A G E N D A

WELCOME TO YOUR CITY COMMISSION MEETING

YOUR INPUT IS ENCOURAGED DURING "COMMENTS FROM THE PUBLIC" AND DURING ANY SCHEDULED PUBLIC HEARING

REGULAR CITY COMMISSION MEETING
TUESDAY, October 23, 2012 at 7:00 p.m.
COMMISSION CHAMBERS

1. CALL TO ORDER

a. Invocation – Pastor Phil Letizia, City Church Wilton Manors
b. Pledge of Allegiance

2. ROLL CALL

3. INTRODUCTION OF GUESTS- Vice Mayor Green

4. PROCLAMATIONS

a. Community Planning Month
b. Virginia "Ginny" Pearce Day, on behalf of the Historical Society
c. Proclamation for retiring School Board Member Maureen Dinnen, in honor of her 50 years of service to education in Broward County, by Vice Mayor Tom Green *(proclamation forthcoming)*

5. PRESENTATIONS

a. David Dodson Memorial Employee of the Quarter Award for the 3rd Quarter of 2012 presentation to Officer Kevin Loughran by Police Chief Paul O'Connell
b. Presentation on Children's Art Project at Jaycee Park by Krishan Manners, President, Wilton Manors Development Alliance

6. COMMENTS FROM THE PUBLIC

Any member of the Public may speak on any issue for three (3) minutes.

7. CONSENT AGENDA

Items listed under Consent Agenda, Item 7, are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.

a. Minutes

1. Minutes from the Regular Commission meeting of September 11, 2012

b. Invoices

Biehn & Associates, Inc.

a. Addendum #9/Billing Summary #11 09/30/12 $2620.00

(End of Consent Agenda)

8. PUBLIC HEARING

a. Public Hearing on the submission of a grant application in the amount of $61,170 to Broward County Housing Finance and Community Development Division for 39th Year funding through the Community Development Block Grant Program. *(Leisure Services)*

9. UNFINISHED BUSINESS

10. REPORTS FROM BOARDS AND ADMINISTRATIVE OFFICIALS

a. City Manager's Report

b. City Attorney's Report

11. NEW BUSINESS

a. Discussion on Board of Rules and Appeals Proposed Amendment to Further Restrict Home Rule Decision in Hiring of Building Officials – *as requested by Mayor Resnick*

12. REQUEST FOR PLACEMENT OF ITEMS ON NEXT MEETING AGENDA

13. REPORTS FROM ELECTED OFFICIALS

14. ADJOURNMENT

Pursuant to FS. 286.0105, if a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting, or hearing, he will need a record of the proceedings and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring Auxiliary Aids and Services for the Meeting may call the ADA Coordinator at 390-2122 at least two working days prior to the meeting. If you are Hearing or Speech impaired, please contact the Florida Relay Services by using the following phone numbers: 1-800-955-8770 (Voice) 1-800-955-8771 (tdd)

Office of the Mayor
City of Wilton Manors
Proclamation

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the Planning and Zoning Board, other citizen planners and professional planners who have contributed their time and expertise to the improvement of the City of Wilton Manors; and

NOW, THEREFORE, BE IT RESOLVED THAT, I, Gary Resnick, Mayor of the City of Wilton Manors proclaims the month of October 2012 as

Community Planning Month

in the City of Wilton Manors in conjunction with the celebration of National Community Planning Month

IN WITNESS WHEREOF, I have
hereunto set my hand and seal of
the City of Wilton Manors, Florida
this 23rd day of October, 2012

_____

GARY RESNICK
MAYOR

Office of the Mayor
City of Wilton Manors
Proclamation

WHEREAS, Virginia "Ginny" Pearce has been a resident of the City of Wilton Manors for 42 years; and

WHEREAS, Ginny Pearce was born in Nantucket Island, Massachusetts and moved to Fort Lauderdale from Maryland in 1950 with her young daughter and husband; and

WHEREAS, in 1953 Ginny Pearce began working in an administrative and customer service capacity at Manor Market, one of the first business establishments on Wilton Drive and an important community center, housing the first telephone and library in Wilton Manors; and

WHEREAS, in 1956 Ginny Pearce began a long and successful career with another institution that formed the backbone of the Wilton Manors business community, the city's first bank, Wilton Manors National Bank; and

WHEREAS, Ginny Pearce began as a teller and held progressively responsible positions, accepting assignments in every banking department and in 1974 became the first female officer of Wilton Manors National Bank, which was subsequently purchased and renamed Sun Bank of Wilton Manors; and

WHEREAS, Ginny Pearce was promoted to Vice-President in 1977 and tapped to serve as Manager of the newly built Oakland Ridge Branch Bank, which for that time was considered a remarkable accomplishment for a woman in banking, and a position she enjoyed for more than a decade; and

WHEREAS, Ginny Pearce later moved into private banking and retired in 1989 after 33 successful years in the banking profession; and

WHEREAS, Ginny Pearce also held officer positions with the North Broward Chapter of the National Association of Bank Women and served as Secretary of the Wilton Manors Police Civil Service Board and as a Junior Achievement Advisor and Bank representative to the Fort Lauderdale Chamber of Commerce; and

WHEREAS, Ginny Pearce remarried in 1968 to Richard "Pat" Pearce, a native Floridian, and they purchased a home in Wilton Manors in 1970 and established a swimming pool service and repair company that remained in operation until Pat's passing in 2006, and

WHEREAS, the Historical Society of Wilton Manors chose Virginia "Ginny" Pearce as Pioneer to represent the City of Wilton Manors at the Pioneers Day celebration which took place on Saturday, October 20, 2012 at the Oakland Park Elementary School in Oakland Park, Florida, and

WHEREAS, The City of Wilton Manors wishes to honor Virginia "Ginny" Pearce for her service and commitment to the City and for representing the City of Wilton Manors at the Pioneers Day Celebration;

NOW, THEREFORE, I GARY RESNICK, MAYOR OF THE CITY OF WILTON MANORS DO HEREBY DECLARE

TUESDAY, OCTOBER 23, 2012

As Virginia "Ginny" Pearce Day in the City of Wilton Manors and ask that everyone join me in congratulating her as the Wilton Manors 2012 Pioneer and wishing her the very best in their future endeavors.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Wilton Manors to be affixed on this 23rd day of October, 2012

_____

GARY RESNICK
MAYOR

MINUTES

REGULAR CITY COMMISSION MEETING
TUESDAY, September 11, 2012 at 7:00 p.m.
COMMISSION CHAMBERS

CALL TO ORDER
Bishop Mahee gave the Invocation.
The Pledge of Allegiance was led by Vice Mayor Green.

ROLL CALL
City Clerk Kathryn Sims called the roll. Present were Commissioner Julie Carson, Commissioner Ted Galatis, Commissioner Scott Newton and Vice Mayor Tom Green. Also present were City Manager Gallegos and City Attorney Kerry Ezrol. Mayor Resnick participated by phone.

INTRODUCTION OF GUESTS
Commissioner Galatis introduced former President of the Council Diane Cline, members of ENA, and Wilton Manors Development Alliance President Krishan Manners
Municipal candidates Sal Torre, Julie Carson and Tom Green introduced themselves.

PRESENTATIONS
Presentation of Quarterly Report by the Community Affairs Advisory Board
Ronald Poskus, 501 NE 27th Drive, representing the CAAB, gave an update on the board's activities.

Presentation of the Employee of the Quarter Award to Arneris McAfee, Library Services by the QWL Board
Rick Sterling, Director of the Richard C. Sullivan Library, introduced the Employee of the Quarter Award to Arneris McAfee.

COMMENTS FROM THE PUBLIC
Paul Kuta, 500 NE 28th Street – verbatim notes attached.

Betty Winslow, 801 NW 30th Street – thanked everyone for participating in National Night Out.

Martin Nixon, 2307 NE 15th Terrace – president of ENA, stated that a PUD application for the "church site" has been received by the city in which members of ENA are generally supportive of but that expressed a few concerns regarding the density of the project and the architecture.

Barbara Cuthbertson, 516 NW 22nd Street – commended Arneris McAfee on her award and stated that she was particularly helpful with the Spanish speaking patrons of the Library.

Mayor Resnick read a note from Paul Kuta which urged everyone to see the Pelican for some information on the constitutional amendments on the upcoming November ballot but also by going online and researching the Florida League of Women Voters, which has unbiased information on each amendment.

CONSENT AGENDA

Commissioner Newton moved to approve the Consent Agenda as it appears below. Commissioner Carson seconded the motion.

Minutes

Minutes from the Regular City Commission Meetings of July 24, 2012 and Budget Workshop of July 17, 2012

Invoices

Goren, Cherof, Doody & Ezrol, P.A.

Acct No. 2976-0200190R/Stmt No. 325	08/22/12	$ 255.00
Acct No. 2976-0200190R/Stmt No. 326	08/29/12	$ 20.00
Acct No. 2976-0200190R/Stmt No. 327	08/30/12	$ 85.00
Acct No. 2976-9201291R/Stmt No. 3	09/05/12	$9130.70
Acct No. 2976-1201210R/Stmt No. 3	09/05/12	$1160.35
Acct No. 2976-9601351R/Stmt No. 6	09/05/12	$ 111.00
Acct No. 2976-1107810R/Stmt No. 5	09/05/12	$ 166.50
Acct No. 2976-9902054R/Stmt No. 1	09/05/12	$ 111.00
Acct No. 2976-9902053R/Stmt No. 1	09/05/12	$ 629.00
Acct No. 2976-0207430R/Stmt No. 36	09/05/12	$ 351.50
Acct No. 2976-0200191R/Stmt No. 328	09/05/12	$ 555.00
Acct No. 2976-0801370R/Stmt No. 10	09/05/12	$ 259.00
Acct No. 2976-1103680R/Stmt No. 11	09/05/12	$ 111.00
Acct No. 2976-1200890R/Stmt No. 7	09/05/12	$ 148.00
Acct No. 2976-1201460R/Stmt No. 6	09/05/12	$ 537.20
Acct No. 2976-1201880R/Stmt No. 6	09/05/12	$1269.90
Acct No. 2976-9405721R/Stmt No. 16	09/05/12	$2682.50
Acct No. 2976-9601301R/Stmt No. 4	09/05/12	$ 74.00
Acct No. 2976-9902048R/Stmt No. 2	09/05/12	$ 388.50
Acct No. 2976-9902049R/Stmt No. 2	09/05/12	$ 832.50
Acct No. 2976-1007750R/Stmt No. 5	09/05/12	$ 758.50
Acct No. 2976-1104410R/Stmt No. 6	09/05/12	$1123.00
Acct No. 2976-1003110R/Stmt No. 22	09/05/12	$ 166.50

Resolutions (Consent)

Resolution No. 3828: *(Library/Leisure Services)*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS OF THE CITY OF WILTON MANORS TO SUBMIT AN APPLICATION FOR A FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES GRANT FOR THE EXPANSION OF LIBRARY PROGRAMS AND SERVICES FOR FY 2012-2013; AUTHORIZING THE EXECUTION OF THE GRANT AGREEMENT, IF AWARDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Resolution No. 3829: *(Library/Leisure Services)*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, APPROVING THE RICHARD C. SULLIVAN PUBLIC LIBRARY OF WILTON MANORS LONG RANGE PLAN FOR THE PERIOD 2012-2017; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN

EFFECTIVE DATE.

Resolution No. 3832: *(Leisure Services)*
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS OF THE CITY OF WILTON MANORS, FLORIDA TO EXECUTE THE FIRST AMENDMENT TO AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF WILTON MANORS PROVIDING FOR FUNDING AND ADMINISTRATION OF 37TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS FOR ISLAND CITY PARK PRESERVE IMPROVEMENTS IN THE AMOUNT OF $88,576.00; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(Items Pulled from the Consent Agenda)
Resolution No. 3825: *(Police Department)*
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS OF THE CITY OF WILTON MANORS TO EXECUTE THE LAW ENFORCEMENT MUTUAL AID AGREEMENT FOR TRAFFIC ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
City Manager Gallegos gave an overview of Resolution No. 3825.
To Commissioner Carson's question on how often the present mutual aid agreement has been used, Chief O'Connell stated that one officer pulled over a traffic violator in Coconut Creek. He went on to say that through the provision on forfeiture actions, if a pursuit begins in Wilton Manors and then ends in Oakland Park, Wilton Manors is responsible for the forfeiture
Commissioner Carson stated her concerns with the agreement.
Commissioner Newton moved to approve Resolution No. 3825. Commissioner Galatis seconded the motion.
Commissioner Carson stated her concern with Broward Sheriff's Office coming into the City of Wilton Manors jurisdiction, to which Chief O'Connell stated that they have the right to do so regardless of the mutual aid agreement.
City Manager Gallegos stated that two other cities have entered into this agreement, which are Plantation and Lighthouse Point.
Commissioner Carson moved to table Resolution No. 3825 for a month. The motion died due to a lack of a second.

The original motion prevailed by a unanimous roll call vote.

Resolution No. 3830: *(Public Services)*
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS OF THE CITY OF WILTON MANORS, FLORIDA, TO SUBMIT A GRANT APPLICATION TO THE BROWARD SOLID WASTE DISPOSAL DISTRICT ("RRB"), FOR SINGLE-STREAM RECYCLING GRANT FUNDS, IN THE AMOUNT OF $200,282.79, AUTHORIZING EXECUTION OF THE GRANT AGREEMENT, IF APPROVED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
City Manager Gallegos gave an overview of the resolution and grant agreement.
Vice Mayor Green stated he pulled the Resolution from the consent agenda so that the City Manager could give some information on the grant and agreement.
Commissioner Galatis moved to approve Resolution No. 3830. Commissioner Newton seconded the motion which prevailed by a unanimous roll call vote.

PUBLIC HEARINGS:
Ordinance No. 1012 (Second Reading): *City Manager*
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, ESTABLISHING THE ANNUAL COMPENSATION FOR THE MAYOR AND MEMBERS OF THE CITY COMMISSION EFFECTIVE OCTOBER 1, 2012; PROVIDING FOR CONFLICTS; PROVIDING FOR

SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
City Manager Gallegos gave an overview of Ordinance No. 1012 on second reading.
Vice Mayor Green opened the public hearing.
Paul Kuta, 500 NE 28th Street – strongly supports Ordinance No. 1012. Read an excerpt from Pembroke Pines Commissioner Angelo Castillo.

Tim Liksener, 2201 NE 17th terrace – stated his support for Ordinance No. 1012

Diane Cline, 2325 NE 19th Avene – congratulated the Commission on the increase

Martin Nixon, 2307 NE 15th Terrace – expressed his support for Ordinance No. 1012, very well deserved
Vice Mayor Green closed the public hearing.

Discussion ensued amongst the Commission
Commissioner Newton moved to approved Ordinance No. 1002 on second and final reading. Commissioner Galatis seconded the motion which prevailed by the following vote:
YES: Commissioner Newton, Commissioner Galatis, Mayor Resnick
NO: Commissioner Carson, Vice Mayor Green

RESOLUTIONS
Resolution No. 3831: *(City Clerk)*
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA APPOINTING TWO (2) REGULAR MEMBERS AND TWO (2) ALTERNATE MEMBERS TO THE LIBRARY ADVISORY BOARD OF THE CITY OF WILTON MANORS, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
Vice Mayor Green invited the applicants to speak on their qualifications. Only Barbara Cuthbertson was in attendance.
The Commission voted.
Commissioner Galatis moved to approve Resolution No. 3831, appointing Barbara Cuthbertson and Fred Johnson as regular members and Nicole Killmer and Richard St. Denis as alternate members. Commissioner Carson seconded the motion which prevailed by a unanimous roll call vote.

UNFINISHED BUSINESS
Commissioner Carson requested the status of a no trespassing sign at Cypress Stand County owned park property in the City, to which Chief O'Connell stated that the signs would be installed shortly.
Commissioner Carson asked the status of the Bier Garden issues, to which Chief O'Connell stated that activities on the patio were being monitored as well as monitoring for noise ordinance violations. Community Development Services Director Shafran stated that the Valet Parking requirement had been satisfied. Commissioner Carson asked if a summary of all attorneys' fees on these issues had been compiled to which City Attorney Ezrol stated that he would do so shortly.

Mayor Resnick the constitutional amendment, Amendment 4, which increases homestead exemptions and lowers commercial exemptions and could likely result in residents with homestead exemptions to actually increase. It is very important for residents to be informed.

REPORTS FROM BOARDS AND ADMINISTRATIVE OFFICIALS
City Manager's Report
Nothing additional was reported.

City Attorney's Report
City Attorney Ezrol explained the denial for a request for a traffic signal on a city road. Broward County did not authorize the signal. The city has transferred the installation and maintenance of traffic signals to the traffic engineering department of Broward County. Installation of a traffic signal on a city road cannot be done without an amendment or termination of the contract with Broward County, and full compliance with State Statute.

NEW BUSINESS
Commissioner Newton asked for Bier Garden to be monitored again in regards to the outside bar which is not permitted.

Mayor Resnick asked for the Pension Board of Trustees or the City Attorney to review and present on whether a new position on pension plans by the Florida Division of Retirement will affect the city.

REPORTS FROM ELECTED OFFICIALS
Commissioner Galatis
Enjoyed a meeting off. Spent a weekend in New York.

Commissioner Newton
Has been working on his son's new home during the summer break

Commissioner Carson
Attended the CANA art opening
Thanked a number of people that attended the DNC or the RNC, for those that attended it is a big deal that they went, for our city as well.
Attended Debbie Wasserman Schultz kick off event on Sunday.
Attended the Planning and Zoning Board meeting on Monday night
Will be attending the Infinity Lounge grand opening
Announced that a Dolphin Democrats meeting will be Wednesday, September 12th

Mayor Resnick
Thanked the Commission and public for allowing him to participate by telephone
Met with Wilton Manors Elementary School's new principal who has 12 years in the school system and thinks there will be a great relationship with her.
Attended Florida League of Cities and Florida League of Mayors meetings and conferences that were held in Hollywood, Florida in August. Through networking, another city may have paved the way for us as far as what we want to do with Wilton Drive and he will speak to staff about the details
Thanked city staff handling many calls and emails timely and efficiently with residents on code issues.

Vice Mayor Green
Attended a couple of sessions at the Florida League of Cities annual conference in Hollywood, Florida and also attended the ethics training for Broward County elected officials
Attended the Broward League of Cities meeting on September 6th. President Bobby Dubose appointed him to the Sustainability Committee, and appointed to the Florida League of Cities Energy and Environmental Policy Committee
Stated that the Broward League of Cities membership fees has been reduced by 10%. Such

membership gives a lot of services to the city.
Attended the DRC meeting on Monday, September 10th
Attended WMBA on Monday night, September 10th, the main topic was on networking and how to remember people's names.
Attended Planning and Zoning Board on September 10th
Spoke on the Request for Proposal for the Public Private Partnership on the city property
Recommended all attend Infinity Lounge, ½ price drinks till 8 p.m.

ADJOURNMENT
The meeting was adjourned at 8:17 p.m.

Paul Kuta's Public Comments at City Commission Meeting on 09/11/12

My name is Paul Kuta, and I reside at 500 N.E. 28th Street in Wilton Manors. Because of the number of items that relate on tonight's agenda, I wish to speak exclusively about our local public library and its Friends support group.

First, I wish to congratulate Arneris McAfee on her well-deserved City Employee of the Quarter Award. As a part-time library employee for many years, Arneris is known for her helpful service with a smile and calm demeanor in responding to a variety of requests from library patrons.

On the consent agenda are two items which I strongly support. Resolution No. 3828 would authorize Library Director Rick Sterling to submit a request for a state library grant in the coming fiscal year. Since he gained his position in 2004, Mr. Sterling has been successful in obtaining a state library grant for our city every year; and he has prepared the detailed application form by himself.

To continue to be eligible to receive grants, the state requires submission of a long-range plan by library applicants. This is provided in Resolution No. 3829 for Commission approval. Again, Library Director Rick Sterling prepared the plan by himself.

Last week, the Library Director reported to the Friends of the Library Board meeting that the library had a very busy summer. Some 19,000 books, DVD movies and music CDs were checked out of the library by some 5,800 patrons. As always, there was heavy use by the public of the library's computers with their free internet service. There were an average of 5 computers in use for every hour that the library was open.

The all-volunteer, non-profit, tax-exempt private Friends of the Wilton Manors Library organization provided heavy financial support to the library this summer. The Friends paid $9,900 for computer upgrades in the past few months; $1,800 for two new outdoor benches in front of the library; and $2,100 for children's summer programs. As 1st Vice President of the Friends group, I wish to assure those who generously contribute membership dues to the Friends that their donations underwrite very worthy purposes in our local independent public library.

Donald H. Biehn, Landscape Architect
BIEHN & ASSOCIATES, INC.
1711 NE 48th Court
Fort Lauderdale, FL 33334

Tel 954 489 0258
Cell 954 663 1711

Attention: FINANCE / Accounts Payable **September 30, 2012**
City of Wilton Manors
2020 Wilton Drive
Wilton Manors, FL 33305

RE: City of Wilton Manors / Addendum # 9 / Billing Summary # 11
Professional Consulting Services (September 1, 2012 thru September 30, 2012)

BIEHN & ASSOCIATES, INC. / Donald H. Biehn, Landscape Architect
BILLING SUMMARY # 11 **Consulting Services Contract**

1.1 / A) DRC Review & Recommendations / Office @ 2316 NE 6th Ave. / "Reimbursement by Developer"
- a) 2316 NE 6th Avenue / Office / Residence / 1st Review
  - a. Review Plans, Review Regulations, Site Inspection & Comments (9/6 & 9/7) (3.50 hrs.)
  - b. Landscape –Recommendations / DRC Mtg. 9/10 / (0.50 hrs.)
  - c. Total Hours (4.0 hrs. x $70) "Reimbursement by Developer" $ 280.00

1.1 / B) DRC Review & Recommendations / Office @ 2200 NE 26th St. / "Reimbursement by Developer"
- a) 2200 NE 26th Street / Offices & Residential Units / 1st Review
  - d. Review Plans, Review Regulations, Site Inspection & Comments (9/27 & 9/28) (4.00 hrs.)
  - e. Landscape –Recommendations / Buffer 9/30 / & DRC Mtg. (0.50 hrs.)
  - f. Total Hours (4.5 hrs. x $70) "Reimbursement by Developer" $ 315.00

Totals Costs / Community Services Department $ 595.00

LEISURE SERVICES DEPARTMENT

4.0 / Park Planning /

4.1 / A) ICPP / Prepare Design Concepts for Shade Structure
- a) Prepare options for Shade Structure / Revised concepts
- b) 3 Plan Options / Design canopies & poles / Footing layout 9/24 & 9/25 (9.75 hrs.)
- c) Cross sections / Details / Site Inspection & Photos / New Plan #4 / 9/26 & 9/27 (7.75 hrs.)
- d) Total Hours / (17.50 hrs. x $50) $ 875.00

4.1 / B) ICPP / Prepare Plans for Playground / Site Dimensions.
- a) Revise Playground, Dimensions, Site Inspection, & Surfacing / 9/27; 9/28 (5.25 hrs.)
- b) Site Plan / Tape areas / Prints revisions 9/30 (2.25 hrs.)
- c) Total Hours (7.5 hrs. x $50) $ 375.00

4.1 / C) Richardson Historic Park / Prepare Plans for Elevated Walkway / Parks 4 People Phase 3
- a) Elevated walkway / Connect main house to large shelter thru wetlands / $75K
- b) Alternative walkway for events / "Taste of the Island" / Tape off areas
- c) Base Sheet / Prop. Elev. Walk / Alternative design layouts 9/28 & 9/29 (8.00 hrs.)
- d) Design Layout Options, & Site Plan / Areas & Add Alternates 9/29 & 9/30 (7.50 hrs.)

Total Hours (15.5 hrs. x $50) $ 775.00

Total Costs / Leisure Services Department $ 2,025.00
Total Costs / Community Services Department $ 595.00

TOTAL AMOUNT DUE / (Professional Services) $ 2,620.00
Professional Fees for Billing # 11 / Addendum # 9
(September 1, 2012 thru September 30, 2012)

Please make payments to Biehn & Associates, Inc.

APPROVED

Date 10-15-12

By Chris Cooper

PO # _____ Project # _____

Account # 001-5119-53410

Description Project Assistance

Complete [ ] Incomplete [ ] $ 1113.75

APPROVED

Date 10-15-12

By Chris Cooper

PO # _____ Project # _____

Account # 001-5729-53410

Description Project Assistance

Complete [ ] Incomplete [ ] $ 911.25

APPROVED

Date 10-15-12

By _____

PO # _____ Project # _____

Account # _____

Description DRC Review

Complete [ ] Incomplete [ ] $ 595.00

CITY OF WILTON MANORS

"THE ISLAND CITY"

COMMISSION AGENDA REPORT

MEETING DATE: October 23, 2012

From: Patrick Cann, Leisure Services Director
Prepared By: Wayne Sheppard, Special Projects & Grants Coordinator

(a) Subject: Public Hearing soliciting input for use of 39th Year Community Development Block Grant (CDBG) Funds.

(b) City Manager Recommendation: N/A

(c) Report In Brief: The City will receive an estimated $61,170 from the 39th Year CDBG funds. The City is required to conduct two Public Hearings to solicit input for use of these funds.

(d) Discussion: These funds will not be available until after October 1, 2013. A second Public Hearing will be scheduled for the November 13, 2012 Commission meeting, when a Resolution will be recommended for approval to designate the use of these funds.

(e) Strategic Plan Consistency: N/A

(f) Concurrences: None

(g) Fiscal Impact: Estimated $61,170 grant revenue in Fiscal Year 2013-14

(h) Alternatives: N/A

(i) Attachments: Map of Highlands Estate area

Highland Estates Area

OFFICE OF THE CITY ATTORNEY
CITY OF WILTON MANORS, FLORIDA

MEMORANDUM

TO: Mayor Gary Resnick
Members of the City Commission

CC: Joseph Gallegos, City Manager

FROM: Kerry L. Ezrol, City Attorney

RE: City Attorney Report

DATE: October 16, 2012

I. <u>Litigation</u> - Insurance

A) <u>Wilton Manors adv. MS Sr., PS (minor):</u> City received notice from Keith Chasin, Esquire alleging that the City negligently supervised during a City sponsored after school program "BASH" while minor was a victim of a sexual assault by another child in the program. Matter referred to the Florida League of Cities to handle. City was served with Summons/Complaint on March 6, 2006 which was sent to the Florida League of Cities to respond. Bruce Johnson is defending the City. This case has been scheduled for a 4-week trial docket beginning April 8, 2013. Calendar Call/Pre Trial Conference is scheduled for March 27, 2013 at 10:30 a.m. The Judge has ordered that this case be mediated.

B) <u>Wilton Manors adv. Samuel Joseph LoBue v. Sal's Towing, and Wilton Manors Police Department, et al.:</u> City was served with a Complaint relating to the 2008 seizure of a Chrysler PT Cruiser by the Wilton Manors Police Department. Upon receipt of the Summons/Complaint, the matter was referred to the Florida League of Cities to handle and respond. The firm of Johnson, Anselmo, Murdoch, Burke, et. al. is defending the City.

C) <u>Wilton Manors & Paula Sue Walls adv. Lawrence Factor</u>: Letter dated 8/24/11 received from counsel for Lawrence Factor regarding negligence action for money damages against the City, Police Department and Officer Paula Sue Walls in regard to a traffic accident. Complaint filed by Factor on May 23, 2012 in Broward County Circuit Court regarding a traffic accident wherein Walls allegedly struck Factor's vehicle. Walls was allegedly driving a City vehicle. Matter will be referred to Florida League of Cities for handling.

D) <u>Wilton Manors v. State of Florida, Department of Management Services, Division of Retirement</u>: Pension Board and City filed Petitions for the State to release the chapter monies. Matter is being handled by Bob Klausner, Pension Board Attorney.

City/Pension Board prevailed. Division of Retirement objected. City/Pension Board to appeal. The case against the Division of Retirement has been scheduled for oral argument before the 4th District Court of Appeal in West Palm Beach on November 9, 2010 at 9 AM. – 4th Reversed. Petition filed with the Florida Supreme Court by the City/Pension Board. Jurisdiction denied. State's Motion for Attorney's Fees pending. Motion for Attorney's Fees denied. Case dismissed. Appeal filed August 12, 2011.

E) Wilton Manors adv. NAG BAR, LLC, d/b/a Matty's of the Drive: Complaint against the City regarding application for temporary license/permit to erect tent. Florida League of Cities is handling.

F) Wilton Manors adv. Anita Evans: City received a letter dated 11/9/11 in regard to a slip and fall occurring on September 17, 2010 at 2292 Wilton Drive, Wilton Manors, Florida; stating that the City did not maintain its property and that Ms. Evans fell in a hazardous condition area.

G) Wilton Manors adv. Troy Elliott/LMK Pipe Renewal: Troy Elliott allegedly sustained injuries on August 20, 2009 when he fell in an excavating hole dug by LMK in his front yard at 505 NE 21st Drive, Wilton Manors, Florida 33305.

H) Wilton Manors adv. Tamara Masci: Tamara Masci claims she was a victim of inappropriate Wilton Manors police conduct on February 25, 2011 during a traffic stop. The ticket was dismissed. Ms. Masci seeks reimbursement of $1,470.00.

I) Wilton Manors adv. Florida Power & Light Company: DOA: 11/17/09; Claimant Tax ID No. 49-0247775; FPL is claiming property damages in the amount of $3,245.38, caused by the City of Wilton Manors as a result of negligent digging on 11/17/09 at NE 21st Court and Wilton Drive.

II. Litigation - City Attorney

J) Wilton Manors v. Peter Yawt: Complaint filed against Yawt for Code Enforcement Lien Foreclosure. Case settled. Joint Stipulation for Entry of Agreed Order Approving Settlement and Final Order of Dismissal along with the Agreed Order Approving Settlement and Final Order of Dismissal was entered June 12, 2006. Payment of $30,000.00 to be paid at closing on or before December 31, 2006. No payment. Amount bears interest. Court Order authorizing Sale entered August 11, 2008. Due Diligence contact made. Closing expected to take place by September 2012 (but not later than January 2013).

K) U.S. Century Bank v. C&S Developers, LLC & City of Wilton Manors: Foreclosure complaint filed by U.S. Century Bank on December 13, 2011. City filed Answer & Affirmative Defenses on December 22, 2011.

L) Wilton Manors adv BAC Florida Bank, v. Broward County Self Storage, Inc.: Foreclosure complaint filed by BAC Florida Bank on January 13, 2012. City filed Answer & Affirmative Defenses on February 1, 2012.

M) Wilton Manors v. Kenneth Dorsey: 2701 N.E. 2nd Avenue. On hold. Inspection granted voluntarily. Title search received. To proceed before Broward Unsafe Structures Board. Order of Demolition entered. A Utility Lien and a Demolotion Lien have been prepared and sent to the City for execution and will be recorded upon their return to City Attorney's office.

N) Wilton Manors v. Principles East, LLC: 1017/1019/1033 N.W. 30th Court, Wilton Manors, FL 33311. A Cease and Desist Order was served on the group home on March 22, 2012 for fire code violations. Principles East filed for injunctive relief. After two days of hearings, the Court granted the request. *Joint Stipulation for Entry of an Agreed Order Approving Settlement* and the *Agreed Final Order Approving Settlement and Dismissing Case* was signed on August 28, 2012. The Court entered the *Order Approving Settlement and Dismissing Case* on September 6, 2012.

O) City of Wilton Manors & City of Fort Lauderdale adv. Ryan Miles (FDOT/DOJ): The Florida Division of Federal Highway Administration has been directed by U.S. Department of Justice and U.S. Department of Transportation to conduct an investigation of a complaint filed under the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 against the City by Mr. Ryan Miles. The complaint alleges numerous pedestrian accessibility features along 26th Street in Wilton Manors that are inaccessible in violation of ADA/504. The City responded to the Complaint.

III. Litigation – Police Department – Civil Forfeitures/Seizures

A) Wilton Manors v. Thomas S. Berman (100629): On August 10, 2010, the Police Department seized a 2005 GMC Pickup and $10,460.00 in currency from Thomas Berman following his narcotics arrest and a search of his vehicle and Fort Lauderdale residence. A Petition for Judgment of Forfeiture has been filed in the Circuit Court for Broward County and the Circuit Court has found that the City has probable cause to proceed with the forfeiture of the vehicle and currency. The matter is currently being litigated. Agreed Order re Claimant's Motion to Stay or Abate was entered by the Court on March 24, 2011, in Case No.10-034903(04). The status of the criminal case is that Mr. Berman has pleaded not guilty and discovery is proceeding. Calendar Call in the criminal case was scheduled for October 12, 2012. A Jury Trial has been scheduled for October 29, 2012.

Should you have any questions concerning the above, please do not hesitate to contact me.