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FORT LAUDERDALE CITY COMMISSION
SEPTEMBER 17, 2002**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM
CITY HALL
FORT LAUDERDALE, FLORIDA**

SEPTEMBER 17, 2002

Meeting was called to order at approximately 6:15 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz
Commissioner Tim Smith
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry Stewart
City Clerk, Lucy Kisela
Sergeant At Arms - Sgt. Jordan

Invocation was offered by Dr. Diane Mann, Senior Pastor, 4th Avenue Church of God, 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 Smith and seconded by Commissioner Hutchinson to approve the minutes of the September 4, 2002 meeting. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Dr. Clifford Hoch.

2. Florida Recreation Development Assistance Program (FRDAP) Grant Award - Joseph C. Carter Park

Rona Silverman, Aide to Senator Mandy Dawson and Representative Christopher Smith presented to the Mayor and City Commissioners a grant award from the FRDAP in the amount of \$200,000 for renovations at Joseph C. Carter Park.

3. Magazine and Catalogue Recycling Awards

Commissioner Moore presented this year's Magazine and Catalogue Recycling Awards to the following winners:

- Bayview Elementary School - 1st Place Winner with 18 tons collected \$560.00
- Croissant Park Elementary School - 2nd Place Winner with 16 tons collected \$420.00
- Bennet Elementary School - 3rd Place Winner with 14 tons collected \$380.00

4. Commendation - Dr. Diane Mann

Commissioner Smith presented a Commendation to Dr. Diane Mann. He stated that Dr. Mann had been a missionary in Haiti and then returned to the US and took over the 4th Avenue Church of God. She also was the author of a book entitled "Miracle on 13th Street."

Dr. Mann thanked everyone and stated that she believed they could truly build a community in order to change the world.

5. Fort Lauderdale Navy League Council

Nicholas Dinunzio, President of the Fort Lauderdale Navy League Council presented Mayor Naugle with an Honorary Membership to their Council. Mayor Naugle thanked the Council for promoting the City.

6. Community Appearance Board's "WOW Award" - District 1

Commissioner Katz presented this month's WOW award to Jose and Felicita Molina of 1941 N.E. 55 Street (Knoll Ridge Neighborhood) who had used a color scheme for the painted surfaces that complimented the brick facade of the house. The hues are also reflected in the brick edge of the driveway and entry path. The large tree in the front yard provided a beautiful focal point as well as shade for the home.

Mr. and Mrs. Molina were not present at the meeting, and Commissioner Katz stated she would make arrangements to deliver their award.

7. USAR South Florida Task Force 2

Commissioner Hutchinson recognized the members of the USAR South Florida Task Force 2 who were sent to New York City to assist with "Ground Zero" rescue efforts as a result of the September 11, 2001 terrorist attacks. She presented the members with framed certificates in honor of them being recognized by the United States Congress on April 11, 2002.

Commissioner Hutchinson left the meeting at approximately 6:40 p.m. and returned at 6:41 p.m.

Mayor Naugle thanked Congressman Shaw. He also thanked the firefighters for their rescue efforts.

8. 2002 Historic New River Marathon Committee

Susan Peterson of the 2002 Historic New River Marathon Committee presented a plaque to the Mayor, City Commissioners, and Ernest Burkeen for their support for this event. She exhibited the original 1927 Trophy from the New River Marathon Swim won by Alex Shaw of Davie.

9. Commendation to Peter J. Witschen

Mayor Naugle presented a commendation to Peter J. Witschen, Assistant City Manager, for all

his work. Mr. Witschen had been honored with the prestigious Credential Manager Designation Award demonstrating his commitment to high standards of integrity and life-long learning in professional development. The City Manager stated Mr. Witschen had done a lot of work for employees and the City and wanted to thank him for his 16 years of service.

Mr. Peter Witschen stated that he appreciated the ability to be here and work with such a fine staff and group of citizens.

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 - Safe Walk Fun Run 2002

(M-1)

A motion authorizing the proper City officials to execute an Indemnification and Hold Harmless Agreement with **Women in Distress** to indemnify, protect, and hold harmless the City from any liability in connection with the **Safe Walk Fun Run 2002** to be held **Saturday, October 5, 2002 from 7:30 a.m. to 9:00 a.m.** at Beach Place, and further authorizing the closing of the following route beginning at 7:00 a.m. on the event day; beginning at Beach Place and going north in the westernmost northbound lane of State Road A-1-A to N.E. 9 Street; turn around and proceed south in the easternmost southbound lane; following State Road A-1-A to The Oasis; turn around and proceed north in westernmost northbound lane to finish at Beach Place.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1368 from City Manager

Event Agreement - Blow The Whistle on Asthma Walk

(M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **American Lung Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Blow The Whistle on Asthma Walk** to be held **Saturday, November 2, 2002 from 7:30 a.m. to 12:00 noon** at DDA Plaza and area sidewalks.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1379 from City Manager.

**Event Agreement - African American Research Library
and Cultural Center Grand Opening Parade**

(M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Broward County Libraries Division** to indemnify, protect, and hold harmless the City from any liability in connection with the **African American Research Library and Cultural Center (AARLCC) Grand Opening Parade** to be held **Saturday, October 19, 2002 from 8:30 a.m. to 3:00 p.m.**; and further authorizing closings as follows: the staging area on N.W. 4 Street from N.W. 7 Avenue to N.W. 9 Avenue from 7:30 a.m. to 10:00 a.m.; and the parade route beginning at 8:30 a.m. at Mount Olive Baptist Church, proceeding north on N.W. 9 Avenue to Sistrunk Boulevard; then proceeding west to the AARLCC facility at N.W. 27 Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1369 from City Manager.

**Performance Agreement - David Hickey Agency for Delbert
McClinton Performance - 2002 Sound Advice Blues Festival**

(M-4)

A motion authorizing the proper City officials to execute a Performance Agreement with the David Hickey agency of Aledo, Texas in the amount of \$25,000 for the performance of Delbert McClinton on Sunday, November 3, 2002 at the 2002 sound Advice Blues Festival.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1382 from City Manager.

**Agreement - Marty Kallen (d/b/a/ Fort Lauderdale Stars, Inc.) -
Gymnastics Classes at Holiday Park Activity Center**

(M-5)

A motion authorizing the proper City officials to execute an agreement with Marty Kallen (d/b/a Fort Lauderdale Stars, Inc.) for a term of October 31, 2002 through September 30, 2003 to conduct gymnastics classes at the Holiday Park Activity Center.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1367 from City Manager.

**Transfer of FY 2002/2003 General Fund Contingencies and
Change Order No. 1 - Weekley Asphalt Paving, Inc. - Project 10496 -
Resurfacing of City View Drive**

(M-6)

A motion authorizing the proper City officials to execute Change order No. 1 with Weekley Asphalt Paving, Inc. in the amount of \$27,000 for the resurfacing of City View Drive under the FY 2002/2003 asphaltic Concrete Pavement Surfacing annual contract. (Also see Item I-C on the Conference agenda and M-7 on the Regular Agenda)

Funds: FY 2002/2003 General Fund Contingencies (Also see Change Order)

Recommend: Motion to approve.

Exhibit: Memo No. 02-1352 from City Manager.

**Transfer of Funds - Payment of Construction-Related Expenses -
City View Townhomes Association, Inc.**

(M-7)

A motion authorizing the proper City officials to transfer \$13,367.38 from PED030301/4299 (Other Project Services Account) to PED010101/4299 (Other Contributions Account) for payment to the City View Townhomes association, Inc. for construction-related expenses at city View. (Also see Item I-C on the Conference Agenda and M-6 on the Regular Agenda)

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1351 from City Manager.

**Task Order - Keith and Schnars, P.A. (Professional General Civil
Engineering Consultant Services) - Project 10529 - Facility-Wide
Security Fence, Vehicle Gates and Well Head Cage Improvements**

(M-8)

A motion authorizing the proper City officials to execute a task order with Keith and Schnars, P.A. in the amount of \$67,405 for design and construction services for facility-wide security fence, vehicle gates and well head cage improvements.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1274 from City Manager.

**Task Order No. 12 - Camp, Dresser, and McKee, Inc.
Project 10121 - Lauderdale Manors Utility Improvements
Phase I Resident Services**

(M-9)

A motion authorizing the proper City officials to execute Task Order No. 12 with Camp, Dresser, and McKee, Inc. in an amount not to exceed \$229,397 for resident services during construction of the Lauderdale Manors Phase I Utility Improvements Project and other related services.

Funds: See Memo

Recommend: Introduce motion.

Exhibit: Memo No. 02-1275 from City Manager.

**Task Order - Recreational Design and Construction, Inc. (RDC) -
Project 10351 - Fort Lauderdale Stadium Roof Replacement Project**

(M-10)

A motion authorizing the proper City officials to execute a task order with RDC in the amount of \$236,255 for the Fort Lauderdale Stadium roof replacement project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1171 from City Manager.

**Contract Award - B.K. Marine Construction, Inc. -
Project 10220 - New River North Bank Stabilization**

(M-11)

A motion authorizing the proper City officials to execute an agreement with B.K. Marine Construction, Inc. in the amount of \$517,185.30 for the New River North Bank Stabilization project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 02-1169 from City Manager.

**Contract Award - Astaldi Construction Corporation -
Project 9766B - Progresso Sanitary Sewer/Storm Improvements**

(M-12)

A motion authorizing the proper City officials to execute an agreement with Astaldi Construction Corporation in the amount of \$7,236.352 for the Progresso Sanitary Sewer/Storm Improvements project.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 02-1273 from City Manager.

**Consulting Agreement - Architectural Alliance - Project 10460 -
Galt Ocean Shoppes Merchants Association Master Plan Development**

(M-13)

A motion authorizing the proper City officials to execute a Consulting Agreement with Architectural Alliance in the amount of \$14,500 for the creation of the Galt Ocean Shoppes Master Plan.

**Satisfaction of Mortgage - L.D. Lusk, Jr., Trustee - Enterprise
Zone (EZ) Loan - Sci-Fi Megaplex, Inc.**

(M-14)

A motion authorizing the proper City officials to execute a satisfaction of the City's EZ Loan mortgage to L.D. Lusk, Trustee, for the Sci-Fi Megaplex property located on 1800 West Broward Boulevard.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1383 from City Manager.

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**Consulting Services and Other Related Expenses -
David Cardwell, The Cardwell Firm - Konover Site Development
Project (West of I-95 on Broward Boulevard)**

(M-15)

A motion authorizing the Fort Lauderdale Community Redevelopment Agency (CRA) to utilize the Konover Project Land Inventory Account (FD331141-310001) in the amount of \$22,000 for David Cardwell of The Cardwell Firm.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1386 from City Manager.

**Interlocal Agreement - Broward County - Permitted Land Use in
the City's "Regional Activity Center" (RAC) Land Use Designations**

(M-16)

A motion authorizing the proper City officials to execute an Interlocal Agreement with Broward County regarding the permitted land use in the portions of the City that have the RAC land use designation.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1335 from City Manager.

**Transfer of Law Enforcement Trust Funds (LETf) -
Confiscation Operating Budget for FY 2001/2002 and FY 2002/2003**

(M-17)

A motion authorizing the proper City officials to appropriate and transfer \$458,876 from the LETF (Funds 104 and 107) to various accounts to fund the FY 2002/2003 Confiscation Operating Budget; and further authorizing the appropriation and transfer of \$17,023 from the LETF (Fund 104) in FY 2001/2002 to cover certain costs.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1375 from City Manager.

**Transfer of Law Enforcement Trust Funds (LETf) - School
Resource Officers for FY 2001/2002 and FY 2002/2003**

(M-18)

A motion authorizing the proper City officials to transfer a total of \$429,131 from the LETF to various accounts for four (4) School Resource officers' salaries and operating expenses for FY 2002/2003; and further authorizing the transfer of funds from the LETF to the FY 2001/2002 School Resource Officer budget to cover overtime and miscellaneous charges, some of which are to be reimbursed into the LETF Revenue Account.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1374 from City Manager.

**Program Participation - Law Enforcement Federal Contract
Purchase Program - The 1122 Program**

(M-19)

A motion authorizing the City's participation in the Law Enforcement Federal Contract Purchase Program known as The 1122 Program.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1330 from City Manager.

**Disbursement of Funds - Joint Investigation -
O.R. No. 01-86932 - \$3,133.66 U.S. Currency**

(M-20)

A motion authorizing the equitable disbursement of funds in the amount of \$3,133.66, with each of the 14 participating task force agencies to receive \$223.83.

Recommend: Motion to approve.

Exhibit: Memo No. 02-8-8 from City Attorney.

FY 2001/2002 Budget Amendment - Insurance Fund

(M-21)

A motion approving current year transfers to the Insurance Fund.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1361 from City Manager.

**Dock Lease Agreement - Marine Hospitality, Inc.
(d/b/a/ Anticipation Yacht Charters)**

(M-22)

A motion authorizing the proper city officials to execute a lease agreement with Marine Hospitality, Inc. (d/b/a Anticipation Yacht Charters) for dockage on the New River (slip numbers 55, 56, 57 and 58) for a term of October 1, 2002 through September 30, 2003; and further authorizing Marine Hospitality, Inc. to conduct day and evening charter tour operations during such term.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1301 from City Manager.

Dock Lease Agreement - Carfi Enterprises, Inc.

(M-23)

A motion authorizing the proper city officials to execute a lease agreement with Carfi Enterprises, Inc. for dockage on the New River (slip numbers 40, 41, 42, 80 and 81) for a term of October 1, 2002 through September 30, 2003; and further authorizing Carfi Enterprises, Inc. to conduct day and evening charter tour operations during such term.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1302 from City Manager.

Dock Lease Agreement - Harbor Tours, Inc.

(M-24)

A motion authorizing the proper city officials to execute a lease agreement with Harbor Tours, Inc. for dockage on the New River (slip numbers 70, 71, 82, 83 and 84) for a term of October 1, 2002 through September 30, 2003; and further authorizing Harbor Tours, Inc. to conduct day and evening sightseeing and charter tour operations during such term.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1303 from City Manager.

Dock Lease Agreement - Sightseeing Cruises, Inc. (d/b/a Lady Lucille Cruises)

(M-25)

A motion authorizing the proper city officials to execute a lease agreement with Sightseeing Cruises, Inc. (d/b/a Lady Lucille Cruises) for dockage on the New River (slip numbers 77, 78 and 79) for a term of October 1, 2002 through September 30, 2003; and further authorizing Sightseeing Cruises, Inc. (d/b/a Lady Lucille Cruises). to conduct day and evening charter tour operations during such term.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1341 from City Manager.

Dock Lease Agreement - Winston Knauss (d/b/a Sir Winston Luxury Yachts)

(M-26)

A motion authorizing the proper city officials to execute a lease agreement with Winston Knauss, (d/b/a Sir Winston Luxury Yachts) for dockage on the New River (slip numbers 63, 64, 65 and 66) for a term of October 1, 2002 through September 30, 2003; and further authorizing Winston Knauss (d/b/a Sir Winston Luxury Yachts) to conduct day and evening charter tour operations during such term.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1342 from City Manager.

Submit Comprehensive Annexation Bill for 2003 State Legislative Session

(M-27)

A motion approving the submission of a comprehensive annexation bill to the Broward County Delegation to include for consideration in the 2003 State Legislative Session. (Also see Item I-H on the Conference Agenda)

Recommend: Motion to approve.

Exhibit: Memo No. 02-1360 from City Manager.

**Reject Responses to Request for Proposals (RFP) -
Lease and Development of Former New River U.S. Post Office Property**

(M-28)

A motion approving the rejection of all of responses received on September 6, 2002 in response to RFP No. 332-8718 for the lease and development of the former New River U.S. Post Office property.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1388 from City Manager.

PURCHASING AGENDA

322-8705 – Award of HOME CHDO Grant Funding

(Pur - 1)

An agreement to award HOME CHDO set-aside grant funding is being presented for approval the Community and Economic Development.

| | |
|-----------------------|---|
| Recommended Award: | Housing Enterprises of Fort Lauderdale Fort Lauderdale, FL |
| Amount: | \$135,000.00 |
| Bids Collected/Rec'd: | 1 ½ |
| Exhibits: | Memorandum No. 02-1265 from City Manager |

The Procurement and Materials Management Division reviewed this item and agrees to approve the funding recommendation.

**412-8530 - Cancel and
Re-Award of Turf Grass Maintenance Services**

(Pur-2)

Cancellation of contract for turf grass maintenance with BLC Lawn Maintenance and re-award to Sonny's Total Landscaping is being presented for approval by the Parks and Recreation Department.

| | |
|-----------------------|---|
| Recommended Award: | Sonny's Total Landscaping (MBD) Oakland Park, FL |
| Amount: | \$162,172.00 (estimated) |
| Bids Solicited/Rec'd: | N/A |
| Exhibits: | Memorandum No. 02-1322 from City Manager. |

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve cancellation and re-award.

Proprietary - HTE-UCS Software Maintenance Agreements

(Pur-3)

An agreement to purchase software maintenance agreement for two terms is being presented for approval by the Police Department.

Recommended Award: HTE-UCS
Fort Lauderdale, FL
Amount: \$218,950.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1294 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

Broward County - 70 Ruggedized Laptop Computers

(Pur-4)

An agreement to purchase 70 ruggedized laptop computers is being presented for approval by the Police Department.

Recommended Award: Motorola, Inc.
Fort Lauderdale, FL
Amount: \$362,843.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1343 from City Manager

The Procurement and Materials Management Division recommends award from the Broward County Contract with transfer of \$216,740 from General Fund contingencies to Computer Equipment (POL020602-6404) \$136,441. Other Equipment (POL020602-6499) \$29,786. Computer software (POL020602-6405) \$46,978 and Computer Maintenance (POL020602-3401) \$3,535 for previous PAVE technology purchases and this purchase.

Proprietary - Subscription to Grants Locator System Software

(Pur-5)

An agreement to purchase a subscription to a grants locator system software for a one-year subscription service.

Recommended Award: eCivis
Washington, D.C.
Amount: \$13,500.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1304 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

The City Manager stated that earlier it was announced that they delete M-14 due to fact that the item had been completed.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-6, M-9, M-15, M-28 and Pur 1 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 Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Transfer of FY 2002/2003 General Fund Contingencies and
Change Order No. 1 - Weekley Asphalt Paving, Inc. - Project 10496 -
Resurfacing of City View Drive**

(M-6)

Commissioner Katz stated that she had pulled this item and stated that they were transferring from General Fund Contingencies for next year. She asked if this would harbor ill for the coming year since they were already taking money out before the Budget had been approved.

Commissioner Smith stated that the recommendation had been to take it out of next year's budget. Mayor Naugle asked when the expenditure would be made. He further stated that the expenditure would be made next year. Therefore, Commissioner Katz asked why this was on today's agenda. The City Manager stated that they needed to award the contract and it was budgeted for this year.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to execute the Change Order No. 1 with Weekley Asphalt Paving, Inc. in the amount of \$27,000 for the resurfacing of City View Drive. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Task Order No. 12 - Camp, Dresser, and McKee, Inc.
Project 10121 - Lauderdale Manors Utility Improvements
Phase I Resident Services**

(M-9)

Commissioner Hutchinson stated that she had pulled this item. She stated that in the second paragraph they mentioned there were insufficient resources in-house to provide services during construction. She asked if they were going to be the construction managers on this project.

Paul Bohlander, Assistant Utilities Department Director, stated that they would be involved and would have a program presence. A Construction Manager would be assigned to the project.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to execute Task Order No. 12 with Camp, Dresser, and McKee, Inc. not to exceed \$229,397 for resident services during construction of the Lauderdale Manors Phase I Utility Improvements Project.

Commissioner Moore stated that this was an ambitious project and was actually a 20-year project that would be completed in 10 years.

Commissioner Hutchinson left the meeting at approximately 6:52 p.m. and returned at 6:53 p.m.

Commissioner Moore remarked that he had attended two meetings in the northwest and southwest quadrants of the City and he remarked that the key to success in this project was keeping the community informed.

Commissioner Smith left the meeting at approximately 6:53 p.m. and returned at 6:55 p.m.

Sheryl Dickey stated that the communities had been informed of this project both by direct mail and through door-hangers. She remarked that there would be kick-offs scheduled for the second and third weeks of October.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Consulting Services and Other Related Expenses -
David Cardwell, The Cardwell Firm - Konover Site Development
Project (West of I-95 on Broward Boulevard)**

(M-15)

Commissioner Smith stated that he had pulled this item. He asked if this was something that the CRA should vote on prior to the City Commission since it was a CRA expense.

The City Manager stated that they had previously approved this item as the CRA Board.

Commissioner Smith stated they had approved the \$40,000 which had been expended, but this was an additional \$22,000. Mayor Naugle replied that they had stated that if it was more, it would be reimbursed by the developer. The City Manager stated this had the endorsement of the City Attorney. Commissioner Smith asked the City Attorney to check on this matter and report back to the Commission.

Commissioner Smith asked if they were going to meet the deadline for tearing down the old shopping center. Commissioner Moore replied this was to be done 60 days after the signing of the Development Agreement. The City Manager stated that this would hopefully be completed by the end of the year.

Faye Outlaw, Interim Director of Community and Economic Development, stated that one of the issues regarding this demolition, which had still not been settled, was the release from HUD for Lakeview Gardens. She believed this would be settled soon and then the demolition could be expedited.

Commissioner Moore left the meeting at approximately 6:57 p.m. and returned at 6:59 p.m.

Commissioner Smith reiterated that it was necessary to tear down this shopping center. He realized they were concerned about Lakeview, but he felt the area was covered by large trees. He also stated that it looked like the Developer's Agreement was delayed.

Peter Witschen, Assistant City Manager, stated that he was optimistic about the Development Agreement. He stated it would be back on the Commission's agenda for October 1, 2002 stating that it had been signed or describing the next step in the process. The demolition would also be moving forward.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the CRA to utilize the Konover Project Land Inventory Account in the amount of \$22,000 for David Cardwell. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Reject Responses to Request for Proposals (RFP) -
Lease and Development of Former New River U.S. Post Office Property**

(M-28)

Commissioner Hutchinson stated that she had pulled this item. She stated that she did not want to reject them because in reviewing the RFP she read a clause which related to variances. She felt they were moving rather slow on this matter and wanted to hear the presentations that had been submitted. She suggested they schedule a time according to suggestions from Chuck Adams.

Chuck Adams, Redevelopment Services, stated that if the Commission desired to hear the two proposals, they recommended that they be brought before the Commission at either of the October meetings. He

stated that the Evaluation Committee structure they had recommended was not going to give a ranking, but due to the irregularities in how the proposals came in, he felt it would be best for the Commission to hear the matter directly and all information would be supplied.

Commissioner Katz stated that she did not feel they had to rush into this and suggested that the matter be discussed further.

Commissioner Moore asked if there was a consensus of the Commission to change the parameters. He suggested they state that the perspective proposals be for non-residential and non-residential mixed use.

Commissioner Hutchinson left the meeting at approximately 7:00 p.m. and returned at 7:01 p.m.

Commissioner Smith stated that what was in his mind when he voted against residential was a standard condominium or townhouse project. One of the proposals was a live/work space for artists which was a different scenario than what they had been concerned about. He suggested they move ahead. He felt that one of the proposals was very intriguing and wanted to obtain more information on it.

Commissioner Moore agreed, but he felt if the rules were going to be changed, possibly they would receive other ambitious projects which would be just as innovative. He felt there were other interested parties who might respond. He stated that he had no objections regarding the desires of the majority of a residential component being considered, but he was concerned that others did not respond because they felt the Commission would not accept it.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to accept the bids and proceed to the next step of hearing presentations.

Commissioner Smith asked if the RFP could be re-opened for another 30 days with the understanding that creative residential uses could be acceptable. Mayor Naugle replied he felt that could not be done because both parties who had submitted bids also supplied their figures.

Chuck Adams remarked that both proposals had proposed substantial rent to the City and the information would be exposed to other perspective proposers under the same conditions.

Commissioner Smith stated that nothing would disallow the present proposers to sharpen their pencils and submit a better proposal. He felt this was not the proper way to handle this. He stated that he did like the proposers and found them quite interesting and that was why he would consider adding the residential component, but he did not feel it was appropriate to close the door on other proposers.

Roll call showed: YEAS: Commissioners Hutchinson, Smith and Mayor Naugle. NAYS: Moore and Katz.

322-8705 – Award of HOME CHDO Grant Funding

(Pur - 1)

Commissioner Smith stated that he had pulled this item. He stated it was his understanding that they were taking single-family homes and giving a company money to renovate them, but rentals were going back into them, instead he would like to see them turn into a home ownership development.

Faye Outlaw, Interim Director of Community and Economic Development, stated that this particular request was for the acquisition and rehabilitation of foreclosure units. This initiative had been approved in the annual plan by the Commission, and ultimately was approved by HUD. She explained that this would provide a lease with an option to buy to the families.

Motion made by Commissioner Smith to award HOME CHDO grant funding.

Commissioner Moore stated that he wanted to speak against this item. He wanted these properties sold outright.

Philip Goombs, Executive Director of Fort Lauderdale Housing Authority and Housing Enterprises, Inc., stated that they were a non-profit organization. He explained they had purchased several foreclosures from HUD and all the single-family homes were being offered for sale. He stated that he would present Commissioner Moore's suggestion to his Board. He further stated that they did have a list of prospective low-income families.

Commissioner Moore stated that if the homes were offered for sale he would be very happy and asked Mr. Goombs if that was going to be done. Mr. Goombs stated he would take the suggestion to the Board and if the Board approved, it would be done. He further stated that when the homes were renovated they could not leave them empty so while they were looking for buyers, they would rent the property in order to prevent vandalism. Commissioner Moore stated with these two houses he would prefer to have them pre-qualify someone before they were leased.

Ms. Outlaw stated that this project was designed and approved by HUD, therefore, they had to go through a form of amendment process because the scope of the project had been changed. Meantime, she stated that the Housing Authority could look for buyers and then both processes could take place.

Motion was seconded by Commissioner Hutchinson. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Victoria Place, LLC v City of Fort Lauderdale

(M-29)

Case No. 02-017074(11) - Protection of Ficus Tree No. 52 - Victoria Park

A motion ratifying the application for historic designation of a ficus tree in Victoria Park filed by Mayor Jim Naugle on August 15, 2002; and further setting a date to determine whether criteria exists to identify the Ficus tree as a "protected tree."

Mayor Naugle stated that while Commissioner Smith was on vacation, he read the resolution passed by the City Commission stating that the City had the option of filing an application for historic designation. He signed a form and now wanted to know how Commissioner Smith proposed to proceed.

Commissioner Smith stated that the neighborhood had asked him to help in any way he could to save the tree. He also received a letter asking for his help. He reiterated that this was not just a big tree, but he believed it was the largest Banyan tree in the City. He further stated that they had attempted to negotiate with the developer to save the tree, but the developer did not feel he could do it. Commissioner Smith stated this was a great tree and asked to move ahead on this item.

Commissioner Moore asked if this was a Ficus tree. Commissioner Smith replied it was a Banyan tree which was a form of Ficus similar to the ones at the War Memorial. Commissioner Moore asked what criteria would be used to deem the tree historic. Commissioner Smith explained that there was another strategy that could be used besides designating it historic.

Harry Stewart, City Attorney, explained that this motion was due to an application filed by the Mayor for

historic status based upon direction from the Board to protect the tree. The Historic Commission met and determined that unless the tree was tied to a site or a person, it was not likely to obtain historic status. He further explained there was a provision in the Ordinance for protection of the tree. The Ordinance provided that you could give the tree "protected tree status." If the Commission decided to treat the application as an application for "protected status" a hearing could be scheduled for a future date and then a determination would be made. Mr. Stewart further explained that the developer had filed a lawsuit because they had gone partially through the permitting process and in the middle of the process, it was discovered that this tree needed protection. The hearing on Thursday would be a motion for mandatory injunction. This was difficult to get, but they might succeed. Mr. Stewart stated that the Commission needed to decide if they wished to continue the process and give the tree a "protected status."

Commissioner Moore asked if Ficus trees were considered nuisance trees. Mayor Naugle remarked that some Ficus trees were protected and other species were not protected. Commissioner Smith clarified that Ficus Class C or lower were considered nuisance trees, but this did not pertain to this tree.

Arnie Glaser, Attorney for Victoria Place, LLC, stated that a lawsuit had been filed by the developer seeking to compel the City to allow him to remove the tree. A hearing was scheduled for this Thursday. At an earlier hearing in this action, Judge Lynch of the Broward County Circuit Court entered an Order which provided as follows: "Neither the City nor Plaintiff shall take further action with respect to the Ficus tree." He proceeded to distribute copies of the Order to the City Commission. Mr. Glaser stated that they felt that the action being contemplated in Item M-29 would violate the Order and would constitute further action with respect to the tree. He continued stating that if the Commission moved forward, they would raise this issue to the Judge on Thursday. Their objections had been voiced in a letter written by Michael Moskowitz to the City Attorney on September 13, 2002 which was being submitted to the Commission for the record.

Commissioner Moore asked the City Attorney if it was inappropriate for the Commission to take action on this matter.

Harry Stewart, City Attorney, stated that it depended on what action the Commission was taking. He explained they were not taking action with respect to the Ficus tree, but were taking action in respect to the process itself. He continued stating that he and Mr. Moskowitz had interlineated some language and suggested the City would take no formal action. Mr. Moskowitz agreed that was basically what he had said. He explained that he believed it would be difficult for the developer to get a Writ of Mandamus because he would have to show that there was no adequate remedy at law before the Judge would issue it. In fact, there was a remedy at law, which was damages.

Commissioner Hutchinson stated that this had gone through the permitting process, and therefore, the City was going to permit the developer to remove the tree.

Cecelia Hollar, Director of Construction Services, stated that the developer had gone through the Development Review process and were in for building permit. She further stated that Dave Gennaro would explain the type of tree it was and why during the process it was not identified as a "protected tree."

Dave Gennaro, Chief Landscape Plans Examiner, explained that the botanical name of the tree was Ficus Bengalensis which was a native of India. The common name was Banyan. Under the current Code this tree was prohibited from being planted or transplanted in the City. It was a Class D in the table of evaluation. He further explained that he had issued approval for the removal of the tree as part of the general permit process.

Commissioner Hutchinson clarified that staff considered the tree a nuisance. Dave Gennaro stated that some Ficus were specimen trees which had protective status, but this particular species did not have such status. Mayor Naugle remarked that the Strangler Fig was a native species.

Cecelia Hollar added that this issue had been raised due to the age of the tree which was documented as 60 years or older, along with the size of the tree were criteria that could be considered if the Commission decided to protect it. Under the normal process, a Ficus tree would not be protected.

Motion made by Commissioner Smith to proceed forward. Mayor Naugle clarified that this motion would set up a public hearing on whether to designate this tree or not. The City Attorney confirmed and explained that at a future time there would be a hearing regarding designation.

Commissioner Moore stated that since the Court hearing would be held on September 19, 2002, he suggested this matter be deferred to the Commission's October agenda, and meantime people could visit the site.

Commissioner Smith asked the City Attorney if this would be appropriate or should they proceed tonight with a determination. The City Attorney stated that the Commission had to determine their position, and if they wanted to proceed and take up this "fight," they would have to proceed at tonight's meeting.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that they proceed to ratify the application filed by the Mayor and set the date of October 15, 2002 at 6:00 p.m. to determine whether the Ficus tree would be designated as a protected tree.

Ted Fling, President of Victoria Park Civic Association, stated he was in a difficult position. When they became aware of the proposed development, they discussed the entire project with the developer. People decided to keep the tree and presented a petition with 101 names to protect the tree. He explained that it did not represent the majority of the homeowners in Victoria Park, but as a result of a meeting after-the-fact, he asked Commissioner Smith to preserve the tree.

Commissioner Smith asked Mr. Fling if he wanted him to continue to preserve the tree. Mr. Fling stated he had to represent what the people wanted, and that was to preserve the tree.

Commissioner Moore clarified the matter and proceeded to ask how much it would cost the City to stop the developer from removing this tree. The City Attorney stated that was an issue that would be determined by the judiciary. Commissioner Moore asked if the City had a cap as to what they were willing to pay or was the amount opened. The City Attorney stated that the cap would probably be \$300,000.

Commissioner Moore called the question. Commissioner Smith asked if it was possible that it would not cost the City any money to protect the tree. The City Attorney stated that if the City prevailed in the litigation, they would pay nothing. Commissioner Moore asked if this matter was voted down this evening could they still have a public hearing at a later date after the Judge had reviewed the matter. The City Attorney confirmed.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: Moore.

Proposed Lien Settlements for Special Master and Code Enforcement Board Cases

(M-30)

Mayor Naugle asked if anyone in the audience disagreed with staff's recommendations regarding the proposed lien settlements.

Commissioner Smith stated that these had been deferred because the Commission had agreed to discuss the strategy for reducing fines and liens on quality of life type issues. He had asked that this be discussed in conference, but it was put on this agenda. He felt this was not appropriate and stated that he wanted Mr. Simmons and his department to receive some policy direction regarding these matters. He

further suggested that they hear the item for which an individual was present, but defer the remaining items to the conference meeting. He felt this was an important item regarding the community and it should not be ignored.

Mayor Naugle stated that he felt this could be discussed at tonight's meeting. Commissioner Smith agreed.

John Simmons stated that he wanted to pull Item No. 5 due to the fact that the owner made some promises during negotiations.

Mayor Naugle reiterated that the Commission had stated they would maximize the fines where bad faith had been exercised, but some cases involved property that was involved in probate and some property had very little equity. He felt the matter should be discussed on a case-by-case basis and all the circumstances weighed.

Commissioner Moore stated that he was concerned because the Commission had given a directive that there be a minimum of 15% of any fine proposed. Many times they were receiving a lot less than 15%.

Mayor Naugle remarked that in some cases it should be 100%. Commissioner Moore agreed, but they did not negotiate for the 100%. He stated that in the future they should follow policy which was 15%. He stated that a large percentage of the property owners were individuals who had equity in property and had many investment properties that just did not follow the Code.

John Simmons stated that since the last meeting all fines had been 15%. Mayor Naugle remarked that Item No. 3 was 10%. Mr. Simmons stated that in the future they will attempt to do a better job, and emphasized that they would not go below the 15%.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to move that a 15% fine be collected regarding the property located at 1551 N.W. 6 Street and seconded by Commissioner Hutchinson. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: Smith.

Mayor Naugle proceeded to Case Nos. 1 and 2 and explained that the fines were set at 10% and 15%.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that fines be collected as set regarding the properties located at 1707 N.W. 6 Street and 1040 N.W. 4 Avenue. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: Smith

The next item up for discussion was Item No. 4 located at 1131 S.W. 25 Avenue. He explained that this property had fines set at 10%.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that fines be collected at 10% regarding the property at 1131 S.W. 25 Avenue. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Mayor Naugle stated that Case No. 5 had been deleted. He proceeded to Case No. 6 which was located at 2180 N.E. 63 Court.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that fines be collected at 15% regarding the property at 2180 N.E. 63 Court.

Commissioner Smith stated that he could support this because the nature of these violations pertained to permitting. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Mayor Naugle proceeded to Case No. 7 and stated the fines were set at 15% for the property located at 918 N.W. 24 Avenue.

Commissioner Hutchinson stated that this had been brought before the Commission in May at the request of the District Commissioner, and the settlement was being presented again for reconsideration for the reduction of fines. Originally, it was not approved by the District Commissioner and she asked if it was still set at 15%. John Simmons confirmed. Commissioner Moore replied that he had an opportunity to understand the situation.

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve the collection of fines at 15% in relation to the property located at 918 N.W. 24 Avenue. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: Smith.

The last item was Case No. 8 located at 1120 S. W 18 Court which was recommended at 15%.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the collection of fines at 15% against the property at 1120 S.W. 18 Court.

Julie Petkevich asked if it was possible to obtain some leniency regarding this fine. Her husband had been in an automobile accident and was currently disabled. Commissioner Hutchinson stated the fine was set at 15%. Commissioner Smith asked if the City had offered any help to Mrs. Petkevich. Mrs. Petkevich stated no one offered to help. Commissioner Smith suggested that Code Enforcement attempt to find some assistance for families which had serious hardships. Photographs of the property were shown to the Commission.

Commissioner Katz asked if possibly the fine could be reduced due to the family circumstances. Commissioner Hutchinson asked how many times Code Enforcement had visited the property. John Simmons replied that since 1989 they had been out to the property approximately 20 times and the current property owners had owned the property since 1976.

Commissioner Hutchinson stated that the fine would stay at 15%.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Fiscal Year 2002/2003 Budget

(PH-1)

The second public hearing on the proposed millage rate and tentative budget of the City of Fort Lauderdale for the fiscal year beginning October 1, 2002 and ending September 30, 2003. Ordinance No. C-02-22 was published August 22 and August 29, 2002, and passed on first reading September 4, 2002 by a vote of 5-0.

Terry Sharp, Assistant Finance Director, stated that the millage rates had been tentatively approved operating 4.8472 and debt service voter approved 0.4213 for a combined millage rate of 5.2685. He stated that Commission had tentatively approved the millage rates which would reduce the City tax bill for the average homeowner. The rates represented about 22% of the total tax bill, and the property tax represented about 25% of the resources of the All Funds City Budget, and represented about 33% of the resources for the General Fund. The All Funds Budget tentatively approved and on tonight's agenda for final adoption was \$345.2 Million, which included \$206.1 Million in General Fund covering Police, Fire, Parks and Recreation, and part of Public Services. \$119.2 Million was for enterprise funds which included Parking, Water and Sewer, Executive Airport, Storm Water and Sanitation Services. \$14.2 Million was for debt service for the construction of capital improvements, and the purchase of major equipment. \$5.6

Million was for special revenue funds primarily for the CRA budget. The General Fund as tentatively approved would increase 7.3% and the All Funds budget would stay at the same expenditure level as the current fiscal year's budget.

Terry Sharp proceeded to explain that increases in the budget, particularly the General Fund included the cost of running City elections for February and March of the upcoming year; City funding for police positions formerly funded by grants; increased costs for City employee pension plans; implemental increase in the employee compensation costs based upon Union agreements and corresponding adjustments for non-bargaining unit employees; and the cost of serving new annexed areas. Based upon tonight's adoption of the budget, a final budget document would be prepared and would be available to the public.

Christine Thrower, Women in Distress of Broward County, stated that she wanted to encourage the Commission to reconsider their position in regard to funding social service agencies in the City.

Commissioner Hutchinson left the meeting at approximately 7:51 p.m. and returned at 7:52 p.m.

Barbara Weinstein, Family Central, stated that they served over 70,000 children in three counties, and the only way to receive monies was through securing the local match. For every dollar the City contributed, they receive \$16.40.

Commissioner Moore left the meeting at approximately 7:52 p.m. and returned at 7:54 p.m.

John Gargano, Broward Grandparents, stated that this group has been in existence since 1965 and were a 501 c 3 and represent a national program called Foster Grandparents and Senior Companions. He explained that they attempted to help low-income elderly. Commissioner Smith asked if the City had funded this group last year. Mr. Gargano replied they had received \$9,701 from the City last year.

Commissioner Moore stated that at last month's meeting he had asked the representative from Family Central why the money they received from Children's Services could not be used as a match. Ms. Weinstein explained that the funding did not run through Family Central. It went from Children's Services directly to the Coalition and was not used for matching, but for taking children off the waiting list. She further explained that the \$40,000 received last year brought in \$660,000. Commissioner Moore asked Ms. Weinstein if she could go back to Children's Services Board and request the \$40,000 so she could still obtain the match. Ms. Weinstein stated that her original thought was to use the money for another match called the Purchasing Pool, and because they could not access the State match they wanted to hold the money harmless so they could use it for the waiting list.

Commissioner Moore asked if the process used in the past through the Community Service Board was a better process in obtaining funds. She stated anything which brought out the awareness of what was happening to children was not negative. She believed that anything that could be done to help the children in Florida was positive.

Commissioner Moore asked how the other funding processes worked that her group used. Ms. Weinstein explained that the cities operated similar to how Fort Lauderdale had operated in the past. Some have a Community Development Board which they access and there was an opening and closing date whereby everyone has the opportunity to apply for the money. The decision was normally made through the budget process. Commissioner Moore asked if Ms. Weinstein felt that was a fair process. Ms. Weinstein stated they did not have a problem meeting the required criteria.

Roosevelt Walters, resident, stated that he had no real problem with the budget, but he was concerned about the Social Services aspect dealing with children. He asked the Commission to use the process that had been used in the past for the distribution of the funds. He stated that he was disturbed that they might not have the necessary people to lobby for funds for the various programs and the communities

would suffer. He urged the Commission to put money in the budget for such services and use the past processes regarding distribution.

Nathaniel Wilkerson stated that he was speaking for the northwestern section of the City and explained that approximately \$300,000 had been allocated to their community last year and a portion of the funds were given to a program that supported a football team. He believed these activities kept children out of trouble and gave them something positive to work towards.

Commissioner Moore left the meeting at approximately 8:09 p.m. and returned at 8:10 p.m.

Commissioner Smith stated that the Commission did vote to fund the football team for \$10,000.

Commissioner Katz left the meeting at approximately 8:09 p.m. and returned at 8:10 p.m.

Johnny Alexander explained that their program had been in existence for several years and was run mainly by volunteers. He further stated that they had produced more than 12 NFL professional football players and the players had given back to the community through financial contributions and by personal coaching upon their retirement. He urged the City to continue helping their program and thanked them for their efforts.

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

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to move the Budget for Fiscal Year 2002/2003 upon second reading with the addition of a \$6,000 appropriation to Women in Distress and a \$9,000 donation to Broward Grandparents. He stated they would still keep in the budget the \$10,000 for the football team.

Commissioner Katz stated that she wanted to add to the amendment. Commissioner Katz added to the Motion to include a donation of \$40,000 to Family Central, which was seconded by Commissioner Hutchinson. Commissioner Smith stated that as maker of the Motion he would accept the amendment.

Commissioner Moore stated that he agreed with the proposed Amendments, but he did not agree with how things were being done. He suggested they consider placing the same amount as in last year's budget for the programs and have them go through a Community Services Board for evaluation so every entity would know the amount of money that was on the table and the time lines.

Commissioner Moore believed that with the adoption of tonight's budget and its amendments, individuals would now feel that they could no longer make requests to the Commission. He felt that would offer the community a level playing field.

Mayor Naugle stated that a millage rate had been advertised and the donations would have to be taken from the existing funds. He further asked from what source did Commissioner Moore want the additional funds to be taken from. Commissioner Moore stated there were many sources, including the Contingency Funds, the Reserve money in parking, Community Development Block Grant money, the Manager's budget, and the Commission's budget. Basically, he felt funds could be reallocated.

Commissioner Moore asked what was the size of tonight's budget. The City Manager stated that the Operating Budget was in excess of \$345 Million. Therefore, if the monies for the additional donations were taken from that budget, the percentage would be less than .1%.

Commissioner Hutchinson agreed, but stated that Women in Distress had received \$12,000 last year and she felt it was only fair that they receive the same amount. Commissioner Moore stated that if

Commissioner Hutchinson was going to agree with his motion, he felt that the Community Services Board would have the opportunity to evaluate the application process and meet the goal.

Mayor Naugle reminded everyone that there was a motion and a second on the budget amendment. Commissioner Hutchinson stated that regarding the amendment, she would encourage the Commission to accept the addition of the \$6,000. Commissioner Smith stated that he misunderstood and thought the funding had been for \$6,000, and as maker of the Motion he was willing to accept the \$12,000 figure. Commissioner Hutchinson seconded.

Commissioner Katz stated that the Commission had already made a decision to proceed in a certain fashion for this year, and she felt they should just vote on the budget.

Commissioner Smith agreed with Commissioner Katz and stated that the majority of the Commission did decide that if money was returned to the budget, it would be spent. They had decided that if community organizations were in dire need and wanted the City to fund their requests, they could approach the Commission. Everyone was aware of the change in procedure and people had come forward and made their requests.

Commissioner Moore clarified that after tonight's meeting, no other entity could approach the Commission for funding. Mayor Naugle confirmed and stated that they would need three votes. Commissioner Smith stated that he agreed with the Mayor. Commissioner Moore stated that the City's millage rate and tax rates had always been handled and watched prudently.

Roll call on the Budget Amendments showed: YEAS: Commissioners Hutchinson, Katz, and Smith. NAYS: Commissioner Moore and Mayor Naugle.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-02-22

AN ORDINANCE ADOPTING THE APPROVED BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, Mayor Naugle. NAYS: None.

Fiscal Year 2002/2003 Sunrise Key Neighborhood Improvement District

(PH-2)

The second public hearing on the tentative budget of the Sunrise Key Neighborhood Improvement District for the fiscal year beginning October 1, 2002 and ending September 30, 2003.

Terry Sharp, Assistant Finance Director, stated that the Sunrise Key Neighborhood Improvement District was proposing a 1.5 millage rate and most of the money would be used for security and other services in the area.

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

Commissioner Smith introduced the following resolution and seconded by Commissioner Hutchinson to establish the proposed millage rates as follows:

RESOLUTION NO. 02-153

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the final budget for Sunrise Key Neighborhood Improvement District Fiscal Year 2002/2003.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Fiscal Year 2002/2003 Budget for the Fort Lauderdale Community Redevelopment Agency (CRA)

(PH-3)

A public hearing to consider a motion to adopt the budget for the CRA for the fiscal year beginning October 1, 2002 and ending September 30, 2003.

Terry Sharp, Finance Department, stated that the purpose of this public hearing was to take comment as the Commission. The budgets had already been adopted as the CRA.

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

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the budget for the CRA for the fiscal year 2002/2003. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Application of Dock Waiver of Limitations and Settlement
with Mark Stephenson - John E. Rudnik - 2807 N.E. 36 Street**

(PH-4)

A public hearing to consider a resolution authorizing the proper City officials to waive the limitations under Section 47-19.3(d) of the City's Unified Land Development Regulations (ULDR) to allow John E. Rudnik to modify and maintain a dock and boat lift that extends in the Rio Mary Rita canal a maximum distance of 18 feet from the property line, where only an 11.5 feet distance is otherwise permitted. Notice of public hearing was published November 8 and 15, 2001; on November 20, 2001, the City Commission deferred consideration of this item to January 8, 2002 by a vote of 5-0; on January 8, 2002, the City Commission deferred consideration of this item to March 19, 2002 by a vote of 5-0; on March 19, 2002, the City Commission deferred consideration of this item to June 18, 2002 by a vote of 5-0; and on June 18, 2002, the City Commission deferred consideration of this item to September 17, 2002 by a vote of 5-0.

Commissioner Moore left the meeting at approximately 8:26 p.m. and returned at 8:28 p.m.

Commissioner Hutchinson left the meeting at approximately 8:26 p.m. and returned at 8:27 p.m.

Jamie Hart, Supervisor Marine Facilities, stated that this was for a dock waiver to extend an existing boatlift 20 feet into the adjacent waterway with an overall width of 115 feet. The Marine Advisory Board previously recommended that the applicant remove any excess extension to the cradle arms. Since this was an elevator lift, the Advisory Board had concerns about the structural feasibility of the extension to the lift which was a maintenance platform. Therefore, they recommended that the 24 inch catwalk on the existing platform should be removed where structurally feasible due to concerns from the adjacent property owner regarding safety, ingress, and egress.

Mr. Hart remarked that staff had reviewed the application and observed affected properties both from land and water, and found no safety issues with regard to the present configuration once the applicant installed the guide poles on the elevator lift as required by Code. The applicant was asking the Commission to revisit the request which had originally been deferred on November 20, 2001 in order to draft a proposed canal end ordinance, but now wished to proceed with approval of the existing boat lift not to exceed approximately 20 feet and would provide an appropriate fender system should there be a safety concern associated with a 24 inch catwalk.

Walter Morgan, attorney, stated that he was representing Dr. Rudnik. He explained that a mediation session was held between the City and Mr. Rudnik in an attempt to solve the problem for canal end owners. A draft was proposed for the Ordinance on September 4, 2002 to the City Commission. He stated that the property owner bought the house in 1997 and already owned his boat. He then applied for a building permit for the boat dock and the permit was issued. No one informed him about the Waiver of Limitations.

Commissioner Moore left the meeting at approximately 8:30 p.m. and returned at 8:31 p.m.

Mark Stephenson stated that this proposal was a settlement between Mr. Stevens, Dr. Rudnik and himself. He explained that he was not aware that this matter was going to be heard. He emphasized that there was no settlement between the parties. He also stated that the issue of the side setback rules had no relevancy to the Rudniks. He explained that was not true because their boat was in the 5 foot setback and there was a 10 foot setback in the neighborhood. He further stated that the neighbors had been very agreeable regarding the water rights since the decisions made by the Commission on

November 20, 2001. He stated that he was the only person harmed by the proposed Ordinance. He did not have a boat behind his house and did not report his neighbors who were not in compliance. He asked the Commission to link these together so they could have reasonable water rights.

Mr. Stephenson continued stating that it was suggested by staff that fenders be placed as a substitute and safety issue relative to his property and this would be a viable substitute. Mr. Morgan stated that everyone agreed about the fenders. Mr. Stephenson stated that he did not agree. He had been shown fender material, but had not been shown any type of design, nor was he informed of the durability of the material. He felt if this was a viable solution, then he should have been approached. He felt this matter should be deferred and that a universal settlement should be given as originally proposed.

Commissioner Smith stated that the other property owner had been holding for a long time. He clarified the problems that Mr. Stephenson had were due to having a pie-shaped lot. Commissioner Moore asked if the setbacks were reduced to 5 feet would that help the situation. Mr. Stephenson replied it would increase the size of the boat he would be permitted to have from 4 feet 8 inches to 15 feet even though he had 40 feet of waterfront.

Commissioner Smith asked what could be a viable solution.

Mr. Stephenson stated the best solution would be to adopt the proposal originally made by City staff whereby the setbacks would be reduced to 2.5 feet.

Mayor Naugle asked for a clarification as to why this was listed as a settlement agreement.

Chuck Adams, Redevelopment Services, stated that this item was listed in this fashion due to the fact this was the way the matter had been originally advertised. He also stated that there was no settlement agreement and it was simply for a dock waiver.

Commissioner Katz asked the City Attorney why it was permissible to separate this issue from the setback issue.

The City Attorney stated that he had been asked if the matters could be separated. He replied they could be separated, but had been put together as an accommodation due to the dispute between the neighbors. Staff agreed to review the ordinance regarding waterfront. He added that Robert Dunckel had been handling this matter, but was unable to attend tonight's meeting.

Commissioner Katz stated that part of the problem was that in reaching the proposed settlement an agreement was not reached by the property owners, and therefore, more discussion was necessary. She felt the matters should be separated and she did not feel that anyone should be looking for hidden motives. There was a problem, but there had to be a city-wide agreement on this matter. She believed that the waiver issue could be addressed separately.

Commissioner Moore asked what the time period would be if the ordinance issue was deferred. Chuck Adams explained that the first reading of the ordinance would be at the first Commission meeting in October. If this was deferred, the Assistant City Attorney requested that it be deferred until the Commission's second meeting in November giving everyone more time to reach an agreement.

Walter Morgan stated that the setback issue did not involve his client.

Commissioner Moore asked what the problem was with the 2.5 foot setback that had been adopted by Planning and Zoning and the Marine Advisory Board. He stated that he was willing to address the matter and it would end the debate about the waiver and the delay. He suggested they defer the waiver matter until October 15, 2002.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public

hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Motion made by Commissioner Moore to defer the item until the first reading of the ordinance.

Commissioner Katz stated that by doing that they were dragging out two separate issues and lumping them together. She felt it would be better to handle the issues separately.

Motion died for lack of a second.

Mr. Morgan stated that his client was in complete support of the 2.5 feet and he just wanted to obtain the waiver.

Commissioner Hutchinson stated that this needed to move forward, but she was concerned about the fact that this had been presented as a settlement agreement. She suggested that this all come back on October 15, 2002.

Mr. Adams explained that if the Commission wanted this matter deferred that it be deferred until November 19th to allow the settlement agreement to be prepared.

Commissioner Smith stated that he was sympathetic to the points Mr. Stephenson made and he felt they should work towards a settlement. The problem was that the northeast community was where these problems arose, and it was not certain if 2.5 feet would be correct. If this was passed this evening, it might work for one person, but mess up things for others. He reiterated that Mr. Morgan's client was involved only because he lived next door and friction occurred with the neighbors. He felt this could not be solved this evening. He felt this matter should be moved and that Commissioner Katz reach some conclusion about the pie-shaped lots and let the gentleman have some relief.

Motion made by Commissioner Smith and seconded by Commissioner Katz to approve the waiver.

Commissioner Moore stated that what concerned him was that if this was not a settlement agreement tonight, why would it be one on November 5th because they would still be two separate issues.

The City Clerk stated that there were two options available. Mayor Naugle asked if the motion included the catwalk or the 18 foot boat lift without the catwalk. Commissioner Smith clarified that his motion did not include the catwalk, but did include the bumper system. Mayor Naugle stated that he thought the bumper system was attached to the catwalk, and then the poles were also added. Commissioner Smith agreed.

RESOLUTION NO. 02 -

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.b OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW JOHN E. RUDNIK TO MAINTAIN A BOATLIFT ATTACHED TO A DOCK THAT EXTENDS INTO THE RIO MARY RITA CANAL A MAXIMUM DISTANCE OF 20.0 FEET FROM THE PROPERTY LINE FOR THE PROPERTY LOCATED AT 2807 N.E. 36TH STREET, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

Mayor Naugle clarified that the Waiver of Limitations had been voted down and stated he hoped this did

not prevent the property owner from applying again. He explained that if this continued to be a problem, they could have a motion to reconsider and then have a motion to defer so everything could be settled at the same time.

The City Attorney stated that if a motion was going to be made to reconsider and then defer, it would have to be from someone on the prevailing side. Commissioner Moore replied that he would like to try and accomplish that and asked that this be deferred.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to reconsider the motion. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Smith and Mayor Naugle. NAYS: Commissioner Katz.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this matter until October 15, 2002.

Commissioner Katz stated that the setbacks were due to come before the Commission at a public hearing on October 1, 2002 at 6:00 p.m. Mayor Naugle stated that they were due for a first reading on that date.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Smith and Mayor Naugle. NAYS: Commissioner Katz.

Vacate a Portion of N.E. 17 Way - Brett Tannenbaum
(PZ Case No. 1-P-02)

(PH-5)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Notice of public hearing was published September 5, and 12, 2002. (Also see Item PH-6 on this Agenda)

Applicant: Brett Tannenbaum
Request: Vacate a Portion of N.E. 17 Way
Location: N.E. Way and N.E. 17 Terrace, south of N.E. 11 Street
between N.E. 17 Avenue and Victoria Park Road

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

Commissioner Katz stated that this was the same person who owned the properties and kept them in horrible condition. One of the reasons that the Homeowner's Association was anxious to do something was because the property had been allowed to deteriorate. This property owner was now asking for the vacation of two streets and in doing so would be taking streets from the public and putting them into a private situation. She stated that after he allowed the property to get in deplorable condition, he was now being permitted to vacate streets and privatize them for his own purpose. She felt the owner could develop this project in a more community-friendly way.

Mayor Naugle stated that he was under the impression that the neighborhood wanted the streets closed and city-wide principles of crime prevention had been adopted through environmental design. This would fortify the neighborhood and increase property values.

Commissioner Smith stated that he did not disagree with Commissioner Katz, and if he had a choice he

would prefer to have this project integrate better with the neighborhood. The truth was that this project was located in the worst part of the neighborhood so they needed to fence themselves in. He further

stated that this project had nice design characteristics.

Commissioner Moore asked if the property had any violations on it. Commissioner Smith stated that it had been under the control of the Nuisance Abatement Board for a few years, but at the present time was no longer under their jurisdiction.

Cecelia Hollar stated that she was not aware of any code violations on the property.

Alyson Goodwin, attorney, stated there would be pedestrian access and a 24-hour monitored guard gate would be at the entrance on 17th Way. Where there was no guard present, a buzzer would be located on the gate and pedestrians could gain access.

Commissioner Moore continued to ask what the purpose was for the buzzer.

Ms. Goodwin clarified that they were seeking a vacation of the streets, and therefore, they would no longer be a public right-of-way. The streets were closed five years ago for vehicular traffic in order to improve the Lake Ridge neighborhood. The reality was that there was still a crime problem in the neighborhood and it was large enough that the financing involvements stated they would not finance a normal non-walled project for that area.

Commissioner Katz remarked that the condos were going to cost in the vicinity of \$400,000 and asked what would happen if the cost was reduced. Ms. Goodwin stated then it might not be commercially feasible to build the project. She also stated that the property owner was also the developer of the project, and technically it was three companies all owned by Brett Tannenbaum.

Commissioner Moore stated that the back-up information stated that the closing of the right-of-way shall not adversely impact the pedestrian traffic. He felt if you had to identify yourself and ring a buzzer, you were adversely impacted. Ms. Goodwin clarified that pedestrians would not have to identify themselves and the only reason for the buzzer was to let the guard know the amount of traffic going through. If people did not want to ring the buzzer, they could walk a total of two blocks out of their way. She invited the Commissioners to hear input from the residents in the area.

Mayor Naugle stated that this Commission had tried different things in different neighborhoods and were willing to experiment. Some worked and some didn't, but if it helped to reduce crime and retrofit older neighborhoods to be more like the desirable communities, then an experiment worked.

Commissioner Smith agreed and stated that if a compromise was necessary perhaps a buzzer system could be contemplated without a guardhouse. He also mentioned that an adjacent neighbor had stated his concerns regarding access to his driveway and wanted to know if that matter had been resolved. Ms. Goodwin stated that options were suggested so that he could have an unobstructed ingress and egress to his property. She stated they had also suggested putting in grass and sidewalks. The property owner stated that as long as this was mentioned for the record, he would be fine with the alternatives being offered.

Commissioner Katz stated that she felt neighborhoods should understand that what sounded good for the present time, might not be a good idea for the future, and she believed that this type of development was very unfriendly.

Commissioner Moore asked if the applicant was contemplating fencing in the complete neighborhood.

Ms. Goodwin replied only the project which was a portion of the neighborhood.

Commissioner Moore asked why this property had been under the Nuisance Abatement Board. Ms. Goodwin clarified that her client had only owned the property for the last five years and many of the problems were before he accumulated the property. All items had been resolved before that Board.

Mayor Naugle clarified that the property owner was negligent in regard to some matters, but now things had been improved.

Commissioner Smith disagreed and believed the problems were due to the property owner and he wanted him to accept that responsibility.

Brett Tannenbaum, owner, stated that there were drug arrests made on the property. He explained there were 264 hotel rooms and they paid for police detail in an attempt to control the properties. He stated that they followed the suggestions of the Nuisance Abatement Board and were under them for one year. Most problems have been taken care of and he stated that he was accepting responsibility for the problems at his properties.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-02-26

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR NORTHEAST 17TH WAY (PLATTED AS 3RD ST), LYING BETWEEN BLOCKS 166 AND 167 AND BEING BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET (PLATTED AS AVENUE "F") AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 5, OF SAID BLOCK 167; ALL AS SHOWN ON THE PLAT OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 250 FEET IN LENGTH, BEGINNING AT THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Commissioner Smith stated that the applicant had filed a lawsuit against him for \$5 Million in regard to comments he had made at a public meeting, but the matter had been thrown out and he just wanted to make sure there was no conflict of interest.

Commissioner Moore asked what they were going to do about pedestrian accessibility.

Mr. Tannenbaum replied that the wall would not be a concrete jungle and would consist of aluminum sections with concrete and landscaping. Pedestrian gates would be located along 11th Street that would be controlled either with a keypad or card. The Planning and Zoning Board had suggested the buzzer system. He explained they were looking to unite the neighborhood and not separate it. Mr. Tannenbaum further explained that the banks would not fund the project without some type of security.

Mayor Naugle explained Commissioner Smith's conflict question to the City Attorney. The City Attorney replied that there would only be a conflict if there was a financial interest involved.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioners Moore and Katz.

Vacate a Portion of N.E. 17 Terrace - Brett Tannenbaum
(PZ Case No. 2-P-02)

(PH-6)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Notice of public hearing was published September 5 and 12, 2002. (Also see Item PH-5 on this Agenda)

Applicant: Brett Tannenbaum
Request: Vacate a portion of N.E. 17 Terrace
Location: N.E. 17 Way and N.E. 17 Terrace, south of N.E. 11 Street
between N.E. 17 Avenue and Victoria Park Road

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

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-02-27

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 17TH TERRACE (PLATTED AS 4TH STREET), LYING BETWEEN BLOCKS 167 AND 168 AND BEING BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, OF SAID BLOCK 168 AND BEING BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6, OF SAID BLOCK 168; ALL AS SHOWN ON THE PLAT OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 200 FEET IN LENGTH, LOCATED 200 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioners Moore and Katz.

City Commission District Boundaries

(PH-7)

A public hearing to consider an ordinance establishing, pursuant to Section 7.12 of the City Charter, geographical boundaries of the four City Commission districts so that such districts shall be as approximately equal in population as practicable. Ordinance No. C-02-23 was published August 23 and September 15, 2002, and was approved on first reading September 4, 2002 by a vote of 5-0.

Paul Costanzo, Office of Community and Comprehensive Planning, stated that the Commission had

adopted an ordinance upon first reading and directed staff to schedule Plan 1.3B-1 for public hearing this evening. This plan utilized the existing district boundaries and placed Riverland Southwest into District IV, and the Melrose Park neighborhood into District III. In addition, the areas bounded by Sunrise Boulevard on the north, the FEC railroad on the east, Sistrunk Boulevard on the south, Northwest 7th Avenue, Northwest 9th Street, and Northwest 7th Terrace on the west would be placed in District II. The

City View neighborhood would remain split between District II and III as it existed currently. The northern half of the River Run neighborhood would be moved into District IV where the balance of the existing neighborhood lay.

Commissioner Katz clarified that Sunrise Intracoastal would remain in District I. Mr. Costanzo replied that the existing District I boundaries would remain the same.

John McConaha, City View Townhomes Association, stated that today was Citizenship Day which was the first day of Constitution Week to commemorate the adoption of the US Constitution by the Constitutional Convention in 1787. He stated this was a reminder of a great concept of government for this country. A compromise was agreed upon on September 4, 2002 for City View regarding Plan 1.3B. He continued stating that the residents of City View were very upset at the tone of that meeting and as a result 55 residents met expressing their concerns regarding the comments aimed at City View. They wanted to notify the elected officials about their feelings. Due to the opinions stated at the September 4th meeting, residents at City View now feel that being represented by two Commissioners was not in their best interest, and that District II would be more beneficial to the Association. The residents wanted leadership that believed in them, not leadership which berated them.

Nancy Devane stated that she currently lived in District II and wanted City View in District II.

Ernie Leech stated that he believed that City View should be in one district.

Roosevelt Walters stated that due to the hard work of many people the area had been rehabilitated. He continued stating that Commissioner Moore had fought hard for the area. He suggested that the Commission adopt Plan 1.3B-1 as the final solution to this problem.

Arthur Lang stated that they were combining 90% of the black and Hispanic in one area and no prestigious areas allotted to the district. He stated they wanted to be connected to US1, but apparently that would not happen. He explained they had no position as to what district they would be in, and only wanted to feel as if they were part of the City.

Arthur Siegfried stated that two weeks ago their neighborhood had been slandered by Commissioner Moore when he stated that the neighborhood had acted in a racially motivated way. He stated they did not and that it was purely economical.

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

Mayor Naugle asked if City View was in District II would that make the percentages better and reduce the variance.

Kurt Spitzer of Spitzer and Associates stated that if you moved the balance of City View into District II it would slightly improve the percentages and reduce the deviations.

Commissioner Hutchinson stated she was uncomfortable this evening because since she supported the neighborhoods to stay in their existing districts, she was inclined to agree with the residents of City View. She felt she would be a hypocrite if she did not support this city-wide.

Commissioner Smith stated that these were unfortunate circumstances and Commissioner Moore had fought for the Northwest more than anyone else. He did make some inappropriate comments that he probably regretted. He felt they needed to listen to the citizens and who they wanted to represent them.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that they adopt Plan 1.3B.

Commissioner Moore asked what that would do in regard to the issue raised at the last meeting regarding the 7th Avenue impact.

Mr. Spitzer clarified that the 7th and 9th Connectors would remain, and the remaining two blocks of City View would move into District II.

Commissioner Moore stated that on the proposed map he would be losing some of his present district which ran to Sunrise Boulevard west of the railroad tracks and east of Andrews Avenue, and asked how many people were in that area. Kurt Spitzer stated there were 157 people in City View and only four people lived in District III, and the balance were in District II.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: Commissioner Moore.

Motion made by Commissioner Smith to introduce the ordinance on second reading as amended:

ORDINANCE NO. C-02-23

AN ORDINANCE ESTABLISHING, PURSUANT TO SECTION 7.12 OF THE CITY CHARTER, GEOGRAPHICAL BOUNDARIES OF THE FOUR CITY COMMISSION DISTRICTS SO THAT SUCH DISTRICTS SHALL BE AS APPROXIMATELY EQUAL IN POPULATION AS IS PRACTICABLE.

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

**Vacate a Portion of S.W. 18 Court - City of Fort Lauderdale/
Engineering services Bureau (PZ Case No. 3-P-02)**

(O-1)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 6-0 that the following application be approved. Ordinance No. C-02-24 was published August 23 and 30, 2002, and was approved on first reading September 4, 2002 by a vote of 5-0.

Applicant: City of Fort Lauderdale/Engineering Services Bureau
Request: Vacate a portion of S.W. 18 Court
Location: S.W. 18 Court, north of S.W. 20 Street between the Florida East Coast (FEC) Railroad and S.W. 1 Avenue

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-24

AN ORDINANCE VACATING, ABANDONING AND CLOSING

THE SOUTHWESTERLY 65 FEET OF THE SOUTH HALF OF SOUTHWEST 18TH COURT, (PLATTED AS MARION 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; LYING NORTHEASTERLY OF THE NORTHWESTERLY EXTENSION OF THE WEST LINE OF LOT 1 OF BLOCK 59, OF SAID "CROISSANT PARK", LOCATED BETWEEN SOUTHWEST 1ST AVENUE AND FLAGLER 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: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Amend Chapter 28 - Rates for Water, Wastewater and Stormwater

(O-2)

An ordinance amending Chapter 28 of the Code of Ordinances entitled, "Water, Wastewater and Stormwater," by amending Sections 28-76, 28-141, 28-143, 28-144 and 28-145 thereof to increase wastewater user rates, tapping charges, water rates, sprinkling meter charges, and private fire service protection charges. Ordinance No. C-02-25 was published August 25, 2002, and was approved on first reading September 4, 2002 by a vote of 5-0.

Commissioner Smith left the meeting at approximately 9:50 p.m.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-25

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTIONS 28-76, 28-141, 28-143, 28-144, AND 28-145 THEREOF, TO INCREASE WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, AND PRIVATE FIRE SERVICE PROTECTION CHARGES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Amendment to the Pay Plan - Pay Range Amounts

(O-3)

An ordinance amending the Pay Plan of the City, modifying the schedules for pay range amounts for supervisory, professional, managerial and confidential employees. Notice of proposed ordinance was published September 7, 2002.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-28

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA MODIFYING THE SCHEDULES FOR PAY RANGE AMOUNTS FOR

**SUPERVISORY, PROFESSIONAL, MANAGERIAL AND
CONFIDENTIAL EMPLOYEES.**

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

Commissioner Smith returned to the meeting at approximately 9:51 p.m.

**Amendment to Plat and Non-Vehicular Access Line - School Board
of Broward County - Administrative Facility Plat (PZ Case No. 15-P-02)**

(R-1)

A resolution approving an amendment to the plat note and non-vehicular access line for the following application:

Applicant: School Board of Broward County
Request: Amendment to plat and non-vehicular access line
Location: 1320 S.W. 4 Street

Commissioner Hutchinson asked staff if they were requesting to have this item deferred.

Cecelia Hollar, Director of Construction Services, stated that staff's position was that this item should be deferred to coincide with the proposed site plan and rezoning which was necessary to implement this project. Currently, the site was zoned as Community Facility which did not permit residential units. The rezoning and site plan would address those issues.

Commissioner Smith left the meeting at approximately 9:57 p.m. and returned at 9:58 p.m.

Commissioner Katz asked for further clarification of the letter they received stating that the submission was a temporary measure.

Ms. Hollar explained that the County required that the City provide a letter to them so that the County can proceed regarding the plat amendment. The applicant was requesting approval to proceed with the process and they would not record the plat until after the site plan and rezoning had come before the Commission. She stated that staff suggested they deal with the issues simultaneously so then Commission could make a value judgment as to whether or not the plat amendment was consistent with the plan. Staff felt the applicant was asking the Commission to act prematurely on these aspects and were attempting to expedite the process.

Commissioner Hutchinson stated that everyone knew this parcel was going to be challenging when the idea was presented. She was under the impression they would do what they could without actually giving their blessing since there were a lot of hurdles facing the project. Ms. Hollar stated that staff was following Code and the present zoning did not permit residential units, and the applicant was asking the Commission if they were comfortable letting them proceed with the plat note recognizing they would have to come back with the site plan.

Susan Delegal, attorney representing the applicant, stated there has been a great deal of cooperation between staff and the developers. She explained there was a tight time frame for completion of the land use issues in order to meet the requirements of the contract that Lennar had with the School Board, and to be able to close at the beginning of 2003. She stated they needed to proceed with the County who had a long and laborious process. She explained they needed the approval of the plat note so it could coincide with the approval of zoning.

Ms. Delegal stated that the County was willing to accept a conditional application and letter of no objection which would be conditioned on staff being able to revise or withdraw it. She further explained that they would not execute any documents which were not consistent with what the City Commission would

approve regarding rezoning and site plan.

Commissioner Moore left the meeting at approximately 10:02 p.m. and returned at 10:03 p.m.

Commissioner Hutchinson asked staff for their opinion regarding the letter of no objection.

Ms. Hollar explained that the County would proceed and act on the plat note, but the plat would not be recorded.

The City Attorney explained that the resolution was actually "approving" and suggested they change the language to read "resolution expressing no objection to an amendment to the plat." He further stated that the Land Use Regulations would provide controls.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the change in language to the resolution.

Chuck Willard explained that he was the only resident on the west side of the School Board property. He stated that Lennar was asking for a PUD zoning. He urged the City Commission to proceed cautiously and consider the neighborhood as a whole regarding this project.

Don Wilkin, architect and resident, stated that they were grateful that a developer had entered the picture to rehabilitate a derelict property. He stated the community's concerns were not implemented in the new site plan. At the Historic Preservation Board meeting, discussion centered around the density of the development. Mr. Wilkin explained that the community took upon themselves the burden of having an extra level of review and process to go through in regard to development because they wanted to maintain a certain character and density for the community. He stated no one was opposed to good planning and development, but there was a fair number which the community would be comfortable with and that number was approximately 180 units, not 271 units as being proposed.

Mr. Wilkin asked the Commission to consider adding language that could limit the number of units for the project.

Commissioner Hutchinson asked if the plat amendment was subject to change as it went through the system. Cecelia Hollar explained that once the City stated it had no objection, it would proceed to the County. She reiterated that a lot of the site plan issues were not yet on the table for the City to discuss and this was one of staff's concerns.

Michael Ciesielski, Planner II, stated that this project had already been presented to the Historic Preservation Board and the demolition of the administrative buildings had been approved, along with the alteration of the school and both were subject to the 30-day Commission call-up. He further stated that the Board had tabled until next month the request for Certificate of Appropriateness for new construction. One of the concerns of the Board was the variety of buildings being proposed, and another major concern was density. They wanted to make sure that the Commission had the full flexibility and latitude to determine the number of units when they reviewed the rezoning and site plan.

Commissioner Hutchinson remarked that she had been supportive of the process for the project, but she did not intend to circumvent their process just so things could be expedited.

Mayor Naugle stated that when this came to the Commission on May 15, 2001, the conceptual plan was presented by Mr. Zyscovich and he stated that the units would not exceed 250, but already they have been

increased. He suggested that at a minimum they should be held to the 250 units.

Commissioner Katz left the meeting at approximately 10:16 p.m. and returned at 10:18 p.m.

Lisa Maxwell, Director of Redevelopment for Lennar Homes, stated that at the time they brought this to the Commission in May, they were in the early preliminary stages of their conversations with Art Space who they have maintained as a not-for-profit partner in the project. In May they did not realize the number of units that would be needed by Art Space in order to make their side of the project work and this was the reason for the increase in numbers. Ms. Maxwell stated that the issue before the Commission was not an attempt to circumvent the process. They agreed and would commit to not record or move forward with any agreements until the Commission had taken final action on the site plan and the rezoning. She explained that the Commission would not be limiting their flexibility in any way, but simply allowing them to move forward in the County's process.

Mayor Naugle asked for clarification as to whether the waterfront parcels were to be single-family units as stated previously. Ms. Maxwell explained that the Land Use Amendment that the City originally filed with Art Space was for low 10 on the river frontage and RM-25 for the remaining property, and that same application was submitted and recently adopted by the County Commission. The land use on the river portion currently was residential and low 10 to the acre, and the remaining parcel was RM-25.

Commissioner Smith agreed with the Mayor and Mr. Willard in that the trend had to be to retain the single-family neighborhoods. Commissioner Hutchinson asked if the Commission did what Lennar was requesting would it take away any of their power. The City Attorney replied it did not take away any of the Commission's powers. He explained that the issue before the Commission tonight was whether they would pass a resolution saying they had no objection to the County amending a note on the plat. When they adopted the PUD, density would then be assigned to the project and it didn't matter what the note stated. Mayor Naugle suggested that they designate the number of units at 220 at this time. The City Attorney explained that this would limit the Commission's flexibility.

Commissioner Moore stated that he had worked on replatting issues with the County in the past, and he would prefer to leave the number opened and see if Lennar was working with the non-profit entity. Then, the Commission could have the opportunity of increasing the numbers. He remarked that they were the urban area of Broward County.

Ms. Delegal explained that the purpose of a plat note was to establish the amount of impact fees which would be paid prior to the pulling of a development permit, and was not the document which would govern what the development level would be because that would be done through the site plan and zoning. If the PUD zoning was created, this would be the most scrutinized project ever to come before the City.

Mayor Naugle stated that he did not believe this and felt that the number of units should be limited at this time. He reminded everyone that a representation was made in May that the number would be 250 and already it had increased as mentioned previously. The City Attorney stated they would not lose if they limited the numbers.

Commissioner Moore introduced the resolution, as amended:

RESOLUTION NO. 02-154

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION TO AN AMENDMENT TO A NOTE AND A NON-VEHICULAR ACCESS LINE ON A PLAT KNOWN AS "ADMINISTRATIVE FACILITY."

Mayor Naugle disclosed that he had spoken with Don Wilkin and a member of the Historic Preservation Board regarding this item. Commissioner Hutchinson stated that she had spoken with Susan Delegal.

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

FY 2002/2003 Regional Wastewater Large User Rates

(R-2)

A resolution authorizing the wastewater large user rate be increased from \$0.73 per 1,000 gallons to \$0.75 per 1,000 gallons effective FY 2002/2003.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-155

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SET A RATE OF \$0.75 PER 1,000 GALLONS, DURING FISCAL YEAR 2002/2003, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION.

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

Request Funding for Riverwalk Park - Broward County

(R-3)

A resolution requesting funding from Broward County in the amount of \$1,000,000 for the final phase of development of Riverwalk Park.

Commissioner Moore left the meeting at 10:27 p.m.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-156

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO BROWARD COUNTY FOR FUNDING IN THE AMOUNT OF \$1,000,000 TO FACILITATE THE FINAL PHASE OF DEVELOPMENT OF RIVERWALK PARK.

Commissioner Smith stated he was very pleased that staff had recommended this resolution.

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

Broward County Fire Rescue Strategic Service Delivery Plan

(R-4)

A resolution pertaining to the Broward County Fire Rescue Strategic Service Delivery Plan. (Requested by

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-157

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, STRONGLY RECOMMENDING THE BROWARD COUNTY COMMISSION RECONVENE THE REGIONAL FIRE/EMS TASK FORCE TO REVIEW THE PROPOSED BROWARD COUNTY REGIONAL FIRE RESCUE SERVICES DELIVERY PLAN BEGINNING FISCAL YEAR 2003, TO STUDY THE IMPLEMENTATION AND FUNDING METHODOLOGY OF THE PLAN, TO ENABLE THE REGIONAL FIRE/EMS TASK FORCE TO PROMULGATE RECOMMENDATIONS FOR IMPLEMENTATION, STAFFING AND FUNDING, AND OPPOSING THE USE OF COUNTY-WIDE GENERAL FUNDS EXCEPT WHERE RECOMMENDED.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Grant Acceptance - Federal Aviation Administration (FAA) -
Project 10462 - Executive Airport Airfield Access Control and
Security Program, Phase II**

(R-5)

A resolution authorizing the property City official to execute all documents necessary to accept a grant from the FAA in the amount of \$2,160,000 for the rehabilitation of the Executive Airport Airfield Access Control and Security Program, Phase II.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-158

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR PARTIAL FUNDING OF THE EXECUTIVE AIRPORT ACCESS AND SECURITY PROGRAM, PHASE 2.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Amendment to Agreement - Florida Inland Navigation District (FIND)
Waterways Assistance Program Grant - George English Park
Boating Improvements**

(R-6)

A resolution authorizing the proper City officials to execute an amendment to the agreement with FIND for a Waterways Assistance program Grant for the George English Park boating improvements, to allow for a one-year extension of the project from September 1, 2002 to September 1, 2003.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-159

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE WATERWAYS ASSISTANCE PROGRAM GRANT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO EXTEND THE GRANT PERIOD TO COMPLETE PROJECT IMPROVEMENTS TO SEPTEMBER 1, 2003.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Results of Negotiations for Purchase of Insurance -
Employment Practices Liability Insurance and Public
Officials Liability Coverage**

(R-7)

A resolution authorizing the proper City officials to renew the public officials liability insurance policy with National Union Fire Insurance Company; and further authorizing the rejection of offers for Employment Practices Liability Insurance.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02 -

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES, AWARDED A CONTRACT TO NATIONAL UNION FIRE INSURANCE COMPANY FOR PUBLIC OFFICIAL LIABILITY INSURANCE AND REJECTING THE PROPOSAL FOR EMPLOYMENT PRACTICES COVERAGE.

Which resolution was read by title only.

Mayor Naugle asked what was the recommendation of the Insurance Advisory Board on this matter.

Terry Sharp, Assistant Finance Director, stated their recommendation was to negotiate for this coverage and get the best deal possible. Mayor Naugle asked when the current policies would expire. Mr. Sharp replied they expired on September 30th.

Commissioner Katz asked if anything under \$1 Million would not be covered. Terry Sharp stated it meant there would be no outside carrier providing any type of coverage for employment practices. He stated it was his opinion to give Stephen Scott, the new Director for the Office of Professional Services, the chance to organize his office and then they could go back out into the market.

Commissioner Smith remarked that it was unfortunate and hopefully no additional discrimination suits would come in.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

Commissioner Smith asked Mayor Naugle to further explain his no vote. Mayor Naugle stated that the

Insurance Board did not have the chance to advise the Commission. Commissioner Smith asked if the Mayor preferred to have this matter deferred. He felt this was not the time to drop this type of coverage.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to reconsider the motion. Roll call showed: YEAS: Commissioners Hutchinson, Smith and Mayor Naugle. NAYS: Commissioner Katz.

Mayor Naugle suggested that a special meeting of the Insurance Advisory Board could be held at which time a special meeting of the City Commission could be called prior to October 1st.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to schedule special meeting of the Insurance Advisory Board and then City Commission. YEAS: Commissioners Smith, Hutchinson and Mayor Naugle. NAYS: Commissioner Katz.

Negotiations for Purchase of Insurance - Excess Workers Compensation Insurance Coverage

(R-8)

A resolution authorizing the proper City officials, in accordance with City Code Section 2-199, to conduct negotiations for the purchase of excess workers compensation insurance coverage for the City.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCE, AUTHORIZING THE CITY MANAGER TO CONDUCT NEGOTIATIONS FOR THE PURCHASE OF EXCESS WORKERS COMPENSATION INSURANCE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Appraisals for Federal Courthouse Property

(OB)

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to contract for appraisals for the former South Side School Site on South Andrews Avenue and the existing Federal Courthouse property at N.E. 3rd Avenue and Broward Boulevard. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Advisory Board Appointments

(OB)

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

Community Services Board

Scott MacLeod
John Hurley
Sanford Rosenthal
Donald Winsett

Robert Notti
Robert H. Smith
Dana Summers
Jennie Brooks
J. J. Hankerson
Marsha Goldsby
Karin Batchelder
Audrey O'Brien
Ruth Marx
Marjorie Davis

Historic Preservation Board

Daniel Perry

Parks and Recreation and
Beaches Advisory Board

Victoria Pristo-Revier,
Julie Cameron
John Rude
Jo Ann Medalie
Randolph Powers
John Melnicoff
Robert Missal
Rosalind Osgood
Elizabeth Hays
Joe Shover
Timothy Nast

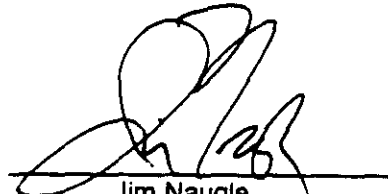
Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-161

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

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith
and Mayor Naugle. NAYS: None.

There being no further business to come before the Commission the meeting was adjourned at
approximately 10:35 p.m.


Jim Naugle
Mayor

ATTEST:


Lucy Kisela
City Clerk

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FORT LAUDERDALE CITY COMMISSION
OCTOBER 1, 2002**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM
CITY HALL
FORT LAUDERDALE, FLORIDA**

OCTOBER 1, 2002

Meeting was called to order at approximately 6:00 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz
Commissioner Tim Smith
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry Stewart
City Clerk, Lucy Kisela
Sergeant At Arms, Sergeant Waldman

Commissioner Smith entered the meeting at approximately 6:04 p.m.

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

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

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve the minutes of the September 17, 2002 meeting. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Gentry Schultz Fry and Francis T. Coulter, Sr.

2. Proclamation for "United Kingdom International Day"

Ms. Liberty, Vice-President of Business Recruitment for Broward Alliance, accepted a Proclamation from the Mayor and the City Commissioners for "United Kingdom International Day" to be celebrated on October 1, 2002.

Ms. Liberty stated that the purpose of Downtown Discovery was to highlight Broward County and Downtown Fort Lauderdale. She thanked the County and the City for their support and cooperation. Frank Schnidman distributed Welcome Packages that had been given to the guests from the United

Kingdom.

Loni Meyer, Bell South Business Systems, thanked the City for all their hard work.

Simon Davie, Her Majesty's Counsel, stated that every 18 months representatives of the trade and commercial effort from every embassy and consulate meet and discuss their ongoing work. A lot of the trade had to deal with British companies establishing themselves in South Florida for the purpose of trading. He explained that they had teamed up with the Broward Alliance because they found them to be an excellent and professional organization which attempted to bring everyone together. He proceeded to recognize the following individuals: Dr. Dennis McShane, Ministerial Team at the Foreign Commonwealth Office; Ken Timmons, Trade Partners UK in London; Eric Maxim, Country Manager; and John Wright, Miami Consulate.

3. Proclamation for "Breast Cancer Awareness Month"

Commissioner Hutchinson presented a proclamation to representatives from the Broward General Medical Center and the North Broward Hospital District in connection with "Breast Cancer Awareness Month" to be observed during the month of October.

Dr. Tranakas thanked everyone and stated that Broward General's Comprehensive Cancer Center was the first approved program in the County in 1985.

4. Proclamation for "Community Health Education Alliance"

Commissioner Moore presented a proclamation to Dr. Edwin H. Hamilton for his hard work as founder of the CHEA. Community Health Education Alliance was to be observed the week of October 14-20, 2000 and Dr. Edwin H. Hamilton Day was to be observed on October 19, 2002.

Dr. Hamilton thanked everyone for the recognition and reminded them how important health care was for every individual young and old.

5. Proclamation for "Fire Prevention Week"

Commissioner Hutchinson presented a Proclamation for "Fire Prevention Week" which was to be observed the week of October 6 - 13, 2002.

Commissioner Moore left the meeting at approximately 6:38 p.m. and returned at 6:42 p.m.

Chief Latin thanked everyone for the department's recognition. Commissioner Hutchinson proceeded to demonstrate the proper way to test a smoke detector.

6. 2002 United Way Campaign

Frank Coulter stated that the 2002 United Way Campaign would kick-off this evening and proceeded to pass out the pledge forms to the Mayor and City Commissioners. He announced that the campaign would run until November 1, 2002 and the goal was \$100,000. He announced that Kimberly Hill would be the United Way Campaign Manager for this year.

7. "Police and Fire Appreciation Day"

Commissioner Smith recognized Kim Warren and Cindy Smith for their hard work and efforts for organizing the "Police and Fire Appreciation Day." Kim Warren proceeded to present plaques to the

sponsors of this year's event. She stated that they wanted to make a donation from the money which had been left over from this event to a favorite charity of the Police and Fire Departments. A check in the amount of \$2,500 would be given to the Bryant Penney Scholarship Fund on behalf of the Police Department, and a check in the amount of \$2,500 to be given to Kids in Distress on behalf of the City's Fire Department.

8. Outstanding City Employees

The City Manager stated that the City would like to honor some of their outstanding employees. Greg Kisela, Assistant City Manager, presented awards on behalf of the Public Services Department as follows:

Bob Malloy, Julie Oakley, Jeri Pryor, Jeannette Sameem, Rich Reiley, Cecelia Zarate (Honored for their work regarding United Way)

Faye Outlaw, Acting Director of Community Development, presented the Employee of the Month Award to Wayne Strawn, Building Inspector. She stated that Mr. Strawn was being recognized for his contribution to Code Enforcement and had been with the City for over 12 years.

Commissioner Moore left the meeting at approximately 6:12 p.m. and returned at 6:16 p.m.

KONOVER SITE

(OB)

The City Manager stated that he had been authorized by the City Commission to finalize the deal relative to the development of the Konover site. He announced that a public/private partnership between Broward Baron Development Group and the City of Fort Lauderdale had been entered into.

Mayor Naugle stated that Item M-3, Monster Mash Halloween Bash, was to be held on Friday, October 25, 2002, and the road closure would be at 9:00 a.m. on Friday until 2:00 a.m. on Saturday, October 26, 2002.

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 - Animal Swim (Benefit for Wildlife Care Center)

(M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Florida Gold Coast Masters** to indemnify, protect, and hold harmless the City from any liability in connection with the **Animal Swim** to be held **Sunday, November 24, 2002 from 8:00 a.m. to 1:00 p.m.** in the ocean off Fort Lauderdale Beach.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1426 from City Manager

Event Agreement - Fall Carnival

(M-2)

A motion authorizing the proper City officials to execute an Indemnification and Hold Harmless Agreement with **Our Lady Queen of Martyrs Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **Fall Carnival** to be held **Thursday, October 31, 2002 from 6:00 p.m. to 10:00 p.m.; Friday, November 1, 2002 from 5:00 p.m. to 11:00 p.m.; Saturday, November 2, 2002 from 12:00 noon to 11:00 p.m.; and Sunday, November 3, 2002 from 12:00 noon to 10:00 p.m.;** and further authorizing the closing of S.W. 11 Court (Happy Hoyer Street) from S.W. 27 Avenue to S.W. 28 Avenue from 9:00 a.m. Monday, October 28 to 5:00 p.m. Monday, November 4, 2002.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1427 from City Manager.

Event Agreement - Monster Mash Halloween Bash

(M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Covenant House Florida** to indemnify, protect, and hold harmless the City from any liability in connection with the **Monster Mash Halloween Bash** to be held **Thursday, October 31, 2002 from 5:00 p.m. to 11:00 p.m.;** and further authorizing the closing of Sunrise Lane from N.E. 9 Street to the north end of the Parrot Lounge from 9:00 a.m. on the event day to 2:00 a.m., Friday, November 1, 2002.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1428 from City Manager.

Event Agreement - Holiday Fest

(M-4)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Saint Jerome Catholic Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **Holiday Fest** to be held **Wednesday and Thursday, December 4 and 5, 2002 from 6:00 p.m. to 10:00 p.m.; Friday and Saturday, December 6 and 7, 2002 from 6:00 p.m. to 11:00 p.m.; and Sunday, December 8, 2002 from 1:00 p.m. to 8:00 p.m.** on Church property at 2601 S.W. 9 Avenue; and further authorizing the closing of S.W. 26 Street from S.W. 9 Avenue west to the 1000 block (approximately 1/4 mile) from 8:00 a.m. Monday, December 2, to 12:00 noon Monday, December 9, 2002.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1437 from City Manager.

Event Agreement - Boat Show Party

(M-5)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Old Town at Riverwalk Merchants Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Boat Show Party** to be held **Sunday, November 3, 2002 from 5:00 p.m. to 12:00 midnight;** and further authorizing the closing of S.W. 2 Avenue from S.W. 2 Street to the Riverwalk from 3:00 p.m. on the event day to 3:00 a.m. Monday, November 4, 2002 (leaving S. W. 2 Street completely open).

Recommend: Motion to approve.
Exhibit: Memo No. 02-1438 from City Manager.

Event Agreement - Making Strides Against Breast Cancer

(M-6)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **American Cancer Society** to indemnify, protect, and hold harmless the City from any liability in connection with **Making Strides Against Breast Cancer** to be held **Saturday, October 12, 2002 from 7:00 a.m. to 1:00 p.m.** at Birch State Park and beach area sidewalks.

Recommend: Motion to approve
Exhibit: Memo No. 02-1439 from City Manager.

Event Agreement - Fort Lauderdale Billfish Tournament

(M-7)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Official Fort Lauderdale Billfish Tournament** to indemnify, protect, and hold harmless the City from any liability in connection with **Fort Lauderdale Billfish Tournament** to be held **Wednesday, November 13, 2002 from 6:00 a.m. to 10:00 p.m.; Friday and Saturday, November 14 and 15, 2002 from 6:00 a.m. to 8:00 p.m.; and Sunday, November 17, 2002 from 6:00 a.m. to 10:00 p.m.** at Las Olas Marina.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1452 from City Manager.

Event Agreement - Get Downtown Office Party

(M-8)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Riverwalk Fort Lauderdale Inc.**, to indemnify, protect, and hold harmless the City from any liability in connection with the **Get Downtown Office Party** to be held **Friday, November 22, 2002 from 5:00 p.m. to 8:30 p.m.** at the courtyard of Brasserie Las Olas and Stiles Courtyard.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1453 from City Manager.

Event Agreement - Gospel Street Jam

(M-9)

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **Reformation Church of God** to indemnify, protect, and hold harmless the City from any liability in connection with the **Gospel Street Jam** to be held **Saturday, October 12, 2002 from 10:00 a.m. to 2:00 p.m.**; and further authorizing the closing of N.W. 7 Street from N.W. 15 Avenue to the west end of Church property; and N.W. 15 Avenue from N.W. 7 Street to the south end of Church property from 8:00 a.m. to 5:00 p.m. on the event date.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1454 from City Manager.

Agreement - Art Serve (Broward County Commission Cultural Affairs Division Cooperative Marketing Program) - Advertising for City Festivals and Events

(M-10)

A motion authorizing the proper City officials to execute an agreement with Art Serve for media advertising for City Festivals and events in the amount of \$14,840 for the period of October 1, 2002 through September 30, 2003.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 02-1462 from City Manager.

Audit Fees for Fiscal Year 2002 Audit - Ernst & Young, LLP

(M-11)

A motion approving the audit fees in the total amount of \$216,000 for the firm of Ernst & Young, LLP for the Fiscal Year 2002 audit.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1478 from City Manager.

**Transfer of General Fund Contingencies and Task Order -
Bailey Engineering Consultants - Project 10533 -
Florida Power and Light (FPL) Expansion Plans**

(M-12)

A motion authorizing the proper City officials to execute a task order with Bailey Engineering Consultants in an amount not to exceed \$50,000 for the evaluation of expansion plans submitted by FPL.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1283 from City Manager.

**Contract Extension - Woolpert, LLP - Project 414A -
Geographic Information Systems (GIS) Utility Mapping and
Data Conversion Services**

(M-13)

A motion authorizing the proper City officials to execute a one-year contract extension with Woolpert, LLP for GIS utility mapping and data conversion services.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1424 from City Manager.

**Amendment to Comprehensive Annexation Bill for 2003
State Legislative Session**

(M-14)

A motion approving the amendment to the Comprehensive Annexation Bill approved by the City Commission on September 17, 2002 for submission to the Broward County Delegation, in order to provide unincorporated neighborhoods a choice in the annexation referendum.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1470 from City Manager.

**Change Order No. 2 - F & L Construction, Inc. - Project 10250-B -
Sidewalk Connecting Palm Aire Village Park and Neighborhood**

(M-15)

A motion authorizing the proper City officials to execute Change Order No. 2 with F & L Construction, Inc. in the amount of \$17,250 for the construction of new sidewalk to connect Palm Aire Village Park to the neighborhood north along N.W. 21 Avenue. (Also see Item M-16 on this Agenda)

Funds: See Change Order
Recommend: Motion to approve.
Exhibit: Memo No. 02-1282 from City Manager.

**Change Order No. 5 - Miami Skyline Construction Corporation
- Project 15220 - Palm Aire Village Park**

(M-16)

A motion authorizing the proper City officials to execute Change Order No. 5 with Miami Skyline Construction Corporation in the amount of \$19,799.41 for additional work needed at Palm Aire Village Park. (Also see Item M-15 on this Agenda)

Funds: See Change Order
Recommend: Motion to approve.
Exhibit: Memo No. 02-1281 from City Manager.

**Disbursement of Funds - Joint Investigation - O.R. No. 02-4202 -
\$24,267.10 U.S. Currency**

(M-17)

A motion authorizing the equitable disbursement of funds in the amount of \$24,267.10, with each of the 12 participating task force agencies to receive \$2,022.25.

Recommend: Motion to approve.
Exhibit: Memo No. 02-9-2 from City Attorney.

**Disbursement of Funds - Joint Investigation - O.R. No. 01-20384 -
\$311.62 U.S. Currency**

(M-18)

A motion authorizing the equitable disbursement of funds in the amount of \$311.62, with each of the 14 participating task force agencies to receive \$21.59.

Recommend: Motion to approve.
Exhibit: Memo No. 02-9-3 from City Attorney.

**Disbursement of Funds - Joint Investigation - O.R. No. 02-112568
\$65,956.92 U.S. Currency-**

(M-19)

A motion authorizing the equitable disbursement of funds in the amount of \$65,956.92, with each of the 15 participating task force agencies to receive \$4,397.12.

Recommend: Motion to approve.
Exhibit: Memo No. 02-9-4 from City Attorney.

**Transfer of Law Enforcement Trust Funds (LETF)
And Agreements with Mount Olive Baptist Church and 4th
Avenue Church of God - Youth Motivation Program (YMP) FY 2002/2003**

(M-20)

A motion authorizing the proper City officials to transfer \$50,000 from the LETF (Fund 107 to Fund 129); authorizing the property City officials to execute agreements with Mount Olive Baptist Church and 4th Avenue Church of God in support of the Youth Motivation Program (YMP) for FY 2002/2003; and further authorizing the proper City officials to execute all documents necessary to receive and expend funds in the amount of \$522,452 in support of the YMP.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 02-1457 from City Manager.

**Tripartite Agreement - Performing Arts Center Authority
(PACA) and Broward County - Fiscal Responsibilities for FY 2002/2003**

(M-21)

A motion authorizing the proper City officials to execute a tripartite agreement with PACA and Broward County to delineate fiscal responsibilities for FY 2002/2003. (Also see Item R-1 on this Agenda)

Recommend: Motion to approve.
Exhibit: Memo No. 02-1436 from City Manager.

**Allocation of Funds - RSP II Barnett Bank Plaza, Ltd. -
Operation and Maintenance of the City Hall Parking Garage
for FY 2002/2003**

(M-22)

A motion authorizing the allocation of funds in the amount of \$80,000 to RSP II Barnett Bank Plaza, Ltd. for the operation and maintenance of the City Hall Parking Garage during FY 2002/2003.

Funds: See Memo.
Recommend: Motion to approve.
Exhibit: Memo No. 02-1391 from City Manager.

**Continuation of Health Benefits Coverage for Survivors
and Dependents of the City Beach Crew Tragedy**

(M-23)

A motion approving the continuation of health insurance benefits for survivors/dependents and surviving disabled employee of the City's Beach Crew tragedy that took place February 9, 1996.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1224 from City Manager.

**Agreement - The Rhodes Insurance Group
Preparation of Employee Health Plan Request for Proposals (RFP)**

(M-24)

A motion authorizing the proper city officials to execute an agreement with The Rhodes Insurance Group in an amount not to exceed \$30,000 for the preparation of an Employee Health Plan RFP.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 02-1471 from City Manager.

**Agreement - Graylan Consulting, LLC and Fairfield
Index, Inc. - Consulting Services for Economic Summit**

(M-25)

A motion authorizing the proper city officials to execute an agreement with Graylan Consulting, LLC in the amount of \$12,200 for services to develop and conduct the Economic Summit to be held October 9, 2002, and conduct follow-up as required.

Funds: See Memo
Recommend: Motion to approve.
Exhibit: Memo No. 02-1482 from City Manager.

PURCHASING AGENDA

**332-8783 - P-Card Services and Rebate/
Revenue Sharing and Software**

(Pur - 1)

An agreement for P-Card services and rebate/revenue sharing and P-card software is being presented for approval by the Administrative Services, Procurement and Materials Management Division.

Recommended Award: Sun Trust Bankcard, N.A.
Orlando, FL
Works Operating Company
Austin, TX
Amount: \$5,000.00
Bids Collected/Rec'd: N/A
Exhibits: Memorandum No. 02-1422 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees to approve the agreement.

**Proprietary - Microwave Equipment for Radio
Communications**

(Pur-2)

An agreement to purchase microwave equipment for the City's radio communications system is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: Harris Microwave Communications Division
Alpharetta, GA
Amount: \$ 70,699.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1419 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

Proprietary - Additional Services for Actuarial Review of Insurance Fund (Workers Compensation, Employment Practices and Property Liability)

(Pur-3)

An agreement to purchase additional services for an actuarial review of workers compensation, employment practices, and property liability insurance is being presented for approval by the Finance, Risk Management Division.

Recommended Award: Insurance Industry Consultants, Inc.
Atlanta, GA
Amount: \$18,540.80
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1444 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

754.00-1 - Contract Extension for 800 MHz Radio System Maintenance

(Pur-4)

A one-year contract extension for the 800 MHz radio system maintenance is being presented for approval for the Administrative Services Department, Telecommunications Division.

Recommended Award: Motorola, Inc.
Sunrise, FL
Amount: \$303,603.24
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1464 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item Nos. M-4, M-11, M-12, M-16, M-20, M-24, —25 and Pur-4 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Event Agreement - Holiday Fest

(M-4)

Commissioner Hutchinson stated that she had pulled this item because she had a voting conflict regarding this matter.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve this item. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Audit Fees for Fiscal Year 2002 Audit - Ernst & Young, LLP

(M-11)

Commissioner Moore stated that he had pulled this item due to the fact that the increase for these services were due to new regulations in the audit process. He asked if the Commission had been aware of the new auditing processes prior to entering into the contract and further asked when the new legislation had been passed making the Commission unaware of the necessity of doing these particular tasks prior to entering into this contract.

Damon Adams, Director of Finance, stated that they had been aware of this for some time, but the contract had been brought before the City Commission and they had indicated that an agreement had not yet been reached regarding fees, and that they would bring that information back to the Commission at a later date.

Commissioner Moore clarified that the change in price was \$50,000. Mr. Adams reiterated that it was \$50,000 from last year and was split as follows: \$25,000 for auditing, and another \$25,000 for implementation. Commissioner Moore referred to the three employee shortages that were in that department and asked for a status update. Mr. Adams replied that one of the positions had been filled, and they were ready to make an offer on another one. He further stated that the third position should be filled within a couple of weeks.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the auditing fees for the 2002 audit.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

**Transfer of General Fund Contingencies and Task Order -
Bailey Engineering Consultants - Project 10533 -
Florida Power and Light (FPL) Expansion Plans**

(M-12)

Commissioner Moore stated that he had pulled this item. He asked why they had not entered the contract directly with the individual instead of going through the firm.

Greg Kisela, Assistant City Manager, stated that they had a General Electric consultant and the process allowed them to secure the services of R W Beck without going through the competitive consultant process. Commissioner Moore asked if it cost additional money doing things this way, or was this the direct cost of the subconsultant. Mr. Kisela replied that there was no mark-up.

Commissioner Moore stated that there were various locations throughout the City where FPL put poles in the middle of sidewalks prohibiting pedestrian movement. He further asked how these poles could be removed so as not to impede the pedestrians and their safety. Commissioner Moore asked if the City was going to be challenged due to the fact that they allowed this to happen. The City Attorney stated that the City would not be liable unless there were circumstances around a particular pole which created a problem larger than what the pole created. Commissioner Moore asked how the City could prevent FPL from doing this in the future. Mr. Kisela stated that the reason this particular consultant had been brought in was to assist the City in dealing with issues regarding FPL such as the siting of substations, infrastructures, and the undergrounding of infrastructures for the future. In some cases, the poles were at the sites first and the sidewalks had been built around them. Each pole had to be checked individually. Mr. Kisela stated that these types of issues would be addressed as time went on.

Commissioner Moore asked that this matter be taken care of immediately because he believed that

pedestrian safety was at stake. He further stated that the City could be sued in regard to the ADA laws.

Mayor Naugle stated that FPL would be given a list of the poles which were causing safety problems and they would have to remove them by a certain period of time.

Commissioner Hutchinson stated that when FPL applied to install the poles, they were not site specific. She further stated that on the eastern section of the City there were concrete and wooden poles because they did not remove the wooden ones after they installed the concrete ones.

Commissioner Katz stated that District I had the same problems with the FPL poles and she commented that they hampered blind people who could not manipulate around them properly. She suggested that the committee discuss the wooden poles which had not yet been replaced.

Greg Kisela stated that a final report would be given to the Commission by the committee by the end of the year.

Motion made by Commissioner Smith and seconded by Commissioner Katz to authorize the execution of the task order with Bailey Engineering Consultants. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Commissioner Moore asked the Commission if they could jump ahead to Item R-9 due to the fact that many people were in the audience regarding this matter.

Demolition of Buildings (R-9)

Commissioner Moore stated that the following buildings had been removed by staff:

- 1115 N.W. 3 Avenue
- 2122 N.W. 7 Court
- 2130 N.W. 8 Street

Continued on page 31.

Change Order No. 5 - Miami Skyline Construction Corporation - Project 15220 - Palm Aire Village Park (M-16)

Commissioner Katz stated that she had pulled this item and wanted to know when this was going to be completed.

Greg Kisela, Assistant City Manager, stated that this project would be completed on January 24, 2003.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to execute Change Order No. 5 with Miami Skyline Construction for additional work at Palm Aire Village.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

**Transfer of Law Enforcement Trust Funds (LETF)
and Agreements with Mount Olive Baptist Church and
4th Avenue Church of God - Youth Motivation Program
(YMP) FY 2002/2003**

(M-20)

Commissioner Smith stated that he had pulled this item. He stated that he believed in this program and explained that kids who were suspended or expelled had the choice of attending this 10-day program to help them with their problems. He explained this was not a mandatory program and wanted to know how they could make this be one.

Bob Cooke, Police Department, stated that this matter would have to be addressed by the Education Advisory Board, and then they would have to recommend to the School Board that this program be mandatory. He further stated that the methodology and the model worked and it had been in existence for over 10 years. The biggest advantages to the program were: (1) It found out the problem of the child, (2) it was a supervised environment, and (3) education was being saved for the kids.

Mayor Naugle asked if this item should be on the agenda for the Education Advisory Board. Commissioner Smith stated that could be done and also possibly it could be included in the discussions with the School Board in regard to the grant-monies which were available.

The City Manager stated that this matter could be pursued on two fronts. He felt that the Education Advisory Board should be consulted first regarding this matter, and if that needed some subsidy, then they could refer to the grant programs.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the transfer of funds with the conditions suggested by the City Manager.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

**Agreement - The Rhodes Insurance Group -
Preparation of Employee Health Plan Request
for Proposals (RFP)**

(M-24)

Commissioner Katz stated that she had pulled this item because she felt an RFP should be put out in order to find out what regular insurance would cost, and then compare that to the City's existing program and the present marketplace. She objected to only going out for a self-insured HMO.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the plan as written.

Commissioner Smith stated that he would like to hear a response from the City.

Terry Sharp, Assistant Finance Director, stated that the City's best opportunity in dealing with the deficit from the last few years was to stay self-insured. Commissioner Katz remarked that they were not seeing any savings, and were only getting deeper in debt.

Mayor Naugle stated that discussion had been held during the Commission's conference meeting and they had been told that often times when a company bid, they would bid low for the first year and then the rates would rise rapidly because they were not guaranteed. Meantime, the employees had to deal with new procedures and there was little stability. He felt that what went wrong in 1998 was that the plan was too rich and things were charged to the plan by certain management employees that were unreasonable.

Now, he stated that they were charged with bringing sanity back into the system.

Commissioner Moore stated that the recommendation which was being suggested was a sound position for the City to adopt and would allow the employees to have an option and help reduce their health care costs and make them more affordable. Meantime, the City could retain some of the opportunities for a profit so the deficit could be reduced. He reiterated that the plan was appropriate and if the EPO concept could be used, it would assist the City and give them a gate keeper for the plan.

Commissioner Katz stated that the employees were more concerned about how much was being deducted from their paychecks, and they would be willing to change to something that would cost less. The reality was that they were still not getting the discounts that they should be getting. She felt that if they went with a different group, possibly these discounts could be gotten.

Commissioner Moore stated that was the purpose of the RFPs.

Commissioner Smith stated that he had similar concerns as those of Commissioner Katz. He stated that professionals were brought in, changes were made, the HMO self-insured change was identified, and all this made him feel a little more confident, but if the deficits continued to grow, then he would prefer to switch to another company who could possibly manage things better. He felt things needed to be fixed in short order or he would not support this.

Mayor Naugle stated that this should be used as a last chance to make things work.

Daman Adams, Director of Finance Department, stated there was a schedule and it was very aggressive. He stated that the claims during the month of September were less than the total amount of the premiums paid into the fund.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Agreement - Graylan Consulting, LLC and Fairfield Index, Inc. - Consulting Services for Economic Summit

(M-25)

Commissioner Moore stated that he had pulled this item. He stated there was a \$12,000 increase in this contract and wanted to know how much money had been spent for the first consultant.

Faye Outlaw, Acting Director of Community Economic Development, stated that this same consultant had been used throughout the process.

Commissioner Moore stated that he was referring to the female consultant who had made her presentation. The City Manager stated that the person who made a presentation at the conference meeting was a separate situation. Ms. Outlaw stated that she did not have the figures with her at the moment. Commissioner Moore asked for a clarification regarding the change.

The City Manager stated this group first met with the Commission at the workshop at the Beach Community Center and an approach was laid out as to how the City should look at its building and what their mission should be regarding economic development. He explained that this group had been instrumental in building towards the Economic Summit which was scheduled for October 9th. The reason for the additional time was due to the fact that the City had engaged all the stakeholders to help in the design of the summit.

Commissioner Moore asked if they had gone to the Negro Chamber of Commerce and the Midtown Business Association and were they part of the summit.

Michael Matthais, Economic Development Manager, stated that there was a designated group which helped to form the Economic Steering Committee and Mr. Carter was one of the members who had participated. He further stated that Mr. Carter had expressed various concerns of the community at the meetings. Commissioner Moore reiterated that there was more than one person who should be included from the northwest quadrant to give input regarding this matter.

Commissioner Hutchinson left the meeting at approximately 7:29 p.m. and returned at 7:30 p.m.

The City Manager stated that the purpose of the Summit was to bring everyone together and to receive input from all groups. He stated that he believed that Mr. Carter was in attendance as a representative of the Midtown Business Association. He further stated that he would make sure that everyone would be invited to participate.

Mr. Matthais stated that it was critical that efforts would be made to ensure that city-wide input would be received regarding this matter.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to approve the item as submitted.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

**754.00-1 - Contract Extension for 800 MHz Radio
System Maintenance**

(Pur-4)

Commissioner Katz stated that she had pulled this item and asked if this was a reasonable increase and how was the number arrived at.

Kirk Buffington, Purchasing Division, stated that in his opinion this was a reasonable increase. He explained that \$303,000 sounded like a lot of money, but the estimated value of the City's system was approximately \$10 Million. He further explained that this amount represented a 3% support cost for a \$10 Million system. In addition, the cost increase from last year's maintenance was only 2.1% which included additional equipment that had been added to the package.

Commissioner Katz stated that she was concerned when they made proprietary purchases because they were locked in to any increases that could take place.

Mr. Buffington stated that this system was selected over 10 years ago and the system had to be universal throughout. He agreed to a certain extent they were locked in and vulnerable to any price increases and that was the purpose for using the competitive process. He further stated that they did attempt to get at least five years up-front maintenance costs locked in when signing the contract.

Commissioner Moore asked if it was possible to look at their retired work force to see if those individuals could make themselves available to the City in the future.

Mark Pallans, Telecommunications Manager, stated that the infrastructure costs were what were involved in this maintenance contract and there was a very limited work force available.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the contract as submitted.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Vacate a Portion of S.W. 16 Street - Andrews Avenue Properties and Investments, LLC/North Broward Hospital District (NBHD) (PZ Case No. 12-P-02)

(PH-1)

At the Planning and Zoning Board regular meeting on August 21, 2002, it was recommended by a vote of 5-1 that the following application be approved. Notice of public hearing was published September 19 and 26, 2002.

Applicant: Andrews Avenue Properties and Investments, LLC/NBHD
Request: Vacate a portion of S.W. 16 Street
Location: S.W. 16 Street, west of South Andrews avenue and east of S.W. 1 Avenue

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Commissioner Katz stated that in the back-up from the Planning and Zoning Board there appeared to be concern regarding the handicap spaces, widening the sidewalks, and replacing the 22 parking spaces. She asked if these items had been addressed.

Jim Koeth, Planning and Zoning, stated that the applicant had adjusted their site plan and the items had been addressed.

Doug Gottshall, Parking and Central Services Manager, stated that they increased their on-street parking spaces from 22 to 29 spaces. Commissioner Katz further questioned the matter of the handicap spaces and their locations. He explained that the handicap spaces had been built into the plan. Mr. Koeth further explained that the applicant had modified their plan and reviewed it with the City's handicap professionals.

Robert Lochrie, attorney for the applicant, proceeded to show the graphics pertaining to the parking spaces and explained that the handicap spaces were now located in the garage.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE No. C-02-29

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF SOUTHWEST 16TH STREET, (PLATTED AS OBISPO STREET), 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; LYING BETWEEN BLOCKS 35 AND 38 OF SAID "CROISSANT PARK" AND BEING BOUNDED ON THE EAST BY THE WEST

RIGHT-OF-WAY LINE OF ANDREWS AVENUE (PLATTED AS ANDREWS BOULEVARD) AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 1ST AVENUE (PLATTED AS TURNER 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: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Rezone RM-15 to X-P-R with Allocation of Flexibility -
Broward Barron, Inc. (PZ Case No. 8-ZE-01)**

(PH-2)

At the Planning and Zoning Board regular meeting on August 21, 2002, it was recommended by a vote of 6-0 that the following application be approved. Notice of public hearing was published September 19 and 26, 2002.

Applicant: Broward Barron, Inc.
Request: Rezone RM-15 to X-P-R with Allocation of Flexibility
Location: 1514 S. E. 2 Court

Motion made by Commissioner Smith and seconded by Commissioner Moore to close the public hearing.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Commissioner Moore disclosed that he had communications with the attorney for Broward Barron, and the Housing Authority. Mayor Naugle disclosed that he had communications with Broward Barron, HUD, the Housing Authority, and had been to the site. Commissioner Hutchinson stated that she had spoken with Robert Lochrie.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-30

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RM-15 to X-P-R INCLUDING THE ALLOCATION OF FLEXIBILITY UNITS AND SITE PLAN APPROVAL; LOT 5, BLOCK 40, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF SOUTHEAST 2ND COURT BETWEEN SOUTHEAST 15TH AVENUE AND SOUTHEAST 16TH AVENUE, 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. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

ORDINANCES

**Vacate a Portion of N.E. 17 Way - Brett Tannenbaum
(PZ Case No. 1-P-02)**

(O-1)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Ordinance No. C-02-26 was published September 5 and 12, 2002, and passed on first reading September 17, 2002 by a vote of 3-2 (Katz and Moore). (Also see Item O-2 on this Agenda)

Applicant: Brett tannenbaum
Request: Vacate a portion of N.E. 17 Way
Location: N.E. 17 Way and N.E. 17 Terrace, south of N.E. 11 Street
between N.E. 17 Avenue and Victoria Park Road

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-02-26

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR NORTHEAST 17TH WAY (PLATTED AS 3RD ST), LYING BETWEEN BLOCKS 166 AND 167 AND BEING BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET (PLATTED AS AVENUE "F") AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 5, OF SAID BLOCK 167; ALL AS SHOWN ON THE PLAT OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 250 FEET IN LENGTH, BEGINNING AT THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only.

Commissioner Katz stated that she was glad to see that the shadow box fence had been changed to an aluminum picket fence which meant that they were not going to close themselves off from the community. She further stated that she was not happy about the privatizing of the street nor the buzzer. She asked if a condition of the Commission's approval would be that if they failed to provide public access, the buzzer approval would be revoked. The Commission agreed.

The City Attorney explained that this ordinance was regarding a vacation and once a street was vacated it was done. He further stated that conditions could be placed on a vacation, but that would not reinstate the public nature of the road. There could be a cause of action to force the developer to abide by his contract, but the road would still be vacated.

Allyson Goodwin, on behalf of the applicant, stated that they would be willing to enter into an agreement regarding the buzzer.

Commissioner Katz stated that it would be up to the community to let the Commission know if public access was available to the site. Commissioner Smith stated that the community was very happy and

supportive about this project.

Rixon Rafter, President of Lake Ridge Civic Association, stated that this development replaced old buildings which 45 years ago were economy hotels and motels which were presently in deplorable condition. He further stated that the people living in those buildings were not a part of the community and had no respect for the community. He also stated that the issue regarding the buzzer and public access had been blown out of proportion. The community felt that this development was very good for the neighborhood, and they urged the Commission to support it.

Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioners Katz and Moore.

**Vacate a Portion of N.E. 17 Terrace - Brett Tannenbaum
(PZ Case No. 2-P-02)**

(O-2)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Ordinance No. C-02-27 was published September 5 and 12, 2002, and passed on first reading September 17, 2002 by a vote of 3-2 (Katz and Moore). (Also see Item O-1 on this Agenda)

| | |
|------------|---|
| Applicant: | Brett Tannenbaum |
| Request: | Vacate a portion of N.E. 17 Terrace |
| Location: | N.E. 17 Way and N.E. 17 Terrace, south of N.E. 11 Street between N.E. 17 Avenue and Victoria Park Road |

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-02-27

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 17TH TERRACE (PLATTED AS 4TH STREET), LYING BETWEEN BLOCKS 167 AND 168 AND BEING BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, OF SAID BLOCK 168 AND BEING BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6, OF SAID BLOCK 168; ALL AS SHOWN ON THE PLAT OF "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 200 FEET IN LENGTH, LOCATED 200 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle, NAYS: Commissioners Katz and Moore.

Amendment to the Pay Plan - Pay Range Amounts

(O-3)

An ordinance amending the Pay Plan of the City, modifying the schedules for pay range amounts for supervisory, professional, managerial and confidential employees. Ordinance No. C-02-28 was published September 7, 2002, and passed on first reading September 17, 2002 by a vote of 4-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-28

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA MODIFYING THE SCHEDULES FOR PAY RANGE AMOUNTS FOR SUPERVISORY, PROFESSIONAL, MANAGERIAL AND CONFIDENTIAL EMPLOYEES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

**Amendment to Chapter 9 "Building and Construction" -
(Sections 9-48 to 9-52 and Section 9-54) - Increase in Permit Fees**

(O-4)

An ordinance amending Chapter 9 titled "Buildings and Construction," of the Code of Ordinances to provide for increases to permit fees by amending Section 9-48 through 9-52 and Section 9-54. Notice of proposed ordinance was published September 21, 2002.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 9, "BUILDING AND CONSTRUCTION," PROVIDING FOR INCREASES TO PERMIT FEES BY AMENDING SECTION 9-48, "GENERAL PERMIT FEES," SECTION 9-49, "ELECTRICAL PERMIT FEES," SECTION 9-50, "PLUMBING PERMIT FEES," SECTION 9-51, "MECHANICAL PERMIT FEES," SECTION 9-52, "LANDSCAPING AND TREE REMOVAL PERMIT FEES," AND SECTION 9-54, "SIGNS AND ADVERTISING DISPLAY PERMIT FEES."

Which ordinance was read by title only.

Commissioner Smith stated that many of the constituents which he represented were not comfortable with this and feel that it hit the single-family homeowner, and they did not feel that this was an appropriate place to take additional funds from for that department. He further stated that he was not in support of this ordinance.

Ted DeSmith, Building Services Manager, explained that the proposed fee increases which had been submitted were based on the fee study that DMG did in 1995. He stated that they did not have a problem with how the fees would be paid, but, of course, wanted to be cost recovery and follow the same guidelines as they did in the past, which was 80% cost recovery.

Commissioner Katz stated that the amount of money they were asking for regarding a permit for a residence of 2500 sq. ft. appeared low. She suggested that possibly the money could be made up in that area. Commissioner Smith remarked that the City was higher than other places, except for Hollywood. Everyone else was cheaper.

Mayor Naugle suggested that the Commission consider passing this on the first reading and adjust it at the second reading to have the cost lowered for smaller items.

Commissioner Smith stated that the single-family homeowner should be encouraged to make improvements to their homes, and felt the fees should be readjusted. He stated that he was willing to pass this on the first reading, if they reviewed the matter more closely before the second reading. Mr. DeSmith agreed. Commissioner Moore stated that he was concerned about the future because taxes could be increased since the fees had not been adjusted for the individuals who were using the services.

Mayor Naugle stated that the same amount of money would be raised. Commissioner Moore felt that would be difficult to do. Commissioner Smith believed the fees could be put on the people constructing the big buildings.

Greg Kisela, Assistant City Manager, stated that the smaller items were more frequent than the larger remodeling jobs. He stated that they would review the matter and bring it back to the Commission. Commissioner Hutchinson remarked that she was in agreement with the schedule.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

**Amend Unified Land Development Regulations (ULDR) (O-5)
Sections 47-23.9 and 47-21.10 - Interdistrict Corridor
Requirements/Landscape Requirements for all Zoned
Districts - Additional Requirements for Properties on
State Road 84 (PZ Case No. 12-T-00)**

At the Planning and Zoning Board regular meeting on August 21, 2002, it was recommended by a vote of 4-2 that the following application be approved. Notice of proposed ordinance was published September 21, 2002.

Applicant: City of Fort Lauderdale/Construction Services Bureau
Request: Amend Unified Land Development Regulations (ULDR) Sections 47-23.9 and 47-21.10 - Interdistrict Corridor Requirements and Landscape Requirements for all Zoned Districts to provide additional development requirements for properties located on State Road 84 between Federal Highway and I-95.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-32

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-23.9, INTERDISTRICT CORRIDOR REQUIREMENTS, AND AMENDING SECTION 47-21.10, LANDSCAPE REQUIREMENTS FOR ALL

ZONED DISTRICTS, AND OTHER PROVISIONS OF THE ULDR TO PROVIDE ADDITIONAL DEVELOPMENT REQUIREMENTS FOR PROPERTIES LOCATED ON STATE ROAD 84 BETWEEN FEDERAL HIGHWAY AND INTERSTATE 95 INCLUDING A BUILD TO LINE, LANDSCAPING, TREE, SIDEWALK, PEDESTRIAN PATH, AWNING AND ARCHITECTURAL DETAIL REQUIREMENTS; AND TO MODIFY NON-CONFORMING REGULATIONS APPLICABLE TO THESE REQUIREMENTS.

Which ordinance was read by title only.

Commissioner Hutchinson thanked staff for all their hard work over the last 3 years.

Commissioner Katz stated that this was a good idea and asked if this could be done for Federal Highway and Andrews Avenue. She further stated that the community on State Road 84 might want to consider canopies or some type of protection for when they have mass transit.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

**Amend Unified Land Development Regulations (ULDR)
Section 47-19 - Boat Slips, Docks, Boat Davits, Hoists
and Similar Devices; and Berthing Envelopes at Canal
Ends (PZ Case No. 3-T-02)**

(O-6)

At the Planning and Zoning Board regular meeting on June 19, 2002, it was recommended by a vote of 7-1 that the following application be approved. Notice of proposed ordinance was published September 21, 2002.

Applicant: City of Fort Lauderdale/Construction Services Bureau
Request: Amend Unified Land Development Regulations (ULDR) Section 47-19.3(G) titled "Boat Slips, Docks, Boat Davits, Hoists and Similar Devices," to create a new Subsection 47-19.3(I) titled "Modifications of Berthing Envelopes for Properties at Canal Ends."

Commissioner Katz stated that this had gone on for some time and most of the members of the Homeowners' Associations wanted a chance to have a workshop to hear the presentation and give their input, because once this was passed the minimums and parameters would work for everyone at a canal end. She suggested deferring this item until November 5, 2002 at 6:00 p.m. She also suggested that the workshop be held and include residents from Bermuda Riviera, Landings, Coral Ridge Country Club, Coral Ridge, and two canals which were located in Commissioner Hutchinson's district.

Mayor Naugle stated that there were 20 to 30 canals which would be affected, such as Citrus and Lauderdale Isles. Mayor Naugle reiterated that this item had been before various boards. Commissioner Katz stated that she did not believe that the residents of the communities fully understood how this would affect them and she felt it was only fair for the people to hear the ramifications that would be involved.

Motion made by Commissioner Katz and seconded by Commissioner Moore to defer the first reading until November 5, 2002 at 6:00 p.m.

Mayor Naugle asked if this would also include a delay in the matter of the waiver of limitations for Rudnik and Stephenson. He reiterated that the Commission had agreed that the matter for Rudnik would be addressed at the second reading of this ordinance.

Greg Kisela, Assistant City Manager, stated they were looking at the third week of October for the workshop and the first reading would be November 5, 2002.

Commissioner Smith stated that some people from the public were present to speak on this item at tonight's meeting and he would prefer to hear their input.

Mark Stephenson, resident, stated that he had 40' of waterfront and wanted to put a 24' boat behind his house which had been bought as unrestricted access deep water property. He further stated that he had been forced to remove his boat approximately one year ago, and incurred almost \$50,000 in legal fees regarding this matter. He explained that he was fighting this issue not because he created it, but because the City had created the problem. He further stated that he had gone up and down the canals this past week at Coral Ridge and Coral Ridge Country Club which consisted of 13 and took photographs of 37 violations on those canals. He strongly believed there was selective enforcement of the law. He was told by the City that a complaint had been made against him by a neighbor. He asked if in retaliation he should turn around and turn 37 people in, but he did not feel that was the proper way to handle this matter.

Mr. Stephenson stated that he agreed with the residents at the Landings that the side setbacks and extensions of the side property lines were unconstitutional. He was told that this was a problem for many years city-wide. He stated that he wanted relief as soon as possible.

Commissioner Smith stated this problem existed between the Rudnik's and the Stephenson's for a long time, and he asked how they could grant some interim relief while this ordinance was being drafted.

The City Attorney stated that it was not yet known that the two individuals had reached an agreement. Robert Dunckel, Assistant City Attorney, stated Mr. Stephenson had been denied a variance by the Board of Adjustment and as a result a dispute resolution action had been filed. The matter had been held in abeyance while this ordinance was being drafted. One possible avenue of relief for Mr. Stephenson would be to resurrect the dispute resolution action which would take approximately 60 days before it could come again before the Commission. Another avenue of approach would be to go back to the Board of Adjustment for a temporary non-conforming use permit which would be good for one year.

Mayor Naugle stated that other people in the audience were in similar circumstances who were not a party to the dispute. The Assistant City Attorney stated that if the ordinance came back in 30 days and it passed in two readings, there would have to be an agreement and an application by the relevant property owners. Then, this would go to the Marine Advisory Board before coming back to the Commission. Therefore, more than 30 days was needed for a solution.

Commissioner Smith asked for a clarification of the Bert-Harris Act. The City Attorney stated that anyone who had changed their position in reliance upon the action would have equitable estoppel and would acquire rights under Bert-Harris. He suggested that if the Board decided to defer this matter, they might advise Mr. Stephenson to move forward with the dispute resolution and have that decision return with a recommendation. Therefore, an impartial hearing officer would make a recommendation regarding the rights of the two parties. Then, that decision could be incorporated into the ordinance or the whole matter could be dropped.

Commissioner Smith agreed. Commissioner Katz stated that she believed that would set a precedent. The City Attorney stated that the only precedent set would be under the Bert-Harris Act.

Commissioner Smith asked if they would be held to the same solution. The City Manager explained that each instance would move forward on its own merits. Commissioner Smith stated that he would support Commissioner Katz's motion for deferral and suggest Mr. Stephenson proceed forward with the dispute resolution case.

Commissioner Moore stated that would involve additional legal fees for Mr. Stephenson. Commissioner Moore stated that he would like a method for solving this problem so that the District Commissioner could put an end to this matter. Mayor Naugle stated that both parties had violations on their properties. He further asked why the law was being enforced on one party and not on the other, and could Mr. Stephenson be permitted to use his boat in the interim. Commissioner Katz stated that she thought there was a safety issue involved. She further stated that they should move forward with the workshop so all issues and concerns could be presented.

Mayor Naugle stated that both parties had violations.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore and Mayor Naugle. NAYS: Commissioner Hutchinson.

RESOLUTIONS

**Performing Arts Center Authority (PACA) Budget
for FY 2002/2003**

(R-1)

A resolution approving the PACA budget for FY 2002/2003. (Also see item M-21 on this Agenda).

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-162

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, APPROVING THE BUDGET
OF THE PERFORMING ARTS CENTER AUTHORITY FOR
FISCAL YEAR 2002/2003.**

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

**Downtown Development Authority (DDA)
Budget and Millage Rates for FY 2002/2003**

(R-2)

A resolution approving the DDA budget and millage rates for operations and debt service for FY 2002/2003.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 02-163

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, LEVYING AN**

AD VALOREM TAX FOR FISCAL YEAR 2002/2003 ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER 69-1056, LAWS OF FLORIDA, SPECIAL ACTS OF 1969.

Which resolution was read by title only.

Commissioner Katz asked if the General Fund Expenditures and Professional Fees were broken down anywhere.

Boe Cole, City Treasurer, stated that a good portion of those fees were for various organizations that they belong to, as well as the attorneys. He further stated that he did not have the details with him at the meeting.

The City Manager suggested that this item be tabled so Mr. Cole could obtain the requested information.

(Continued on page 32)

Vacate Portion of Utilities Easement and Dedication of Portion of Right-of-Way for Easement Purposes - E. & B. Morley and T. & M. Tahmassebi (PZ Case No. 25-P-00)

(R-3)

A resolution authorizing the vacation of a portion of the utilities easement provided for in Section 2 of Ordinance No. C-01-19 adopted September 20, 2001, and further requiring the dedication of a portion of the right-of-way for easement purposes.

Commissioner Smith introduced the following resolution:

RESOLUTION 02-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF A UTILITY EASEMENT PROVIDED FOR IN ORDINANCE NO. C-01-19.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Results of Negotiations for Purchase of Insurance - Employment Practices Liability Insurance and Public Officials Liability Coverage

(R-4)

A resolution authorizing the proper City officials to renew the public officials liability insurance policy with National Union Fire Insurance Company; and further authorizing the rejection of offers for Employment practices Liability Insurance. (At the September 17, 2002 meeting, the City Commission tabled consideration of this item.)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES, AWARDED A CONTRACT TO NATIONAL UNION FIRE INSURANCE COMPANY FOR PUBLIC OFFICIAL LIABILITY INSURANCE AND REJECTING THE PROPOSAL FOR EMPLOYMENT PRACTICES COVERAGE.

Which resolution was read by title only.

Mayor Naugle stated that the Commission had received a recommendation from the Insurance Advisory Board and he further asked for a clarification of that recommendation.

Terry Sharp, Assistant Finance Director, explained they were supporting a recommendation for the public officials liability, but were recommending on the employment practices that the Commission approve a policy with Zurich American Insurance Company at a premium of \$320,000 with a retention of \$500,000, and a \$3 Million aggregate.

Mayor Naugle asked if the City Manager was recommending they follow the advice of the Advisory Board.

The City Manager stated that they were recommending following the advice of the Advisory Board.

The resolution was re-read as amended:

RESOLUTION NO. 02-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES, AWARDED A CONTRACT TO NATIONAL UNION FIRE INSURANCE COMPANY FOR PUBLIC OFFICIAL LIABILITY INSURANCE AND AWARDED A CONTRACT FOR EMPLOYMENT PRACTICES COVERAGE.

Mayor Naugle reiterated that this resolution was different from how it was presented at the first meeting.

Mr. Sharp explained that the last vote was to table the resolution. Mayor Naugle clarified that the Commission had voted 4-1 to accept staff's recommendation and not get the employment insurance, and a motion was made to reconsider. Then, it was tabled.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

**Amendment to Agreement - North Broward Hospital District
(NBHD) - Wellness Services (Intervent Program)**

(R-5)

A resolution authorizing the proper City officials to execute an amendment to the agreement with the NBHD for medical care discounts in the employee health plan to add the NBHD's Intervent Program for wellness services for management and confidential employees.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE EXISTING AGREEMENT WITH THE NORTH BROWARD HOSPITAL DISTRICT FOR MEDICAL CARE DISCOUNTS IN THE EMPLOYEE HEALTH PLAN, AND TO ADD THE DISTRICT'S INTERVENT PROGRAM TO ITS WELLNESS PROGRAM FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES.

Which resolution was read by title only.

Commissioner Katz asked if they were not going to go over \$127,000.

Damon Adams, Director of Finance, stated that in examining the utilization of wellness now and projecting similar utilization into the future, they would not expect the expenditures to exceed what was currently budgeted for the next fiscal year.

Commissioner Katz asked if there was a ceiling. Mr. Adams replied there was not and explained that the bio-feedback was an optional item and there was a fixed cost for all services per employee.

Commissioner Hutchinson asked if she could participate in this program. Mr. Adams stated she could participate.

Commissioner Smith asked if they were going to offer a program to employees who smoked to help them quit. Mr. Adams stated this program was it and was for the management confidential group. Commissioner Smith asked if this service would be offered to the remaining employees. Mr. Adams stated it would not be offered to the other employees at this time. Commissioner Smith stated he would support this if they would check into offering the program to all employees in the near future. Mr. Adams agreed.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Appointment of Squire, Sanders & Dempsey, LLP as Bond Counsel and Steve Bullock, LLP as Disclosure Counsel - 1997 General Obligation Bonds (GOB) and First Series of Water and Sewer Revenue Bonds

(R-6)

A resolution appointing the firm of Squire, Sanders & Dempsey, LLP as Bond Counsel, and the firm of Steve Bullock, LLP as Disclosure Counsel for upcoming Bond issues including the refunding of the 1997

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING ALBERT DEL CASTILLO OF THE LAW FIRM OF SQUIRE, SANDERS & DEMPSEY L.L.P. TO ACT AS BOND COUNSEL AND STEVEN BULLOCK OF THE LAW FIRM OF STEVEN BULLOCK, P.A. TO ACT AS DISCLOSURE COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA, IN CONNECTION WITH PROPOSED BOND ISSUES.

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

**Plat Approval - "Ness Plat" - Ness Trailer Park, Inc. (PZ
Case No. 7-P-02)**

(R-7)

At the Planning and Zoning Board regular meeting of August 21, 2002, it was recommended by a vote of 5-0 that the following application be approved.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-168

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

Which resolution was read by title only.

Commissioner Hutchinson disclosed that she had not spoken to anyone in regard to this matter. Commissioner Smith disclosed that he had also spoken to no one regarding this matter.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Lot Clearing and Cleaning Charges

(R-8)

A resolution authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Commissioner Moore left the meeting at approximately 8:28 p.m. and returned at 8:29 p.m.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING 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 Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Demolition of Buildings
(Continued from page 13)

(R-9)

At the Unsafe Structures and Housing Appeals Board meetings of July 18, 2002 and August 15, 2002, it was recommended that the following buildings be demolished and the properties be assessed with the appropriate costs:

- a. 426 S.W. 4th Avenue
- b. 845 N.W. 19 Terrace
- c. 1016 N.W. 5 Court
- g. 3904 S.W. 13 Court

Commissioner Smith asked why the other three items had been deferred in this matter. The City Manager stated that they had to **renotice** one address, one had a change in the mortgage, and Ms. Milano would explain the matter further.

Lori Milano, Community Inspections Director, stated that the property at 1115 N.W. 3 Avenue had been involved in a mortgage foreclosure and a lis pendens had been filed so the property would have to be **renoticed**. The owner of the property at 2122 N.W. 7 Court had another address and a requirement under the Building Code was to notice the last owner of record. The property at 2130 N.W. 8 Street was in the process of foreclosure. They were working with the property owner and Economic Development on that property and were attempting to provide a replacement house. She further stated that all three of these

matters would be presented to the Unsafe Structures Board as soon as possible.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the buildings listed as a,b, and c for demolition.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

In regard to 3904 S.W. 13 Court, *James Ball* stated that they had done considerable work on this building.

Charles Vogner, Patterson Engineering, explained that currently the homeowner had resubmitted revised plans for a permit. He was approved by zoning, electrical and mechanical with outstanding issues regarding structural and plumbing which were to be addressed. The owner was requesting a 30-day extension in order to get the permit under the new Florida Building Code Standards and complete the work.

Commissioner Moore stated that this building had burned down in 1995 and had been abandoned for a long time. The owner began making repairs once he had been cited, and then quit. Commissioner Moore felt the building should be demolished.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that 3904 S.W. 13 Court be demolished.

Ms. Milano stated that Commissioner Moore was correct and staff had also been challenged in regard to this structure. She explained that the owner would be cited, he then worked for a while, and then things stopped. Commissioner Smith asked for a run-down of the history of this building.

Ms. Milano stated that in 1995 there was a fire. This building had been before the Unsafe Structures Board on numerous occasions. The owners were then granted extensions or continuances, and finally they pulled permits, but the work was not done.

Mayor Naugle asked if this matter had ever come before the Commission. Ms. Milano stated it had not. Mayor Naugle explained that he did not want to do anything illegal because on the other structures it stated the buildings exceeded 50% of the value of the property, but on 3904 S.W. 13 Court no such information was supplied. He felt that better evidence should have been supplied to the Board.

Commissioner Moore reiterated that the Unsafe Structures Board ruled the building to be unsafe and the residents in the community want the building torn down. Commissioner Moore called the question.

Ms. Milano stated that the condition of the property through the course of violations had changed. Commissioner Smith stated that the process was flawed if this building could sit in its condition since 1995. Commissioner Smith agreed the building should be torn down, but the system needed to be reviewed so things like this would not continue to take place.

Ivan Singer stated they were issued permits to do the work and the permits were revoked by the City before the expiration dates.

Mr. Ball also stated that they were involved in lengthy battles with the insurance company regarding this property.

Cecelia Hollar, Director of Construction Services, stated that John Smith had not conferred with her specifically regarding this matter, but generally permits were not revoked. She stated that they probably had filed for the permit, the permit was issued, and if they did not call for final inspections the permit would expire.

The vote was taken regarding the property at 3904 S.W. 13 Court. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Regular Commission Meeting
Commissioner Smith introduced the following resolution:

10/1/02 - 33

RESOLUTION NO. 02-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A", BECAUSE OF NON-COMPLIANCE WITH THE FLORIDA BUILDING CODE.

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

The Commission referred back to Item R-2 AT 8:46 P.M.
(Continued from page 26)

Boe Cole, City Treasurer, proceeded to give the breakdown that had been requested by Commissioner Katz in regard to this matter.

The total was \$141,500, including \$20,000 legal fees; \$8,000 for property appraiser; \$8,000 for bookkeeping services; \$10,000 miscellaneous; \$12,500 for Broward County Revenue Collection Fees; \$10,000 for Recruitment Specialist; \$60,000 for government liaison and consultant; and \$13,000 for an art curator.

Mayor Naugle asked where the \$100,000 came from for the mobility study. Mr. Cole stated that the mobility study came under the Capital Projects Fund which was budgeted for \$400,000. He further explained that there were monies budgeted for revenue contributions to offset that amount.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 02-163

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, LEVYING AN AD VALOREM TAX FOR FISCAL YEAR 2002/2003 ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER 69-1056, LAWS OF FLORIDA, SPECIAL ACTS OF 1969.

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

Advisory Board Appointments

(OB)

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

Parks and Recreation and
Beaches Advisory Board

Michael Natale
Shirley Small
Antonio Martinez

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-171

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

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith
and Mayor Naugle. NAYS: None.

ABC Primetime News

(OB)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 02-172

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, CONCURRING
WITH THE CLOSURE OF THE TWO EAST BOUND LANES
OF TRAFFIC ON THE LAS OLAS BOULEVARD BRIDGE
IN CONNECTION WITH FILMING FOR THE ABC PRIMETIME
NEWS PROGRAM.

Which resolution was ready by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz,
Smith, Moore and Mayor Naugle. NAYS: None.

South Runway Expansion

(OB)

Commissioner Hutchinson stated that she had received information regarding a law firm which dealt with
airports and environmental impact studies. She stated that she was going to pass this information along
to the City Manager. She felt it was incumbent on the City to have the proper technical and legal experts
since the opposition to this matter was supplying a lot of information to the County Commission which she
felt was inaccurate. She further asked the City Manager to contact these people and consider using their
services:

Mayor Naugle stated that he agreed since a lot of the other cities were spending lots of money to fight this
issue. He also stated that possibly Executive Airport could help in the hiring of specialists.

Commissioner Smith stated that he felt the City Manager should spend whatever was necessary to hire

the professionals that were needed to push this matter forward. Commissioner Moore reiterated that this was the County's fight, and not the City's. Commissioner Hutchinson stated they were bound legally with the County as it related to the South Runway Expansion. Agreements had been signed with mitigation contingent on this happening, but she felt the City needed to do everything to insure that the runway got done and enforce the agreement that was in place.

Commissioner Moore stated that he did not want to enter into a long and binding contract. Commissioner Katz stated that if a consultant was going to be hired to review a study done by another consultant, she felt this could be done through the County Commission. Commissioner Hutchinson reiterated that the City needed to have someone looking out for their interests.

The City Manager stated that the Commission had expert legal advice at their disposal who had experience with the County and the airport. He felt they could look at the information supplied by Commissioner Hutchinson and give a recommendation by the end of next week.

Victoria Park Banyan Tree

(OB)

John Fleming asked about the status of the Banyan Tree. Mayor Naugle stated that he had asked to appeal the decision regarding the tree, but there was no support from the Commission to do so.

The City Attorney stated that he did not believe the tree could be saved. He explained that the issues before the Court had nothing to do with the quality of the tree, but dealt with the findings of fact by the Court. The judge's decision dealt with the process for the issuance of permits and determined that the Code of Ordinances the City had and the process that was available, it was an estoppel issue. He explained that Appellate Courts almost never overturned finding of facts and only overturned conclusions of law.

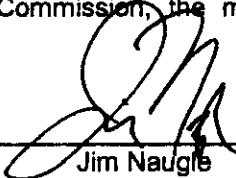
Commissioner Smith stated there was concern if the City went through the full court case there would be major fees involved, and asked if any had been incurred. The City Attorney stated that if the City appealed, there would be an automatic supersedeas and the other side would ask for a bond to be posted. He stated if everything was perfect in the appellate process, which nothing was, it would take six months to one year. The bond would probably be \$60,000 a month for one year. If the case was lost, they would not sue for damages but go against the bond.

Mayor Naugle stated that they could argue for a lesser amount. The City Attorney agreed and stated the City would argue that sovereign immunity applied. He explained that no additional fees had been incurred by the City in this case.

Mr. Fleming asked if there was no other possibility to save the tree. The City Attorney stated that another possibility was that one of the witnesses who gave information about the tree was the City's Urban Forester who indicated that the tree could be moved to a nearby park, but the cost would be approximately \$100,000. The Forester had stated that the tree had been about 50 years old.

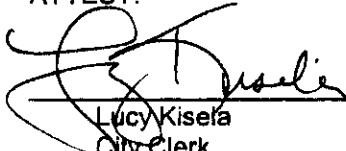
Commissioner Smith stated they were not happy in losing this case, but the City Manager had been instructed not to let this situation happen again and have such trees protected ahead of time.

There being no further business to come before the Commission, the meeting was adjourned at approximately 9:02 p.m.



Jim Naugle
Mayor

ATTEST:



Lucy Kisela
City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| | |
|---|---|
| LAST NAME—FIRST NAME—MIDDLE NAME Hutchinson, Cindi | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Fort Lauderdale City Commission |
| MAILING ADDRESS 100 N. Andrews Avenue | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY COUNTY Fort Lauderdale | NAME OF POLITICAL SUBDIVISION City of Fort Lauderdale |
| DATE ON WHICH VOTE OCCURRED October 1, 2002 | MY POSITION IS <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Cindi Hutchinson, hereby disclose that on October 1, 20 02.

(a) A measure came or will come before my agency which (check one)

- Inured to my special private gain or loss;
- Inured to the special gain or loss of my business associate. _____
- Inured to the special gain or loss of my relative. _____
- Inured to the special gain or loss of _____, by whom I am retained; or
- Inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Approval of St. Johns Holiday Fest

10-7-02
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.