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FORT LAUDERDALE CITY COMMISSION
NOVEMBER 1, 2004**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
NOVEMBER 1, 2004**

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

Roll call showed:

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

Absent: None

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

Invocation is offered by Stuart Dugan, Associate Pastor, First Presbyterian Church 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 Hutchinson and seconded by Commissioner Moore that the minutes and agenda for the September 21, 2004 Conference Meeting, September 21, 2004 Regular Meeting, October 5, 2004 Conference Meeting, and the October 5, 2004 Regular Meeting be approved. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Vice Mayor Trantalis and Mayor Naugle. NAYS: None.

Presentations

OB

1. Smoke Detector

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

2. Outstanding City Employees

Tim Edkin, Information and Technology Systems Director, said that he wanted to honor Gina Pujals, Gus Pujals and Scott Wensor for their work on the City's computers and systems during the hurricanes.

Bruce Roberts, Chief of Police, said that he wanted to honor Bill Spodnick as Police Officer of the Month for October for his work over the last 3 years regarding an illegal

escort agency which turned out to be one of the largest and most well-organized prostitution rings in the southeast United States.

Chief Roberts said that he wanted to present a special commendation to the Lauderdale Manors Association for their efforts in recognizing drug conspirators and suppliers in the community and reporting such activities to the Police Department. Suspects were arrested, seizures of drugs occurred, and the activities stopped. Due to the arrests, many individuals cooperated and contributed to the federal indictment of additional subjects. The drug organization was dismantled and over 44 suspects were arrested.

Chief Roberts said that the investigation began with an anonymous tip to the Police Department. He indicated that such calls make a difference.

Otis Latin, Chief of Fire-Rescue Department, said that he wanted to honor Yancy Jones, Thomas Major, Stephanie Marlin, and Stephen Woods of Rescue Units 8 and 13 for their assistance in helping a victim brought in to the hospital by a Fort Lauderdale policeman.

Chief Latin said that he wanted to honor for the month of October Captain Joseph Hernandez, Lt. Bruce Evans, Lt. Stephen Pritchard, Firefighter-Paramedic Kim Najers, Firefighter-Paramedic Juan Sanchez for their assistance in aiding an injured police officer at a crime scene.

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Orange Bowl Beach Bash

(M-1)

A motion authorizing and approving the execution of an Event Agreement with the Orange Bowl Committee to indemnify, protect, and hold harmless the City from any liability in connection with the Orange Bowl Beach Bash, to be held Wednesday, December 29, 2004, 2 p.m. – 5 p.m. at South Beach.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1487 from City Manager.

Event Agreement – Healthy Lifestyle Longer Life Health Event**(M-2)**

A motion authorizing and approving the execution of an Event Agreement with Fort Lauderdale Seventh Day Adventist Church – Affiliate of Florida Conference of Seventh Day Adventists to indemnify, protect and hold harmless the City from any liability in connection with the Healthy Lifestyle Longer Life Health Event to be held on church property at 850 West Davie Boulevard, on Sunday, November 7, 2004, 12 noon – 5 p.m.; and authorizing the closing of SW 12 Court from SW 9 Avenue to the east end of church property (approximately ½ block) 8 a.m. – 8 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1423 from City Manager.

Event Agreement – APFL AIDS 5K Run and Walk**(M-3)**

A motion authorizing and approving the execution of an Event Agreement with Community Healthcare Center One, Inc. d/b/a AIDS Project Florida to indemnify, protect and hold harmless the City from any liability in connection with the APFL AIDS 5K Run and Walk to be held at Fort Lauderdale's South Beach and the northbound curb lane of A-1-A on Saturday, December 11, 2004, 7:30 a.m. – 9 a.m.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1421 from City Manager.

Event Agreement – U.S. Military Vets MC Annual Party**(M-4)**

A motion authorizing and approving the execution of an Event Agreement with U.S. Military Vets M/C, Inc. to indemnify, protect and hold harmless the City from any liability in connection with the U.S. Military Vets MC Annual Party to be held Sunday, November 7, 2004, 11 a.m. – 9 p.m.; and authorizing the closing of Sunrise Lane from NE 9 Street, north to Sunrise Boulevard, 7 a.m. – 11 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1422 from City Manager.

Event Agreement – 26th Annual Greek Festival**(M-5)**

A motion authorizing and approving the execution of an Event Agreement with St. Demetrios Greek Orthodox Community of Broward County, Inc. to indemnify, protect and hold harmless the City from any liability in connection with the 26th Annual Greek Festival, to be held Friday and Saturday, January 21 and 22, 2005, 11 a.m. – 11 p.m., and Sunday, January 23, 2005, 12 noon-8 p.m. on the church grounds at 815 NE 15 Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1488 from City Manager.

**Grant Acceptance - \$250,000 – Metropolitan
Medical Response System Program****(M-6)**

A motion approving the acceptance of a grant from U.S. Department of Homeland Security, FEMA, in the amount of \$250,000 relating to Fiscal Year 2004 Metropolitan Medical Response System Program, and authorizing the proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1494 from City Manager.

Youth Motivation Program - \$136,100**(M-7)**

A motion authorizing appropriation and transfer of \$27,100 from General Fund FD001, 9129, to Miscellaneous Grants, 129, GYMTH05-Revenue, effective October 1, 2004; and authorizing the proper City Officials to execute all necessary documents to receive and expend \$136,100 for Fiscal Year 2004-2005 Youth Motivation Program.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1338 from City Manager.

**Performing Arts Center – Fiscal Responsibilities
Tri-Party Agreement; Fiscal Year 2004-2005****(M-8)**

A motion authorizing the proper City Officials to execute a tri-party agreement with the Performing Arts Center Authority and Broward County, for a term retroactive to October 1, 2004 through September 30, 2005, for financial assistance to the Performing Arts Center.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1509 from City Manager.

**Contract Award – Florida Blacktop, Inc. - \$282,235
2004-2005 Annual Parking Lot Repairs Contract
Project 10857****(M-9)**

A motion authorizing the proper City Officials to execute a contract with Florida Blacktop, Inc. in the amount of \$282,235, for the annual parking lot repairs contract project.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1319 from City Manager.

Agreement – Instructional Swimming Services; (M-10)
Jack Nelson Swim School, Inc.

A motion authorizing the proper City Officials to execute an agreement with the Jack Nelson Swim School, Inc. for instructional swimming services at the Fort Lauderdale Aquatic Complex.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1519 from City Manager.

Lease Agreement – Tree Nursery - \$8,268.75 (M-11)
Dania Farms, Inc. – 704 North Federal Highway,
Dania Beach

A motion authorizing the proper City Officials to execute a one-year lease agreement with Dania Farms, Inc. for property situated at 704 North Federal Highway in Dania Beach, Florida, to be used for horticultural purposes.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1502 from City Manager.

Change Order No. 1 – The Poole and Kent Company - \$362,781.95 (M-12)
Window Replacement – Fiveash Water Treatment Plant
Upgrades Phase I

A motion authorizing the proper City Officials to execute Change Order No. 1 with The Poole and Kent Company, in the amount of \$362,781.95, for window replacement in the Fiveash Water Treatment Plant Upgrades Phase I.

Funds: See Change Order
Recommend: Motion to approve.
Exhibit: Memo No. 04-1454 from City Manager.

Beach Wall Fiber Optic Lighting System Replacement - \$253,400 (M-13)
Proprietary Purchase – Fiberstars, Inc. – Project 10560

A motion authorizing the proper City Officials to execute an agreement with Fiberstars, Inc. in the amount of \$253,500 for the purchase of fiber optic lighting for the beach wall fiber optic lighting system replacement project.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 04-1437 from City Manager.

Change Order No. 1 – Seldin Construction Company, Inc. - (M-14)
\$21,739 – War Memorial Auditorium Equipment Replacement
& Maintenance – Project 10423 & Adding 10 Contract Days

A motion authorizing the proper City Officials to execute Change Order No. 1 with Seldin Construction Company, Inc., in the amount of \$21,739, for removal of asbestos containing materials related to the War Memorial Auditorium Equipment Replacement and Maintenance Measures project and adding ten contract days.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 04-1333 from City Manager.

Change Order No. 1 – Southern Metal Products - \$6,505 (M-15)
Police Station – Central Wing Hurricane Protection –
Project 10591

A motion authorizing the proper City Officials to execute Change Order No. 1 with Southern Metal Products, in the amount of \$6,505, for increased material and mobilization costs associated with the Police Station, Central Wing Hurricane Production Project 10591.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 04-1441 from City Manager.

Contract Award – Affordable Sprinklers, Inc. - \$54,500 (M-16)
Mills Pond Park Irrigation Pump Station Replacement –
Project 10871

A motion authorizing the proper City Officials to execute an agreement with Affordable Sprinklers, Inc. in the amount of \$54,500 for the Mills Pond Park Irrigation Pump Station Replacement project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 04-1442 from City Manager.

**Police Recruitment CD/DVD – \$10,933
Advanced Video Communications, Inc. –
Transfer and Appropriation**

(M-17)

A motion authorizing the appropriation and transfer of \$10,933 from the Federal Law Enforcement Trust Fund 107 to Account POL080101, 3299 for duplication and editing of a police recruitment CD/DVD by Advanced Video Communication, Inc.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 04-1475 from City Manager.

Budget Amendment No. 10 – Fiscal Year 2003-2004 Budget

(M-18)

A motion approving Budget Amendment No. 10 to the Fiscal Year 2003-2004 Budget to bring certain General Fund Departments in line with their actual expenditures.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1492 from City Manager.

**Change Order No. 2 – Quality Communications Fire & Security, Inc.
\$35,650 – Wastewater Facility Security – Project 10547 & Adding
15 Working Days**

(M-19)

A motion authorizing the proper City Officials to execute Change Order No. 2 with Quality Communications Fire & Security, Inc., in the amount of \$35,650, for the Water and Wastewater Facility Security Project 10547 and adding 15 working days to the period of construction.

Funds: See Change Order.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1455 from City Manager.

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| PURCHASING AGENDA |
|--------------------------|

572-7789 – Excess Workers Compensation Insurance**(Pur-1)**

Annual excess workers compensation insurance renewal is being presented for approval by the Finance Department.

Vendor: Arthur J. Gallagher & Company
Miami, FL
Amount: \$ 575,770.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1511 from City Manager.

The Procurement Services Department reviewed this item and recommends approving the annual renewal.

552-9094 – Contract, Prescription Benefit Services**(Pur-2)**

A three-year agreement for prescription benefit services is being presented for approval by the Finance Department.

Vendor: Catalyst RX
Rockville, MD
Amount: \$ 43,032.00 (estimated annual)
Bids Solicited/Rec'd: 40/3 with 1 no bid
Exhibits: Memorandum No. 04-1485 from City Manager.

The Procurement Services Department reviewed this item and recommends awarding the contract to the first ranked proposer.

Contract, Police Car Rental Services**(Pur-3)**

A sixteen-month contract for Police car rental services is being presented for approval by the Police Department.

Vendor: Royal Rent-A-Car Systems of Florida, Inc.
Miami, FL
Amount: \$ 57,337.97 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1340 from City Manager

The Procurement Department has reviewed this item and recommends awarding contract from the City of Hollywood bid.

742-9052 – Contract, Solid Waste Collection**(Pur-4)**

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 2 no bids
Exhibits: Memorandum No. 04-1443 from City Manager

The Procurement Services Department reviewed this item and recommends awarding Option II to low responsive and responsible bidder.

Proprietary – Maintenance Fire/EMS ADAM and CAS Analyst**(Pur-5)**

Annual maintenance for Fire/EMS ADAM and CAD analyst is being presented for approval by the Police Department.

Vendor: Deccan, Inc.
San Diego, CA
Amount: \$ 16,335.00
Bids Solicited/Rec'd: N/A
Exhibit: Memorandum No. 04-1473 from City Manager.

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

2004-05 Supplemental Fleet Plan**(Pur-6)**

An agreement to purchase 18 additional vehicles and equipment for fiscal year 2004-05 supplemental Fleet Plan is being presented for approval by the Parking and Fleet Services Department.

Amount: \$ 621,500.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibit: Memorandum No. 04-1500 from City Manager.

The Procurement Services Department reviewed this item and recommends approving the supplemental Fleet Plan purchases for fiscal year 2004-05.

532-8739 – Employee Dental Insurance Benefits**(Pur-7)**

A change in terms for employee dental insurance benefits is being presented for approval by the Finance Department.

Vendor: The Guardian Life Insurance Co. of America
Plantation, FL
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1379 from City Manager

The Procurement Services Department reviewed this item and recommends approving the change in contract terms.

Contract, Sludge Disposal Services**(Pur-8)**

A five-year contract for sludge disposal services is being presented for approval by the Public Works Department.

Vendor: Synagro Southeast, Inc.
Winston-Salem, NC
Amount: \$ 2,678,000.00 (estimated annual)
Bids Solicited/Rec'd: 52/2 with 1 no bid and 1 late bid
Exhibits: Memorandum No. 04-1401 from City Manager

The Procurement Services Department reviewed this item and recommends awarding to the first ranked proposer.

552-9097 – Contract, Employee Voluntary Benefits Services**(Pur-9)**

Three-year contract for employee voluntary benefits services and amend agreement with More Financial Services is being presented for approval by the Finance Department.

Vendor: Colonial Life & Accident Insurance Company
Columbia, SC
Tilton Associates, Inc. (WBE) (broker for Colonial)
Coconut Creek, FL
More Financial Services, Inc. (MBE) (broker for Colonial &
Hartford)
Margate, FL
Bids Solicited/Rec'd: 148/6
Exhibit: Memorandum No. 04-1481 from City Manager

The Procurement Services Department reviewed this item and recommends approving award to the first ranked proposer and amend agreement with More Financial Services.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item Nos. M-13, M-16, Pur-4, and Pur-9 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

Beach Wall Fiber Optic Lighting System Replacement - (M-13)
\$253,400 Proprietary Purchase – Fiberstars, Inc. – Project 10560

Commissioner Hutchinson asked if there is a timeframe regarding this project.

Peter Partington, Acting City Engineer, said that the installation of the fiber optics is not a protracted piece of work, but the problem is that the electric supply was not operational for over 5 years. He said it is possible that the project could be completed by Christmas, but it is unlikely. Remedial work to the electric supply would begin immediately, but the extent of the work is unclear at this time.

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

Contract Award – Affordable Sprinklers, Inc. - \$54,500 - (M-16)
Mills Pond Park Irrigation Pump Station Replacement – Project 10871

Kevin Caviolli, Vice President Hoover Pumping Systems of Pompano Beach, Florida, said that he was surprised they had the low bid for the replacement system at Mills Pond Park. He said the existing system is also a Hoover Pumping System installed in 1988. He said the new system proposed exceeds the specified requirements in all respects, and in 8 areas he outlined in a letter to City staff, they exceed the specified components and service requirements. He continued to state that the increase regarding the system being recommended by staff would cost an additional \$16,716 which he believed would be the cost for the maintenance of the system over the next 5-8 years. He advised that staff had a personal preference for the specified product. It is a very proprietary specification which does not encourage competition.

Peter Partington, Acting City Engineer, said that the specifications based on knowledge of the Parks maintenance staff call for a turbine starter pump. He said the HPS bid is for a centrifugal pump, and therefore, did not meet specifications in that area. He said that HPS is arguing that the operating characteristics and requirements of such pump could be met with a centrifugal pump. He said that staff does not feel it is an appropriate starter pump. Staff is recommending the low bidder be awarded the contract.

Vice Mayor Trantalis asked if staff felt the technology associated with this type of pump is inferior to the technology required in the RFP specifications. Mr. Partington said it is not that the technology is inferior, but in this high volume use staff felt the turbine pump is a better starter pump. He also said that everyone needed to take into account the life cycle cost for future maintenance. He added that they had problems with the existing centrifugal pump because it is a high maintenance item. He felt that would not be a problem with the turbine system.

Commissioner Moore asked what the maintenance cost had been for the existing system. Mr. Partington said he did not have that information readily available at this time.

Phil Thornburg, Director of Parks and Recreation, said that there are problems with the existing system which goes down from time to time, but he did not have a specific number available at this time regarding its maintenance.

Commissioner Moore asked if the problems are due to the age of the existing system, or are they due to the type of system. Mr. Thornburg felt it is a little bit of both.

Mr. Partington said the RFP is written as is because this is a high volume application. It is felt that a turbine pump is better able to handle the volume required, and due to its operating characteristics, it would stress the piping system less in the future. The pump itself also would require less maintenance in the future.

Commissioner Moore asked if this is a proprietary RFP. Mr. Partington said it is not. Commissioner Moore asked how many companies had responded. Mr. Partington said that three companies had responded. Commissioner Moore asked who had been the 3rd company and what amount did they bid. Mr. Partington said the third bidder is Florida Irrigation Supply for \$56,482.39 for the turbo system.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve staff's recommendation.

Mr. Caviolli said there are over 3,000 service stations in Florida, and submersible turbines and motors are more expensive to maintain than the centrifugal system proposed. He said that he met with the Product Manager of Franklin Electric Motor who is a major submersible motor manufacturer in the U.S., and they did not approve the application used by the specified system. They said they would not warrant the motor if it failed in such an application.

Commissioner Moore asked if that is the case in this situation. Mr. Partington said that there is a two-year warranty being supplied.

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

742-9052 – Contract, Solid Waste Collection

(Pur-4)

Commissioner Moore said that he pulled this item because he had received petitions regarding a request for the Commission to reconsider the privatization of this item. He

said that he also had the opportunity to meet with Waste Management, and he is impressed with the benefits that are going to be offered to the employees which are going to cost the employees less. He said that concerns were also raised by the employees and through petitions of taxpayers regarding the purchase of the City's existing equipment. He asked what Waste Management is offering for such equipment.

Ed Udvardy, Public Works, said that there are two separate packages regarding the equipment. The first is the 12 existing sanitation vehicles included in the RFP. Waste Management offered a bid of \$565,000 which is part of the recommendation. He continued to state that there are five additional vehicles not included in the RFP, and Waste Management submitted a proposal for such vehicles, and they are presently working with the Fleet Department to see if it makes sense to accept such proposal, auction the vehicles, or put them out in a separate RFP.

Commissioner Moore asked about the age of the vehicles included in the request. Mr. Udvardy said the 12 vehicles range in age from 2-8 years. He added that out of the additional 5 vehicles, 3 are newer and 2 were delivered, but never put into service. He said that the two vehicles not put in service cost about \$162,000 each. Waste Management has offered \$110,000 per vehicle for the additional five. Commissioner Moore said that by accepting that offer, the City would lose \$57,000 per vehicle. He asked how long the other three had been in use. Mr. Udvardy said the three vehicles were put into service in June, 2004. Seven vehicles were up for replacement. Staff deferred two of them, and therefore, only ordered five vehicles. He said the reason for the change in date from November, 2004 to January, 2005 is due to realizing additional savings, and moving forward with the proposed recommendation even if at a loss on the new equipment. They are still analyzing how to recoup as much of the cost as possible. Commissioner Moore asked if the additional five vehicles are the type of equipment that Waste Management would use in delivery of services to the City. Mr. Udvardy said that the vehicles Waste Management currently utilizes under their contract are not the same type; they are automated. The City's vehicles are side-loaders.

Commissioner Moore asked if the twelve vehicles owned by the City are of the same type that Waste Management presently uses under their contract. Mr. Udvardy said they are different and are side-loaders also. He added that Waste Management was the only respondent who opted to provide a purchase price on any of the vehicles.

Commissioner Moore understood individual employees wanted to comment on this issue this evening, and asked if such comments would be accepted by the Commission. Mayor Naugle confirmed yes.

Mayor Naugle asked if there was an indication what the City's auctioneer or other sources proposed regarding the value of the trucks. Mr. Udvardy said the initial 12-truck proposal was reviewed by John Hoelzle and his staff, and they felt the \$565,000 was a better price than what might be received in an auction or through a separate bid proposal. Mayor Naugle asked if there is a figure proposed regarding the trucks.

John Hoelzle, Parking and Fleet Management, said that the auctioneer felt the range obtained for the vehicles at an auction would probably be \$352,000 to \$404,000.

Mayor Naugle asked what is the longest period in the contract where the price is locked in. There is an option to renew for two years. Mr. Udvardy said that the current contract

for the first three years is at a fixed rate with 2 two-year extensions. The second two-year extension is at the prerogative of the City with a CPI increase. The last two-year extension is at the agreement of both parties with a CPI increase built into it. Mayor Naugle asked what is the estimated savings for the five years. Mr. Udvardy explained that the differential between the City's proposal for 2004/2005 and Waste Management bid is \$890,000, which takes into effect employees' salaries, benefits, operating costs, vehicle-owned and replacement costs, and a pro-rata share of insurance regarding the sanitation operation budget. The \$890,000 might not be realized in the first year due to the bumping process, but the savings for over a 5-year period should be over \$4 million. He continued to state that part of the recommendation is to hold such funds in abeyance in a sanitation reserve fund. If they opt to accept Waste Management's offer of \$110,000 for the two new trucks, the City would lose roughly \$105,000.

Commissioner Moore asked if a worst case scenario could be provided.

Vice Mayor Trantalis asked why the Commission had not been informed that staff is considering privatizing the entire sanitation system. Mr. Udvardy said it was presented and Commissioner Hutchinson deferred the discussion. A subsequent conference meeting was held and discussions ensued regarding putting such service out for contract. At that time seven collection vehicles were up for replacement, and the replacement of two vehicles was deferred. Staff proceeded to purchase five vehicles. He said of the five vehicles, three were put into service.

Vice Mayor Trantalis further said that perhaps there is a misunderstanding regarding the privatization of the entire refuse collection system collection. He said he never would agree to spend \$160,000 for two trucks that are not going to be used. He suggested there be better communication between the Commission and the departments.

Mr. Udvardy apologized for the miscommunication and stated that at that time the decision had not been made to privatize the system. He said they were going to go out to bid and analyze the City's costs against the costs of a private hauler, and then make a determination. If that did not take place, then the City would still have to provide the service. Many of the older trucks range in the age of 7-9 years with monthly maintenance costs of several thousand dollars.

Vice Mayor Trantalis asked who decided to purchase the two trucks that have never been used. Mr. Udvardy said the decision came before the Commission, and risks were taken due to the fact that service still had to be provided to the residents. Vice Mayor Trantalis asked if staff could have postponed the purchase of the two trucks. Mr. Udvardy said that in hindsight they might have been able to postpone the purchase of such trucks which is why they had not put them into service. They felt they could still recover more than 65% of the cost of the new trucks. Vice Mayor Trantalis said they are not recovering anything because a recommendation is being made to deposit the savings into an account for possible future use.

Commissioner Moore again asked if a worst case scenario could be presented. Mr. Udvardy said the \$890,000 is broken into various components. The variable cost, as he saw it, in the first year is for salaries and benefits. He said that would account for about 50% of the City's costs. The costs for vehicles, operation, fuel and insurance are fixed. If a 10% variable is taken for salaries and benefits for the first year, the worst case scenario would be a variation of \$100,000, if employees opted not to work for Waste

Management or similar positions are not available for bumping with similar salaries. He said there could be an impact in the first year.

Commissioner Moore asked if there are any new bumping rules, making it impossible for the employees to choose to bump outside of their present work group. Mr. Udvardy said there are none to his knowledge. Commissioner Moore asked if individuals could bump based on longevity. Mr. Udvardy confirmed yes and added that seniority is also considered in their work group, the department, and then City-wide.

Commissioner Moore asked if additional information could be provided regarding Waste Management's retirement system.

John Albert, Waste Management, said the company is represented by the Teamster's Union and there is over \$16 put into each individual account on a weekly basis.

Commissioner Moore asked if a better deal could be negotiated regarding the equipment. Mr. Albert said an offer regarding the twelve original pieces of equipment included in the RFP was made in the amount of \$565,000, and they made an offer regarding the other equipment. No decision had been made by the City to accept such offer. He said they do not use the type of equipment that is being offered, and it is not their desire to have such type of equipment, but they could use it. He said they are a nationwide business and somewhere the equipment would be put to use. Now, they are in the process of determining the value of the 2004 trucks. He felt the discussion regarding such equipment is premature.

Commissioner Moore said that no other bids had been received for the vehicles. Conversations were only held with the City's Auctioneer. He thanked Waste Management for the quick delivery of information that he had requested.

Gervin Koli, sanitation employee, said he wanted to thank the City for the trucks that are presently used because they are more efficient. He began to review the cost for repairing various pieces of equipment. He said that 95% of the City's crew is African-American, and the department has a 98% approval rating from the citizens. He said they have been loyal and dedicated in serving the residents for over 30 years. He said the employees feel this proposal is unfair to them, and they feel if Waste Management fails to supply proper service, there would be high costs to the City in recouping the service. He further said that petitions had been signed and submitted to the City regarding this matter. He emphasized that he would never work for Waste Management.

Robin Sydlik, sanitation employee, said that nothing had been mentioned about the cut in pay for the employees if they work for Waste Management. She remarked the employees have been loyal and served the residents in the best possible way they could.

Leon Goree, solid waste collector, said that he did not see any savings in this matter because the City already lost their return value on the equipment. He said that 15 dedicated employees are at the City's disposal, and the City is choosing to put them in an uncomfortable position. He said the City has sold out to the lowest bidder who is not able to match their salaries or benefits. He further said that this country is attempting to get away from foreign independence; wasted energy exists. He said in the future things could be reversed.

James Grace, trash truck driver, Sanitation Department, proceeded to distribute some information to the Commission. He said that another employee had mentioned that over 90% of the group working is African-American, and as a white Caucasian and European descendant, he felt that his co-workers are fantastic people and hard working. He further said that a "rosier" picture is being painted of Waste Management than what they deserve. He said he has no animosity to the representatives present tonight from Waste Management, but he would not be proud to work for such a company. He referred the Commission to Exhibit I of the distributed material, and he explained it details massive fraud which occurred at Waste Management during the years of 1992 to 1997. He said that \$1.7 billion was shown in overstated earnings. This was one of the biggest accounting scandals in the history of the U.S. surpassed only by Enron about one year later. He said that the shareholders lost over \$6 billion and the company was sued. In 2001 the company settled for \$457 million. The auditors, Arthur Andersen, were fined \$7 million by the SEC who eventually went out of business after being indicted and convicted for obstruction of justice. He proceeded to read the following from the submitted exhibit: "For years these defendants cooked the books, enriched themselves, preserved their jobs, and duped unsuspecting shareholders." He said that in looking at Exhibit H, it states: "The City of Dania Beach is considering walking away from a \$34 million lawsuit against its garbage haulers. Last spring Dania Beach had joined Pembroke Pines, Hallandale Beach, and Pompano Beach in a suit claiming Waste Management, Inc. overcharged them for the dumping of garbage." He pointed out that the municipalities listed are dependent on that company for their service. He felt the City of Fort Lauderdale's system is a good one and keeps the contractors honest. He said the City would always have an in-house system to handle the garbage, if Waste Management attempted to defraud the City.

Mr. Grace said that what Waste Management is doing is "low balling." He said they lured everyone in and then raised their fees. He predicted that they would pass on increases to the City in some crafty maneuver because they have all facets of control at their disposal. He believed the savings figure is misleading and based on a faulty assumption. It is assumed that all City workers would go to work for Waste Management, but none of the workers want to do that, and therefore, the savings would not be realized. He felt the savings would run several hundred thousand dollars lower. Whatever decision is made by this Commission, there would be no animosity or disdain on the part of the employees, and they would accept whatever decision is handed down with class.

Richard Haas said the employees of the City offered the citizens the greatest service possible. It was pointed out that 50% of the City's cost is for labor, and the only way that Waste Management could offer such a low bid is on the backs of the employees. He suggested that the Commission decide whether the savings are recognizable and whether this is the way to do it. He said the City has leverage by having their own crew in case the contract with Waste Management does not work out. He felt the Commission should think twice before dismantling the City's government.

Larry Nelson, 17-year City employee, said that privatization of this service was attempted in the past and residents were dissatisfied. During hurricanes, these employees are the first ones helping in clean-up activities. He said the private sector does not rush out to clean up. He felt the City would be making a bad move if they accept this proposal.

Commissioner Moore said the only way to save in regard to this contract is with the reduction in salaries. In regard to privatization of services, he asked the Commission to consider matching “apples to apples.” He said they need to look at the social conscience the corporate community would have in regard to the work force. The group insurance is a savings, but what about the individuals involved and the wages they are receiving.

Commissioner Moore continued to state that in the documentation distributed, it states: “Through the customer survey from the City, the customers are very satisfied with this area of deployment of service.” There is an over 90% rating approval. If employees would not be lost, then they would be saving. He asked if the figure presented is an arbitrary number they are being sold. He felt they are being sold such a number, and he urged the Commission to reject the subject proposal, and continue having the City render these services. He also reminded the Commission to consider what would be necessary to remobilize the department if necessary. By keeping prices down there would be savings and they would have a back-up operation available. He added they would be keeping the cost of the private sector down and keeping them honest. He said even if the savings is half the amount proposed, he felt it is worth the quality of customer satisfaction.

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

Mayor Naugle said that change is always difficult, and there is a possibility for a tremendous upside in working for such a company as Waste Management. He realized it is a difficult decision, but he believed it is the right one because the savings could not be overlooked. He said there is the same level of citizen satisfaction with the private vendor as with the public vendor. He indicated that sometimes change is for the better.

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

552-9097 – Contract, Employee Voluntary Benefits Services

(Pur-9)

Commissioner Moore said that he pulled this item, and asked how this was awarded and was it based on product or service.

Kirk Buffington, Director of Procurement, said it is a combination of factors. The cost is not a factor because the City does not pay a cost. He said the administrative fee of whatever an employee selects is a rate between the individual employee and the recommended provider. This fee would be included in what the employee would pay to the insurance provider.

Commissioner Moore asked if cost is a factor in the evaluation. Mr. Buffington confirmed it is a part of the consideration, and the other factors considered are references, ability of the company to work with the City’s payroll system, and the types of programs offered. Commissioner Moore asked if Colonial provides any benefits presently with the City. Mr. Buffington replied they do not. Commissioner Moore asked what had been presented to induce the City to choose them over the other company. Mr. Buffington said that presentations were made by each company and all factors were considered. The Evaluation Committee ranked Colonial as number one.

Terry Sharp, Director of Finance, said that they wanted to minimize the administrative costs regarding the payroll system on the part of the City, and Colonial indicated they could provide the necessary service. He said staff believes they would do a better job.

Tom Pennavaria, representing Aflac Insurance, said that when the RFP was released, the City was looking for one provider for all the insurance products. No one responded, and staff decided to move forward with Colonial, Aflac, and another Aflac provider. He said the committee should have resubmitted the RFP at that point, based on separate products, but that was not done. He said they submitted all the necessary information and did the best they could, but felt the City is comparing different products. Despite great references received from other cities, Aflac lost the RFP.

Commissioner Moore asked what is the downside of having all three companies make an offer since it is a voluntary plan for the employees.

Mr. Sharp said the downside is that the more payroll deduction slots added to the payroll system, the more administrative costs are involved. The idea is to minimize those costs.

Commissioner Moore said that competition is an issue and asked what type of administrative costs would be entailed.

Mr. Sharp said that he is not sure he could quantify a number, but every deduction on a paycheck requires additional review and reconciliation by the Payroll Division and the Finance Department.

Commissioner Moore asked if this item could be tabled until the November 16, 2004 Commission meeting so he could obtain additional information regarding the downside of offering all three companies.

The City Manager asked that the item be pulled from the agenda.

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| PUBLIC HEARINGS |
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**Appeal of Planning & Zoning Board Decision – Inwood
Property Investments – SE 18 Avenue – Vacation of
Right-of-Way – Case 10-P-03**

(PH-1)

At the June 16, 2004 Planning & Zoning Board meeting, the application was denied by a vote of 6-1. The applicant has appealed the Planning & Zoning Board decision.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS ITEM WERE SWORN IN

Ella Parker, Planning and Zoning Services, said this case was presented to the Planning and Zoning Board on June 16, 2004, when a right-of-way vacation request was denied by the Board with a vote of 6-2. The applicant is requesting an appeal of such decision. The subject portion is 5' wide and 183.42' long abutting the applicant's property. She further said that Hendricks Isle is 70' wide where the applicant wants to vacate, and narrows to 60' immediately north of the applicant's site. She said if the Commission

approves the vacation, staff proposes the condition that the entire area be retained as a utility easement.

Robert Lochrie, representing the applicant, said that this is an appeal of the Planning and Zoning Board regarding property on Hendricks Isle. He said the property in question is unique. He proceeded to show a photograph of the site. He further said that there are two portions of right-of-way sections which cross the property, specifically the north portion of the property which is adjacent to a 60' right-of-way, and the southern portion which is adjacent to a 70' right-of-way. He continued to state that when the property was originally platted in 1929, it was platted as a 70' right-of-way and when portions to the north were replatted in 1940, it was reduced to a 60' right-of-way.

Mr. Lochrie said the Code specifically sets forth the right-of-way required for streets. For low and medium density residential, the Code requires a 50' right-of-way, and streets including business, industrial and high-density residential require a 60' right-of-way. He added that for collector streets, the Code requires a 60' right-of-way. There is no requirement for a 70' right-of-way in any case for a local street. He said they are requesting to go to a 60' right-of-way which is consistent with the high density residential, and the remaining properties along Hendricks Isle. He proceeded to show a graphic of the site, and said the area in red is the portion which is currently 70'.

Mr. Lochrie further said that the area indicated in yellow is the actual street from valley gutter to valley gutter; 26' in width. In addition to the actual street, there is existing right-of-way indicated in blue of about 17' used for back-out parking, landscaping, and sidewalks. He said they are not asking for a vacation of the additional 17'. They are requesting an additional 5' be vacated at the southern end of the property. The Property and Right-of-Way Committee determined there is no need for the right-of-way, and pursuant to the Attorney General's opinion and relevant case law, when property is dedicated to the City with no compensation to the developer, it is to be held in public trust as long as it is needed for a public purpose. When no longer needed for a public purpose, then a vacation may be requested.

Mr. Lochrie said the Code sets forth specific criteria for a vacation.

Mayor Naugle said that the applicant may speak regarding the question of whether the Commission should conduct a new hearing, and if done, then such evidence could be presented.

Mr. Lochrie said that the two items are linked together. Mayor Naugle asked why another hearing should be held. Mr. Lochrie said another hearing should be held, and it is important for him to list the criteria unless the Commission decides to proceed.

Mr. Lochrie said that in regard to the criteria: "The right-of-way or other public places no longer needed for public purpose..." there is no evidence or testimony in the record that the right-of-way is needed for any public purpose. He said they are also granting a 5' utility easement that could be used for public purpose. He continued to state that the second criteria is: "Alternative routes, if needed, are available which do not cause adverse impacts to surrounding areas. The closure of a right-of-way provided safe areas for vehicles to turn around." He said they are not requesting a full closure of the right-of-way. Therefore, neither of the two criteria are relevant. He said that the closure of the

right-of-way would not adversely impact pedestrian traffic because the sidewalk would continue. He added that a utility easement would be provided.

Mr. Lochrie further said there is no evidence contrary to the evidence in support of the petition for the street vacation. He indicated the 5' is not needed for any public purpose and is not inconsistent with the remainder of Hendricks Isles. He urged the Commission to hear this matter tonight or at a time designated by them.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to schedule a public hearing for November 16, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Vice Mayor Trantalis, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE PLANNING AND ZONING BOARD'S ACTION DENYING THE VACATION OF RIGHT-OF-WAY ON HENDRICKS ISLE, PZ CASE NO. 10-P-03 MAKING CERTAIN FINDINGS AND SETTING A PUBLIC HEARING TO CONSIDER THE APPEAL BEFORE THE CITY COMMISSION AT 6:00 P.M. ON NOVEMBER 16, 2004.

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

Appeal of Planning & Zoning Board Decision – William Vaccaro - (PH-2)
NE 15 Avenue & NE 8 Street – Vacation of Right-of-Way –
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.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN

Michael Ciesielski, Planning and Zoning Services, said this is an appeal of the Planning and Zoning Board's decision to deny a request for a vacation of right-of-way along the east side of NE 15th Avenue immediately south of NE 8th Street, and along the south side of NE 8th Street immediately east of NE 15th Avenue. He said the request includes the easternmost portion of NE 15th Avenue which is approximately 80' to 85' in length, 5' to 7' in depth, and consists of a total area of 413 sq. ft. He proceeded to show a map of the site.

Mr. Ciesielski said that the request also includes an irregular shaped portion of land immediately south of NE 8th Street and east of 15th Avenue, consisting of about 2,175 sq. ft. He further said that the subject rights-of-way are located in Victoria Park, one block east of the eastern edge of Holiday Park and two blocks south of E. Sunrise Boulevard. He said the Property and Right-of-Way Committee reviewed the requests on November

20, 2003 and recommended approval. Minutes of such meeting were distributed as an exhibit in a memorandum addressed to the Planning and Zoning Board. He said that the Engineering Division determined that the existing 60' wide right-of-way on NE 15th Avenue, along with the existing 50' wide right-of-way on NE 8th Street, is sufficient to handle the traffic needs of the area.

Mr. Ciesielski said further that Development Review Committee reviewed the request on May 11, 2004, and all comments were addressed. At the July 21, 2004 Planning and Zoning Board meeting, the request was denied. He said that copies of such minutes are included in the Commission's backup material and labeled as Exhibit V. He said if this matter is heard tonight by the Commission and the request is approved, then staff recommends the following be included as a condition of the vacation of right-of-way:

1. The costs of relocation for any utilities, including but not limited to, light poles, guide wires, anchors, water mains, telephone, television, cable television, gas and electricity located within the subject rights-of-way be borne by the applicant.
2. That the applicant be required to obtain and record, at his own expense, any utility easements which are necessary by the relocation of any utilities.
3. That the applicant agree to maintain the existing landscaping at the southeast corner of NE 15th Avenue and NE 8th Street which had been done by the Victoria Park Civic Association through a grant from Broward Beautiful.
4. A certificate from the City Engineer would be required to be recorded in the public records prior to the vacation ordinance taking effect.

Vice Mayor Trantalis asked who is the owner of the subject property. Mr. Ciesielski said the owner is William Vaccaro. Vice Mayor Trantalis said that he has a conflict of interest in regard to this item.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to schedule a hearing on this matter for November 16, 2004 at 6:00 p.m.

Mayor Naugle said that the applicant requested that a hearing be held tonight. It was stated that the November 16, 2004 date is acceptable to the applicant.

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE PLANNING AND ZONING BOARD'S DECISION ACTION DENYING THE VACATION OF RIGHT-OF-WAY FOR NE 8TH STREET AND NE 15TH AVENUE, CASE NO. 20-P-03, MAKING CERTAIN FINDINGS AND SETTING A PUBLIC HEARING TO

CONSIDER THE APPEAL BEFORE THE CITY COMMISSION
AT 6:00 P.M. ON NOVEMBER 16, 2004.

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

Historic Designation of The John Needham House - (PH-3)
828 SE 4th Street – Case 30-H-02

Recommended for approval on December 9, 2002 by the Historic Preservation Board by a vote of 7-0.

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

ORDINANCES

Amendment to Pay Plan (O-1)

Commissioner Moore introduced the following ordinance on second 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: Commissioners Moore, Hutchinson, Teel, Vice Mayor Trantalis, and Mayor Naugle. NAYS: None.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item until November 16, 2004 at 6:00 p.m. (at the request of Staff)

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

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

Commissioner Moore introduced the following ordinance on second 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: Commissioners Moore, Hutchinson, Teel, Vice Mayor Trantalis, and Mayor Naugle. NAYS: None.

Garage, Yard and other Occasional Sales**(O-4)**

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-57

AN ORDINANCE CREATING ARTICLE V, SECTIONS 23-117 THROUGH 23-124, "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.

Commissioner Teel said a condominium in her area has occasional garage sales by different unit owners at various times. She asked if the building itself could only have three such sales or would it be restricted to a particular unit owner.

Lori Milano, Director of Community Inspections, said she is not sure how the Legal Department plans on tracking sales.

The City Attorney said the area is residentially zoned and if there is one address, then three such sales could be held. If there are 300 units, 900 sales per year would not be permitted.

Commissioner Moore suggested that language be added to clearly explain the rules.

Vice Mayor Trantalis said that most condominiums do not permit yard sales, and asked if the City would be contradicting a condominium's declaration by permitting such sales.

Commissioner Moore said that is why it is being stated by address and buildings are not being identified. He further said that if it is a condominium law, then such law could not be broken by the residents.

The City Attorney said the ordinance would not supercede condominium rules.

Cara Campbell asked why this ordinance is being proposed. Mayor Naugle said that individuals are having weekly sales which has become a burden on the neighborhood, and therefore, the Code Advisory Committee and the City Commission decided to limit the number of garage sales so a retail establishment could not be conducted out of a residential property. Ms. Campbell asked if there are already rules to regulate such sales. She was concerned about continual encroachments of cities into individuals' personal liberties. She felt this is too broad and represents another intrusion into people's personal lives that she felt the City should not be encroaching upon. She felt the City Attorney should further investigate this matter. It was her understanding that Florida Constitution Article VIII, Section 2, provides the right to enact ordinances, but case law limits ordinances for the health, welfare, and safety of the community. She did not see this ordinance being for the health, welfare or safety of the community.

Ms. Campbell said that the City is in financial straights, and she is worried this would cost the City litigation costs because of individuals feeling that this is an intrusion into their rights. Then, the taxpayers would be further burdened in dealing with such litigation. She urged the Commission to do further research before adopting such an ordinance.

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

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

(O-5)

Commissioner Moore introduced the following ordinance:

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

Commissioner Moore introduced the following ordinance:

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

Commissioner Moore introduced the following ordinance:

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

Message Center Signs – Case 5-T-02

(O-6)

Commissioner Moore introduced the following resolution:

ORDINANCE NO. C-04-61

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 SIGNS ON SPECIFIC USE 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.

Commissioner Teel asked if staff could provide some further information regarding this matter. She felt this is an important ordinance being considered. When she was in Orlando, she said that she was appalled at the blight caused by signs. She asked what existing facilities would meet the criteria listed in this ordinance.

Liz Holt, Planning and Zoning Services, said the Convention Center and Performing Arts Center are the only two facilities that would qualify under the listed criteria. She said that either square footage or seating criteria could be met.

Mayor Naugle recommended that the word “and” be used in the ordinance instead of “or.”

Commissioner Moore did not want the Performing Arts Center to be included under this type of signage.

Ms. Holt said that size is only one of the criteria to be considered; the type of facility is also to be taken into consideration. She further said they are limiting the type of facilities with the proposed ordinance.

The City Manager said that this ordinance would presently only apply to the Convention Center. Ms. Holt confirmed that as correct.

Commissioner Teel asked whether the War Memorial or Parker Playhouse would be excluded from the ordinance. Ms. Holt confirmed yes and said they were always excluded, but they asked to be considered. They also need to meet the type of facility criteria which is public assembly limited to entertainment, sports complexes and convention centers. Commissioner Teel asked for some further clarification as to what type of material the moving signs would include.

The City Manager said that the ordinance reads that an applicant would have to come before the Commission to have their sign approved. Therefore, such items could be addressed at that time when full presentations would be made.

Commissioner Teel said that at the present time, the message center sign is limited to 12' in width and now they are proposing that the sign could be up to 25'. Ms. Holt confirmed that would be the maximum, but all signs would be submitted for Commission review based on location and character of the site, along with other safeguards.

The City Manager said they are looking at signs around 19', but renderings would be presented for Commission approval.

Commissioner Moore asked if Commissioner Teel would be more comfortable if the height of the sign is reduced. Commissioner Teel said that she felt 25' is excessive in size, and said that 20' would be more favorable but Commission approval would still be required.

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis that the item be approved as presented with the amendment that the signs be no larger than 20' and subject to Commission approval.

Vice Mayor Trantalis asked where the Convention Center sign would be located. Ms. Holt said that the sign with all necessary details would be presented to the Commission for approval.

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

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| CITIZEN PRESENTATIONS |
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1. **Airvan Coley –Privatization of Sanitation Services** - Spoke previously.
2. **Reginald J. Clyne – Labor & Employment Matters** – Not present.
3. **Anthony Armeo** – Not Present.

RESOLUTIONS

Amendment to Clean Water State Revolving Fund Loan Agreement \$1,999,342

(R-1)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-198

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CLEAN WATER REVOLVING FUND LOAN AGREEMENT BETWEEN THE FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION AND THE CITY RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM TO INCREASE THE AMOUNT AVAILABLE FOR CITY TO BORROW FOR WATERWORKS 2011 BY APRPOXIMATELY TWO MILLION DOLLARS; AUTHORIZING THE AMENDMENT TO LOAN AGREEMENT; PROVIDING AN EFFECTIVE DATE.

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

Termination of Sign Removal Agreements

(R-2)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-199

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE CITY MANAGER OF A TERMINATION OF REMOVAL AGREEMENT FOR FUTURE RIGHT OF WAY AND FURTHER DELEGATING AUTHORITY TO THE CITY MANAGER TO EXECUTE TERMINATION OF REMOVAL AGREEMENTS ON BEHALF OF THE CITY IN THE FUTURE.

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

Performing Arts Center Authority 2004-05 Budget

(R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-200

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE BUDGET OF THE PERFORMING ARTS CENTER AUTHORITY FOR FISCAL YEAR 2004/2005.

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

Community Redevelopment Agencies

(R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-201

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING COMMUNITY REDEVELOPMENT AGENCIES AS A USEFUL AND BENEFICIAL REDEVELOPMENT TOOL AND CONTINUING TAX INCREMENT FINANCING AS A FINANCIAL MECHANISM TO PROVIDE NEEDED IMPROVEMENTS.

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

Donation of Property – Florida Department of Transportation - Parcel 101, Florida Turnpike Right-of-Way for Turnpike Widening

(R-5)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-202

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.02 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE DETERMINING AND DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTIES TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR ROAD RIGHT OF WAY PURPOSES IN CONJUNCTION WITH THE FLORIDA TURNPIKE AND DESIGNATING A DATE AND TIME FOR A PUBLIC HEARING UPON SUCH PROPOSAL.

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

Properties for Demolition

(R-6)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-203

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A", BECAUSE OF NON-COMPLIANCE WITH THE FLORIDA BUILDING CODE.

Which resolution was read by title only.

1029 NE 63 Street

Robert Weiss said he is not familiar with the system, but wanted to present some information to the Commission. He said he is basically requesting additional time due to extenuating circumstances, and he is going to explain what work has been done on his trailer. He proceeded to read as follows:

"I have proof in this box with photos, faxes, certified letters and documents. My trailer had been written up for some Code violations. I have been correcting problems in an orderly way with before and after photos. The first meeting of the Unsafe Structures Board concerning this happened 6 weeks ago approximately on September 16, 2004. I learned of this meeting only 6 days prior on September 9th after picking up a certified letter. The next day Friday, September 10th, I faxed the Unsafe Structures Board a request with documents that I had recently screened for and had been accepted into a medical facility at SFBC Miami for an on-site, strictly in-house, medical study for 38 days beginning on Monday, September 13th through October 20th, inclusive. Basically, 5 solid weeks in-house. I requested a resetting of this meeting for the above reason. On Monday, September 13th, several people from the Unsafe Structures Board called me and said that they had received my fax, but my continuance request had been denied. They said that if I did not show up or have someone represent me, they were with evidence of work done, it would be considered a no show with escalation. I already have considerable evidence of work done on this trailer. On October 20th, I completed the 38-day study and on the same day I screened for another medical study (a half block away and am physically in it right now), at Comprehensive Neuro Science at Fort Lauderdale. On Friday, September 22nd, they gave me a special allowance to physically come here. On Friday, October 22nd, Comprehensive Neuro Science called me and said I was approved to go into the study, a mandatory on-site in-house medical study beginning on Sunday, October 24th through Thursday, November 4th, inclusive. I am now participating in this study and have special permission to attend this meeting. By pure raw luck, I called the Unsafe Structures Board today to find out that my trailer was scheduled for demolition. I will gladly give you the photographs of before and after pictures, proof that I initiated the permit process, proof that I knocked down the shed that was part of my

write-up, proof that I pulled out 5 A/C's with before and after pictures, and the electrical over-load issue was also addressed.”

Commissioner Moore asked for the photographs to be submitted to the Commission.

Lori Milano, Director Community Inspections, said that this address is the subject of code enforcement back in March, 2003. She said that staff did not proceed aggressively with code enforcement action with the understanding that Mr. Weiss, who is a tenant of the mobile home park, was participating in various programs back in the early part of 2003. She said they acknowledged the receipt of his letter dated May, 2003, and held back on enforcement. In revisiting this issue one year later, she said they realized that no efforts was made on behalf of the tenant, and therefore, they proceeded with unsafe structures actions. She said they went before the Unsafe Structures Board in September. She has discussed the situation with Mr. Weiss several times prior to the case being presented to the Board. She informed him they were going to proceed with the matter, but they would delay the next course of action which was the presentation of the matter this evening to the Commission for a couple months in order for him to leave the medical facility. She said the property owners of the mobile home park are fully aware of what is taking place and are interested in correcting the situation.

Vice Mayor Trantalis asked if any efforts on the part of the tenant had brought the matter closer to compliance in a significant way. Ms. Milano said that some effort had been made by the tenant and added that initially he was living in the shed. She said that he had removed some of the A/C units, thereby addressing some of the electrical concerns. She said further that they still have to deal with the addition which compromised the structure of the mobile home unit.

Commissioner Moore asked if the structure is unsafe. Mayor Naugle remarked that it appears to be a single-wide trailer with an addition, and does not appear to be a double-wide. It looks like a big porch that was built with no permits. Ms. Milano confirmed that as correct.

Vice Mayor Trantalis asked what are the tenant's intentions regarding the property. Mr. Weiss said that on Friday, October 22nd he physically went to the permit office to initiate the process in connection with installing a second door, knocking down the northeast extension, and putting up another room in its place subject to permit approval. He said that contractors told him they could give him a better packaged deal if he tripped off the permit process. He spoke with Wayne Strawn, Code Inspector, who told him that he could not trip-off the permit process. He said that when he gets out of the medical facility on November 4th, he would initiate the permit process and approach various contractors about the structure.

Vice Mayor Trantalis said if the property was vacant, and this had been brought before the Commission previously as an unsafe structure, were any attempts on the part of the tenant going to result in a safe structure. Ms. Milano said that because the tenant vacated the property does not make it safe. She deferred to the Building Official in terms of what work is being submitted. She believed it is the opinion of the Building Inspector who wrote the violation that the structure would not be permissible, but they wanted to provide the opportunity for the tenant to submit plans and see if the structure could be brought up to Code.

Vice Mayor Trantalis asked if this should be deferred until the tenant is released from the medical facility, and has time to apply for a permit. Ms. Milano said that staff has been working with the tenant since March, 2003.

Commissioner Teel was concerned about safety of the structure, and asked if the addition is removed would the trailer then be considered safe. Ms. Milano said that is her understanding from the Building Inspector. The trailer park owners would defer to the actions of the Commission and the opinion of the Building Official. She said they are in full support of the removal of the structure. Commissioner Teel asked about the additional tenants that had been at the site. Ms. Milano said that at one point in time, there were additional tenants on the property, but she did not know if that is the case at this time. Commissioner Teel said that according to the photographs submitted, the structure does not appear safe. She added that as long as the addition is on the trailer, she did not feel that Mr. Weiss should reside at the site.

Mr. Weiss said that the first time he received a certified letter from the Unsafe Structures Board regarding a meeting was on September 9, 2004. Mayor Naugle said that the notice probably had been given to the owner originally. He suggested that possibly the tenant could be given 30 days to obtain a permit or demolition would occur.

Commissioner Moore suggested that the tenant be given the opportunity to complete his medical program, and then this matter could be scheduled for the next City Commission meeting to see if he has applied for the necessary permits. Commissioner Teel said that she would agree to such a recommendation. She explained that the Commission is concerned about Mr. Weiss's safety. She said they would be willing to offer any assistance possible while the structure is being brought up to Code.

Motion made by Commissioner Moore and seconded by Commissioner Teel to defer the matter of 1029 NE 63rd Street to November 16, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Vice Mayor Trantalis and Mayor Naugle. NAYS: None.

534 NW 22 Avenue

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson authorizing 534 NW 22nd Avenue for demolition. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Vice Mayor Trantalis, and Mayor Naugle. NAYS: None.

Right-of-Way Administration

(OB)

Commissioner Hutchinson introduced the following ordinance:

ORDINANCE NO. C-04-62

AN ORDINANCE AMENDING CHAPTER 25, "STREETS AND SIDEWALKS," ARTICLE III, "RIGHTS OF WAY ADMINISTRATION," SECTION 5-100, "RIGHTS-OF-WAY PERMITS" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA BY PROVIDING FOR REVIEW BY THE CITY'S PROPERTY

AND RIGHT-OFWAY COMMITTEE PRIOR TO ISSUANCE OF A RIGHT OF WAY PERMIT FOR APPLICATIONS FOR CONVERSION OF LANDSCAPED MEDIANS INTO PARKING AREAS OR TRAVEL LANES PROVIDING FOR OPPORTUNITY FOR PUBLIC TO COMMENT ON SUCH APPLICATIONS.

Which ordinance was read by title only.

Commissioner Hutchinson asked if the changes are those underlined in the material submitted. The City Attorney replied yes. Commissioner Hutchinson said that she thought by changing the use of a City median or public right-of-way that it would go before the Property & Right Away Committee, and asked if the matter would be brought before the Commission. The City Attorney said the intent of the ordinance as drafted is to go before the Property & Right Away Committee who would then make a recommendation to the City Manager and City Engineer. Commissioner Hutchinson said her preference is for this to go before the Property & Right Away Committee, and then be brought before the Commission if necessary. She assumed that the particular right-of-way in question would be signed to show the date and time of the meeting for the Committee, along with noticing the adjacent property owners. She said that this is a "heated topic" in her district, and she does not want this to occur anywhere else in the City and probably the only way she would be able to do this is through legislation.

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

Advisory Board/Committee Appointments

(OB)

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

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|---|---|
| Code Advisory Committee | Bunney Brenneman Caldwell Cooper Richard Mancuso Jeffrey DeMontmorency Margaret Haynie Birch Genia Ellis Ginnee Hancock Sam Morrison |
| Code Enforcement Board | Howard Elfman, Alternate |
| Community Services Board | Marie Conroy |
| Nuisance Abatement Advisory Board | Patricia Mayers |
| Unsafe Structures and Housing Appeals Board | John Carroll Charles Minor |

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-204

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

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

There being no other matters to come before the Commission, the meeting is adjourned at 8:30 PM.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk