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FORT LAUDERDALE CITY COMMISSION  
NOVEMBER 1, 2005**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
November 1, 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: Vice Mayor Christine Teel  
Commissioner 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 (**did not provide name**)

The Commission proceeded to recite the Pledge of Allegiance.

**1. Proclamation of Local State of Emergency**

This item was removed from tonight's agenda.

**2. Declaration of State of Emergency for Purchasing Purposes; City Attorney Memorandum No. 05-1429**

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Teel to extend the City Manager's Declaration of State of Emergency for Purchasing Purposes for two periods of seven days each, and issuing the proposed State of Emergency for Purchasing Purposes in substantially the form attached. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

**3. Deferral and Continuance of Public Hearings and Proposed Ordinance Discussions; City Attorney Memorandum No. 05-1430**

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Teel opening all Public Hearings and proposed Ordinance discussions scheduled and advertised for the November 1, 2005 Regular City Commission meeting and deferring and continuing each and every one to the City Commission's regular meeting that will take place at the City of Fort Lauderdale City Hall, in the City Commission Meeting room, 100 North Andrews Avenue, Fort Lauderdale, Florida, on Tuesday, November 15, 2005 at 6:00 p.m. or as soon thereafter as may be heard or considered.

The City Clerk proceeded to read the items for the record as follows:

ORDINANCE NO. C-05-34

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM MHP TO RML-25, A PARCEL OF LAND BOUNDED GENERALLY ON THE EAST BY SOUTHWEST 15<sup>TH</sup> AVENUE, THE SOUTH BY THE SOUTH LINE OF SAID PARCEL "A", THE WEST BY THE WEST LINE OF TRACT 26 AND THE NORTH BY THE NORTH LINE OF SAID TRACT 26, LOCATED ON THE WEST SIDE OF SOUTHWEST 15 AVENUE, BETWEEN SOUTHWEST 27 COURT AND SOUTHWEST 30 STREET; AND TO REZONE FROM RMM-25 AND RD-15 TO RC-15, A PORTION OF TRACT 25, ACCORDING TO F.A. BARRETT'S SUBDIVISION OF THE WEST ONE-HALF (W. ½) OF SECTION 21, TOWNSHIP 50 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 46 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF PARCEL "A" OF LAUDERWOOD AMENDED, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 36, AT PAGE 14 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only.

ORDINANCE NO. C-05-35

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THE 15 FOOT ALLEY LYING BETWEEN LOTS 19 AND 20, BLOCK 1, "LAUDERWOOD AMENDED," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 36, PAGE 14; AND ALL OF THE 15 FOOT AND 10 FOOT WIDE ALLEY LYING WEST OF AND NORTH OF LOTS 1 AND 2, "LAUDERWOOD," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 61, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEING BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 30<sup>TH</sup> STREET AND BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 15<sup>TH</sup> AVENUE, LOCATED AT THE NORTHWEST INTERSECTION OF SOUTHWEST 15<sup>TH</sup> AVENUE WITH SOUTHWEST 30<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only.

## ORDINANCE NO. C-05-36

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-30.4, RESPECTING MEETING TIMES AND DATES AND SETTING PROCEDURES FOR SETTING RESCHEDULED MEETINGS OF THE PLANNING AND ZONING BOARD.

Which ordinance was read by title only.

**PUBLIC HEARING – Watersports Unlimited, Inc.**

To adopt a resolution granting a waiver to the City and Watersports Unlimited, Inc. to operate a non-motorized watercraft concession on the public beach, subject to terms and conditions contained in Section 8-174 of the Code of Ordinances.

**PUBLIC HEARING – Comprehensive Plan Text Amendment**

To transfer 475 of the existing residential flexibility units from Flex Zone 56 into the SRAC, resulting with a total of 936 permitted units (461 of which already exist).

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

**4. Mutual Aid Agreement for Water/Wastewater; City Attorney Memorandum No. 05-1432**

**Motion** made by Vice Mayor Teel and seconded by Commissioner Hutchinson to approve the Mutual Aid Agreement for Water/Wastewater for an indefinite term. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

**5. First Amendment to Las Olas Marina Use Agreement for Boat Show; City Attorney Memorandum No. 05-1431**

**Motion** made by Commissioner Trantalis and seconded by Commissioner Hutchinson to approve the First Amendment to the Las Olas Marina Use Agreement for the Boat Show. Roll call showed: YEAS: Commissioners Trantalis, Moore and Mayor Naugle. NAYS: Commissioner Hutchinson and Vice Mayor Teel.

**Case Settlement – Luis M. Pantoja v. Carl Hannold,  
Howard Everts, & City of Fort Lauderdale****(OB)**

Commissioner Moore asked about the officers involved in this case.

The City Attorney said that there was no finding that the officers did anything wrong. The problem was that after the arrest was made and the individual was taken to the ground, the person was injured and charged with resisting arrest. The charges have been dismissed. He said that there was medical damage which is outlined in the memorandum distributed to the City Commission. There was no indication that the

officers did anything wrong at the time. This is to settle a subsequent lawsuit which came after the criminal proceedings.

Commissioner Moore asked if the charges have been dismissed, why is it costing the taxpayers \$50,000.

The City Attorney said that the potential is that it would cost a lot more. Commissioner Trantalis said that apparently the criminal charge was resisting arrest without violence, yet his elbow was broken during the attempt to subdue the individual. Therefore, if the criminal charge is dismissed, what type of conduct perpetrated by the police officer was reviewed and determined. The City Attorney said that he did not have such information.

Mayor Naugle asked if a report could be provided. This is a good deal for the City because they would not want to get a higher jury award.

Commissioner Moore said he did not know how they could make a recommendation at the persuasion of the individual's counsel that they had to meet in a hasty manner without having all the facts, and make such a rushed decision. He said that he could not support this under such circumstances.

Commissioner Hutchinson asked if a civil rights case was pending. The City Attorney said that a civil case is pending that has a civil rights element.

Commissioner Trantalis asked if a complaint had been filed against the police officer.

Commissioner Moore said he is not concerned if a complaint was filed against the officer. Obviously the officers acted inappropriately.

Mayor Naugle said that such information was not known, and the fact that someone was not convicted of a crime does not mean that the officers did anything wrong. It means that there was insufficient evidence to convict someone.

Bruce Roberts, Chief of Police, said he is not prepared to answer specific questions in regard to this matter. He said further that such cases exist, and they invariably receive a complaint which is investigated by Internal Affairs. It also gets forwarded to the City Attorney's Office for review. He had not reviewed this case before tonight's meeting.

Commissioner Hutchinson asked if this matter could be heard on November 15, 2005.

The City Attorney said that this is now in Federal Court and the trial is set for November 14, 2005. They have just held mediation on the matter. This is a proposed mediation settlement subject to the Commission's approval. The judge has indicated that this has to be done by November 1, 2005 or they would move forward for trial.

Commissioner Hutchinson said that she did not want to go to trial on this matter.

Mayor Naugle said that the exposure is greater than \$100,000 because it could be an alleged violation of civil rights.

The City Attorney said that it could be an alleged violation, and they are claiming they have over \$70,000 in attorney's fees, which if they prevail, would have to be paid by the City.

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Teel to settle the case of Luis M. Pantoja v. Carl Hannold, Howard Evarts & City of Fort Lauderdale, et al; Broward County Circuit Court Case 0416775(13) by the City's payment to the Plaintiff of \$50,000 in exchange for dismissal with prejudice and a release of all claims as approved by the City Attorney's Office or by the City's outside counsel.

Commissioner Trantalis said that the suggestion they are going to settle could be interpreted that the police officer is being condemned in such a way that they are having to pay for an act allegedly committed by him that was beyond the scope of his authority. In this case the officer was attempting to subdue an individual within the realm of his actions. In the process of doing that, the bone was broken. He asked where is the City's exposure just because someone was making a \$150,000 claim. Claims are made all the time. Even if the police officer used force, they are permitted to do so. He asked why the City is being held up against the wall to pay \$50,000 for something for which they might not have any liability.

The City Attorney said that first of all the officers are acting within the scope of their employment even if unusual force was used. In the Code, Ordinance and State Statute, it says the City is basically going to be liable and stand in the place of the officers. The officers could also be liable for the damages. The fact that they did nothing wrong does not mean it would not cost the City money because there is no telling what a jury would bring into the matter due to the nature of the damages and the individual involved. They could believe the force was unreasonable. The City could be liable for more significant damages.

Commissioner Moore said that he would prefer to table the matter because he did not want to vote against something that might be the appropriate thing to do.

The City Attorney said that a memo had been distributed to the Commission regarding this matter.

Mayor Naugle said that under normal circumstances, this matter would have been discussed in a closed door session.

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

**Staging Area Agreement with FP&L; Hurricane Wilma**

**(OB)**

**Motion** made by Commissioner Hutchinson and seconded by Vice Mayor Teel confirming use of the Staging Area Agreement for Florida Power & Light Company, and authorizing the City Manager to sign such agreement. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel and Mayor Naugle. NAYS: None.

Commissioner Moore asked for the City Manager and Chief of Police, along with the City Attorney, to meet with him and provide the background information regarding the case settlement just previously voted upon.

If there is a pending case in Internal Affairs regarding the Officer, Commissioner Trantalis indicated that he would like to see such information.

There being no further business to come before the Commission, the meeting was adjourned at approximately 6:13 p.m.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk