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FORT LAUDERDALE CITY COMMISSION  
DECEMBER 7, 2004**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
DECEMBER 7, 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  
Commissioner Carlton B. Moore (Arrived 6:08 p.m.)  
Commissioner Cindi Hutchinson  
Vice Mayor Dean J. Trantalis  
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

Invocation was offered by Pastor Mark Davis, Calvary Chapel 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 heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).**

**Motion** made by Vice Mayor Trantalis and seconded by Commissioner Teel that the minutes and agenda for the November 1, 2004 Regular Meeting, November 1, 2004 Conference Meeting, November 16, 2004 Regular Meeting, and November 16, 2004 Conference Meeting be approved. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Vice Mayor Trantalis, and Mayor Naugle. NAYS: None.

**Presentations**

**OB**

1. Expression of Sympathy

Mayor Naugle and the City Commission presented an Expression of Sympathy to the family of Douglas McCloy.

Commissioner Hutchinson presented an Expression of Sympathy from the City Commission to the family of Jason Goode, firefighter.

Commissioner Hutchinson also presented an Expression of Sympathy from the City Commission to the family of Herbert Smiley.

2. Smoke Detector

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

3. Outstanding City Employees

Bruce Roberts, Chief of Police, said the department is honoring Sergeant Stephen Raabe, Sergeant Joseph Ryan, Sergeant Michael DiMaggio, and Officer Denis Kernodle as officers for the Month of November, 2004. He further said that the officers are involved in responding to a workplace violence case where the suspect went armed to his former place of employment, and fired shots posing risk to responding officers and innocent civilians. They attempted negotiations and secured the scene keeping the civilians safe. They used deadly force to apprehend the suspect after he threatened the life of an officer.

Chief Roberts said that Sergeant Mark Furdon, Sergeant Todd Peney, and Officer Ian Sandman are being given Life Saving Awards for October, 2004 for assisting in a 7-car, life-threatening vehicle crash in Key West on US 1. They are enroute to a training class. Multiple lives are saved due to their quick, professional response.

Chief Roberts said that another Life Saving Award for October, 2004 is being presented to Detective Jay Smith for responding to screams of a distressed swimmer when off duty and saving the victim from certain drowning.

Albert Carbon, Director of Public Works, said he is presenting the STAR Award for November, 2004 to Harry Githens, Service Worker IV in the Distribution and Collections Division, for his selfless efforts in assisting individuals before and after Hurricane Frances.

Mr. Carbon further said that the STAR Awards for December, 2004 would not be presented this evening since the individuals being honored could not attend. Therefore, the awards would be presented at the January, 2005 meeting.

Otis Latin, Chief of Fire-Rescue, said the department is honoring Lt. Gregory Best as employee of the month for November, 2004, due to his assistance at the scene of an accident whereby he crawled into the twisted wreckage, and removed a victim providing patient care to both individuals until the rescue team arrived.

4. Rick Case "Bike for Kids Day"

Commissioner Moore gave a proclamation to Rita and Rick Case for their work in connection with "Bike for Kids Day" for underprivileged children.

Rick Case thanked the City Commission and residents of the City for their help with the program and continued support. He said that this year two new partners joined the program, the Broward County School System and the Salvation Army.

**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 – 17<sup>th</sup> Annual Las Olas January Art Fair****(M-1)**

A motion authorizing and approving the execution of an Event Agreement with Las Olas Association, Inc. to indemnify, protect, and hold harmless the City of Fort Lauderdale from any liability in connection with the 17<sup>th</sup> Annual Las Olas January Art Fair to be held in the East Las Olas shopping district on Saturday and Sunday, January 8 and 9, 2005, 10 a.m. – 5 p.m., and further authorizing the closing of East Las Olas Boulevard from SE 6 Avenue to SE 11 Avenue from 4:30 a.m., Saturday, January 8 to 9 p.m., Sunday, January 9.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1557 from City Manager.

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**Change Order No. 2 – MBR Construction, Inc. - \$83,360.02  
SE/SW 2 Street Corridor Streetscape Improvements****(M-2)**

A motion authorizing the proper City Officials to execute Change Order No. 2 with MBR Construction, Inc. in the amount of 483,360.12 for additional work related to the SE/SW 2<sup>nd</sup> Streetscape Improvements.

**Funds:** See Change Order.  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1633 from City Manager.

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**Change Order No. 11 – Construction Support Services, Inc. -  
\$16,997.35 – Joseph C. Carter Park – Painting****(M-3)**

A motion authorizing the proper City Officials to execute Change Order No. 11 with Construction Support Services, Inc. in the amount of \$16,997.35 for painting at Joseph C. Carter Park – Project 15160.

**Funds:** CIP Project P10596.328 (transfer – P15160.328)  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1638 from City Manager.

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**Bicycle and Pedestrian Safety Grant - \$55,470 - (M-4)**  
**Florida Department of Transportation**

A motion authorizing the proper City Officials to execute a grant agreement with the Florida Department of Transportation to receive Highway Safety Grant funds for fiscal year 2004-2005 in the estimated amount of \$55,470.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1611 from City Manager.

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**Recertification of Paramedics and Emergency Medical (M-5)**  
**Technicians**

A motion authorizing the recertification of paramedics and emergency medical technicians in the Fire-Rescue EMS Bureau at a total cost of \$12,465.

**Funds:** FIR010301-4101  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1608 from City Manager.

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**Disbursement of Funds - \$60,152.64 – Joint Investigation - (M-6)**  
**O.R. No. 02-57244**

A motion authorizing the equitable disbursement of funds in the amount of \$721,831.75, with each of the twelve participating law enforcement agencies to receive \$60,152.64.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04/11/01 from Police Legal Advisor.

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**Disbursement of Funds - \$125.83 – Joint Investigation – (M-7)**  
**O.R. No. 04-42191**

A motion authorizing the equitable disbursement of funds in the amount of \$1,635.86, with each of the thirteen participating law enforcement agencies to receive \$125.83.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04/11/03 from Police Legal Advisor.

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**Work Authorization No. 16724.A1 – Keith and Schnars, P.A. - \$48,867 - (M-8)**  
**Water Main Replacement – North Andrews Avenue and NE 41 Street**

A motion authorizing the proper City Officials to execute Work Authorization No. 16724.A1 with Keith and Schnars, P.A., in the amount of \$48,867 for the provision of consulting engineering and surveying services associated with the North Andrews Avenue and NE 41 Street Water Main Replacement.

**Funds:** See Memo.  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1623 from City Manager.

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**Closeout of Joint Project Agreement – Broward County – Project (M-9)**  
**10049 – Northwest 21/23 Avenue Corridor Water Main Improvements**

A motion authorizing additional funding in the amount of \$58,764.32 to close out the Joint Project Agreement with Broward County for the design and construction of water main improvements in the Northwest 21/23 Avenue corridor.

**Funds:** Water and Istewater Master Plan Capital Improvement Program  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1581 from City Manager.

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**Lease Agreement – 601 Seabreeze Boulevard – Flotilla Two, Inc. - (M-10)**  
**Use of U.S. Coast Guard Auxiliary Building and Property**

A motion authorizing the proper City Officials to execute a lease agreement with Flotilla Two, Inc. for use of the U.S. Coast Guard Auxiliary building and property located at 601 Seabreeze Boulevard from January 1, 2005 through December 31, 2005.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1665 from City Manager.

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**Public Parking Lot Lease Agreement – 400 Southeast 1<sup>st</sup> Avenue - (M-11)**  
**Broward County**

A motion authorizing the proper City Officials to execute a lease agreement with Broward County for public parking lot at 400 Southeast 1<sup>st</sup> Avenue.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 04-1606 from City Manager.

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**Contract Award – Hydranautics - \$1,139,970 – Peele-Dixie Water Treatment Plant, Membrane Elements – Project 10454** (M-12)

A motion authorizing the proper City Officials to award contract for Project 10454, Peele-Dixie Water Treatment Plant, Bid Package D, Membrane Elements, in the amount of \$1,139,970 to Hydranautics for the supply of membrane elements for use in the new Peele-Dixie Water Treatment Plant.

**Funds:** See Bid Tab.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-1624 from City Manager.

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**Sanitary Sewer Agreement – Temporary Istewater Service - 511 SW 18 Avenue – Oak Hammock, LP** (M-13)

A motion authorizing the proper City Officials to execute a sanitary sewer agreement with Oak Hammock, LP, to provide temporary istewater services at 511 S.W. 18 Avenue in the Oak Hammock development.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-1669 from City Manager.

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**Sanitation Truck Purchase by Iste Management - \$600,000** (M-14)

A motion accepting proposal by Iste Management to buy three used Mack/Wayne Sideloader trucks for \$116,000 each vehicle and two new Mack/Wayne Sideloader trucks for \$126,000 each for a total of \$600,000.

**Funds:** Sanitation Retained Earning.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-1634 from City Manager.

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**Lien Settlements for Special Master and Code Enforcement Board Cases – Cases CE02040781 and CE03021339** (M-15)

A motion authorizing lien settlements for 1518 NE 18 Avenue, Michael S. Schulman (CE02040781) in the amount of \$12,187.50; and for 1006 NW 6 Avenue, Luckner Virgile (CE03021339) in the amount of \$15,150.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 04-1664 from City Manager.

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<b>PURCHASING AGENDA</b>
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**582-7986 – Six-Month Continuation of Existing Credit Card-Lock Box Services (Pur-1)**

A six-month continuation of existing credit card processing and lockbox services is being presented for approval by the Finance Department.

Vendor: Sun Trust Merchant Services, LLC  
Greenwood Village, CO  
Intuition Systems, Inc.  
Jacksonville, FL

Amount: \$ 114,690.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 04-1648 from City Manager.

The Procurement Services Department reviewed this item and recommends continuing service arrangement for six-month period.

**State – Tactical Vests (Pur-2)**

An agreement to purchase tactical vests is being presented for approval by the Police Department.

Vendor: SRT Supply  
St. Petersburg, FL

Amount: \$ 33,050.16

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 04-1615 from City Manager.

The Procurement Services Department recommends approving purchase from Florida State contract.

**Computer Purchase Plan (Pur-3)**

An annual computer plan to purchase computer upgrades and supplies for city-wide use is being presented for approval by the Information Technology Department.

Vendor: Dell Marketing, L.P. and Various Vendors  
Round Rock, TX

Amount: \$ 618,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 04-1620 from City Manager.

The Procurement Department reviewed this item and recommends approving the annual computer plan and purchases from Florida State contracts.

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**332-8800 Additional Training, Environmental Services Consultant** (Pur-4)

Additional training for environmental services consultant is being presented for approval by the Planning & Zoning Department

Vendor: Saccardi and Schiff  
White Plains, NY  
Amount: \$ 5,000.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-1619 from City Manager.

The Procurement Services Department recommends approving additional services.

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**Proprietary – Parkfolio Service for Multi-Space Parking Meters** (Pur-5)

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

Vendor: Bytewise Solutions, Inc.  
Opa Locka, FL  
Amount: \$ 22,440.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-1653 from City Manager.

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

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**Proprietary – Sludge Transfer Pump** (Pur-6)

An agreement to purchase a sludge transfer pump is being presented for approval by the Public Works Department.

Vendor: R.C. Beach & Associates, Inc.  
Dunedin, FL  
Amount: \$ 29,906.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-1613 from City Manager.

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

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**452-9085 – Wellfield Mowing Contract****(Pur-7)**

A one-year contract for turf grass maintenance, wellfield mowing is being presented for approval by the Public Works Department.

Vendor: Sonny's Total Landscaping, Inc.  
Miami, FL  
Amount: \$ 55,556.00 (estimated)  
Bids Solicited/Rec'd: 101/4 with 1 no bid  
Exhibits: Memorandum No. 04-1658 from City Manager.

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

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**452-9057 – Wingate Mowing Contract****(Pur-8)**

A two-year contract for turf grass maintenance at Wingate is being presented for approval by the Public Works Department.

Vendor: Sonny's Total Landscaping, Inc.  
Miami, FL  
Amount: \$ 17,100.00 (estimated annual)  
Bids Solicited/Rec'd: 105/8 with 2 no bids  
Exhibits: Memorandum No. 04-1666 from City Manager.

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

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**03-24B – Contract Extension for Quicklime with Price Increase****(Pur-9)**

One-year extension for quicklime with price increase is being presented for approval by the Public Works Department.

Vendor: Chemical Lime Co. of Alabama, Inc.  
Mulberry, FL  
Amount: \$ 1,550,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibit: Memorandum No. 04-1659 from City Manager.

The Procurement Services Department reviewed this item and recommends approving contract extension with price increase.

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**H-03-166M1 – Asphalt Repair Services****(Pur-10)**

An agreement to purchase asphalt repair services is being presented for approval by the Public Works Department.

Vendor: Colonna Asphalt Restoration, Inc.  
Pompano Beach, FL  
Amount: \$ 47,120.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-1621 from City Manager.

The Procurement Services Department recommends approving use of Broward County Contract.

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**Proprietary – Root Control Chemical****(Pur-11)**

An agreement to purchase root control chemical is being presented for approval by the Public Works Department.

Vendor: Root X  
Salem, OR  
Amount: \$ 40,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibit: Memorandum No. 04-1523 from City Manager.

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

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**Storm Water Maintenance and Repair****(Pur-12)**

An agreement to purchase storm water maintenance and repair services is being presented for approval by the Public Works Department.

Vendor: Shenandoah General Construction Company  
Pompano Beach, FL  
Amount: \$ 91,840.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibit: Memorandum No. 04-1660 from City Manager.

The Procurement Services Department recommends approving use of North Palm Beach Improvement District Contract.

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**Proprietary – Water and Istewater Leadership Training****(Pur-13)**

An agreement to purchase water and istewater leadership training is being presented for approval by the Public Works Department.

Vendor: Water & Istewater Leadership Center  
Chapel Hill, NC  
Amount: \$ 10,500.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 04-1560 from City Manager.

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

**Medical Direction Services****(Pur-14)**

A three-year contract for medical direction services.

Vendor: N & L Services, Inc.  
Lauderdale-By-The-Sea, FL  
Amount: \$144,000.00  
Bids Solicited/Rec'd: 26/3  
Exhibit: Memorandum No. 04-1685 from City Manager.

The Procurement Services Department reviewed this item and recommends awarding to N & L Services, Inc.

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-4, M-5, M-12 and M-14 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

**Bicycle and Pedestrian Safety Grant - \$55,470**  
**Florida Department of Transportation****(M-4)**

Art Seitz, resident, said there is an article in the *Miami Herald* by Fred Grimm which says: "Florida, of course, is to walking, what Hawaii is to big wave surfing. No where else offers such sweet peril. Five Florida Metropolitan areas are elevated to the top ten of the most dangerous pedestrian complexes." He said that Fort Lauderdale has been ranked in the top five most dangerous places in the world for pedestrians or bicycle riders. Fort

Lauderdale is spending about \$.20 for such enhancements, while the national average is about \$.73. In August, he went to the MPO public budget hearing at which 10% of a \$5 billion budget is to be spent for pedestrian/bicycle enhancements and landscaping, and about \$200 million is allocated. He lives on NE 33rd Avenue which does not have sidewalks or street lights, and is dangerous for a pedestrian. He has a list of the enhancements to be provided, but most are for the central and western portions of the City. He wanted 33<sup>rd</sup> Avenue to be added to the list. He wanted the City Commission to ask County Commissioner Jim Scott to make an effort to ensure that the sidewalks and bikeways of the City are updated and improved. He believed that nothing much has been done in the eastern portion of the County regarding such enhancements.

Mr. Seitz said that everything added regarding bike lanes are the usual 3' to 4' lanes next to traffic. Nothing is being dedicated or protected. The State roads are presently congested and will get worse.

The City Manager said that the Director of Public Works, Mr. Carbon, is working on this matter.

Albert Carbon, Director of Public Works, said that the Metropolitan Planning Organization is meeting on Thursday to discuss the long-term transportation plan, and projects are being reviewed with the County. He met with Mr. Seitz recently; his suggestions are being considered.

Mayor Naugle asked staff to work with the MPO to assist in advocating suggestions regarding this issue.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to authorize the proper City Officials to execute a grant agreement with the Florida Department of Transportation to receive Highway Safety Grant funds for the fiscal year of 2004-2005 in an approximate amount of \$55,470.

Commissioner Moore felt that in an upcoming Commission Conference meeting the MPO's position on such matters should be discussed. The major concern of the members of the MPO is mass transportation. This is a higher priority than bikeways.

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

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**Recertification of Paramedics and Emergency  
Medical Technicians**

**(M-5)**

**Motion** made by Vice Mayor Trantalis and seconded by Commissioner Hutchinson to authorize the recertification of paramedics and emergency medical technicians in the Fire-Rescue EMS Bureau at a total cost of \$12,465. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Trantalis, Commissioner Moore and Mayor Naugle. NAYS: None.

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**Contract Award – Hydranautics - \$1,139,970 – Peele-Dixie**

**(M-12)**

**Water Treatment Plant, Membrane Elements – Project 10454**

Commissioner Teel asked if a brief explanation could be provided regarding the difference between the membrane process and the process currently used.

Paul Bohlander, Assistant Utilities Service Director/Engineering, said there are essential differences in the technology. In lime softening, the water contaminants are drawn out due to settling and chemicals are added and the water is disinfected and distributed. The waste is about 2%. In regard to membrane treatment, the contaminants are drawn out as a concentrate. Good water is passed through with pressure and contaminants are separated and waste is discharged on the order of 20%. The membranes recommended for purchase have a waste of about 14%.

Commissioner Teel asked about the long-term effect the new technology would have on the City's water supply.

Mr. Bohlander said at the present time the South Florida Management Water District is studying restoration of the Everglades, and looking to redirect water drawn out of the aquifer. Therefore, it is likely that in the future water withdrawn from the Biscayne Aquifer would be reduced. He said they are now waiting on their 5-year use permit which would dictate the withdrawal use, and such response should be received shortly. Alternatives are to go to a deeper and less pure aquifer, using ocean water which is an expensive treatment and presents various risks.

**Motion** made by Commissioner Teel and seconded by Vice Mayor Trantalis to authorize the proper City Officials to award contract for Project 10454, Peele-Dixie Water Treatment Plant, Bid Package D, Membrane Elements, in the amount of \$1,139,970 to Hydranautics for the supply of membrane elements for use in the new Peele-Dixie Water Treatment Plant. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Trantalis, Commissioner Moore and Mayor Naugle. NAYS: None.

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**Sanitation Truck Purchase by Waste Management - \$600,000****(M-14)**

Commissioner Moore asked how the City would be paid for the vehicles.

Ed Udvardy, General Services Manager, said the vehicles would be paid for before possession is taken of them.

Commissioner Moore said that two vehicles were never used; they cost \$162,000 each. Mr. Udvardy said \$126,000 is being paid for those vehicles, and the remaining vehicles are at \$116,000. Waste Management increased their initial proposal by about \$50,000. Commissioner Moore further said that the City is \$80,000 in the hole regarding the new unused vehicles. Mr. Udvardy confirmed that as correct. Commissioner Moore said staff feels such vehicles could be sold for only about \$115,000. He did not want to sell them for the offered price. He preferred that such vehicles be sold outright and believed that \$80,000 is a great loss to the taxpayers.

**Motion** made by Commissioner Moore to place the new vehicles on E-Bay to see if a higher price could be obtained, and if no higher price is obtained, accept the bid offered by Waste Management.

Commissioner Hutchinson asked for clarification about the offers. Mr. Udvardy said staff consulted with the Parking and Fleet Department and the Auctioneer and it was decided that the vehicles could depreciate more in the future.

Commissioner Moore asked if Waste Management had any objection to his motion, since they are purchasing some of the vehicles out of the "goodness of their heart."

Mr. Butch Carter of Waste Management said that the suggestion regarding E-Bay would present an operational issue. If the equipment is not in their possession, Waste Management would have to purchase such equipment before operation could begin. The numbers they offered to the City are more than would be received through an RFP process. If the proposal is not accepted this evening, then they would have to make some different decisions.

Vice Mayor Trantalis asked if the vehicles were put out for bid and was this offer the best received. Kirk Buffington, Director of Procurement Services, said that they were placed on the City's web site last week, seeking higher bids, but there were no other interested parties. Notifications were also sent out to other vendors normally interested in such vehicles.

Commissioner Moore asked how many other products are placed on the City's web for sale. Mr. Buffington said that generally items are not placed on the web for sale.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to accept the proposal by Waste Management to buy three used Mack/Wayne Sideloader trucks for \$116,000 each vehicle and two new Mack/Wayne Sideloader trucks for \$126,000 each for a total of \$600,000. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Trantalis, and Mayor Naugle. NAYS: Commissioner Moore.

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<b>MOTIONS</b>
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**Investment of Water and Sewer Revenue Bond Proceeds**

**(M-16)**

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to authorize the Director of Finance, in consultation with Dunlap and Associates, City Financial Advisor, to award a contract for investment of unspent water and sewer revenue bond proceeds to the bidder with the highest offered interest rate. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Trantalis, Commissioner Moore and Mayor Naugle. NAYS: None.

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**Supplementing Military Pay of Employee Reservists Called  
To Active Duty September 11, 2001 Terrorist Attacks –  
Extension of City Policy**

**(M-17)**

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to authorize a one-year extension to December 30, 2005 of City policy providing for



supplemental pay to employee reservists called to active duty as a result of the September 11, 2001 terrorist attacks. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Trantalis, Commissioner Moore and Mayor Naugle. NAYS: None.

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<b>PUBLIC HEARINGS</b>
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**Conveyance of Property – Florida Department of Transportation – Parcel 101, Florida Turnpike – Right-of-Way – Turnpike Widening** (PH-1)

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-216

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CONFIRMING RESOLUTION NO. 04-202, WHICH DETERMINED AND DECLARED THE CITY COMMISSION'S 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 AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DEED OF CONVEYANCE TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION.

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

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**Site Plan – First Baptist Church of Fort Lauderdale Expansion – 415 East Broward Boulevard – Case 34-R-04** (PH-2)

**ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER ARE SWORN IN.**

Ella Parker, Planning and Zoning Services, said this is a proposal to build a two-story building on NE 1<sup>st</sup> Street. Further discussions were held. Staff has provided conditions if the proposal is approved.

Romney Rogers, First Baptist Church, said they worked arduously on this project and they agree to the conditions. He said they are not acknowledging the existing easement.

Earl Hall of Pavillion, Ltd. said they agree to the conditions presented by staff, but they do not agree with the legal theory proposed by counsel.

Vice Mayor Trantalis asked for further clarification from the City Attorney regarding agreements made on this matter.

The City Attorney said that two changes were presented right before the beginning of this meeting. He said that Sharon Miller, Assistant City Attorney, reviewed the changes and said that she would agree to them if both parties agreed, but it does not appear that the parties agree. Commissioner Hutchinson said they agree but only want to read a statement into the record. Vice Mayor Trantalis said the City needs to be sure that there would not be any interference in the issuing of licenses and permits that are necessary.

Mr. Rogers said the first paragraph discusses the new easement agreement being substituted for the existing easement. Their statement is that the Church does not acknowledge that the existing easement is valid or enforceable.

Commissioner Moore asked if the parties agree to the written document provided by the City Attorney's office. Mr. Rogers and Mr. Hall confirmed.

Mr. Rogers further said that the other condition agreed to is as follows:

“In lieu of any sign-off of the sublease agreement by the elderly owner of a half-interest leasehold, the Church will hold Pavilion harmless for economic loss incurred in the unlikely event of Church default on the ground lease.”

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

Commissioner Hutchinson introduced the following resolution with the additional condition presented:

RESOLUTION NO. 04-217

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN TO CONSTRUCT A TWO-STORY BUILDING ADJACENT TO THE FIRST BAPTIST CHURCH, LOCATED AT 415 EAST BROWARD BOULEVARD, FORT LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.

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

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**ORDINANCES**

**Amendment to Code – Special Magistrates  
Local Government Enforcement Board Act**

**(O-1)**

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-04-63

AN ORDINANCE AMENDING CHAPTER 5, ENTITLED "ALCOHOLIC BEVERAGES," CHAPTER 11, ENTITLED "CODE ENFORCEMENT", CHAPTER 25, ENTITLED "STREETS AND SIDEWALKS," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE REDESIGNATION OF THE SPECIAL MASTER AS THE SPECIAL MAGISTRATE, BY REPLACING EACH OCCURRENCE OF THE PHRASE "SPECIAL MASTER" WITH THE PHRASE "SPECIAL MAGISTRATE;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

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

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**Vacation of Portion of SW 18 Avenue Right of Way  
Case 10-P-03 – Inwood Property Investments**

**(O-2)**

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-04-64

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE EAST 5.00 FEET OF THE 70 FOOT RIGHT-OF-WAY FOR HENDRICKS ISLE (PLATTED AS NORTHEAST 18<sup>TH</sup> AVENUE), AS SHOWN ON THE AMENDED PLAT OF "LAUDERDALE ISLES," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 1, BLOCK 4, AND BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 4 OF SAID BLOCK 4, BOTH OF SAID AMENDED PLAT OF "LAUDERDALE ISLES," LOCATED ON THE EAST SIDE OF HENDRICKS ISLE, APPROXIMATELY 730 FEET NORTH OF LAS OLAS BOULEVARD, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

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<p style="text-align: center;"><b>CITIZEN PRESENTATIONS</b></p>
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**1. Anthony Armao – Water Skiing in Lake Sylvan**

Anthony Armao said he lives on Lake Sylvan. It is a place where people go to relax, and that about 40-50 vessels anchor in the area. Water skiers are speeding in the area and making wakes causing problems, damaging boats docked in the area. He requested the Commission to turn the area back into a “no wake” zone. There are seven other locations in the City for water skiers and tubers. He asked who would be responsible for damage done to the docked vessels. He said he would be happy to meet with the City on this matter.

Mayor Naugle said the Commission had opened various areas for activity, so that one area would not be inundated. It was his understanding that the vessels could only speed up when pulling a skier, otherwise, such activity should be reported to the Police Department.

Mr. Armao said complaints had been place with the police, and they had been very cooperative.

**2. Michael Moran – Cigarette Butt Litter**

Michael Moran, resident, said he is a New England transplant. He said there is an issue sweeping the nation. He read a submission that is to appear in the City’s newspapers over the next couple of weeks.

“Have you looked down at the City’s sidewalks and filtered through the sand at the City’s beaches lately. If you have, you may be among an ever growing number of citizens across the country that are fed up with cigarette butt litter in this country. Every single day in Fort Lauderdale alone millions of cigarette butts are flicked out of windows of cars, on City sidewalks and beaches and other public places as if someone declared the public an ashtray. In fact today in America, cigarette butt litter is regarded as the single largest contributor to litter across the country. Contrary to popular belief, which is largely created by tobacco manufacturing companies, cigarette butts are not made of cotton, nor are biodegradable, and posed health hazards to birds and marine life. Interestingly, our society doesn’t tolerate the discarding of fast food refuse, such as bottles and cans in public places.”

Mr. Moran further said that people have developed a tolerance over time regarding such litter, and the City’s ordinance is not clear whether it covers such litter. A statement was issued by the City Attorney’s office clarifying that cigarette butts are considered litter under the ordinance. He said that across the country action is being taken on this matter because litter is being compounded.

Mr. Moran said that Savannah, Georgia clarified their ordinance to include cigarette butts as litter, and now fines individuals \$1,000 for such littering. Public awareness is raised with signs, and the focal point is beach areas due to their pristine atmosphere. In L.A. County smoking is banned on boardwalks and beaches, and fines have been increased.

Other areas adopted such ordinances, including Australia. He felt the City needed to follow leads taken by other cities and enforce the issue.

Vice Mayor Trantalis said that maybe the Beach Redevelopment Advisory Board and the Central Beach Alliance could hold discussions regarding the possibility of a “no smoking ban” for the beaches.

Mayor Naugle said he is in favor of adding such litter in the ordinance and educating the public.

Vice Mayor Trantalis said this is a cultural decision. He asked if urns should be placed in areas for such litter.

Phil Thornburg, Director of Parks and Recreation, said he spoke with Mr. Moran and they are looking at another alternative, which is a movement to provide disposable bags to individuals for their cigarette butts. Such a movement could be implemented on a trial basis. Most individuals would not walk to a receptacle for such litter.

Mr. Moran said the City should learn from what has failed in other cities, such as the disposable bags. Bans work, but alternatives should be provided for such disposable trash. An independent study showed that there are more butts than shells on the beaches.

Commissioner Moore said the conversation deserved acknowledgment, but he wanted all types of litter addressed on an educational basis with stricter enforcement. He said he had recently been to Indianapolis and the area is spotless. The new City Manager had commented when he first arrived that Fort Lauderdale is not as clean as it should be. He would not object to the CBA or Beach Redevelopment Board discussing such a ban, but he felt they needed a more comprehensive method to address all debris throughout the City.

Mr. Moran said the challenge at large regarding litter is that the police need stricter enforcement, and normally such litter is addressed through response. The City needs to be more pro-active.

The City Manager said staff would review the issue, but cigarette butts on the sand are similar to other quality of life issues, such as chewing gum on the streets and sidewalks. The solution is not to ban things such as chewing gum, or just create new laws. Unless standards are increased, such problems will not get solved. Graffiti on the subways in New York City is a perfect example, and what worked was changing how the City did business and changing their standards. Fines could chase away tourists. He felt to ban smoking on the beaches due to health issues is one thing, but they should not ban smoking for litter reasons.

Mr. Moran said the example of cigarette butt litter to gum on the sidewalks is not a good comparison. The magnitude of the gum problem is incomprehensible compared to cigarette butt litter. The City Manager said that gum is a huge problem in the City.

Commissioner Moore said the matter should be presented to the Beach Advisory Board for further discussion. Mayor Naugle said that further clarification should be provided

regarding the City's ordinances for such issues. Commissioner Moore felt that heavy fines imposed on cigarette smokers would be discriminatory.

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<b>RESOLUTIONS</b>
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**City Hall Parking Garage Lease – Assignment of Lessee's Interest**

**(R-1)**

Robert Dunckel, Assistant City Attorney, said if this resolution is adopted and then the property is sold, they would have to negotiate with 35 owners instead of one. Negotiations were held with DBSI until about 6:30 p.m. tonight, and there appears to be a resolution of the issue. If such resolution is adopted tonight, the Commission would be authorizing an amendment to the lease agreement, making provision for finding alternative parking facilities if such land is to be sold. Such terms and conditions are not yet negotiated, but would have to be in place before moving forward to the second phase of this transaction with the 35 tenants in common. It would be subject to the City Attorney's approval. Otherwise, this item would return at the December 21, 2004 Commission meeting. He said that amended text was provided to the City Clerk on this matter.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION 04-225

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINDER AND CONSENT TO AN ASSIGNMENT AND ASSUMPTION LEASE FROM RSP II BARNETT BANK PLAZA, LTD., A FLORIDA LIMITED PARTNERSHIP, AS ASSIGNOR, TO DBSI ST TOWER, LLC, A DELAWARE LIMITED LIABILITY COMPANY WITH DBSI HOUSING, INC., AN IDAHO CORPORATION SERVING AS GUARANTOR UNDER THE LEASE, SUBJECT TO CERTAIN TERMS AND CONDITIONS; AUTHORIZING EXECUTION OF AN AMENDMENT TO THE LEASE WITH DBSI ST TOWER, LLC,; PROVIDING SUBSTITUTE PARKING FACILITIES UNDER CERTAIN CIRCUMSTANCES SUBJECT TO THE APPROVAL OF THE CITY ATTORNEY; COMMITTING TO APPROVE AND CONSENT TO A SERIES OF SUBSEQUENT ASSIGNMENTS AND ASSUMPTIONS OF LEASE FROM DBSI ST TOWER, LLC TO A GROUP OF TENANTS IN COMMON, SUBJECT TO DBSI HOUSING, INC. SERVING AS GUARANTOR OF THE LEASE UNDER THE SUBSEQUENT ASSIGNMENTS AND ASSUMPTIONS TO THE TENANTS IN COMMON, SUBJECT TO THE LEASE AMENDMENT REGARDING SUBSTITUTE PARKING FACILITIES AND SUBJECT TO CERTAIN FURTHER TERMS AND CONDITIONS; AND AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF JOINDERS AND CONSENTS RELATIVE TO THE SUBSEQUENT SERIES OF ASSIGNMENTS AND ASSUMPTIONS OF LEASE,

PROVIDED THE FOREGOING CONDITIONS ARE SATISFIED.

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

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**Corrective Deeds of Right-of-Way Conveyance – Holiday Park Plaza** (R-2)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-218

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING CERTAIN INSTRUMENTS OF CONVEYANCE AND SPECIFICALLY REJECTING ACCEPTANCE OF CERTAIN OTHER INSTRUMENTS OF CONVEYANCE.

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

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**Revocable License Agreement – Broward County Construction of Staircase to Access SW 7<sup>th</sup> Avenue Bridge** (R-3)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-219

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A REVOCABLE LICENSE WITH BROWARD COUNTY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF THE STAIRCASE TO ACCESS THE S.W. 7<sup>TH</sup> AVENUE BRIDGE (MARSHALL'S BRIDGE), SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

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**State of Florida Qualified Target Industry Program -  
Citrix Systems, Inc.****(R-4)**

Mayor Naugle asked if the information requested by Commissioner Moore earlier today on this matter is available.

Roger Foreman, Deloitte & Touche, said Citrix Systems is gathering the information requested, but does not yet have it available. He hoped the Commission would support this item.

Commissioner Moore thanked Mr. Foreman for the information provided to his office before the meeting, but he was disappointed their Human Resources Director could not obtain other requested information via the telephone. He asked if this is tabled until December 21, 2004, would there be any ramifications.

Mr. Foreman said this is to be presented to the County Commission on December 14, 2004. They want to create the jobs beginning January 1, 2005.

Vice Mayor Trantalis said that the County Commission would probably request the same information.

Commissioner Moore wanted a diverse workforce and the new jobs to be as diverse as in the past.

Mr. Foreman invited the Commission to tour the facility.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to defer this item until December 21, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Hutchinson, Vice Mayor Trantalis, and Commissioner Moore. NAYS: Commissioner Teel and Mayor Naugle.

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**Commission Assistants & Coordinator****(R-5)**

In response to Commissioner Moore, the City Attorney said if this resolution is adopted as amended, each Commissioner could appoint their assistant, who would be an employee of the City and who would have to follow regulations as other City employees, but would be under the direction and control of the Commissioner.

Commissioner Moore said there should be a coordinator to guide the work force in the office to ensure that work is completed. He asked for further clarification of the proposed resolution.

The City Attorney said the proposed resolution would require that the Commission Assistant Coordinator coordinate the efforts, but not supervise.

Mayor Naugle said the individual Commissioners would do the supervision.

Commissioner Moore asked for this matter to be tabled until December 21, 2004.



The City Manager said the Commissioners did not want to put their assistants in a conflicting situation. Each Commissioner has different issues serving a different area, and the idea behind the legislation is to ensure there is a Coordinator to keep the office running smoothly and that all work is completed.

Commissioner Hutchinson said the day-to-day supervision should fall to the Commissioners, but the supervision of the office should fall to the coordinator, along with special projects and vacation fill-ins.

The City Manager said the Coordinator would review all schedules, but daily supervision would fall to the individual Commissioners. Due to the Coordinator answering to the entire Commission, Commissioners could intervene regarding various situations. Control would be placed in the hands of the Commissioners. The spirit is that no one should interfere with the Assistants and their work. The only power being delegated is in regard to work schedules.

Vice Mayor Trantalis said the new proposal would establish the position of Coordinator, who would actually be an assistant to the new staff members. He said they need to think "outside of the box". They are setting up new rules and procedures. A new way of business is being created, and therefore, the Assistants' schedules would have nothing to do with each other. The Coordinator would work with the Assistants so the work could be done to the best of everyone's ability.

Commissioner Teel said too much power is being given and she felt some good things are in place, and some changes should not be made. There could be confusion with the new proposal. She believed the office works well and the voters gave them the ability to select their own Assistants. Retaining the Coordinator would allow for a more even flow of work and covering of the offices. She felt it is ill-advised to make such a change.

Commissioner Hutchinson asked if Commissioner Teel preferred the original resolution offered. Commissioner Teel replied yes.

Mayor Naugle felt the coordination is a good idea, but the supervision defeats the question placed on the ballot. The current arrangement did not work for everyone involved.

Vice Mayor Trantalis introduced the resolution as amended:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE MAYOR  
AND CITY COMMISSION'S APPOINTMENT AND SUPERVISION  
OF COMMISSION ASSISTANTS.

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

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item until December 21, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Vice Mayor Trantalis, Commissioner Moore and Mayor Naugle. NAYS: None.

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**Fire-Rescue Facilities Bond Issue – Blue Ribbon Committee**

**(R-6)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-220

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING AN AD HOC COMMITTEE TO BE KNOWN AS THE "FIRE-RESCUE FACILITIES BOND ISSUE BLUE RIBBON COMMITTEE," SETTING FORTH THE DUTIES AND THE DURATION OF THE COMMITTEE.

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

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**Site Plan for 4<sup>th</sup> Avenue Xposed Development – 700 NE 4 Avenue Downtown Regional Activity Center – Application of Cindy Wallick**

**(R-7)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-221

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN AND ALLOCATION OF POST 2003 DWELLING UNITS TO DEVELOP A FOUR-STORY MIXED USE BUILDING LOCATED AT 700 N.E. 4<sup>TH</sup> AVENUE, FORT LAUDERDALE, FLORIDA IN A RAC-UV ZONING DISTRICT.

Which resolution was read by title only.

Commissioner Teel asked for clarification of the name.

Michael Madfis, architect, said the client is creative and arrived at the concept of the design and name.

Commissioner Moore said there is concern regarding the alleyway and the setbacks. He wanted additional landscaping placed around the property. There should possibly be an additional setback for that purpose.

Mr. Madfis said there is extra space. Trees could be placed according to staff's direction. The character of the neighborhood would be retained.

Commissioner Moore wanted assurance that all conditions would be met.

The City Attorney suggested that such conditions be incorporated in the motion made for approval.

Commissioner Moore asked for further clarification regarding the restricted covenants with the School Board.

Mr. Madfis said that all requirements of the School Board have been met and an impact fee of \$15,000 would be paid to them.

Vice Mayor Trantalis asked if this is Mr. Madfis's best work. Mr. Madfis felt it was. Vice Mayor Trantalis said they are wanting to establish a new level of architectural sophistication in the neighborhood, but he did not see that in this project. He felt it is more of an attempt to comply with the regulations of the building codes. He felt the architect had done better in other projects.

Mr. Madfis said that such feelings are subjective. This is a retro-design picked up from other upgraded communities, such as South Beach. Some of the elements used are tried and true, and have a successful history. The coloring and lighting in the renderings are not true. There will be a lot more activity on the building, than what is presently in the area. There are many features incorporated that go beyond the colors of the building. Challenges have been met in the process. If variances had been requested, there might have been more freedom for creativity. He believed this building is exciting and active, but the renderings themselves are the issue.

Commissioner Hutchinson said the backup speaks about 4-stories, but the site plan shows six-story condominium buildings. Mr. Madfis confirmed the building would be four stories.

Commissioner Moore asked for further clarification regarding the impact fee. Mr. Madfis said there are three schools in the area, but only one is actually affected, and that is the middle school. One student station is to be generated from this project of 72 units. Commissioner Moore felt the architectural design is up to the architect and the developer; all conditions would be met by the developer. The units are for sale and would be priced in the low \$300,000's.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that this item be approved, including the seven conditions listed by staff. Roll call showed: YEAS: Commissioners Hutchinson and Teel, Commissioner Moore and Mayor Naugle. NAYS: Vice Mayor Trantalis.

Commissioner Moore said the Commission requested in the past that site plans and 3-D models be provided for projects. He reminded everyone that these are necessary so projects could be envisioned before being voted on.

Vice Mayor Trantalis said the District Commissioner should have the opportunity to discuss projects in their area. Mr. Madfis said they sometimes hesitated to contact individual Commissioners due to possible violation of lobbying rules or other regulations.

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**Affordable Housing – 600 North Andrews Avenue**  
**Reliance Housing Foundation**

**(R-8)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-222

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING A PROJECT THAT INCLUDES AFFORDABLE HOUSING ON PROPERTY LOCATED AT 600 NORTH ANDREWS AVENUE AT THE NORTHEAST CORNER OF ANDREWS AVENUE AND NORTHEAST 6<sup>TH</sup> STREET.

Which resolution was read by title only.

Vice Mayor Trantalis said by the Commission voting for approval of this resolution, they would not be approving any particular site plan, building plan or design. They are just expressing favor of affordable housing in this area.

Commissioner Moore wanted to make sure it is work force attainable housing.

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

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**Advisory Board/Committee Appointments**

**(OB)**

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

- |                            |                  |
|----------------------------|------------------|
| Community Services Board   | Alfred Imgrund   |
| Utility Advisory Committee | Bernie Petreccia |

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-223

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

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

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**Retention of Special Counsel/Pension Rollover**

**(OB)**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-224

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THAT JEROME

H. SHEVIN, ESQ. BE RETAINED AS SPECIAL COUNSEL FOR THE PURPOSE OF PERFORMING LEGAL SERVICES RELATED TO THE REVIEW AND ANALYSIS OF THE POTENTIAL LEGAL LIABILITY ASSOCIATED WITH THE RESCISSION OR REPEAL OF CITY OF FORT LAUDERDALE ORDINANCE C-04-5.

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

There being no other matters to come before the Commission, the meeting was adjourned at 8 P.M.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk