is the water main to be paid by the City for a credit of \$593,690. He advised there is a drainage credit for the water quality issue of \$150,000, and the asphalt overlay is valued at \$366,737. He announced that two NCIP grants were awarded to the Dolphin Isles Community which was incorporated into this project at a value of \$48,500. He stated there is also a State MPO grant awarded to the project in the amount of \$217,000, and the tree planting funds valued at \$7,300. He further stated there is a one-time \$100,000 contribution from the Dolphin Isles Homeowners Association, and per the September 13, 2004 meeting, there is an additional drainage contribution of \$220,685. He explained that leaves a total accessible cost of \$2,493,776.

Mr. Barnes stated that the appraisal analysis was conducted by Newstreet Miller and Associates and filed with the City Clerk. Everything is equated to one residential unit or a single-family house, and condominiums are equated to .75 residential unit. A calculation was done for multi-family structures and motels. The first 9 units are valued at .75 per unit, and everything above 9 units at .25 per unit. There are two unique properties in the area, including the Cleveland Clinic and the Church which were assessed based upon square footage of land area as calculated by the total area of the assessment district. In putting dollar values to the residential units, the residential unit is valued at \$1,749.27 which equates to the single-family home assessment for the project. The condominiums are equated to .75 residential unit at a value of \$1,311.95. A duplex would be calculated twice times a residential unit at the rate of .75. The assessment would be \$2,623.91. In regard to a motel, the first 9 units are calculated .75 and the tenth unit at .25. The assessment would total about \$12,244. The Clinic and Church are based upon square footage, and the Clinic's assessment totals \$4,275,248.10, and the Church is assessed at \$22,752.62.

Mr. Barnes continued, stating that they also are offering financing alternatives and planning on billing the project out at the start of construction, and residents and property owners will be given two options. One option is to pay the assessment in full at the time of billing, or it could be financed up to 10 years. He explained that is consistent with other projects done in the area.

Mr. Barnes explained tonight is the first of a two-part public hearing. The first part is to address the resolution to approve the special assessment Project No. 10247 which is NE 33rd Avenue, and the second part of the hearing is to address a resolution to approve the final assessment plan.

Mayor Naugle proceeded to open the public hearing.

Jerry Bianski, President of the 33rd Avenue Isle Alliance Association and President of Saint Pius X Parish Council, stated he has been involved with this project since its inception. He explained he has lived in his current house for 28 years, and he believed this project would address many safety issues in the area. The pedestrian walkway is a natural connector to the business district to the north. Many feel the assessment is unfair, but 33rd Avenue is a street everyone uses, and therefore, he felt everyone should pay an equal assessment for such use. He fully endorsed this project.

Bennett Zaring, resident of the Shore Club, endorsed the project, but he has some problems regarding the matter. One of the senior employees who had been authorized to deal with the neighborhood committed some money, and it appears the City Commission has taken that money away. He advised that they have worked on this project for about 3 years. He did not think that is the right thing to do. He realized the City is in tough financial straits, but if they give someone such authority, and the neighborhood depended on that person's decision, he did not feel it is fair to change things due to financial problems. He further stated that as much as he liked the project, it appeared that they are getting less improvements compared to the cost of the project, as the plan progresses. The third issue relates to the alleyway. The sidewalk is to extend on the west side of 33rd Avenue and cross diagonally at 33rd and 19th Street, which puts pedestrians across the entrance and exit ramps from below ground to 33rd Avenue. He felt that is a safety issue which he has addressed on numerous occasions with staff. He suggested that the sidewalk should end at their exit walking gate which is half-way down

the property line, and not go through the intersection. He hoped that staff would revisit the situation.

Scott Basista, White Egret Condominium resident and President of their Association, he stated he is speaking as an individual. Many changes were made in this project since it was approved, and he is not confident to express the majority's opinion. He looked forward to the project. Safety issues are most important. He is prepared to forfeit the extra parking space for the overall safety of the public. They will be getting drainage improvements which are badly needed.

John Burgess, President of Ocean Gardens Condominium Association, stated that he appreciated the neighborhood beautification projects, but he felt this project would have a negative impact on their Association. He explained that they have 41 parking spaces. The sidewalk is running along their property. They are going to lose 12 parking spaces. The complex consists of 24 units and this would only provide them with 29 parking spaces which would lessen their property values. Further, the North Beach Island Alliance did represent the area, but members of their Board never met with those individuals regarding approval of this project.

Vice Mayor Trantalis asked why they are losing the parking spaces. Mr. Barnes explained that the sidewalk is within the public right-of-way, and it is his understanding that they have tandem parking, and the sidewalk would replace the second parking space.

Commissioner Moore stated if they are parking in the public right-of-way, they have no right to sell it. Mr. Barnes confirmed that is correct.

Julie Miller, Venice View Condominiums, stated that she is speaking as an individual. She advised that she has two major problems with the assessment rate for the project. The rate for single-family units versus condominium owners is inequitable. She stated that the information given to the community did not include the fact that the ratio of condominium units to single-family homes is 6 to 1, yet there is only about a \$400 difference in the rate the single-family homes pay versus the condominium owners. She stated this amounts to the condominium owners subsidizing the single-family owners, and she is opposed to that.

Ms. Miller further stated that in regard to the increase in the final assessment roll, this is based upon the fact that a commitment was made to their neighborhood by a former City employee, and the Commission is now saying that person did not have the authority to make such a commitment. This is in regard to the storm water drainage improvements. She indicated further that all information given to the community stated that this was to be fully funded by the City. She stated further that nothing was brought to anyone's attention until recently about this issue. She has a memoranda, dated July 14th and the 20th from the City Manager's Office, stating they realized the commitment was made, and if the Commission voted to honor such commitment, then the City is prepared to fund the work in total. She has copies of minutes from the Commission Conference meetings, dated July 20th and September 13th. Everyone knew such commitment was made, and the general consensus is that the commitment should be honored. However, the City in their financial constraints has decided to withdraw a portion of the funding. She emphasized that the City is renegeing on their commitment. If that person did not have the authority to make such a commitment, it should not have taken the City four

years to discover the situation, and therefore, the community should not be penalized for the error. She stressed that when one bargains in good faith, they are to hold up that end of the deal.

Ms. Miller emphasized that they fully expected and desired to have the line item fully funded, and indicated that is the right thing to do. She asked that they not "bait and switch" the community, and not sacrifice the honor of the City.

Commissioner Moore stated that he respects his colleagues on the Commission, and the opportunity they are attempting to work out regarding the issue of whether or not a City employee could indebt the taxpayers. It is clear that an employee could not do so. He stated further that they could suggest what they might be willing to advocate to the Commission, or what they feel would be appropriate in the circumstance, but it is up to the Commission to make the final decision as to how tax dollars are spent in the City. He stated that possibly when that person made such a commitment, he intended to advocate that to the Commission. It is not due to financial problems that the money is being withdrawn. The issue is whether that person had the authority to bind the taxpayers or elected officials to a dollar amount for any project. He indicated it is not legal that the person could do so.

Commissioner Moore stated that comments tonight have been made regarding monies received from various funds, and that is something that could be done. But one person making a comment to a community does not indebt the policymaking board to do so. He asked for the City Attorney to clearly give the legal opinion regarding this matter. He stressed that he does not want anyone to be under the assumption that it is due to budgetary problems in the City.

The City Attorney explained that no City employee has the authority to bind the Commission, and only has the authority to agree to make a recommendation to the Commission, and then the final decision would be made at a hearing similar to the one tonight.

George Fasell, Dolphin Isles homeowner, stated that on behalf of himself, family and his neighbors, there is no issue regarding this. They are over that. They are proud for the assistance given to them by the City in delivering this project. City staff has done a great job and they are looking forward to the project which is going to enhance the North Beach area and be for the greater good of the City. He remarked that 33rd Avenue is a back door to many of the parking garages and to Bridgeside Square as a cut-through. It is unsafe and not pedestrian friendly. It is also a back door to a dense condominium development with more on the way. Traffic needs to be calmed down. He also stated that if condominiums outnumber single-family homes by 6-1, then usage on 33rd Avenue would be outnumbered by the same amount. The homeowners are paying the lion's share through their assessment. He believed the assessment is fair and they are looking forward to the improvements.

Anne Horowitz, Marlin Bay Apartments, stated that she is thrilled about the improvements. She stated that her concern is in regard to the amount of the assessment and hoped that possibly it could be equalized more. She is willing to pay her fair share, but felt the improvements are for the safety of the residents.

Art Seitz stated that this project has been in the making for about 17 years. He indicated that NE 33rd Avenue is a third-world urban roadway. He hoped the Commission would approve this project, but he felt it is important that they make every effort to obtain A-1-A Greenway money to see if the assessment could be reduced. He explained that the Greenway is to run about 27 miles from one end of the County to the other along the ocean, and he felt if they could find \$70 Million to build the Clay-Shaw Bridge using federal funds, then this project would be "chump change". As a connector, this is an important part of the Greenway project. Every 17 years the City puts down asphalt on NE 33rd Avenue which was done about 5 years ago, but the road is already bumpy and uneven. Many staff member have told him that it needs to be re-engineered from the ground up, and he hoped when they are redoing the water mains that they would treat this road as something to be built properly. He urged the Commission to approve this project.

Tom Carr, President of Dolphin Isles Homeowners Association, wanted to clarify some issues. One is the question regarding the pathway and alleyway. With The View going up, there are plans to have a connector on the south side between The View and the Shore Club. They are working on that and hopefully that will help pedestrian traffic at the south end of NE 33rd Avenue. In regard to the dollar amount, he wanted to reiterate that Dolphin Isles is contributing \$100,000, and added that they have already given \$25,000 in NCIP funds for the gatehouse at the end of NE 33rd Avenue. There are two other NCIP funds totaling \$48,000 which are part of this project, as well. He stated if those amounts are added to their assessment, then the single-family homes in Dolphin Isles are spending over \$3,000 for each home. He hoped that helps to equate the dollar amounts for those who are questioning the amounts. He stated they have been working on this for over six years, and he believed most people are in favor of it. It is long over due.

Mike Miller, President of Everglades Club Condominium, wanted to clarify an issue regarding the assessment for storm water sewage. It is his understanding that the City is paying approximately 2/3 towards the project, which they feel is a fair resolution. He stated the project is very important to the community to help solve their safety and flooding problems. They have put off enhancements in the past to save the City money, and he felt everyone is now for the project. He has taken an unofficial poll and about 70% of their residents are in favor of the project, and the remaining 30% are not sure because they are new residents and not that familiar with the project. He urged that this project move forward.

John Lazro, one of the Directors of the Ocean Garden Condominium, stated that their group is in favor of the project. Over one year ago the parking situation was discussed, and they were told they could park on the sidewalks once they were installed, or they could park at the Church. There is no where else to park. They want to be part of the neighborhood. People park on the grass at the Church. He suggested that they take the "bump out" in front of the Church and move it down to their condominium which would create a serpentine turn in the road slowing down traffic, and also help them with their parking situation. Otherwise, he stated their property is going to lose value. He reminded everyone that there are no swales in the area for parking, and they do not want to impose on the Church for parking. He stated they are for the project, but they need some help from the City in regard to their parking problem.

Kurt Volcar, Embassy Tower I, stated that a comment was made this evening regarding a maintenance assessment with the Beach Association, as well as the Dolphin Isles Association. He asked if clarification could be provided. He also asked when the project is going to begin and how long it would take for completion.

Mr. Barnes explained that there would be two maintenance agreements which would follow the same guidelines as the NCIP and Special Assessment Agreements. They are strictly with the homeowners associations which are voluntary organizations. There is not going to be any maintenance assessment through the City. In accordance with State statute, they are not permitted to do assessments for maintenance, only for the initial construction. The agreements were prepared through the City's Legal Department which specified that entranceways, specialized landscaping, and decorative street sign posts are the responsibility of the homeowners association, and there are replacement values which amount to a \$500 deductible charge. If damage occurs, the City would contribute a portion of money. The same thing would fall in place with the NBIA and Dolphin Isles. They are looking at a bid cycle of 4-6 months to get a contractor on board, and since it is an intense project, they are looking at 1 to 1 ½ years for construction. He indicated that they are hoping to start the project during the second quarter of 2005 going into the 2006 cycle year.

Paul Baranowski stated that he is for the project, but he has a problem regarding the assessment. He stated it comes down to the front footage of the homeowners in Dolphin Isles compared to living in a condominium and sharing the cost. They will receive benefit of the neighborhood beautification, but based on the .75% to 100% paid by the homeowners, it appears inadequate.

Ken Fengler, Dolphin Isles homeowner, stated that he is in favor of this project, including the assessment. Residents have been looking forward to it. This is the "final frontier" on the Fort Lauderdale Beach and he hoped after this project, the City would take a good look at A-1-A on the other side. He did not think an equitable agreement could be reached regarding the assessment between the homeowners and the condominium owners, but if it is based on square footage or value, the single-family homeowners pay a fair amount in real estate taxes every year. He did not think they use more services than condominium owners.

Steve O'Connell, Ocean Garden Condominium, stated that this project is going to make the parking problem even worse. He felt that unless there are speed humps on the street, the traffic problem would not be solved.

Cliff Tempester, Hawthorne House, stated that he was under the impression that the North Beach Island Alliance is defunct, and asked how they could get money from them if they no longer exist.

Mr. Barnes advised that he spoke with Gary Sieger, President of the NBIA. They are still an active organization but going through some restructuring and membership reorganization. He announced that Mr. Sieger is at another meeting, but intended to get to this one as soon as possible.

Jan Kazmarzak stated she is a police officer and possibly she looks at things in the neighborhood differently. She has lived in the area for nine years and agreed that speed humps are necessary to calm the traffic. She asked who is going to use the sidewalks

and benches in the area because she only saw drug dealers and prostitutes in the neighborhood. She wanted the flow of traffic cut off from coming into the neighborhood.

Wesley Otter stated that he has a real estate company and represents two buildings this evening which are Embassy I and Alegon which are directly affected by this project. He stated that a lot of his unit owners are only part-time residents. Embassy I consists of 102 units, and only 3 people lived at the Alegon full time. He felt the ratio of the cost to the unit owners not using the services of the City on a regular basis should be changed to be more equal.

Lu Dina stated that the project began with the Molly Hughes study and it was a traffic calming matter. Instead of speed humps, they are going to use raised pavers at the intersections. They are modified speed humps. A round-about is also going to be installed as a traffic calming device. She asked the Commission for their support regarding this project.

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. A-04-3

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING THE INSTALLATION OF NEIGHBORHOOD IMPROVEMENTS IN THE NORTHEAST 33RD AVENUE AREA, AND TO DEFRAID THE EXPENSE BY SPECIAL ASSESSMENTS DESCRIBED IN 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 ASSESSMENT SHALL BE LEVIED.

Which resolution was read by title only.

Commissioner Moore asked if a staff member could meet with the owners at the condominium concerned about parking spaces. He wanted them to have an indication of what would be required for them to pay for the land they are now parking on. They are presently parking on public property at no cost. It will be about one year before the improvements take place, and possibly after reviewing the situation, they might want to acquire the property and contribute money to the pool that could change the design.

Commissioner Moore further stated that he has traveled through Wilton Manors where there are the types of calming devices being proposed in this project, and he felt these calming devices are better than speed humps. He stated that the community should not miss the opportunity of the gift the City is bestowing on them by paying for 2/3 of the assessment. He was willing to agree to the gift due to the District Commissioner, and the

fact that the neighborhood is willing to assess themselves. He indicated that he would support the assessment and the project.

Vice Mayor Trantalis stated that they have reached a compromise and they are one step forward in the project. He proceeded to thank staff for their perseverance in the project and to bringing it to a successful conclusion in spite of staffing deficiencies.

Vice Mayor Trantalis stated that tonight he has heard from the neighborhood, and no one is against the project because everyone wants the area enhanced. The question is who would pay for it. According to the State guidelines, the ratios established are the best that could be done under the circumstances. He realized no one wants to pay more than what they feel they are responsible for paying. He appreciated everyone coming together on this project.

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

Mayor Naugle stated that the public hearing is now reopened and the Commission is meeting as an equalizing board to hear and consider any and all complaints on the special assessment.

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

Vice Mayor Trantalis introduced the resolution approving the final assessment roll:

RESOLUTION NO. A-04-4

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING THE FINAL ASSESSMENT ROLL AND THE SPECIAL ASSESSMENTS FOR NE 33RD AVENUE NEIGHBORHOOD IMPROVEMENT PROJECT, PROJECT 10247.

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

ORDINANCES

Board of Adjustment Meeting Procedures

(O-1)

Notice was published September 11, 2004.

Commissioner Hutchinson introduced the following ordinance:

ORDINANCE NO. C-04-49

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-33.6, RESPECTING MEETING TIMES AND DATES AND SETTING PROCEDURES FOR SETTING SPECIAL AND RESCHEDULED MEETINGS OF THE BOARD OF ADJUSTMENT.

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

Pay Plan Amendment

(O-2)

Commissioner Hutchinson introduced the following ordinance:

ORDINANCE NO. C-04-53

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE ADDITION OF AN ASSIGNMENT PAY IN SPECIAL PAY PRACTICES, SCHEDULE I; AND AMENDING SECTION 20-74, ASSIGNMENT PAY, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO IMPLEMENT THIS ASSIGNMENT PAY.

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

Occupational License Tax Increase

(O-3)

Notice was published September 11, 2004.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer this item until October 19, 2004, at 6:00 p.m. Roll call showed: YEAS: Vice-Mayor Trantalis, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Code Enforcement: Reasonable Time to Correct Alleged Violations

(O-4)

Notice was published September 11, 2004.

Commissioner Hutchinson introduced the following ordinance:

ORDINANCE NO. C-04-50

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 11, CODE ENFORCEMENT, SECTION 11-10, ENFORCEMENT PROCEDURES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING A QUALIFIER TO THE PHRASE "REASONABLE TIME," AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Rental Cars with Chauffeurs & Sightseeing Vehicles

(O-5)

Notice was published September 11, 2004.

Commissioner Hutchinson introduced the following ordinance:

ORDINANCE NO. C-04-52

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 27, VEHICLES FOR HIRE, ARTICLE V, RENTAL CARS WITH CHAUFFEURS AND SIGHTSEEING VEHICLES, DIVISION 2, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, SECTION 27-192, APPLICATION; INFORMATION TO BE SHOWN; FEE, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING AN APPLICATION PROCESS BY WHICH CERTIFICATES SHALL BE REQUESTED, PROVIDING MINIMUM REQUIREMENTS FOR APPLICANTS, PROVIDING A PROCESS FOR STAFF REVIEW OF EACH APPLICATION RECEIVED, PROVIDING FOR REVIEW OF APPLICATIONS BY THE COMMUNITY SERVICE BOARD, PROVIDING A SCHEDULE FOR REVIEW BY THE COMMUNITY SERVICES BOARD, DELETING MOOT PROVISIONS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Which ordinance was read by title only.

Jesse Geddis stated that he has been a resident of this City for over 44 years and in the transportation business for the same length of time. He has no objection to what the City is attempting to do, but how they are going about it would create a lot of problems. He continued, stating that in Broward County, there are already 488 vehicles licensed under the sightseeing designation, as well as 345 luxury sedans. He stated that this proposal is to license 125 vehicles. He asked what about the other 675 vehicles. He further stated that just because the City has not enforced their ordinances for 20 years, they should not

be permitted to put people out of business. What needs to be done is to change the requirements and make sure that anyone who wants such a license would first need to have a County license. The County has individuals to enforce the ordinances, and has spent years developing such ordinances. The City has not spent 15 minutes regarding the ordinances over the last 20 years. If the City wants to do this, then they should require that the individual first have a County license because the County would have already approved the individual and the vehicle would have been inspected.

Mr. Geddis stated that there are 140 vehicles operating in the City and throughout the County, and the reason they never purchased such licenses is because they operate under the Interstate Commerce Commission, which has been dissolved. The rules have been turned over to the Department of Transportation. The law has always been that the City could not interfere because they have no right to regulate interstate commerce.

Commissioner Hutchinson stated that in reading the back-up material, it was her understanding that they are not setting a limit.

Mayor Naugle believed the suggestion is to make a provision that the individuals need to first have a County license so there would be some mechanism to show that screening is done. It seems like a reasonable suggestion, and asked for staff to respond.

Lori Milano, Director Community Inspections, stated that after further review, the ordinance was amended after the first reading. Statistics were incorporated into the memorandum. Staff's proposal is that no limit be established on the number of permits to be issued. She further stated that the Community Services Board should participate in the review process.

Vice Mayor Trantalis asked if standards would be set in regard to reviewing the applications. Ms. Milano confirmed yes.

Mayor Naugle asked for staff's opinion in regard to the individuals first possessing a County license. Ms. Milano indicated that has been incorporated into the ordinance. Mayor Naugle asked if the individual could possess a license from another county. Ms. Milano stated that it is her understanding as to how this ordinance is being proposed that if they operate in the Tri-County area, and possess a license with one of those entities, and then they would be grandfathered in.

Mark Remson stated that he has done some research on transportation issues for the County. The Community Services Board is wrong in their evaluation of this situation. The City has a more liberal interpretation of vehicles for hire, than Dade, Palm Beach or Broward counties. He explained they are talking about approximately 400 registered limousines in Broward County, and possibly another 350 in Dade County. To raise the level to 125 would be the proper ratio, but he is against the grandfathering clause because that would allow too many vehicles to come into the City and create a bureaucracy. They then would have to set up a car inspection system.

Mr. Remson further stated that they would not be allowing 125 vehicles, but would be raising the limit from 83 to 125. Individuals could be required to obtain a County permit, but not to have one as a requirement to obtain a City permit. He suggested that further studies be done before a decision is made.

B.C. with B.C.'s Express, proceeded to distribute information and asked for the Commission to consider the grandfathering clause. He explained they have been dealing with this for two years and are waiting for enforcement to take place against illegal operators. He asked for the Commission to support this item.

Michael Solomon stated that he has been in the transportation business for 18 years, operating 53 vehicles in and out of Broward County and in the City. It is important that a person have in place a County permit in order to obtain a City license. He was glad that limiting the number is being changed so companies could have the necessary vehicles to operate legally. He believed the market would dictate and control the business. The most important issue is that once such permits are issued that they have regulations in place.

Commissioner Moore stated that one of the issues that the Community Services Board dealt with was arriving at a validated number of vehicles for public necessity. In trying to legitimize that, it has been suggested the City devise a process to arrive at a reasonable number. Now things are taking a turn and they want to let everyone in who has a license. He explained that they was changed the mechanism of the vehicle. When this first started, it referred to taxicabs, and now it includes limousines and sightseeing vehicles. He believed there could be a reasonable number of vehicles permitted in the City, and there should be a sort of inspection process. It does not have to be the City; it could be done by the County. Just because an individual has a County license, it should not automatically give them the right to service the City. If that is done, then why have the public necessity of the vehicle.

Commissioner Moore continued stating if 125 is not an adequate number, then discussions could be held regarding increasing it, but to open it up to every vehicle licensed in the Tri-County area is not what he has in mind. He does not object if individuals apply for a City license, and that one of the caveats be for them to have a Broward County license. Most of the individuals who want to be grandfathered-in have violated the law. He did not think the City should reward an individual who violated the law. Laws are put in place in an attempt to address a situation.

Commissioner Moore stated that when these discussions began two years ago, there were vehicles all along the beach in violation. They were fined. He stated if the City began with 125 tonight, and there was a particular date by which the Community Services Board would evaluate the necessity on an annual basis, and if a need existed to increase the number, then the City could then consider doing so. It should not be opened up to make it easy for everyone. He suggested that they start with 125 and that the number be re-evaluated depending on the need. It would always be an expanding number. He suggested that no one be grandfathered-in.

Vice Mayor Trantalis stated that the current basis upon which the situation is now addressed is that they are attempting to open the opportunity to people who want to operate in the City under this classification. He did not think any number chosen would either inhibit or encourage illegal operators. Illegal operators would continue their business regardless of the numbers. He hoped the City could come up with a mechanism to make sure that those who operate in the City are doing so under a set of rules and are licensed based on established requirements. Broward County has 595 occupational licenses under their classification of vehicles for hire, which include all taxicabs. He preferred the market determine the number of operators in the City, and

not just in terms of taxicabs or vehicles for hire under any classification, but anything else in the City where a proper number has to be determined. The proper number would be determined by the people who want to patronize the operators or those who do business in the City. There is no cap on other professionals who operate in the City; the market determines the number.

Vice Mayor Trantalis felt that taxicabs and vehicles for hire in general should be allowed to conduct their business in the same way. The advisory board should come up with a method by which the City could eliminate the cap, and yet still have a measure of control as to who would operate in the City. That is what this proposal is all about. He felt also that they recognize the need not to just restrict it to Broward County licensing as the preliminary measurement by which a person could apply for a City license. He would defer to the discussions and decisions of the advisory board and staff.

Motion made by Vice Mayor Trantalis and seconded by Commissioner Hutchinson to adopt the proposed measure as recommended.

Mayor Naugle announced that this does not cover taxicabs, and he did not know if the 595 figure is accurate. He explained they are talking about rental cars with chauffeurs and sightseeing vehicles. Ms. Milano stated that information was provided in the back-up, after research with the County.

Commissioner Moore stated that this is a certificate of need; that is what they are proposing as a governmental entity. They are not discussing conducting inspections, but rather a public necessity. It is different than other professionals who are stationary and do not need a limitation. He suggested that they not make this a "free for all." He believed this should be handled in steps. In the matter of compromise, Individual applicants do not have to possess a Broward County license before applying. If being considered for a City license, then they should be given a period of time to obtain the County license so the proper inspections and background checks could be done. On an annual basis, the Community Services Board could change the number.

Mayor Naugle asked if the City's application requires that the individual possess a County license. Ms. Milano stated that the City would not issue their license until the individual possessed a County license. This practice is already in place.

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

Garage, Yard and Other Occasional Sales

(O-6)

Notice was published September 11, 2004.

Commissioner Moore suggested that the Code Advisory Committee suggested that there be an opportunity for further dialogue on this matter.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer to the meeting of October 19, 2004 at 6:00 p.m.

Commissioner Hutchinson was under the assumption that this item was previously deferred in order to allow for the Code Advisory Committee to read and hear this which has not taken place. In reading this ordinance, it means nothing because there is no way to track it. If the City does not charge \$2 for a yard sale permit, than how could they track it. She felt this ordinance is a waste of time.

Vice Mayor Trantalis stated that one of the reasons that he has been promoting the ordinance for yard sales is due to the controversy over neighborhood yard sales, but this ordinance does not even address such sales. He asked why that was not addressed.

Mayor Naugle stated that hopefully such input would be provided to the Commission before the October 19th meeting.

The City Manager asked if the Commission wanted to make any other points about this matter, to call either him or Ms. Milano so they could draft legislation that would make sense for everyone.

Mayor Naugle hoped they could find a way to enforce the number without issuing permits for a garage sale.

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

Amendment to Transportation Element, Comprehensive Plan

(O-7)

Notice was published September 25, 2004.

Mayor Naugle stated that a form entitled the Comprehensive Plan Citizen Courtesy Information List is available at the rear of the Commission Chambers with the Assistant City Clerk. He explained that such form is provided for any citizen who wants to receive personal notice from the Florida Department of Community Affairs of the State's intentions to either find the amendments in compliance with State law or not. Individuals do not have to testify at the hearings or submit written testimony in order to sign this form; it will be submitted to the State along with the amendments.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-54

**AN ORDINANCE OF THE CITY OF FORT LAUDERDALE,
FLORIDA, AMENDING THE 1999 FORT LAUDERDALE
COMPREHENSIVE PLAN TO ADOPT THE TRANSPORTATION
ELEMENT TO REPLACE THE TRAFFIC CIRCULATION, MASS
TRANSIT, AND PORTS, AVIATION AND RELATED FACILITIES
ELEMENTS; UPDATING AND INCLUDING NEW GOALS AND
POLICIES IN ACCORDANCE WITH FLORIDA STATUTES.**

Which ordinance was read by title only.

Mayor Naugle asked where the FEC project is listed.

Sheryl Stolzenberg, Planning and Zoning Services, stated that the Comprehensive Plan is a policy document; it does not necessarily call out individual projects. The policies provides the basis for which individual projects could be developed. There are policies that favor and encourage rail transit, but probably do not list an individual project. Once it is listed, the Florida Department of Community Affairs would look to The Capital Improvements Element for the money that they would require to show for implementation. It is, therefore, not advisable to list a specific project; but rather a policy which enables a project to move forward.

Mayor Naugle noted on Figure #8 in year 2025 Long-Range Transportation Plan, the FEC project is listed as the FEC Corridor Understudy.

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

Message Center Signs

(O-8)

An ordinance amending Section 47-22 of the Unified Land Development Regulations to permit message center signs at facilities that seat less than twenty thousand persons.

Commissioner Moore introduced the following ordinance:

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY AMENDING SECTION 47-22, SIGN REQUIREMENTS APPLICABLE TO MESSAGE CENTER SIGNS; TO PERMIT MESSAGE CENTER SIGN ON FACILITIES WITH LESS THAN 20,000 SEATS; TO INCREASE THE PERMITTED SIZE ON CERTAIN RIGHTS-OF-WAY; DELETING THE REQUIREMENT FOR PUBLIC SERVICE MESSAGES AND MODIFYING OTHER REQUIREMENTS.

Which ordinance was read by title only.

Vice Mayor Trantalis asked if this measure is being proposed in connection with the Convention Center.

Elizabeth Holt, Planning and Zoning Services, stated that is one of the facilities which would be eligible for this type of sign, but actually message center signs has been evaluated by the consultant and recommended for change as part of stakeholder meetings held prior to the actual evaluation of the sign ordinance itself. They felt that the seating size is too restrictive for most athletic, entertainment and convention facilities to have this type of sign. It is recommended that the seating be lowered. It is not so much the size of the facility, but its operation and use.

Vice Mayor Trantalis stated that a new store recently opened on Sunrise Boulevard known as Publix Supermarket, and he noticed that the developer has placed the name

Publix on the face of the building. He felt the lettering is quite small and asked if that is the maximum size the ordinance permits for such a structure.

Commissioner Moore left the meeting at approximately 8:23 p.m.

Ms. Holt stated that the current ordinance is split into a variety of signage types that any one project is allowed. On the building the current restriction is 25% of the wall area or a maximum of 300 square feet. She did not have specific knowledge about that sign because she does not review the permits. She assumed they applied for that particular type of sign.

Vice Mayor Trantalis further stated that there is another building on the opposite corner which he believed exceeds the 25% limit. Ms. Holt stated that sign is not considered a wall sign. There are a variety of types of signage, such as pylon signs, wall signs, and integral signs. Vice Mayor Trantalis stated there are sign laws and in this case a respected enterprise has a miniscule sign, but across the street is a novelty emporium which is emblazoned with neon and a gaudy sign at the entrance to a nice neighborhood. It is offensive, and individuals are asking him how such a sign was approved.

Ms. Holt explained they are operating under the current sign regulations and the signs mentioned meet those regulations. A sign ordinance is going to be proposed, and amendments would be brought before the Commission in November which would address such issues. Tonight, they are taking this particular sign and processing it. This sign can stand on its own. The other signs mentioned are part and parcel of a larger equation that still has to be reviewed.

Ms. Holt stated staff would provide the Commission with information as to how certain signs comply with the existing regulations.

Commissioner Hutchinson asked why this is just being brought before the Commission, when the matter was before Planning and Zoning two years ago. She asked why it has taken so long. Ms. Holt explained that there was a lawsuit which took over a year of their time, and they were advised by outside counsel not to proceed with the sign ordinance while the lawsuit was pending.

Commissioner Moore returned to the meeting at approximately 8:27 p.m.

Ms. Holt further stated that the other matter is that there are still legal and constitutional issues regarding signage that have to be addressed, along with the format. Also, the consultant is located out of town, and communication is difficult at times.

Commissioner Teel stated felt this is one of the most dangerous things the Commission could do at this time. There is probably a reason to have the sign at the Convention Center, but for about eight years she worked on sign committees and various problems arose. She wanted to remind everyone about the signage along International Drive in Orlando. It is one of the most garish and unattractive areas in the state. This City has been trying to get a sign ordinance which would be an enhancement and not make the area look "honky tonk." She realized they need to advertise conventions and she did not have a problem with that, but when they start talking about the War Memorial and Parker Playhouse, she felt Mr. Parker would turn over in his grave if he saw such a sign in the

general vicinity of the Playhouse. She explained that building was constructed for an artistic venue, and not as a flashing light like casinos in Las Vegas. She believed this issue needs more study and should be part of the overall sign package the City is attempting to do. She felt the situation would grow and they would end up with flashing billboards all over the place. She would not support this ordinance as written.

Ms. Holt explained that the message center sign for the War Memorial is not part of tonight's ordinance, because the manager of War Memorial made inquiry. Commissioner Teel understood, but it shows her that it is beginning to open the door for other people to say "they have it, so why not us."

Ms. Holt further explained that in order to provide such signage for the War Memorial, they would have to change the ordinance and reduce the seating size. Presently, there is combined seating of 3,600, and that is why they were refused.

Commissioner Teel indicated that the City needs to be very careful with this matter.

Commissioner Hutchinson stated that this ordinance would limit message signs to particular buildings. Ms. Holt confirmed that is correct. Commissioner Hutchinson asked why they deleted that 50% of the messages are to be public service ads. Ms. Holt believed it is a legal issue regarding content.

Commissioner Hutchinson asked why they want to change the way the sign height is measured. Ms. Holt explained they measure every other non-habitable structure in the City from the same point, which is the natural elevation of the ground adjacent to it. This change was recently made in the Code City-wide, but it was not included in the sign ordinance because it was being worked on at the time.

Commissioner Hutchinson stated that the current ULDR regulation limits signs to 12' in width, and they want to open it to 25' in width. Ms. Holt explained that would only be permitted on three streets: Broward Boulevard, 17th Street, and State Route 84 west of I-95.

Bruce Larkin, Director of Business Enterprises, stated that Bob Street, Manager of the War Memorial Auditorium, is present at tonight's meeting. He stated they might be swimming upstream with this recommendation, but they want to at least make a pitch to the Commission to consider War Memorial Auditorium and Parker Playhouse, which are two assets in the City that sit well back from the roadway and are hard to find. He stated that they think these types of signs for such facilities would allow them to be marketed in a better fashion. He agreed with Commissioner Teel regarding International Drive, but the proposal is limited to venues which are in the business of putting on public exhibitions, shows and events, not to every type of business.

Commissioner Hutchinson stated that currently the War Memorial has a message board, but it does not scroll. The signage does permit them to sell their venues along Federal Highway.

Robert Street, War Memorial Auditorium Manager, stated that there are two sign boards, and the top one belongs to the Parker Playhouse. They were probably installed in the '60's. He asked for the Commission to consider their request regarding this ordinance. They hold the same type of events as the Convention Center. He added that there is a

facility in Coral Springs which has a scrolling sign, and that is the Coral Springs Center of the Arts. He indicated that they want to replace the existing sign with something that is new and more attractive. He felt it would be an improvement to the intersection, and stated that landscaping could be installed around the sign.

Vice Mayor Trantalis stated that message center signs are constantly moving, and he felt they are distracting. He believed they are discussing the creeping permission of permitting signage that, on paper might seem innocuous, but in practice, is detracting from the aesthetics of a neighborhood. The City needs to allow businesses to have proper signage. He believed the Playhouse signage is inadequate and needs repair despite its historical significance. There has to be a way to create a design aesthetic for the City which they have not yet achieved due to the Hustler Hollywood signage being permitted according to the Code. Yet other businesses appeared to creep and crawl through the process, and are not able to have signage which appropriately displays their place of business.

Vice Mayor Trantalis further stated that the technology of a message center sign is interesting but not pretty, it has a "honky tonk" feel. This is a difficult decision because the size of the sign appears appropriate, but its nature detracts from the overall quality of the aesthetic they are trying to create in the City. He asked if message center signs are the only option they are being offered this evening.

Ms. Holt confirmed that this evening they are only proposing to amend the message center sign provisions. She explained it was been part of the overall sign code that is being proposed. The remainder of the Code would be brought before the Commission in November. They simply lifted that language as proposed and brought it forth this evening since it has been lingering for quite some time, and some of the venues are anxious to get their signs.

Mayor Naugle stated that he would not support this if it means having such signs all over the City, but this is being presented tonight because the Convention Center, which is operated by the County, has a difficult time with users of the facility not getting the recognition they expect and which they receive from other venues around the country and world. He did not particularly want to see a flashing sign along Federal Highway at the War Memorial Auditorium. He liked the existing historic sign.

Vice Mayor Trantalis stated that there is a message center sign across the street from the Convention Center, which is the 17th Street Quay. Now they want to add another one to the street, and before you know it, there would be others. Mayor Naugle stated that the Convention Center is having difficulty and he hoped they could do this one thing. He does not want to see a proliferation of such signs.

Commissioner Moore realized the need for such advertisement, but he did not feel that this proved to be very sound because conventions are booked 5-6 years ahead of time and flashing signs do not have anything to do with such bookings. Most of what they go through has to do with the Convention and Bureau Visitors Budget and attracting outsiders to attend functions, not local residents. He did not feel such signage is appropriate. He is insulted when driving along I-95, and sees illuminated signs which are very blinding and distracting. He felt if they have the opportunity to stop such distracting signs, then he would not want to open the door for any more.

Commissioner Hutchinson asked how many venues are there in the City which could meet the 12,000 seating arrangement with a 200,000 square foot building. Ms. Holt replied that there are only two: Yankee Stadium and the Convention Center. She stated they are going to impose further restrictions, because now the ordinance reads that if it is a single-occupant building use, they could not have the sign if they are a certain size. It is now being limited and would say any athletic or entertainment events and convention centers.

Robert Lochrie, on behalf of the Broward Convention Center, stated that the Convention Center has been open for 15 years, waiting for this type of sign. It is a significant impact to them, and they appreciate the Commission hearing this request. This type of signage is customary to such facilities throughout the country and is an important part of this specific venue. The sign would meet the aesthetic and design requirements.

Mark Ghatley, General Manager of the Broward Convention Center, stated that he has been with the building since early 1992, and the first person who came to see him was Kay Pierson who explained that he did the Boat Show and received many concessions throughout the City in order to advertise the event. He asked why the Convention Center does not have a marquee. He approached the Contract Administrator for the County, who met with many individuals in an attempt to make a case for a marquee or message center sign, and he either ran into problems with the ordinance which still existed or other issues. They went along with the Code because the County controlled North Port Market Place. Their public relations firm could supply the Commission with a presentation showing various signs around the country which have such message center signs. What was constructed in 1994-1995 is a high school equivalency to what would be seen in other market places.

Mr. Ghatley further stated that two years ago they met with the City's consultant and built a sign board that would match exactly to the specifications created in the new ordinance, and they tried to build a sign the diagram of what consisted of a single message center sign. He stated that this sign in graphics would welcome the events, and include a logo for the Center. The facility is hard to find and with new security rules, it is imperative they get this new sign now. They hold about twenty consumer and automobile shows, and local events which attract thousands of individuals on weekends. Everyone asks about a marquee. Tonight they are asking to get the Convention Center off the dime. This sign is 100% public information, would be done tastefully. He emphasized the size of the public facility and indicated it is the only building of its type in the City. It is a unique structure and that is why this matter is being presented in this fashion.

Commissioner Moore stressed that he has called for the question several times, and he hoped they would move forward.

Mr. Ghatley stated there is no present signage. It was removed at the request of North Port Market Place and due to bridge repairs because certain parts of the land have been taken over. The sign which exists consists of pressed letters; it would be changed to an electronic type.

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

CITIZEN PRESENTATION

1. Anthony Armao – Water Skiing, Sylvan Lake

Not present.

RESOLUTIONS

American Dream Campaign - National League of Cities (R-1)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-180

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, JOINING WITH THE NATIONAL LEAGUE OF CITIES IN ENCOURAGING PARTICPATION IN “THE AMERIAN DREAM CAMPAIGN.”

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

**Lincoln Park Environmental Issues; Project 10536 (R-2)
Troutman Sanders, LLP – Increase in Scope of Services - \$15,000
Case 5-M-03 – Coral Ridge Mall, 3200 North Federal Highway**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-177

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION 02-181 TO INCREASE A TOTAL AMOUNT OF FEES AUTHORIZED TO BE PAID TO THE LAW FIRM OF TROUTMAN SANDERS, LLP AS SPECIAL COUNSEL REPRESENTING THE CITY IN ENVIRONMENTAL ISSUES RELATED TO THE LINCOLN PARK SITE.

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

Peele Dixie Wellfield; Project 9325-B (R-3)

Troutman Sanders, LLP – Increase in Scope of Services - \$25,000

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTIONS 93-129, 98-81, AND 01-148 IN ORDER TO INCREASE THE TOTAL AMOUNT OF FEES AUTHORIZED TO BE PAID TO SPECIAL COUNSEL, TROUTMAN SANDERS, LLP IN CONNECTION WITH THE PEELE DIXIE WELLFIELD SITE.

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

Faith Farm/Powerline Plat Modification – Faith Farm Ministries (R-4)
801 & 807 NW 19 Street

The City Attorney explained that there has to be a motion made to reconsider the previous decision by the Commission (passed on September 21, 2004) before moving forward with consideration.

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION TO A CHANGE OF CONDITIONS OF APPROVAL OF A PLAT KNOWN AS THE FAITH FARM/POWERLINE.

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

Advisory Board/Committee Appointments (OB)

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

- | | |
|-------------------------------------|----------------------------------------------------|
| Community Appearance Advisory Board | Les Hollingsworth |
| Community Services Advisory Board | Robert Brady
Sanford Rosenthal
William Goetz |

Historic Preservation Advisory Board	Eve Coldan
Parks, Recreation and Beaches Advisory Board	Victorie Riviera John Rude Joanne Medley James Labate Michael Natale Bob Hoysgaard Shirley Small A.D. Graffinhite Agnes Borrows Elizabeth Hayes Joe Shrover Timothy Nast

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-181

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

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

Collective Bargaining Agreements

(OB)

The City Manager stated that there are two collective bargaining agreements that require ratification by the Commission.

The City Manager continued, stating that it is his recommendation that the Commission adopt a resolution, ratifying the proposed collective bargaining agreement between the City and the Fort Lauderdale Professional Firefighters, Inc., IAFF, Local 765.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-194

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RATIFYING A COLLECTIVE BARGAINING AGREEMENT WITH THE FORT LAUDERDALE PROFESSIONAL FIREFIGHTERS, INC., IAFF, LOCAL 765 OF FLORIDA NOT-FOR-PROFIT CORPORATION AND AUTHORIZING EXECUTION THEREOF BY THE PROPER CITY OFFICIALS.

Which resolution was read by title only.

Commissioner Moore asked if this is a recommendation to agree with the exchange of \$7,500 for the President to a day per week, and if so, what is the impact. The City Manager confirmed that is correct.

As to the cost impact, Stephen Scott, Human Resources Department, stated staff does not have an exact number, but it is approximately between \$30,000 to \$40,000. Commissioner Moore asked if it is six times the present amount. Mr. Scott confirmed yes. Commissioner Moore asked if it fell within the \$1 million that was put on the table to deal with the others. Mr. Scott indicated that it is well within that amount.

The City Manager explained that the intent of this is to equalize the President of the Firefighters Union with that of the police. It is basically a parity situation.

Commissioner Moore asked if it is also being offered to the FOPA President. The City Manager stated that issue has not come up, but they would discuss it when necessary.

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

The City Manager stated it is also his recommendation that the Commission adopt a resolution ratifying the proposed collective bargaining agreement between the City and the Fort Lauderdale Fraternal Order of Police Lodge No. 31, Inc.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RATIFYING A COLLECTIVE BARGAINING AGREEMENT WITH THE FORT LAUDERDALE FRATERNAL ORDER OF POLICE LODGE NO. 31 INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AND AUTHORIZING EXECUTION THEREOF BY THE PROPER CITY OFFICIALS.

Which resolution was read by title only.

Commissioner Moore stated that in regard to this motion and the one previously passed, there has been discussion by him as an elected official to the Commission, as well as to the community, and he felt one of the things they have to do as a government is to go to a defined contribution plan. He explained that by moving this, they will not be doing that for the next three years. It is his desire for all of them to begin to come to some understanding of how they would reach a defined contribution for pension. It is a necessity. This is a "runaway train" that has to be stopped. He is voting for these items because he wants it to be a working relationship between the Commission and the labor unions, but emphasized that the current defined benefit plan is too costly.

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

Adult Uses

(OB)

Commissioner Hutchinson wanted to address the ordinance that relates to adult uses to include a definition of adult material and a sexually oriented establishment as an adult use, and to prohibit the display of adult material. She wanted to revisit the ordinance and have it placed on the October 19, 2004 meeting agenda. She clarified that nothing is to be reconsidered.

The City Attorney explained that they only need direction from a Commissioner that it should be revisited. Commissioner Hutchinson indicated that she wants to revisit the matter.

Pension

Mayor Naugle believed something is also going to be brought back on the matter of pension benefits at a future date.

Hurricane Clean-Up/Holiday Park

Continued from Page 3

Peter Partington, Acting City Engineer, stated that the Commission at the beginning of tonight's meeting asked for an update on the status of the hurricane debris.

Ed Udvardy, Public Works, stated that Cratter Golf is the City's current debris removal contractor. They are committed to completing the site by this Friday, and if they do not, the City is ready with their City resources and other contractors, to remove the remaining debris this weekend.

There being no other matters to come before the Commission, the meeting was adjourned at 9:06 PM.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk