

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
DECEMBER 4, 2007

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
December 4, 2007**

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

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Charlotte E. Rodstrom
Vice Mayor Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	George Gretsas
	City Auditor	John Herbst
	City Clerk	Jonda K. Joseph
	City Attorney	Harry A. Stewart
	Sergeant At Arms	Sgt. Monica Ferrer

Invocation was offered by Pastor Tom Hackett, Trinity Lutheran Church, followed by 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 Hutchinson and seconded by Vice Mayor Moore that the minutes of the November 6, 2007 Regular Meeting and Northwest Neighborhood Improvement District Meeting, and the November 20, 2007 Regular Meeting, and agenda be approved. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None. Action to approve the Northwest Neighborhood Improvement District meeting was taken as the the District Board of Directors.

Presentations

1. Rick Case Bike For Kids Day – December 4, 2007 (PRES-01)

Commissioner Teel presented the proclamation designating December 4, 2007 as Rick Case Bike For Kids Day in the City of Fort Lauderdale, to Raquel and Ryan Case, who explained the program and announced locations for bringing bike donations.

2. Commendation – Joseph F. Scott (PRES-02)

Commissioner Hutchinson presented a commendation to Joseph F. Scott, CEO of Broward General Medical Center, for 21 years of service to healthcare.

Jeryl Maddis said Mr. Scott will be missed by the South Andrews Business Association.

Mr. Scott said he submitted his letter of resignation with mixed emotions. He thanked everyone for their years of support.

3. Outstanding City Employees (PRES-03)

Bruce Roberts, Police Chief, presented a Lifesaving Award for the Month of December, 2007 to Officers Nick Bruce, Kerri Hagerty, and Kevin Hayes, Jr. These officers prevented a female from committing suicide.

4. GFOA Award (OB)

The City Manager presented the GFOA Award to Betty Burrell, Director of Finance, who has resigned and will be leaving the City as of December 14, 2007, and thanked her for her service to the City.

Ms. Burrell said she has appreciated the opportunity to serve as the Director of Finance. She said this award belongs to the staff in the Finance Department who work very hard.

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.

Change Order 4 – Conquest Engineering Group Company - Croissant Park – Sanitary Sewer & Water Improvements – Credit (\$101,930.45) (M-01)**Reduce encumbrance in Fund 482, Subfund 01, P10769.482-6599 by (\$101,930.45).**

A motion authorizing: (1) Change Order 4 with Conquest Engineering Group Company, in the CREDIT amount of (\$101,930.45) – final quantity adjustments – Sewer and Water Main Improvements – Croissant Park Basin B – Project 10769B; and (2) reduce encumbrance by \$101,930.45).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1883

Change Order 3 – Metro Equipment Services, Inc. - Credit (M-02)
(\$7,693.15) – Imperial Point Large Water Main

Reduce encumbrance in Fund 482, Subfund 01, P10571.482-6599 by (\$7,693.15).

A motion authorizing: (1) Change Order 3 with Metro Equipment Service, Inc., in the CREDIT amount of (\$7,693.15) – additional work and quantity decreases – Imperial Point Large Water Main – Project 10571; and (2) reduce encumbrance by (\$7,693.15).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1888

Final Change Order 4 – Foster Marine Contractors, Inc. (M-03)
Sanitary Sewers – Lauderdale Manors Phase III – Credit
(\$1,039,710.08)

Reduce encumbrance by (\$38,935.04) in Fund 482, Subfund 01, P10517.482-6599 and by (\$1,000,775.04) in Fund 490, Subfund 01, P10517.490-6599.

A motion authorizing: (1) Final Change Order 4 with Foster Marine Contractors, Inc., in CREDIT amount of (\$1,039,710.08) – final quantity reconciliation – sanitary sewers – Lauderdale Manors Phase III – Basin C – Project 10517C; and (2) reduce encumbrance by (\$38,935.04) in P10517.482 and by (\$1,000,775.04) in P10517.490.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1892

Change Order 9 – The Poole and Kent Company - \$61,134.84 (M-04)
Fiveash Water Treatment Plant Upgrades Phase I

Transfer \$68,471.02 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10387.482-6599.

A motion authorizing: (1) Change Order 9 with The Poole and Kent Company, in the amount of \$61,134.84 – additional work – Fiveash Water Treatment Plant Upgrades Phase I – Project 10387; and (2) transfer \$68,471.02 to fund this change order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1830

Task Order 49 – CMTS Florida, LLC - \$115,266.82 (M-05)
Utility Construction Inspection Services – Edgewood
Pump Stations

Transfer \$129,098.84 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10580.482-6599.

A motion authorizing the proper City Officials to: (1) execute Task Order 49 with CMTS Florida, LLC., in the amount of \$115,266.82 – utility construction inspection services – Edgewood Pump Stations Package 2 – Project 105801; and (2) transfer \$129,098.84 to fund this task order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1884

Change Order 2 – Foster Marine Contractors, Inc. - Credit (M-06)
(\$85,834) – Lauderdale Manors Phase III – Sanitary Sewer
and Water Improvements

Reduce encumbrance in Fund 482, Subfund 01, P10517.482-6599 by (\$85,834.00).

A motion authorizing: (1) Change Order 2 with Foster Marine Contractors, Inc., in the CREDIT amount of (\$85,834) – additional work and quantity adjustments – Lauderdale Manors Phase III Basin B Sanitary Sewer and Water Improvements – Project 10517B; and (2) reduce encumbrance by (\$85,834.00).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1896

Task Order 45 – CMTS Florida, LLC. - \$105,980.55 (M-07)
Inspection Services – Riverside Park – South Victoria
Park – SE 2 Court

Transfer \$118,698.22 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10578.482-6599.

A motion authorizing the proper City Officials to: (1) execute Task Order 45 with CMTS Florida, LLC., in the amount of \$105,980.55 – utility construction inspection services – Riverside Park and South Victoria Park Road – SE 2 Court Pump Station Construction, Package 2 – Project 10578E; and (2) transfer \$118,698.22 to fund this task order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1890

Task Order – Keith & Schnars, P.A. - \$80,000 (M-08)
ADA Compliance – Parking Lots

\$80,000 is available in P10768.461 – 6599, Fund 461, Subfund 03.

A motion authorizing the proper City Officials to execute a Task Order with Keith & Schnars, P.A., in the amount of \$80,000 – ADA compliance of parking lots on Commercial Boulevard and Oakland Park Boulevard – Project 10768.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1914

Contract Award – Electrical Contracting Service, Inc. - (M-09)
\$61,883.05 – Joseph C. Carter Park Security Lighting

\$80,324.20 is available in P11147.331 – 6599, Fund 331, Subfund 01.

A motion authorizing the proper City Officials to award and execute a contract with Electrical Contracting Service, Inc., in the amount of \$61,883.05 – Joseph C. Carter Park Security Lighting – Project 11147.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1916

Contract Award – Weekley Asphalt Paving, Inc. - \$912,227.50 (M-10)
2007-2008 Asphaltic Concrete Pavement Surfacing

\$940,000 is budgeted in P11186.332 and transfer \$408,272.25 from P00468.332 to P11186.332 (all in Fund 332, Subfund 01, subobject 6599).

A motion authorizing the proper City Officials to: (1) award and execute a contract with Weekley Asphalt Paving, Inc., in the amount of \$912,227.50 – 2007-2008 Asphaltic Concrete Pavement Surfacing Contract – Project 11186; and (2) transfer \$408,272.25 to supplement existing funding in the project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1908

Beautification and Development Agreements – 315 NE 3 Avenue – Broward County and Strada 315, LLC**(M-11)****No budgetary impact.**

A motion authorizing the proper City Officials to execute: (1) Beautification Agreement with Broward County; and (2) Development Agreement with Strada 315, LLC – maintenance of trees, landscaping and irrigation in Broward County right-of-way – 315 NE 3 Avenue.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 07-1918**Davie Boulevard – Transfer \$16,896 - Connecting Water Mains and Installing Guard Posts****(M-12)****Transfer \$16,896 from Water and Sewer Revenue Bonds to Fund 485, Subfund 01, P10948.485-6599**

A motion authorizing transfer of \$16,896 to fund construction of six-inch water main and tie-in in the Davie Boulevard corridor, including installation of three guard posts and engineering fees.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 07-1903**Small Water Main Replacement Projects - \$15,923,600 Funding - \$15,923,600 and Transfer \$17,834,432****(M-13)**

Transfer \$17,834,432 from Water and Sewer Revenue Bonds, Fund 482, Subfund 01, to the following Fund 482, Subfund 01, Projects in the following respective amount: P10844.482 – 6599, \$1,448,832; P10845.482 – 6599, \$663,040; P10847.482 – 6599, \$891,520; P10849.482 – 6599, \$3,656,800; P10851.482 – 6599, \$2,337,440; P11345.482 – 6599, \$425,600; P10809.482 – 6599, \$1,774,080; P10846.482 – 6599, \$825,440; P10848.482 – 6599, \$2,354,240; P10850.482 – 6599, \$1,860,320; and P10852.482 – 6599, \$1,597,120.

A motion: (1) establishing funding for multiple small water main replacement projects in the amount of \$15,923,600 – design and construction; and (2) transferring \$17,834,432 to fund these projects and engineering fees.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 07-1895.

Decorative Street Sign Posts – Riverland Road - \$16,300 (M-14)
Neighborhood Capital Improvements – Lauderdale Isles
Civic Association

Transfer \$16,300 from P00411.331 to P11255.331-6599 both in Fund 331, Subfund 01.

A motion: (1) awarding neighborhood capital improvement grant in the amount of \$16,300 to Lauderdale Isles Civic Association – installation of decorative street sign posts along Riverland Road – Neighborhood Capital Improvement Grant Program Project 11255; and (2) transferring funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1169

Work Order 10710A – Globetec Construction, LLC - \$8,457,417.90 (M-15)
Sanitary Sewer and Water Main Improvements – West Melrose Manors

Transfer \$9,472,308.05 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10710.482-6599.

A motion authorizing the proper City Officials to: (1) award and execute Work Order 10710A to Globetec Construction, LLC., in the amount of \$8,457,417.90 – construction of sanitary sewer and water main improvements – West Melrose Manors Basin A – Project 11070D; and (2) transfer \$9,472,308.05 to fund this work order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1905

Supplemental Pay – Employee Reservists Called To (M-16)
Active Duty – Ongoing Military Conflicts – Extension
Of City Policy

\$69,100 is budgeted in Index Code POL030201, Subobject 1101, Fund 001, Subfund 01.

A motion authorizing a one-year extension to City policy – supplemental pay to employee reservists called to active duty as a result of ongoing military conflicts that arose due to September 11, 2001 terrorist attacks – extension to December 30, 2008.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1911

Grant Application – Operation Crackdown - \$75,000 (M-17)
Florida Department of Law Enforcement

No budgetary impact.

A motion authorizing the proper City Officials to apply for grant funds in the amount of \$75,000 from Florida Department of Law Enforcement, Violent Crime and Drug Control Council – Operation Crackdown.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1945

Settlement of Vehicle Accident General Liability Claim - (M-18)
\$57,500 – VA GL 95-616

Funds are budgeted in INS010101/5104 (Automobile Liability Claims), Fund 543/Sub Account 01. There are sufficient funds to cover the amount of \$57,500.

A motion authorizing settlement of Vehicle Accident General Liability Claim VA GL 05-616 (Mark Hickman) - \$57,500.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1932

Grant Application – FEMA - \$100,000 – Assistance to (M-19)
Firefighters Fire Safety and Prevent Grant

No budgetary impact.

A motion authorizing the proper City Officials to apply for grant funding in the approximate amount of \$100,000 from Federal Emergency Management Agency – Assistance to Firefighters Fire Safety and Prevention Grant – Resident Fire Protection Initiative.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1944

Amendment To Sports Facility Use Agreement – Term (M-20)
Extension – Baltimore Orioles – Fort Lauderdale Stadium

No budgetary impact.

A motion authorizing the proper City Officials to execute an amendment to the Sports Facility Use Agreement with Baltimore Orioles – term extension – Fort Lauderdale Stadium.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-1952

CONSENT RESOLUTION

Increase Expenditure – Outside Counsel – Lewis Longman & Walker, P.A. – Water and Wastewater Related Issues - \$75,000 (CR-01)

\$75,000 is available in PBS010101, Subobject 3119, Fund 450, Subfund 01.

A resolution increasing expenditure of funds in an amount not-to-exceed \$75,000 – outside counsel – water and wastewater related issues.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1898

RESOLUTION NO. 07-243

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 06-115 AS AMENDED TO INCREASE THE TOTAL AMOUNT OF FEES AUTHORIZED TO BE PAID TO THE LAW FIRM OF LEWIS, LONGMAN & WALKER, P.A. AS SPECIAL COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECTION WITH WATER AND WASTEWATER RELATED ISSUES.

**Appropriation and Transfer – School Resource Officers - \$581,657 (CR-02)
Law Enforcement Confiscated Property Fund**

Transfer \$581,657 from undesignated fund balance in Fund 107 into POL080101 (Police Confiscated Property-Operations) into various sub-objects.

A resolution appropriating and transferring \$581,657 – Fiscal Year 2007-2008 – Law Enforcement Confiscated property Fund – four School Resource Officers.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1934

RESOLUTION NO. 07-244

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY TRANSFERRING AND APPROPRIATING UNDESIGNATED FUND BALANCES IN THE LAW ENFORCEMENT CONFISCATED PROPERTY FUND IN THE AMOUNT OF \$581,657 FOR FOUR SCHOOL RESOURCE OFFICERS.

Transfer \$7,389 – Operation Last Call Grant Match (CR-03)
Florida Department of Law Enforcement – Justice
Assistance Grant

Transfer funds (\$7,389) from FD001, Fund 001, Subfund 01, subobject 9129 to GCALL07, Fund 129, Subfund 01, Rev Q001.

A resolution transferring \$7,389 – Operation Last Call – grant cash match – Florida Department of Law Enforcement Justice Assistance Grant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1939

RESOLUTION NO. 07-245

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY TRANSFERRING AND APPROPRIATING UNDESIGNATED FUND BALANCES IN THE GENERAL FUND IN THE AMOUNT OF \$7,389 FOR A CASH MATCH FOR OPERATION LAST CALL, FLORIDA DEPARTMENT OF LAW ENFORCEMENT JUSTICE ASSISTANCE GRANT.

Grant Acceptance and Transfer - \$9,692.47 (CR-04)
Bulletproof Vest Partnership Grant – U.S.
Department of Justice

Appropriate \$9,692.47 to Gen Fund 001, subfund 01 – GBVP11, Rev. C205 and transfer cash match from Gen Fund 001, FD001, subobject 9129 to GBVP11, Rev Q001; Exp. GBVP11-3949.

A resolution authorizing: (1) acceptance of grant funds in the amount of \$9,692.47 from U.S. Department of Justice, Bureau of Justice Assistance – purchase of bulletproof vests; (2) proper City Officials to execute all necessary documents to obtain the funds; and (3) transfer \$9,692.47 for match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1924

RESOLUTION NO. 07-246

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY AUTHORIZING ACCEPTANCE OF A UNITED STATES DEPARTMENT OF JUSTICE – BUREAU OF JUSTICE ASSISTANCE GRANT FOR BULLETPROOF VESTS IN THE AMOUNT OF \$9,692.47, APPROPRIATING FUNDS FOR SUCH PURPOSES; AUTHORIZING TRANSFER AND EXPENDITURE OF CITY MATCHING FUNDS AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS.

Appropriation and Transfer – Police Legal Unit – Fiscal Year 2007-2008 – Law Enforcement Confiscated Property Fund - \$328,120 (CR-05)

Transfer \$328,120 from undesignated fund balance in Fund 104 into POL050101 (Police Confiscated property-Operations), into various sub-objects.

A resolution appropriating and transferring \$328,120 – Law Enforcement Confiscated Property Fund – Fiscal Year 2007-2008 Police Legal Unit.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1930

RESOLUTION NO. 07-247

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY TRANSFERRING AND APPROPRIATING UNDESIGNATED FUND BALANCES IN THE LAW ENFORCEMENT CONFISCATED PROPERTY FUND IN THE AMOUNT OF \$328,120 FOR THE POLICE LEGAL UNIT.

Re-Appoint Earnest/Tighe Law Firm, P.A. – Outside Counsel Lien Foreclosure Matters (CR-06)

No budgetary impact.

A resolution approving re-appointment of Earnest/Tighe Law Firm, P.A. – outside counsel – lien foreclosure matters and setting rates for such representation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1885

RESOLUTION NO. 07-248

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RE-APPOINTING EARNEST/TIGHE LAW FIRM, P.A. AS SPECIAL COUNSEL TO REPRESENT THE CITY IN LIEN FORECLOSURE MATTERS AND SETTING RATES FOR SUCH REPRESENTATION.

Appoint John Frey, Esquire – Outside Counsel – Court-Appointed Counsel To Indigent Defendants (CR-07)

No budgetary impact.

A resolution appointing outside counsel John Frey, Esquire – legal representation as court-appointed counsel to indigent defendants.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1938

RESOLUTION NO. 07-249

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING SPECIAL COUNSEL TO PROVIDE LEGAL REPRESENTATION AS COURT-APPOINTED COUNSEL TO INDIGENT DEFENDANTS.

Task Order – R J Heisenbottle Architects, P.A. - \$79,164 – Southside School – Roof Replacement and Deleting Work – Hardy Park (CR-08)

Appropriate \$244,794 from Fund 328 (Screen 6400 Fund Type 30, Fund 328, Subfund 02) account 271 Unreserved Fund Balance to P10777.328, Fund 328.

A resolution authorizing: (1) proper City Officials to execute Task Order with R. J. Heisenbottle Architects, P.A., in the amount of \$79,164 – Southside School roof replacement and redesign, deleting work associated with Hardy Park – Project 10777; and (2) appropriation of \$244,794 to fund this task order and move additional budgeted funds into the project.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1636

RESOLUTION NO. 07-250

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY TRANSFERRING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$244,794 FROM FUND 328 FUND BALANCE TO p10777.328, TO FUND THE TASK ORDER FOR WORK INVOLVING THE HISTORIC RESTORATION OF SOUTHSIDE SCHOOL AND MOVE ADDITIONAL BUDGETED FUNDS INTO THE PROJECT.

Transfer \$20,000 – Holiday Lighting – Donation (CR-09)
To Riverwalk Trust, Inc.

Transfer \$20,000 FD001/9950 Contingencies to GEN010101/4299 Other Contributions, fund type 01, fund 001 subfund 01.

A resolution amending the fiscal year 2007-2008 final operating budget, transferring \$20,000 – donation to Riverwalk Trust Inc. – holiday lighting.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1937

RESOLUTION NO. 07-251

A RESOLUTION AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 BY TRANSFERRING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$20,000.00 FROM GENERAL FUND CONTINGENCIES FD001/9950 TO OTHER GENERAL GOVERNMENT GEN010101/4299, FUND TYPE 01, FUND 001 SUBFUND 01, FOR THE DONATION TO RIVERWALK TRUST, INC., TO PURCHASE HOLIDAY LIGHTING ALONG RIVERWALK PARK.

Maintenance of Landscape Improvements – State Road A-1-A (CR-10)
Florida Department of Transportation

No budgetary impact.

A resolution authorizing the proper City Officials to execute a Memorandum of Agreement with Florida Department of Transportation – City maintenance of landscaping improvements on State Road A-1-A.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-1586

RESOLUTION NO. 07-252

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPING IMPROVEMENTS TO STATE ROAD A1A.

PURCHASING AGENDA

Proprietary – Ebara Pumps and Parts and Service

(PUR-01)

\$80,000 is available in Fund 450, Subfund 01, PBS660602-3404

Proprietary purchase of Ebara brand replacement pumps, parts and service from FJ Nugent & Associates, Inc. is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: F.J. Nugent & Associates, Inc.
Longwood, FL

Amount: \$80,000.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-1869

The Procurement Services Department has reviewed this item and recommends approval of the proprietary purchase.

482-9878 – Sale of Surplus Brass Meters

(PUR-02)

\$39,007.65 revenue to be credited to Fund 450, Subfund 01, PBS010501, N900.

Sale of scrap brass meters to Alpha Metal Recycling, LLC is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Alpha Metal Recycling, LLC
Opa Locka, FL

Amount: \$39,007.65 (estimated net revenue)

Bids Solicited/Rec'd: 123/3

Exhibit: Commission Agenda Report 07-1927

The Procurement Services Department has reviewed this item and recommends approval of this sale.

**Proprietary – IBM Operating System Support
Name Correction of Previously Approved Purchase**

(PUR-03)

\$15,846.60 is budgeted in GF 001, Subfund 01, ITS010301-3401.

Proprietary – annual support for FAMIS/BPREP IBM Financial Accounting operating system is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: IBM
Armonk, NY

Amount: \$15,846.60

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-1915

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

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

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson that Consent Agenda Items M-15, M-16, M-18, M-20, CR-02, CR-07, and CR-09 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

**Work Order 10710A – Globetec Construction, LLC - \$8,457,417.90 (M-15)
Sanitary Sewer and Water Main Improvements – West Melrose Manors**

Commissioner Rodstrom wanted to vote no on this item.

Motion made by Vice Mayor Moore and seconded by Commissioner Hutchinson to approve the item as presented. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: Commissioner Rodstrom.

Supplemental Pay – Employee Reservists Called To Active Duty – On-Going Military Conflicts – Extension of City Policy (M-16)

Dennis Ulmer, City resident, commended the City for providing benefits and pay to City employees who are also reservists called to active duty to serve our nation. He hoped other government units are doing the same. This is the least we can do.

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

Settlement of Vehicle Accident General Liability Claim - (M-18)
\$57,500 – VA GL 05-616

Vice Mayor Moore said he was not present during most of the discussion of this item, and therefore, he did not wish vote.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel that this item be approved as presented. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Commissioner Hutchinson, and Mayor Naugle. NAYS: Vice Mayor Moore.

Amendment To Sports Facility Use Agreement - Term (M-20)
Extension – Baltimore Orioles – Fort Lauderdale Stadium

Commissioner Hutchinson indicated when she met with the Orioles it was discussed that it would be a one-year extension with a one-year option, which is not how it is being presented. Cate McCaffrey, Director of Business Enterprises, understood it was the same as it was in the last agreement which is by mutual consent. The City Manager said the agreement could be amended on the floor.

Mayor Naugle noted that by the Orioles operating the facility, it saves the taxpayers from having to maintain it. The City was losing money on the facility. In order to pay the expenses at the facility, the Orioles need to rent it out. He questioned how they could operate on a year-to-year basis.

Vice Mayor Moore felt this is continued delay and no action by the Orioles. He agreed that the City no longer wants this elephant and entered into a negotiated agreement with someone who said they would find the money, create the opportunity of spring training and utilize this venue so that it could be removed from the tax rolls. He did not feel the Orioles are doing this with the continued contract extensions. There are others that may be able to give the community a finished product.

Mayor Naugle pointed out that the delays are due to the Federal Aviation Administration. Congressman Ron Klein is looking into the matter. The delays are not on the Orioles' part. Vice Mayor Moore said he believes differently.

Motion made by Commissioner Hutchinson to amend the agreement to include a one-year extension with a one-year option.

Commissioner Teel asked if the motion is with approval by the City and the Orioles, not unilateral. Commissioner Hutchinson confirmed that is the motion. Commissioner Teel could not support a two-year renewal.

The City Attorney clarified the contract before the Commission provides for a one-year renewal with a one-year option which is mutually agreeable, not unilateral. The City Manager said the Orioles have asked for the second year to be unilateral.

Alan Koslow, representing the Baltimore Orioles, said the Orioles are moving forward and assisting the City in obtaining FAA approval. Congressman Klein is arranging a meeting with the FAA regional directors. FAA approval is the only thing holding up moving forward with the long term agreement. The Orioles have State and County funding. They cannot move forward with the financing without FAA approval. The Orioles are totally committed to Fort Lauderdale..

Mr. Koslow explained if any of the outstanding issues is not resolved within twelve months, the Orioles must come back to the Commission for another year. This causes them to have to delay signing contracts with third parties like the Fair and concerts. The Orioles must pay for maintenance of the facility. With all of the approvals, the Orioles would not want to extend for another year. They would be ready to go into the long term agreement. There is no risk to the City. The Orioles want the comfort level of knowing that for any reason outside of their control or the City's control, they could not move forward with the long-term agreement, they have one more year. This is the most they see the need for.

Commissioner Rodstrom said the events usually hosted at such a facility take years to plan. This ties their hands from booking events in advance. She does not want the facility to come back to the City.

Vice Mayor Moore asked if the Orioles are negotiating with any other governmental entity or private sector for a spring training facility. Mr. Koslow said he knows of no such negotiations and he is not on behalf of the Orioles. There are rumors that other cities are reaching out to try and snatch them away from Broward County and other parts of Florida. This occurs every year.

Vice Mayor Moore wanted to table the item until December 18, 2007 so that an Orioles representative with knowledge of what the Orioles are doing. He respected that Mr. Koslow may not know the answer. He wanted the Orioles to place in writing or be present at the next meeting to answer this question.

Motion made by Vice Mayor Moore and seconded by Commissioner Teel to table this item until December 18, 2007 at 6 p.m. Roll call showed: YEAS: Commissioner Teel and Vice Mayor Moore. NAYS: Commissioners Rodstrom and Hutchinson and Mayor Naugle.

Commissioner Hutchinson understood and Mr. Koslow confirmed the Orioles are requesting a one-year extension and a one-year option so they would not have to return to the Commission. Mr. Koslow suggested additional language that the Orioles would not be able to exercise that option year if they were in any way in default of the agreement.

The City Attorney noted if the Orioles are in violation of the agreement, then the agreement would be ended in any event because if they are going to walk, they will walk.

Motion made by Commissioner Hutchinson to grant a one-year extension and a one-year option so the Orioles would not have to come back before the Commission. See rephrased motion below.

The City Attorney said this contract was crafted exactly from the one in existence now which is a one-year renewal with a mutual one-year option. He was curious what has changed since the last time to make be so problematic that the Orioles cannot have a mutual extension this time. Commissioner Hutchinson asked if it is mutual at a staff or Commission level. The City Attorney did not know what they were doing negotiating with the Commission in the first place. None of this was told to anyone who was drafting the contract.

Mr. Koslow explained that for the last one, it was the first time the Orioles had the facility under a management agreement where they were accepting full responsibility. They learned from trial and error that they need the extra time to book events. Previously, the City was in charge of everything. There were multi-year agreements and no options. This would give the Orioles peace of mind so they could book events eighteen months from today. They would prefer to book events under the new agreement, but it is all out of their hands until FAA approval is secured.

In response to Vice Mayor Moore, Mr. Koslow said he opposes tabling this. Vice Mayor Moore said when the City entered into an agreement with the Orioles, they were to build a new site, not to manage the facility, which happened when there was a hiccup in getting necessary state funding. Now, the City is not being told whether they are negotiating with others and at some later date the City could end up with this facility. He wanted to keep a closer rein on it on an annual basis.

In response to Mayor Naugle, Commissioner Hutchinson indicated she would like to renew at the team's option for the second year.

Motion made by Commissioner Hutchinson and seconded by Commissioner Rodstrom to grant a one-year extension and a one-year option at the Oriole's option.

Commissioner Teel asked about the insurance or any other contract changes. Ms. McCaffrey said there is a provision in the extension agreement that there would be an accounting of all insurance proceeds and checks and returns for any damage to the stadium. The Orioles have agreed to this change.

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

**Appropriation and Transfer – School Resource Officers
\$581,657 – Law Enforcement Confiscated Property Fund**

(CR-02)

Vice Mayor Moore said he is not supporting this due to the City's agreement with the School Board. In response to Vice Mayor Moore's question, Bruce Roberts, Chief of Police, indicated the Board offers \$12,000 per officer. The total cost is \$581,000 and they are contributing \$48,000.

In response to Commissioner Hutchinson, Chief Roberts said there are seven school resource officers which are assigned to the public high schools and middle schools in the city.

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

Commissioner Teel said the City recently received a letter from a group who is working with elementary schools, and they are suggesting that the City add approximately another \$500,000 to \$600,000 to staff resource officers in elementary schools. Chief Roberts said he is in the process of responding. The quoted numbers are very low and not accurate.

Mayor Naugle asked what is being done in the elementary schools. Chief Roberts said there is the D.A.R.E. Program and school liaison officers assigned to work with the schools. They are doing many things with the schools outside the venue of the school resource officer.

In response to Commissioner Teel, Chief Robert indicated that the school resource officers are working their full-time shifts in the program. Commissioner Teel pointed out that these officers are being taken away from being assigned to other parts of the city.

Commissioner Teel believed this is the School Board's responsibility. She was concerned about other agencies mandating how the City should spend its funds and yet the City is being told by the State and others to make cuts. In most cases, the School Board is insulated. The School Board should fulfill this responsibility.

Mayor Naugle agreed, but did not want to stop it in mid-year.

Commissioner Hutchinson asked if the monies being used from the confiscated fund, could be used for other programs. Chief Roberts said these funds could be dedicated to other crime prevention programs as well as for equipment.

Commissioner Hutchinson agreed the City needs to strongly encourage the School Board to pay their bill.

Vice Mayor Moore said a few years ago the School Board decided not to implement summer school and gave the City only two weeks' notice. The City had to step up to the plate with funding and staff for the parks. The City continues to fund summer programs because the School Board does not offer summer school.

Vice Mayor Moore made a comparison using the cost for an officer and the number of students in a school to coverage of a neighborhood that size.

Commissioner Rodstrom wanted to amend the motion, giving direction to the City Manager to begin networking with the School Board so that next year they may pay the bill.

Vice Mayor Moore noted that the Broward League of Cities is suggesting that the School Board find a way to staff security for their schools. It is inappropriate for municipal entities to have to pay this kind of money for specialized policing. For schools in the

unincorporated area, the City is being double-taxed because there are deputies from the Sheriff's Office being placed in the schools.

Mayor Naugle concluded the resolution is amended to appropriate and transfer and instruct the City Manager to enter into negotiations with the School Board for more equitable funding of law enforcement for next year. Commissioner Hutchinson agreed.

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

**Appoint John Frey, Esquire – Outside Counsel
Court-Appointed Counsel To Indigent Defendants**

(CR-07)

In response to Mayor Naugle, the City Attorney confirmed this has to do with the Public Defender's Office dealing with the Municipal Code. The alternative would be to have the judge appoint counsel. The State rate is \$400 per case. This proposal is \$300 per case.

In response to Vice Mayor Moore, the City Attorney explained there is one municipal ordinance, 16-1, that makes all state crimes municipal crimes. There are some crimes which are municipal only, such as open container. The practice in the past to avoid issues about who could prosecute and to make sure that the State Attorney's Office looks at all the crimes, including the state crimes, and prosecutes those crimes, they have been cited under the municipal and State ordinances. Due to the dispute with the Public Defender, they have worked with the Police Department. When it is a state crime, the City is arresting people but leaving the matter to the Public Defender. There are still a number of municipal crimes where the City will have to provide counsel.

Vice Mayor Moore asked if the \$300 per case will only be for municipal crimes. The City Attorney indicated that is correct, unless there is an error on the part of the police officer in the citation. There could be instances where it covers both over a short period of time, but during that transition period where the City is now changing to cite state crimes without citing a municipal ordinance, this would be the case in the next few months.

Vice Mayor Moore wanted to assure training is provided to officers that where there is a state citation, they cite it in order to avoid use of this money for legal counsel. If the state citation is the only one used, the State will pay for the legal counsel. If a municipal issue is involved, then this money should be used. The City Attorney explained that is the purpose of this exercise.

Vice Mayor Moore introduced the resolution with the above detailed direction. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

**Transfer \$20,000 – Holiday Lighting – Donation To
Riverwalk Trust, Inc.**

(CR-09)

Vice Mayor Moore referred to previous discussion, that if another quadrant of the city interested, the City would offer support, such as a match. He worked with the midtown

business area and they are not going to be able to address Christmas lighting for several reasons. They are asking if they use a decoration that would not require electricity, they believe they could meet it. This vendor and their decoration would not be conducive to the conditions of the majority of the poles in the area. He asked that perhaps on December 18, there may be an opportunity to look at alternatives they have offered.

Vice Mayor Moore introduced the resolution. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

RESOLUTIONS

Lot Clearing and Cleaning – Special Assessment (R-01)
Liens For Associated Cost

No budgetary impact.

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-253

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

No Objection To Plat Note Amendment – Beta Plat (R-02)
Mixed Use – 1411 State Road 84 – 11-P-03(A)

No budgetary impact.

Applicant: Hibiscus, LLC
Location: 1411 State Road 84
Zoning: General Business District B-2

In response to Commissioner Hutchinson, Greg Brewton, Interim Director of Planning and Zoning, explained under the current plat they are not limited to the amount of commercial, but the new amendment there will be a limitation.

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-239

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS "BETA PLAT."

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

No Objection To Plat Note Amendment – Hammocks At Edgewood Park Townhouses – 2807 SW 15 Avenue – 11-P-05(A) (R-03)

No budgetary impact.

Applicant: Hammocks At Edgewood Developers, Inc.
Location: 2807 SW 15 Avenue
Zoning: Residential – Multi-Family – Low Rise/Medium High Density RML-25 and Single-Family and Cluster/ Medium Density RC-15

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-240

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS "HAMMOCKS AT EDGEWOOD PARK."

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

Site Plan Level II – Extension Of Time – Flagler Point 152-R-05 – Mixed Use – Affordable Housing (R-04)

No budgetary impact.

Vice Mayor Moore wanted the buildings demolished. Ralph Stone, Broward County Director of Housing and the Housing Finance Authority, said they recently took control of the property in September and immediately took steps to secure it. They have been working with the Police Department and Code Enforcement. Demolition bids have been received ranging from \$160,000 to \$80,000. They are evaluating funding sources. They are negotiating with Pinnacle Housing Development for a development on this site. It is their intent that Pinnacle would absorb the demolition cost.

Vice Mayor Moore was only interested in granting the extension if the demolish occurs. He believed the Authority as public policy should utilize their money and make the site safe. A number of issues could happen in these buildings. He did not think the adjoining property owners' values should be challenged. Mr. Stone said they would commit to this requirement.

Commissioner Teel agreed. She referred to an extension that was denied at the last meeting because of the negative effect on the community. This is the gateway into the Sistrunk corridor revitalization. She felt the Authority should be setting an example to the community of how important it is to maintain these properties. It will be eighteen months to three years before any development comes out of the ground.

In response to Commissioner Teel, Mr. Stone said he is not capable of binding the County Commission to such an agreement, but he discussed this matter with the County Budget Director and with the Housing and Finance Authority Board, apprising them of the need for demolition. He believes they are headed in that direction.

Commissioner Teel was more comfortable with a six-month extension or eighteen months but within six months the property would have to be demolished.

Commissioner Rodstrom agreed to this amendment.

Mr. Stone further indicated an eighteen-month extension with a condition that the buildings be demolished in six months would work better for them. Affordable housing at this location would only get done if they go through the state tax credit process. The application deadline for the next cycle is March and the decision is made next September. They need a good 12-14 months to secure approval and then be in a position to pull permits.

In response to Commissioner Rodstrom, Mr. Stone believed they will be able to secure funding for the demolition within six months.

Vice Mayor Moore wanted the Authority to begin the demolition permit process immediately. Mr. Stone said they have received four informal estimates; he they would be ready to move forward in the process.

Motion made by Vice Mayor Moore and seconded by Commissioner Rodstrom to introduce the following resolution including an amendment to provide for an eighteen-month extension with demolition taking place within six months and demolition permit application to begin immediately.

RESOLUTION NO. 07-241

A RESOLUTION OF THE COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF TIME OF A DEVELOPMENT PLAN APPROVING A DEVELOPMENT ON THE PROPERTY LOCATED AT 600 NORTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA IN A RAC-UV ZONING DISTRICT.

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

CITIZEN PRESENTATIONS

**John Fletemeyer – New River Drowning Prevention Program (CIT-01)
And Swimming Hall of Fame – Aquatic Complex**

No budgetary impact.

John Fletemeyer said his dog fell into the New River, his wife jumped in after the dog and they nearly drowned. He has written many books on drowning. He conducted a survey and found that others have fallen in. There needs to be a safety initiative along the New River to prevent drownings. He felt it would be prudent for the Commission to look into this and establish some buoys and lights and opportunities to prevent drownings in this area.

Vice Mayor Moore left the meeting at approximately 7:04 p.m.

Mr. Fletemeyer said that part of what he does for a living is produce business plans for swimming pools, teaches college courses on the subject, and has published articles on swimming pool economics. He provided information to the Commission. The Swimming Hall of Fame continues to lose money. Opportunities should be explored so the complex could become profitable and not be subsidized by taxpayers. He offered his expertise.

Vice Mayor Moore returned to the meeting at approximately 7:05 p.m.

**Kitty Kessler – Amend Ordinances Relating To Animals To (CIT-02)
Include Owner/Guardian**

No budgetary impact.

Kitty Kessler said she would like to see a change made in the ordinance language pertaining to animals from owner to guardian or guardian/owner. Language is a powerful motivating force in our society that can change one's perceptions, awareness, attitudes, values, thoughts and actions. Nationwide there have been language changes in many city and state codes pertaining to pets. Owner does not convey the loving bond that forms between humans and animals. Guardian is more reflective of that bond; it encourages respect, compassion and responsibility towards animals. All bonds of this magnitude can only lead to the betterment of society. When animals are not seen as property to be disposed of heedlessly or discarded to shelters or left on the streets, the animals benefit from a higher quality of care and the responsibility shifts from taxpayers and animal control officers to the animals' guardians. Opponents of mandatory spade-neuter laws hold the view that companion animals are personal property, and therefore, it is not the government's place to get involved. Many municipalities, including the entire state of Rhode Island, have adopted this change with no adverse results and many

positive ones. She provided information to the Commission. She asked the Commission to consider this change.

Jackie Jones – Value Place – Hotel Development

(CIT-03)

No budgetary impact.

Jackie Jones was not present. Mark Engel spoke on her behalf.

Mark Engel, resident of Riverland neighborhood, noted he sent an e-mail on November 20, 2007 to the Commission regarding the proposed Value Place Hotel on Riverland Road and Highway 441. He does not feel this development meets code requirements and should be denied at the Development Review Committee level. The property is zoned B-2. The only access is from Riverland Road which is a neighborhood street. The site is truly a community business type of property, not a B-2 use. He provided information to the Commission. He did not think the proposal meets the definition of hotel in Section 47-18.16 of the code. With respect to traffic, he noted that Riverland Road is currently over-capacity. This will add to the problem and leave two-thirds of the site undeveloped. He provided information to the Commission.

Chris Stachowski – Value Place – Hotel Development

(CIT-04)

No budgetary impact.

Chris Stachowski, Fort Lauderdale resident, felt the proposed Value hotel would not only hinder children who play across the street in the park, but the children throughout the neighborhood. A pre-school is just around the corner. He did not think any parent would want to support a preschool located almost across the street from low-end housing. He provided a list of pedophiles supplied by the County, but he was concerned with those they cannot see. There are over 5,000 children in six schools in less than a five-mile radius. Value properties will not protect these children. A meth lab was discovered in a Value hotel and no one appeared to be aware. There are burrowing owls, foxes and ospreys on the site. He believed that permits should have been pulled to remove these animals. Drilling has taken place on the site but no permits are posted. He was concerned about traffic. He thought this was to be a greenway project. He urged the Commission listen to the taxpayers coming forward on this.

Linda Pisano – Value Place – Hotel Development

(CIT-05)

No budgetary impact.

Linda Pisano, resident of Lauderdale Isles, said in today's *Daily Business Review*, Mr. Arragon, a principal of the Value Place project, was quoted as saying that the vocal minority is blowing this project out of proportion and that he did not understand where their concerns were coming from. She referred to police blotters in the areas where Value Place hotels are currently located in the nation or read reviews on travel websites which consistently call this hotel a dirty, noisy place and a flop house for transients. She also noted a November 27, 2007 report from Augusta, Georgia of a meth lab discovered

at a Value Place Hotel. She asked the Commission to respond appropriately. She said Jackie Jones is a resident of Lauderdale Isles and once owned a higher-end version of an extend-stay hotel in Homestead. She opposes this project. These are real concerns supported by facts and data. A petition being circulated now has two hundred signatures. Only two people refused to sign. If the area cannot be a green space, Ms. Pisano asked it be compatible with the neighborhood, with a height of one to two stories. It should be something that closes at night. Additional cars should be kept to a minimum. The signage should not face residential property. Landscaping should be on a larger scale.

Ms. Pisano discussed the rental price quoted by the Hotel and claimed that Hotel officials have been misleading at best and dishonest. Although they say otherwise, Value Place offers nightly rates across the country. She provided information to the Commission, including a petition of eight signatures requesting Value Place not be approved, citing it will not serve the community suitably as several motels/hotels already exist within 5-10 miles of the proposed site; it will cause traffic congestion on Riverland Road; and the site is close to children’s park and preschool; and this type of extended stay motel brings down property values.

In response to Mayor Naugle, Ms. Pisano indicated said the rates in the information she provided are weekly and were obtained from the website.

Vice Mayor Moore asked the Planning Department staff and City Attorney to comment. Greg Brewton, Interim Director of Planning and Zoning, said this project is in the Development Review Committee phase. Many residents who spoke this evening were in attendance at the DRC meeting last week. The Applicant agreed to address their concerns. If the project is not in compliance with the City Code, a hotel will not be permitted. Staff decided to have a separate meeting to allow residents to come forward and have the Applicant address their concerns.

The City Attorney explained if the project meets all requirements, there is no discretion on issuing a permit. Staff is in the process of review to see whether it meets the Code.

In response to Mayor Naugle, Mr. Brewton confirmed Broward County would be responsible for investigating whether there are endangered species on the site.

In response to Vice Mayor Moore, Mr. Brewton indicated there is soil testing occurring at the site.

In response to Commissioner Rodstrom, Mr. Brewton confirmed that the site must comply with the neighborhood compatibility portion of the Code.

PUBLIC HEARINGS

**Vacate Alleyway – NE 5 Street – Victoria Park -
Dawn DeMartin – 5-P-07**

(PH-01)

No budgetary impact.

Applicant: Dawn DeMartin
Location: Eastern Terminus of NE 5 Street – Victoria Park

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

Vice Mayor Moore introduced the ordinance on first reading:

ORDINANCE NO. C-07-109

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF NORTHEAST 5 STREET, AS SHOWN ON THE RE-AMENDED PLAT OF A PORTION OF "VICTORIA PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 52 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING BETWEEN VICTORIA TERRACE AND THE KAREN CANAL, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Regulating Telecommunication Equipment in
Rights-of-Way – New Code Sections 25-100.1
And 25.100.2 – Right-of-Way Administration**

(PH-02)

No budgetary impact.

Peter Partington, City Engineer, said since first reading, the ordinance has been amended as presented at the conference meeting and pursuant to Commission direction.

Vice Mayor Moore left the meeting at approximately 7:24 p.m.

Mr. Partington said the undergrounding requirement was changed so it is applicable to any facility whose lineal dimensions are greater than 90 inches. The definition of utility pole has been amended to include monopoles and antennae. Utility poles are proposed to be exempt from the definition of communication service facilities. The ordinance was expanded to apply to all residentially zoned districts, as well as RO, ROA, ROC and recently annexed areas still containing Broward County residential zoning designations. An applicant will be allowed to demonstrate financial infeasibility of the below-grade requirement. Only one additional facility will be allowed in a block where two facilities presently exist. The permit application process has been changed to enable staff to receive sufficient documentation and photographs to administer the application process. A new section was added, requiring notification of abutting property owners within 150 feet of the proposed facility and to the homeowners association. The Commission raised concerns about the necessity to consider noise from the facilities. There is a noise ordinance that limits the noise level in residential districts. Staff believes that

ordinance will be sufficient to restrain the noise from this equipment. AT&T has submitted information, indicating that their equipment can meet the City's noise ordinance.

Vice Mayor Moore returned to the meeting at approximately 7:26 p.m.

In response to Mayor Naugle, Mr. Partington said the noise level requirements remain the same throughout the life of the equipment.

Mayor Naugle asked if the ordinance contains an amortization schedule for updating equipment when new technology becomes available. Assistant City Attorney Dunckel said that is not contained in the ordinance.

In response to Commissioners Teel and Hutchinson, Mr. Partington explained that the power to grant an exemption resides with the City Engineer, but the Commission has the ability to call up the item. The City Manager suggested a notice be sent to the Commission when an application is received.

Commissioner Teel wanted to eliminate permascaping from permissible screen plantings. She also wanted to eliminate the term, opaque physical barriers surrounding the facility. Assistant City Attorney Dunckel explained the purpose of the opaque physical barrier was to allow for something similar to a neighborhood entranceway, but not necessarily an entranceway monument. The idea was to provide a menu of choices for a multitude of designs. Ultimately the City Engineer decides whether it optimizes mitigation of the visual impact. Commissioner Teel agreed, but felt it is addressed in Items d and e. She wanted Item c deleted.

In response to Commissioner Teel's concern about Commission notification and Paragraph 13, distance separation from edge of pavement, Assistant City Attorney Dunckel understood upon filing of a permit application, the Commission shall be notified.

Commissioner Teel asked about the fan decibel level and what is the maximum permitted by code. Mr. Partington noted that staff has not measured any decibel levels. He noted the Code provision. A communication from AT&T was received. He did not think there are any current examples of the smaller cabinets they will largely be installing.

Paula Dublin, representing AT&T, said during the day, the maximum decibel generated is 56.4 db plus or minus and in the evening it drops to the 44 range. The level is significantly under the range listed in the ordinance.

In response to Commissioner Teel, Ms. Dublin noted with age of equipment, if the noise level rises, AT&T will the fans.

Genia Ellis, representing the Council of Civic Associations, noted the Commission was provided information as to the Council's concerns. The Council would like as part of the permitting process that AT&T certify the sound levels; there be a certification of equipment and a measure as a benchmark. All equipment should remain in compliance over time. If they are no longer in compliance, there should be a specific time period to come into compliance. If a cabinet is no longer in use, it should be immediately

removed and the area put back as it was originally to address concern over a growing visual blight. As technology changes, there should be a time period whereby old equipment is brought up-to-date. A retrofit schedule should be included. Lastly, the notification radius should be increased from 150 to 300 feet. She noted that financial infeasibility was deleted in Paragraph 2, but not in Paragraph 3 on page 5.

The City Attorney responded to Ms. Ellis' last comment, indicating it is a scrivener's error.

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

Vice Mayor Moore wanted an amortization schedule noted by Ms. Ellis. Assistant City Attorney Dunckel understood there was consensus at the conference meeting for the subject to be further reviewed by the City Attorney's Office. They have doubts about enforceability. It may be addressed at a later time. Vice Mayor Moore wanted to include a provision. He suggested a period of 3-5 years. Mayor Naugle agreed.

Commissioner Hutchinson asked the City Attorney about enforceability. The City Attorney did not believe the City could enact an ordinance that provides if technology is available to better the equipment, the old equipment must be replaced. He did not think it is a legitimate exercise of governmental powers. If the equipment solves the problem and meets code, then they have the right to use it. If a problem occurs at a later date and the City can identify that problem, he felt the City could require the replacement of whatever the City believes is not a good public purpose. Essentially, he did not know how to define when it becomes old. If it is old and not functioning, replacement could be required.

Mayor Naugle felt it is done all the time in environmental regulations; so much time is given for retrofitting. The City Attorney agreed. When those things come along, the regulations are amended at that time and an amortization period is established. The suggestion is to anticipate something before it comes along and set an amortization period. However, whatever the Commission desires could be included with the knowledge that the City may be less risk adverse.

Vice Mayor Moore wanted the City Attorney to draft language that would lessen the opportunity for a challenge. He felt it is within the Commission's right. He did not object to some latitude and as such recommended a period of 3-5 years. There is a visual impact.

With respect to the noise decibel reading, Vice Mayor Moore felt there should be language included providing that the City will do random testing and there will be negotiations if the readings purported are exceed.

The City Attorney could not supply an amortization schedule this evening. He offered to report back in January with a proposed amortization schedule and conduct additional legal review.

Assistant City Attorney Dunckel indicated there is an entire chapter in the Code of Ordinances devoted to noise control. It is a function of staff to do the testing.

Commissioner Teel referred to the below-grade requirements and exemptions from those requirements. She asked if AT&T is prepared to upgrade to below-grade during the course of their installations. Ms. Doublin said if an underground solution becomes available, it would have to go through a series of tests that takes 12-18 months, then AT&T would deploy it.

Commissioner Teel asked how long is expected to install 500 cabinets. Ms. Doublin estimated 12-15 months.

In response to Commissioner Teel, Ms. Doublin said that the life expectancy of the equipment is 12-20 years. As technology changes, AT&T plans to change out the electronics inside the cabinets. If there is an approved underground cabinet that is applicable for a location and one was damaged, AT&T would install the new design.

Vice Mayor Moore referred to his concern about a digital divide and asked if the areas he requested be added for service have been added. Sharon Liebman, representing AT&T, said they have submitted additional permit applications for those addresses recently furnished.

In response to Commissioner Hutchinson, Ms. Doublin said if there is no service in a cabinet, it is removed as a standard operating procedure. Commissioner Hutchinson suggested asked this requirement be included in the ordinance. Vice Mayor Moore agreed.

In response to Commissioner Teel, Mr. Partington said the City Engineer selects the cabinet color. Because of the visual mitigation plan, he hoped the color does not jump out to one's eye.

Mayor Naugle understood they have agreed to remove the oversized boxes where there have been complaints. Mr. Partington believed that all locations that were a source of concern have been removed, relocated or being addressed by landscaping.

Ms. Liebman appreciated the opportunity to work with staff on this ordinance. AT&T does have concerns with some provisions. Chief among those concerns is the below-grade requirement. AT&T plans to pursue the hardship waiver application provisions and hope they do not impact their ability to deploy their network without undue interference or delay. They also have concern with removal of the reference to financial infeasibility. Something could become available, but it could be exceptionally expensive.

Commissioner Hutchinson introduced the ordinance on second reading as amended:

ORDINANCE NO. C-07-108

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE FLORIDA, AMENDING CHAPTER 25, ENTITLED STREETS AND SIDEWALKS, ARTICLE III, ENTITLED RIGHTS-OF-WAY ADMINISTRATION BY CREATING A NEW SECTION 25-100.1 ENTITLED COMMUNICATIONS SERVICE FACILITY DEFINITIONS, BELOW-GRADE REGULATIONS; EXEMPTIONS FROM BELOW-GRADE REGULATIONS AT-GRADE REGULATIONS, WAIVERS, PROVIDING FOR REGULATIONS

RESPECTING THE PLACEMENT AND CONSTRUCTION OF COMMUNICATIONS SERVICE FACILITIES AS TO LOCATION, SIZE, HEIGHT, DISTANCE SEPARATIONS, MITIGATION OF VISUAL IMPACTS, MAINTENANCE AND GRAFFITI PLAN, PERMIT APPLICATIONS, AND NOTICE PROVISIONS, AND CREATING A NEW SECTION 25.100.2, ENTITLED PROCEDURE FOR APPEAL; CITY COMMISSION REQUEST FOR REVIEW; PROVIDING FOR SEVERABILITY, REPEAL OF ORDINANCES IN CONFLICT AND EFFECTIVE DATE.

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

ORDINANCES

Amend Unified Land Development Regulations - Dwelling Units – Downtown RAC Review Process and Special Regulations (O-01)

No budgetary impact.

Vice Mayor Moore introduced the following ordinance on second reading:

Vice Mayor Moore left the meeting at approximately 8:07 p.m.

ORDINANCE NO. C-07-107

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13.20, DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS TO PROVIDE FOR THE ALLOCATION OF DWELLING UNITS ADDED TO THE DWELLING UNITS AVAILABLE FOR RESIDENTIAL DEVELOPMENT IN THE DOWNTOWN RAC IN 2007 AND TO AMEND THE DESIGN GUIDELINES APPLICABLE TO DEVELOPMENT THAT INCLUDES RESIDENTIAL UNITS.

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

Amendment To The Pay Plan – Schedule I (O-02)

Funding is available in ITS010201, subobject 3401 (computer maintenance) Fund 001, Subfund 01 to pay for the estimated cost increase on \$3,500 for the recommended Geographic Information Systems Manager (formerly Geographic Information Systems Coordinator) salary range adjustment described in Exhibit 1.

Commissioner Hutchinson introduced the following ordinance on the second reading:

ORDINANCE NO. C-07-106

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULE I OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CHANGING THE TITLE AND PAY RANGE OF A CLASS AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE.

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

Prohibition – Members of City Commission (O-03)
Soliciting Gifts or Donations For Third Parties

No budgetary impact.

Commissioner Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-110

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROHIBITING MEMBERS OF THE CITY COMMISSION FROM SOLICITING GIFTS OR DONATIONS FOR THIRD PARTIES FROM ANY PERSON OR ENTITY THAT IS DOING BUSINESS WITH THE CITY, PROHIBITING MEMBERS OF THE CITY COMMISSION FROM USING CITY RESOURCES OR THEIR ELECTED POSITION TO SOLICIT ANY DONATIONS, PROVIDING FOR ENFORCEMENT AND PENALTIES, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND AN EFFECTIVE DATE.

Which ordinance was read by title only.

Vice Mayor Moore returned to the meeting at approximately 8:08 p.m.

In response to Vice Mayor Moore, the City Attorney said this excludes a commissioner's campaign, but not another's campaign for whom a commissioner may be attempting to raise funds. Vice Mayor Moore understood a member of the Commission may utilize individuals doing business with the City in order to raise funds for their own political office, but not to give children shoes because they cannot afford them. The City Attorney said a commissioner may solicit anyone except individuals doing business with the City in order to raise funds for children's shoes.

Commissioner Hutchinson understood it could be done in the name only of a commissioner, but not using their title and not working from City Hall or involving City personnel.

The City Attorney explained as a commissioner, one cannot raise money for a third party. Solicitation is defined in the ordinance as raising money for a third party for whatever purpose. The exception is where a commissioner is raising money from the general public, not necessarily excluding people who do business with the City, but not soliciting them directly. A commissioner may make a public appeal for shoes for children, but may not use their title in that solicitation.

Vice Mayor Moore thought the attempt was to avoid influence peddling. He did not think this would accomplish that.

Mayor Naugle said it prevents a commissioner from shaking down a company that may be selling the City insurance for a contribution to a Halloween party, for example. Vice Mayor Moore said it does not prevent a commissioner from shaking down the same individual for their own political campaign. He wanted to vote this down or add such a provision. Mayor Naugle agreed. The City Attorney said there are free speech issues. Corporations cannot make campaign contributions; it has to come from an individual. The individual has a right to make campaign contributions to whomever they choose, whether or not they are solicited. Vice Mayor Moore noted in the Mayor's example what actually happened was a contribution for a Halloween candy drive from individuals, not a corporation.

Mayor Naugle suggested it be amended for second reading. Commissioner Hutchinson pointed out that would violate freedom of speech.

Commissioner Teel noted one positive part of the ordinance is that City personnel or supplies should not be utilized.

Commissioner Rodstrom understood this was to be the start of conversation regarding ethics. She felt amendments could be worked out at a later date. She felt this is a step in the right direction. Voting is not supposed to have anything to do with campaign contributions.

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

**Code Amendment – Section 2-262 – Lobbyist Reporting
Requirement – City Commission Members Soliciting Gifts or
Donations For Third Parties**

(O-04)

No budgetary impact.

Vice Mayor Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-111

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA,
AMENDING SECTION 2-262, LOBBYING REGISTRATION AND
STATEMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF
FORT LAUDERDALE, FLORIDA, BY REQUIRING ANY LOBBYIST WHO
WAS SOLICITED BY A MEMBER OF THE CITY COMMISSION FOR A

DONATION AND ANY LOBBYIST WHO GAVE A DONATION TO A MEMBER OF THE CITY COMMISSION FOR ANY THIRD PARTY TO REPORT QUARTERLY EACH SUCH OCCASION, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Which ordinance was read by title only.

Vice Mayor Moore understood this ordinance does not prohibit the receipt of money, but that it be reported. The City Attorney said it simply requires them to rat the commissioner out whether the solicitation was made as an elected official or as an individual.

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

Advisory Board /Committee Appointments

(OB)

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

Beach Redevelopment Advisory Board	Amanry J. Piedra Judith Scher Ina Lee Carlos Molinet Eunice Miranda Lopez Shirley Smith Aiton J. Yaari Henry A. Sniezek Ramola Motwani
Cemeteries Board of Trustees	Alfred C. Calloway Cameron LeRoy Mizell Jose Manuel Portela Larry W. Sherman Susan Telli Anne Platt Mark Van Rees
Code Enforcement Board	John J. Greenfield (General Contractor) Sam Mitchell (Business Owner) Janice Sheppard (Unspecified) Doug White (Unspecified)
Fire-Rescue Facilities Bond Issue Blue Ribbon Committee	Steve Kirsch
Nuisance Abatement Board	Pat Mayers David S. Svetlick Laurie A. Watkins

Unsafe Structures &
Housing Appeals Board

Allan Kozich

Utility Advisory Committee

Robert B. Caine
Raymond Parker

Vice Mayor Moore introduced a written resolution entitled:

RESOLUTION NO. 07-242

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

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

Vice Mayor Moore thanked the Parks and Recreation Department for their excellent cooperation with the private and public sector on World Aids Day at Mills Pond Park.

Vice Mayor Moore asked when the developer agreement will be presented to the Commission for the northwest commercial redevelopment by the Milton Jones Development Corporation.

Commissioner Rodstrom left the meeting at approximately 8:23 p.m.

The City Attorney indicated that HUD requires that there be a contract before they will consider amending the plan. A contract is not possible until there is a decision concerning sell or rent. HUD will not look at the contract until that decision is made. Staff believes this could be accomplished with two additional public meetings with Jones Development and come back to the Commission at their second meeting in January hopefully with an agreed contract. If there is no agreed contract, they will bring at the second meeting in January a contract with blanks that the Commission would fill in and a contract could be imposed.

There being no other matters to come before the Commission, the meeting was adjourned at 8:24 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk

