

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
APRIL 19, 2005**

<u>Agenda Reso./Ord.</u>	<u>Page(s)</u>
<u>Item No.</u>	
	<u>Presentations:</u>
	1. Drinking Water Week – 2005 Drop Savers Poster Contest Winners 1
	2. WaterWorks 2011 Bid Contest Winners – Stranahan High School Pre-Engineering Magnet Program 2
	3. Fort Lauderdale Relay for Life – May 14 & 15, 2005 – Northeast High School 2
	4. WOW Award for District I 2
	5. Broward County Principal of the Year 2004-2005 2
	6. Crime Victims' Rights Week 3
CA	Consent Agenda 3
M-1	Event Agreement – Tarpon Bend Fleet Week USA Parties 3
M-2	Event Agreement – Downtowner Fleet Week Party 3
M-3	Event Agreement – Great Ancestral Festival 4
M-4	Event Agreement – All Hands on Deck 4
M-5	Event Agreement – Grant Agreement Amendment - Children's Services Council Reimbursement to Instructors – Computer Program 4
M-6	Task Order – Pollution Control Device – Pump Station No. 2 – Keith and Schnars, P.A. - \$14,000 4
M-7	Task Order No. 23 – CH2M Hill Inc. - \$43,900 Update of Population Projections for Utility Planning – Project 10547 5
M-8	Amendment 4 – Task Order 5 – Westin Engineering, Inc. - \$74,039 Process Control Upgrades – Wastewater Treatment Plant & Pump Stations 5
M-9	Work Order Authorization No. 16724.C2 – Keith and Schnars, P.A. - \$12,536 Design Survey Work – Bridge Renovations 5, 12
M-10	Contract Award – Frank Hill Construction, Inc. - \$17,990 Police Headquarters Entry Door Replacement 5
M-11	Contract Award – Insituform Technologies, Inc. - \$3,057,041 Sewer Basin B-10 Rehabilitation and Annual Sewer Lining Contract 6
M-12	Reimbursement to Downtown Development Authority Himmarshee Village Improvements - \$38,664 6
M-13	Change Order No. 1 – Ric-Man International, Inc. - Sailboat Bend Basin B – 37 Additional Days to Construction Period - \$89,296.35 6
M-14	Change Order No. 2 – Metro Equipment Service, Inc. - \$183,657.27 Credit 45 Additional Days to Construction Period – 27 Ave Force Main Improvements 6
M-15	Change Order No. 2 – ABB Automation, Inc. – \$3,071,242.12 Credit Process Control Upgrades – George T. Lohmeyer Wastewater Treatment Plant 7
M-16	Rejection of Bids – Sunset Memorial Gardens Administration Building 7
M-17	Organization of American States Conference Expenses Funds Transfer - \$2,580,000 7, 12
M-18	Appeals for Contested Parking Citations – Restated Interlocal Agreement – Clerk of Courts 7
M-19	Sale and Purchase Contracts – Flagler Heights 8

		Park (OS-22)	
M-20		Contract Extensions to be Approved – July through September, 2005	8
M-21		Revocable License Agreement – Water Bus Area Under SE 17 th Street Bridge	8, 17
Pur-1		Co-Op – Liquid Chlorine	9
Pur-2		State – Purchase of Jeep Grand Cherokee Laredo	9
Pur-3		Proprietary – Fairbanks Morse Pumps and Parts	10
Pur-4		452-9165 – Disposal of Underground Construction Debris	10
Pur-5		359-9191 – Confiscated/Surplus Vehicle and Equipment Auction	10
Pur-6		352-9157 – One-Year Contract for Swimming Instructional Services	11
Pur-7		752-9145 Two-Year Contract for Mills Pond Park	11, 17
MD-22		Appeal of Planning and Zoning Board Decision - Pat Patel/Macabi Cigars – 1221 East Las Olas Boulevard – Parking Reduction – Case 60-R-04	19
PH-1	05-67	Appeal – Historic Preservation Board Decision – 1101-1113 Waverly Road – Demolition & New Construction – Townhouses	19
O-1	C-05-08	Amendment to the Pay Plan	28
O-2		Vacate Right-of-Way Rafael Jorge – PZ Case 31-P-04	28
O-3	C-05-09	Parades and Public Assemblies	28
O-4	C-05-10	Maintenance of Walls and Fences	36
O-5	C-05-11	Vacant Dwellings or Buildings - Certificate Required for Securing Building	36
O-6	C-05-12	Accessory Buildings, Uses and Structures	37
O-7		Parking or Storage of Commercial Vehicles or Watercraft	37
R-1	05-68	Summer Food Service Program June 13-July 22, 2005 Various City Parks	37
R-2	05-69	City Cemeteries General Price List	38
R-3	05-70	Joint Participation Agreement ; FDOT Blast Fencing at Fort Lauderdale Executive Airport \$120,000	38
R-4	05-71	Joint Participation Agreement – FDOT; Landside Signage At Fort Lauderdale Executive Airport \$608,000	39
R-5	05-72	Joint Participation Agreement and Grant Application Runway 13/31 Rehabilitation – Fort Lauderdale Executive Airport	39
R-6	05-73	Joint Participation Agreement and Grant Application Taxiway Alpha Design; Fort Lauderdale Executive Airport	40
R-7	05-74	Joint Florida Inland Navigation District Grant Middle River Maintenance Dredging	40
R-8	05-66	Sale of Surplus Property – Northwest Corner of SW 4 th Avenue and SW 17 th Street	41
R-9	05-76	Street Closure – Organization of American States Conference- June 4-7, 2005 – SE 17 Street Between SE 15	42
R-10	05-75	Maintenance of Landscape Improvements – Memorandum Of Agreement – State Road 811 (NE 4 th Ave) – Florida Department of Transportation	45
R-11	05-77	Flagler Heights Park – Acquisition, Improvement, Operation And Management – Interlocal Agreement – Broward County	46
R-12	05-78	Site Plan Level IV Review – Brickell Heights – 307 NW 1 Avenue – Allocation of Post 2003 Dwelling Units – Downtown RAC-CC – Case 136-R-04	48
R-13	05-79	Vacate Water Main Easement – 2201 NW 2 Street - 13-M-04 Riverbend Corporate Park of Fort Lauderdale, LLC	46
R-14	05-80	Vacate Various Utility Easements – 2201 NW 2 Street -	47

		2-M-05 – Riverbend Corporate Park of Fort Lauderdale, LLC.	
R-15	05-81	No Objection to Plat Note Change – Beta Plat 1351 State Road 84 – Case 11-P-03	47
OB	05-82	Advisory Board/Committee Appointments	49

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
APRIL 19, 2005**

Meeting was called to order at 6:00 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Vice Mayor Christine Teel
Commissioner Dean J. Trantalis
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	George Gretsas
	City Attorney	Harry A. Stewart
	City Clerk	Jonda K. Joseph
	Sergeant At Arms	Sergeant Frank Miller

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 Moore and seconded by Commissioner Hutchinson that the minutes of the April 5, 2005 Conference and Regular Meetings and agenda be approved. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioners Moore and Trantalis, and Mayor Naugle. NAYS: None.

Presentations

OB

1. Drinking Water Week – 2005 Drop Savers Poster Contest Winners

Vice Mayor Teel and the City Commission issued a proclamation designating May 1-7, 2005 as Drinking Water Week in the City of Fort Lauderdale.

Greg Thornburg, Public Works Department, accepted the proclamation. He said this is a national event to help spread the word about limited water resources and everyone needed to use it wisely.

Julie Leonard, Public Works Department, said in conjunction with Drinking Water Week, the Public Works Department and the Florida Section of the American WaterWorks Association sponsored the Drop Savers Poster Contest for elementary school children to

teach them about the need for water conservation and how to protect water resources. She said that the winners will be presented with a plaque and gift certificate. She announced the winners.

2. Waterworks 2011 Bid Contest Winners – Stranahan High School Pre-Engineering Magnet Program

Commissioner Hutchinson and the City Commission recognized the WaterWorks 2011 Bid Contest Winners – Pre-Engineering Magnet Program, Stranahan High School. She said that the management team led by CH2M Hill developed a partnership with the high school to use the Water Works 2011 Program as an opportunity for students to gain real world engineering experience, and to learn about the diversity of engineering careers. She said the partnership provided students to learn about civil engineering, program and construction management, and construction costs estimation through presentations and an actual bid competition.

Tom McCormick, CH2M Hill, said they were catching students at an early age and the intent of their program is to get them engaged and interested in engineering careers. He said the program is successful. They also donated \$1,000 to the school. He announced that this year's winning team is TeleCom. He announced the names of the members. He said they were also assisted by the Senior Mentors who had gone through the program last year, and he announced the members of that group.

Trophys were presented to the winning team members.

3. Fort Lauderdale Relay for Life – May 14 & 15, 2005 – Northeast High School

Shelly Beck, American Cancer Society, said that the annual Relay for Life would occur on May 14 & 15, 2005 at Northeast High School. She said this is a community event and represented the hope that those lost to cancer will not be forgotten, those facing cancer will be supported, and that one day the disease will be eliminated. She said the phone number is 954-564-0880.

4. WOW Award for District I

Vice Mayor Teel presented the WOW Award for District I to Mr. and Mrs. Christian Duhamel who reside at 2314 NE 12th Court, Coral Ridge subdivision.

5. Broward County Principal of the Year 2004-2005

Commissioner Trantalis and the City Commission presented a commendation to Michaelle Valbrun-Pope, Principal of Northeast Elementary School, as principal of the year 2004-2005.

Elizabeth Hayes, Chair of Schools and Parks Committee of the Council of Fort Lauderdale Civic Associations and Council Liaison to the Education Advisory Board, recognized Michaelle Valbrun-Pope for her outstanding efforts as principal.

Ms. Valbrun-Pope thanked the City Commission for the award.

6. Crime Victims' Rights Week

Commissioner Moore and the City Commission issued a proclamation designating April 10-16, 2005 as Crime Victims' Rights Week in the City of Fort Lauderdale.

Richard Herbert, Supervisor Special Victims' Unit, Police Department, said Elizabeth Bradshaw had laryngitis therefore he is speaking on her behalf. He further said that Dennis Cole whose son was a victim of a homicide in LA, contacted them and participated in their ceremonies last week. He thanked everyone for their participation.

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 – Tarpon Bend Fleet Week USA Parties

(M-1)

A motion authorizing and approving execution of an Event Agreement with Tarpon Bend Food and Tackle – Riverwalk Ltd. for Fleet Week USA Parties to be held at Tarpon Bend, 200 SW 2 Street, on Tuesday, April 26 and Friday, April 29, 2005, from 6 to 10 PM; and authorizing the closing of SW 2 Avenue from SW 2 Street to the alley behind Tarpon Bend, from 2 PM to 12 midnight on each event day.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0378

Event Agreement – Downtowner Fleet Week Party

(M-2)

A motion authorizing and approving execution of an Event Agreement with Downtowner Saloon, Inc. for Fleet Week Party, to be held at the Downtowner, 10 South New River Drive, on Wednesday, April 27, 2005, 6 PM – 10 PM; and authorizing closing of South New River Drive from Andrews Avenue bridge to the cul-de-sac at SE 1 Avenue (1/2 block in front of Downtowner) 12 Noon, April 27 to 10 AM, April 28.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0389

Event Agreement – Great Ancestral Festival**(M-3)**

A motion authorizing and approving execution of an Event Agreement with the African Cultural Coalition, Inc. for Great Ancestral Festival to be held on Saturday, May 28, 2005, 8 AM – 7 PM at Provident Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0390

Event Agreement – All Hands on Deck**(M-4)**

A motion authorizing and approving execution of an Event Agreement with Las Olas Riverfront Associates Limited Partnership for All Hands On Deck, to be held at Las Olas Riverfront on Monday, April 25, 2005 from 6 to 10 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0409

**Grant Agreement Amendment – Children’s Services
Council Reimbursement to Instructors – Computer Program****(M-5)**

A motion authorizing the proper City Officials to execute an amendment to the ACCESS Computer Grant Agreement with Children’s Services Council of Broward County to change from a fixed rate to actual cost reimbursement for the instructors in the computer program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0381

**Task Order – Pollution Control Device – Pump Station No. 2
Keith and Schnars, P.A. - \$14,000****(M-6)**

A motion authorizing the proper City officials to execute a Task Order with Keith and Schnars, P.A., in the amount of \$14,000 to provide professional supplemental engineering services associated with the design and installation of a Pollution Control Device at Pump Station No. 2 adjacent to the New River & Las Olas Riverfront.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0358

Task Order No. 23 – CH2M Hill Inc. - \$43,900 (M-7)
Update of Population Projections for Utility Planning - Project 10547

A motion authorizing the proper City officials to execute Task Order No. 23 with CH2M Hill, Inc., in the amount of \$43,900 for an analysis of population projections necessary to update the Water and Wastewater Master Plan.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0392

Amendment 4 – Task Order 5 – Westin Engineering, Inc. (M-8)
\$74,039 – Process Control Upgrades – Wastewater Treatment Plant & Pump Stations

A motion authorizing the proper City Officials to execute Amendment No. 4 to Task Order No. 5 with Westin Engineering, Inc., in the amount of \$74,039, providing for final payment for Project 10163 – process Control Upgrades at George T. Lohmeyer Wastewater Treatment Plant and pump stations.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0388

Work Order Authorization No. 16724.C2 – Keith and Schnars, (M-9)
P.A. - \$12,536 – Design Survey Work – Bridge Renovations

A motion authorizing the proper City officials to execute Work Order Authorization No. 16724.C2 with Keith and Schnars, P.A. in the amount of \$12,536, for design survey work related to renovation of bridges; No. 865770 (Laguna Terrace over Diane River), No. 865773 (West Lake Drive over Lucille River), No. 865774 (West Lake Drive over Mercedes River), No. 865775 (S. Ocean Drive over Marion River).

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0379

Contract Award – Frank Hill Construction, Inc. - \$17,990 (M-10)
Police Headquarters Entry Door Replacement

A motion authorizing the proper City Officials to award and execute an agreement with Frank Hill Construction, Inc. in the amount of \$17,990 for the Police Department Headquarters Entry Door Replacement – Project 10591-B.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0363

Contract Award – Insituform Technologies, Inc. - \$3,057,041 (M-11)
Sewer Bsin B-10 Rehabilitation and Annual Sewer Lining Contract

A motion authorizing the proper City Officials to award and execute a contract with Insituform Technologies, Inc., for Wastewater Conveyance System Long-Term Remediation Program Project No. 4 – Sewer Basin B-10 and Annual Sewer Lining Contract at the cost of \$3,057,041 – Project 10872.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0398

Reimbursement to Downtown Development Authority (M-12)
Himmarshee Village Improvements - \$38,664

A motion authorizing the reimbursement of \$38,664 from Business Capital Improvement Program (P10104.331) to the Downtown Development Authority for capital improvements completed in the Himmarshee Village area – SW 2 Street corridor.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0384

Change Order No. 1 – Ric-Man International, Inc. - Sailboat (M-13)
Bend Basin B – 37 Additional Days to Construction Period - \$89,296.35

A motion authorizing Change Order No. 1 to Work Order No. 10542B with Ric-Man International, Inc. in the amount of \$89,296.35 for contract quantity adjustments, additional costs and adding 37 non-compensable calendar days to the construction period – Sailboat Bend Basin B.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0386

Change Order No. 2 – Metro Equipment Service, Inc. - (M-14)
\$183,657.27 Credit 45 Additional Days to Construction Period - 27 Ave Force Main Improvements

A motion authorizing Change Order No. 2 with Metro Equipment Service, Inc., in the amount of \$183,657.27 CREDIT for final contract quantity adjustments, additional costs, and the addition of 45 calendar days to the period of construction for Project 10383 – 27th Avenue Forcemain Improvements.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0387

Change Order No. 2 – ABB Automation, Inc. - \$3,071,242.12 (M-15)
Credit Process Control Upgrades – George T. Lohmeyer
Wastewater Treatment Plant

A motion authorizing Change Order No. 2 with ABB Automation, Inc., establishing the terms and conditions for closeout of Project 10163 – Process Control Upgrades, in the net amount of \$3,071,242.12 CREDIT – including credits for work not done, engineering expenses, and liquidated damages; and minor additional costs.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0401

Rejection of Bids – Sunset Memorial Gardens (M-16)
Administration Building

A motion rejecting all bids received on March 23, 2005 for the Sunset Memorial Gardens Administration Building – Project 10443.

Recommend: Motion to reject all bids.
Exhibit: Commission Agenda Report 05-0399

Organization of American States Conference Expenses (M-17)
Funds Transfer - \$2,580,000

A motion authorizing the transfer of \$2,580,000 of Fiscal Year 2004 undesignated fund balance to a separate cost center in the General Government Account for Organization of American States expenses.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0393

Appeals for Contested Parking Citations (M-18)
Restated Interlocal Agreement – Clerk of Courts

A motion authorizing the proper City Officials to execute a Restated Interlocal Agreement with Howard C. Forman, Clerk of Courts for the Seventeenth Judicial Circuit of Broward County, for the processing and collection of contested parking citations.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0351.

Sale and Purchase Contracts – Flagler Heights Park (OS-22)**(M-19)**

A motion authorizing the proper City Officials to execute Sale and Purchase Contracts for acquisition of property for Flagler Heights Park OS-22; a) Synergy Investments Inc. - \$590,000 310 NE 6 St; b) Neil L & Janet P. Maizer - \$500,000 534 NE 3 Ave; c) Amera Flagler 46, Ltd. - \$427,877.03 545 NE 4 Ave; d) Charles H & Alice Schmidlin - \$490,000 535 NE 4 Ave & \$490,000 539 NE 4 Ave.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0404

Contract Extensions to be Approved – July Through September, 2005**(M-20)**

A motion authorizing various contract extensions for the period of July through September, 2005, and authorizing the proper City Officials to execute all necessary documents.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0383

Revocable License Agreement – Water Bus Area Under SE 17th Street Bridge**(M-21)**

A motion authorizing the proper City Officials to execute a revocable license agreement with the Water Bus operator to allow use of the area under the SE 17th Street Bridge leased from Florida Department of Transportation, including the City's associated riparian rights, for the Water Bus base of operations.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 05-0391

PURCHASING AGENDA

Co-Op – Liquid Chlorine**(Pur-1)**

One-year contract for purchase of liquid chlorine.

Recommend: Motion to approve.

Vendor: Allied Universal Corp.
Miami, FL

Amount: \$ 386,016.00 (estimated)

Bids Solicited/Rec'd: 6/3

Exhibit: Commission Agenda Report 05-0313

The Procurement Services Department recommends approving the purchase from the Southeast Florida Governmental Co-Op contract.

State – Purchase of Jeep Grand Cherokee Laredo**(Pur-2)**

Agreement to purchase a Jeep Grand Cherokee Laredo (4 x 2)

Recommend: Motion to approve.

Vendor: Maroone Mgmt. Services, Inc. D.B.A. Maroone Chrysler
Jeep
Miami, FL

Amount: \$ 18,139.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0362

The Procurement Services Department recommends awarding from the Florida Sheriff's Association contract with the transfer of funds.

Proprietary – Fairbanks Morse Pumps and Parts**(Pur-3)**

An agreement to purchase Fairbanks Morse pumps and parts.

Recommend: Motion to approve.

Vendor: Sanders Company, Inc.
Stuart, FL

Amount: \$50,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0366

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

452-9165 – Disposal of Underground Construction Debris**(Pur-4)**

A two-year contract for the disposal of underground construction debris.

Recommend: Motion to approve.

Vendor: Sun Recycling, LLC
Lantana, FL

Amount: Per Unit Pricing

Bids Solicited/Rec'd: 129/5

Exhibit: Commission Agenda Report 05-0367

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

359-9191 – Confiscated/Surplus Vehicle and Equipment Auction**(Pur-5)**

Prior approval of sale for any item that exceeds \$25,000 at the confiscated/surplus vehicle and equipment auction.

Recommend: Motion to approve.

Vendor: N/A

Amount: N/A

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0382

The Procurement Services Department recommends approving the public auction sale to be held on May 18, 2005 including the internet sale of heavy equipment.

352-9157 One-Year Contract for Swimming Instructional Services (Pur-6)

One-Year Contract for Instructional Swimming Services to Jack Nelson Swim School.

Recommend: Motion to approve.

Vendor: Jack Nelson Swim School
Fort Lauderdale, FL

Amount: \$ 27,295.00 (estimated revenue)

Bids Solicited/Rec'd: 20/2

Exhibit: Commission Agenda Report 05-0357

The Procurement Services Department recommends awarding to the first ranked proposer.

752-9145 Two-Year Contract for Mills Pond Park Concessions (Pur-7)

A two-year agreement for food and beverage concessions at Mills Pond Park Softball Complex.

Recommend: Motion to approve.

Vendor: Professional Concessions, Inc.
Fort Lauderdale, FL

Amount: \$62,500.00 (revenue minimum annually)

Bids Solicited/Rec'd: 107/3

Exhibit: Commission Agenda Report 05-0228

The Procurement Services Department reviewed this item and recommends awarding to the first ranked proposer.

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

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-9, M-17, M-21 and Pur-7 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

Work Order Authorization No. 16724.C2 – Keith and Schnars, P.A. - (M-9)
\$12,536 Design Survey Work – Bridge Renovations

Commissioner Hutchinson said that she pulled this item, and asked if further clarification could be provided as to the work that still needed to be done.

Peter Partington, City Engineer, said he was not sure if such clarity could be provided. The bridges have been flagged through the Department of Transportation inspection as having structural deficiencies. This is the first step in the design process to address such deficiencies, and until the process moves forward they are not sure what work is actually involved.

Commissioner Hutchinson asked for updates to be provided.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve Work Order Authorization No. 16724.C2 as presented. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioners Trantalis and Moore, and Mayor Naugle. NAYS: None.

Organization of American States Conference Expenses (M-17)
Funds Transfer - \$2,580,000

Commissioner Trantalis pulled this item, and said that a public discussion is needed because he is not comfortable with the City spending this amount for the event when questions have been raised regarding reimbursement. He said if the Commission voted in favor of this, they will be taking a “crap shoot,” and commit money to protect the City’s citizens in case of a possible riot. He said the price is not being questioned, but who pays is the issue. He said further that reimbursement has not yet been satisfactorily explained. Other cities who did this in the past only received 70% reimbursement. Last year he voted in favor of a tax increase because the City was unable to provide basic services to its residents. He could not tell those people that taxes would be raised once again because of having to provide protective services for this event, which is not a City event. He said people clamoring for code and police enforcement and other everyday services that are to be undertaken by the City as a municipality, will again be short-changed in order to accommodate this event.

Commissioner Trantalis said he did not want to say to the Convention and Visitors Bureau that the City does not want to partner with them because he believed they did this in good faith. He felt the County or the Bureau needed to provide further assurances that the citizens will not be hit with a \$2.5 million bill that was not approved by the people. He felt better assurances need to be provided before he could support this event.

Commissioner Moore said this is a business measure and not about dollars. At this time they are just transferring funds for the event. It is hopeful the City will be reimbursed. Other cities have only been reimbursed 40% or 70%, but the City has to be prepared; they have to run a government. The event is coming and the City cannot turn it away. This is not a disbursement of money. Denying this action tonight to make the appropriation move in preparation for governing would be inappropriate.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the funds transfer as presented.

Commissioner Hutchinson said this is preparing for something out of the City's control; the conference was brought here by the Convention and Visitors Bureau. The City will be in charge and the necessary actions to be in charge must be taken. This is only a transfer of funds.

Commissioner Trantalis said if this is just a transfer, would a positive vote on the motion be a commitment from the City to spend potentially \$2.5 million regarding this event.

The City Manager said it makes monies available to the City for expenditures as needed. He further said staff is not asking to spend \$2.5 Million at this time, but as expenses start, they are asking for flexibility to do so.

Commissioner Trantalis said that the answer is yes. It is authorizing an expenditure of up to \$2.5 Million for protective services in connection with the OAS Conference.

The City Manager said the answer is yes and no; it depends on the expenditures.

Commissioner Trantalis asked if a capital purchase would have to still be brought before the Commission, but overtime would be approved with this motion.

The City Manager said it depends on the dollar amount.

Commissioner Trantalis said they have been put in a bind and having to be forced to provide a constitutional duty for an event brought in by another organization, imposed on the City. Funds were not budgeted for this event. He asked at what cost could they justify the City's involvement in the event.

Kirk Buffington, Director of Procurement Services, said that regardless of the funds put into a budgetary account, the purchasing code still applies, which says basically that capital purchases that exceed \$25,000 for either purchase of capital goods or services would need to come to the City Commission for approval. A proprietary purchase exceeding \$10,000 would come before the City Commission for approval. He said it is not a blank check, and does not apply to overtime.

The City Manager said the point being made is that this is one step closer to potentially spending the money, and unless the conference is cancelled or they find a legal way to have this paid for by another entity, the money will be spent at least partially.

Vice Mayor Teel asked if the term, undesignated fund balance, is where the funds are being taken from was a reserve account. The City Manager confirmed that as correct. Vice Mayor Teel said one of the City's goals is to build the reserve accounts, and now they are taking funds from it for this event. In the event the City is reimbursed, would the money be returned to the original account. The City Manager confirmed yes.

Commissioner Moore said this is the purpose of reserve accounts.

Mayor Naugle said that Congressman Shaw's office had individuals attend the Commission meetings, and the Commission has been in contact with other

Congressmen and will attempt to get the monies reimbursed. He said the City would also lobby the County Commission for reimbursement.

Paul LeFrak, resident, said it is important to frame what is happening in a wider context. He said it is about restricting free speech. This is a diversion from the political content of the protests. In Seattle, the protests changed things and for the first time there was an alliance of individuals organizing against the rapacious capitalism of NAFTA, Free Trade of Americas, and the World Trade organization, and this is the agenda being pushed by the OAS. He further said the ordinances are a distraction to demonize protestors, divert from the real issues and intimidate people from protesting. He said they are afraid of globalization. He said the City had protests last year by emergency personnel due to extensive cutbacks that were being done, but yet the City is proposing to spend funds from vital city services that could be spent on better services. In Today's Herald, Miami is paying out \$6.2 Million to protestors arrested in the November, 2003 protests. He felt this is an outrageous expenditure where monies could be better used for human needs. He said shame on the City Commission for proposing this.

Barbara Miranda, Deerfield Beach, Green Party Labor Issues, asked why this City needs a Law Enforcement and Resource Assistance Mutual Aid Agreement for a five-year period relating to the OAS General Assembly. She said the taxpayers did not want to spend money on a paramilitary show of force. Monies could be spent on human needs. She said the City needs to stop the propaganda machine because these people are not terrorists, but are a civil society doing what the government should be doing for them which is condemning the OAS for promoting FTAA and HAFTA, along with the other alphabet soup mix. The trade agreements undermine everyone's local laws. Under the tribunal system, transnational corporations are able to sue the City for almost anything considered a barrier to trade by claiming loss of profit and they usually win. The march should be allowed to go down SE 17th Street past the Convention Center. She asked the Commission to join them and let the OAS delegates know that the City is not for sale, nor are human rights. The citizens and the environment are not for sale, along with the Americas and jobs. Promote fair trade for the Americas.

Lynne Purvis, Lakeworth Global Justice Group, said the City can withdraw their support for the OAS by not funding the extra police services. She said the OAS is requesting that the companies remove all protective measures for their own people which protect the environment, health, labor and ways of life. She said they are making services part of free trade, such as utilities, electric and water. She said they do not want the cities to control them, but have them opened to companies throughout the world. She further said that intellectual property rights were another issue discussed by the group, and pressing the American nations to go along with the US patent and copyright system. She said things with patents is knowledge gained by Americans who would now no longer have access to it. She said how can there be a level playing field when this nation subsidizes its own products, farmers and is now disallowing other countries to subsidize their own people. She said there is a severely biased exchange rate so other countries cannot compete monetarily, along with a biased migration policy so labor cannot move from one country to another, but yet corporations are free to move about. The OAS is an anti-American organization, including North, South, and Central America, and the City has the option to offer or not offer financial support to such an organization, and take a stand for the rest of the American people.

Veronica Robleto said she too is involved with the Lakeworth Global Justice Group who was involved in a lawsuit with the City of Miami regarding the unconstitutional ordinance passed during the FTA protests. She said they had to revise the ordinance various times and the lawsuit is still pending. She referred to the Commission's comments regarding it being their duty to protect the citizens of the City. She understood it is their duty, but if they cannot meet the daily needs of the residents, then why transfer funds to create a climate of fear. She said all the people arrested under Miami's ordinance had not been convicted; the charges were dropped. Miami felt like a war zone and there were about 1 police officer to every 5 protestors. She questioned if that was a good use of taxpayers' money. She said this is a diversion to what is taking place at the meetings; the subject of those meetings is where the attention should be focused.

Donna Mergenhagen said she wanted to address the cost. She owns a small business on the 17th Street Causeway and had to elicit services of the police on several occasions due to illnesses of individuals in her store. Each time she was impressed with the service given. After hearing about this event, she contacted County and City services asking for more information. She said the businesses in the area were reassured of their safety and were supplied with emergency information. She said there were frequent occasions when the City and County services cross each other. This event is a good example. She recommended that all costs be borne by the County. The only potential advantage that she saw is for hotels. She cannot afford her rent on 17th Street, which is the second highest in the County, when the County bars her from doing business. In addition, she said Port access has been a continuing problem due to how the County maintains it. The County's lock downs on the Port and other activities prevents 10,000 Port employees from driving past her store each day. She said that she was not compensated for the lack of business due to the closing of Eisenhower Boulevard, and now with the OAS event. She felt the City should not bear any cost in connection with this event that will benefit the County.

Commissioner Hutchinson thanked Ms. Mergenhagen for her comments and said she has frequented her store. She said the City did petition the County and the Convention and Visitors Bureau to help aid in the cost of this event. The City is pursuing all avenues, and they do tend to butt heads, but the City is attempting to negotiate and sometimes the County does drop the ball. She felt that Ms. Mergenhagen "hit the nail on the head."

Pedro Monteiro, Sierra Club, said he wanted to address the financial implications of this event. He said this City is in dire financial straits and asked how many people were expected to protest that they were willing to spend \$2.5 Million. He asked what type of people were going to protest. If these questions cannot be answered, then perhaps the matter should be tabled and the City should ask the County to bear all costs and not use the taxpayers' money.

Mayor Naugle said the Commission does not have the format where individuals could come forward and question them. He said all questions would be answered by staff at the end of this discussion.

Ray Del Papa, Broward Anti-War Coalition, said there were 234 arrests in Miami and 233 cases were dismissed. Lawsuits totaled \$6 Million. There were 1,900 arrests in New York and the price tag for that litigation was \$800 Million. He asked if this City wanted to spend that kind of money. He said the protestors for this are peaceful, but

lawsuits that will be entered into due to imposing on First Amendment rights and it will be costly. This City has ordinances in the works to restrict such rights and they will be addressed in the courts and that will cost more than \$2.5 Million.

Panagioti Tsolkas said he also is with the Lakeworth Global Justice Group. He said he is here to oppose funding this event and will distribute information dealing with water privatization and free trade, environment issues dealing with the Central American Free Trade Agreement, agricultural issues involved in this conference, and jobs and economic security. He said a formal presentation of these matters needs to take place so everyone can have a better idea of what the OAS is about. The conference might not be stopped, but a stand can be taken. Resolutions have been passed in various cities expressing concern about such issues. He said why they were opposing free trade is that corporate control would undermine public participation. It is a race to the bottom of exploitation for cheap labor and resources, small farmers being displaced, patenting genes and intellectual property for private gain over public access, and lessening access to affordable and necessary health care, privatizing public resources such as schools, prisons, and water, corporations suing government such as Chapter 11 NAFTA, and increasing repressive environment in the arena of public dissent. He asked if political economist Adam Smith is correct in noting if the primary purpose of government is to protect those who run the economy from the outrage of injured citizens. He said it doesn't seem that should be the primary mission of government, but to serve the people. Therefore, what is the role of this Commission.

Mara Shlackman, attorney, objected to the expenditure of \$2.5 Million to be used for over-policing that will result in suppression of dissent leading to untold astronomical litigation costs afterwards.

Nick Sakhnovsky, resident, said in reviewing this proposal and the draft ordinance, it seems it is a reaction and anticipation of what occurred in other cities over the years. He said the City should possibly consider a different approach. He continued to state that a pro-active positive approach, utilizing perhaps just \$80,000 of the \$2.5 Million to develop ties and formats for appropriate dissent and protest should be taken. If the City follows the same model as in Miami and Seattle, damage will occur to the City's reputation and the small businesses. He hoped the Commission would use a more positive approach regarding their concerns. If the money is spent, it would be only the tip of the iceberg in regard to litigation. Since there are limited reserves monies might be needed in case of a hurricane or other disaster. The bottom line in looking at the ordinance, it could be a situation of using a "hammer to swat a fly." He said he is very concerned. The Commission should look to history before passing the proposed ordinance.

Chief Roberts said they do not know the number of protestors that will participate, but in looking at other cities, several thousand could be expected. He further said in regard to the types of protestors, it involves all groups of individuals wanting to protest the issues being discussed, and normally they are peaceful. The police want to help facilitate it so it would be peaceful and non-violent. The money is not a blank check, but would allow them flexibility in preparing for the event.

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

**Revocable License Agreement – Water Bus Area Under
SE 17th Street Bridge****(M-21)**

The City Manager said that at the Commission's request, staff has contacted Blackstone, the group taking control of Bahia Mar Marina, and they are willing to extend the stay for the Water Bus for sixty days. There are fees associated with the extension.

Vice Mayor Teel felt this is a reasonable answer; it would provide time to talk to the public more and give the City staff time to assist in finding an alternate site until a more permanent location could be found. She hoped the extension would be approved.

Commissioner Trantalis suggested that this item be deferred for thirty days in order to see if this reprieve would grant the applicant an opportunity to pursue their options.

Mayor Naugle said the Commission is not meeting within thirty days, and therefore, it would have to be deferred until the 10th.

The City Manager said that there are also implications involved with the Board of Adjustment.

The City Attorney said that an application was accepted for the amendments being requested of the Board of Adjustment, but the City is the property owner and the Commission needs to authorize the request for the amendments. Then, the matter of the revocable license could be deferred.

Commissioner Trantalis said it makes sense to allow them to proceed through the City's normal process, including a presentation before the Board of Adjustment. If they are successful in finding an alternate site, then they would not be put in a time delay. He recommended that this item be deferred, but the applicant be permitted to pursue their request in front of the Board of Adjustment.

Commissioner Moore agreed with the sixty-day notice in attempting to assist Water Taxi with the County and the Port.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to defer the hearing of this item until May 10, 2005 at 6:00 p.m., but that they be permitted to proceed with the application before the Board of Adjustment.

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

752-9145 Two-Year Contract for Mills Pond Park Concessions**(Pur-7)**

Jim Camp, representing Ultimate Snacks and Beverage, Inc., the second-highest ranked responder to the RFP, said they were present two weeks ago, questions were raised and the item was delayed until this evening.

Mr. Camp said the first-ranked respondent, PCI, did not provide a responsive proposal to the City's RFP. The City said they were looking for a two-year contract, and such a proposal was not made by the awarded company. He said that they offered a five and

ten year contract. After the respondents presented their proposals, City staff and PCI renegotiated the terms of the proposal. He said that PCI proposed a ten-year term, and the City has, after-the-fact, negotiated a two-year deal. This is prejudiced to his client and the City because the numbers presented by the first-ranked company were done on a five and ten year basis. If such proposals were to be made, his company and other proposers probably would have responded with the same length of contracts.

Mr. Camp said the particular respondent ranked number one is being allowed to proceed at a distinct disadvantage by changing a material term after-the-fact. They are requesting the City to do one of two things in this situation: reject PCI as the first-ranked proposer, or reject all respondents and provide a level playing field regarding the terms of the contract.

Dennis Manieri, Professional Concessions, said he was in attendance at the pre-bid conference where he asked if certain variances to the RFP could be taken, and such questions were answered by Purchasing representatives. The Commission should not be distracted by the second place proposer or their attorney who are attempting to create an atmosphere of deception and trickery in trying to cast a dark image on his company who has an excellent 20-year record with the City, has the best proposal, best experience, qualifications, references, and financial plan for Mills Pond Park, and who performed flawlessly during their first five years. If the protesting party had carefully studied the RFP, they would have asked questions at the pre-bid conference, and submitted a thoughtful detailed proposal, perhaps the outcome would have been different. Instead, they are resorting to crying foul, dart throwing, and protesting staff's recommendation. It is all being done to hide the real truth which is that they are sore losers. He is asking the Commission to support staff's recommendation and award the contract to PCI so the customers at Mills Pond Park can be serviced.

Kirk Buffington, Procurement Services Director, said that staff has no different recommendation than what has been presented to the Commission.

Commissioner Moore asked if the process used was legal and the response to the bids based on a valid review of the process.

Mr. Buffington confirmed that was accurate. In answer to the first statement made by Mr. Camp, they believe the proposal presented by PCI is responsive. In regard to the two-year versus five-year contract, staff did not conduct any negotiations with PCI, only clarifications were made.

Commissioner Moore asked if during the pre-bid conference all responders had the opportunity to ask questions regarding the process and ask for recommendations regarding how to operate. Mr. Buffington indicated yes. Commissioner Moore asked if any questions were raised regarding a five-year or ten-year contract. Mr. Buffington said that the question was not raised specifically, but regarding variances. Commissioner Moore asked if there was an opportunity to have a variance to the RFP. Mr. Buffington confirmed that there was such an opportunity.

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

MOTIONS

**Appeal of Planning and Zoning Board Decision - (MD-22)
Pat Patel/Macabi Cigars – 1221 East Las Olas Boulevard
Parking Reduction – Case 60-R-04**

The applicant requested deferral to May 17, 2005.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item until June 7, 2005 at 6:00 p.m. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioners Trantalis and Moore, and Mayor Naugle. NAYS: None.

PUBLIC HEARINGS

**Appeal – Historic Preservation Board Decision – Case 12-H-04 (PH-1)
1101 –1113 Waverly Road – Demolition & New Construction –
Townhouses**

Applicant: Burr Randall Dawsey

Certificate of Appropriateness for Demolition of four one-story multi-family buildings, and new construction of six three-story townhouses.

Zoning: RML-25; Sailboat Bend Historic District Overlay

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

James Cromar, Planning and Zoning, said the zoning in the area is RML-25. The two requests denied by the Historic Preservation Board were a Certificate of Appropriateness for demolition of four one-story multi-family buildings, and new construction of six three-story townhouses. The HPB heard the case on February 7, 2005, and denied the requests. An appeal was made to the Commission and a De Novo hearing scheduled for today's date.

Marilyn Rathbun, Consultant to the HPB from the Fort Lauderdale Historical Society, said the four buildings containing six apartments designed by Architect Robert Hanson were built in 1946 which is not a period of significance for the Sailboat Bend Historic District. The period of significance is 1913 to 1940. The buildings are non-contributing in the district. In accordance with Section 47-24.11.C – Demolition, the criteria is:

“i. The designated landmark, landmark site or property within the historic district no longer contributes to a historic district; or

“ii. The property or building no longer has significance as a historic architectural or archaeological landmark; or

“iii. The demolition or redevelopment project is of major benefit to a historic district.”

Ms. Rathbun further said that criteria “i” and “ii” apply in this case. The applicant is also requesting new construction for six three-story townhouses on a triangular lot facing Waverly Road in the Sailboat Bend Historic District. The project calls for yard reductions as follows: 20’ front and rear, 10’ left side, and 25’ right side. The architect has designed the project in a neo-vernacular style that is compatible with the design standards of the Sailboat Bend Historic District. She listed the materials and designs to be used and said they meet the material and design guidelines of the Sailboat Bend Historic District. She said that the architect provided a drawing of the project and the adjacent buildings in the area.

Ms. Rathbun continued to state that the block adjacent to the north has three two-story buildings that are of a considerable mass and almost as tall as the proposed project. Across Waverly Road to the south, there are three one-story buildings and one two-story building, and a one-story residence on the lot to the west of the site. She said Community Park is located across SW 11th Avenue to the east of the property. The required 25’ setback on the east should mitigate any impact of the mass of the buildings on existing contributing properties to the east on Waverly Road and SW 4th Street.

Ms. Rathbun said that Section 47-24.11 - Historic Designation of Landmarks, Landmark Site or Buildings and Certificate of Appropriateness, Alterations, New Construction or Relocation criteria are:

i. General – In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the historic preservation board shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv., and C.4:

a) The effect of the proposed work on the landmark or the property upon which such work is to be done;

c) The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected; and

f) Whether the plans comply with the “United States Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.”

Ms. Rathbun said that No. 9 of the Secretary of Interior’s Standards would apply:

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”

Ms. Rathbun said the Historic Preservation Board could approve the application, approve the application with modifications, or deny the application.

Robert Allica, architect, said the property is outside the period of significance for the Sailboat Bend District. The owner purchased and developed the property with recommendations from staff. They were sensitive to the community regarding three-story buildings, and therefore, attempted to design the building to take away from the negative aspects of the three stories. There are no setback reductions being requested. The three major oak trees on the site drove their design. The building footprint only occupies 32% of the site. The allowable setback is 483 lineal feet, but they are only building on 150 lineal feet. Only three garages face Waverly Road and the rest face the rear. Five of the six units will have front yards. They reduced the square footage and cut back the third floor. The property is unique, and therefore, they increased the separation between the buildings. The three-story building is compatible with today's market, and they hope it would be a measuring stick for future projects.

Commissioner Moore asked if anyone wanted to speak in opposition to the project.

Keith Blackburn, resident and real estate broker, said he is a concerned citizen. He said he approached Mr. Patterson to market and sell the units, but there are reservations on all units, and therefore, he has no financial gain at stake. He said that Mr. Patterson did work for him and he was very satisfied with the product. He said he is purchasing another property and will restore it, and asked Mr. Patterson to be the general contractor. He said Mr. Patterson does not destroy buildings of historic significance. The proposed project will have a positive impact on the neighborhood, and there will be no increase in traffic. This project does not require any variances and has kept the density well below Zoning Code. The third level of the project will be set back and not compromise anyone's privacy. Development is taking place all around and they need to ensure that changes will be an asset, and learn from other's mistakes. They need to integrate the old with the new.

Michael Porter, future homeowner in Sailboat Bend, said this project is attractive, and no variances are being requested. He felt this project would be an addition to the community. The property to be demolished consists of low-income apartment units. All historic codes and guidelines are being followed.

Trish Blanchard, Blanchard & Associates Real Estate in Boca Raton, said her expertise in real estate encompasses various counties. She said she is in attendance tonight as an observer and is receiving no financial benefit in connection with this project. She does not know the applicant or the builder. She attended the Historic Preservation Board meeting and was shocked they denied the request. It appears that the Board is going against what they normally follow. The developer is attempting to provide a quality product for the neighborhood; there are other three-story developments in the community.

Richard Locke, resident, said that ten years ago the Clarke property was not allowed to be demolished because it could be rehabilitated. No alternatives were presented in lieu

of demolition. They are not an urban renewal project. The purpose of the historic district is to save things. He said they came together as a cosmopolitan community and became a historic district. He said the community also teaches them what it was in the past and what it has become. They are the nexus for early integration and the architecture is involved in the 100 years of this City. If these buildings are destroyed, there will no longer be any visual memories. This building is a contributing building and should not automatically be demolished.

Dave Walley, resident, said a lot has been said about the period of historical significance, but that was established over 10 years ago, and now previous times are historic. The historian stated that if they were not shackled with outdated guidelines, the subject buildings would be extremely significant as an example of the type of building and work by a prominent architect. Some buildings are appropriate for a neighborhood and some are not. He said that three-story buildings with garages do not fit in with the community. He is not anti-progress and realizes the City's tax rolls need to be increased, but he felt that other areas of the City could better handle such structures. He did not know why variances should be granted to place such buildings in a historical atmosphere. He was confused that a project could be sold before receiving approval to construct it.

Mark Fillman, resident, said he has previously spoken about demolitions, and felt they are stuck on the 1940's significance. These houses have attached carports and are one of the first examples of such structures. The guidelines are basic suggestions for "historicness" and not strict rules to abide by. The historic concept in this City is still new, and they were still working out the bugs. If these structures cannot be proven as historical, then they could also not be proven that they aren't historical. Once they are demolished, they are gone and cannot be brought back. He urged the Commission to not support this project.

John Black, resident, said he lives on Waverly Road. He is restoring an old boat house on the water. Investors tell you to be diversified. As a result of restoration, he has become undiversified and has taken a serious interest in the neighborhood. He wanted to talk about rational development. If they do not have such development, then in the end they would not have a neighborhood. The proposed development is rational. The three critical things are the small portion of land being developed, the substantial setbacks which are very important, and that this project is not destroying an historical building in accordance with the guidelines. Other projects introduced for the area were intrusive to land owners in the community. The neighborhood will go down hill if there is not rational development. Projects require judgment and this is a responsible development. He urged the Commission to approve the project.

Patrick Divosalee, Vice President of the Sailboat Bend Civic Association, said there is a process whereby developers present projects, suggestions are offered for modifications in accordance with guidelines, meetings are held, and then projects approved or denied. This project along with the demolition was denied by the Historic Preservation Board. He urged the Commission to not vote in favor of the project. He said his Association is sensible and expresses the voice of the residents of the community. He said they worked hard to correct mistakes of the past, and they want to avoid mistakes for the future.

Mitchell Ivers, prospective purchaser, said the contractor for this project has preserved properties throughout the City. He has the soul of a preservationist and has the interest of Sailboat Bend at heart. He said Mr. Patterson is honest and has great integrity. He said he lived in the Turtle Bay neighborhood in New York and worked there for the last 14 years. He is familiar with the controversy involving historic properties. He said not every structure built between WWII and the Vietnam War are mid-century modern and worthy of preservation. Turtle Bay residents consider themselves smart growth advocates and understood the need to revitalize neighborhood life, but were romantics and wanted to preserve the charm of such areas. Based on his experience with preservation, he felt the opposition to this project is misplaced. He felt this project would inspire future developments, and he urged the Commission to vote in favor of this proposal.

Pedro Monteiro, Sierra Club, wanted to remind the Commission of two important facts relevant in this case. A few years ago a multi-family dwelling was built in another county and approved, and then 2-3 years ago a judge overruled and found the new dwelling to be incompatible with the land use and the development was demolished. He said another factor to consider is that variances require property owners to show an undue burden, not an entitlement.

Commissioner Hutchinson reminded everyone that no variances are being requested in regard to this project.

James Douglas said he has fought other three-story projects proposed for the neighborhood, and felt the neighborhood should stay as it is. He said such projects could be constructed in other parts of the City. He felt things should not be torn down in order to build new projects. Such projects cause an increase in the parking problem.

Panagioti Tsolkas, Lakeworth, said his community has been dealing with over development and gentrification very seriously. Development is occurring so quickly in neighborhoods that one could not keep up with everything. Developers need to listen to everyone's concerns, but it is also important to be able to say no to developers. He said the development where things had been torn down occurred in Martin County. Older structures had been referred to low-income units and no one should be embarrassed because they live in one. He said he lives in a low-income unit. This is a regional problem and not just a local problem.

Ralph Gernon said he has known Mr. Patterson for five years. He has lived in Victoria Park for eight years. He said he has always wanted to live in Sailboat Bend and now he sold his home and planned on moving in this new development. The project evolved in accordance with suggestions made by the neighborhood so that it would be compatible. The project will be a show piece for the community. He did not understand the ruling of the Historic Preservation Board. It is not a typical three-story townhouse going up throughout the City. It will be an asset to the community.

Terry Patterson, owner, said he bought this property three years ago after researching what could be built. He found that as long as the property did not contain buildings of historic significance, and as long as his project was in accordance with City Code and the historic guidelines of the community, he should have the right to develop the site. He said people are attempting to bend the law and interpret it for their own agenda. He urged everyone to read the historic law which is a guideline. Some developers are

attempting to demolish historic structures, and he is being lumped into this group of individuals. He said their design was changed three times in order to follow the community's guidelines. He said this area should not be allowed to do whatever they want just because they are a historic area and have guidelines. Rules are made to be followed. To deny the demolition of a non-historic property and deny construction of a project that meets all rules and codes would be giving the Historic Preservation Board power that is above the law. Therefore, why have review committees, laws and guidelines. This is his property and he asked if he could do what the law permits. He wanted to build an asset for the community and enhance the neighborhood's gateway. The average property in Sailboat Bend has 50% green space and 50% building, and his proposed townhouses will only take up 32% of the site. The large trees on the site enabled him to sell his project. He said they are not asking for variances or setback reductions and not removing any trees. He said they could not stop progress. The neighborhood should have a say so as to what takes place in their community. He has listened over the years to their suggestions and concerns. He developed this project to the letter of the law. They are dealing with his livelihood and the future homes of residents.

Charles Jordan, President of Broward Trust for Historic Preservation and a Sailboat Bend resident, said he is going to hand out a statement from the Broward Trust. Broward Trust is taking the position that demolishing historic property to build townhouses is wrong in a historic district. There is a question about the building being a contributing property. He was part of the groups that formed the Sailboat Bend Historic District, and therefore, well aware of its intent. In reading the ordinance, there is no basis for the idea that there is a period of significance in the community. One element of the ordinance deals with new construction; it needs to be compatible with the structures in the area of the era up to 1940. He said it does not mean that everything built after 1940 is not contributing. The rule of thumb is 50 years or older. The Sailboat Bend Historic District's study is what the City Attorney's office is using to base their decision, saying this is not a contributing building. He referred to Section 4-B – Historic District Guidelines, Contributing Examples. The section deals with materials and construction. They point out properties that are contributing and materials in those buildings. The statement that these buildings are not contributing is false. He believed the Commission has no choice but to deny this project.

Hal Bogus, resident, said he was President of the Civic Association at the time the ordinance was before the Commission. It was never their intent that post 1940 buildings could be destroyed. He served on the HPB for six years, and not one time did such a building get destroyed. The buildings are unique and if destroyed they can never be replaced. He questioned the historic consultant if these buildings were located in another part of the City, how they would be classified. The reply was that they would be historic.

Kathy Cromac said she believes she is one of the low-income people in the neighborhood referred to earlier. The area is now highly desirable and the question is not the cottages per se, but the neighborliness that is unique. She did not want to see it eradicated. There are empty lots in other parts of the City where such a project could be built. She believed the layout of the cottages are pivotal to the neighborhood.

Veronica Sezerra, resident, said this issue is one that individuals are waivering on. The developer is very nice and she wants him to be successful, but long-time residents want

the community to remain as it is. It is a selling point to live in a historical neighborhood. Some politicians attempt to preserve history, but others do not. She said they were told the project would raise property values, but she believed that money is not everything and that quality of life is more important. She urged the Commission to do what is right in this matter.

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

Mayor Naugle said the first issue to be addressed is whether the Historic Preservation Board's decision is correct in denying the Certificate of Appropriateness.

Mayor Naugle said he wants to commend Paul Bogus and Charles Jordan and others who reminded him of the context of the original ordinance and the data accompanying it. He supports the Board's decision.

Commissioner Moore said he also commended the individuals who want to protect their community. When the ordinance was passed and advocated by the community, he felt that afterwards there would have been a marketing effort by the Civic Association. There needs to be a date so decisions could be made, and there should not be just one entity to make things appropriate. Clearly this is an opportunity of property rights. He does not agree with the historic designation based on the opinion of the historic consultant. He said the consultant normally agrees with the Board, but this time it is different and her opinion is based on the categories that are to be evaluated, such as the significance of the structure, time frame and age of the structure. Age does make things historic. He believed this property is close to the realm for consideration due to its age and is a beautiful piece of property due to the tree canopy. Each project needs to be measured on its own merits. If this neighborhood is to be significant and there is a need to change the ordinance to keep it so, then that should be done, but the rules of the game cannot be changed when the particular property does not meet the standard. This is a better project for this community. He believed the Historic Preservation Board made a wrong decision based on emotion instead of fact.

Commissioner Hutchinson said she was not here when the overlay district was created, and therefore, could not speak of its intent. She knew the ordinance had been tweaked and would not fault staff for doing so. Now may be the time to tweak it once again. She said criteria has to be met regarding a demolition permit, and legally nothing is being brought forward to deny such a permit. The ordinance is clear regarding the dates. She would agree with the HPB of the past and present that possibly the ordinance should be tweaked to save additional buildings in the community. She felt the consultant is most knowledgeable and she could not find anything to designate this property contributing.

Commissioner Trantalis said it is a tragic situation because the applicant is demonstrating an effort to improve development and preserve historic structures, while still providing a level of quality construction. There are actually two issues before the Commission this evening. The first decision involves deciding whether it is appropriate to demolish the buildings at the site, and if so, then is the proposed site plan appropriate. In looking to the very letter of the law, it appears this district has defined parameters and requirements, and there is a defined time frame during which buildings are to be protected. There is now possibly an interest to include other buildings in that time frame.

They are also looking to protect architecture, scale, green space and tree canopy. He said information was provided that the tree canopy is being preserved and the green space is being enhanced, the scale relates to the site plan, and the architecture also speaks to the site plan. The existing landscaping is to be preserved. The other issue is the historic pattern of development and sense of place. Next to the site is a two-story apartment building which is not consistent with the historic nature of the area. Further west, Lennar Homes has a large development of three-story structures. He did not think such structures are compatible.

Commissioner Trantalis continued to state that some homeowners in the area do not appear to have the sense of urgency and pride of ownership that others have. He hoped in the future that the property owners need to preserve history and not feel it exists on its own. He said this City is young but needs to hold on to whatever history they have. These houses are not consistent with what he thought historic preservation is about. They represent a different vernacular that may exist in another part of the City, but not consistent with this community. He said that does not mean they should be subject to destruction, but to improve this neighborhood certain properties need to be changed and redeveloped to make it consistent with the look that the neighborhood is attempting to protect. If the homes are demolished, then they would be imposing great scrutiny as to what the new construction needs to look like.

Motion made by Commissioner Trantalis and seconded by Commission Moore to approve the Certificate of Appropriateness to demolish the existing structures at the site.

Vice Mayor Teel said this shows clearly the passion people have on both sides of the issue. The structures are being called cottages, but she believed they are a far cry from such a description, but are of a different period. She did not feel these structures are what Sailboat Bend is all about. Normally a historic district deals with a specific period of time. She believed that Mr. Patterson has done a phenomenal job in saving the tree canopy and green space, and that this redevelopment is appropriate for the area at this time in accordance with the existing ordinance. She supports the demolition.

Mayor Naugle said the ordinance does not empower the City Attorney to make the decision. The recommending decision was made by the Historic Preservation Board, but the Commission has the power to make the ultimate decision. There was a 7-1 ruling by the HPB, rejecting the Certificate of Appropriateness. He felt the Board's decision should be upheld and that evidence has been presented by the public, proving that the ordinance does not limit buildings before 1940. Thirty percent lot coverage is not that remarkable for this community. Another developer offered a building in the area that only covered 5% of the lot. He said he would not be supporting the motion.

RESOLUTION NO. 05-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE HEARING ON THE APPEAL OF THE HISTORIC PRESERVATION BOARD'S ACTION DENYING A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF FOUR ONE-STORY MULTI-FAMILY BUILDINGS AND DENYING A CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION OF SIX THREE-STORY TOWNHOUSES AT 1101-1113 WAVERLY ROAD, IN AN RML-25 ZONING DISTRICT,

WITHIN THE SAILBOAT BEND HISTORIC DISTRICT OVERLAY; AND
REJECTING THE DECISION OF THE HISTORIC PRESERVATION
BOARD.

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

Mayor Naugle said the site plan has been presented by the developer.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the proposed site plan as presented.

Commissioner Trantalis said there appears to be a compromise that needs to be made between scale and the amount of the area of the lot for building. He suggested that the height might not be consistent with the area since there are mostly one and two-story buildings. He felt the Lennar development does not add to the historic district. He was willing to offer the opportunity to the developer to build lower and add additional units. He felt scale is important; this could be a reasonable compromise.

Mayor Naugle said if that direction is taken, then new plans would have to be submitted.

Commissioner Trantalis asked the developer if this suggestion would create a burden for him.

Mr. Patterson said it would create a burden, but if the project is to be denied for that reason, then he would consider it. He said they are giving people a large amount of green space. The third story is smaller than the first floor. He wanted to preserve the tree canopy. The buildings would not appear out of place. He preferred not to lower the height and felt the trees would obscure the height.

Commissioner Hutchinson said her concern is that light and air would be lost. Commissioner Trantalis said if that weighed more than height, then he would withdraw his suggestion. This appears to be a dominant issue.

Commissioner Moore said his only concern regarding all development is that there is not an ordinance to provide affordability of units. He said the Commission is moving forward with such a study and hopefully this will be provided in future development.

Mayor Naugle said that affordable units are available in this community. Commissioner Moore agreed, but until they are marketing the community to like minds who want the structures to remain historic and attainable, such things will occur.

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

ORDINANCES

Amendment to the Pay Plan

(O-1)

Commissioner Moore introduced the following ordinance on 2nd reading:

ORDINANCE NO. C-05-08

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE ABOLISHMENT OF ALL PAY STEPS IN APPLICABLE PAY RANGES THAT ARE LESS THAN THE NEW STATE OF FLORIDA MINIMUM WAGE OF \$6.15 PER HOUR, ALL IN SCHEDULE VI, SPECIAL EMPLOYEES.

Which ordinance was read by title only.

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

Vacate Right-of-Way Rafael Jorge – PZ Case 31-P-04

(O-2)

An ordinance vacating an alley, south of Sunrise Boulevard, west of NW 7 Avenue, east of NW 7 Terrace and north of NW 9 Street, between the existin Sun Auto Tops facility and the Bally Fitness Center and Martinique Motors to the west.

The applicant requested that this item be deferred to May 3, 2005.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item until May 3, 2005 at 6:00 p.m.

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

Parades and Public Assemblies

(O-3)

The City Attorney said there were changes made to the ordinance since the last reading. He said under the term, parade, the number seven is changed to eight in order to be consistent with the public assembly language. Under the term, weapon, they removed reference to firearms because under the State Statutes, regulated firearms is pre-empted to the State, and there are sufficient regulations against the carrying of concealed weapons and open weapons. Therefore, this is not necessary in the City's ordinance. These are the primary changes. They also added language defining parade and public assembly because both of them required the intent to attract public attention that interferes with or has the tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic. He said that Commissioner Trantalis asked they add language in the term, parade and insert after "The term parade shall mean a coordinated movement, except coordinated movement directly associated with the practice or right of a well recognized bona fide religious sect or organization." The same language would be added in No. 2 after the term, gathering.

Mayor Naugle asked if the City Attorney was comfortable in making such additions. The City Attorney believed this ordinance is basically regulating violence and not First Amendment rights.

Commissioner Trantalis said when he requested the change, he wanted the record to reflect that in talking about the addition of the phrase "except coordinated movement directly associated with the practice or right of a well recognized bona fide religious sect or organization," it is not intended to protect a situation where a religious organization might undertake a demonstration in connection with a political issue. He is speaking in regard to a rite or practice. He asked if they could insert into the ordinance language that during the process of enforcement that the police would display visible identification.

The City Attorney said the better practice is simply to tell the City Manager and the Police Chief that is to be done. He did not feel it could be added to this ordinance because it does not fall within the ordinance title.

Mayor Naugle suggested that the clause ..."bona fide religious organization..." be added at the end of the public input as an amendment if desired, and that the hearing be on the ordinance as it is being presented. Commissioner Trantalis agreed.

Vice Mayor Teel said she would go along with what is being suggested, but she has a problem with bona fide and well recognized religious group. She said there are so many groups, she is not sure how they could be described.

Ray Del Papa, Broward Anti-War Coalition, said South Florida was segregated when he moved here, and he remembered the marches in Selma and Birmingham, and the courage African-Americans took for the right to every day freedoms. Laws were broken that were designed to keep African-Americans as a subclass in this country in order to obtain the rights they deserved. He said the people coming to oppose unjust laws backed by the OAS throughout the Americas might be forced to break those laws. Throughout the country over the last five years the suppression of First Amendment rights has been growing. An attempt is being made to suppress First Amendment rights. One provision restricts the size of sticks. The last Monday of May is Memorial Day. He asked if veterans will be arrested because they bring the American flag to events and this ordinance makes that illegal. He asked if he is going to be arrested for carrying an anti-globalization sign on the same stick.

Mara Shlackman, said the very premise on which this ordinance is based is set forth in the preamble and fundamentally flawed. These are not reasonable times, places and restrictions. This ordinance restricts possessions and not actions. All items can be used for violence but that is illegal. Possessing every day objects cannot be made to be illegal. This is made on the perception where such gatherings have caused violence and injuries. She asked how many people took the time to view the Miami video she has distributed to the Commission. In watching the video, they would see what actually happened in Miami. She said there has been significant change in the law since such ordinances were enacted. The reality is that this new ordinance does not correct the problem with the old ordinances, but only adds another layer of unconstitutionality to the pre-existing ones. She said the revised ordinance with the changes indicated by the City Attorney does not address the issues raised by the speakers at the last hearing. In fact the elimination of guns due to the pre-emption issue creates an anomaly that an

individual could come to the protest with a concealed weapon if they had a permit, but yet someone could not come with a jar of baby food.

Ms. Shlackman further said that these ordinances infringe on the rights of demonstrators to exhibit their First Amendment rights, but there is no protection against police brutality that should be addressed in a separate ordinance. She wanted to address the religious amendment offered. It creates content based discrimination between religious and political speech and does not solve the problem with this ordinance.

Commissioner Trantalis said that comments were made that this is a flawed ordinance because it does not proscribe conduct, but possession of items. He asked if Ms. Shlackman is an advocate of individuals carrying concealed weapons. Ms. Shlackman said that the State Statute regulates such weapons. Commissioner Trantalis asked if society has the right to proscribe the possession of items, such as sawed off shotguns and bayonets. Ms. Shlackman said further that those weapons are dangerous instrumentalities with no purpose but to be used as weapons. Commissioner Trantalis said this is one aspect of the spectrum but in continuing along, this ordinance is attempting to identify other instrumentalities that could be used in a dangerous way. Ms. Shlackman realized the intent, but the items are every day articles. This can be taken to the logical extent that all items can be used as a dangerous instrument. Commissioner Trantalis said they are attempting to establish a continuum of what is a dangerous instrument, and to describe such items. They are looking at history to see what items were used as part of violent acts. It was his understanding that the police and City Attorney's office are attempting to identify items that they are looking to prevent individuals from carrying because such items had been used in the past. He said baby food jars are not listed. Ms. Shlackman said glass bottles are listed and baby food jars are made of glass. Commissioner Trantalis said the reality is they are attempting to assist law enforcement agencies to try and keep the peace.

Commissioner Trantalis said individuals spoke against this ordinance and he agreed previously that they should not abridge First Amendment rights. He encouraged these discussions, but not many individuals came forward to engage in such dialogue to arrive at a reasonable ordinance. He said now they are looking to establish what objects should be identified as a threat to other individuals during a demonstration. This is a time when terrorism is foreseeable and people can take advantage of such opportunities. Demonstrations should be taken seriously. They are attempting to do their job and want to focus on this subject.

Commissioner Trantalis asked if this Commission has the opportunity to restrict any objects in attempting to undertake its police enforcement power to protect the City's residents during the OAS Conference. Ms. Shlackman said that the statute also has a "catch-all" provision giving the police discretion to what objects are dangerous. She did not think it is a question of continuum; some objects are only to be used as a weapon. She said there is no need for that because the existing laws punish individuals using objects to commit batteries and property damage.

Zeina Salam, member of ACLU of Florida, said that she spoke two weeks ago, trying to appeal to the Commission's sense of reason. She sent a letter, along with a memorandum, detailing specific concerns with the ordinance, including constitutional concerns and those regarding the public. She did not receive any response from the Commission regarding a conversation or meeting.

Mayor Naugle said her name is not legible on the signup and he had trouble reading it. Ms. Salam proceeded to redistribute the letter. She said that Commissioner Hutchinson is the only Commissioner who actually contacted her. She implored the Commission to give them more time regarding this ordinance. She said if they are not going to vote against this ordinance, that it be deferred to a later date. There are legitimate concerns and real constitutional issues at play. They are playing with fire. They want the opportunity to discuss their concerns. The following is stated in her letter: "The ordinance, as drafted and as passed on first reading, has serious constitutional flaws and approaches security concerns raised by parades and public assemblies in a flawed manner. While the Commission's intent is to protect the First Amendment rights of groups and individuals wishing to express their views in parades and public assemblies, the proposed ordinance will surely have the affect of restricting law abiding persons from their constitutionally protected right to peacefully assemble. As a reasonable person would not be able to decipher what is or what is not prohibited, that is creating a chilling effect. We urge the Commission to withdraw the proposed ordinance as an unconstitutional restraint on freedom of speech and expression. Furthermore, the proposed ordinance is unnecessary and redundant for its attempted objective giving that acts of violence are already prohibited under criminal law." She requested the Commission to table this matter until further dialogue takes place.

Mayor Naugle said he is confused because he read the ordinance over and over and felt it is written to protect the public, along with the individuals lawfully protesting. He asked if a crowd of people should be allowed to walk around with axes, hatches, chains and crowbars. Ms. Salam said it is not okay, but she believed that each event has a different objective and purpose. It is based on the context of each event. This ordinance appears to give police officers too much discretion to criminalize an individual, and then, they could get into racial profiling. In paragraph B-7 and B-9 it says: "police officers can criminalize you for anything that you possess that they think could be deemed a projectile weapon." She said further into the language, it says exceptions are things considered for human consumption. The language is confusing. Mayor Naugle said Ms. Salam is agreeing to some items. Ms. Salam said that mere possession of certain items does not mean they would be used in a violent situation. The spectrum is including everything that can be deemed a projectile weapon and the police are being given the discretion to criminalize. She felt they should specifically identify items and limit the articles to be carried. A Coke can can be used as a weapon, but yet they say it is exempted because it is for human consumption. She felt this is too broadly written.

Pedro Monteiro, Sierra Club, said this ordinance banning possessions rather than actions is un-American. This is not just an implication against the OAS, but includes all events held in the City. It is up to the police to use their discretion, and in looking at past history they could not be trusted to use it wisely. They should compare this to the situation in Miami and see who loses and who wins in such situations. The police gain because they get to inflate their budget and buy cool toys and have fun testing them on demonstrators who they portray as violent criminals. Protestors lose on First Amendment grounds because they are afraid to demonstrate because of the police and are curtailed in the items they are permitted to carry. Stops and searches by the police are arbitrary, and discrimination is increased when special exclusions are included for religious speech. He said protestors are abused, violated and attacked by the police. Miami lost a lot of money because they shut the City down, and now Fort Lauderdale is proposing to shut down businesses. Courts were tied up when they should be

prosecuting real criminals. Protestors were advanced upon so the media could take advantage of the situation; it promoted police violence and cost the City of Miami a lot of money.

Barbara Miranda, Green Party, said they are committed to the weekly protest at the federal courthouse to protest the war in Iraq. Normally they demonstrate for 30 minutes and consist of about eight individuals. With this ordinance, would they be forbidden to hold this weekly demonstration.

Mayor Naugle said the City Attorney could answer questions after the meeting, but it appears that at such demonstrations they could not carry various dangerous items, but signs would be permissible. He was not prepared to answer specific questions at this time.

The City Attorney said that if the purpose of the group is to attract public attention that interferes with or has the tendency to interfere with the normal flow of pedestrian or vehicular traffic, then they would fall under this ordinance. He said Ms. Miranda's group does not interfere with pedestrian or vehicular traffic. Therefore, the ordinance would not apply to that group based on their past performance.

Cammy Volpi said the reason there is a problem regarding the objects and so forth is because if they had a first-hand account of what goes on in demonstrations, then the questions being asked would be answered. She said the most random items cause a criminalization. She did not feel people understand the movement behind demonstrations. This Commission and Police Department are spending energy and money on legislation that would further progress the continuous goal of making expressions of lawful dissent criminal. There are other problems that should be addressed in the City. There is a decline in open green space and a problem with traffic congestion. She felt those issues should be addressed. Water balloons do not cause injury, but police pepper sprays do. She said that she likes to stand on a public sidewalk with a sign and that is her only intention. Others feel the same. It is not a crime. This type of activity should not be criminalized. She felt they are bowing down to media pressure. She said if they want to protect the City, there should be education about free trade and how it affects everyone. The ordinance is too broad and is a restriction of intelligence and free speech and not a restriction of weapons. She felt the Police Department should rethink spending money to protect the City from individuals such as herself.

Veronica Robleto said she is a member of the Lakeworth Justice Group. She felt the biggest argument for the ordinance is that they are attempting to restrict the use of clubs, guns and so on, which is covered under existing law. The City Attorney has said if the flow of traffic is not obstructed, it is not against the law. This is covered already by existing law. She did not understand the purpose of the ordinance because laws exist and the police can enforce them. It is frustrating as a member of the public to come forward and voice an opinion and feel no one is listening. She hoped that is not true. She said no one from the public spoke about the transferring of \$2.5 Million, but yet the Commission moved forward and voted 4-1 in favor of the motion. The ordinance is not about safety, but the suppression of free speech. It is part of a strategic plan and a distraction from the real issues of free trade. She said first the media runs a disinformation campaign warning individuals they are to be attacked, yet the Police Chief said he did not expect dangerous individuals to be part of the demonstration. The

police also participate in disinformation by warning local businesses of dangerous individuals. The Sheriff's Office is creating a climate of fear. People then feel they need extra protection. Based on past history, 10,000 women were illegally searched and now lawsuits are pending. In putting out extra police in riot gear, the City would not be able to control their actions.

Lynne Purvis, Lakeworth Justice Group, said she is going to address three things: chains, urine and rocks. She said yes, yes and yes. A chain is used to lock up bikes; people travel on them. She questioned what defines a rock, possibly it could be a piece of jewelry. In regard to urine, she has been in protests where after being given a time to disburse, the police close off people for hours on end, and possibly someone has to go to the bathroom and might use a jar so as not to pollute the street. People are being considerate. Discretion is being given to the police, and in the past such discretion was used wrongly. Limiting people to eight is not reasonable because people come from all over and they come in groups. Now, they will be a target and might obstruct traffic, and therefore, be arrested. Individuals need to be able to express their freedom of speech.

Panagioti Tsolkas, Lakeworth Justice Group, said for weeks leading up to the event he experienced profiling in regard to demonstrations. Things were taken from him; he also received fractured ribs from a police projectile during a demonstration. Some people received serious injuries. He asked where is the ordinance to protect people from police abuse. He felt the public sector should be protected from police and corporate exploitation. Demonstrators are not here due to the media. Jobs are lost and farms are lost due to NAFTA. These affect people's livelihoods. Where is the public protection from such things. He felt the ordinance is unnecessary. He also felt an apology is necessary because remarks were made that were condescending to demonstrators.

Kate Healey, Citrus Isles, said she wants to make a statement as to what she sees occurring at this meeting. Passion is being demonstrated in discussing the over development of the City and the historic district. The City has allowed over development. They should be afraid of the passion of the individuals attending this meeting and speaking their opinions. She felt more people are going to begin attending such meetings in the future. What they should not be afraid of is demonstrators practicing their right of free speech. There is a major misconception of this. The Mayor appears to be indicating that such questions should not be asked because the City is attempting to protect its citizens. They have every right to be concerned about their safety. It has been proven that videos of past demonstrations have been edited and police abuse has been proven. Comments were made regarding dangerous weapons. Demonstrators are not criminals. She felt they should be in tune with what has been occurring in this country since 9/11. She referred to Z Magazine regarding civil rights and the Constitution. She asked why the Mayor made absurd comments and insulted individuals because they are in attendance for peace. She felt he should be worried about the drunken individuals at the Air and Sea Show. She urged the Commission to watch the Miami video.

Commissioner Trantalis asked if the ordinance would deny individuals the right to protest. The City Attorney said it would not. Commissioner Trantalis said individuals feel insulted because they were told they could not protest and are being associated with carrying weapons described in the ordinance. He asked if a statement is being made tonight that such individuals carry these types of weaponry. The City Attorney said that such a statement is not being made. Commissioner Trantalis said they are saying that

other people may come carrying such weaponry and are these the type of people they are attempting to inform. The City Attorney said that is the purpose of this exercise. Commissioner Trantalis said the intent of this ordinance is not to prohibit people from protesting. The City Attorney confirmed that is correct.

Mayor Naugle said the ordinance is to protect the demonstrators and the public.

Robert Ross, West Palm Beach, said in looking at the new "sticks and stones" ordinance, it looks familiar. He handled the oral argument regarding the City of Miami. The city rescinded it because it was embarrassing and could not be justified. In looking at some of the other permitting schemes and assembly laws and parade ordinances of this City, some have not been revised since 1953 and 1969. He felt the Commission has an affirmative obligation to protect the Constitutional rights of its citizens. He felt that court rulings and decisions expanding and enforcing Constitutional rights have not been considered by this City. First Amendment rights are to be given the highest level of protection, but this ordinance constitutes a prior restraint. They are always disfavored by the law and have to be drafted with great specificity. The Commission and City should be embarrassed that the laws of their City have not been recently updated because they are laughable. The City should be ashamed of themselves.

Jack Lieberman said he lives in Dade and has a business in the Broward County and belongs to various organizations. He asked how many people at the DNC and RNC demonstrations and the FAA protests in Miami were arrested and found to have objects that are listed in this ordinance. He asked if such statistics had been supplied. He asked how many demonstrators during the last fifty years were arrested for assaulting a law enforcement officer with a stick from a sign. He did not think such individuals could be counted on one hand, but how many thousands or more individuals were arrested falsely and intimidated. Scare mongering kept demonstrators away from these events. They live in a democracy where they are proud of their freedoms, but instead of promoting such freedoms, the government is encroaching and creating a climate of fear and intimidation by demonizing legitimate protestors as being violent. Signs are a tradition during demonstrations. If the City was concerned about such freedoms, this type of legislation would not be promoted. They would instead ensure that facilities were being provided to offer dissent. The most precious freedom in this country is to exercise dissent. If such freedom is not given to oppose the government, then there is no freedom. This legislation will intimidate people from demonstrating. They are saying that violence is inevitable unless such legislation is passed, but the history of the last two years proves such statements wrong. This is a waste of taxpayer money and it disenfranchises individuals from wanting to protest.

Nick Sakhnovsky said they cannot look at this without also looking at the expenditure authorized earlier this evening. The police are willing to engage in sensitivity training; no one wants to see the worst scenario. He asked what amount would be remaining in the Contingency Fund if such monies were expended. The proposed ordinance includes materials for signs that are normally used in such cases. He also questioned, in terms of interpretation, the sidewalk at the federal courthouse because sometimes traffic is impeded. He felt there are some flaws in the proposed ordinance. Even if this is passed, the laws should still be revisited.

Commissioner Moore said that one of the things he recognized as a black person is that the police can be profilers and can take care of matters more aggressively than they

should, but people can do the same. In regard to the person speaking of civil rights and how individuals such as the African-Americans that broke laws to gain rights, he wanted to explain how things had been done at that time. He was one of the individuals who integrated the beach and the schools, and who marched on City Hall to have Martin Luther King's birthday recognized as a holiday. Before any demonstration took place, rules were reviewed and followed so they could lessen the opportunity of confrontation. It was more important to survive in order to continue to fight their battles. When people spoke about individuals not showing respect and condescending comments being made because politicians are taking rights away, they hear what they want to hear and agree with what they want to agree with. He was taught that everyone's opinion is right. Decisions have to be made as to what the law is. He took offense that the Commission is not listening to everyone. He said their agendas are full, e-mails are frequent and in large numbers, and yet videos are supplied the day of the meeting and they are criticized for not watching them in time for the meeting. No one called and asked him to meet regarding the ordinance. He said rights are not being taken away. No ability to demonstrate is being taken away. Babies are not being disafforded the opportunity of being fed; food could be placed in other types of containers. This Commission puts individuals on TV; they want to hear everyone's statements, even though their opinions may be different.

Commissioner Moore further said that this is not something they want to do, but are attempting to find an area of compromise so everyone can offer their opinions, while still being offered protection. The police are not perfect and neither are the policymakers. When stones are cast, people react in various ways. This ordinance may have crafting from other ordinances so it could be legally binding and have less chance of being challenged in court. Some individuals will use this ordinance as an opportunity to sue.

Commissioner Moore asked if this ordinance will only apply to the OAS event or would it be legally binding for the Shriner's parade. The City Attorney said the ordinance will apply city-wide, not just for the OAS Conference. The Shriners have a parade permit and would not interfere with traffic; traffic will be interrupted because of the permit. The ordinance will not apply. Commissioner Moore said there is nothing wrong with regulations, even though he did not always like them. Mayor Naugle noted that if the Shriners show up at a place where they do not have a permit and they are obstructing traffic, then they would be prohibited from shooting water guns.

Commissioner Moore wanted everyone to understand the policy being implemented by this ordinance, and hoped all demonstrators would encourage each other to follow such policy and lessen the opportunity of having someone do things against them. Whenever he protested, he did not violate the rules. This ordinance would offer clear lines for demonstrations, and people should not look at it as limiting their freedom of speech. This ordinance would permit them to do so within the law.

Commissioner Trantalis wanted to offer the amendment prepared by the City Attorney. Commissioner Moore said the motion should be passed and then that item could be offered as an amendment. He wanted to move forward with tonight's agenda.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to adopt the ordinance as presented.

Commissioner Trantalis wanted to offer the amendment to the ordinance regarding religious rites practiced by some churches as prepared by the City Attorney,.

There was no second, and therefore, a vote was taken on the proposed ordinance as provided.

ORDINANCE NO. C-05-09

AN ORDINANCE CREATING NEW SECTION 26-202.1, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED PARADE AND PUBLIC ASSEMBLY PROHIBITIONS; A STATEMENT OF FINDINGS; MAKING THE USE, POSSESSION OR CARRYING OF CERTAIN MATERIALS AND OBJECTS UNLAWFUL BY THOSE PARTICIPATING IN PARADES AND PUBLIC ASSEMBLIES; PROVIDING FOR A PENALTY, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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

Maintenance of Walls and Fences

(O-4)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-05-10

AN ORDINANCE AMENDING CHAPTER 47, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.5, FENCES, WALLS AND HEDGES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Vacant Dwellings or Buildings – Certificate Required for Securing Building

(O-5)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-05-11

AN ORDINANCE AMENDING CHAPTER 9, BUILDINGS AND CONSTRUCTION, ARTICLE VIII, VACANT DWELLINGS OR BUILDINGS, SECTION 9-329, CERTIFICATE REQUIRED FOR SECURING BUILDING, OF THE CODE OF ORDINANCES OF THE

CITY OIF FORT LAUDERDALE, FLORIDA, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORIDNANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Accessory Buildings, Uses and Structures (O-6)

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-05-12

AN ORDINANCE AMENDING CHAPTER 47, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE III DEVELOPMENT REQUIREMENTS, SECTION 47-19, ACCESSORY BUILDINGS, USES, AND STRUCTURES, SECTION 47-19.2, ACCESSORY BUILDINGS AND STRUCTURES, GENERAL, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Parking or Storage of Commercial Vehicles or Watercraft (O-7)

This item was withdrawn by the City Manager.

RESOLUTIONS

Summer Food Service Program – June 13-July 22, 2005 (R-1)
Various City Parks

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF EDUCATION FOR APPROXIMATELY \$45,000.00 IN FUNDING, ON A REIMBURSABLE BASIS, FOR THE SUMMER FOOD SERVICE PROGRAM OF THE

CITY OF FORT LAUDERDALE AND FURTHER AUTHORIZING THE
 PROPER CITY OFFICIALS TO EXEUCTE ANY DOCUMENTS
 NECESSARY TO OBTAIN AND UTILIZE SAID GRANT FUNDS.

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

City Cemeteries General Price List

(R-2)

Commissioner Moore asked when the cemetery services will be put out for bid.

Julius Celissio, Department of Business Enterprises, said the contract expires September 30, 2008.

Commissioner Moore said there is a cemetery at NW 19th Street and MLK and construction of the administration building is consistently being delayed at the site.

Mr. Celissio said this was put out for bid and the bid is being rejected. He felt the Engineering Division could better respond to the question.

Commissioner Moore asked when this project was approved. Mr. Celissio said it was approved in 1999.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-69

A RESOLUTION OF THE CITY COMMISSION OF THE
 CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING
 THE PROPER CITY OFFICIALS TO APPROVE THE GENERAL
 PRICE LIST FOR THE CITY CEMETERIES EFFECTIVE,
 JUNE 1, 2005.

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

**Joint Participation Agreement – Florida Department of
 Transportation Blast Fencing at Fort Lauderdale Executive
 Airport - \$120,000**

(R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
 OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE
 PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION

AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), ACCEPTING A GRANT OF \$120,000.00 FOR UP TO 80% OF THE COST OF DESIGNING AND CONSTRUCTING A BLAST FENCE, CITY PROJECT NUMBER 10804, AT THE FORT LAUDERDALE EXECUTIVE AIRPORT (FINANCIAL PROJECT NO. 416279-1-94-01).

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

Joint Participation Agreement – FDOT; Laneside Signage (R-4)
At Fort Lauderdale Executive Airport - \$608,000

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), ACCEPTING A GRANT OF \$608,000.00 FOR UP TO 80% OF THE COST OF DESIGNING AND CONSTRUCTING ACCESS IMPROVEMENTS LANESIDE SIGNAGE FOR CITY PROJECT 10825, AT THE FORT LAUDERDALE EXECUTIVE AIRPORT (FINANCIAL PROJECT NO. 235977-1-94-01).

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

Joint Participation Agreement and Grant Application (R-5)
Runway 13/31 Rehabilitation – Fort Lauderdale Executive Airport

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-72

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), ACCEPTING A GRANT OF \$7,500.00 FOR UP TO 2.5% OF THE COST OF CITY PROJECT 10632 FOR THE DESIGN OF THE PAVEMENT REHABILITATION OF RUNWAY 13/31, AND TO SUBMIT A GRANT APPLICATION AND ACCEPT SAID GRANT, WHEN OFFERED, TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR UP TO 95% OF THE DESIGN COST OF

SAID PAVEMENT REHABILITATION AT THE FORT LAUDERDALE EXECUTIVE AIRPORT (FINANCIAL PROJECT NO. 412391-1-94-01).

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

Joint Participation Agreement and Grant Application (R-6)
Taxiway Alpha Design – Fort Lauderdale Executive Airport

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), ACCEPTING A GRANT OF \$13,754.00 FOR UP TO 2.5% OF THE DESIGN COST FOR CITY PROJECT 10802, THE RELOCATION OF TAXIWAY ALPHA ("A") AND TO SUBMIT A GRANT APPLICATION AND ACCEPT SAID GRANT, WHEN OFFERED, TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR UP TO 95% OF THE DESIGN COST OF SAID TAXIWAY RELOCATION AT THE FORT LAUDERDALE EXECUTIVE AIRPORT (FINANCIAL PROJECT NO. 412389-1-94-01).

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

Joint Florida Inland Navigation District Grant (R-7)
Middle River Maintenance Dredging

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-74

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT AN APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT (FIND) TO PROVIDE THE CONSTRUCTION PHASE OF THE MAINTENANCE DREDGING PROJECT FOR PORTIONS OF THE MIDDLE RIVER CANAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS TO ACCEPT SUCH GRANT FUNDS.

Which resolution was read by title only.

Vice Mayor Teel asked what portion of the Middle River will be dredged.

Peter Partington, City Engineer, said this is the south fork of the Middle River, extending from NE 15th Avenue, west to Powerline Road.

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

Sale of Surplus Property
Northwest Corner of SW 4th Avenue and SW 17th Street

(R-8)

Mayor Naugle asked how this property was acquired.

Victor Volpi, Real Estate Officer, said this went back and forth between the City and the County for a bus stop. The site was given to them from the private sector to the government sector and back.

Mayor Naugle asked about the square foot cost. Mr. Volpi said it is about \$7 per square foot. Mayor Naugle believed it would go for \$50 per square foot. Commissioner Moore suggested that it be put at \$50 per square foot.

Mr. Volpi said the appraiser has appraised buildable property and this parcel at \$40 per square foot, but it was discounted because it is a remnant parcel.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis to amend the amount to \$50 per square foot.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-66

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE.

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

Street Closure – Organization of American States Conference -
June 4-7, 2005 – SE 17 Street Between SE 15 Avenue and Mayan Drive

(R-9)

Bruce Roberts, Chief of Police, said they are now looking at Saturday, Sunday, Monday, and Tuesday of the Conference and are not ironclad depending on the situation they

encounter and the scenario taking place at the time. He said emergency vehicles would go back and forth across the bridge, and the Fire Department indicates they would have additional resources on the beach side. He said their experience when the bridge is closed during various events and the evacuation of bridges during hurricanes, they will work closely with the community and give the individuals with special needs their attention. They anticipate that on Saturday and Sunday there would be severe restrictions until they see how things are progressing and what scenarios develop on the streets.

Commissioner Hutchinson asked if this is not approved, who would be able to come in and shut it down. If the federal government is in charge, the City would not have flexibility to accommodate individuals with special needs or residents in the area to reach their homes.

Chief Roberts said if the City is not in control, they will lose leverage of the situation. The City knows the community; an outside agency does not.

Commissioner Hutchinson said her concern is that the City control the bridge. Chief Roberts said the Police Department shares that concern. Public safety issues have to be addressed, including the bridge.

Mayor Naugle asked if this is approved, would they conduct a community outreach program in the surrounding neighborhoods. Chief Roberts said yes, but they have been waiting until the Air and Sea Show is concluded so as not to confuse the two events.

Joy Treglia said she lives on the barrier island and her concern is that if the bridge is closed, along with 17th Street, then they need to close Las Olas going south, otherwise the traffic would continue. As a resident she wants to go back and forth as she chooses, and not be impeded.

Pete Ackerman said he lives on Davie Boulevard. Upon hearing about the closure of 17th Street, they drew up a petition. Out of 59 businesses visited, 58 signed automatically. The heading of the petition is: "Alliance for Justice in the Americas – Stop the Street Closure on 17th Street During the OAS Conference June 4-7, 2005. We the undersigned demand that the City of Fort Lauderdale does not endorse the closure of 17th Street and SE 15 Avenue to Mayan Drive and the subsequent harm to our businesses, as well as the suspension of our First Amendment right to peacefully assemble and voice our dissent within sight and sound of the Government Center site of the OAS Conference." Personally, if the Convention Center is a security issue, he said on the east side is water, a secured Port on the south side, on the west a short section of road leading to the barricade, and on the north side is a small strip of Mayan Drive. Therefore, he sees no reason for 17th Street to be closed. If security can be provided without such closure, then the infringement of rights and compensation of loss of business for all signers of this petition would be addressed. He asked to whom should he submit the petition when it is finished. Mayor Naugle indicated it should be submitted to the City Clerk.

Mara Shlackman, attorney, said she lives in a condominium in Harbor Isles. This will be an inconvenience to residents and all businesses. She said that the right to meaningfully protest includes being able to protest within sight and sound of the area where the people are located and meeting.

Susan Smither, Alliance for Justice in the Americans and member of the Broward Anti-War Group, said she is involved with the petition and spoke with some of the merchants in the area. If this closure takes place, the constitutional rights of the protestors, and those of citizens to move about in their daily activities, and business owners losing money would be abridged. The Broward County Commission has a strong ordinance in force that supports actions taken in opposition to unconstitutional directives and orders violating people's rights in the county. This closure would be a violation. She quoted Benjamin Franklin: "Any society that would give up a little liberty to gain a little security will deserve neither and lose both."

Sue Cassidy, resident of Harbor Beach, said that at the best of times the traffic is unbearable in the area, and she is afraid if the bridge is closed there will be road rage and gridlock because the only egress and ingress will be A-1-A which is constantly congested. She said residents have to get in and out on a daily basis. Possibly an area could be designated for protestors away from the bottleneck areas.

Nick Sakhnovsky said that a partial closure might be wise, but suggested only closing the eastbound portion and then traffic could flow better. He further said that he is confused by the comments made regarding parades and permits. If the government does not reimburse the \$2.5 Million, how much would still be remaining in the City's reserve accounts.

Mayor Naugle said that about \$80 Million is in the reserve accounts and enterprise funds.

Kate Healey said there is some confusion on this. She asked if the bridge is being closed due to the protestors or because the OAS has a lot of VIPs going back and forth.

Mayor Naugle said it is being closed for both reasons and that safety is the issue.

Ms. Healey said they are back at the image of protestors being a problem. There will be thousands of people at the Air and Sea Show. Special permits are not granted for attending that event, which is a completely pro-war issue. Those people are more dangerous than peaceful protestors. She did not like the rules being imposed and felt they are being profiled. She said that things get blown up in the media and isolated incidents are reported regarding demonstrations. They are dissenting and expressing their rights. Dissent scares people. Intimidation and fear tactics discourage people from expressing their rights. Closing the bridge is going to hurt businesses. She implored the Commission not to close it. She said this is about free speech.

Pedro Monteiro, Sierra Club, said there is a recent ruling by a federal judge against a city having a free speech zone that was well away from the event. If this City restricts the right of demonstrators to be seen by the OAS delegates, they could be facing a similar ruling. It was his impression that the entire country is a free speech zone. He said the City should not limit protestors so they could be seen by the OAS delegates.

Diane Morgan, Sunrise resident, said she is concerned about the direction the world is taking and taking advantage of her First Amendment rights. Comments tonight have disturbed her because this is being done since protestors are a potential danger. She felt the OAS is the problem, not the protestors. People want to voice their dissent to this

group and she hoped the City would not be a barrier to such dissent. Somehow this City thinks a Patriot Act or Homeland Security official will override the laws on the books. They should question what they are going along with; rule of law does not come through lawlessness. If laws are imposed on individuals in the name of safety, they will become a lawless nation. The Constitution says the government is to protect her and her pursuit of happiness, but she should be allowed to protest what she sees as a danger to the future of the citizens. It is the City's obligation to protect such pursuit of happiness whether it be dissent or support.

Commissioner Moore said this discussion is good and individuals are expressing their concerns, and valid statements are being made. He felt all concerns will be addressed before the event occurs.

Commissioner Moore asked said if an individual wants to enter the Port today and does not have any particular event to attend, are they allowed entry. Chief Roberts said that the Sheriff's Office controls entry to the Port. A reason and identification have to be given for entering the area regardless of whether an event is occurring.

Commissioner Moore said if the delegates attending the conference are traveling over the bridge in their route to the convention center, then all demonstrators in the area would be noticed. He asked if this is why this particular location is being considered for closure. Chief Roberts said that the location is considered so the protestors would be seen, yet separated from those attending the conference.

Commissioner Moore said public expression could still be given and demonstrators noticed. Therefore, it is good for the City to designate an area for such demonstration. He asked when construction of the bridge occurred did it ever require more than four days of closure. Peter Partington, City Engineer, said the Department of Transportation have had the bridge closed for more than several days, and residents had detour routes to follow and dealt with the inconvenience.

Commissioner Moore asked if this closure takes place, would residents be informed and would they be assisted with getting in and out. Chief Roberts indicated yes and said that the plan also calls for businesses to be accessible to the public.

Commissioner Moore asked if 120 police officers were ever used during the construction of the bridge in order to keep traffic moving smoothly. Chief Roberts said that was not the case. Commissioner Moore said when considerations are made, professional administrators offer remedies for the situation. The community continues to be serviced. All impacted issues are reviewed before decisions are made.

Commissioner Moore asked if emergency services would be addressed if this closure occurs. Jeff Justanak, Fire and Rescue Department, said additional staff will be added and the stations will be beefed up and there will be no negative impacts. All services will be provided.

In response to Commissioner Trantalis, Chief Roberts said their intention is to keep the bridge closed for pedestrian and vehicular traffic for the first two days, and possibly more. The situation will be assessed as the event progresses; it will depend on the scenarios taking place.

Commissioner Trantalis said the 17th Street bridge consists of two bridges. He asked if any consideration is being given to close one bridge for delegate use, and use one for normal traffic. Chief Roberts said such consideration has been reviewed, but it would be cost prohibitive and would require even more resources to do so. This was not a prime recommendation.

RESOLUTION NO. 05-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, STRONGLY SUPPORTING THE CLOSURE OF S.E. 17TH STREET BETWEEN S.E. 15TH AVENUE AND MAYAN DRIVE TO TRAFFIC DURING THE FORTHCOMING ORGANIZATION OF AMERICAN STATES CONFERENCE AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO SEEK A PERMIT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CLOSURE OF S.E. 17TH STREET AS REFERENCED ABOVE.

Which resolution was read by title only.

Commissioner Hutchinson said the Convention and Visitors Bureau has been discussing this since 2003 and she just found out about it in 2005.

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

Maintenance of Landscape Improvements – Memorandum of Agreement – State Road 811 (NE 4th Ave) – Florida Department Of Transportation

(R-10)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LANDSCAPING IMPROVEMENTS TO STATE ROAD 811 (NE 4TH AVENUE) FROM SUNRISE BOULEVARD NORTH TO THE CITY LIMITS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR SEVERABILITY.

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

Flagler Heights Park – Acquisition, Improvement, Operation

(R-11)

And Management – Interlocal Agreement – Broward County

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-77

A RESOLUTION OF THE CITY COMMISSION OIF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF AN INTERLOCAL AGREEMENT INCLUDING A CONCEPTUAL OPEN SPACE PARK MANAGEMENT PLAN WITH BROWARD COUNTY, FLORIDA, FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF BROWARD COUNTY LANDS PRESERVATION SITE OS-22; AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A DECLARATION OF RESTRICTIVE COVENANTS RESTRICTING THE USE OF OS-22; PROVIDING THAT THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL OPEN SPACE PARK MANAGEMENT PLAN FOR THE CITY’S ACQUISITION OF OS-22 FROM BROWARD COUNTY WILL BE INCLUDED IN THE CITY’S FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM.

Which resolution was read by title only.

Mayor Naugle asked if the City would have the ability to consider in the future the possibility of the Community Redevelopment Agency building out the park and possibly even operating it. The City Manager advised yes.

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

Commissioner Moore suggested that Item R-12 be moved on the agenda after R-13, R-14, and R-15.

Vacate Water Main Easement – 2201 NW 2 Street - 13-M-04 – Riverbend Corporate Park of Fort Lauderdale, LLC **(R-13)**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE 20 FOOT WIDE WATER MAIN EASEMENT LYING 10 FEET ON EACH SIDE OF THE SOUTH LINE OF TRACT “B” “R.E.B. PLAT,” ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 74, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF NORTHWEST 22ND AVENUE AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 25TH AVENUE,

LOCATED NORTH OF BROWARD BOULEVARD AND SOUTH OF THE NORTH FORK NEW RIVER, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Vacate Various Utility Easements – 2201 NW 2 Street (R-14)
2-M-05 – Riverbend Corporate Park of Fort
Lauderdale, LLC

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-80

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THE UTILITY EASEMENTS OVER AND ACROSS TRACT "A," "R.E.B. PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 74, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; EXCEPTING THEREFROM THE 15 FOOT DRAINAGE EASEMENTS OVER AND ACROSS SAID TRACT "A;" AND TO VACATE ALL OF THOSE UTILITY EASEMENTS OVER AND ACROSS TRACT "B" OF SAID PLAT; AND TO ALSO VACATE A 10 FOOT WATER MAIN EASEMENT LYING SOUTH OF AND CONTIGUOUS TO THE ENTIRE SOUTH LINE OF SAID TRACT "B" AND TO VACATE A 10 FOOT BY 25 FOOT UTILITY EASEMENT EXTENDING 25 FEET SOUTH FROM THE SOUTH LINE OF SAID TRACT "B" AND 10 FEET WEST FROM THE WEST RIGHT-OF-WAY LINE OF NORTHWEST 22ND AVENUE, LOCATED NORTH OF BROWARD BOULEVARD AND SOUTH OF THE NORTH FORK NEW RIVER, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

No Objection to Plat Note Change – Beta Plat (R-15)
1351 State Road 84 – Case 11-P-03

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-81

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

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

**Site Plan Level IV Review – Brickell Heights -
307 NW 1 Avenue – Allocation of Post 2003 Dwelling
Units – Downtown RAC-CC – Case 136-R-04**

(R-12)

Applicant: Brickell Heights, LLC

Zoning: Downtown Regional Activity Center; City Center District

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

Robert Lochrie, representing the Applicant, said that the building has been reduced and there will now be twenty-seven residential floors with an amenity package on top. They have committed that 10% of the units will be sold under \$300,000, and a restriction will be placed on those units that the owners cannot sell the units at a profit for one year, nor will they be able to rent them for two years which would discourage investors and “flippers.” Also, a contribution will be made to the City in the amount of \$75,000 toward the City’s affordable and attainable housing goals as outlined in the letter submitted by the Applicant on April 19, 2005.

Commissioner Moore asked if there are any adjustments or setback issues in regard to the reduction of height.

Mr. Lochrie said the setbacks remain as they are consistent with the Zoning Code and the Land Development Code, as well as the Consolidated Master Plan. No variances or modifications are being requested. The Code is being met in all respects.

Commissioner Trantalis was glad that individuals are investing in an area of the City that has long been neglected. He hoped the entire area would continue in the class “A” direction of this development.

Commissioner Trantalis introduced the following resolution:

RESOLUTION NO. 05-78

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT
PLAN AND ALLOCATION OF POST 2003 DWELLING UNITS TO
DEVELOP RESIDENTIAL UNITS, RETAIL AND ENCLOSED PARKING
STRUCTURE LOCATED AT 307 N.W. 1ST AVENUE, FORT
LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.**

Which resolution was read by title only.

Commissioner Hutchinson concurred with Commissioner Trantalis and thanked Mr. Ellis for moving his office close to the development.

Commissioner Teel said she has tried hard to support this, but due to its proximity to a lower density zoning district to the west, she is not able to support it, especially since the ULDR in Section 47-13.2 which says that development along the boundaries of the RAC-CC should be showing more transition from the dense and intense uses.

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

Advisory Board/Committee Appointments

(OB)

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

Audit Advisory Board	John Aurelius
Charter Revision Board	Chris Fertig Susan Tramer Ron Gunzburger Dan Lewis James D. Camp, Jr.
Community Appearance Board	Cindy Wallick
Economic Development Board	William Burrington
Marine Advisory Board	Robert Sadowski Norbert McLaughlin

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 05-82

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: Commissioner Hutchinson, Vice Mayor Teel, Commissioners Trantalis and Moore, and Mayor Naugle. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 11:15 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk