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FORT LAUDERDALE CITY COMMISSION
OCTOBER 19, 2004**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
OCTOBER 19, 2004**

Meeting is called to order at 6:10 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 Sekregandio

Invocation was offered by Dr. Edward Schindeler, Spiritual Assembly of the Baha'is of Fort Lauderdale, 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 Moore and seconded by Commissioner Hutchinson that the minutes and agenda for the September 13, 2004 Special Regular Meeting, September 21, 2004 Conference Meeting, and the September 21, 2004 Regular Meeting be approved. Roll call showed: YEAS: Vice-Mayor Trantalis, Commissioners Moore, Hutchinson, Teel, and Mayor Naugle. NAYS: None.

Presentations

OB

1. Broward County Board of Commissioners

Commissioner Teel introduced Broward County Commissioner Jim Scott. Commissioner Jim Scott gave a check to the City Commission in the amount of \$442,763 from the Broward County Board of Commissioners for the Community Center at George English Park. He said that out of the Parks Bond issue they procured money for this project.

Commissioner Hutchinson left the meeting at approximately 6:12 p.m. and returned at 6:13 p.m.

Commissioner Scott said that Kim English is also present at tonight's meeting.

2. Fire-Rescue Department

Commissioner Hutchinson said that she and the City Manager toured the Punta Gorda area after Hurricane Charley, and many of the City's Fire-Rescue personnel went to the area to assist in the clean-up, and she wanted to honor those employees. The following employees were honored: Executive Deputy Fire Chief Keith P. Allen, EMS Division Chief Robert E. Edgar, Battalion Chief Robert F. Bacic, Battalion Chief Lois H. Bowman, Battalion Chief Robert Hoecherl, Battalion Chief John Molenda, Battalion Robert Simac, Fire Lieutenant Michael Ondrejicka, Fire Lieutenant Stanley Giesey, Fire Lieuretnant William Earle, Fire Lieutenant Doug LeValley, Fire Lieutenant Jeremy Riffard, Fire Lieutenant Patrick Scaartozzi, Driver/Engineer Alfred W. Dow, Drive/Engineer Patrick McGee, Driver/Engineer Anthony L. Peavy, Driver/Engineer Gregory M. Snyder, Firefighter/Paramedic Hugh Bayne, Firefighter/Paramedic Jeff Bayne, Firefighter/Paramedic Jason Bohan, Firefighter/Paramedic Scott Carey, Firefighter/Paramedic Evan C. Evans, Firefighter/Paramedic Shawn Levine, Firefighter/Paramedic Thomas Major, Firefighter/Paramedic Neil Mullens, Firefighter/Paramedic Chad Robertson, and Firefighter Garrett Pingol.

Chief Allen said that what was learned is better than any drill that could be performed.

3. "WOW" Award

Commissioner Hutchinson presented the WOW Award to Bob and Annette Ross who live in District IV. She said that they purchased a vintage 1960's home and redeveloped it and enhanced the community.

4. Expression of Sympathy

The Mayor and City Commission offered an expression of sympathy to the family of Karen Jacobs.

Thanksgiving Food Drive**(OB)**

Mayor Naugle announced that the City of Fort Lauderdale Fire-Rescue Department and the Fort Lauderdale Firefighters Benevolent Association will kick-off the annual Thanksgiving Food Drive on Friday, October 15, 2004, and it will continue through November 20, 2004. Items may be dropped off at the following locations:

- Fort Lauderdale City Hall, 1st Floor, 100 N. Andrews Avenue from 8:00 a.m. to 5:00 p.m., Monday through Friday; and
- Fort Lauderdale Ocean Rescue Headquarters, 501 Seabreeze Boulevard from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Mayor Naugle said that all non-perishable food items would be accepted and further information could be found on the Internet at www.fortlauderdale.gov.

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 – Halloween Party & Parade

(M-1)

A motion authorizing and approving the execution of an Event Agreement with the Croissant Park Civic Association to indemnify, protect and hold harmless the City from any liability in connection with the Halloween Party and Parade, to be held Saturday, October 30, from 3 p.m. to 6:30 p.m. at Croissant Park Community Center; and further authorizing the closing of the following parade route: for the staging area – SW 13 Street, from SW 3 Avenue to SW 4 Avenue from 2:30 p.m. to 4 p.m.; for the parade route – the southbound lanes of SW 4 Avenue, from SW 13 Street to Bryant Peney Park and the northbound lanes of SW 4 Avenue from Bryant Peney Park to the Croissant Park Community Center from 3 p.m. to 4 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1419 from City Manager.

**Event Agreement – Tropical Plant Industry Exposition
Opening Reception**

(M-2)

A motion authorizing and approving the execution of an Event Agreement with the Greater Fort Lauderdale Convention and Visitors Bureau to indemnify, protect and hold harmless the City from any liability in connection with the Tropical Plant Industry Exposition opening reception, to be held Thursday, January 20, 2005, from 5 p.m. to 10 p.m. under the west side of the 17th Street Causeway Bridge; and further authorizing the closing of the south portion of Marriott Drive from SE 17 Street to the east side of the Marina Marriott driveway, from 10 a.m. to 12 midnight on January 20, 2005.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1395 from City Manager.

Event Agreement – Boat Show Party

(M-3)

A motion authorizing and approving the execution of an Event Agreement with the Tarpon Bend Food and Tackle – Riverwalk Ltd. To indemnify, protect and hold harmless the City from any liability in connection with the Boat Show Party, to be held at Tarpon Bend Food and Tackle at 200 SW Street on Sunday, October 31, from 5 p.m. to 12 midnight; and further authorizing the closing of SW 2 Avenue from SW 2 Street to the Riverwalk from 3 p.m. on Sunday, October 31, to 3 a.m., Monday, November 1 (leaving SW 2 Street completely open).

Recommend: Motion to approve.

Exhibit: Memo No. 04-1394 from City Manager.

Event Agreement – Terror on Andrews Square Street Fair**(M-4)**

A motion authorizing and approving the execution of an Event Agreement with the Pride One of Broward County, Inc. to indemnify, protect and hold harmless the City from any liability in connection with the Terror On Andrews Square Street Fair, to be held Saturday, October 30, from 6 p.m. to 11 p.m. at the Gay and Lesbian Community Center at 1717 North Andrews Avenue; and further authorizing the closing of North Andrews Square from NW 17 Street, north to NW 17 Court; and NW 17 Court from Andrews Avenue to North Andrews Square, from 5:30 p.m. to 11:30 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1393 from City Manager.

Event Agreement – 2004 U.S. Open Water Ski Championships**(M-5)**

A motion authorizing and approving the execution of an Event Agreement with USA Water Ski, Inc. to indemnify, protect and hold harmless the City from any liability in connection with the 2004 U.S. Open Water Ski Championships, to be held Friday, November 19, from 7 a.m. to 6 p.m.; Saturday, November 20, from 9 a.m. to 6 p.m.; and Sunday, November 21, from 9 a.m. to 6 p.m. at Mills Pond Park.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1365 from City Manager.

Coaching Services – Fort Lauderdale Aquatic Team**(M-6)**

A motion authorizing the proper City Officials to execute an agreement with Duffy Dillon for consulting, coordinating and coaching services for the Fort Lauderdale Aquatic Team at the Hall of Fame Aquatic Complex.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1448 from City Manager.

**Contract Award – The Poole and Kent Company - \$26,035,010
Peele Dixie Membrane Plant Bid Package B – Project 10454****(M-7)**

A motion authorizing the proper City Officials to execute a contract with The Poole & Kent Company in the amount of \$26,035,010, for the Peele Dixie Membrane Plant Bid Package B, Project 10454.

Funds: Water and Wastewater Capital Improvements Program

Recommend: Motion to approve.

Exhibit: Memo No. 04-1327 from City Manager.

Task Order No. 04-4371 – Calvin Giordano & Associates, Inc. - (M-8)
\$25,269 – Design Survey Services – North Coral Ridge Country Club
Small Water Main Replacement

A motion authorizing the proper City Officials to execute the Task Order No. 04-4371 with Calvin Giordano & Associates, Inc. in the amount of \$25,269 for design survey services for North Coral Ridge Country Club Small Water Main Replacement as part of WaterWorks 2011 program.

Funds: See Memo – Project 10807

Recommend: Motion to approve.

Exhibit: Memo No. 04-1335 from City Manager.

Task Order No. 7 – Kimley-Horn and Associates, Inc. – \$23,550 (M-9)
Evaluation and Design of Repairs for John Fuhrer Downtown Helistop

A motion authorizing the proper City Officials to execute Task Order No. 7 with Kimley-Horn and Associates, Inc. in the amount of \$23,550 for evaluation and design services associated with the John Fuhrer Downtown Helistop Repairs project.

Funds: See Memo – Project 10842

Recommend: Motion to approve.

Exhibit: Memo No. 04-1334 from City Manager.

Work Authorization 16724.94 – Keith and Schnars, P.A. - \$180,073 (M-10)
Oakland Park Boulevard Large Water Main Design Services

A motion authorizing the proper City Officials to execute Work Authorization 16724.94 with Keith and Schnars, P.A. in the amount of \$180,073 for design services associated with the Oakland Park Boulevard Large Water Main Project P10572.

Funds: Water and Wastewater Master Plan CIP

Recommend: Motion to approve.

Exhibit: Memo No. 04-1329 from City Manager.

Change Order No. 2 – MBR Construction, Inc. - \$55,000 (M-11)
SE/SW 2nd Street Corridor Streetscape Improvements – West Side,
SW 3 Avenue

A motion authorizing the proper City Officials to execute Change Order No. 2 with MBR Construction, Inc., in the amount of \$55,000 to add streetscape improvements to the west side of SW 3rd Avenue in Project 15393, SE/SW 2nd Street Corridor Streetscape Improvements.

Funds: See Memo and Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 04-1434 from City Manager.

Change Order No. 3 – The Poole and Kent Company, Inc. - \$1,225.37 (M-12)
G.T. Lohmeyer Wastewater Treatment Plant Effluent Pump Station
Expansion & Adding 131 Working Days to Construction Period

A motion authorizing the proper City Officials to execute Change Order No. 3 with The Poole and Kent Company, Inc., in the net amount of \$1,225.37 for various changes in the G.T. Lohmeyer Wastewater Treatment Plant Effluent Pump Station Expansion, Project 10129, and adding 131 working days to the construction period.

Funds: Water and Wastewater Master Plan CIP

Recommend: Motion to approve.

Exhibit: Memo No. 04-1328 from City Manager.

Change Order No. 6 – Astaldi Construction Corporation - \$19,551.13 (M-13)
Progresso Sanitary Sewer Improvements & Adding 160 Calendar
Days to Construction Period

A motion authorizing the proper City Officials to execute Change Order No. 6 with Astaldi Construction Corporation in the amount of \$19,551.13 for various changes in the Progresso Sanitary Sewer Improvements Project 9766B, and adding 160 calendar days to the construction period.

Funds: Water and Wastewater Master Plan CIP

Recommend: Motion to approve.

Exhibit: Memo No. 04-1336 from City Manager.

Donation of Water to Haiti - \$3,456**(M-14)**

A motion authorizing the donation of approximately one tractor-trailer load of water valued at \$3,456 and deemed surplus supplies pursuant to Section 2-197 of the Code of Ordinances, to the people of Haiti.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1472 from City Manager.

Event Agreement – Halloween Car Show**(M-15)**

A motion authorizing and approving the execution of an Event Agreement with the Downtowner Saloon Inc. to indemnify, protect and hold harmless the City from any liability in connection with the Halloween Car Show, to be held Sunday, October 31, 2004, from 11 a.m. to 4 p.m., and further authorizing the closing of South New River Drive from the Andrews Avenue Bridge to the SE 3 Avenue Bridge, from 8 a.m. to 5 p.m. on October 31, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1391 from City Manager.

Event Agreement – 4th Annual Classic Car Show and Street Fair**(M-16)**

A motion authorizing and approving the execution of an Event Agreement with the South Andrews Business Association Inc. to indemnify, protect and hold harmless the City from any liability in connection with the 4th Annual Classic Car Show and Street Fair, to be held Saturday, December 4, 2004, from 9 a.m. to 4 p.m. on South Andrews Avenue between Davie Boulevard and 17th Street; and further authorizing the closing of SW 13 Street, SW 14 Street, SW 15 Street and SW 16 Street, from SW 1 Avenue to Andrews Avenue, from 5 a.m. to 6 p.m. on December 4, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1392 from City Manager.

Event Agreement – Fall Family Festival**(M-17)**

A motion authorizing and approving the execution of an Event Agreement with St. Jerome Catholic Church to indemnify, protect and hold harmless the City from any liability in connection with the St. Jerome Fall Family Festival, to be held on church property at 2601 SW 9 Avenue on Wednesday and Thursday, November 10 and 11 from 6 p.m. to 10 p.m.; Friday, November 12, from 5 p.m. to 12 midnight, Saturday, November 13, from 12 noon to 12 midnight, and Sunday, November 14, from 1 p.m. to 7 p.m., and further authorizing the closing of SW 26 Street from SW 9 Avenue west to the 1000 block, from 8 a.m. Monday, November 8 to 12 noon on Monday, November 15.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1364 from City Manager.

Rejection of Bids – 2004-2005 Annual Dredging Contract (M-18)

A motion rejecting all bids received for Project 10640, 2004-2005 Annual Dredging Contract.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1317 from City Manager.

Agreement – Architectural Alliance - \$23,950 (M-19)
South Middle River Master Plan Development – Project 10623

A motion authorizing the proper City Officials to execute an agreement with Architectural Alliance in the amount of \$23,950 for completion of the South Middle River Master Plan Development.

Funds: NCIP – P10623
Recommend: Motion to approve.
Exhibit: Memo No. 04-1235 from City Manager.

Contract Award – Sanitary Sewer & Water Main Improvements (M-20)
Lanzo Construction Co., Ric-Man International, Inc.,
Danella Companies, Inc. & Foster Marine Contractors, Inc.

A motion authorizing the proper City Officials to execute the following four unit price contracts for Project 10859, construction of sanitary sewer and water main improvements for various areas throughout the City: Lanzo Construction Co. - \$13,587,658.60; Ric-Man International, Inc. - \$13,964,122.85; Danella Companies, Inc. - \$16,195,367.88; and Foster Marine Contractors, Inc. - \$16,256,964.75.

Funds: See Bid Tab
Recommend: Motion to approve.
Exhibit: Memo No. 04-1326 from City Manager.

PURCHASING AGENDA

Proprietary – Maintenance Renewals for Computer Aided Dispatch (Pur-1)

An agreement to purchase maintenance renewals for computer aided dispatch and records management systems is being presented for approval by the Police Department.

Vendor: Intergraph Public Safety, Inc.
 Madison, AL
 Motorola Field Service Organization
 Plantation, FL

Amount: \$ 303,102.20
 Bids Solicited/Rec'd: N/A
 Exhibits: Memorandum No. 04-1359 from City Manager.

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

Proprietary – Street Light Fixtures and Parts (Pur-2)

An agreement to purchase street lighting fixtures and parts is being presented for approval by the Public Works Department.

Vendor: Municipal Lighting Systems, Inc.
 Miami, FL

Amount: \$ 47,298.36 (estimated)
 Bids Solicited/Rec'd: N/A
 Exhibits: Memorandum No. 04-1331 from City Manager.

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

522-8694 – Financial Advisor Services (Pur-3)

Additional expenditure for financial advisor bond investment services is being presented for approval by the Finance Department.

Vendor: Dunlap & Associates
 Winter Park, FL

Amount: \$ 35,500.00 (estimated)
 Bids Solicited/Rec'd: N/A
 Exhibits: Memorandum No. 04-1414 from City Manager.

The Procurement Department reviewed this item and recommends approving additional contract services expenditure.

Proprietary – Maintenance for Financial Accounting System**(Pur-4)**

An agreement for the annual maintenance and support for the City's financial accounting system (FAMIS) is being presented for approval by the Information Technology Services Department.

Vendor: Tier Technologies, Inc.
Reston, CA
Amount: \$ 127,840.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1413 from City Manager.

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

State – Informix Software Maintenance Support**(Pur-5)**

An annual agreement for Informix software and maintenance support is being presented for approval by the Information Technology Services Department.

Vendor: Champion Solutions Group
Boca Raton, FL
Amount: \$ 40,647.24
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1411 from City Manager.

The Procurement Department recommends approving purchase from Florida State Contract.

359-9116 – Auction**(Pur-6)**

Prior approval of sale for any item that exceeds \$25,000 at the confiscated/surplus vehicle and equipment auction is being presented for approval by the various departments.

Exhibit: List of confiscated and surplus vehicles.

The Procurement Department recommends approving public auction sale to be held on November 17, 2004.

Proprietary – Maintenance and Support ACIS and Encompass**(Pur-7)**

An agreement for the annual renewal of software maintenance and support for ACIS and Encompass is being presented for approval by the Information Technology Services Department.

Vendor: SunGard Pentamation, Inc.
Bethlehem, PA
Amount: \$ 24,141.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1412 from City Manager.

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

Proprietary – Multi-Space Parking Meters**(Pur-8)**

An agreement to purchase six multi-space parking meters is being presented for approval by the Parking and Fleet Services Department.

Vendor: Bytewise Solutions, Inc.
Opa Locka, FL
Amount: \$ 78,930.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1424 from City Manager.

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

612-8531 – Contract Extension – Aggregates**(Pur-9)**

One-year contract extension for aggregates, soil and rock is being presented for approval by the Public Works Department.

Vendor: Sunrise Recycling, LLC.
Fort Lauderdale, FL
Amount: Per Unit Pricing
Bids Solicited/Rec'd: N/A

The Procurement Department reviewed this item and recommends approving the contract extension.

742-9052 – Solid Waste Collection**(Pur-10)**

An addition to the three-year contract for solid waste collection is being presented for approval by the Public Works Department.

Vendor: Waste Management, Inc. of Florida
Pompano Beach, FL
Amount: \$ 1,063,577.00 (estimated annual increase)
Bids Solicited/Rec'd: 48/3 with 2 no bids
Exhibits: Memorandum No. 04-1325 from City Manager.

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

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-9, M-11, M-17, M-18, Pur-6, and Pur-10 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.

Task Order No. 7 – Kimley-Horn and Associates, Inc. –
\$23,550 – Evaluation and Design of Repairs for John Fuhrer
Downtown Helistop

(M-9)

Commissioner Teel said that she had pulled this item, and asked about the repairs to be evaluated at the Helistop.

Peter Partington, Acting City Engineer, said that it is his understanding that the repairs involved life safety issues affecting the stairways. He did not think structural issues are involved.

Commissioner Teel said that \$300,000 is in reserve from the original contract, and asked if that amount will cover the expense of the project. Mr. Partington said that they are not sure what they might find, but those repairs are the reason for such an amount being held back. Commissioner Teel asked about the time frame involved for the project. Mr. Partington said that they did not know at this time until all repairs have been reviewed and evaluated.

Vice Mayor Trantalis asked how often the helistop is used.

Clare Bennett, Executive Airport Manager, said that they average about three operations per day.

Motion made by Commissioner Moore 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.

Change Order No. 2 – MBR Construction, Inc. - \$55,000 - (M-11)
SE/SW 2nd Street Corridor Streetscape Improvements –
West Side, SW 3 Avenue

Mayor Naugle said that he had pulled this item, and asked if the improvement is to be located north or south of 2nd Street.

Peter Partington, Acting City Engineer, said that this improvement is north of 2nd Street.

Mayor Naugle said that he did not think it had been envisioned to extend into side streets, and asked if special assessments had been considered. Mr. Partington said that they had not considered a special assessment for this project. The history is that the scope of the work was developed by a consultant working for the Downtown Development Authority. He continued stating that the construction supervision was then handed over to the City. He explained that the originally developed scope of work was largely on 2nd Street, but did include work on the east side of the road. It was apparent during site supervisions that nothing is being planned for the west side of the road. He said further that the additional work is not considered for assessment, but neither is the east side of the road because it is included in the original scope of the work. He suggested they take advantage of having a contractor doing a fairly major project in the area and the union rates offered, making this a good opportunity to improve the area.

Mayor Naugle said that the DDA had conceived this, but yet they are refusing to participate. Mr. Partington confirmed that is correct, and stated they did not want to participate at least at the staff level.

Commissioner Moore asked if the DDA does not want to participate in the funding of the project. Mr. Partington stated that the item had not been taken to the Board. Staff is working with the DDA Director.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table the item until November 1, 2004 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

Commissioner Moore wanted the item tabled so the City Manager could begin discussions with the Director of the DDA, and then see if it is necessary to meet with the Board to move this project forward.

Event Agreement – Fall Family Festival (M-17)

Commissioner Hutchinson said that she had pulled this item, and stated that she has a conflict of interest since she works for St. Jerome Catholic Church.

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis to approve the item as presented. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore and Teel, and Mayor Naugle. NAYS: None. Commissioner Hutchinson abstained from voting. A Memorandum of Voting Conflict filed by Commissioner Hutchinson is attached to these minutes.

Rejection of Bids – 2004-2005 Annual Dredging Contract

(M-18)

Commissioner Teel said that she had pulled this item. It has been a long wait for the dredging to take place. She asked why all the bids were rejected.

Peter Partington, Acting City Engineer, said that staff also wants to proceed with the work, but when they reviewed the bids there was one very low bid, one very high bid, and two in the middle. Staff is not comfortable with the bids and added that in the past they had some issues with low bidders. Staff is recommending that a rebid be done even though it would involve a time delay.

Commissioner Teel said that in 1998, the City dredged 3,500 cubic yards, and this year they are expecting to excavate only 3,000 cubic yards. She thought there is a greater need for dredging now, and asked why less yardage is planned. Mr. Partington said there is a longer list of deserving situations, but they do not have sufficient funds to do more than what is estimated, which does not cover much of the backlog list. Commissioner Teel said that in the past they had difficulty identifying a site for the dredged material, and asked what site has been determined at this time. Mr. Partington said that they are going to use Broward County's dump site at the northern end.

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

359-9116 – Auction

(Pur-6)

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 and Teel, and Mayor Naugle. NAYS: None.

742-9052 – Solid Waste Collection

(Pur-10)

Commissioner Moore said that he had pulled this item. The contract began as a 3-year item, but now he is hearing that it is to be a 3-year contract with 2 one-year contract extensions. He asked if the one-year extensions would involve any increases.

Kirk Buffington, Procurement Services, said that initially when the ITB was released, it was a 3-year contract with one-year renewal options. However, through the negotiation process, the contractor agreed to the renewal options being the City's option only. He

said the City could walk away after year 3, or they could execute options regarding years 4 and 5.

Commissioner Moore said that in reading the language, it sounds like a 5-year contract.

Ed Udvardy, Public Works, said that it is a 3-year contract with a two-year option to renew at the City's discretion.

Commissioner Moore asked if the City Attorney's office agrees. The City Attorney confirmed yes.

Commissioner Moore asked if there would be any increased fees, or would the rate be what it is when locked in for the first 3 years.

Mr. Udvardy said the first 3-years are at a fixed fee, but if the City exercises the first 2-year extension it would be at a CPI increase, and if the 2nd two-year extension is exercised, it would also be at a CPI increase as the maximum increase.

Commissioner Moore asked, if after such extensions, the contract would then have to be rebid. Mr. Udvardy explained there is one further two-year extension. Commissioner Moore was not in favor of another extension. Mr. Udvardy said that the initial bid provided for a 3-year contract with 2 two-year extensions. Commissioner Moore suggested that the second year extension be removed, and asked how that could be done. At the beginning of the discussions regarding this contract, he asked that staff give him an indication as to why they had brought a portion of the contract into public authority, and what happened to the equipment. He said that the back-up material states that Waste Management is the only company who bid on the equipment, and the City was offered \$565,000.

John Hoelzle, Parking and Fleet Services, said that the number offered for the units in the quotation was reviewed by the City's auctioneer, who provided a number in the \$300,000 range. In addition, staff went back to the manufacturer and asked if the equipment is returned to them, what amount would they offer. They provided an offer of about \$200,000 to \$300,000. Therefore, Waste Management's number is by far the best.

Commissioner Moore asked why he had not received the information he had requested. Mr. Partington apologized that he had not received the requested information. Commissioner Moore said he is attempting to make a point to the community, the Commission, and the workers in the area that there is a reason the City decided to take back a portion of the disposal service. Such reason is due to the fact that the private sector began to escalate their rates, and he believed such a situation would arise again since the market is limited. Because staff did not supply the requested information, he wanted to postpone the vote on the matter.

Mr. Udvardy said that Bid Option #1 which was awarded previously for the existing routes would begin November 1, 2004. Bid Option #2 if approved is projected to begin January 10, 2004.

Commissioner Moore requested that all Commissioners receive the requested information, and that the Commission should be informed about such decisions. If such risks are going to be taken, then he felt the Commission should be informed. He urged

the Commission to only deal with Phase I at this time, and obtain the necessary information for Phase II and then make a more informed decision.

Commissioner Moore asked about the 15 employees involved, and if the existing collective bargaining agreement had been compared with the one Waste Management is offering. He asked if the Union had been able to compare the benefit structure.

Stephen Scott, Director of Human Resources, said that they did not provide a copy of the collective bargaining agreement to the Union. Commissioner Moore stressed that they are blind on all aspects of this issue, and employees are being asked to make sacrifices without full information being given to them. He further said that if Waste Management is going to have the opportunity to take over the routes and offer existing employees work, are those employees going to have to go through any new pre-qualification process. Mr. Scott said there are some pre-employment requirements, such as drug testing. Commissioner Moore said the employees now have to go through a new process in order to possibly be hired by Waste Management. If hired, they are not aware of the benefits. Mr. Scott confirmed that is correct, but said that during the conference meeting and provided in the agenda memorandum, staff explained that health insurance and salary would be provided, but the City's benefits are superior to those being offered. Also, no pension would be provided. Commissioner Moore said that these people served the City and its residents well, but the City is not continuing with their employment due to budgetary problems. The City should be looking out for the welfare of their employees, and the employees should be made aware of the collective bargaining agreements.

John Albert and Butch Carter of Waste Management were present and offered to supply the requested information.

Motion made by Commissioner Moore that this matter be tabled until November 1, 2004, so information could be provided to the work force for their review. He said that the Commission also needs to evaluate the cost involved to re-equip and re-staff the services if taken away from the private sector due to their escalation of costs.

Mr. Albert said it was his understanding that the City had a bargaining agreement.

Vice Mayor Trantalis seconded the motion. He was concerned about the economics involved because the City's investment for the equipment was significant. He did not think that staff realized the useful life of the equipment. Savings from the equipment is to be banked and not passed onto the taxpayers. He has no problem awarding to Waste Management in accordance with Option #1 because that is a continuation of what is already in place. With the praise he heard for the City employees, he did not think the work should be taken away from them.

Mayor Naugle did not favor this motion because the proposal would be a savings of almost \$1 million per year. Presently, the private company is servicing about 60% of the City and the complaint rate is not high.

Commissioner Teel said that she also wanted certain information to be provided by staff before the matter is further discussed.

Commissioner Hutchinson said if it is the Commission's desire to support contracting out these services, then she believed it is important that the entire Commission feel comfortable. If another meeting is necessary, then she felt they need to stand together as five when it is time to vote. She will defer to the Commissioners that want additional information.

Commissioner Teel wanted information to assure her that the savings would be put into a special account so at the end of 5 years if this service goes back in-house, there would be sufficient funds to buy the necessary equipment. She agreed to table the matter.

Commissioner Moore wanted everyone to understand that the 4th year is not an automatic renewal.

Mr. Buffington said that Option #1 is awarded, and therefore, the Commission would be tabling Option #2.

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

PUBLIC HEARINGS

Historic Designation – Annie Beck House (PH-1)
310 S.E. 11 Avenue; Case 34-H-03

A public hearing to consider a resolution granting historic designation for landmark status to the property located at 310 S.E. 11th Avenue, which was recommended for approval on March 1, 2004 by the Historic Preservation Board by a vote of 7-0.

Motion made by Commissioner Moore and seconded by Commissioner Teel to defer this item until January 18, 2005 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

Mayor Naugle said that this item had been withdrawn by the Petitioner.

Historic Designation – Tiffany House (Escape Hotel) (PH-3)
2900 Riomar Street; 13-H-04

A public hearing to consider a resolution granting historic designation for landmark status to the Tiffany House located at 2900 Riomar Street, which was recommended for approval on July 12, 2004 by the Historic Preservation Board by a vote of 8-0.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS ITEM ARE SWORN IN.

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

James Cromar, Planning and Zoning Services, said that this property met 4 of the 6 criteria for single site historic designation. He said that the criteria deals with: "...the value of the property as a significant reminder of the cultural and archaeological heritage of the City, identification with the person or persons who significantly contributed to the development of the City, the identification of the work of a master builder, designer or architect, whose individual work had influenced the development of the City, State or Nation, and distinguishing characteristics of an architectural style valuable for the study of a period method of construction or use of indigenous materials." He proceeded to show photographs of the site.

Diane Smart, Broward Trust for Historic Preservation, showed the location of the subject site at the edge of Intracoastal at Bayshore Drive and Riomar Street. She said that it consists of three sections. One section was built in 1949 and designed by Theodore Meyer, and the east and west portions were built in 1950 and 1951 by Lester Avery. She further said that the Trust felt this is a superb example of art moderne architecture that the City has very little of. It is imperative to preserve this structure. There is a unanimous recommendation to have this site designated. This is not an 11th hour nomination. The company purchased property in 2002. A letter was sent in January, 2004, to the residents, saying the building is closing, and the Trust contacted them regarding their plans for the property. The owners said they are not sure what would be done with the site.

Annie Anderson said that she has been a realtor for over 40 years and that the property had been a hotel years ago.

Commissioner Moore returned to the meeting at approximately 7:05 p.m.

Ms. Anderson continued stating that she helped to save development throughout the City. This City is an easy place to sell. She felt it would be sad to drive along A-1-A and see nothing but high rises. She urged the Commission to approve the designation.

Steve Glassman, President of Central Beach Alliance, said that he is speaking in favor of historic designation for The Escape Hotel. He advised that the CBA met on October 14, 2004, and voted 112-1 in support of the Historic Preservation Board's unanimous recommendation for this designation. He said the area is crying out for balance in its development and redevelopment. In particular the Birch Waterfront Estates is home to many buildings worthy of designation, and this hotel is at the top of the list. He said that experts agree that this is one of the City's best examples of art moderne architecture. He said that it is impressive how the structure sits on the land; it is a building with a sense of place. It is a building of human scale that is desperately needed on the beach. He stated that residents respect the history of the beach, and the importance of the history to the success of the City. If the City does not preserve a sampling of the structures that made them what they are today, then they would be doing a disservice to themselves and those who would come along in the future. The CBA urges the Commission to ratify the recommendation made by the Historic Preservation Board, and they congratulate the Broward Trust for Historic Preservation for bringing the application forward. He indicated that the criteria for historic designation has been met, and the CBA looks forward to the adaptive re-use of The Escape Hotel.

Christopher Eck, Chairman of the Historic Preservation Board, said that the Historic Preservation Board reviewed this application on June 7, 2004, along with the extensive materials submitted. He said that the Board voted unanimously to recommend designation of this building. If there is to be any meaning to the Historic Preservation Ordinance, this should be considered.

Charles Jordan, President of the Broward Trust for Historic Preservation, said that they are working on the mid-century modern architecture, and this is the last opportunity to preserve such type of architecture. He said that an exhibit had recently opened at the Florida Museum of History in Tallahassee regarding mid-century modern architecture. This property is important in preserving such architecture, along with the feel and human scale of development of early Fort Lauderdale. He said that they support this application, and hope the City would maintain a process protecting such architecture.

Susan Delagal, attorney representing the property owner, said that the property owner is not the applicant in this case, nor is the Broward Trust for Historic Preservation. She advised that Doug Snyder would review the criteria and why they do not feel the structure meets the requirements for such designation. She said that the property owner opposes the designation because they do not feel the structure meets the criteria of the ordinance regarding historic properties. She further said that the property is presently vacant, and there are no plans to resurrect any type of use at the site. A large part of the discussion this evening has centered around when the property had been used as a hotel, and some of the famous individuals who had visited the site. She added that the site has not been used as a hotel for over 20 years, and many of the characteristics have changed, which is one of the arguments regarding preservation of the site. She said there has been significant changes to the interior of the building.

Ms. Delagal said that the Board received a letter from Mr. Gill and his position is that the building is ordinary and not something associated with him or his family. She said that because it is the first does not mean it is the best or that it is representative of the family's interest in the beach or their legacy.

Doug Snyder, representing the property owner, said that he wanted to highlight the five criteria proposed by the applicant. He said the applicant's response focuses on this being the first Gill Hotel, and the consultant for the Historic Preservation Board indicated that, but focused more on the Gill family's involvement in single-family home construction. He said further that the bottom line is that there is no clear evidence presented by the applicant or the consultant that this meets the criteria under a cultural or architectural heritage of value to the City, state or nation. He said the second criteria is the application's identification with a person or persons who contributed to the development of the City, State or Nation, and the focus by the applicant and the consultant is on the Gill Family. Bob Gill played an important part in the hotel industry in the City, specifically the beach area. He asked how many people associated this project with the Gill family, and added that he has lived here since 1975 and never made such an association. After this hotel was built, Mr. Gill built the Jolly Roger Hotel which is an excellent example of mid-century modern architecture, and is more related to the Gill family. With respect to work of a master builder, designer or architect whose work influenced the development of the City, state or nation in connection with this project, there are two architects for this structure. Mr. Meyer had various projects in the area. He and Mr. Avery were busy architects in the area and built mostly single-family homes. They do not feel these architects contributed to the significance of the development of

this City. He said that the Schubert Hotel is another excellent example of mid-century modern architecture which was designed by Lester Avery. Prior to that, there is nothing significant in their projects that contributed to this.

Mr. Snyder said that the last item deals with the value of the building. He said there is a conflict between the applicant and the consultant. The applicant said that the value of the building is recognition of the quality of its architecture and significant elements showing architectural significance. In addition, the consultant spoke about the significance of the architectural style. He said that the architecture is referred to as moderne and mid-century modern. In terms of moderne, this particular style disappeared by the early '40's, and an example is the Fort Lauderdale Beach Hotel. He said that the majority of such buildings in the Miami Beach area subsided by the early '40's. There was then the evolution of mid-century moderne, also known as post-war modern, and MIMO (Miami Modern) for the buildings located in the Miami Beach Area.

Mr. Snyder continued to state that the buildings themselves do not represent any specific architectural element of the mid-century modern architecture. He said the applicant disagrees with the criteria and the application.

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

Motion made by Vice Mayor Trantalis that the subject property be designated historic and that the application be approved.

Vice Mayor Trantalis said that the individuals wishing to comment on the architectural style and its appropriate place in history will always have various points of view. This is a unique building in this City, and there is not a lot of the past that the City could still hold on to and claim it as part of the City's heritage. The architectural appeal is reflective of a time that is long past. He felt it is appropriate to designate this property historic not only because of its design, but also because of the people who built it. The reality is that the Gill family is a family that is part of the City's heritage, and this building belonged to them. He felt they need to agree to all these components when they are attempting to understand the City's past. They cannot continue to erase the past, and build for the future unless such a foundation is created or they would be a City based on concrete and steel. He did not want to see the City grow in such a fashion because they need to accept the diversity of their look, and this building is a part of that. He urged the Commission to vote in favor of this application.

Commissioner Moore said that when a District Commissioner has an agenda they want to implement due to their beliefs and hard work, everyone should make that part of the consideration of the item. Although he did not see any historic advantages in regard to this property, he supported the item due to the feelings of the District Commissioner.

The motion was seconded by Commissioner Moore.

Mayor Naugle said that after reading the application and the minutes of the Historic Preservation Board, along with listening to the testimony presented this evening, he felt the building is worthy of historic designation.

Commissioner Teel said that this is a fascinating building and it might not be considered Mr. Gill's greatest work, but it is part of his history with this City. She continued to state that she had attended a luncheon of area hoteliers recently, and Mr. Gill was present and explained how he went from small residential housing to hotels. She said it is all part of this City's history. She further said that Mr. Gill appeared to be proud of his connection with this hotel. She felt it showed what was happening in this City at that time.

Vice Mayor Trantalis introduced the following resolution:

RESOLUTION NO. 04-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE BUILDING AND PROPERTY DESCRIBED AS ALL OF LOTS 1, 2, 3 AND 4, BLOCK 8, BIRCH OCEAN FRONT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 19, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND ALL OF LOTS 15, 16 AND 17, BIRCH ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 23, PAGE 24, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND LOCATED AT 2900 RIOMAR STREET, FORT LAUDERDALE, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

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

**Historic Designation of The John Needham House
(828 SE 4th Street; 30-H-02)**

(PH-4)

A public hearing to consider a resolution granting historic designation for landmark status to The John Needham House located at 828 SE 4th Street, which was recommended for approval on December 9, 2002 by the Historic Preservation Board by a vote of 7—0.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS ITEM ARE SWORN IN.

Ron Mastriana, attorney, said that he wanted to present a condition regarding this item. He said they went before the Board of Adjustment who had agreed to the requests, except for one provision. He continued to state that they requested a license to use part of the easement for parking providing additional landscaping, but the request had not been approved. He said their solution is to turn the site into valet parking, thereby meeting Code. A sketch of the proposal was provided to the City. He requested that the designation be approved with the condition that the parking issue be resolved with the City through a parking agreement.

Commissioner Moore did not feel such a request should be part of the historic designation.

Greg Brewton, Planning and Zoning Services, agreed that this issue has nothing to do with the designation request, and is merely an option for the applicant to meet his mandatory parking requirements per Code. Commissioner Moore asked if the valet parking would meet Code, then why are they even holding such dialogue.

Mr. Mastriana requested that this item be deferred until the next Commission meeting so they could meet with staff.

Commissioner Hutchinson asked if valet parking is a viable option. Mr. Brewton said that it is possible, but staff has not yet reviewed the sketch that was submitted. It is an option that could be pursued to meet Code requirements.

Motion made by Vice Mayor Trantalis and seconded by Commissioner Moore to defer this item until November 1, 2004 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

**Appeal of Planning & Zoning Board Decision – NE 15 Avenue (PH-5)
& NE 8 Street – Case 20-P-03**

At the July 21, 2004 Planning & Zoning Board meeting, the application was denied by a vote of 7-0. The applicant has appealed the Planning & Zoning Board decision.

Motion made by Commissioner Moore and seconded by Commissioner Teel to defer this item until November 1, 2004 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: none.

ORDINANCES

Occupational License Tax Increase (O-1)

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-04-51

AN ORDINANCE AMENDING CHAPTER 15, LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE II, OCCUPATIONAL LICENSE TAX, SECTION 15-57, AMOUNT OF TAX TO BE PAID, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING AN INCREASE IN THE AMOUNT OF LICENSE TAX; DELETING MOOT PROVISIONS; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Which Ordinance was read by title only.

Merv Dixon, dentist, said that he is required to pay a lot of taxes and began listing them, including City taxes and fees. He urged the Commission to leave things as they are and said "if it isn't broken, don't fix it."

Vice Mayor Trantalis asked why a separate occupational license fee is charged to real estate agents and brokers, yet insurance brokers are not charged such a fee. He asked for some clarification on the matter.

Valerie Bohlander, Building Director, said that she would have to check into the matter and then report back to the Commission.

Commissioner Hutchinson said that her occupational license fee is increasing by \$5 and she is not happy about the situation either.

Mayor Naugle said that this fee has not increased in over 20 years, and reminded everyone that expenses for the City have increased. This is a modest increase.

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

Amendment to Transportation Element, Comprehensive Plan (O-2)
5-TT-99

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to defer this item until November 1, 2004 at 6:00 p.m.

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

Adult Uses – Amendment to Section 47-18.2, Unified Land (O-3)
Development Regulations

The City Clerk said that the second reading of this ordinance would be on November 1, 2004.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-55

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-18.2, 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.

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

Amendment to Pay Plan

(O-4)

The City Clerk said that the second reading of this ordinance would be on November 1, 2004.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-56

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE CREATION OF NEW CLASSES AND THE DELETION OF CLASSES, ALL IN SCHEDULE I.

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

Garage, Yard and Other Occasional Sales

(O-5)

The City Clerk said that the second reading of this ordinance would be on November 1, 2004.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-57

AN ORDINANCE CREATING ARTICLE V, SECTIONS 23-11 THROUGH 23-162, "GARAGE, YARD, AND OTHER OCCASIONAL SALES," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING DEFINITIONS, PROVIDING FOR EXCEPTIONS, PROVIDING FOR COMPLIANCE WITH OTHER REGULATIONS, PROVIDING FOR DISPLAY OF PROPERTY FOR SALE, PROVIDING FOR SIGNS, AND PROVIDING FOR PARKING, PROVIDING FOR FREQUENCY OF SUCH SALES, AND PROVIDING FOR PENALTIES; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Which ordinance was read by title only.

Vice Mayor Trantalis said that he is in favor of this ordinance, but wanted to clarify a misunderstanding that the public might have as a result of an article in the newspapers regarding this item. This ordinance is not what everyone wanted, but it is the result of a compromise between the Code Advisory Committee and the City's Legal Department. He wanted it to reach to further limits because he wanted to strengthen the enforcement provisions, but after speaking with the City Manager and the Committee, he is willing to

accept the version being presented this evening. It is the first step in regulating such sales. In the future, he asked if the Committee and the Legal Department would consider enlarging the scope to include neighborhood yard sales which is what had prompted his attention to this issue.

Commissioner Teel said that one of the problems she noticed in addition to the residential yard sales is residents of the area condominiums using the parking lots of area offices on weekends when they are closed.

Commissioner Hutchinson left the meeting at approximately 7:43 p.m.

Commissioner Teel continued to state that this ordinance would not apply to such occurrences. Vice Mayor Trantalis stated that such outdoor sales are not permitted. Commissioner Teel said that the police officer in the area did not appear concerned and she asked him to check into the matter.

Lori Milano, Director of Community Inspections, stated that such activity is not permitted. Staff wants to regulate residential activity. She added that they rely on the community and its residents to report such activity, but there is an inspector on duty on the weekends.

Commissioner Hutchinson returned to the meeting at approximately 7:45 p.m.

Joseph Hessmann said that Hollywood, Plantation, Pembroke Pines, Broward County Lighthouse Point, and Wilton Manors all have rules and regulations regarding such sales. He wanted the following definition to be included in the minutes: "The definition of sale of personal property at or upon any residentially zoned property located in the City whether advertised under any other names such as lawn sale, yard sale, front yard sale, back yard sale, home sale, rummage sale, patio sale, attic sale, flea market sale or any other description. The sale must be conducted on the property of the owner and immediate family. No property could be displaced on the swale or on the right-of-way. Exemptions would include outdoor festivals, exhibitions, charities, and non-profits. Only three permits be granted per year instead of two in most cities. A \$10 registration fee would be acceptable and permits should be posted on the sale signs, which should not exceed three square feet in size. No signs should be permitted on trees or light poles and are to be removed within 24 hours of the completion of the sale. Failure to remove such signs would involve a penalty of \$25. Exempt or otherwise provided by law or ordinance and the person convicted of the violation of the Code shall be punished and fined at not more than \$500. Except as otherwise provided by the law and ordinance with respect to the violation of this Code that are continuous with respect to time each day that the violations continue is a separate offense."

Mr. Hessmann said that Helen Ferris had provided the above language. He urged the Commission to include it in the ordinance being proposed for garage sales.

Commissioner Hutchinson asked how this could be monitored. Ms. Milano said there had been a lot of discussion regarding this matter, and the Code Advisory Committee felt that the majority of individuals would not obtain a permit for such sales. She felt it could be tracked through the department's complaint system. She added that they would have to rely on the community and its residents.

Mayor Naugle felt it should be tried to see how it worked, but he was not in favor of issuing permits for such sales.

Commissioner Hutchinson said that she is not in favor of permits either, but she was concerned about tracking these sales. Ms. Milano said they are going to have the inspectors note the garage sales, and sales would be tracked and logged through the department's data base. A complaint number would be issued, and once they are beyond the three sales, staff would proceed forward.

The City Manager said that they would not be able to have an accurate record of all garage sales occurring within the City. This is designed for the worst offenders.

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

**Rezoning – Properties in State Road 84 Marina Mile Area -
Case 13-Z-03**

(O-6)

The City Clerk said that the second reading of the ordinance would be on November 1, 2004.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-58

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM BROWARD COUNTY ZONING "M-2," TO CITY OF FORT LAUDERDALE ZONING "B-3," ALL THAT PART OF BLOCK 15 OF THE SUBDIVISION OF SECTION 17, TOWNSHIP 50 SOUTH, RANGE 42 EAST; LYING NORTH AND EAST OF "OSCEOLA CREEK," ACCORDING TO THE AMENDED PLAT OF THE SUBDIVISION OF SECTION 17, RECORDED IN PLAT BOOK 1, AT PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED ALONG THE SOUTH SHORE OF THE SOUTH FORK NEW RIVER, IMMEDIATELY WEST OF THE CSX RAILROAD IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-59

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT

LAUDERDALE, FLORIDA, SO AS TO REZONE FROM BROWARD COUNTY "C-1" AND "R-3" TO CITY OF FORT LAUDERDALE "B-3," ALL OF THOSE PORTIONS OF SECTIONS 17 AND 20, TOWNSHIP 50 SOUTH, RANGE 42 EAST, ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF FORT LAUDERDALE BY ORDINANCE NO. C-94-52; LESS AND EXCEPT TRACT "A," "YACHT HAVEN PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 157, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND REZONE FROM COUNTY ZONING "B-3" TO CITY OF FORT LAUDERDALE "B-2," SAID TRACT "A," "YACHT HAVEN PLAT," TOGETHER WITH THOSE LANDS ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF FORT LAUDERDALE BY ORDINANCE NO. C-95-7," EXCEPTING THEREFROM, THE WEST HALF OF LOT 1, "SEABOARD FARMS," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 18, PAGE 22, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; WITH FURTHER EXCEPTIONS, LOCATED NORTH OF STATE ROAD NUMBER 84, WEST OF THE CSX RAILROAD, SOUTH OF THE SOUTH FORK NEW RIVER AND EAST OF SECRET WOODS COUNTY PARK.

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

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-04-60

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM BROWARD COUNTY "C-1" ZONING TO CITY OF FORT LAUDERDALE ZONING "B-3," ALL OF TRACT "A," "PIPE WELDERS PLAT," RECORDED IN PLAT BOOK 130, PAGE 28; AND PARCEL "A," "N.R.B.C. PLAT," RECORDED IN PLAT BOOK 140, PAGE 12; TOGETHER WITH THAT PORTION OF PARCELS "A" AND "B," "H.V. PLAT," RECORDED IN PLAT BOOK 85, PAGE 27, ALL AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH ALL OF THAT PORTION OF PROPERTY, LYING EAST OF THE SOUTH FORK NEW RIVER AND ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF FORT LAUDERDALE, LOCATED ALONG THE EAST SIDE OF THE SOUTH FORK NEW RIVER, ADJACENT TO STATE ROAD NUMBER 84 AND INTERSTATE 595, NORTHERLY AND WESTERLY OF THE CORPORATE LIMITS OF THE CITY OF DANIA AND THE CITY OF HOLLYWOOD, WEST OF SECRET WOODS COUNTY PARK.

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

RESOLUTIONS

Signature Authority – City Checks

(R-1)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-182

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 4.01(c) OF THE CITY CHARTER, AUTHORIZING SPECIFIC CITY EMPLOYEES TO SIGN CHECKS FOR THE PAYMENT OF MONEY ON BEHALF OF THE CITY AND FURTHER PRESCRIBING THAT ALL SUCH EMPLOYEES SHALL BE UNDER FIDELITY BOND IN THE AMOUNT OF \$500,000.

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

Sublease Agreement – Executive Airport 94th of Fort Lauderdale, Inc. and Landings Restaurant Group, Inc.

(R-2)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT AND APPROVAL TO SUBLEASE WITH THE 94TH OF FORT LAUDERDALE, INC. AS SUBLESSOR, SPECIALTY RESTAURANTS CORPORATION AS GUARANTOR, AND LANDINGS RESTAURANT GROUP, INC. AS SUBLESSEE, PERTAINING TO PARCEL 8-A/B AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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

**Fiscal year 2004-2005 Downtown Development Authority
Budget and Millage**

(R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-184

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, LEVYING AN AD VALOREM TAX FOR FISCAL YEAR 2004/2005 ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER 69-1056, LAWS OF FLORIDA, SPECIAL ACTS OF 1969.

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

Extension – Swim Central Grant Agreement with Broward County Riverland Park Aquatic Center – (Project FTL-S-001)

(R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-185

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXTEND THE BROWARD COUNTY SWIM CENTRAL PROGRAM AGREEMENT – RIVERLAND PARK AQUATIC CENTER (FTL-S-001) FOR A ONE-YEAR PERIOD AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THIS EXTENSION.

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

Extension – Challenge Grant Agreement with Broward County Bayview Park Improvements – Project FTL-C-001

(R-5)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXTEND THE BROWARD COUNTY CHALLENGE GRANT – BAYVIEW PARK IMPROVEMENT (FTL-C-001) FOR A ONE-YEAR PERIOD AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE

ALL DOCUMENTS NECESSARY TO COMPLETE THIS EXTENSION.

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

Site Plan for Strand Towers 1 & 2, Las Olas Riverfront - (R-6)
300 SW 1st Avenue - Las Olas Riverfront Associates Limited
Partnership; Case 88-R-04 & 11-P-04

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis to defer this item until November 16, 2004 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Site Plan for Sidewalk Café – 219 South Fort Lauderdale Beach (R-7)
Boulevard Beach Bums – Swiss Beach Holdings, Inc.; Case 100-R-04

Commissioner Moore introduced the following resolution:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DEVELOPMENT PERMIT FOR A SIDEWALK CAFÉ ON THE SIDEWALK ABUTTING THE PROPERTY LOCATED AT 219 SOUTH FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA, IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

Which resolution was read by title only.

Vice Mayor Trantalis said the last time this item was brought before the Commission, it was announced that there is a new manager at the establishment. He said that one of the biggest concerns is the activity taking place at the site. He continued to state that people are concerned if there is dining outside that the activity inside would filter out to the streets, and would be disruptive and not family oriented.

Commissioner Moore left the meeting at approximately 8:00 p.m.

Vice Mayor Trantalis continued to state that dancing occurred on the tables in the past, and in a recent ad for the establishment it showed pictures and urged people to come and dance on the tables until 4:00 a.m. He said this goes against the credibility of the group as to the types of activity being encouraged for this establishment.

Kelly Wilson, Manager, said that the ad being shown is part of a contract with New Times from Power 96 before she became the manager. She said they are still running a Labor Day ad. There has been no dancing on the tables since she began managing the establishment. They do not want such activity.

Steve Osborn, on behalf of 219, understood that the concern of the Commission is in regard to what would happen with the Club. There is to be an assignment with someone else operating the Club. The suggestion is to have the sidewalk café approved

contingent upon the assignment. First there has to be Development Review Committee approval. Plans would be submitted after the assignment is executed. Unfortunately, he said that Mr. Toomey, landlord, is filing a lawsuit regarding the assignment, which will hold the matter in abeyance.

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

Mr. Osborn said the technical aspects of the permit are met, but the problem is the alleged activities of the past that are being reported to the Commission by the community. He said the Commission attempted to get such activities out of this Club, and the Commission is concerned about Mike Kent continuing to be associated with the Club or operating it. As long as he is operating it, there would be a conflict between the City and the establishment.

Vice Mayor Trantalis said that he did not have a history with the landlord. He is only going by the complaints being registered by the residents in the area. He said what goes on in the establishment is the owner's business, but when it is brought out onto the public area, then it became City business.

Mr. Osborn further said that he is not attacking the Commission, but rather making an observation about a conflict that appears to have existed since 1999. They want to come to a resolution, and are proposing a happy medium of a sidewalk café contingent upon an assignment of lease.

Motion made by Commissioner Moore and seconded by Commissioner Teel to deny the recommendation made in regard to 219 S. Fort Lauderdale Beach Boulevard.

Mr. Hessmann said that he had previously brought the issue of dancing to the Commission's attention, along with the problem of noise in the back patio. He further said that the police were called just last weekend regarding noise. He said that the representative present at the meeting said there is no entertainment in the back, and there is every weekend. Also, he reminded everyone about the new ad regarding dancing on the tables. There are 15 tables outside with 4 chairs to a table. A DJ is there and there is music in the back patio. The noise is deafening every weekend from 3:00 p.m. to 6:00 p.m.

Mr. Hessmann further said that Mr. Kent has a well-known reputation even with other cities, and still owns 15% of this establishment. He said if this application is granted, the individuals might behave for a while, but the same problems would probably arise down the road. He said that Mr. Toomey would not sign anything in connection with Mr. Kent.

Kelly Wilson, Manager, said that she is present at the site 7 days a week, and there are no bands present on the site on Saturdays. She had started a Jimmy Buffet band on Sundays from 12:00 p.m. to 5:00 p.m. by the pool and back tiki bar. She announced that this weekend a report was made regarding noise, but she had turned it down.

Commissioner Moore said that the motion had nothing to do with the entertainment choice or the hours of operation, but with the sidewalk café. He was concerned about granting this request due to the recent advertisement. He said that he is not in favor of this application.

Vice Mayor Trantalis said they are voting on a narrow issue. This is a town where individuals come to have fun. He said that he is not in support of the application.

Commissioner Teel said that the tables began to creep closer to the curbs and people are forced to walk in the streets. She said that huge beach umbrellas are encroaching into the area and podiums are being erected for the hostesses. She said that she is not in favor of the application.

RESOLUTION NO. 04-187

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A DEVELOPMENT PERMIT FOR A SIDEWALK CAFÉ ON THE SIDEWALK ABUTTING THE PROEPRTY LOCATED AT 219 SOUTH FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA, IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

Re-Establishment of Code Advisory Committee

(R-8)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-188

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA RE-ESTABLISHING THE CODE ADVISORY COMMITTEE; PROVIDING THE PURPOSE AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE NUMBER OF COMMITTEE MEMBERS; PROVIDING CRITERIA FOR COMMITTEE MEMBERSHIP AND PROVIDING FOR LENGTH OF TERM OF THE COMMITTEE.

Which resolution was read by title only.

Mayor Naugle said that an amendment was proposed for nine members.

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

Street Name Addition; Kaplan University Ave., NW 15 Ave. (NW 62 St. to NW 64 St.)

(R-9)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-189

A RESOLUTION OF THE CITY COMMISSION OF THE CITY

OF FORT LAUDERDALE, FLORIDA, TO PROVIDE THAT LENGTH OF N.W. 15TH AVENUE FROM N.W. 62ND STREET TO N.W. 64TH STREET SHALL ALSO BE KNOWN AS "KAPLAN UNIVERSITY AVENUE."

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

Mediated Settlement Agreement: Lauderdale Beach Hotel

(R-10)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-190

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A MODIFICATION TO THE MEDIATED SETTLEMENT AGREEMENT FOR THE LAUDERDALE BEACH HOTEL INCLUDING MODIFICATIONS TO THE REVISED DEVELOPMENT PLAN APPROVED BY ADMINISTRATIVE APPROVAL AND GRANTING A YARD MODIFICATION TO PRESERVE ADDITIONAL PORTIONS OF THE HOTEL STRUCTURE.

Which resolution was read by title only.

Judy Scher, Vice President of the Central Beach Alliance and President of Birch Crest Condominiums, said that the CBA voted in July, 2004, 129-2, with 10 abstentions, against the settlement agreement due to the inappropriateness of the 29-story condominium tower to be built in conjunction with the Fort Lauderdale Beach Hotel. She said the new building is not compatible with the historic hotel in connection with features, size, scale and massing, and violates the Secretary of the Interior's standards regarding treatment of historic properties. She said that the CBA had been informed by the President of the Broward Trust for Historic Preservation that the new design would be presented to the Historic Preservation Board, Development Review Committee, and the Planning and Zoning Board for public input before coming to the Commission. She said that more "back room deals" are taking place that characterized this project from the beginning.

Ms. Scher said that on August 2, 2004 she spoke against this project at the Historic Preservation Board meeting, and the public was informed that night that the only item to be discussed was a Certificate of Appropriateness for the demolition of the west façade and interior portions of the structure. The Board was promised that the issue of the newly designed tower in relation to the historic hotel would be brought back to that Board at a later date, but that did not happen. She further said that on September 14, 2004 at the DRC meeting, it was decided by staff and representatives of the developer that there was no reason for a meeting even though there were questions raised during the site plan review. She asked for the public to have the right to refuse projects. She said that this Commission reversed their decision with no explanation and silenced the residents who had attended the meeting. She further said they took the easy way out due to being afraid of a lawsuit from the developers. She said the Broward Trust for Historic

Preservation continued the battle and accepted the \$350,000 settlement, and appeared to forget that "process" is what this is all about. She urged the Commission to have the courage to do what is right and take this matter through the proper process.

Barbara Hall, attorney, said that she represents the property owner. She indicated there is a simple issue before the Commission, which is not approval of the overall project. She said they have the approval and have obtained a building permit to construct the building. She continued to state that they reached a settlement agreement with the Broward Trust, calling for the preservation of additional portions of the original Lauderdale Beach Hotel, along with the redesigning of decorative elements to be more consistent with the original design of the hotel. The issue before the Commission tonight is whether the approved plan should be modified to preserve the additional portions of the hotel. If the request is denied, they would develop under the approved building permit. She said they went before the Board of Adjustment and were granted variances. She said all hearings have been advertised or noticed. She urged the Commission to support the settlement proposed so they could proceed with the revised design.

Commissioner Moore said that the City does not fear being sued by this company, and no back room deals have been reached. He said the group has increased the historic qualities to the building. He said they need to accept the fact that there is now a working relationship.

Charles Jordan, President of the Broward Trust for Historic Preservation, said the fact of the matter is that this group devoted a lot of time and effort to work with the developer and other parties involved. He further said they brought the building back to the public process, and part of the negotiation is that it would be taken again before the Historic Preservation Board and the Board of Adjustment, which had been done. He believed they helped to create a better building; all the facades facing the streets are being saved. The new design also addresses compatibility of the tower with the hotel. He advised that Janus Research is working with the architect to monitor the construction process.

Vice Mayor Trantalis asked if the Commission denied the settlement, would the developer have the right to construct the original building proposed. The City Attorney confirmed yes. Vice Mayor Trantalis clarified that they are attempting to enhance the original building and design, and asked if the City is still being offered \$300,000 towards historic preservation efforts. Mr. Jordan said they are extending to the City the opportunity to take grant monies to set up the department as proposed. Unfortunately, the Commission suggested a counter offer to the proposal, and therefore, discussions are not completed. The group felt there needed to be a Historic Preservation Department with a department head reporting to the City Manager. He said there are a number of issues tied into their participation. Funding is available.

Vice Mayor Trantalis understood the frustration and anxiety this has caused as articulated this evening. He agreed this is a weird and convoluted process. He felt it is not an example as to how the City worked best, and he felt the past Commission had not voted appropriately in approving the building permit. He did not feel such a building is appropriate for the site. He said in denying this the City would only be losing, and they would have to go back to the original proposal. He favored the new proposal because he believed it would be better for the City overall.

Mayor Naugle said that many things were done wrong, including corruption in the City, but not by this Commission.

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

Get Out the Vote With the Black Eyed Peas

(OB)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the Get Out the Vote with the Black Eyed Peas Rally to be held on Friday, October 22, 2004 beginning at 5:00 p.m. at Esplanade Park.

Commissioner Moore added that this is an approved Downtown Development Authority event.

Phil Thornburg, Director of Parks and Recreation, said he is not aware of this event.

Continued on page 27

City Commission Meeting

(OB)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-192

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

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:

Budget Advisory Board

Michael Moskowitz

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-193

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.

Mayor Naugle said there is a request from the City Manager to have another collective bargaining closed door session. Therefore, this meeting would be recessed and the closed door session would be held on the 8th floor, and then this meeting would reconvene.

Get out the Vote with the Black Eyed Peas

(OB)

Continued from page 26.

The City Attorney said that the application for this event was submitted to the DDA, and he had not yet seen the application submitted to the City. He said staff is concerned about the applicant because it is not a legal entity. He suggested it be approved subject to the City Attorney's Office final review.

Motion made by Vice Mayor Trantalis and seconded by Commissioner Moore to approve the event, subject to review by the City Attorney's office. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

CLOSED DOOR SESSION

MEETING RECESSED AT 8:33 P.M.

MEETING RECONVENED AT 8:46 P.M.

There being no other matters to come before the Commission, the meeting was adjourned at 8:48 PM.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk