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FORT LAUDERDALE CITY COMMISSION  
FEBRUARY 1, 2005**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
FEBRUARY 1, 2005**

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 Mike White

Invocation was offered by Father Michael Happy Hoyer of Our Lady Queen of Martyrs Church, followed by the recitation of the Pledge of Allegiance.

**NOTE: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).**

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that the minutes of the January 18, 2005 Conference and Regular Meetings and agenda be approved. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

**Presentations**

**OB**

1. Smoke Detector

Commissioner Teel demonstrated the proper way to test a smoke detector.

2. Expressions of Sympathy

Vice Mayor Trantalis and the City Commission presented an expression of sympathy to the family of Jamie Bloodworth.

Commissioner Moore and the City Commission presented an expression of sympathy to the family of Judge Henry Latimer.

3. Outstanding City Employees

Otis Latin, Chief of Fire and Rescue, honored Lt. David Carter, Driver/Engineer Garrett R. Pingol and Firefighter Fabio H. Guzman as Employees of the Month for February, 2005, for their aggressive actions and forward thinking in removing an elderly woman from a fire in her home providing every possibility of survival.

Bruce Roberts, Chief of Police, honored Officers Jason Wood and Orlando Almanzar as Police Officers for the month of January, 2005, for their efforts in apprehending a suspect of an armed robbery and recovering the victim's property.

Chief Roberts honored Sergeant Michael Dew with a Life Saving Award for December, 2004, for observing a serious vehicle crash on I-595 and rendering first aid to a seriously injured victim until the EMS arrived and assumed care.

Chief Roberts then honored Officer James Hancock and Officer Jonathan Appel, members of the Marine Unit, with Life Saving Awards for December, 2004, for their efforts and response to the scene of a sinking boat and rescuing all three victims.

**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 – Super Bowl Street Party**

**(M-1)**

A motion authorizing and approving the execution of an Event Agreement with the Old Town at Riverwalk Merchants Association, Inc. to indemnify, protect and hold harmless the City from any liability in connection with the Super Bowl Street Party, to be held Sunday, February 6, 2005, 3-11 p.m.; and further authorizing the closing of the following from 3 p.m. on Sunday, February 6, to 6 a.m. on Monday, February 7: SW 2 Street from SW 2 Avenue to the alley east of the old post office, leaving SW 3 Avenue open.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 05-138 from City Manager.

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**Event Agreement – Spring Carnival****(M-2)**

A motion authorizing and approving the execution of an Event Agreement with Our Lady Queen of Martyrs Church to indemnify, protect and hold harmless the City from any liability in connection with the Spring Carnival, to be held Thursday, March 3, 2005, 6-10 p.m.; Friday, March 4, 2005, 5-11 p.m.; Saturday, March 5, 2005, 12 noon to 11 p.m.; and Sunday, March 6, 2005, 12 noon to 10 p.m.; and further authorizing the closing of SW 11 Court (Happy Hoyer Street) from SW 27 Avenue to SW 28 Avenue, from 9 a.m., Monday, February 28, 2005 to 5 p.m., Monday, March 7, 2005.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-137 from City Manager.

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**Event Agreement – Bringing It From the Streets****(M-3)**

A motion authorizing and approving the execution of an Event Agreement with the True Vine Christian Center to indemnify, protect and hold harmless the City from any liability in connection with Bringing It From The Streets, to be held Saturday, February 12, 2005, 1-4 p.m. at Esplanade Park.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-139 from City Manager.

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**Change Order No. 1 – Mora Engineering Contractors, Inc. -  
\$345,515.86 – A-1-A Seabreeze Water Main Istewater Force  
Main & Electrical Duct Bank and 167 Additional Working Days  
To Construction Period****(M-4)**

A motion authorizing the proper City Officials to execute Change Order No. 1 with Mora Engineering Contractors, Inc. in the amount of \$345,515.86 for A-1-A Seabreeze Water Main Istewater Force Main and Electrical Duct Bank contract modifications including directions drilling, additional survey, extended demobilization for the Boat Show and a time extension of 167 additional working days – Project 10568.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-045 from City Manager.

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**American Water Works Association Research Foundation  
Subscription Renewal****(M-5)**

A motion approving the City's subscription renewal with the American Water Works Association Research Foundation in the amount of \$35,442.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-126 from City Manager.

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**License Agreement – Installation of Automatic Entry Control Arm on Idlewyld Drive – Idlewyld Improvement Association (M-6)**

A motion authorizing the proper City Officials to execute a license agreement with the Idlewyld Improvement Association for the installation of an automatic entry control arm on Idlewyld Drive.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-102 from City Manager.

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**Revocable License – TRG&S Las Olas Beach Club, Ltd. (M-7)**  
**Close Sidewalk on Poinsettia and Cortez Streets**  
**And Close Westbound Travel Lane of Poinsettia Street**

A motion to defer until January 18, 2005, the consideration of a revocable license with TRG&S Las Olas Beach Club, Ltd. To close the sidewalk on Poinsettia Street (north) and Cortez Street (south), immediately west of State Road A-1-A and to close the westbound travel land of Poinsettia Street. Deferred from January 18, 2005.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-166 from City Manager.

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**Contract Award – Homeside Dredging, Inc. - \$250,600 (M-8)**  
**2004-2005 Annual Dredging Contract**

A motion authorizing the proper City Officials to execute an agreement with Homeside Dredging, Inc. in the amount of \$250,600 for the 2004-2005 Annual Dredging Contract – Project 10640.

**Funds:** See Memo.  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-016 from City Manager.

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**Disbursement of Funds - \$237.60 (M-9)**  
**Joint Investigation – O.R. No. 03-70343**

A motion authorizing the equitable disbursement of funds in the amount of \$2,851.28, with each of the twelve participating law enforcement agencies to receive \$237.60.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05/01/02 from Police Legal Advisor.

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**Disbursement of Funds - \$253.83 (M-10)**  
**Joint Investigation – O.R. No. 04-47095**

A motion authorizing the equitable disbursement of funds in the amount of \$3,299.86, with each of the thirteen participating law enforcement agencies to receive \$253.83.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05/01/03 from Police Legal Advisor.

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**Disbursement of Funds - \$636.40 (M-11)**  
**Joint Investigation – O.R. No. 04-59000**

A motion authorizing the equitable disbursement of funds in the amount of \$8,273.25, with each of the thirteen participating law enforcement agencies to receive \$636.40.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05/01/04 from Police Legal Advisor.

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**Task Order No. 21, Amendment No. 1 – Camp Dresser & (M-12)**  
**McKee, Inc. – Pump Station Rehabilitation - \$47,624**

A motion authorizing the proper City Officials to execute Task Order No. 21, Amendment No. 1 with Camp Dresser & McKee, Inc. in the amount of \$47,624 for pump station rehabilitation A2, A17, A18, A19 and A21 – Project 10510.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-145 from City Manager.

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**Task Order No. 2, Amendment No. 2 – Camp Dresser (M-13)**  
**& McKee, Inc. – Progresso Sanitary Improvements - \$224,064**

A motion authorizing the proper City Officials to execute Task Order No. 2, Amendment No. 2 with Camp Dresser & McKee, Inc. in the amount of \$224,064 for the provision of extended services during construction and resident project representative services – Project 9766B.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-146 from City Manager.

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**Second Amendment to Developer Agreement – Marshall’s Point – New River Development Partners, LTD** (M-14)

A motion authorizing the proper City Officials to execute a second amendment to the Developer’s Agreement with New River Development Partners, LTD for additional modifications associated with Marshall’s Point a/k/a Esplanade on the New River.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-104 from City Manager.

**Contract for Consulting Services – Iler Planning Group Comprehensive Plan Evaluation Appraisal Report and Future Related Comprehensive Planning Services - \$46,000** (M-15)

A motion authorizing the proper City Officials to execute an agreement with Iler Planning Group to provide consulting services related to the Comprehensive Plan Evaluation Appraisal Report and future related comprehensive planning services in an amount not to exceed \$46,000.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-130 from City Manager.

**PURCHASING AGENDA**

**Co-Op – Temporary Personnel Services** (Pur-1)

An annual agreement to provide temporary personnel services is being presented for approval for Citywide use.

Vendor: Atrium Personnel, Inc. d/b/a Transhire  
Fort Lauderdale, FL  
A1A Staffing, Inc.  
Miami, FL  
Tri-State Employment Services, Inc.  
New York, NY  
Pacesetter Personnel Services, Inc.  
Tampa, FL  
Temporary Personnel Consultants, Inc.  
F/K/A Prime Time Temporary Staffing, Inc.  
Fort Lauderdale, FL  
Amount: \$ 100,000.00 (estimated annual total)  
Bids Solicited/Rec’d: N/A  
Exhibits: Memorandum No. 05-131 from City Manager.



The Procurement Services Department recommends approving the purchase from the Southeast Florida Governmental Purchasing Co-Op contract.

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**452-9117 – Turf Grass Maintenance Services**

**(Pur-2)**

A one-year contract to purchase turf grass maintenance services is being presented for approval by the Parks and Recreation Department.

Vendor:	Hines Landscaping, Inc. Fort Lauderdale, FL
Amount:	\$ 124,000.00 (estimated)
Bids Solicited/Rec'd:	104/10 with 2 no bids
Exhibits:	Memorandum No. 05-093 from City Manager.

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

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**State – Network Equipment Maintenance and Support**

**(Pur-3)**

An annual purchase of network equipment maintenance and support is being presented for approval by the Information Technology Department.

Vendor:	Various Vendors
Amount:	\$ 67,000.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 05-134 from City Manager.

The Procurement Services Department recommends approving the purchase from the Florida State Contract.

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**502-8315 – Software Support Automated Parking Services System**

**(Pur-4)**

An annual agreement for software support and equipment maintenance for the City's automated municipal parking services system is being presented for approval by the Parking and Fleet Services Department.

Vendor:	Enforcement Technology, Inc. Irvine, CA
Amount:	\$ 18,225.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 05-120 from City Manager.

The Procurement Services Department reviewed this item and recommends approving the annual proprietary maintenance and support agreement.

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**752-9126 – Leasing/Maintenance of Police Motorcycles****(Pur-5)**

A two-year contract for leasing/maintenance of Police motorcycles is being presented for approval by the Police Department.

Vendor: Fort Lauderdale Harley-Davidson  
Fort Lauderdale, FL  
Amount: \$ 71,400.00  
Bids Solicited/Rec'd: 10/1  
Exhibits: Memorandum No. 05-122 from City Manager

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

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**752-9138 – Safety Diving Equipment****(Pur-6)**

An agreement to purchase safety diving equipment is being presented for approval by the Police Department.

Vendor: High-Tech Diving & Safety, Inc.  
Punta Gorda, FL  
ADS, Inc.  
Virginia Beach, VA  
Amount: \$ 29,900.00  
Bids Solicited/Rec'd: 38/3 with 1 no bid  
Exhibits: Memorandum No. 05-133 from City Manager.

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

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**Proprietary – Maintenance and Support for Timekeeping Software****(Pur-7)**

An annual agreement for maintenance and support for timekeeping software is being presented for approval by the Public Works Department.

Vendor: Kronos, Inc.  
Chelmsford, MA  
Amount: \$ 16,795.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 05-001 from City Manager

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

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**State – Wireless Service****(Pur-8)**

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

Vendor: A T & T Wireless, Inc.  
Amount: \$ 32,200.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 05-161 from City Manager.

The Procurement Services Department recommends approving the purchase from the Florida State Contract.

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**Proprietary – Flygt Pumps and Parts****(Pur-9)**

An agreement to purchase ITT Flygt brand pumps and parts is being presented for approval by the Public Works Department.

Vendor: Ellis K. Phelps & Company  
Riviera Beach, FL  
Amount: \$ 145,120.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 05-143 from City Manager.

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

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**Proprietary – Flow Serve Pumps and Parts****(Pur-10)**

An agreement to purchase Flow Serve brand pumps and parts is being presented for approval by the Public Works Department.

Vendor: Carter and VerPlanck, Inc.  
Tampa, FL  
Amount: \$ 150,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 05-121 from City Manager

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

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

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-1, M-7, and M-15, be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

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**Event Agreement – Super Bowl Street Party** (M-1)

Mayor Naugle wanted to make sure there were no pending items regarding this matter. The City Manager said it is ready to move forward.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize and approve execution of an Event Agreement with Old Town at Riverwalk Merchants Association, Inc. in connection with the Super Bowl Street party. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

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**Revocable License – TRG&S Las Olas Beach Club, Ltd.** (M-7)  
**Close Sidewalk on Poinsettia and Cortez Streets**  
**And Close Westbound Travel Lane of Poinsettia Street**

Vice Mayor Trantalis asked if this matter could be deferred since the heading in the agenda is different from the backup material provided.

**Motion** made by Vice Mayor Trantalis and seconded by Commissioner Moore to defer this item until February 15, 2005 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, and Teel, and Mayor Naugle. NAYS: None.

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**Contract for Consulting Services – Iler Planning Group** (M-15)  
**Comprehensive Plan Evaluation Appraisal Report and**  
**Future Related Comprehensive Planning Services - \$46,000**

Vice Mayor Trantalis said one of his constituents asked if these services were solicited through an RFP.

Kirk Buffington, Procurement Services Director, said this RFP was originally solicited through a competitive process by the City of North Miami Beach, and is identical to what the Fort Lauderdale needs to complete their Evaluation Appraisal Report (EAR). The

agreement was reviewed and was found to be within the City’s competitive guidelines. A scope of work was negotiated between the Planning & Zoning Department and Iler Planning Group.

Commissioner Moore asked if this was voted down, when would the RFP go out.

Mr. Buffington said the RFP process is not the issue; the issue is the timeline as to when the reports are due to the State.

Commissioner Moore asked about the timeline regarding the EAR report.

Marc LaFerrier, Planning and Zoning Director, said the City is required to submit the Evaluation and Appraisal Report to the Department of Community Affairs by June 1, 2005. As his department is significantly understaffed, they would not be able to meet the June 1<sup>st</sup> deadline. State law does not provide for extensions, and therefore, he needs to hire a consultant to do the work.

Commissioner Moore felt that when a task is to be done, it should be done in a competitive process. He did not like “piggybacking” on other contracts.

Vice Mayor Trantalis asked if this report is done every seven years. Mr. LaFerrier replied yes. In response to Vice Mayor Trantalis, Mr. LaFerrier indicated that he is comfortable with the procedure followed by North Miami Beach.

**Motion** made by Vice Mayor Trantalis and seconded by Commissioner Hutchinson to authorize the execution of an agreement with Iler Planning Group to provide consulting services related to the Comprehensive Plan Evaluation Appraisal Report and future related comprehensive planning services in an amount not to exceed \$46,000. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Hutchinson and Teel and Mayor Naugle. NAYS: Commissioner Moore.

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**MOTIONS**

**Certificate of Appropriateness for Demolition of Camp Canine – 808 West Broward Boulevard – HPB Case 25-H-04** **(M-16)**

Mayor Naugle said that this item was withdrawn from tonight’s agenda at the applicant’s request.

Commissioner Hutchinson asked when this is going to be heard.

The City Manager said it should be brought back to the Commission in two weeks if the matter is not worked out.

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<b>PUBLIC HEARINGS</b>
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**Appeal of Planning & Zoning Board Decision - Pat Patel/McCabi (PH-1)**  
**Cigars – 1221 East Las Olas Boulevard – Case 60-R-04**

At the October 20, 2004 Planning & Zoning Board meeting, the application is denied by a vote of 4 to 2. The applicant appealed the Planning & Zoning Board decision. At the January 4, 2005 City Commission, a resolution is adopted 3-2 to hold a De Novo hearing on February 1, 2005.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item until February 15, 2005 at 6:00 p.m. (at request of applicant). Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, and Teel and Mayor Naugle. NAYS: None.

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<b>ORDINANCES</b>
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**Parking & Fleet Services Dept; Updating Code; (O-1)**  
**Department Name Change**

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-05-02

AN ORDINANCE AMENDING CHAPTER 26, ENTITLED "TRAFFIC," AND CHAPTER 47, ENTITLED "UNIFIED LAND DEVELOPMENT REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE RE-DESIGNATION OF THE PARKING SERVICES DIVISION AND THE PARKING DIVISION AS THE PARKING AND FLEET SERVICES DEPARTMENT, ADMINISTRATIVE SERVICES AS PARKING AND FLEET SERVICES, AND THE PARKING MANAGER AS THE DIRECTOR OF PARKING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only.

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

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**Vacate Right-of-Way – Portion of SW 2 Court**  
**Case 27-P-04****(O-2)**

Commissioner Moore asked what will happen with the closing of the roadway.

Phil Thornburg, Parks and Recreation, said the area will be fenced and access will be controlled, and it will be used as a conservation area.

Commissioner Moore introduced the following ordinance on second reading:

**ORDINANCE NO. C-05-01**

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THAT PORTION OF "MELROSE COURT," NOW KNOWN AS SOUTHWEST 2<sup>ND</sup> COURT, AS SHOWN ON THE PLAT OF "RIVER HIGHLANDS," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 4 OF SAID PLAT AND BOUNDED ON THE EAST BY THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 4; LOCATED BETWEEN SOUTHWEST 14<sup>TH</sup> AVENUE AND SOUTHWEST 14<sup>TH</sup> WAY, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only.

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

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**Vacate Right-of-Way Portion of Flagler Avenue 18-P-03****(O-3)**

Commissioner Moore introduced the following ordinance on first reading:

**ORDINANCE NO. C-05-03**

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF FLAGLER AVENUE, AS SHOWN ON THE PLAT OF "CROISSANT PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF BLOCK 36, OF SAID "CROISSANT PARK," BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD, BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 36 AND ON THE EAST BY THE WESTERLY BOUNDARIES OF SAID BLOCK 36;

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTHWEST 15<sup>TH</sup> STREET AND SOUTHWEST 16<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only.

James Cromar, Planning and Zoning Services, said the application is for the vacation of Flagler Avenue right-of-way between SW 15<sup>th</sup> and SW16<sup>th</sup> Streets. The applicant is requesting the vacation so as to provide parking for the Antique Car Museum. This matter went before the Planning and Zoning Board on April 21, 2004, and was approved by a vote of 5-2. At that time, questions arose from the public regarding easements for continuous vehicular and pedestrian access, and the use of parking during off-hours. The applicant responded to the requests.

Helen Lewis, one of the owners of Jerry's Marine Service, said the company has been located at this site for over 32 years and employs about 100 individuals. She said if this street is closed, their business would be affected. She said they distribute marine engines and associated parts, and the equipment is unloaded with trucks and hoists. She said a building is being constructed in front of their location, and a parking garage is being erected one block south. She said they were not officially notified about this meeting, and asked for the Commission not to close the subject street.

Mayor Naugle asked if the vehicular access that is to be granted would help the business.

Ms. Lewis said it would help, but asked if the applicant could request the roadway to be completely closed in the future.

Mayor Naugle said on tonight's agenda the item is to vacate the street subject to the City retaining a utility easement, a vehicular and pedestrian access easement, and a shared parking arrangement.

Ms. Lewis said that in 1976 the owner of the property to the north wanted the street vacated during construction, but approval was not granted. She asked why the applicant could make such a request at this time.

Commissioner Hutchinson asked if the vacation is granted based on the three conditions and the applicant violates such conditions, could the City reclaim the roadway.

The City Attorney said the City is retaining that right. But based on the three conditions, he was not sure if the public retained such right.

Commissioner Hutchinson asked if any of the conditions have changed. The City Attorney referred to staff's recommendation including the 3 conditions. He suggested such conditions be incorporated into the motion and provide that it is for public use.

Commissioner Hutchinson asked if the second condition includes public use. The City Attorney said it did not necessarily include public use; the wording should say: "The City retains for public use a vehicular and pedestrian access."



Commissioner Hutchinson asked if it is the intention of staff to include public use so as to calm the fears of the public.

Mr. Cromar said the intention is to provide for public use.

John Ziegler, tenant north of the Antique Car Museum, said he is representing his landlord who is out of town and wanted the following letter read:

“Dear Sirs and Ladies: We are writing this to show our opposition to the vacation of a portion of Flagler Avenue between SW 15<sup>th</sup> Street and SW 16<sup>th</sup> Street. We are still owners of a building we constructed in 1976 on 8 lots fronting on Flagler Avenue. We petitioned the Board to vacate this same alley at that time, but were denied. We, therefore, designated our building to utilize the then unpaved alley, and petitioned to have it paved and improved. It is done and we paid our share. We recognize that things are changing, but at a time when traffic congestion is a growing problem, it seems unfair that the road could be closed to the south. I see no reason to change the existing street except to economically benefit one owner in the area and at the expense of his neighbors’ logistics in conducting their daily business. We would greatly appreciate the reading of this letter at the hearing in the hope it will influence those attending to join in our protest. We feel that we should be entitled to the proper notice if this is put through the appropriate channels. Since we did not receive notice as is normally required for this type of hearing, we are unable to appear in person. We appreciate that Mr. Ziegler can appear and present our objection. Thank you. Carol Daggett Lanahan, Property Manager for John S. Daggett, Property Owner.”

Mr. Ziegler said that John S. Daggett is Carol’s father. He said their building is also going to be affected. The neighbors’ concern is in regard to access. He would not object to the vacation as long as access is not denied.

Robert Lochrie, attorney for the applicant, said the Antique Car Museum provides a unique opportunity for the City. When this vacation process began, all concerns raised were addressed, especially regarding public access to the roadway. He showed graphics of the site. The roadway off the beaten path is not well maintained and it is used illegally for parking. He showed photographs of the area. The applicant’s intent, once the roadway is vacated, is to improve the area and include landscaping and parking.

Mr. Lochrie said, based on concerns raised, the applicant agrees to maintain a 24’ pedestrian vehicular access for the public through the center of the existing street. Minimum standards of the Engineering Department were used for the 24’. In addition, the City retains a utility easement over the area.

Mr. Lochrie continued to state this is a unique situation on Flagler Avenue. He showed a location map and said the areas in green indicate the old portions of Flagler, which are vacated. The portion being discussed tonight and the portion to the south are the only ones which have not been vacated. The applicant is not asking for discontinuation of access through the area.

Birch Willey, 818 SE 4<sup>th</sup> Street, said he is interested in the City’s planning and felt the vacation is good for the area. He asked the Commission to vote in favor of the vacation.

Betsey Camron, property owner in the Arts and Entertainment District, said the City is fortunate to have this world-class museum. She urged the Commission to approve it.

Gerry Cooper, member of the Planning and Zoning Board, said a good deal of discussion and testimony was given at the Board's meeting. He said he normally does not vote in favor of alley vacations, but in this case, a 24' easement is being provided for the public.

Vice Mayor Trantalis asked what is the purpose for vacating the property. Mr. Lochrie said the purpose is to provide additional parking for the museum. He showed a map of the site. The intent is to improve the area to the west of the facility.

Vice Mayor Trantalis asked if the parking is for the museum's exclusive use. Mr. Lochrie said it is exclusive to the museum, but the applicant will work with the neighborhood and allow the parking to be used. Vice Mayor Trantalis asked if there would be any type of expansion in the vacated area. Mr. Lochrie said only parking is to be placed in the vacated right-of-way. Vice Mayor Trantalis asked about the effects of the vacation to the property owners in the area. Mr. Lochrie said access to the businesses is important, and it currently exists along the properties on 16<sup>th</sup> and 17<sup>th</sup> Streets. The applicant is still providing the 24' access, and therefore, there is to be no impediment of traffic.

Jeryl Madfis noted that she sent a letter to the City Commission on this matter. She felt the issue is a matter of trust. She asked the Commission to consider this matter carefully. The community has worked hard to create a Master Plan they want to move forward. This is the last portion of Flagler not vacated, and it leaves only the option of the pedestrian access to the FEC. Shared parking along with the vehicular traffic is important.

Vice Mayor Trantalis asked if this vacation is granted and the museum moves in the future, would the vacation run with the museum, and what are the rights of the City.

The City Attorney said it would be gone forever with the exclusion of the 24' dedicated for public use. Vice Mayor Trantalis said the parking is to only be used by the museum and asked if it is proprietary to the property. The City Attorney said in vacations, the fee simple title goes to the underlying property owner. If the Commission wanted to preserve it and use it only for the museum, then the City would grant the museum a license to use the adjacent right-of-way. If the museum moved, the license could be revoked and ownership would then be retained. If it is vacated, it is gone forever.

If there is no building on the right-of-way and only parking is added, Vice Mayor Trantalis asked why the City is giving this property advantages over the adjacent property owners, when it is a parking lot and no longer a museum. The City Attorney said if the vacated property becomes a used car lot; it is proprietary to the adjacent property owner who owns the fee simple title and uses it as they wish. Then, the license is revoked and the car lot cannot use it any longer. It appears the applicant is requesting the vacation to solve a setback problem in connection with an improvement to be done to the property.

Mr. Lochrie said it is really a parking requirement problem. This pocket is a unique situation. North of Davie Boulevard to State Road 84, Flagler has been vacated. This portion does have the 24' easement. It is a "win-win" situation because the City and the

public retain use of the area, and it can also be used by the adjoining property owners for parking. The applicant agrees to not place a building within the vacated area.

Vice Mayor Trantalis said during the last few months, the City has been struggling with a similar situation where a private property owner is permitted to build parking in a greenway in the middle of a street. Once this is done, then it is "shame on the City" to think the policy can be reversed. He is attempting to preserve posterity because people would ask why the right-of-way was given away. He is not saying that the past vacations along Flagler were right. He said he would probably vote in favor of this vacation since it has the 24' access. The City should not make it a policy to give away property even though it appears to be an altruistic measure. He said he is looking at this toward the future in regard to the consequences when this is no longer a not-for-profit entity operating at the site.

Commissioner Hutchinson said she walked from Davie Boulevard south along State Road 84, and it is interesting this is the only portion left. She said it is a shame that the previous Commission did not obtain access which will be nice when the FEC is bordering it and normal traffic along the FEC occurs. She said businesses in the area have been successful over the years. There is never enough parking anywhere in the City. Needs are outgrown at some point in time. She felt the parking would benefit the area as a whole. The medical office building would also enhance the area. She felt this is an unusual instance because the City never grants vehicular and pedestrian easements for public use. She felt this will be a "win-win" situation.

Commissioner Moore said the applicant is requesting first right-of-use for the parking, but others could use it also. He said the applicant is making improvements to the property and he felt it makes sense.

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

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<b>CITIZEN PRESENTATION</b>
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1. Bob Mandell – Pet Ordinance

Bob Mandell said he was unaware of the Pet Ordinance, but commented that there are more dogs in this country than people. Dogs are important to people and become part of the family. He felt because of the ordinance he is being penalized because he lives near the beach. He said he knew that you couldn't walk your dog on the beach but he didn't know you couldn't walk the dog on the sidewalk. He has obtained a copy of the ordinance, and indicated that he is not fighting City Hall.

Mayor Naugle said this was enacted at a time when individuals were bringing pit bulls to the beach and intimidating people. The State legislature restricted cities from writing ordinances against specific breeds of dogs. It was a serious problem and as a compromise, Fort Lauderdale said dogs were not allowed on the east side of the street,

but were allowed on the west side. He said it was not targeted against other breeds of dogs.

Mr. Mandell said everyone is paying the price. Small dogs are an attraction to the beach. It is time to look at this ordinance again.

Mayor Naugle said if the District Commissioner wanted to schedule this item for discussion, the Commission would address the matter.

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<b>RESOLUTIONS</b>
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**Broward County Boat Facility Siting Plan**

**(R-1)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING THE CITY'S CONCERN WITH THE POTENTIAL NEGATIVE IMPACT ON THE CITY'S PUBLIC MARINE FACILITIES AND THE OVERALL MARINE INDUSTRY OF THE DRAFT BOAT FACILITY SITING PLAN (BFSP) RELEASED BY BROWARD COUNTY IN NOVEMBER, 2004 AND DISCUSSED AT A PUBLIC HEARING ON DECEMBER 7, 2004; STRONGLY URGING THE BROWARD COUNTY COMMISSION TO SEEK FURTHER PUBLIC COMMENT AND TO SERIOUSLY CONSIDER THE INPUT OF THE MARINE INDUSTRIES ASSOCIATION OF SOUTH FLORIDA, THE CITY OF FORT LAUDERDALE, AND OTHER AFFECTED PARTIES; URGING THE BROWARD COUNTY COMMISSION TO MODIFY THE PLAN AS A RESULT OF THAT INPUT IN ORDER TO STRIKE A REASONABLE BALANCE BETWEEN THE IMPORTANT GOAL OF MANATEE PROTECTION AND THE REALISTIC NEEDS OF THE COMMUNITY AND THE MARINE INDUSTRY WITH RESPECT TO PROVIDING FAMILY RECREATIONAL AND COMMERCIAL BOATING FACILITIES OVER 100,000 MARINE RELATED JOBS AND AN \$8.8 BILLION ANNUAL ECONOMIC IMPACT TO THE CITY OF FORT LAUDERDALE AND TO BROWARD COUNTY; FURTHER URGING THE COUNTY COMMISSION TO APPOINT TWO (2) REPRESENTATIVES ON THE BROWARD COUNTY MANATEE CORE GROUP; AND FURTHER DIRECTING THE CITY CLERK TO TRANSMIT CERTIFIED COPIES OF THIS RESOLUTION TO THE BROWARD COUNTY MAYOR, COMMISSIONERS AND ADMINISTRATOR.

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

Mayor Naugle recognized State Representative Jack Siler.

Representative Siler commended the Commission regarding their leadership on the Boat Facility Siting Plan issue. He said there is a need to maintain a balance between the environmental and economic interests. He said this industry brings about \$9 billion to the City and employs many individuals. He said this is the "Venice of America" and the proper balance needs to be reached.

Also, Representative Siler said the pet ordinance battle should be brought to Tallahassee's attention.

Mayor Naugle said the Plan holds the Port harmless, but its impact is only about \$2 billion.

Representative Siler hoped Broward County will follow the City's leadership in regard to this matter and arrive at a compromise.

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**Dixie Townhome Villas Plat - 1740 North Dixie  
Highway – Case 6-P-04**

**(R-2)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT  
KNOWN AS "DIXIE TOWNHOME VILLAS."

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

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**Reconsideration – Site Plan – 4<sup>th</sup> Avenue Xposed -  
700 NE 4 Avenue – Allocation of Dwelling Units –  
Case 123-R-04**

**(R-3)**

Mayor Naugle said that on December 7, 2004, the City Commission approved Resolution No. 04-221 approving the Development Plan and allocating dwelling units for a 4-story mixed-use building at 700 NE 4<sup>th</sup> Avenue in the RAC-UV zoning district. On December 21, 2004, the City Commission voted to reconsider the approval of the project, and on January 18, 2005, staff recommended the Commission defer reconsideration until February 1, 2005. The City Commission is authorized to review the Development Plan to determine if such Plan conforms to the provisions of the Unified Land Development Regulations.

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

Wayne Jessup, Planning and Zoning Services, said the applicant has made modifications to their design, and now it better reflects the intent of the City's Master Plan.

Commissioner Moore asked if the Plan is now 80% or 90% of the Commission's expectation.

Mr. Jessup said the Master Plan suggests the intent and the guidelines suggest the way to get to the intent. There are a number of ways to meet the intent of the Master Plan, and the intent has been met.

Michael Madfis, architect, showed a slide of the modifications being made to the design. He said more detail is being added to the parapet which reflects some geometry of the building design.

Vice Mayor Trantalis said he is comfortable with the design as shown.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-20

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

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**Charges for Boarding & Securing Buildings**

**(R-4)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 111 OF THE FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERITES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

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**Site Plan Review – Marbella Place - Case 13-R-04**  
**501, 519, 527 N. Birch Road – 37 Unit Multi-Family Building**

**(R-5)**

Mayor Naugle said the applicant is requesting a deferral of this item.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this matter until February 15, 2005 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, and Teel and Mayor Naugle. NAYS: None.

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**Essentially Built Out Agreement – Development of Regional Impact – Broward Trade Centre – 200 W. Cypress Creek Road**

**(R-6)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AGREEMENT ACKNOWLEDGING BUILD OUT OF THE BROWARD TRADE CENTRE DEVELOPMENT OF REGIONAL IMPACT.

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

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**Broward County – March 8, 2005 Referendum**  
**Slot Machines**

**(R-7)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS RECONSIDER ITS APPROVAL OF A REFERENDUM REGARDING SLOT MACHINES UNTIL AN IMPACT STUDY IS CONDUCTED.

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

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**Advisory Board/Committee Appointments**

**(OB)**

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

Cemeteries Board of Trustees

Albert McWhite

Code Enforcement Board	Doug White (Alternate)
Community Appearance Board	John Heuss Greg Stuart
Hall of Fame Board of Directors	City Manager - (George Gretsas) Vice Mayor Dean J. Trantalis
Insurance Advisory Board	Roger G. Bond

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-24

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

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

Vice Mayor Trantalis said that Citizen Volunteer Corp volunteers are needed on February 19, 2005 from 8:00 a.m. to noon to prepare the Floyd Hall Stadium prior to baseball season. Volunteers should contact Maxine Singh at 954-828-5005. All help is appreciated.

**Naming of Courthouse After Judge Henry Latimer** (OB)

Commissioner Moore said that an expression of sympathy was presented to the family of Judge Latimer earlier in the meeting. There is a move in the county to name the Courthouse after Judge Latimer. He asked if this Commission would consider a resolution to support this matter.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that the Broward County Courthouse be named after Judge Henry Latimer, Jr. (Resolution No. 05-25). Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Mayor Naugle invited everyone to attend the opening at Joseph C. Carter Park on Monday evening.

There being no other matters to come before the Commission, the meeting was adjourned at 7:15 P.M.



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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk