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FORT LAUDERDALE CITY COMMISSION
JULY 6, 2005**

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7/06/05- ii

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
JULY 6, 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 Cindi Hutchinson
Mayor Jim Naugle

Absent: Commissioner Carlton B. Moore

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

Invocation was offered by Reverend Gerardo J. deJesus, Director of Ministries at Mount Olive Baptist Church, followed by the recitation of the Pledge of Allegiance.

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

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel that the minutes of the June 21, 2005 Conference Meeting, and agenda be approved. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioner Trantalis and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expression of Sympathy

Mayor Naugle and the City Commission extended an Expression of Sympathy to the family of Arnold Cooper.

2. Expression of Sympathy

Commissioner Hutchinson and the City Commission extended an Expression of Sympathy to the family of Robert Clapp.

3. Outstanding Employees

Phil Thornburg, Director of Parks & Recreation, honored Whitney Kraft as employee of the month for June. The Florida Chapter of the United States Professional Tennis Association named Whitney Kraft as Professional of the Year for 2004-2005. This award recognizes a member who, over a career, has demonstrated exemplary achievement as a teaching professional, player and coach which is involved in education, research and publications and is active within his community. Whitney Kraft has been nominated for the National Professional of the Year award to be presented at the World Conference on Tennis in September, 2005.

Whitney Kraft thanked the City for supporting his programs, and also thanked all the volunteers who assist at the Tennis Center.

Bruce Roberts, Chief of Police, wanted to honor Officers Mario Diaz and Brian Kaplan with Lifesaving Awards for the month of July, 2005, for their response to a car crash whereby they successfully rescued the driver and child passenger from the burning car.

Chief Roberts honored Captain Robert Carter as Officer of the Month for June, 2005, for the apprehension of two suspects fleeing an armed robbery.

Chief Roberts also honored Susan Corey as Civilian Employee of the month for June, 2005, for her assistance to an individual on fire due to a vehicle crash. The victim was pulled to safety from the burning vehicle by Ms. Corey, bystanders and off-duty firefighters.

Flagler Heights Park – OS22 – Addendum (M-18)
Contract for Purchase & Sale - \$550,000

Mayor Naugle announced a correction. The amount to be transferred for the Park Impact Fee regarding Flagler Heights Park should be \$50,000, and not the \$550,000 stated on the agenda.

Vacate Right-of-Way – Flagler POP (O-3)
I & II, LLC. – Downtown Lofts – 15-P-04

Mayor Naugle said that this item is to be deferred until July 19, 2005 at 6:00 p.m.

Rezoning, Site Plan Approval & Allocation of Residential (O-4)
Flex Units – 3-ZR-04 – Park View Lofts Mixed-Use
Development – 3-ZR-04

Mayor Naugle said that this item has been withdrawn by the Applicant. (Please see letter of June 27, 2005)

Plat Approval – Park View Lofts – 8-P-04 (R-2)
1317 NE 7 Avenue

Mayor Naugle said that this item has been withdrawn by the applicant.

Rezoning – 2.19 Acres, Edgewood Neighborhood – 3-Z-05 (O-5)

Mayor Naugle said there has been a request to defer this item.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel to defer this item until July 19, 2005, at 6:00 p.m. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

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 – Family Fitness Weekend (M-1)

A motion authorizing and approving execution of an Event Agreement with the friends of Birch State Park, Inc. for Family Fitness Weekend, to be held at Birch State Park, Fort Lauderdale Beach, and beach area streets on Saturday, July 16, 2005, 5:30 AM – 2:30 PM and Sunday, July 17, 2005, 7 AM – 11 AM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0702

Event Agreement – Dragon Skies of China Gala (M-2)
And Closing Certain Streets

A motion authorizing and approving execution of an Event Agreement with the Museum of Discovery and Science, Inc. for Dragon Skies of China Gala, to be held Saturday, October 8, 2005, 6 PM – 12 AM; and authorizing closing of SW 2 Street from SW 4 Avenue to SW 5 Avenue, and SW 4 Avenue from Broward Boulevard to SW 2 Street, from 10AM, Friday, October 7, 2005 to 5 PM Sunday, October 9, 2005.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0703

Event Agreement – Broward Kiddies Carnival (M-3)
And Closing Certain Streets

A motion authorizing and approving the execution of an Event Agreement with Broward Caribbean Carnival, Inc. for Broward Kiddies Carnival, to be held Sunday, October 2, 2005, 2 PM – 8 PM at Stranahan Park and Huizenga Plaza; and also authorizing the closing of various downtown streets for the parade portion of the event.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0704

Event Agreement – RaceFest and Closing (M-4)
Certain Streets

A motion authorizing and approving execution of an Event Agreement with Las Olas Riverfront Associates Limited Partnership for RaceFest, to be held Thursday, November 17, 2005, 12 Noon – 11 PM at Las Olas Riverfront and Huizenga Plaza; and also authorizing the closing of various downtown City streets.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0708

Event Agreement – Pro-Am Beach Volleyball Tournament (M-5)

A motion authorizing and approving execution of an Event Agreement with Friends of Birch State Park, Inc. for the Pro-Am Beach Volleyball tournament, to be held at Fort Lauderdale's South Beach on Saturday and Sunday, July 23 and 24, 2005, 8 AM – 7 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0709

Event Agreement – Tri-Fort Lauderdale Triathlon (M-6)

A motion authorizing and approving execution of an Event Agreement with the Friends of Birch State Park, Inc. for the Tri-Fort Lauderdale Triathlon, to be held at Birch State Park, Fort Lauderdale Beach, and beach area streets on Sunday, September 25, 2005, 7 AM – 9:30 AM

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0710

Task Order 26 – CH2M Hill, Inc. - \$164,613 (M-7)
WaterWorks 2011 Design Team Support Services

A motion authorizing the proper City Officials to execute Task Order 26 with CH2M Hill, Inc., in the amount of \$164,613 for the provision of technical support services to the WaterWorks 2011 design team.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0705

Task Order 25 – CH2M Hill, Inc. - \$68,749 (M-8)
Field Construction Administrative Support Services

A motion authorizing the proper City Officials to execute Task Order 25 with CH2M Hill, Inc., in the amount of \$68,749 for Project 10365 – Field Construction Administrative Support Services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0707

Contract Extension – Danella Companies, Inc. - \$166,060 (M-9)
Annual Contract Directional Drill Water Services

A motion authorizing the proper City Officials to execute a one-year contract extension with Danella Companies, Inc., in the amount of \$166,060, for Annual Contract Directional Drill Water Services – Project 10806-A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0696

Change Order 5 – Hewett-Kier Construction, Inc. - (M-10)
\$15,314.52 – One Stop Shop

A motion authorizing Change Order No. 5 with Hewett-Kier Construction, Inc. in the amount of \$15,314.52 for Project 10372 – One Stop Shop.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0721

Change Order 1 – The Poole and Kent Company - (M-11)
\$100,000 – Peele-Dixie Membrane Plant Bid Package B

A motion authorizing Change Order 1 with The Poole and Kent Company in the amount of \$100,000 for Project 10454B – Peele-Dixie Membrane Plant Bid Package B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0717

Change Order 4 – MBR Construction, Inc. - \$191,053.31 (M-12)
SE/SW 2nd Street Corridor Streetscape Improvements

A motion authorizing Change Order 4 with MBR Construction, Inc. in the amount of \$191,053.31 for Project 15393, SE/SW 2 Street Corridor Streetscape Improvements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0720

Law Enforcement and Resource Assistance Mutual Aid (M-13)
Agreement – Child Abduction Response Team and
Florida Department of Law Enforcement

A motion authorizing the proper City Officials to execute a law enforcement and resource assistance mutual aid agreement with member agencies of Child Abduction Response Team and Florida Department of Law Enforcement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0723

Lease Agreement – Martin Zisholtz – Sidewalk and (M-14)
Roadway – 327 SW 2 Street – Historic District

A motion authorizing the proper City Officials to counter-execute a one-year lease agreement, for the period of January 1, 2005 – December 31, 2005, in the amount of \$2,500, with Martin Zisholtz for 376 square feet of sidewalk area and 260 square feet of roadway located at 327 SW 2 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0728

**February 14, 2006 Primary and March 14, 2006 Municipal
General Election Pollworker Services (M-15)**

A motion authorizing the proper City Officials to execute an agreement with the Broward County Supervisor of Elections relating to pollworker services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0732

**Special Event Parking Fee – Billfish Tournament -
November 9-13, 2005 (M-16)**

A motion authorizing a flat \$5,000 special event parking fee for the Billfish Tournament to be held on November 9-13, 2005.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0750

Broward County Recording Fees (M-17)

A motion to approve the annual estimated expenditure of funds for recording fees to be paid to Broward County.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0715.

**Flagler Heights Park – OS22 Addendum
Contract for Purchase & Sale - \$550,000 (M-18)**

A motion authorizing the proper City Officials to execute an addendum to Contract for Purchase and Sale of property for Flagler Heights Park with Neil and Janet P. Maizner for \$550,000 from Park Development Impact Fee Account 219-450-215.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-0774

PURCHASING AGENDA

252-9212 – Purchase of Cutaway Van with Mounted Body (PUR-1)

An agreement to purchase a cutaway van with mounted body is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Sam Packs 5 Star Ford of Carrollton
Carrollton, TX

Amount: \$25,676.00

Bids Solicited/Rec'd: 247/1

Exhibit: Commission Agenda Report 05-0700

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

352-9167 HOPWA 2005-06

(PUR-2)

Award of 2005-2006 HOPWA funds is being presented for approval by the Planning and Zoning Department.

Recommend: Staff recommends City Commission approval to accept the award of the HOPWA 2005-2006 funds based on the recommendation of the Selection Committee

Vendor: Broward House, Inc. Susan B. Anthony Center, Inc.
Mount Olive Devel. Corp. Shadowood, II, Inc.

Amount: \$2,400,000.00

Bids Solicited/Rec'd: 51/4

Exhibit: Commission Agenda Report 05-0706

The Procurement Services Department recommends awarding to the HOPWA providers as listed and recommended by the City's evaluation committee.

Proprietary – License Purchase and Maintenance Renewal

(PUR-3)

Approval to purchase a license and renew two maintenance agreements is being presented for approval by the Police Department.

Recommend: We are recommending renewal of these maintenance agreements for the periods and costs indicated on the background information which will total \$50,434.00.

Vendor: Ortivus North America Printrak International
Laval, PQ Canada Anaheim, CA

Amount: \$50,434.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0684

The Procurement Services Department has reviewed this item and recommends approving the proprietary purchases.

Proprietary – Official Records System - Imaging System Enhancement**(PUR-4)**

An agreement to purchase configuration and programming services for the official records system – imaging process is being presented for approval by the Information Technology Department.

Recommend: Motion to approve.

Vendor: Global 360 BGS, Inc.
Melbourne, FL

Amount: \$36,870.00 (Not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0693

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

Laser Check Printing System Enhancement**(PUR-5)**

Agreement to purchase various enhancements for the laser check printing and positive pay software is being presented for approval by the Information Technology Department.

Recommend: Motion to approve.

Vendor: Harbor Payments, Inc.
Atlanta, GA

Amount: \$11,000.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0695

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

452-9217 – Purchase of Cast Iron Valve Boxes**(PUR-6)**

One-year contract for the purchase of cast iron valve boxes and component parts is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Bingham Taylor
Culpeper, VA

Amount: \$29,000.00 (estimated)

Bids Solicited/Rec'd: 446/6

Exhibit: Commission Agenda Report 05-0689

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

Co-Op – Purchase of Aggregates, Top Soils and Sand**(PUR-7)**

One-year contract for aggregates, topsoils and sand is being recommended for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Austin Tupler Trucking, Inc. Florida Superior Sand, Inc.
Tenex Enterprises, Inc.

Amount: (Per Unit Pricing)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0690

The Procurement Services Department reviewed this item and recommends approving purchases from the South Florida Governmental Cooperative Purchasing Group.

452-9222 – Purchase of Liquid Chlorine**(PUR-8)**

One-year contract for the purchase of liquid chlorine (rail car delivery) is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Allied Universal Corporation
Miami, FL

Amount: \$437,750.00 (estimated)

Bids Solicited/Rec'd: 367/1

Exhibit: Commission Agenda Report 05-0686

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

Co-Op – Purchase and Installation of Sod**(PUR-9)**

One-year contract for the purchase of sod and installation as needed is being recommended for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Conco Horticultural, Inc. Four Start Property Services, Inc.
Greenearth Nursery & Tropic Landscaping & Lawn
Sod, Inc. Maint., Inc.

Amount: (Per Unit Pricing)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-0687

The Procurement Services Department reviewed this item and recommends approving purchases from the South Florida Governmental Cooperative Purchasing Group.

452-9215 – Purchase of Polyethylene Tubing and Liners**(PUR-10)**

One-year contract for the purchase of polyethylene tubing and liners is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Ferguson Enterprises, Inc. (Group I)
Hughes Supply, Inc. (Group II)
Amount: \$25,750.00 (estimated)
Bids Solicited/Rec'd: 212/4
Exhibit: Commission Agenda Report 05-0688

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

Proprietary – Renew Hansen Annual Maintenance Agreement**(PUR-11)**

Approval to renew the annual maintenance agreement with Hansen Information Technologies is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Hansen Information Technologies Corp.
Rancho Cordova, CA
Amount: \$88,870.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-0634

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

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

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel that Consent Agenda Item No. M-3, M-14, and M-16 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, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

**Event Agreement – Broward Kiddies Carnival
And Closing Certain Streets****(M-3)**

Vice Mayor Teel pulled this item, to ask what arrangements have been made for restroom facilities at the parade.

Phil Thornburg, Director of Parks and Recreation, said the event ends in Huizenga Plaza and portable restrooms are to be provided.

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

Lease Agreement – Martin Zisholtz – Sidewalk and Roadway (M-14)
327 SW 2 Street – Historic District

Commissioner Trantalis pulled this item. He is concerned about what is going to be done in this matter. This is a counter-offer of \$2,500 per year for the use of a portion of a sidewalk. He asked if anyone spoke with Mr. Zisholtz about donating the land to the City. It sounds like the owner is being given an annuity forever on a piece of sidewalk that clearly belongs to the City. He asked if eminent domain could be initiated to clarify what appears to be an error that should not be to the detriment of the City.

Peter Partington, City Engineer, said this is to 'regularize' the situation for the next several months so negotiations can continue to acquire the rights to the land which acts as part of the right-of-way. If there is no agreement, it is possible to initiate eminent domain proceedings. He said it is not the City's intention to perpetuate the lease agreement for years, but to arrive at an agreement.

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

Special Event Parking Fee – Billfish Tournament - (M-16)
November 9-13, 2005

Vice Mayor Teel pulled this item. Lengthy discussions were held in the past regarding parking fees. A low rate was kept artificially for a long time, and that a restructuring of fees would be called for in order to bring Fort Lauderdale's rates in line with other areas. In looking at the back-up material, the sponsor paid \$1,430 in 2002 for 134 parking spaces, in November, 2003 they paid \$6,238.10 for 214 parking spaces, and in November, 2004, they paid \$2,490 for 249 parking spaces. The Parking Division has suggested to bring the amount into the range of responsible government with an amount of \$9,900.

The City Manager said the formula is accurate. When standardized rates were proposed, it was mentioned that the Commission would reserve the right to offer incentives for economic development initiatives that would be appropriate. This is one of those proposals.

Vice Mayor Teel said staff recommends a flat fee of \$5,000 that is about 50% of the amount that should be charged. She questioned if that reduction is a wise move and asked where the \$5,000 figure came from.

The City Manager said the amount was negotiated because the sponsor is concerned that the parking issue could drive them to another location. The City negotiated with the event sponsor in order to keep the event in the City.

Vice Mayor Teel could not support the \$5,000 figure because it is artificially low. Poor people are not fishing in the beautiful boats that are involved in the tournament. The event may be not-for-profit, but a lot of money is involved in boating and fishing. She said that possibly the \$9,900 is high, but it should be the rate for the future.

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

Commissioner Trantalis said that although the City needs to watch their budget, they are still an entertainment venue and should provide incentives for people to continue using the City as such a venue. It is the idea of holding out an invitation to outside groups. He realized the \$5,000 figure is arbitrary, but felt that staff provided the best number that could be negotiated. He did not feel the \$5,000 difference would hurt the City, and the good will bought with that difference is something that cannot be calculated with money.

Mayor Naugle said he would support this item because in addition to the \$5,000 figure, the City is also receiving \$9,000 in dock rentals. If the event leaves the City due to the higher parking fee, then there would be \$15,000 less in the City's cash register. The rate takes into account the total picture.

Kathleen Gunn, Assistant City Manager, stated that in speaking with the organizer of the Billfish Tournament, staff was advised that the dock fees would be the same as last year, and the showmobile would also be rented which would generate about \$15,000 to \$16,000.

Mayor Naugle said the parking space area is being rented for tent displays, plus additional revenue is being received from other parking spaces. If the event goes to a marina, then the City would not receive the dockage fees

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

MOTIONS

**Appeal – Historic Preservation Board Decision – 12-H-05
Certificate of Appropriateness for New Construction –
307 SW 12 Avenue**

(MD-19)

Mayor Naugle said this is an appeal of the decision of the Historic Preservation Board who denied the application of a Certificate of Appropriateness for New Construction on June 6, 2005. The Board approved the application for a Certificate of Appropriateness for Demolition.

Mayor Naugle said the Commission is to decide whether there was a departure from the essential requirements of law or whether competent substantial evidence support the Historic Preservation Board's decision does not exist. If they find there is not a departure from the essential requirement of law, and that competent substantial evidence to support the decision of the Historic Preservation Board does not exist, the decision of the Historic Preservation Board will be upheld. If the Commission finds that either there is a departure from the essential requirements of law or that competent substantial evidence to support the decision does not exist, then they will adopt a resolution setting the date of September 7, 2005 at 6:00 p.m., or as soon thereafter, for a public hearing on this case.

James Cromar, Planning and Zoning, said this site is located in the Sailboat Bend Historic District. Two requests were made, and one was denied which was the construction of four 3-story townhouses with a third-story dormer. The new construction was denied with a 4-4 vote.

Mayor Naugle asked if this item could be heard tonight. Mr. Cromar responded yes, and stated that the hearing could also be held within 60 days. The applicant is present and ready to make a presentation.

Commissioner Trantalis said if the matter is heard tonight, he did not feel there would be appropriate notice. Therefore, he favored continuing the matter until the later date.

Mayor Naugle said the date suggested for the hearing is September 7, 2005, but he did not know if such date has been communicated to the public.

Commissioner Hutchinson said if this matter is to come back for a public hearing, she suggested it not be scheduled during the budget discussions. She felt July 19, 2005 would be more appropriate.

Commissioner Trantalis asked if the July 19th date would provide sufficient time for notice to the public. The City Attorney confirmed yes.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to hold a public hearing regarding Historic Preservation Board Case No. 12-H-05 on July 19, 2005 at 6:00 p.m.

RESOLUTION NO. 05-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE HISTORIC PRESERVATION BOARD'S DECISION IN CASE 12-H-05, WHICH WAS A DENIAL OF THE APPLICANT'S REQUEST FOR A CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION, MAKING CERTAIN FINDINGS, AND SETTING A PUBLIC HEARING TO CONSIDER THE APPEAL BEFORE THE CITY COMMISSION AT 6:00 P.M. ON JULY 19, 2005.

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

PUBLIC HEARINGS

2005-2006 Community Development Block Grant Funding Requests Extension of Time Frame for Expenditure of Funds (PH-1)

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve 2005-2006 Community Development Block Grant funding requests for HUD Annual Action Plan and authorize extension of time frame for expenditure of funds to the time the project/activity is completed. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

2005-2010 HUD Consolidated Plan Neighborhood Revitalization Strategy (PH-2)

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

Margarette Hayes, Community Development, said that staff had not received any public comment regarding this matter.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel to authorize submission of the HUD 2005-2010 Consolidated Plan and Neighborhood Revitalization Strategy included in the Consolidated Plan. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

ORDINANCES

Broward County School Board Representative to Serve On City's Local Planning Agency – 2-T-04 (O-1)

Commissioner Hutchinson introduced the following ordinance on 2nd reading:

ORDINANCE NO. C-05-15

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-31, LOCAL PLANNING AGENCY, TO INCLUDE A REPRESENTATIVE OF THE

SCHOOL BOARD OF BROWARD COUNTY ON THE LOCAL PLANNING AGENCY TO CONSIDER CERTAIN MATTERS AS REQUIRED BY SECTION 163.3174, FLORIDA STATUTES.

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

Police & Firefighters Retirement System – Cost of Living Adjustment (COLA) One-Year Extension (O-2)

Commissioner Hutchinson introduced the following ordinance on 2nd reading:

ORDINANCE NO. C-05-16

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESPECTING THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM BY READOPTED SECTION 29-129(f) OF THE RETIREMENT SYSTEM EXTENDING COST OF LIVING ADJUSTMENT FORMULA AND PROVIDING FOR A REPEAL DATE OF JULY 15, 2006, UNLESS READOPTED BY THE CITY COMMISSION TO JULY 15, 2006.

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

Vacate Right-of-Way – Flagler POP I & II, LLC - Downtown Lofts – 15-P-04 (O-3)

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel to defer this item until July 19, 2005 at 6:00 p.m. Roll call showed: YEAS: Commissioner Hutchinson, Vice Mayor Teel, Commissioner Trantalis, and Mayor Naugle. NAYS: None. (Please see Applicant's letter of June 27, 2005)

Rezoing, Site Plan Approval & Allocation of Residential Flex Units – 3-ZR-04 – Park View Lofts Mixed-Use Development – 3-ZR-04 (O-4)

Mayor Naugle said that this item has been withdrawn from tonight's agenda. (Please see Applicant's letter of June 27, 2005)

Rezoning – 2.19 Acres, Edgewood Neighborhood 3-Z-05 (O-5)

Mayor Naugle said that this item has been deferred until July 19, 2005 at 6:00 p.m.

CITIZEN PRESENTATIONS

1. Kenyel Thomas – Issues Relating to Risk Management and Police (CIT-1)

Not present – No report given.

2. William Spencer – WaterWorks 2011 (CIT-2)

Not present – No report given.

3. Steve Fried and John Grzeszczak – Rental of Pool at Fort Lauderdale Aquatic Complex by Hammerhead Aquatics, Inc. (CIT-3)

John Grzeszczak, President and Head Coach of Hammerhead Aquatics, Inc., said they are a 501(c) charity. Hammerhead has requested, through normal channels, permanent part-time access to the Fort Lauderdale Aquatic Complex. They are not asking for any money from the City. In the past, the City has had an exclusive contract with a former swim club. He said that the contract is non-exclusive. The City's program is great, however Hammerhead is diverse and offers scholarships. For any individual that cannot pay, they are still able to swim with Hammerhead. He is a duly qualified coach and the insurance is the same. Handicap people are accepted into their program. Hammerhead offers an opportunity to bring in more dollars to the City. They also offer volunteers to run swim meets. They are requesting off-times for use of the pool.

Commissioner Trantalis asked if they are seeking exclusive use during certain times.

Mr. Grzeszczak said there are two pools. Teams are permitted from all over the world to use certain lanes. Hammerhead is not requesting use of the entire pool, only for a few lanes during off-hours of the week. The City would not have to provide lifeguard services, and they are willing to pay for use of the pool.

Commissioner Trantalis asked if Hammerhead has contacted the Director of Parks and Recreation regarding this matter. Mr. Grzeszczak said they have, but were informed this could not be done because the City sponsors a program.

The City Manager asked that staff explain their position.

Bruce Larkin, Director of Business Enterprises, said he spoke with Mr. Grzeszczak in April regarding this request. In May letters and e-mails were sent between the parties, and he explained from a business perspective why this request did not make good sense for the City, and why he could not endorse their proposal. It is like Burger King going into McDonald's to sell hamburgers. The City has a long-term relationship and co-sponsorship with competitive swim teams at the Complex, and significant City funds are spent regarding those teams. When Jack Nelson retired from competitive swimming, the City entered into a contract in November, 2004 with Duffy Dillon to coach competitive teams at all levels. Currently the City pays \$55,000 per year to Fort Lauderdale Aquatics, Duffy Dillon, to run the competitive program. All age groups are covered in the

program. He said that Mr. Grzeszczak previously worked with Jack Nelson, and currently is operating at two pools in the City which are Fort Lauderdale High School and Sunrise Middle School. He said that is appropriate and he wishes them success at those locations. However, he felt carving out pool time at the Complex with a team that is a direct competitor operating at the City's venue is not good business sense. The City does not have competing tennis pros or concessionaires. He did not feel they should have competitive swim programs operating in the same venue.

Mayor Naugle asked if any member of a swim team could sign up and use the pool when available. Mr. Larkin said there are public swim times, and Hammerhead has members who come on a regular basis during such times. He offered to Hammerhead the same privileges extended to visiting teams prior to meets on a short-term basis for training and practice. He did not recommend that the City enter into a year-round relationship with this team.

RESOLUTIONS

**Plat Approval – Riverside Landings – 3-P-05
1219 SW 5th Court**

(R-1)

Applicant: John Boisseau

Commissioner Hutchinson said that one of the sites in this plat approval is not buildable. If she approves the plat, is this going to come back and bite her in the future.

The City Attorney said if the plat is approved, he did not see a lot in the platted area that is not buildable. There is a lot that does not meet the frontage requirements, but in accordance with Subdivision Regulations 47-24.5.D.3.h, it states "that lot arrangements shall be designed to meet the topography and nature and regulations," and it also states "that if when replatting the lot, if the size and shape of the tract to be platted makes conformance with the provisions of the Subdivision Regulations unreasonable or impractical, the Planning and Zoning Board is authorized to vary those requirements in appropriate cases in such matters to carry out the spirit and the purpose." He said one of the lots on the cul-de-sac does not have the appropriate frontage and becomes a flag lot.

Commissioner Hutchinson asked if she could she build on such a lot in Edgewood if it is platted. The City Attorney confirmed yes,

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

Jim Koeth, Planning and Zoning, said this is a request to replat a 2.53 acre parcel to construct eight single-family dwelling units, and three two-family units on the north side of SW 5th Court immediately south of the New River. The site is zoned RS-8 and RD-15. The Planning and Zoning Board recommended 8-1 that this plat be approved with the condition that it comply with an archaeological requirement that, if deemed necessary by the Broward County Archaeological Society, a phase one archaeological survey be conducted.

Heidi Davis, representing the Applicant, asked for further clarification of the determination regarding the plat and the buildable lot.

The City Attorney said that under the Subdivision Regulations, if the replatting is approved, and the Planning and Zoning Board has approved this plat, the lots in the replat will be buildable lots even though they do not all meet the standards. If there is a finding that it is impracticable in the judgment of the Planning and Zoning Board, which he assumed has occurred, and it carries out the spirit of the regulations, each of the lots would be buildable.

Commissioner Trantalis asked why staff felt it is impractical, if they could not otherwise build on the parcel.

Marc LaFerrier, Director of Planning and Zoning, said it is not staff that makes the determination, but the Planning and Zoning Board who approved this plat in March, 2005. Therefore, according to the Code, all lots are deemed buildable.

Commissioner Trantalis asked if there situations where developers can propose a development that would not necessarily allow the number of units or size of units to be built on the individual lots if they were to be built on separately, but collectively, such as PUDs. He asked if this type of thing comes from the same type of development that separately they could not be built, but collectively this is appropriate for development.

Mr. LaFerrier said that collectively the entire plat complies with City regulations, but the lot layout for one lot is short on the dimension of the width of the lot because it is a flag lot, which narrows to the cul-de-sac. This is typical for lots in a cul-de-sac. For that reason, there is a section of the Code which permits the Planning and Zoning Board to consider such issues such as lot layout and topography, and vary those standards and regulations. He would not deem this lot as substandard because it meets all standards for a full lot required in the overall width of the lot.

Commissioner Trantalis asked what is being sacrificed in this case, if it is not otherwise buildable. Mr. LaFerrier said the applicant could probably redraw the lot so dimensions could be met. He suggested the applicant could answer such a question.

Ms. Davis proceeded to show a layout of the lot. It consists of 11,000 square feet, the only portion that does not meet the current setback is at the cul-de-sac for 25 feet. According to Code, it is measured at the cul-de-sac. The house will be developed according to Code. Only one portion does not meet the Code requirement. It is the largest lot in the subdivision. There is also a two-lane driveway. The Code measures it from the street line and not necessarily from where one is building. The entrance into the cul-de-sac is the driveway, but the house will be compliant with all Code regulations.

Commissioner Trantalis asked if the remaining lots have proper frontage according to Code. Mr. LaFerrier confirmed that they do. Commissioner Trantalis asked if this is not approved, would the Applicant enlarge the other lots. Mr. LaFerrier said that is one possible solution, but the Applicant could also attempt to alter all lot lines ending up with the same number of lots. Putting a subdivision plat together is like doing a jigsaw puzzle.

Commissioner Trantalis did not want to establish precedence by bending the rules and not going to the next level of reconfiguring the lots or losing one lot in order to meet the Code.

Ms. Davis said the City would not be setting precedence. She showed sites along the River, and said the lots highlighted are all flag parcels which is similar to what they want to accomplish in this case. The same situation occurs at all cul-de-sacs.

Commissioner Trantalis asked if the plat is not approved by the Commission would the Applicant reduce the development by one lot.

Dan Fee, Project Engineer, confirmed that is correct and said that if one is trying to hold 75' along the arc length, they would run out of dimension around the cul-de-sac and end up with a huge piece without the 75' of frontage. They would have to combine lots and then end up with a 20,000 square foot lot. He said the subject lot is 11,236 sq. ft.

Vice Mayor Teel said the platting is acceptable due to the cul-de-sac situation. She did not find it objectionable. The lot has a generous square footage. The Planning and Zoning Board sent a clear message. Such lots exist throughout the City and throughout the country. She supported this item as presented.

Dave Marshall, SW 5th Court, said he is representing the Riverside Park Residents Association and distributed a statement. The material is an update of a previous letter, and the only change is that the general membership is requesting that a certified arborist be used regarding the relocation of trees at the site to avoid City staff being put in the position of enforcing something more stringent than what City ordinances provide for.

Commissioner Hutchinson asked how the neighborhood felt about the development and were there concerns about the non-buildable lot.

Mr. Marshall said further that it is their understanding that this question will be considered when a site plan is submitted. They have not reviewed this issue extensively with the group, but are aware of the situation.

Commissioner Hutchinson said it was her impression that some of the Planning and Zoning Board members also felt the issue would be addressed when a site plan is submitted. Mr. Marshall said that is the widespread understanding in their Association. He said tonight's determination might have an impact as to whether other procedures will be appropriate. He wondered if this is something that staff or the City Attorney could clarify further.

Commissioner Hutchinson asked if the plat is approved tonight and plans are submitted to the Development Review Committee (DRC), will any type of variance be required.

The City Attorney said they will not need a variance; the configuration of the lot will be approved as having met the criteria. Mayor Naugle said that is due to the Commission's vote this evening.

Commissioner Trantalis said in looking at the lot sizes, this lot is the largest lot, but in reality still $\frac{1}{4}$ of an acre. He felt they are packing houses into the cul-de-sac which appears to be the trend in the City. If they are going to agree to a denser development,

it appears that the applicant could consider offering some kind of accommodation to the neighborhood such as a landscaping allowance.

Ms. Davis said it is not a dense neighborhood; the zoning permits a denser development. Commissioner Trantalis said that the site does not comply. Ms. Davis said it complies with zoning. The Applicant is doing an entire tree survey since the development is on the River and some species need to be analyzed before relocation. Commissioner Trantalis asked if the Applicant would consider adding trees to the site to make the area not feel imposed on due to the extra lot.

Mr. Fee said they will add additional landscaping, and they were aware of two trees that had to be relocated. They are also putting in a buffer wall along the west line of the adjacent properties that will not be a solid masonry wall, but will have metal picket inserts. A buffering wall would also be placed along the south line. A wall is not required between residential dwellings.

Commissioner Trantalis asked further if the Applicant would consider offering additional landscaping to the neighborhood since an additional house is going to be added to the site. Mr. Fee said they will add landscaping at the site plan stage, and will relocate trees. Commissioner Trantalis asked how much additional landscaping would be added, and what the cost would be. He asked if a commitment could be made regarding a dollar amount by the Applicant for such landscaping.

Mr. Marshall said the property owner has been responsive with respect to trees at the site, and his willingness to preserve or relocate them.

Commissioner Trantalis said they are referring to the existing trees, but he felt they could add to the tree environment.

Ms. Davis said further that it is hard to quantify the amount that would be acceptable because they do not have any calculations for the lots at this time. Mr. Fee said that no houses are designed as of this time. In putting in new trees they would have to check the existing canopy. Stating a quantity is difficult, but they are willing to add to the landscaping.

Vice Mayor Teel asked if Mr. Marshall was the adjacent property owner to the west. Mr. Marshall confirmed that is correct.

Commissioner Hutchinson said the neighborhood worked hard to have the tree survey done, and the Applicant has agreed to a certified arborist. She asked for the letter from the neighborhood to be added to the item as a condition for the plat approval. She was uncomfortable with this, and as the District Commissioner, she wanted to support it because Riverside Park is working hard for redevelopment in their area. It is not a bad project, but she feels it could be reconfigured and possibly have one less house in the development. She agreed that the Planning and Zoning Board did not have any idea what they were doing. She said Mr. Cooper's statement on page 4 of the minutes summarizes that when the Applicant wants to construct a house on the lot, then the problem will have to be solved in its entirety. Mr. Cooper is assuming this is just a plat, and the non-buildable lot will have to go through another process. She believed the site could be reconfigured to supply the necessary frontage and then meet the Code entirely.

Mr. Fee said in order to be fair to Mr. Cooper, the question at that time was not posed to the City Attorney in the same manner as it was presented this evening. Commissioner Hutchinson said it was shame on them for not doing so. Mr. Fee said the City Attorney this evening provided a determination as to what is applicable.

Commissioner Hutchinson said the Planning and Zoning Board is the Local Planning Agency and they need to pose questions such as the ones posed this evening. They set the precedence for the City; possibly the appointments need to be reconsidered for that Board.

Ms. Davis said she understood the concerns that have been raised, but this is the platting process and a determination was made by the City Attorney. She said this is a great project for the neighborhood, and the Applicant is willing to make concessions and add landscaping. The Applicant would provide \$50,000 towards improved landscaping at the site. They do not want this item postponed and hope that things could be worked out.

Commissioner Trantalis asked if the additional landscaping would be for the lots themselves. Mr. Fee said it would be a combination, but he felt there is not enough space on the right-of-way for a lot of additional landscaping.

Commissioner Hutchinson hated the money aspect of this, but realized how hard Riverside Park works for their community. She did not like throwing out money figures in order to get a vote. It will be good to hire an arborist and have a tree survey done. She will support this on behalf of River Side Park even though she is uncomfortable with it. She said the community wants their area redeveloped and she hoped the project would move in the right direction.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel to approve this item as presented, including the additional landscaping offered by the Applicant.

RESOLUTION NO. 05-120

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

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

Plat Approval – Park View Lofts – 8-P-04
1317 NE 7 Avenue

(R-2)

Mayor Naugle said that this item has been withdrawn from tonight's agenda. (Please see letter of June 27, 2005)

Delegation of Authority to Approve Sale of City Auction Items

(R-3)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 05-121

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DIRECTING THE MANNER OF DISPOSITION OF SURPLUS PERSONAL PROPERTY BY AUTHORIZING THE DIRECTOR OF THE PROCUREMENT SERVICES DEPARTMENT TO SELL SURPLUS PROPERTY BY PUBLIC LIVE AUCTION OR INTERNET AUCTION, AND AUTHORIZING THE DIRECTOR OF THE PROCUREMENT SERVICES DEPARTMENT TO DISCARD AS TRASH OR GARBAGE SCRAP SUPPLIES HAVING NO COMMERCIAL OR SALVAGE VALUE.

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

Sistrunk Boulevard Façade Demonstration Program William Cone – Waiver of Conflict of Interest

(R-4)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 05-122

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING ANY CONFLICT OF INTEREST OF WILLIAM CONE AS A MEMBER OF THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS COMMUNITY REDEVELOPMENT AREA ADVISORY BOARD FOR HIS PARTICIPATION IN THE SISTRUNK BOULEVARD FAÇADE DEMONSTRATION PROGRAM.

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

Advisory Board/Committee Appointments

(OB)

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

Aviation Board

William J. Aston
Bernie Petreccia
Chris Pollock
Steve Stella
Bunney Brenneman

Robert Iverson

Citizen Review Board Ron Wright

Northwest-Progresso-
Flagler Heights Redevelop-
ment Board Brice J. Lambrix

Local Planning Agency Dr. Frank Till

Nuisance Abatement Board Laurie A. Watkins

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 05-118

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, Commissioner Trantalis, and Mayor Naugle. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 7:15.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk