

**INDEX OF A REGULAR MEETING  
FORT LAUDERDALE CITY COMMISSION  
FEBRUARY 15, 2005**

<u>Agenda</u>	<u>Reso./Ord.</u>	<u>Page(s)</u>
<u>Item</u>	<u>No.</u>	
	<u>Presentations:</u>	
	1. "WOW" Award	1
	2. National Engineer's Week	2
	3. Neighborhood Enhancement Action Team (NEAT Program)	2
CA	Consent Agenda	2
M-1	Event Agreement – Jerome E. Gray Drug Awareness Parade	2
M-2	Event Agreement – Fort Lauderdale for Tsunami Relief	3
M-3	Event Agreement – Riverwalk Run	3
M-4	Event Agreement – 17 <sup>th</sup> Annual Las Olas March Art Fair	3
M-5	Event Agreement – St. Patrick's Street Dance	3
M-6	Event Agreement – 2005 Children's Reading Festival	4
M-7	Event Agreement – AVP Pro Beach Volleyball	4
M-8	Event Agreement – Florida Beach Volleyball Tour	4
M-9	Event Agreement – Pridefest 2005	4
M-10	Event Agreement – Tsunami Relief	5
M-11	Change Order No. 1 – Danella Companies, Inc. - \$12,444.36 Credit – Davie Boulevard Force Main, SE 18 Street and Adding 11 Calendar Days to Construction Period	5
M-12	Change Order No. 2 – Catalfumo Construction d/b/a Seawood Builders – Riverland Park Project \$591,891 and adding 150 Days to Construction Period	2, 5
M-13	Change Order No. 3 – American Water Services, Inc. - \$28,435.20 – Wastewater Conveyance System – Emergency Storm Sewer Pipe Rehabilitation and a 224 Calendar Day Non-Compensable Contract Extension	5
M-14	Change Order No. 6 – F&L Construction, Inc. - \$25,460 – Concrete and Paving Stones Repair	6
M-15	Task Order Nos. 1, 2, 3, 4 – CMTS Florida, LLC - \$614,161 – Utility Construction Inspection Services	6
M-16	Task Order No. 8 – Kimley Horn & Associates, Inc. - \$402,486 – Professional Design Services – Airport Rescue Fire Fighting Emergency Operations Center, Training Facility, Hazardous Material Unit	6
M-17	Task Order No. 03-06, Amendment No. 1 – Hazen and Sawyer, P.C. – Fiveash Water Treatment Plant Upgrades Phase 1 – No Net Additional Cost	6
M-18	Contract Award – Metro Equipment Service, Inc. - \$1,258,924.50 – La Preserve Pump Station and Sailboat Bend Master Pump Station	7
M-19	Revocable License – TRG&S Las Olas Beach Club, Ltd. Close Sidewalk on Poinsettia and Cortez Streets And Close Westbound Travel Lane of Poinsettia Street	7, 10
OB	Sistrunk Historical Festival	11
Pur-1	952-9053 – Fire-Rescue Uniforms	7
Pur-2	Proprietary – Pumps and Parts	8
Pur-3	452-9143 – Water Distribution and Repair Parts	8

MINUTES OF A REGULAR MEETING

2/15/05- ii

Pur-4		512-8415 – Assignment of Contract for eiStream Identitech, Inc.	8
Pur-5		Annual Radio Purchase Plan	9
Pur-6		1802-4/09 – Safety Shoes	9, 11
Pur-7		752-9144 – Propane Gas	9
M-20		Settlement Agreement – File WC-01-10903 & WC-03-11970 Dillard Brock - \$21,500	12
M-21		Certificate of Appropriateness for Demolition 808 West Broward Boulevard – HPB Case 25-H-04	12
M-22		Eviction Proceedings – Shop No. 128, City Park Mall Medical Therapeutic Message Clinic, Inc.	14
PH-1	C-05-03	Vacate Right-of-Way – portion of Flagler Avenue Case 18-P-03	15
PH-2	C-05-04	Vacate Right-of-Way – Portion of NW 2 Street – Case 12-P-04	16
PH-3	05-27	Application for Dock Waiver of Distance Limitations 413 Idlewyld Drive	16
PH-4	05-28	Executive Airport – Minimum Annual Lease Rates And Brokerage Commission Policy	17
PH-5	Deferred	Historic Designation – 401 NW 7 Avenue – Case 22-H-04	18
PH-6	Deferred	Appeal of Planning & Zoning Board Decision – Pat Patel/ McCabi Cigars – 1221 East Las Olas Boulevard – Parking Reduction – Case 60-R-04	18
OB		Proposed Broward County Land Use Plan Amendment For the Fort Lauderdale Downtown Regional Activity Center	19
O-1	C-05-02	Parking & Fleet Services Dept; Updating Code; Dept. Name Change	21
O-2	C-05-05	Amendment to Pay Plan	21
R-1	05-29	Executive Airport – Minimum Standards for Airport Tenants	22
R-2	05-30	Fort Lauderdale Federal Courthouse	22
R-3	Removed	Site Plan Level IV Review – Strand Towers 1 and 2 – Las Olas Riverfront and Corresponding Plat Note Amendment – Brickell Redevelopment Plat 300 SW 1 Avenue – Cases 88-R-04 and 11-O-04	2, 23
R-4	Deferred	Site Plan Review-Marbella Place – Case 13-R-04 501, 519, 527 N. Birch Road – 37 Unit Multi-Family Building	23
R-5	05-31	Amendment to Approved Site Plan Level IV Review - Case 80-R-00 – Trump International Hotel and Tower a/k/a Gold Coast Merrimac – 551 North Fort Lauderdale Beach Boulevard	27
OB	05-32	Advisory Board/Committee Appointments	29
OB		Historic Designation/South Side School	29

**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
FEBRUARY 15, 2005**

Meeting was 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 Carlton B. Moore  
Commissioner Cindi Hutchinson  
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 Quintin Waters

Invocation was offered by Dr. Harold McSwain, Jr., Senior Pastor, First Congregational Church, United Church of Christ, 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 February 1, 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. "WOW" Award

Commissioner Hutchinson presented the "WOW" Award for District IV to Mr. and Mrs. Rosen of 1213 Orange Isle in River Oaks. She said that they, along with the assistance of their architect, Mr. Alex Diaz, redesigned their home with the installation of a swimming pool, and the transformation of the carport into a garage, along with the addition of 500 sq. ft. to the main house. It is a wonderful addition to the Citrus Isles community.

2. National Engineers Week

Commissioner Teel and the City Commission issued a proclamation to Peter Partington declaring the week of February 20-26, 2005, to be "National Engineers Week." Peter Partington, City Engineer, thanked the Commission for the award on behalf of all engineers and said it was greatly appreciated.

3. Neighborhood Enhancement Action Team (NEAT Program)

Commissioner Moore and the City Commission presented a commendation to Charlie Ingrassi for efforts in connection with the Neighborhood Enhancement Action Team (NEAT Program).

Charlie Ingrassi said it was a pleasure to help the City and thanked everyone for the commendation.

**Change Order No. 2 – Catalfumo Construction d/b/a Seawood Builders – Riverland Park Project - \$591,891 and adding 150 Days to Construction Period (M-12)**

Mayor Naugle announced that the dollar amount for this item is \$551,891.

**Site Plan Level IV Review – Strand Towers 1 and 2 – Las Olas Riverfront and Corresponding Plat Note Amendment – Brickell Redevelopment Plat – 300 SW 1 Avenue – Cases 88-R-04 And 11-O-04 (R-3)**

Mayor Naugle said this item has been removed from tonight's agenda.

**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 –Jerome E. Gray Drug Awareness Parade (M-1)**

A motion authorizing and approving the execution of an Event Agreement with Mt. Olivet S.D.A. Church to indemnify, protect and hold harmless the City from any liability in connection with the Jerome E. Gray Drug Awareness Parade, to be held Saturday, February 19, 2005, 3-6 p.m.; and further authorizing the closing of specified City streets for the event route.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-141 from City Manager.

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**Event Agreement – Fort Lauderdale for Tsunami Relief** (M-2)

A motion authorizing and approving the execution of an Event Agreement with North Beach Square Neighborhood Association, Inc. to indemnify, protect and hold harmless the City from any liability in connection with Fort Lauderdale for Tsunami Relief to be held Saturday, March 5, 2005, 12 noon to 11 p.m.; and further authorizing the closing of Sunrise Lane from NE 9 Street to the north end of the Parrot Lounge at 911 Sunrise Lane, 10 a.m. – 12 midnight on March 5, 2005.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-202 from City Manager.

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**Event Agreement – Riverwalk Run** (M-3)

A motion authorizing and approving the execution of an Event Agreement with the Junior League of Greater Fort Lauderdale to indemnify, protect and hold harmless the City from any liability in connection with the Riverwalk Run to be held Saturday, March 19, 2005, 5:30 a.m. – 10 a.m.; and further authorizing closing of certain City streets for the event route from 7 a.m. to 8:30 a.m.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-203 from City Manager.

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**Event Agreement – 17<sup>th</sup> Annual Las Olas March Art Fair** (M-4)

A motion authorizing and approving the execution of an Event Agreement with Las Olas Association, Inc. to indemnify, protect and hold harmless the City from any liability in connection with the 17<sup>th</sup> Annual Las Olas March Art Fair to be held in the East Las Olas shopping district on Saturday and Sunday, March 5 and 6, 2005, 10 a.m. to 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., March 5, 2005 to 9 p.m. on March 6, 2005.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-199 from City Manager.

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**Event Agreement – St. Patrick's Street Dance** (M-5)

A motion authorizing and approving the execution of an Event Agreement with the Downtowner Saloon Inc. to indemnify, protect and hold harmless the City from any liability in connection with the St. Patrick's Street Dance, to be held Thursday and Friday, March 17 and 18, 2005, 12 noon to 11 p.m.; and further authorizing closing of certain City streets from 8 a.m. on March 17, 2005, to 12 noon on March 19, 2005.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-200 from City Manager.

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**Event Agreement – 2005 Children’s Reading Festival** (M-6)

A motion authorizing and approving the execution of an Event Agreement with the Broward County Library to indemnify, protect and hold harmless the City from any liability in connection with the 2005 Children’s Reading Festival, to be held Saturday, April 16, 2005, 10 a.m. to 5 p.m. and Sunday, April 17, 2005, 12 noon to 5 p.m. in Stranahan Park; and further authorizing closing of certain City streets from 6 p.m., April 15, 2005 to 8 p.m., April 17, 2005.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-201 from City Manager.

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**Event Agreement – AVP Pro Beach Volleyball** (M-7)

A motion authorizing and approving the execution of an Event Agreement with the Association for Volleyball Professionals, Inc. to indemnify, protect and hold harmless the City from any liability in connection with AVP Pro Beach Volleyball to be held at South Beach on Friday, Saturday and Sunday, April 1-3, 2005.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-213 from City Manager.

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**Event Agreement – Florida Beach Volleyball Tour** (M-8)

A motion authorizing and approving the execution of an Event Agreement with Pro-Motions Sports Marketing, Inc. to indemnify, protect and hold harmless the City from any liability in connection with the Florida Beach Volleyball Tour, to be held on the following Saturdays and Sundays in 2005; February 26 and 27, April 16 and 17, and August 27 and 28, 9 a.m. to 6 p.m. at Fort Lauderdale’s South Beach.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-214 from City Manager.

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**Event Agreement – Pridefest 2005** (M-9)

A motion authorizing and approving the execution of an Event Agreement with Pride One of Broward County, Inc. to indemnify, protect and hold harmless the City from any liability in connection with Pridefest 2005, to be held Saturday and Sunday, March 12 and 13, 2005, 11 a.m. to 6 p.m. at War Memorial Auditorium and Holiday Park.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-215 from City Manager.

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**Event Agreement – Tsunami Relief****(M-10)**

A motion authorizing and approving the execution of an Event Agreement with the Tarpon Bend Food and Tackle – Riverwalk, Ltd. To indemnify, protect and hold harmless the City from any liability in connection with Tsunami Relief to be held at Tarpon Bend Food and Tackle at 200 SW 2 Street on Sunday, February 27, 2005, 12 noon – 1 p.m.; and further authorizing the closing of SW 2 Avenue from SW 2 Street to the alley that runs behind Tarpon Bend, from 10 a.m. to 9 p.m. on February 27, 2005.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 05-216 from City Manager.

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**Change Order No. 1 – Danella Companies, Inc. -  
\$12,444.36 Credit – Davie Boulevard Force Main,  
SE 18 Street and Adding 11 Calendar Days to  
Construction Period**

**(M-11)**

A motion authorizing the proper City Officials to execute Change Order No. 1 with Danella Companies, Inc. in the amount of \$12,444.36 credit for final contract quantity adjustments, additional costs and adding 11 calendar days to the construction period for Davie Boulevard 54 inch forcemain, SE 18 Street to the G.T. Lohmeyer Wastewater Treatment Plant.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 05-153 from City Manager.

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**Change Order No. 2 – Catalfumo Construction d/b/a  
Seawood Builders – Riverland Park Project - \$591,891  
and Adding 150 Days to Construction Period**

**(M-12)**

A motion authorizing the proper City Officials to execute Change Order No. 2 with Catalfumo Construction, LLC d/b/a Seawood Builders in the amount of \$591,891 for additional work associated with the Riverland Park project and adding 150 days to the construction period – Project 15245.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 05-110 from City Manager.

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**Change Order No. 3 – American Water Services, Inc. -  
\$28,435.20 – Wastewater Conveyance System – Emergency  
Storm Sewer Pipe Rehabilitation and a 224 Calendar Day  
Non-Compensable Contract Extension**

**(M-13)**

A motion authorizing the proper City Officials to execute Change Order No. 3 with American Water Services, Inc. in the amount of \$28,435.20 for emergency storm sewer pipe rehabilitation and other additional work in connection with the Wastewater Conveyance System, Long Term Remediation Program, Basin A27.3, and authorizing a 224-calendar day non-compensable contract extension.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-043 from City Manager.

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**Change Order No. 6 – F&L Construction, Inc. - (M-14)**  
**\$25,460 – Concrete and Paving Stones Repair**

A motion authorizing the proper City Officials to execute Change Order No. 6 with F&L Construction, Inc. in the amount of \$25,460 for additional work associated with the 2003-2004 Annual contract for concrete and paving stones repair – Project 10612.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-107 from City Manager.

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**Task Order Nos. 1, 2, 3 4 – CMTS Florida, LLC - \$614,161 (M-15)**  
**Utility Construction Inspection Services**

A motion authorizing the proper City Officials to execute Task Order Nos. 1-4 with CMTS Florida, LLC in the amount of \$614,161, for utility construction inspection services associated with: 1. Davie Boulevard Water Main Package A (Project 10553A); 2. River Run, Flamingo Park, Oak River Sewer Improvements, Basin F (Project 10507F); 3. Shady Banks Sewer Improvements, Basin B (Project 10543B); and 4. Sailboat Bend Sewer Improvements, Basin B (Project 10542B).

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-147 from City Manager.

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**Task Order No. 8 – Kimley Horn & Associates, Inc. - \$402,486 (M-16)**  
**Professional Design Services – Airport Rescue Fire Fighting  
Emergency Operations Center, Training Facility,  
Hazardous Material Unit**

A motion authorizing the proper City Officials to execute Task Order No. 8 with Kimley Horn & Associates, Inc. in the amount of \$402,486 for design, permitting and bid assistance services related to the Airport Rescue Fire Fighting Emergency Operations Center, Training Facility and Hazardous Material Unit.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-109 from City Manager.

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**Task Order No. 03-06, Amendment No. 1 – Hazen and Sawyer, P.C. (M-17)**  
**Fiveash Water Treatment Plant Upgrades Phase 1 – No Net  
Additional Cost**

A motion authorizing the proper City Officials to execute Task Order No. 03-06, Amendment No. 1 with Hazen and Sawyer, P.C. relating to Fiveash Water Treatment Plant Upgrades Phase 1, decreasing labor costs for Task 1, Bidding Services, and



increasing labor costs for Task 2, Services during Construction for no net additional cost – Project 10387.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-152 from City Manager.

**Contract Award – Metro Equipment Service, Inc. - (M-18)**  
**\$1,258,924.50 – La Preserve Pump Station and Sailboat**  
**Bend Master Pump Station**

A motion authorizing the proper City Officials to execute a contract with Metro Equipment Service, Inc. in the amount of \$1,258,924.50 for construction of the La Preserve Pump Station (River Oaks – Area 6 Sanitary Sewer Project) and the Sailboat Bend Master Pump Station (Sailboat Bend – Area 11 Sanitary Sewer Project) – Project 10890.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 05-151 from City Manager.

**Revocable License – TRG&S Las Olas Beach Club, Ltd. (M-19)**  
**Close Sidewalk on Poinsettia and Cortez Streets and**  
**Close Westbound Travel Lane of Poinsettia Street**

A motion authorizing the proper City Officials to execute 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 lane of Poinsettia Street. Deferred from February 1, 2005.

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

**PURCHASING AGENDA**

**952-9053 – Fire Rescue Uniforms (Pur-1)**

A two-year contract for Fire-Rescue uniforms is being presented for approval by the Fire-Rescue Department.

Vendor: Jules Bros' Uniforms, Inc.  
Miami, FL  
Golden Nugget Uniforms, Inc. (WBE)  
d/b/a Argo Uniforms  
Hallandale, FL  
USA Patch Company  
N. Haven, CT  
Amount: \$ 88,501.70 (estimated annual total)  
Bids Solicited/Rec'd: 153/7 with 5 no bids

Exhibits: Memorandum No. 05-198 from City Manager.

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

**Proprietary – Pumps and Parts**

**(Pur-2)**

An agreement to purchase Davis EMU wastewater pumps and parts is being presented for approval by the Public Works Department.

Vendor: Florida Bearings, Inc.  
Fort Lauderdale, FL  
Amount: \$ 40,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 05-206 from City Manager.

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

**452-9143 – Water Distribution and Repair Parts**

**(Pur-3)**

A one-year price agreement for water distribution and repair parts is being presented for approval by the Public Works Department.

Vendor: Ferguson Enterprises  
Newport News, VA  
Hughes Supply  
Pompano Beach, FL  
Metalloy Industries  
Alachua, FL  
Amount: Per Unit Pricing  
Bids Solicited/Rec'd: 67/7 with 1 no bid  
Exhibits: Memorandum No. 05-224 from City Manager.

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

**512-8415 – Assignment of Contract for eiStream  
Identitech, Inc.**

**(Pur-4)**

An assignment of contract for eiStream Identitech, Inc. – business process management system is being presented for approval by the Information Technology Services Department.

Vendor: Global 360 BGS, Inc.  
Dallas, TX  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 05-187 from City Manager.

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

**Annual Radio Purchase Plan**

**(Pur-5)**

An annual purchase plan for various Motorola and EF Johnson radios, parts and services for City-wide use is being presented for approval by the Information Technology Services Department.

Vendor: Motorola Communications & Electronics, Inc.  
Schaumburg, IL  
EF Johnson Company  
Waseca, MN

Amount: \$ 136,411.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 05-188 from City Manager

The Procurement Services Department recommends approving annual radio purchase plan.

**1802-4/09 – Safety Shoes**

**(Pur-6)**

An agreement to purchase safety shoes for City-wide use is being presented for approval by the Finance Department.

Vendor: Iron Age Corporation  
Pittsburgh, PA  
Lehigh Safety Shoe Co., LLC  
Vestal, NY

Amount: \$ 73,000.00 (estimated annual)

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 05-212 from City Manager.

The Procurement Services Department reviewed this item and recommends approving purchases from the Miami-Dade County contract.

**752-9144 – Propane Gas**

**(Pur-7)**

A one-year contract for propane gas is being presented for approval by the Parks & Recreation Department.

Vendor: MacMillan Propane Gas Company of Florida, Inc. (MBE)  
Miami, FL

Amount: \$ 48,720.00 (estimated)

Bids Solicited/Rec'd: 4/2

Exhibits: Memorandum No. 05-140 from City Manager

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

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

**Motion** made by Commissioner Moore and seconded by Commissioner Teel that Consent Agenda Item Nos. M-19, and Pur-6, be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

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**Revocable License – TRG&S Las Olas Beach Club, Ltd. (M-19)**  
**Close Sidewalk on Poinsettia and Cortez Streets And**  
**Close Westbound Travel Lane of Poinsettia Street**

Vice Mayor Trantalis asked about the matter of a fee associated with the Revocable License.

Peter Partington, City Engineer, said it is his understanding that the draft license does contain language regarding a fee to be collected in connection with inspections.

The City Manager said discussions have taken place regarding the amount of the fee to be charged, but they had not yet figured out how such monies would be spent.

Stephen Scott, Assistant City Manager, said he has spoken with Barbara Hall, attorney for Las Olas Beach Club, and the language has been fine-tuned. They are amenable to paying a fee towards reimbursing the City for their expenses and for inspecting the premises on a regular basis.

Vice Mayor Trantalis asked if this would pertain to other buildings on the beach, and if an easement is requested, would a fee structure be entertained. He asked if this would be implemented soon. He said the neighbors are getting exasperated regarding this matter.

Mr. Scott said it could be implemented very soon, and if the Commission desired this to be implemented for all buildings on the beach and in other areas of the City, then it could be done. The fees are part of the agreement.

The City Manager said if there is support for such legislation, documentation could be provided.

Vice Mayor Trantalis wanted this brought to everyone's attention so the matter would not slip through the cracks. He said the building is moving forward and now the City is playing catch-up.

The City Attorney said the City has to establish the cost, and then, when entering into the agreements, the license cost would be included which would be different for each

project. They would have to arrive at an administrative calculation regarding the amount of the fee.

**Motion** made by Vice Mayor Trantalis and seconded by Commissioner Hutchinson to authorize the proper City Officials to execute a revocable license with TRG&S Las Olas Beach Club, Ltd. to close the sidewalk on Poinsettia Street and Cortez Street, immediately west of State Road A-1-A and to close the westbound travel lane of Poinsettia Street. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, Teel, and Mayor Naugle. NAYS: None.

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**Sistrunk Historical Festival**

**(OB)**

Commissioner Moore said the Sistrunk Historical Festival would take place this month, and the Sweeting Homeowners Association is concerned about barricades on 24<sup>th</sup> and 23<sup>rd</sup> Avenues in order to prevent parking on swales in front of homes. He requested that this matter be handled so the neighborhood's concerns would be addressed.

Phil Thornburg, Director of Parks and Recreation, said he would make sure the matter is addressed.

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**1802-4/09 – Safety Shoes**

**(Pur-6)**

Vice Mayor Trantalis said that at his neighborhood meeting questions arose as to why the City is spending \$73,000 for shoes.

Kirk Buffington, Procurement Services Director, said the requirement of the City providing safety shoes is included in the bargaining unit contracts. The order includes various types of shoes depending on the work being done by the employee and the requirements placed by Risk Management.

Vice Mayor Trantalis asked what the low-end price and high-end price of the shoes might be. Mr. Buffington said there are two contractors and various types of shoes, and he would prefer to return with a definite number regarding the price.

**Motion** made by Vice Mayor Trantalis and seconded by Commissioner Hutchinson to approve the item as presented.

Commissioner Moore said he did not like it when the City piggy-backs on another contract, and asked why this is being done. Other municipalities go out for bids.

Mr. Buffington said in looking at the volume on the Miami-Dade contract which is \$1.2 million, in comparison with Fort Lauderdale at about \$73,000 to \$75,000 and if they were to go out for their own bid, the City would not get a better price than the one Miami-Dade received.

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

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<b>MOTIONS</b>
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**Settlement Agreement – File WC-01-10903 &  
WC-03-11970 – Dillard Brock - \$21,500****(M-20)**

Commissioner Moore said he was not available to participate in the discussion of this matter, and therefore, was not aware of the details, and asked if he could abstain from voting.

The City Attorney suggested Commissioner Moore leave the room.

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to approve the matter as presented. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Hutchinson and Teel, and Mayor Naugle. NAYS: None. Commissioner Moore not present.

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**Certificate of Appropriateness for Demolition  
808 West Broward Boulevard – HPB Case 25-H-04****(M-21)**

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to approve the matter for discussion.

Vice Mayor Trantalis said he became familiar with this matter through a client of his looking for property for their business, who at that time was informed by the City's Zoning Department that the site was unavailable because the zoning did not permit certain types of businesses. Meantime, a similar type of business is occurring at this site. The business has been cited and an order issued against the business for not meeting the change of use requirement. Part of the matter deals with the type of use and parking requirements. A fine has been running and is now totaling over \$100,000. He felt it is important not to confer a benefit to a property owner who is accruing a large fine. He hoped the fine would be collected and then the benefit could be conferred to the property owner.

Mayor Naugle said on January 3, 2005, the Historic Preservation Board by a vote of 10-0 approved the request for a Certificate of Appropriateness for demolition of a vacant two-story structure. He further said that Vice Mayor Trantalis filed a statement of intent to have the matter placed on the City Commission agenda on February 1, 2005. The matter was deferred until February 15, 2005. He said the Commission may set a public hearing for this matter.

Commissioner Hutchinson was not in support of a public hearing regarding this matter. She asked when the property would be in compliance.

John Simmons, Assistant Director Community Inspections, said compliance could be a long process depending if demolition is approved, and then the review process would take place. Commissioner Hutchinson asked if the business is allowed to continue operation. Mr. Simmons said that technically they have not been allowed since the overnight boarding has taken place since it is not in accordance with Code, and is contrary to the information the business supplied on their occupation license application.

Commissioner Hutchinson asked if a day care center is presently being operated. Mr. Simmons said they have inspected the property several times and animals are being boarded overnight which is a matter of contention. The operator's application for the business license said they were going to operate retail sales, grooming, and day care only, not overnight boarding.

Commissioner Hutchinson asked if demolition would begin bringing the property into compliance. Mr. Simmons said it is his understanding that additional parking is required in order to provide overnight use, but with demolition occurring parking would be provided as required.

Commissioner Moore said the present operator did not conform with the law and misinformed the City as to how the business was to be operated. This matter involves two separate issues, the fines and whether the structure is historic. He asked if the fines are to be paid.

Robert Lochrie, attorney for the landlord, said a check could not be issued to the City until the property is brought into compliance. He said the Board of Adjustment did grant approval so the property could operate as it exists today as a temporary use, and during that time the business was operating legally. He further said that the issue is not that additional parking is to be provided, but pertains to the adjoining building previously used as a motorcycle repair and dealership. He said the building is not, nor has been, used by this operator, but parking is to be provided for it. He said the operator of this business feels additional parking could be acquired, but that has not happened. Therefore, the only way for the property to come into compliance is to demolish the existing building.

Commissioner Moore asked if the landlord is willing to give the City a deposit. He was concerned about this situation because one individual followed the law, and another did not. He asked how the operator is going to pay the fine.

Mr. Lochrie said the fines are still running and an additional \$5,000 is being tacked onto the total fine due to the process taking place at this time. They want to resolve the matter and stop the fines. The owner is prepared to pay a fine and hopes to work with staff to have it reduced.

Commissioner Moore suggested that a public hearing be held at the Commission's second meeting in March.

The City Attorney said this is a "comedy of errors." He said the individual did not ignore the law, but applied for an application for an occupational license and the Zoning Office signed off. Overnight boarding was not approved, but no conversation took place between Zoning and the applicant regarding the matter. There was some unfamiliarity with the application and confusion took place.

Vice Mayor Trantalis said that is not correct because he was part of the process from the beginning. He felt the City Attorney was misinformed. The demolition permit should be separated from the continuous running of the fine. The City Attorney said the two matters are unrelated. They do not have sufficient parking due to the adjacent abandoned building causing a part of the fine. He said the owner wants to demolish the building. Then, the owner would have to appear before the Special Master and the additional parking would not be required.

Commissioner Hutchinson said that until the building is demolished, the fines regarding the parking would continue. Therefore, the building needs to be demolished so the property comes into compliance and the fines could be paid and the process would move forward.

Commissioner Moore said a building operator is operating a commercial property and conducting a business that is not permitted in the area. The owner of the property has a vacant building which could have been demolished to meet the parking requirement. If the Commission sets the public hearing for March 15, 2005, he urged the property owner and business operator to deal with the existing fines. He said if 30 days are granted for the continued process, the fines could stop during that time. He felt it is important for business operators to understand that zoning laws and fines exist for a reason.

Commissioner Moore said the City is working to redevelop Sistrunk Boulevard. A liquor store exists on 9<sup>th</sup> Avenue one block off the corridor. Everything the community wanted to remove to deal with the perception of the community was permitted in regard to that business. Business operators not following the zoning rules should pay the fines.

Mayor Naugle said he is going to vote against the public hearing because the item on tonight's agenda does not have anything to do with the dog grooming business. It involves a property owner wanting to demolish a building that is not normally permitted in Sailboat Bend. He said discussions should involve the structure itself and not the type of business located at the site.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Trantalis to schedule a public hearing on this matter for March 15, 2005 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis and Commissioner Moore. NAYS: Commissioners Hutchinson, Teel and Mayor Naugle.

Mayor Naugle said the decision made by the Historic Preservation Board would stand and the building would be demolished. He said that other issues regarding the business could be brought forward.

Vice Mayor Trantalis asked if the Mayor would continue in the future to support decisions made by the Historic Preservation Board. Mayor Naugle said he normally does support their decisions.

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**Eviction Proceedings – Shop No. 128, City Park Mall  
Medical Therapeutic Massage Clinic, Inc.**

**(M-22)**

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to begin eviction proceedings against Medical Therapeutic Massage Clinic, Inc.

Ed Udvardy, General Services Manager, Public Works, said the owner of the clinic, Dr. Laffer, is present this evening.

Scott Berger, attorney for Dr. Laffer and friend and supporter of his business, said he hopes to resolve this matter amicably and payment would be issued for back rent. He said the brochure handed out speaks for itself and would enhance the doctor's revenue.



Expectations did not mirror the business revenue, but the company on the brochure would provide a package and bring in patients to be treated holistically and through alternative methods of medicine. The package would cost \$44.95 and provide wellness for patients, along with increasing the doctor's revenue.

Mr. Berger said because the program is affordable, it would let the doctor make his business whole and begin paying back the City what he owes them. Dr. Harvey Franks, Chiropractor, will join forces with Dr. Laffer. Dr. Laffer is prepared to pay \$900 immediately, and wants to continue paying monthly payments of \$900 and be allowed to remain at the site.

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

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<b>PUBLIC HEARINGS</b>
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**Vacate Right-of-Way – Portion of Flagler Avenue  
Case 18-P-03**

**(PH-1)**

At the April 21, 2004 Planning and Zoning Board meeting, the application was recommended by a 5-2 vote for approval. Public Notice was published on February 5, 2005.

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

Commissioner Moore introduced the following ordinance on 2<sup>nd</sup> 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. 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 NW 2 Street** (PH-2)  
**Case 12-P-04**

At the November 17, 2004 Planning and Zoning Board meeting, the application was recommended by an 8-0 vote for approval. Public Notice was published on February 3 and 10, 2005.

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

Commissioner Moore introduced the following ordinance on 1<sup>st</sup> reading:

ORDINANCE NO. C-05-04

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF NORTHWEST 2<sup>ND</sup> STREET AS SHOWN ON "THE R.E.B. PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 74, PAGE 43 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF NORTHWEST 22<sup>ND</sup> AVENUE AND EAST OF NORTHWEST 25<sup>TH</sup> AVENUE, 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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**Application for Dock Waiver of Distance Limitations** (PH-3)  
**413 Idlewyld Drive**

At the January 11, 2005 Marine Advisory Board meeting, the application was recommended by a vote of 13-0 for approval. Public Notice was published on February 3 and 10, 2005.

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

Vice Mayor Trantalis said this situation echoes something that occurred last month due to mistakes made by the City and the applicant, where the individual was permitted to retain his dock, but if repairs were needed, the dock would have to be removed. He said that through no fault of the property owners, but due to the County or State, they felt dredging would cause some environmental impacts. He asked how long such practice would continue because with exceptions being made, problems could maximize.

Mayor Naugle said the rule regarding dockage allows property owners to only go out 25' from their property unless a waiver is granted. It is difficult to write laws to cover all situations. Therefore, the Marine Advisory Board reviews such matters. In this case traffic would not be impeded and a waiver of limitations could be granted if support is given by the neighbors, and navigational problems are not encountered. He said the City's canals and rivers are not standard widths, and historically, the City permits large docks where the waterways are wider.

Vice Mayor Trantalis said that this area is like the I-95 of waterways, and he realized that distance requirements should be different. Traffic would be heavier in this area, but he wanted to know where the line would be drawn regarding such matters. He asked what leverage the City has to impose such a requirement.

Jamie Hart, Supervisor of Marine Facilities, said that vessels are able to dock 30% of the width of the waterway. In this case there is over 1,000' at one point and generally about 600' of clearance. The pattern could change in the future, and the County could submit to dredging eventually.

Vice Mayor Trantalis said they are squeezing the Manatee habitat closer and closer. Mayor Naugle said this would help the Manatees by preventing boats from coming closer to shore and retain the grasses better.

Vice Mayor Trantalis said the City needs to be more pro-active. He hoped the waters could be dredged more regularly.

Vice Mayor Trantalis introduced the following resolution:

RESOLUTION NO. 05-27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW GREGORY RICKER AND VICTORIA RICKER, HUSBAND AND WIFE, TO CONSTRUCT AND MAINTAIN AN ACCESS PIER AND L-SHAPED TERMINAL PLATFORM WITH AN ADJOINING CRADLE BOAT LIFT EXTENDING OFF THE SOUTH SIDE OF THE ACCESS PIER TOGETHER WITH TWO (2) MOORING PILES, THAT EXTEND A MAXIMUM OF 81.45' FROM THE SEAWALL INTO THE ADJACENT INTRACOASTAL WATERWAY FOR THE PROPERTY LOCATED AT 413 IDLEWYLD DRIVE, SUCH PROPERTY, PIERS, PLATFORMS, BOAT LIFT AND MOORING PILES BEING MORE PARTICULARLY DESCRIBED BELOW.

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

Public Notice was published on February 3 and 10, 2005.

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

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 05-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MINIMUM ANNUAL LEASE RATES AND ADOPTING A BROKERAGE COMMISSION POLICY FOR PROPERTY AVAILABLE FOR LEASE AT FORT LAUDERDALE EXECUTIVE AIRPORT.

Which resolution 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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**Historic Designation – 401 NW 7 Avenue -  
Case 22-H-04**

**(PH-5)**

At the January 3, 2005 Historic Preservation Board meeting, the application was recommended by a vote of 8-1 for approval. Public Notice was published on February 6, 2005.

Commissioner Moore said that he and the owner of the property have concerns as to how designation would affect the cost of rehabilitation of the property. He asked if the matter could be tabled until the Commission's next meeting so the owner could obtain more information.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Trantalis to defer this item until March 1, 2005 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

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**Appeal of Planning & Zoning Board Decision – Pat Patel/  
McCabi Cigars – 1221 East Las Olas Boulevard – Parking  
Reduction – Case 60-R-04**

**(PH-6)**

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

Mayor Naugle said a request has been made to table this matter. The City Attorney confirmed that as correct.

**Motion** made by Commissioner Moore to table this item until March 15, 2005 at 6:00 p.m.

Marc LaFerrier, Director of Planning & Zoning Services, said the request of the applicant is to defer this matter until April 19, 2005 at 6:00 p.m. because part of the parking reduction is to have the use approved and a variance would have to be granted.

Commissioner Hutchinson asked if the applicant would obtain an occupational license before appearing before the Board of Adjustment. Mr. LaFerrier said the question would have to be answered by the applicant.

The City Attorney said the applicant acquired the property next door to his existing business. The property was a bar and a liquor license existed, but the occupational license was suspended due to the question of the use. Additional information is needed regarding various issues, and further information will be supplied to the Commission as it is received.

Commissioner Hutchinson asked if a copy of the liquor license could be provided. The City Attorney indicated yes.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Trantalis to defer this matter until April 19, 2005 at 6:00 p.m. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, Teel and Mayor Naugle. NAYS: None.

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**Proposed Broward County Land Use Plan Amendment**  
**For the Fort Lauderdale Downtown Regional Activity Center**

**(OB)**

Commissioner Moore asked if the matter of the Land Use Plan could be discussed at this time. Mayor Naugle consented.

Commissioner Moore said he was happy to see that this consideration is being made, along with the unanimous support being given. He asked why the minimum is being set at 10%, and asked if it could be raised to 15%.

Marc LaFerrier, Planning and Zoning Services Director, said the 10% came about from discussions with the Broward County Planning Council staff, City staff, and Downtown Development Authority staff. It would be up to the Commission to change the percentage.

Commissioner Moore asked for the Commission to consider raising the limit to 15%.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to raise the limit to 15%.

Vice Mayor Trantalis said the Commission needs to address traffic modifications for the areas being impacted by the increased units. He felt all matters need to be addressed simultaneously if the City is to have a livable downtown.

Commissioner Moore said with the concurrency rules and regulations, traffic would be addressed. Vice Mayor Trantalis said the present regulations are not strong enough.

Mayor Naugle said that there is no present concurrency requirement for the Regional Activity Center (RAC) specifically exempting the area from any type of traffic concurrency. Commissioner Moore thought it pertained to parking. Vice Mayor Trantalis said he is referring to alternate forms of transportation to be in place or the process occurring concurrently with the establishment of the new units.

Commissioner Moore asked if concerns are to be raised to the Planning Council regarding mass transportation being provided where the additional 13,000 units are to be allocated in the RAC, or a contribution made towards such transportation. He said he would agree to this, but did not know how to deal with the probable impact.

Vice Mayor Trantalis felt it would be sufficient to add a bullet point regarding mass transportation and other traffic issues.

With regard to affordable housing, Commissioner Teel asked how the 10% figure was arrived at. Mr. LaFerrier said it came out of discussions between Planning Council staff and the DDA staff, along with City Staff. Commissioner Teel asked if other cities use 10%. Mr. LaFerrier said he was not familiar enough with the Planning Council's agendas and approvals to provide such an answer. Commissioner Teel understood that a study is to be done in the near future. Flexibility needs to be provided in regard to the results of such a study. She was not sure what figure should be used, but cities with similar populations should only be used in the comparison.

Commissioner Moore said the comparison of populations is different, but the 13,000 additional units are to be offered, and as such, there should be a minimum standard of attainability for such units. The roundtable discussions gave the impression there is overwhelming support for a minimum standard for attainability. Units speculatively built and purchased are out of reach for the normal working person. By adding this recommendation to the Planning Council and moving forward with the necessary study, he felt the Planning Council could come "out of their box" and consider such a standard.

Mayor Naugle asked if these units are coming from the flex units available for the City. Mr. LaFerrier said they are not, but it is a full plan amendment and the units are additional for the RAC. Mayor Naugle asked if other units would be available for various parts of the City. Mr. LaFerrier replied yes and said the flex zone units currently available would stay in place at this time. He said there are about 17,000 to 19,000 available in addition to the proposed units.

Mayor Naugle preferred to see a requirement or statement included, indicating that the units would have to be used so individuals could not bank them for long periods of time and there would not be large "phantom" units on the books.

Commissioner Moore felt such jurisdiction came under this Commission. He supported the Mayor's statement and wanted to see the units come into construction to help make them more attainable. He did not think that should fall under the Planning Council's jurisdiction.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to move the recommendation of 15%, along with the addition of the mitigation regarding traffic and mass transportation. Roll call showed: YEAS: Vice Mayor Trantalis,

Commissioners Moore, Hutchinson, and Teel. NAYS: Mayor Naugle.

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**ORDINANCES**

**Parking & Fleet Services Dept; Updating Code; (O-1)**  
**Dept. Name Change**

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

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**Amendment to Pay Plan (O-2)**

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-05-05

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE CREATION OF NEW CLASSES, THE TITLE CHANGE AND PAY RANGE ADJUSTMENT OF CLASSES, THE PAY RANGE AND MANAGEMENT CATEGORY ADJUSTMENT OF CLASSES, THE PAY RANGE ADJUSTMENT OF CLASSES, THE TITLE CHANGE OF A CLASS, AND THE DELETION OF CLASSES, ALL OF ONE NEW CLASS IN SCHEDULE II.

Which ordinance was read by title only.

Vice Mayor Trantalis asked if such classifications would impact the recently approved budget.

Averrill Dorsett, Director of Human Resources, said such classifications would impact the budget, and have been accommodated in various ways. Some items were reallocated and some eliminated, but no budget amendments would be needed.

Vice Mayor Trantalis asked if the salary range would change for the Mayor’s Assistant. Ms. Dorsett said it would remain the same. Vice Mayor Trantalis asked if this is consistent with the Charter amendment.

The City Attorney said that all assistants in the Commission office would come under the title of Commission Assistant which is consistent with the Charter. He said this is to bring the one position in line with the duties to be performed.

The City Manager said it would not impact the reporting structure established by the Commission previously because it is only a name change.

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

**RESOLUTIONS**

**Executive Airport – Minimum Standards for Airport Tenants** **(R-1)**

Commissioner Teel introduced the following resolution:

RESOLUTION 05-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING MINIMUM STANDARDS FOR COMMERCIAL AVIATION SERVICE OPERATORS AND AIRPORT TENANTS AT THE FORT LAUDERDALE EXECUTIVE AIRPORT, FORT LAUDERDALE, FLORIDA, AMENDING AND RESTATING RESOLUTION NO. 78-42, WHICH RESOLUTION ALSO ESTABLISHED MINIMUM STANDARDS AT SAID AIRPORT FOR FIXED BASE OPERATORS AND AIRPORT TENANTS AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Fort Lauderdale Federal Courthouse** **(R-2)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-30



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING EFFORTS BY BROWARD COUNTY OFFICIALS TO KEEP A FEDERAL COURTHOUSE IN THE CITY OF FORT LAUDERDALE, AND OPPOSING ANY PROPOSAL TO CLOSE THE FORT LAUDERDALE FEDERAL COURTHOUSE THAT WOULD RESULT IN THE CONSOLIDATION OF FEDERAL COURTHOUSES OUTSIDE THE CITY OF FORT LAUDERDALE.

Which resolution 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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**Site Plan Level IV Review – Strand Towers 1 and 2 – Las Olas Riverfront and Corresponding Plat Note Amendment - Brickell Redevelopment Plat – 300 SW 1 Avenue – Cases 88-R-04 and 11-O-04** (R-3)

This item was removed from the agenda by the City Manager.

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**Site Plan Review – Marbella Place – Case 13-R-04 501, 519, 527 North Birch Road, 37 Unit Multi-family Building** (R-4)

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

Don Hall, attorney for the applicant, said the application is seeking a Site Plan Level IV approval for a 37-unit condominium building located in the North Beach Residential Area (NBRA) zoning district. The project will consist of two 7-story buildings with heights of 82' each. Maximum height in this area is 120'.

Mr. Hall noted that in October, 2004, the Planning and Zoning Board recommended approval of this application by a vote of 4-1. Comments were addressed and a redesigning of the building incorporated some changes. The focus of tonight's meeting is going to be on whether or not the redesigned building is compatible with the neighborhood according to the Unified Land Development Regulations (ULDR). The Applicant feels the building complies with the ULDR. The Central Beach Alliance (CBA) feels the building is not compatible and feels if the building is approved, it will be the end of the NBRA. He displayed a drawing of the neighborhood to the Commission and location of the subject property. Buildings in the neighborhood range in size from 2 to 18 stories.

Mr. Hall further said the matter of compatibility was addressed by Mr. Barton at the Planning and Zoning meeting. Mr. Barton pointed out the large structure to the west, and that the neighborhood consists of a mixture of heights and architectural styles. The proposed building is not introducing a new height, product mix or mass not already existing in the neighborhood.

Mr. Hall showed the front elevation of the redesigned building, and said the pedestrian stairs were added to encourage individuals to walk to and from the building. There is a mass reduction in the building. He showed the rear elevation and said the mass is removed and the central portion is more dramatic. Mr. Mancini showed the rendering of the building before the changes were made. Mr. Hall said at staff's suggestion, the towers were narrowed and moved, and instead of a flat surface there are now balconies and railings to soften the look.

Mr. Hall said that staff's report summarizes the six changes made. The buildings were moved 14' to the south eliminating the need for side yard modifications. Staircases made the buildings more friendly and the mass is reduced. Additional step backs and rooflines are included and the combined effect is a lessening of the impact to the neighborhood. Views would also be increased. The elevator tower is reduced and softens the look of the building, adding walkways and ornamental railings in the rear.

Mr. Hall further said that staff's determination is that the building meets the requirements of the ULDR, along with the 17 adequacy criteria, including water, sewer, and traffic. He said the main issue is neighborhood compatibility. The Applicant submitted a narrative regarding compatibility, and staff's response surveyed the five elements, including bulk controls, massing and street guidelines, vehicular circulation, and perimeter treatments. In each case staff said the building complies.

Mr. Hall said the definition of compatibility is simple and a bit Byzantine. The building is to be compatible with and preserve the integrity of the adjacent neighborhoods, and the development is to include improvements or modifications to mitigate adverse impacts. This is the key to compatibility. Before compatibility is achieved, there must be a statement saying the project is adversely affecting the community. If so, then mitigation could take place with the movement of buildings and alteration of building mass. This has been done and all requirements met. He further said the term compatibility is not really defined, but in common planning it means two or more uses existing in harmony. The Code deals with this by saying disharmony exists when there is an adverse impact. He continued to state that because a building is different from others in the area does not create an adverse impact. A difference is encouraged by the Code. He did not think the proposed building will have an adverse impact on the community.

Mr. Hall said the project has been redesigned and reoriented. The problem is not the language of the Code even though it is troublesome, but an attempt to achieve a consistent and fair determination in application of the rules. They are creeping towards compatibility serving as ad hoc rezoning or site plan by "ambush." The Applicant has done everything possible to comply with the Code and staff agrees. He hoped the Commission would agree.

Mr. Hall further said, at the request of staff, Mr. Mancini, applicant, is going to create street improvements at his cost on Riomar.

Vice Mayor Trantalis said that on page 3 of the back-up material, a chart shows the proposed yard modification, along with the minimum requirements, and the differential. He asked if staff could assist in reconciling counsel's comment regarding yard modifications and staff's comments.

James Cromar, Planning and Zoning Services, said staff had to meet deadlines for the back-up material prior to receiving the final plans from the Applicant. Therefore, subsequent modifications were made as described by Mr. Hall.

Vice Mayor Trantalis asked about the calculations for the side yard modifications. Mr. Cromar said the correct number for the side yard is 41', and the rear is 25'. Vice Mayor Trantalis said the rear property line is not compliant. Mr. Cromar confirmed and said the applicant is making the request for such modification. Vice Mayor Trantalis said the only property line not compliant is the rear line. Mr. Hall confirmed that as correct.

James Austranik, 3017 Alhambra, said this project consists of more than one building, and would provide a huge mass to the block. He remarked that a new building went up on Alhambra and it is consistent with the area, but the proposed building is not compatible with the neighborhood.

Judith Scher, President of Birch Crest Condominium and Vice President of Central Beach Alliance (CBA), said she lives in this neighborhood and does not feel the proposed building is compatible with the community. She said if they allow one larger building, then more will follow. She asked the Commission not to approve this project.

Mary Ellen Canal said the project is interesting but too large for the area. She said Britannia is only 7 stories and is an older building. Most of the area consists of 2-3 story buildings. The neighborhood is concerned that larger buildings will follow this one, and they will begin to resemble Boca Raton. She said the community is concerned with over development.

Jurell Yates, Chair Beach Council, and member of the Greater Fort Lauderdale Chamber of Commerce said this project was presented to them last year and they supported the project.

Ina Lee, Founding Chair of the Beach Council of the Greater Fort Lauderdale Chamber of Commerce and Chair of the Beach Redevelopment Advisory Board, said in the last few weeks she has gone through the NBRA, and she believed the proposed project is very compatible with the community. She said there are no adverse impacts from the project, and it would only enhance and upgrade the community and make the beach a world-class destination. She urged everyone to continue the forward thrust of the community so they could be proud and continue to upgrade the area.

Bill Kane, Britannia Condominium, said he is astonished to hear counsel for the developer state there is no adversity involved in this project. If built, the north tower will project a wall in front of the Britannia facing east. A canyon like effect would be created, and the rear yard would only be 25'. The main argument is neighborhood compatibility, and the project is not compatible with the existing buildings in the NBRA. The NBRA is a special zoning district. There are only 10 buildings in the area that are over 3 stories.

Steve Glassman, President of Central Beach Alliance, said their membership appreciates the efforts of the developer in trying to make this project work. He said that unfortunately the fact is the condominium is not compatible with the NBRA District. Neighborhood compatibility speaks to the preservation of the integrity and character of the neighborhood. The two proposed buildings do not accomplish this. The NBRA is the last vestige of the seaside village at the Fort Lauderdale beach. The enclave

consists of basically 2-3 story structures. The isolated high-rises were built 30-50 years ago. In the surrounding area of the project, there is one 7-story building, one 5-story building, and two 9-story buildings. Across the street are 12 buildings consisting of two stories. In the NBRA district, there are 100 buildings and only 10 are over 3 stories. He said further that this project is too tall, too wide, too deep and too massive for the site. The separation between the two buildings ranging from 27' to 40' is inadequate and creates a massive wall on the street.

Mr. Glassman said the District Commissioner and the Beach Redevelopment Advisory Board are working to designate an overlay district for the NBRA and the SLA Districts. The intent is to assist property owners in maintaining the character of the area. If the project is approved, the Commission is negating this effort to create an overlay district, and opening the door to further high-rise development along the spine of the beach which is Birch Road. The CBA urges the Commission not to approve this project.

Chris Carrigan, Britannia, said the building will have adverse effects on the community. He said the residents in the area do not want the project.

Mr. Hall said the Code does not address compatibility limited to a neighborhood, but speaks about neighborhoods, and it is important to consider this neighborhood which extends from A-1-A to Bayshore Drive. There are two 16-story buildings on Birch Road, and one 9-story building in close proximity to the proposed project. In regard to the "canyon wall" effect, he felt it is amusing in regard to the neighborhood. There are no special requirements in the NBRA. In 1998 the City rewrote the Zoning Code and called it the ULDR, and designated this area for buildings up to 150' which has been reduced to 120'. The proposed project consists of 82'.

In regard to an overlay district, Mr. Hall felt such an idea could not be considered this evening. Staff has indicated they do not know what they want for the area. All requirements of the ULDR have been met.

Mr. Bill Kane, Britannia Condominium, said there is no 16-story building on Birch Road, but Birch Tower is located on Seabreeze which is outside of the boundary of the NBRA.

Vice Mayor Trantalis said this is a difficult situation. The Applicant is a part of the community and a welcome investor in the area. Yard modifications are involved, and a violation occurs on the rear property line exceeding the rear setback. He said the distance between the two buildings is 24'. If the buildings were separate, the City would not permit such a distance. He said the building is now over 470' long and in excess of the requirements. The building is pretty, but massive and not appropriate for this neighborhood. Numerous meetings were held. He has enjoyed working with the individuals involved, but the proposed project is not for this area.

Vice Mayor Trantalis asked if possibly the Applicant could go back to the drawing board and lower the buildings and make the project less massive. He felt the buildings should be separated more. He said they want a walkable, livable, enjoyable quality of life for this community.

**Motion** made by Vice Mayor Trantalis to deny this application.

Commissioner Moore asked what the maximum height requirement is for this area.

Don Morris, Planning and Zoning Services, said the height requirement for the area is 120', based on a recent amendment made to the ULDR.

Commissioner Moore said the original height for the area was 150'. Mr. Morris confirmed that as correct. Commissioner Moore asked, in referring to compatibility, were they discussing compatibility of a present structure or the change in zoning. Mr. Morris said the maximum height permitted in this district is 120', and it is not height by right. In looking at neighborhood compatibility, it does not mean the developer is entitled to 120'. Commissioner Moore said that other issues of compatibility are involved, not just height. He asked what other issues were to be considered.

Vice Mayor Trantalis said the Applicant is going to seek a deferral in order to work on some issues.

When the matter is reintroduced, Commissioner Moore hoped staff would supply information about the other issues regarding compatibility that are involved.

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

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**Amendment to Approved Site Plan Level IV Review -  
Case 80-R-00 – Trump International Hotel and Tower  
a/k/a Gold Coast Merrimac – 551 North Fort  
Lauderdale Beach Boulevard**

**(R-5)**

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

Mayor Naugle asked if anyone wanted to speak against this project.

Vice Mayor Trantalis said this is a building approved by the Commission in the past, and tonight they are being asked to determine whether or not the proposed modified plan is acceptable for the beach. The building is 245' and since it was originally approved, modifications were made by Michael Graves, Architect. He did not want to penalize the Applicant for positive changes made to the building that trigger the ability of the Commission to have the developer comply with the new zoning changes. The building mass is reduced in the proposal, and in doing so, benefits are achieved. The building is an attractive addition to the beach, and the insignia attached to the design will be important to the City. It is a difficult decision because of the desire to down size the beach, but this building was approved previously under a different plan, and such a reality has to be faced.

Vice Mayor Trantalis said he will vote in favor of the proposal, but three considerations need to be addressed. First deals with traffic. The building sits on A-1-A, but the side street has no turning lane to get to the entrance of the hotel. Traffic will back-up. He felt this issue needs to be resolved before the foundation is constructed. There does not appear to be a resolution in the proposal.

Vice Mayor Trantalis said the other matter is in regard to the number of parking spaces. He said spaces are being allocated for the residents, along with 82 additional spaces, but he did not feel they will be sufficient for commercial purposes at the hotel, even though valet service will be offered.

Vice Mayor Trantalis said the third consideration has been corrected regarding turning radius in the circle to accommodate motor coaches and emergency vehicles. He asked staff to provide some clarification regarding the first two considerations mentioned.

In regard to traffic and making a left-turn, Marc LaFerrier, Director of Planning and Zoning Services, deferred to the traffic department for such information. In regard to parking, he said the Applicant is proposing 380 spaces; the Code requires 373. The turning radius in the circular drive will be adequate for larger vehicles.

Vice Mayor Trantalis said the parking spaces were reduced. Mr. LaFerrier said there were two other aspects of the development program that were reduced. The conference center and ballroom were eliminated, and a 17,000 sq. ft. restaurant has been reduced to about 5,000 sq. ft. thereby reducing the number of spaces required.

Ron Mastriana, attorney for the Applicant, said when this project was originally presented, it met all Code requirements and had an extensive traffic study as part of the analysis. Concerns were raised in the neighborhood regarding access from the west and across from the Atlantic. Such access points were eliminated, and there is only one entrance, allowing traffic to flow directly to the parking deck. Most of the traffic will come from Sunrise Boulevard with a right-turn into the project.

Vice Mayor Trantalis was concerned that traffic will back-up onto A-1-A. Mr. Mastriana said to eliminate such a problem, they increased the queing capacity. Vice Mayor Trantalis asked if staff is willing to say there will be no adverse impact to A-1-A. He said they need to not only consider this project, but future projects.

Jim Koeth, Planning and Zoning Services, said that Engineering Department representatives on the Development Review Committee have approved this project.

Vice Mayor Trantalis wanted everyone to be good neighbors and not cause problems for the community.

Mr. Mastriana said they did consider the neighborhood in designing this project.

#### RESOLUTION NO. 05-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A HOTEL ON NORTH FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA, IN AN ABA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

Which resolution was read by title only. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore, Hutchinson, 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	Larry Sherman
Code Advisory Committee	Charles A. Love
Unsafe Structures and Housing Appeals Board	Jon Albee

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-32

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, Teel, and Mayor Naugle. NAYS: None.

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**Historic Designation/South Side School**

**(OB)**

Commissioner Hutchinson asked if the City could pursue designation on the National Register for South Side School. There was Commission consensus.

There being no other matters to come before the Commission, the meeting was adjourned at 8:15 P.M.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk

