

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
MARCH 21, 2006**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
MARCH 21, 2006**

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 Charlotte E. Rodstrom
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	None Present

Invocation was offered by Reverend Mike Jeffries, Mission Pastor First Baptist Church of Fort Lauderdale, 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 March 7, 2006 Conference and Regular Meetings, the February 21, 2006 Workshop/Legislative Issues/Senator Steven Geller, and the agenda be approved. Roll call showed: YEAS: Commissioners Rodstrom, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Presentations

OB

1. Children's Safety Day – March 7, 2006

Commissioner Moore and the City Commission issued a proclamation declaring March 7, 2006 as "Children's Safety Day" in the City of Fort Lauderdale. He presented the proclamation to Jack Nelson of the Jack Nelson Swim School.

Jack Nelson thanked the Commission. He said they have been teaching children to swim since the 1950's.

2. Presentation to Chief Otis Latin

On behalf of the Commission, Commissioner Hutchinson recognized Fire-Rescue Chief Otis Latin for all the years of service he has provided to the City of Fort Lauderdale. Chief Latin is now leaving for a new position in the City of Austin. She presented a proclamation designating Tuesday, March 21, 2006, as "Chief Otis Latin Day" in the City.

Chief Latin thanked the Mayor and City Commission. He said it was a pleasure to serve almost nine years in the City of Fort Lauderdale. He said the citizens of the City have been great, and his department has been the best in the country.

3. Expression of Sympathy

Mayor Naugle and the City Commission offered an expression of sympathy to the family of Churchill Hungerford.

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 – Las Olas Gourmet Market II

(M-1)

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Las Olas Gourmet Market II, to be held on the following Sundays in 2006: March 26, April 23, and May 28, 9 AM – 4 PM at 1101 East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0398

**Event Agreement – New Times 9th Annual Beerfest
And Closing SW 2 Street (M-2)**

A motion authorizing and approving execution of an Event Agreement with Old Town at Riverwalk Merchants Association, Inc. for New Times 9th Annual BeerFest, to be held Saturday, April 8, 2006, 7 PM – 11 PM; and authorizing closing of eastbound lanes of SW 2 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0401

Event Agreement – Riverwalk Tribute (M-3)

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Riverwalk Tribute to be held on Wednesday, April 19, 2006, 5 PM – 9 PM on the Riverwalk in front of the River House Restaurant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0403

Event Agreement – AVP Pro Beach Volleyball Tour (M-4)

A motion authorizing and approving execution of an Event Agreement with Association for Volleyball Professionals, Inc. for the AVP Pro Beach Volleyball Tour to be held Friday through Sunday, March 31, 2006 through April 2, 2006, 7 AM – 8 PM at South Beach.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0394

**Settlement of Worker Compensation Claim (M-5)
WC-00-10663 - \$42,500**

A motion authorizing settlement of Worker Compensation Claim WC-00-10663 in the amount of \$42,500.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0339

Change Order 3 – Foster Marine Contractors, Inc. - (M-6)
(\$210,965.61) Final Credit – Peele-Dixie Concentrate Forcemain

A motion authorizing Change Order 3 with Foster Marine Contractors, Inc. in the amount of (\$210,965.61) CREDIT for final quantity reconciliation and additional work under Work Order 10656 – Sanitary Sewer and Water Main Improvements – Peele-Dixie Concentrate Forcemain – Project 10859D.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0355

Change Order 1 – F.R. Aleman & Associates, Inc. - \$52,800 (M-7)
Annual Point Excavation (Potholing) and Utility Designation - Riverland

A motion authorizing Change Order 1 with F.R. Aleman & Associates, Inc., in the amount of \$52,800, for additional utility designation services in Sewer Area 19 (Riverland) under the Annual Point Excavations (Potholing) & Utility Designation Services – Project 10528-B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0400

Change Order 4 – Lanzo Construction Co., Florida - (M-8)
\$42,147.40 – River Oaks Septic Area 6 Phase II – Jacob’s Landing

A motion authorizing Change Order 4 with Lanzo Construction Co., Florida, in the amount of \$42,147.40, for additional work and quantity increases for Project 10705B – River Oaks Septic Area 6 Phase II – Jacob’s Landing Sanitary Sewer, Pump Station and Water Main.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0409

Change Order 1 – MBR Construction, Inc. - \$35,206.79 (M-9)
Sunset Memorial Gardens

A motion authorizing Change Order 1 with MBR Construction, Inc., in the amount of \$35,206.79, for improvements to Sunset Memorial Gardens – Project 10443.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0419

Noise Management Plan – Extension South Florida (M-10)
Regional Transportation Authority – CSX/Tri-Rail Corridor

A motion authorizing an extension of the Noise Management Plan submitted by the Washington Group International, South Florida Regional Transportation Authority contractor, to April 20, 2006 – double tracking of CSX/Tri-Rail corridor.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0427

United States Navy League - \$35,000 – Statue in Esplanade Park (M-11)
Honoring Men and Women in United States Armed Forces

A motion authorizing payment to United States Navy League – Fort Lauderdale, in the amount of \$35,000, toward cost to install a Lone Sailor Statute in Esplanade Park to honor men and women in the United States Armed Forces – NCIP Project 11093, Council of Fort Lauderdale Civic Associations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0417

Reject Bid – City Hall Emergency Generator (M-12)
Re-Bid or Other Procurement Methods

A motion rejecting single bid received for the City Hall Emergency Generator – Project 00434, and authorizing re-bidding or other procurement methods.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0418

Task Order 46 – Camp Dresser and McKee, Inc. - (M-13)
\$389,942 – System-Wide Pump Station Upgrades Phase II

A motion authorizing the proper City Officials to execute Task Order 46 with Camp Dresser & McKee, Inc., in the amount of \$389,942, for engineering services, including design and services during construction – associated with System-Wide Pump Station Upgrades Phase II – Project 11111.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0361

Revocable License – Todd and Karin Correll (M-14)
2316 Barcelona Drive – Improvements on City Storm
Drainage Easement

A motion authorizing the proper City Officials to execute a revocable license allowing improvements on City storm drainage easement located at 2316 Barcelona Drive.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0397

Grant Application – Broward County 2006 Emergency (M-15)
Medical Services - \$67.980

A motion authorizing the proper City Officials to apply for \$67.980 in grant funds through Broward County’s 2006 Emergency Medical Services Grant Program, with a cash match of \$22,660 – automatic transport ventilators.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0389

PURCHASING AGENDA

Proprietary – Purchase of Parkfolio Credit (PUR-1)
Car Communication Service Parking Meters

Purchase of Parkfolio credit card communication service is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Bytewise Solutions, Inc..
Opa Locka, FL

Amount: per unit prices (\$50/machine)

Bids Solicited/Rec’d: N/A

Exhibit: Commission Agenda Report 06-0341

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

State Contract – Telephone Network Support Tech Service**(PUR-2)**

An agreement to purchase professional services to provide network and telephone support is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Data Voice, Inc.
Melbourne, FL

Amount: \$57,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-0430

The Procurement Services Department has reviewed this item and recommends approving purchase from the Florida State Contract.

**Annual Maintenance and Support Agreement
Cisco Computer Networking Equipment****(PUR-3)**

One-year renewal of the annual maintenance and support agreement for computer networking equipment is being presented for approval by the Information Technology Department.

Recommend: Motion to approve.

Vendor: Digital Dimension
Woodcliff Lake, NJ

Amount: \$59,152.00 (estimated)

Bids Solicited/Rec'd: 217/5

Exhibit: Commission Agenda Report 06-0412

The Procurement Services Department has reviewed this item and recommends awarding to the low responsive and responsible bidder.

262-9378 – Installation and Repair of Chainlink and Picket Fences**(PUR-4)**

A two-year contract for the installation and repair of chainlink and picket fences is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Commercial Fence Contractors, Inc.
Orlando, FL

Georgis Fence & Concrete Co. Inc.
Fort Lauderdale, FL

Amount: per unit prices

Bids Solicited/Rec'd: 215/2

Exhibit: Commission Agenda Report 06-0415

The Procurement Services Department has reviewed this item and recommends awarding to the lowest responsive & responsible bidders.

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

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-2 and M-10 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

Event Agreement – New Times 9th Annual Beerfest And Closing SW 2 Street**(M-2)**

Phil Thornburg, Director of Parks and Recreation, said there has been a change regarding the street closure request. The Police Department has recommended that the eastbound and westbound lanes of 2 Street be closed for the same distance of SW 5 Avenue to the alley east of the old post office. He further said that the promoter is agreeable to the change.

Commissioner Hutchinson questioned if the loop behind the Historical Society would not be accessible. Mr. Thornburg said they would be able to come out Third Avenue to Broward Boulevard. The closure will be from the alley just to the east of the old post office west to SW 5th. The event is in Esplanade Park.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel to approve the item including the closure change recommended. YEAS: Commissioners Rodstrom and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: Commissioner Moore.

**Noise Management Plan – Extension
South Florida Regional Transportation Authority –
CSX/Tri-Rail Corridor**

(M-10)

Commissioner Hutchinson removed this item because she has not supported it in the past.

Scott Bryan, 1660 SW 22nd Avenue, said that he agreed with this matter when it first began. There was an agreement that the noise would not go above a certain level, but there have been numerous times when loud noise has occurred late at night. Residents are being awaked five, six times a night sporadically throughout this project. He felt they have made efforts to keep the noise level down and he is not opposed to granting the extension, but he wanted the spikes of noise to stop.

Tom Wilbor, Project Manager for Washington Group, said he understands concerns of the citizens. If it is Washington Group, they would find a way to stop the noise. There has been another contractor working at the site at night. He would like to be notified if it is Washington Group and they will respond. They have investigated every complaint. They do not wish to disturb anyone. In response to Mayor Naugle, Mr. Wilbor indicated they need an additional month, the end of April.

Kelli McCormack, 1660 SW 22nd Avenue, said she is not asking that the permit not be renewed, but that it be amended so they would not be permitted to work after 11 p.m. if they cannot control the noise level.

Elizabeth Fortrid, 2020 SW 22nd Avenue, said the pile driving should be reduced between the hours of 11 p.m. or midnight until 6 a.m.

Cynthia Jameson, 1661 SW 22nd Avenue, understood that originally the night work was only going to be for 1 1/2 months. Pile driving should be halted during the night hours besides. In addition to the noise, there is vibration. She pointed out that this was approved once and this is another request.

Commissioner Hutchinson asked for information regarding the delays.

Mr. Wilbor said that the Florida Department of Transportation decided that they wanted to install a certain type of system on the existing bridge. The contract was awarded in October and continued through February 8th. During that time, they could not do any shaft work. This caused the delay in their work, although FDOT worked at night until February 8th. They were installing pile and drilling. Washington would have been done had this delay not occurred.

Commissioner Hutchinson asked who should have monitored the site and determined there was a contractor working at night without a permit. Albert Carbon, Director of Public Works, said they were not aware that FDOT was working there. Staff will followup tomorrow morning. A permit was not granted by the City for that work. The noise level is checked on a regular basis by the City.

Commissioner Hutchinson asked if there is any noise monitoring equipment at the site between 11 p.m. and 5 a.m. Mr. Carbon said that the noise is spot-checked. Commissioner Hutchinson asked for a spot check to occur between 11 p.m. and 5 a.m. Mr. Carbon said the same request should be made of the contractor to ensure that they have the equipment onsite on a permanent basis. Staff can check their equipment, make sure it is functioning properly and have the noise level checked regularly.

Commissioner Moore was disappointed that a contractor was onsite and the City was unaware of the work taking place, and that the contractor requesting the night permit did not begin his work for 118 days due to someone else working illegally. Therefore, he would not support an extension. He suggested that the work cease by 11 p.m. and not commence again until 6 a.m. The State should give the Washington Group an extension of time.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the work cease at the subject site at 11 p.m. and not begin again until 6 a.m. Roll call showed: YEAS: Commissioners Rodstrom, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

PUBLIC HEARINGS

Application For Dock Waiver of Distance Limitations
2717 NE 16 Street – Donald and Judith Zimmer

(PH-1)

Applicant: Donald and Judith Zimmer
Location: 2717 NE 16 Street

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

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-32

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.b OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW DONALD ZIMMER AND JUDITH ZIMMER, HUSBAND AND WIFE, TO CONSTRUCT AND MAINTAIN A FOUR (4) POST CRADLE TYPE BOATLIFT THAT EXTENDS FROM THE PROPERTY LINE INTO THE RIO AZUL CANAL A DISTANCE NOT TO EXCEED 18.4' FEET FOR THE PROPERTY LOCATED AT 2717 N.E. 16TH STREET SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW..

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

ORDINANCES

Regulating Confinement and Tethering of Certain Animals (O-1)
Amending Code – New Section 6-35

Commissioner Moore introduced the following ordinance on the first reading:

ORDINANCE NO. C-06-07

AN ORDINANCE AMENDING CHAPTER 6, ANIMALS, ARTICLE II, DOGS AND CATS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING SECTION 6-35, SUPERVISION AND CONFINEMENT; TETHERING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

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

Vacation of Portion of Right-of-Way – West Side (O-2)
Of NW 7 Avenue – Sixth Street Corporation – Case 14-P-05

Applicant: Sixth Street Corporation
Location: Portion of right-of-way at southwest intersection of and Abutting NW 7 Avenue and NW 4

Commissioner Moore asked if this vacation is granted, would it be for any development occurring at this site in the future. He was concerned that if the street is vacated and this development does not move forward.

Greg Brewton, Planning and Zoning, said that the Applicant submitted this request as a result of a dedication that was previously considered, but no longer needed. The vacation would go with the property, and would not be attached to a particular development even though this subject matter before the Commission is for a proposed development by the current property owner.

Commissioner Moore asked for the item to be tabled so the owner could provide to the Commission some consideration that he would only ask for the vacation if he is going to construct the building that the community supports.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table this matter until April 4, 2006 at 6 p.m. Roll call showed: YEAS: Commissioners Rodstrom, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

**Water Conservation – Surcharges – Amending Code
New Section 28-1****(O-3)**

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer second reading of this ordinance indefinitely. Roll call showed: YEAS: Commissioners Rodstrom, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

**Parking of Vehicles on Swales – Amending Code – New
Section 26-145 – Two Wheels On, Two Wheels Off****(O-4)**

Virgil Niederriter, President of Riverland Civic Association, said this is an important tool in their community. One issue not addressed is maintenance of the swale if it is destroyed.

Commissioner Moore clarified that language should be inserted to return the damaged swale at the property owner's expense.

The City Attorney agreed to make the change. He said the change would have to be within the confines of the title which has been advertised. Otherwise, the matter would have to be re-advertised and the second reading held on a different day.

Commissioner Hutchinson asked if this is to be a City-wide ordinance. The City Attorney said it is City-wide, but then the swale protection area is to be adopted by resolution.

Mayor Naugle said that once the ordinance is adopted, then individual neighborhoods could opt into it. The City Attorney confirmed that is correct.

Commissioner Hutchinson asked about the process for neighborhoods to opt into the ordinance. The City Attorney said when the ordinance is adopted it will be City-wide, but the proscription of two wheels on/two wheels off will require a resolution adopting a swale protection area. Commissioner Hutchinson asked how approval would be obtained from residents, if a neighborhood wants to opt into it. The City Attorney said it could be done by petition, or through neighborhood and homeowners associations. Commissioner Hutchinson asked about the process that would be used. The City Attorney said it would be on a case-by-case basis.

Commissioner Moore said the Commission would judge the viability of a community's support for the two wheels on/two wheels off. Commissioner Hutchinson wanted notices mailed to each property owner. Commissioner Moore said the Commission could possibly choose a process for all neighborhoods. Commissioner Hutchinson agreed. The City Attorney said it would be a policy decision adopted by practice as has been done in certain areas regarding rezoning.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-06-08

AN ORDINANCE AMENDING CHAPTER 26, "TRAFFIC," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO

CREATE SECTION 26-145, "PARKING OF VEHICLES ON SWALES;" PROVIDING FOR REGULATION OF MOTOR VEHICLE PARKING ON OR OVER SWALES IN THE PUBLIC RIGHTS-OF-WAY WITHIN SWALE RESTRICTED AREAS DESIGNATED WITHIN THE CITY OF FORT LAUDERDALE.

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

RESOLUTIONS

**Appeal – Planning & Zoning Board Decision - Modification (R-1)
To Site Plan Conditions – Amas Dev-Bontona, LLC –
309 Bontona Avenue – Case 1-R-02**

Mayor Naugle said this is an appeal from a decision of the Planning and Zoning Board, denying an application to modify a condition of site plan approval for a development located at 309 Bontona Avenue in an RMM-25 zoning district. He further said that the City Commission would first hold a public meeting to review the matters considered by the Department and the Planning and Zoning Board in making its decision. Based on that review, the City Commission would determine whether:

1. There was a departure from the essential requirements of law in the proceedings appealed; or
2. There was no competent substantial evidence to support the Planning and Zoning Board decision. If one or both of these conditions are found, the City Commission would either:
 - a. Consider a motion to conduct a de novo hearing immediately, or
 - b. Consider a resolution setting a public hearing within 60 days of adoption of the resolution.

Mayor Naugle said if neither condition was found, a resolution to uphold the decision of the Planning and Zoning Board and denying the amendment to the development plan would be considered.

Marc LaFerrier, Director of Planning and Zoning, said the Applicant appeared before the Planning and Zoning Board in 2002 and requested approval for a multi-family project, which would be located north of the single-family project which is the subject of the appeal. At the public hearing the Applicant advised the Board and allowed for a condition to increase the side yard setback on a single-family home from the normal 5' to 20', and a deed restriction was approved. The City Commission approved a resolution in April, 2002, requiring the 20' setback. The Applicant began construction and the site plan showed there were encroachments into the 20' setback of the cabana house, the second floor balconies, and a wing wall. The matter was heard by the Planning and Zoning Board in February and the request for the modification was denied. The Applicant now wants to appeal that decision.

Dick Coker, representing the Applicant, proceeded to show the site plan of the subject property. The multi-family building consisting of five stories received a Site Plan Level IV approval from the Commission in 2002, and a condition of that approval was that the setback for the single-family home would be increased by the amount of the setback reduction for the multi-family project, as a result of discussions and suggestion by the neighborhood. Three years passed. The architect designed the building, but failed to consider the restrictions. There are three encroachments into the extraordinary 20' setback. There is compliance with the Code. A building permit was issued, foundation was poured and the walls started to be erected. The Building Department did not know about the restrictive declaration. He proceeded to show photographs of the status of the building as of July of last year when it was discovered. Construction stopped at that point.

Mr. Coker believed that a hearing should be conducted this evening. He believed the Planning and Zoning Board did not have all the facts before them in order to make a decision. Therefore, they are requesting the City Commission to hold a de novo hearing.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 06-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE PLANNING AND ZONING BOARD'S DENIAL OF AN AMENDMENT TO AN APPROVED SITE PLAN LOCATED AT 309 BONTONA AVENUE (PZ CASE NO. 01-R-02), MAKING CERTAIN FINDINGS AND SETTING A PUBLIC HEARING TO CONSIDER THE APPEAL BEFORE THE CITY COMMISSION AT 6:00 P.M. ON APRIL 18, 2006.

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

**Declaration of Intent to Issue Revenue Bonds – Not to Exceed
\$8,000,000 Funding Current Fiscal Year – Capital Improvement
Plan 2006-2010**

(R-2)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THE OFFICIAL INTENT OF THE CITY OF FORT LAUDERDALE TO ISSUE DEBT IN ORDER TO REIMBURSE ITSELF FROM THE PROCEEDS OF SUCH DEBT FOR FUNDS ADVANCED BY THE CITY FOR CERTAIN EXPENSES INCURRED WITH RESPECT TO CAPITAL IMPROVEMENTS WITHIN THE CITY LIMITS AND AUTHORIZING CERTAIN INCIDENTAL ACTIONS.

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

Executive Airport – Extension of Lease – Parcel 18 - RLO, Inc. (R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A THIRD AMENDMENT TO THE LEASE AGREEMENT WITH ROLO, INC. AN ILLINOIS CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THE STATE OF FLORIDA UNDER THE NAME FLIGHT OPERATIONS, INC. TO EXTEND THE LEASE FOR AN ADDITIONAL FIVE (5) YEAR TERM, REDUCE THE SIZE OF THE LEASE PROPERTY TO COMPLY WITH REVISED FAA STANDARDS AND TO MODIFY CERTAIN RENTAL AND PAYMENT PROVISIONS OF THE LEASE AGREEMENT PERTAINING TO PARCEL 18 AT THE FORT LAUDERDALE EXECUTIVE AIRPORT.

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

Site Plan Level IV – 305 South Andrews Avenue - One River Plaza – Patio Deck Canopy – Case 30-R-06 (R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF LEASE AGREEMENT FROM ACP OFFICE I LLC, TO CYPRESS EXECUTIVE ASSOCIATES LLC, PERTAINING TO LOTS 22, 41, AND 42 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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

Floating Docks Along New River Riverwalk - Grant \$500,000 – Florida Inland Navigation District (FIND) Waterways Assistance Program (R-5)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 06-37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT UNDER THE FLORIDA INLAND NAVIGATION DISTRICT ("FIND") FOR IMPROVEMENTS TO THE NEW RIVER/RIVERWALK AREA; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT SUCH GRANT FUNDS.

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

Summer Food Service Program – Grant - \$76,000 (R-6)
Various City Parks and New River Middle Schools

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-38

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 FLORIDA DEPARTMENT OF EDUCATION, AND TO ENTER INTO AN AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY TO PROVIDE FOOD PREPARATION SERVICES FOR THE SUMMER FOOD SERVICE PROGRAM AT VARIOUS CITY PARKS AND NEW RIVER MIDDLE SCHOOL FROM JUNE 5TH THOROUGH JULY 28, 2006.

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

Maintenance of Landscape Improvements – State Road 845 (R-7)
(Powerline Road) Memorandum of Agreement – Florida
Department of Transportation

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS TO STATE ROAD 845 (POWERLINE ROAD) FROM CYPRESS CREEK ROAD NORTH TO THE CYPRESS CREEK CANAL.

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

Broadband Investment and Consumer Choice Acts (R-8)
Local Authority Over Cable and Video Services

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-40

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, OPPOSING UNITED STATES SENATE BILL NO. 1504, TO WIT, THE PROPOSED BROADBAND INVESTMENT AND CONSUMER CHOICE ACT; OPPOSING FLORIDA HOUSE OF REPRESENTATIVES BILL NO. 1199, TO WIT, THE PROPOSED CONSUMER CHOICE ACT OF 2006; URGING THE UNITED STATES CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO REJECT UNITED STATES SENATE BILL NO. 1504; URGING THE FLORIDA LEGISLATURE AND THE GOVERNOR OF THE STATE OF FLORIDA TO REJECT FLORIDA HOUSE OF REPRESENTATIVES BILL NO. 1199; AND DIRECTING THE CITY CLERK TO FURNISH COPIES OF THIS RESOLUTION TO THE FEDERAL AND STATE LEGISLATIVE DELEGATIONS FOR BROWARD COUNTY, FLORIDA, TO THE PRESIDENT OF THE UNITED STATES, TO THE GOVERNOR OF THE STATE OF FLORIDA, AND TO SUCH OTHER OFFICIALS AS THE CITY MANAGER OR HIS DESIGNEE MAY DIRECT.

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

Advisory Board/Committee Appointments (OB)

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

Education Advisory Board

Janice Olson
 Brian Dassler
 Judy Zinn

Marine Advisory Board

Michael G. Widoff
 Randolph Adams
 John Baker
 Richard Duncan

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 06-41

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

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

Sistrunk Streetscape

Commissioner Moore provided a petition signed by over 2,000 residents in the northwest quadrant of Fort Lauderdale, supporting the Sistrunk Streetscape. It was presented to the Broward County Commission today with assistance of the Midtown Business Association, Front Porch, members of Congressman Alcee Hastings' Office and a number of civic association presidents. The County Commission was requested to discuss this matter. A request was made several times to Broward County, after their gave unanimous support to go forth with this project, to turn the roadway over to the City. It has since been blocked because the County Mayor suggested the matter go to a subcommittee. The subcommittee has never addressed the matter. Today, when the petition was submitted to the County, they were informed that there were some communications by a member of the County Commission and Mayor Naugle, and that the Mayor was making a request that a compromise be given to the City Commission. Commissioner Moore understood being disrespected by the County Commission in not fulfilling their promises, but he was concerned that the City Commission has not had any dialogue among themselves in reference to negotiating a compromise of an impacted roadway that the City has put years of planning into. The Community Redevelopment Agency and federal government have appropriated millions of dollars. He wanted to know when the matter would be discussed or if this was misinformation regarding Mayor Naugle's comments.

Mayor Naugle said he received a letter from Broward County Commissioner Rodstrom, asking the City to consider a compromise. He asked the City Manager to place the item on the Commission's April 4, 2006 agenda to consider his proposal. The proposal would close Sistrunk to two lanes 88% of the time, and there would be four lanes for traffic during the remaining 12%. County Commissioner Rodstrom was also going to recommend to the County Commission that a \$1,000,000 contribution be made. He felt this proposal was worthy of City Commission consideration.

Mayor Naugle further said that new information and a request has been received from a citizen, questioning whether the two lanes could accommodate the gospel museum traffic. Commissioner Moore had asked him to handle that citizen request. Information was received from Broward County that it would be likely that the museum would need that traffic.

Commissioner Moore said he has no idea where the gospel museum is going to be situated. No site has been agreed upon regarding its location. Without knowing the exact location, there would be no impact on traffic at this time. He was concerned that if such a request had been made to the County, then the matter should have been

disclosed to the City Commission at its conference meeting earlier today. He hoped that such information would be respectfully given to all members of the Commission when it impacts the desires of a district in any way. It was his understanding that the Commission would be able to discuss this matter and weigh the facts on April 4, 2006. If this discussion is held on April 4th, the County stated that the issue would be brought forward to the County Commission on April 18th and a vote would be taken. He asked for the Mayor to send a letter to the County Commission, stating that the issue would be discussed by the City Commission on April 4, 2006, with the understanding that the matter would be presented to the County Commission for a vote on April 18, 2006.

There was Commission consensus.

There being no other matters to come before the Commission, the meeting was adjourned at 6:55 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk