

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MARCH 6, 2007**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
March 6, 2007**

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: Commissioner Christine Teel
Commissioner Charlotte E. Rodstrom
Commissioner Carlton B. Moore (arrived at 6:09 p.m. as noted)
Vice Mayor Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager George Gretsas
City Auditor John Herbst
Assistant City Clerk Larry Fuller
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Judy Waldman &
Sergeant Bill Lauginiger

Invocation was offered by Reverend Feniton Jacquet, Chaplain, Fort Lauderdale Police Department, 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 Vice Mayor Hutchinson and seconded by Commissioner Teel that the minutes of the February 20, 2007 Conference and Regular Meetings and agenda be approved. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

Presentations

1. Builders Olympiad & Family Festival Competition (PRES-01)

Vice Mayor Hutchinson and the City Commission honored Tim Eger, Chuck Scott, James Chamberlin and Fred Clark for their participation in a fundraising event for rebuilding Broward in the name of a former deceased employee, Frank Speciale. This team won the Builders Olympiad & Family Festival Competition award.

2. Commendation to Squire Allen III (PRES-02)

Vice Mayor Hutchinson and the City Commission honored Squire Allen III for his valiant and courageous efforts in saving the life of Ralph Thomas in a fire on January 22, 2007. James Eddy, Chief of Fire Rescue, indicated the Fire Rescue Department also has a plaque honoring Squire Allen III.

3. Outstanding Employees (OB)

Albert Carbon, Director of Public Works, honored Edgar Lattimore as the STAR Award Winner for March, 2007, for providing residents with outstanding customer service and professionalism.

Commissioner Moore arrived at approximately 6:09 p.m.

Chief Eddy honored Driver-Engineer Gregory M. Snyder in performing a rescue operation during his off-duty hours and saving a person's life from a car that went into a canal.

Chief Eddy also honored Firefighter/Paramedic Kim A. Van Sant for her efforts in assisting personnel during recoveries and heading the fundraising campaign for MDA.

Bruce Roberts, Chief of Police, honored Detectives Lisa Caher and Raul Perez-Cubas as Officers of the Month for March, 2007 for their work in capturing a serial rapist.

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 – St. Patrick's Street Dance and Car Show – Closing South New River Drive (M-01)**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Downtowner Saloon, Inc. for St. Patrick's Street Dance and Car Show, to be held Saturday, March 17, 2007, 11 AM – 11 PM and Sunday, March 18, 2007, 9 AM – 5 PM on South New River Drive and authorizing the closing of South New River Drive.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0337

Event Agreement – Clueless on Las Olas Closing SE 9 Avenue (M-02)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Partners in Education, Inc. for Clueless on Las Olas, to be held Thursday, April 19, 2007, 5:30 PM – 9:30 PM and authorizing the closing of SE 9 Avenue from East Las Olas Boulevard south to SE 4 Street, and SE 9 Avenue from East Las Olas Boulevard north to NE 2 Court 12 Noon – 11:30 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0346

Event Agreement – St. Patrick’s Day Street Party Closing SW 2 Street and SW 2 Avenue (M-03)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Old Town at Riverwalk Merchants Association, Inc. for St. Patrick’s Day Street Party, to be held Saturday, March 17, 2007, 12 Noon – 12 Midnight and authorizing the closing of SW 2 Street and SW 2 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0388

2007 Martin Luther King, Jr. Parade and Celebration – Funds Transfer (M-04)

Transferred from General Fund Contingencies FD001 sub-object 9950: \$5,826.73 to POL030201, \$2,217.24 to PKR061301 & \$211.70 to FIR0103.

A motion authorizing the transfer of \$8,255.67 from general fund contingencies to the appropriate overtime accounts in the Police, Parks & Recreation, and Fire Department budgets – 2007 Martin Luther King, Jr. Parade and Celebration.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0366

Budget Amendment 1 – Fiscal Year 2006-2007 (M-05)

Transfer \$26,479 from GEN010201/1799 (Other Termination Pay) as shown in Exhibit 1.

A motion authorizing fiscal Year 2006-2007 Budget Amendment 1 for revisions to the City Commission budget.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0347

Disbursement of Funds/Joint Investigation/O.R. (M-06)
No. 06-35713 – Law Enforcement Trust Fund

No budgetary impact.

A motion authorizing the equitable disbursement of funds in the amount of \$11,939.86 with each of the thirteen participating law enforcement agencies to receive \$918.45.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0239

Disbursement of Funds/Joint Investigation/O.R. (M-07)
No. 03-56470 – Law Enforcement Trust Fund

No budgetary impact.

A motion authorizing the equitable disbursement of funds in the amount of \$305,886 with each of the thirteen participating law enforcement agencies to receive \$23,529.70.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0240

Emergency Request – 90-Day Extension - (M-08)
Towing Contract

No budgetary impact. The same pricing terms and conditions will apply through the extension time period.

A motion approving an emergency extension of services to City's existing towing contract with Mac's Towing for a period not to exceed 90 days or date of new RFP award whichever is sooner with the same pricing terms and conditions.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0350

Task Order 29 – CMTS Florida, LLC - \$288,414.79 (M-09)
Utility Construction Inspection Services –
Croissant Park Basin A

\$323,024.56 needs to be transferred from Water and Sewer Revenue Bonds to Project 10679.482 sub-object 6599.

A motion authorizing the proper City Officials to: (1) execute Task Order 29 with CMTS Florida, LLC., in the amount of \$288,414.79 – utility constructions inspection services – Project 10769A – Croissant Park Basin A, and (2) transfer \$323,024.56 from Water and Sewer Revenue Bonds to Project 10769.482 to fund task order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0358

Task Order – DeRose Design Consultants, Inc. - \$19,000 (M-10)
Structural Engineering Design – Fire Station 3

\$19,000 is budgeted in P10916.336, sub-object 6599.

A motion authorizing the proper City Officials to execute a Task Order with DeRose Design Consultants, Inc., in the amount of \$19,000 – Structural Engineering Design – Fire Station 3 – Project 10916.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0266

Task Order – DeRose Design Consultants, Inc. - \$21,470 (M-11)
Electrical – Mechanical Engineering – Fire Station 3

\$21,470 to be transferred from P10363.336 sub-object 6599 to P10916.336 sub-object 6599.

A motion authorizing the proper City Officials to: (1) execute a Task Order with DeRose Design Consultants, Inc., in the amount of \$21,470 – Electrical/Mechanical Engineering Services – Fire Station 3 – Project 10916, and (2) transfer \$21,470 from P10363.336, Airport ARFF/EOC Building to P10916.336.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0267

Amendment 1 to Task Order 06-03 – Hazen & Sawyer, P.C. - (M-12)

\$294,070 – FiveAsh Water Treatment Plant Phase III Upgrades

\$329,358.40 needs to be transferred from Water and Sewer Revenue Bonds to Porject 10508.482 sub-object 6599.

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 06-03 with Hazen and Sawyer, P. C., in the amount of \$294,070 – additional design services for Fiveash Water Treatment Plant Upgrades Phase III – Project 10508, and (2) transfer \$329,358.40 from Water and Sewer Revenue Bonds to Project 10508.482.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0288

Amendment 1 to Task Order 1 – Post, Buckley, Schuh and Jernigan, Inc. – Architectural, Engineering & Other Services Hurricane Aftermath (M-13)

No budgetary impact.

A motion authorizing the proper City Officials to execute Amendment 1 to Task Order 1 with Post, Buckley, Schuh and Jernigan, Inc. – six-month extension until September 1, 2007 – consulting services related to Hurricanes Katrina and Wilma.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0348

Task Order – Chen and Associates Consulting Engineers, Inc. \$42,521 – ADA – Self-Evaluation (M-14)

\$75,000 to be transferred from P10720.331, 6599 to P10721.331, 6599.

A motion authorizing the proper City Officials to: (1) execute a Task Order with Chen and Associates Consulting Engineers, Inc. in the amount of \$42,521 – engineering services associated with ADA Self-Evaluation of sidewalks and intersections, and (2) transfer \$75,000 from P10720.331 to P10721.331 to fund the Task Order and associated engineering fees and other project costs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0371

Continuing Services Contract – Traffic and Transportation Engineering Consultant Services (M-15)

No budgetary impact.

A motion authorizing the proper City Officials to execute an agreement with McMahon Associates, Inc. for a Continuing Services Contract – professional traffic and transportation engineering consultant services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0384

Contract Award – Metro Equipment Service, Inc. - (M-16)
\$1,260,200 – Lauderdale Manors Phase III - Melrose
Manors South Pump Stations

\$1,411,424 to be transferred from Water and Sewer Revenue Bonds to Project 11160.482, sub-object 6599.

A motion authorizing the proper City Officials to: (1) award and execute a contract with Metro Equipment, Inc., in the amount of \$1,260,200 – construction of Lauderdale Manors Phase III – Melrose Manors South Pump Stations – Project 11160, and (2) transfer \$1,411,424 from Water and Sewer Revenue Bonds to Project 11160.482 for contract cost and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0367

Continuing Services Contract – Traffic and Transportation (M-17)
Engineering Consultant Services

No budgetary impact.

A motion authorizing the proper City Officials to execute an agreement with Keith and Schnars, P.A. for a Continuing Services Contract – professional traffic and transportation engineering consultant services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0352

Amendment to Agreement – Keith and Schnars, P.A. (M-18)
General – Civil Engineering Services – Three-Year Extension

No budgetary impact.

A motion authorizing the proper City Officials to execute an amendment to agreement with Keith and Schnars, P.A., three-year contract extension until March 15, 2010 – general – civil engineering services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0353

Change Order 4 – Asphalt Consultants, Inc. - \$28,169.99 (M-19)
East Las Olas – Seven Isles Utility Rehabilitation

Transfer \$28,446.61 from W&S Revenue Bonds to P10751.482 & \$3,103.78 from WaterWorks Non-Region SRF Construction Loan #4 Fund to P10751.490, sub-object.

A motion authorizing: (1) Change Order 4 with Asphalt Consultants, Inc., in the amount of \$28,169.99 – additional work and quantity adjustments – Project 10751 – East Las Olas – Seven Isles Utility Rehabilitation, and (2) transfer \$28,446.61 from Water and Sewer Revenue Bonds to P10751.482 and \$3,103.78 from WaterWorks Non-Region SRF Construction Loan 4 Fund to P10751.490 to fund this change order and estimated engineering costs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0341

Change Order 5 – Danella Companies, Inc. - \$7,195.56 & Add (M-20)
25 Days Sewer and Water Main Improvements – Sailboat Bend Basin A

\$34,970.73 to be transferred from the Water and Sewer Revenue Bonds to P10542.482 and reduce encumbrance of \$26,911.70 in P10542.490, sub-object 6599.

A motion authorizing: (1) Change Order 5 with Danella Companies, Inc., in the amount of \$7,195.56 – additional work, quantity adjustments and the addition of 25 non-compensable calendar days to contract period – Project 10542A – Sewer and Water Main Improvements – Sailboat Bend Basin A, and (2) transfer \$34,970.73 from Water and Sewer Revenue Bonds to P10542.482 and reduce encumbrance by \$26,911.70 in P10542.490 to provide accurate funding of this change order and estimated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0343

Change Order 6 – MBR Construction, Inc. - \$16,511.03 (M-21)
CREDIT – Sunset Memorial Gardens

\$16,511.03 to be credited to P10443.331, sub-object 6599.

A motion authorizing Change Order 6 with MBR Construction, Inc. in the credit amount of \$16,511.03 – Sunset Memorial Gardens – Project 10443.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0368

Change Order 5 – MBR Construction, Inc. - \$91,511.09 (M-22)
NE 33 Avenue – Dolphin Isle Neighborhood Improvements

\$91,511.09 is budgeted in P10247.319, sub-object 6599.

A motion authorizing Change Order 5 with MBR Construction, Inc., in the amount of \$91,511.09 – additional work – NE 33 Avenue – Dolphin Isles Neighborhood Improvements – Project 10247.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0369

Change Order 1 – Weekley Asphalt Paving, Inc. - (M-23)
\$95,677.69 – Las Olas Boulevard Streetscape

\$95,677.69 is budgeted in P10946.106, sub-object 6599.

A motion authorizing Change Order 1 with Weekley Asphalt Paving, Inc., in the amount of \$95,677.69 – additional work – Las Olas Boulevard Streetscape – Project 10946.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0372

Change Order 1 – Padula & Wadsworth Construction, Inc. - (M-24)
\$52,720.31 – Fire Station 47

\$52,720.31 is budgeted in P10766.336, sub-object 6599.

A motion authorizing Change Order 1 to Padula & Wadsworth Construction, Inc., in the amount of \$52,720.31 – additional work to Fire Station 47 – Project 10766.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-0374

Work Authorization 16724.18 – Keith and Schnars, P.A. - (M-25)
\$236,760 – Riverland Annexed Area (Sewer Area 19)

\$265,171 to be transferred from Water and Sewer Revenue Bonds to Project 1940.482 sub-object 6599.

A motion authorizing the proper City Officials to: (1) execute Work Authorization 16724.18 with Keith and Schnars, P.A., in the amount of \$236,760 – engineering services associated with design of sanitary sewer improvements for Chula Vista (Basin A) portion of Riverland Annexed Area Sanitary Sewer Improvements – Sewer Area 19, and (2) transfer \$265,171 from Water and Sewer Revenue Bonds to Project 10940.482.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0281

Continuing Contract – General Engineering Services (M-26)
Hufsey – Nicolaides – Garcia – Suarez Associates, Inc.

No budgetary impact.

A motion accepting the Selection Committee's recommendation of ranking firms for general engineering services and authorizing the proper City Officials to commence contract negotiations with the top ranked firm, Hufsey-Nicolaides-Garciz-Suarez Associates, Inc.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0329

Revocable License Agreement – Broward County (M-27)
Riverwalk South Regional Park – Landscaping

No budgetary impact.

A motion authorizing the proper City Officials to execute a revocable license agreement with Broward County for installation and maintenance of landscaping within a 15-foot area bordering the City's proposed Riverwalk South Regional Park – Project 10754.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 07-0323

CONSENT RESOLUTION

Summer Food Service Program – Grant - \$171,391 (CR-01)
Various City Parks and New River Middle School

Grant funded with no cash match requirement.

A resolution authorizing the proper City Officials to apply for a grant from Florida Department of Education in the approximate amount of \$171,391, and to enter into an

agreement with the School Board of Broward County to provide food preparation services for Summer Food Service Program at various City parks and New River Middle School – June 11, 2007 through August 3, 2007.

RESOLUTION NO. 07-40

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 11TH 2007 THROUGH AUGUST 3, 2007.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0332

Community Development Block Grant Application (CR-02)
Program Assistance For Reaching Kids

No current year budget impact.

A resolution authorizing the proper City Officials to apply for a Community Development Block Grant – 2007-2008 Program Assistance for Reaching Kids (P.A.R.K.) in the amount of \$30,000 – program registration scholarships for low-income and at-risk youth.

RESOLUTION NO. 07-41

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE 2007/08 PROGRAM ASSISTANCE FOR REACHING KIDS IN THE AMOUNT OF \$30,000

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0376

Community Development Block Grant Application (CR-03)
Urban Aquatic Enrichment Program

No current year budget impact. Grant cash match of \$70,000 needed in 07/08.

A resolution authorizing the proper City Officials to apply for a Community Development Block Grant – 2007-2008 Urban Aquatic Enrichment Program in the amount of \$64,800 – provide a variety of aquatic experiences to inner city at risk youth ages 4-18.

RESOLUTION NO. 07-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE 2007/08 URBAN AQUATIC ENRICHMENT PROGRAM IN THE AMOUNT OF \$64,800.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0378

Maintenance of Landscape Improvements – Oakland Park Boulevard – Florida Department of Transportation (CR-04)

No budgetary impact.

A resolution 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 816 (Oakland Park Boulevard) from NE 18 Avenue to Bayview Drive.

RESOLUTION NO. 07-43

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 THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS TO STATE ROAD 816 (OAKLAND PARK BOULEVARD) FROM NE 18TH AVENUE TO BAYVIEW DRIVE.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0303

Historic Preservation Grant – One-Year Extension New River Swing Span Bridge (CR-05)

A resolution authorizing the proper City Officials to execute the second amendment to agreement with Florida Department of State, providing for a one-year extension to Historic Preservation Grant SC529-New River Swing Span Bridge project.

RESOLUTION NO. 07-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE SECOND AMENDMENT TO THE HISTORIC PRESERVATION GRANT AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES PROVIDING FOR A ONE-YEAR EXTENSION TO HISTORIC PRESERVATION GRANT NO. SC529, FOR THE NEW RIVER SWING SPAN BRIDGE PROJECT.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0193

Special Counsel – Labor and Employment Matters

(CR-06)

A resolution appointing Allen, Norton & Blue, P.A., as special counsel for collective bargaining and other labor and employment matters and prescribing the compensation to be paid for such legal services.

RESOLUTION NO. 07-45

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ALLEN, NORTON & BLUE, P.A., TO BE RETAINED AS SPECIAL COUNSEL FOR COLLECTIVE BARGAINING AND OTHER LABOR AND EMPLOYMENT MATTERS AND PRESCRIBING THE COMPENSATION TO BE PAID FOR SUCH LEGAL SERVICES.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 07-0392

PURCHASING AGENDA

172-9683 – Firearms Training Simulator

(PUR-01)

Grant funds \$45,760.07 budgeted in GLLEBG07 (Local Law Enforcement Block Grant) sub-object 6499 (other equipment).

Approval to purchase a firearms training simulator, using grant funds, is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: FAAC, Inc.
Ann Arbor, MI
Amount: \$45,760.07 (not to exceed)
Bids Solicited/Rec'd: 342/3
Exhibit: Commission Agenda Report 07-0336

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

973-9660 – Residential Electrical Repair Services (PUR-02)

Community Development Block Grant and/or SHIP Funds CD1211, CD2517 and CD1433, sub-object 8356, estimated amount of \$50,000

One-year contract for residential electrical repair services for emergency repair program is being presented for approval by the Planning & Zoning Department.

Recommend: Motion to approve.

Vendor: D.G. Electric of Broward, Inc.
Oakland Park, FL
Amount: per unit prices (estimated)
Bids Solicited/Rec'd: 221/1
Exhibit: Commission Agenda Report 07-0272

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

Purchase of Gasoline for City Vehicles (PUR-03)

\$53,330.94 is budgeted in PAR030101-3801. OMB approved.

Approval to purchase gasoline for City vehicles is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: MacMillan Oil Company of Florida, Inc.
Hialeah, FL
Amount: \$53,330.94
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 07-0312

The Procurement Services Department has reviewed this item and recommends approval of this retroactive purchase.

575-9695 – Vehicle Registered Owner Information (PUR-04)

\$23,000 is budgeted in PAR020101-3113 Fin & Banking Svc.

Three-year contract for vehicle registered owner information services is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Law Enforcement Systems, Inc.
Long Island City, NY

Amount: \$45,495.25 (estimated annual total)

Bids Solicited/Rec'd: 245/3

Exhibit: Commission Agenda Report 07-0316

The Procurement Services Department has reviewed this item and recommends award to the first-ranked proposer.

752-9159 – Contract Increase – Purchase of Mulch (PUR-05)**\$17,000 is budgeted in PKR061701, sub-Subject 3434 Improvement Repair Materials**

Approval for contract increase for the purchase of recycled landscape mulch is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Amerigrow Recycling Corp.
Delray Beach, FL

Amount: \$17,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 07-0309

The Procurement Services Department has reviewed this item and recommends the increased expenditure of the existing contract.

**772-9627 – Rejection of Bids (PUR-06)
Radio Parts and Accessories****No budgetary impact.**

Rejection of all bids for purchase of radio parts and accessories is being presented for approval by the Information Technology Services Department.

Recommend: Motion to reject.

Bids Solicited/Rec'd: 747/13

Exhibit: Commission Agenda Report 07-0349

The Procurement Services Department has reviewed this item and recommends rejecting all bids submitted.

The Procurement Services Department reviewed this item and recommends awarding to the low responsive and responsible bidders, as well as approval to reject bids for Group III and award under Florida Statute.

2007 Martin Luther King, Jr. Parade and Celebration - (M-04)
Funds Transfer

Mayor Naugle announced that this item has been removed from tonight's agenda.

Disposition of Surplus Property – 1034 NW 4 Avenue (R-04)

Mayor Naugle announced that this item has been removed from tonight's agenda.

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

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Moore that Consent Agenda Items M-08, M-12, M-13, M-15, M-18, M-19, M-23, and CR-06 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 Teel, Rodstrom, and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

Emergency Request – 90-Day Extension – Towing Contract (M-08)

Commissioner Moore removed this item from the consent as he was opposed to an extension of this contract.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve this item as presented. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

Commissioner Moore felt he receives too many complaints on cars being towed, how they are compounded and what a citizen goes through in order to have their car returned. He wanted staff to review this.

Amendment 1 to Task Order 06-03 – Hazen & Sawyer, P.C. - (M-12)
\$294,070 – Fiveash Water Treatment Plant Phase III Upgrades

Mayor Naugle said the City recently received a letter from a bidder on a facility that is going out for bid for production of chlorine. It seems this may be similar to what occurred with the compost plant with one company designing the facility and another committing to operate it. Each may point fingers at each other. He was concerned since this vendor failed the City in the past, they could be going down the same path. Paul Bohlander, Assistant Utilities Director, said this amendment is for additional work and is not related to the OSHG equipment. There is a piece of this work that would be

housed in the same building. The issue with the vendor is primarily a procurement issue. The vendor wants sole source and staff is attempting to make this a competitive bid. Hazen & Sawyer is designing the building and the connections to the equipment that the vendor would be supplying. Workshops have been conducted to make sure that what is being designed would work with what both vendors propose to supply.

Commissioner Rodstrom asked how long this company has been serving the City and when does their contract expire and go out for rebid. Mr. Bohlander understood that staff has discretion regarding how long they continue using this contractor, but typically it could be for ten years or so. This contractor is familiar with the plant and were participants in the master plan development. It makes sense to remain engaged with them at least through the completion of the improvements.

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve this item as presented. Roll call showed: YEAS: Commissioners Teel and Moore, and Vice Mayor Hutchinson. NAYS: Commissioner Rodstrom and Mayor Naugle.

Amendment 1 Task Order 1 – Post, Buckley, Schuh and Jernigan, Inc. – Architectural, Engineering & Other Services – Hurricane Aftermath (M-13)

Commissioner Rodstrom said that Dade County ran into snags with this company concerning systematically overcharging clients. Possibly an audit should be done. Reynaldo Cortez, Vice President, Post, Buckley, Schuh and Jernigan, Inc., said it is a complicated. Three employees of the firm over a period of years stole money and created an accounting scheme where the monies were placed in overhead costs passed on to clients. Post, Buckley has spent \$20 million for independent audits and worked out repayment schedules with all major clients. Restated audits have been filed with the Securities and Exchange Commission and publicly available.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Hutchinson to defer this item until the March 20, 2007 Commission Meeting so that copies of the audits could be provided and reviewed by the City Auditor.

In response to Vice Mayor Hutchinson, Albert Carbon, Public Works Director, said that a two-week delay would not be a problem, but he did not know how much time the City Auditor would need.

Commissioner Moore asked if staff was aware of this. Mr. Carbon said the issue arose when staff first selected this company. There was a stringent review of what Mr. Cortez said. Staff is satisfied with the information received.

In response to Commissioner Rodstrom, the City Auditor, said if the information is received timely he would review it and respond by the next meeting. In response to Commissioner Moore, the City Auditor felt he could conduct such a review without impacting his current workload.

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

**Continuing Services Contract – Traffic and Transportation
Engineering Consultant Services; McMahon Associates, Inc.**

(M-15)

Mayor Naugle said this vendor conducted the Sistrunk Boulevard design. When the matter was before Broward County Commission and the City Commission had gone neutral with the project, this consultant misrepresented the views of the City Commission. At the time he asked the representative if he knew what he was going and the representative said he did not care, that he was going to make the statement anyway. He did not feel there was integrity on the part of this company and they should not be working for the City. Commissioner Moore said the representative was professional who offered factual information to move an agenda that was important to the community that was different than the Mayor's position. Mayor Naugle thought he represented Commissioner Moore's views, not those of the City Commission.

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve the item as presented.

Commissioner Rodstrom agreed that the representative did offer an opinion that was not correct. Mayor Naugle did not want to employ someone who defies the wishes of the City Commission.

Commissioner Moore said the Commission spoke about ethics earlier. This is an ethical matter. The representative was professionally asked to offer his opinion which was different than the Mayor's position who threatened him in a public meeting to not speak. The individual had the professional integrity to still speak. This individual should not be punished because he performed professionally in presenting the facts.

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

**Amendment to Agreement – Keith and Schnars, P.A.
General – Civil Engineering Services – Three-Year Extension**

(M-18)

Commissioner Moore asked about the necessity for extending this contract. Paul Bohlander, Assistant Utilities Director, said this company is engaged for various activities under the WaterWorks 2011 Program. They initiated design in the Riverland annexed area and there is a work authorization on tonight's agenda to continue that work, to complete design in the Chula Vista area. Commissioner Moore asked about the concern of residents regarding rights-of-way. Mr. Bohlander said this area does include the private roads' area. The extension would allow the work to continue to the end of the program.

Commissioner Rodstrom asked about an annual renewal instead of three years. Albert Carbon, Public Works Director, said individual task orders will be presented.

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

Change Order 4 – Asphalt Consultants, Inc. - \$28,169.99
East Las Olas – Seven Isles Utility Rehabilitation**(M-19)**

Commissioner Rodstrom referred to comments at a homeowners' meeting where it was stated that if the new electric pumps which replaced the pneumatic ones failed, the City would provide backup generators. She asked for clarification. Paul Bohlander, Assistant Utilities Services Director, said the pneumatic pumps are old and cannot be maintained; parts are not available. State of the art pump stations have submersible electric pumps. The City is now converting. He outlined ways the City could respond in times of failure. Albert Carbon, Director of Public Works, said they are no longer available for this type of operation. The water system does not have booster pump stations in the field. The City has capacity at two treatment plants with emergency standby generation, so water will get there. There are already generators permanently situated at the plants.

In response to Commissioner Rodstrom, Mr. Carbon said there are 160 existing pump stations and there would be approximately 200. There are only a few pneumatic left. Commissioner Rodstrom asked what is in place to pump away wastewater if all pump stations fail. Mr. Carbon said there is an operational plan which he detailed. The emergency generation fleet was increased in the past eighteen months. Mayor Naugle noted Wilma was a good example; the flowage continued pretty well. The City Manager reminded everyone that in time of a disaster anything could occur; there is no 100% guarantee.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve the item as presented. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: Commissioner Rodstrom and Moore.

Change Order 1 – Weekley Asphalt Paving, Inc. -
\$95,677.69 – Las Olas Boulevard Streetscape**(M-23)**

Commissioner Moore removed this item from the consent agenda to vote no.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve the item as presented.

In response to Mayor Naugle, Peter Partington, City Engineer, said that 16 foot date palms are not available; 14 foot palms will be substituted.

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

Special Counsel – Labor and Employment Matters**(CR-06)**

Commissioner Moore asked for more information as to what the special counsel would be doing for the City. The City Attorney said this is a well recognized statewide firm that does labor and employment law. In discussions with the City Manager, it was decided that since all union contracts will expire at the same time that assistance was needed to

assist the City in coming up with a critical path of what needs to be done and available options in the negotiation process.

In response to Commissioner Moore, the City Attorney said that the present counsel is somewhat incapacitated; he is semi-retired. Based upon the qualifications of the firm and the amount of the fee money, there is no local firm.

Commissioner Moore did not support this item.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve the item as presented. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Hutchinson and Mayor Naugle. NAYS: Commissioner Moore.

RESOLUTIONS

Plat Approval – Glory Land – House of Worship (R-01)
2100-2111 NW 22 Street – Case 9-P-06

No budgetary impacts.

Applicant: Salmice & Solise Alcime
Location: 2100-2111 NW 22 Street
Zoning: B-2 General Business (Broward County Zoning)

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT KNOWN AS “GLORY LAND.”

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

Plat Approval – BP Rozen – 1776 West Broward Boulevard (R-02)
Automotive Service Station – Case 11-P-06

No budgetary impacts.

Applicant: Ricardo Alvear
Zoning: Boulevard Business (B-1)
Location: 1776 West Broward Boulevard

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-34

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

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

Site Plan Amendment and Request To Extend Site Plan Approval (R-03)
Deadlines – Downtown Lofts – 300 NW 2 Street – Case 26-R-07

Applicant: Downtown Lofts Developers, LLC.
Location: 300 NW 2 Street
Zoning: Downtown Regional Activity Center – West Mixed Use District (RAC-WMU)

No budgetary impact.

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT THAT INCLUDED THE ALLOCATION OF POST 2003 DWELLING UNITS LOCATED AT 300 N.W. 2ND STREET, FORT LAUDERDALE, FLORIDA IN A RAC-WMU ZONING DISTRICT.

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

Commissioner Moore said there are issues regarding the allocation of units. This particular development was to consist of more units. Robert Lochrie, representing the Applicant, said the original request approved in July, 2005 was for a 210-unit residential project: two residential towers on top of a 5-story parking podium for a total of 15 stories. This request is for a significantly reduced project, consisting of 110 units, six stories and 75% overall massing reduction. The original request included several voluntary commitments made by the Applicant for the 210-unit project. At that time the City was enacting a new park impact fee ordinance. The Applicant made a voluntary commitment to contribute toward the park impact fees although there was no such ordinance in place. At this point, they believe they should be required to meet the new City impact fee ordinance which has been enacted and ask for relief from that part of the declaration. The voluntary contribution made was \$2,500 per unit which equates to about \$280,000 for the smaller project. The ordinance now in place is about \$208,000.

Mr. Lochrie said another element was affordable housing. The Applicant committed to contribute \$250,000 toward the affordable housing fund the City was creating at that time as well as setting aside 15% of the units for attainable housing. The project is significantly smaller. The Applicant is still making substantial improvements to enhance

the area. They request that they be alleviated from this requirement. He believed the intent of the City at that time was to ensure there would be attainable units. They are still committed to providing 15% as attainable units.

Commissioner Moore understood the Applicant would still commit to 15% of the units prior to the reduction of units; that it is possible the unit size has been reduced such that a larger number of the units will be attainable; and there are area enhancements being made. He asked if this matter could be tabled so a presentation could be made to show the full impact.

Vice Mayor Hutchinson was opposed to deferral. There is no attainable housing fund because the Commission has not been willing to enact an affordable housing ordinance. This developer has committed 15% of his project to attainable housing and has reduced the number of units. She believed this is a better project.

Motion made by Vice Mayor Hutchinson to approve the project as presented this evening.

Commissioner Moore felt it would be good for the community to understand the impact of the improvements along the roadway and have a visual presentation; seeing the impact of the reduction and number of units that may now be attainable due to the reduction of size.

Commissioner Rodstrom was pleased that the building has been reduced in height and massing, and that the Applicant is giving back to the community by improving both sides of the roadway.

Vice Mayor Hutchinson noted the community has seen the streetscape because there was already a public hearing on this.

Motion made by Vice Mayor Hutchinson to approve the first resolution (See Resolution 07-35) including park impact fees at the current price and 15% of the units to be attainable housing only.

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

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Rodstrom to approve the extension of time.

RESOLUTION NO. 07-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF TIME OF A DEVELOPMENT PLAN APPROVING A MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH RETAIL AND PARKING STRUCTURE ON PROPERTY LOCATED AT 300 NW 2 STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

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

Disposition of Surplus Property – 1034 NW 4 Avenue (R-04)

Mayor Naugle said this item has been withdrawn from tonight’s agenda.

PUBLIC HEARINGS

Executive Airport – Minimum Annual Lease Rates & Brokerage Commission Policy (PH-01)

No budgetary impact.

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

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MINIMUM ANNUAL LEASE RATES AND ADOPTING A BROKERAGE COMMISSION POLICY FOR PROPERTY AVAILABLE FOR LEASE AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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

Application For Dock Waiver of Distance Limitations (PH-02)
649 Idlewyld Drive – Alfred and Phyllis Thomas

Applicant: Alfred and Phyllis Thomas
Location: 649 Idlewyld Drive

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

Vice Mayor Hutchinson introduced the following resolution:

RESOLUTION NO. 07-38

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3 B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW

ALFRED THOMAS, TRUSTEE OF THE ALFRED THOMAS REVOCABLE TRUST, DATED FEBRUARY 5, 2003 AND PHYLLIS THOMAS, TRUSTEE OF THE PHYLLIS THOMAS RESTATED REVOCABLE TRUST, DATED FEBRUARY 5, 2003, TO REPLACE A DETERIORATED WOOD PIER WITH A PROPOSED FIXED PIER, WITH A FLOATING DOCK EXTENSION AND BOATLIFT MOORING FACILITY AND TWO (2) DOLPHIN PILINGS AT DISTANCES SET FORTH BELOW AND ADJACENT TO PROPERTY HAVING A STREET ADDRESS OF 649 IDLEWYLD DRIVE, SUCH DISTANCES AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW.

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

ORDINANCES

Sunrise Intracoastal Neighborhood Security District - Abolishment (O-01)

No budgetary impact.

Vice Mayor Hutchinson introduced the ordinance on second reading:

ORDINANCE NO. C-07-09

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCINDING ORDINANCE NO. C-88-58, THEREBY DISSOLVING THE SUNRISE INTRACOASTAL NEIGHBORHOOD SECURITY DISTRICT.

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

Amend Operating Budget – Fiscal Year 2006-2007 - Transfer \$5,967.95 – Unused Match funds – Speedtrap Grant (O-02)

Transfer \$5,967.95 from GSPEED06, sub-object code Q001 (General Fund) to GSPEED07, sub-object Q001. OMB approved.

Vice Mayor Hutchinson introduced the ordinance on the second reading:

ORDINANCE NO. C-07-08

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY TRANSFERRING GRANT FUNDS IN THE AMOUNT OF

\$5,967.95 TO NET ASSETS IN THE GENERAL FUND TO DISBURSE SUCH GRANT FUNDS.

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

**Sunrise Intracoastal Neighborhood Security District -
Abolishment**

(O-03)

No current year budget impact. Grant cash match of \$70,000 needed in 07/08.

Vice Mayor Hutchinson introduced the ordinance on the second reading:

ORDINANCE NO. C-07-06

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "B-3" TO "U;" PARCEL "A", "1-B PALMDALE PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 112, PAGE 9, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ALONG THE EAST RIGHT-OF-WAY OF THE CSX RAILROAD ON THE SOUTH SIDE OF MCNAB ROAD, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**Relief From Zoning For Public Purpose Use – Water
Re-Pump Station – Relief From Certain Zoning Regulations
301 NW 66 Street – Case 88-R-05**

(O-04)

No budgetary impact.

Vice Mayor Hutchinson introduced the ordinance on the second reading:

ORDINANCE NO. C-07-07

AN ORDINANCE APPROVING A PUBLIC PURPOSE USE, A POTABLE WATER PUMP STATION, THAT DOES NOT MEET THE SETBACK, TREE, ARCHITECTURAL, LANDSCAPING AND BUFFERYARD REQUIREMENTS IN A UTILITY ("U") ZONING DISTRICT, WHICH PROPERTY IS MORE FULLY DESCRIBED AS PARCEL "A," "1-B PALMDALE PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 112, PAGE 9, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ALONG THE EAST RIGHT-OF-WAY OF THE CSX RAILROAD, ON THE SOUTH SIDE OF MCNAB ROAD; AND GRANTING RELIEF FROM THE REQUIREMENTS

PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

Budget Amendment 2 – Fiscal Year 2006-2007

(O-05)

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-10

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY ADDING \$1,266,002 TO THE GENERAL FUND AS NEW REVENUE AND APPROPRIATING IT TO THE BUILDING SERVICES DEPARTMENT ACCOUNT WITHIN THE FINAL OPERATING BUDGET, PROVIDING FOR SEVERABILITY, PROVIDING FOR EFFECTIVE DATE.

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

Interfund Transfer – Appropriate Funds - \$11,932,354

(O-06)

No budgetary impact.

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-11

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY APPROPRIATING \$11,932.354 TRANSFERRED IN FROM WATER AND SEWER FUND 450 TO WATER AND SEWER GENERAL CAPITAL PROJECT FUND 454 – PROJECT 11197.454 WITHIN THE FINAL OPERATING BUDGET FOR USE IN THE WATERWORKS 2011 CAPITAL IMPROVEMENTS PROGRAM, PROVIDING FOR SEVERABILITY PROVIDING FOR EFFECTIVE DATE.

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

Trial Residential Parking Permit Program Ordinance

(O-07)

Colee Hammock

Est. costs (\$135,000 to \$150,000) for this 6-month trial will have to come from the undesignated available Parking Fund balance if approved by the Commission.

John Hoelzle, Director of Parking and Fleet Services, said that this is a proposed six-month trial program. It originally included Victoria Park Road, but they are not interested in participating and therefore, have been removed. The program will extend to 17th Avenue. Essentially this neighborhood has two distinct areas. The west side has road widths and curbing. The east side does not have curbing; it has swales and sidewalks. A map provided in the backup materials shows where parking could be accommodated for the area.

Vice Mayor Hutchinson said the streets were to be measured to see about accommodating parking on both sides. Currently people park on both sides and there is no problem. There is no enforcement. As soon as the trial program is enacted, there will be no parking allowed in the swales. She did not understand the logic. Mr. Hoelzle showed a photograph of an example in the area. Because the swale is too small, people park with two tires on the sidewalk. Vice Mayor Hutchinson pointed out that today no one bothers with those situations. Mr. Hoelzle showed another photograph where the swale has been extended into the street and because it is quite wide, people could park there. Peter Partington, City Engineer, said when regulations are brought into an area, you must look at standards. The standard used is contained in the Downtown Master Plan.

Vice Mayor Hutchinson pointed out it is not a law. Mr. Partington confirmed it is an engineering standard. Vice Mayor Hutchinson said this may be the goal for downtown, but it is not a typical street in Colee Hammock. Mr. Partington agreed, but explained in allowing parking on streets they are aspiring to minimum dimensions of a seven foot parking space, two, ten foot travel lanes, a twenty foot road width and another seven foot parking space. This area differs between the east and west sides of 15th Avenue. Staff recommended more stringent application of these guidelines on the east side because there is no curbing and it allows people the ability to place two wheels onto the sidewalk, which they feel should be discouraged. Therefore, staff arrived at a minimum swale width of seven feet where parking would be permitted. Parking into the road raises issues of obstructed parking. There is a preference to have the vehicle clear of the travel portion of the street and keep it free of being hit by a passing vehicle. Parking partially on the sidewalk is anti-pedestrian.

Vice Mayor Hutchinson pointed out the law that is not enforced today would put an undue burden on homeowners east of 15th Avenue. This did not come out in the beginning, but has just been brought out. If the City allows a permit program to alleviate residents' concerns, it would only be shooting them in the foot at the same time.

Commissioner Moore left the meeting at approximately 7:09 p.m.

Mr. Partington said the map always indicated there would be no parking on the streets where these swales are being debated. Vice Mayor Hutchinson noted that nevertheless it did not come to light until now.

Mayor Naugle thought tickets are issued to those who park on sidewalks anywhere in the city. Mr. Hoelzle said normally enforcement does not go out into a residential area, unless complaints have been received. Sometimes warnings are given depending on the situation. With the two-hour free parking requirement, enforcement staff would have to be in the area all the time to enforce it. Once staff is in the area, they could not ignore parking on sidewalks and the such.

Larry Queenin, resident of Colee Hammock, favored the program. Colee Hammock has become a parking lot for hospitals and businesses on Las Olas. He commented about the time and money spent on this matter and that it would be irresponsible to identify a problem, study it, find a solution, and then do nothing about it. This is a trial that is meant to be tweaked, massaged, and tailored to the area.

John Makos, 16 SE 17 Avenue, Colee Hammock, did not favor the program. He read an email he had composed on the subject elaborating on his opposition.

Commissioner Moore returned to the meeting at approximately 7:14 p.m.

Susan Lochrie, 1617 SE 2 Street, said she lives on a 50 foot lot with space for one vehicle in the driveway. She asked where maintenance would be able to park. According to the plan, there is only one parking space for ten houses. She opposed the program.

Carla Vick, 1621 SE 2 Street, Colee Hammock, said there are eleven homes on her street and at least five use the swale to park on a daily basis and the remaining homes use the swales for guest parking. This program will take away something she has had for the years she has lived in this neighborhood. She maintains the swale in front of her house and wants to be able to use it when necessary. She opposed the program.

Veronica DePadro, 1405 SE 2 Street, said she has been working on this for over three years. There is a crisis in the west side of Colee Hammock, SE 2 Court and SE 4 Street. They were always under the impression that swales could have two wheels on, two wheels off parking. They did not want to create a burden for their neighbors. Hospitals are changing their practices, hiring more employees. They are a parking lot. It is nice that SE 17 Avenue does not have a problem, but she felt they will in the future. They could opt out. There is no space for service parking. With one business in flux, it has opened hundreds of spaces in the neighborhood. When the new Mancini's opens on Las Olas and 13th, she questioned where they will park. She urged the Commission to allow areas with swales to have two wheels on, two wheels off parking.

Kelly Stratton, 1225 SE 2 Street, said they have to deal with the Friday and Saturday night parking for Las Olas. Sometimes people park in front of her house for a week at a time leaving their vehicle unattended. It is difficult to get in and out of the driveway or to park in front of her home. She favored the trial program.

Pat Ribera, 1313, SE 2 Street, said this program is a trial which means it will be amended. The issue of swale parking and enforcement is a new issue which arose recently. There are issues with the parking regulations. The Commission could write a variance for swale parking in Colee Hammock to alleviate the problem. It would not be fair to no longer allow people to park in front of their home. Then with residential permits, swale parking and official regulated parking areas would only be occupied by

residents of the area with permits. At present visitors to her home have to park a block away because there is no parking available.

Marvin Sanders, Colee Hammock, felt the ordinance is fatally defective. Colee Hammock was platted in 1920 with the north/south streets being 50 feet in width and the east/west streets being 40 feet in width. With the forty foot streets there are two five foot sidewalks which leaves thirty feet. With two, eleven foot travel lanes, it leaves two, four foot parallel parking spaces. Where there are no sidewalks, one could park the entire length of the street. Perhaps residents want the sidewalks removed in order to park in front of their homes. He suggested a district plan and not this enforcement plan. A number of the fifty foot streets have been excluded from parking opportunities. He estimated there will only be 15% of street frontage where people could park. There is a state law that prohibits parking on sidewalks.

David Westhoven, 1225 SE 2 Street, recognized that he lives in an unusual yet wonderful neighborhood. He knew about its inherent problems when moving there. He favored the trial program but did not want it to be a burden to those who could not park on their swales. He did not know if a permit program would solve all the problems, but he favored a six month trial.

Andy Costa, 1604 SE 4 Street, said when he moved into the neighborhood in 1980 there were no parking problems. Over the years it has gotten worse. They cannot have anyone visit during the day. Fourth Street is jammed with business parking. It is a disaster. They have lost control of the neighborhood. He urged the trial program be tried at least.

Tom Welch, 7 SE 13 Avenue, Colee Hammock, said it appears that in 1990 Colee Hammock residents began speaking about concerns over traffic and parking and over time the problem has gotten worse. There are a tremendous number of apartment buildings west of 16th and townhomes moving into the area. Along with the businesses, they add to the parking problem. He noted one apartment building built in 1970 that has one space provided per unit. If nothing is done, he felt the problem will continue to move east throughout the neighborhood. He wanted to see a swale variance since it is something they are doing now. He suggested a decal system.

Mike Ribera, 1313 SE 2 Street, said he previously lived in the French Quarter of New Orleans where they have permit parking. He felt this neighborhood would eventually require permit parking. People are attracted to the area. Employers do not provide employee parking. He favored the proposed program.

Dr. Ronald Fauer, 1200 East Broward Boulevard, said their building has sixteen parking spaces. There are three doctors and ten employees. Many patients are old and have a hard time getting into their office. They ask employees to park on the street if possible. It is important that there be some allowance for employees to park on the street during the day.

Mike Kurtz, 114 SE 15 Avenue, said the community and businesses in the area are doing great. He opposed the proposed program.

There being no one else wishing to speak, Mayor Naugle closed public comment.

Commissioner Moore referred to Mrs. Lochrie's comments and asked if this program would disallow parking in front of their home. Vice Mayor Hutchinson replied yes. Mr. Partington said that regardless of this program, parking is already prohibited there. Vice Mayor Hutchinson disagreed and said they park there now. Mr. Partington said that parking is prohibited on the swale of the north side of 2nd Street, but they do park there. There are no, no parking signs and no ticketing over the years. It would be disallowed with the new program.

In response to Commissioner Moore, Mr. Hoelzle said staff felt six months was enough time to assemble data and determine whether the program could be as close to revenue neutral as possible. Commissioner Moore asked if it would be inappropriate to do the six-month trial, with a status report in ninety days. Mr. Hoelzle replied certainly.

In response to Commissioner Moore, Mr. Hoelzle estimated there are over 200 parking spaces in the private garage next to the Cheesecake Factory and he understood there is available capacity almost all of the time. Commissioner Moore suggested the merchants association work to lease employee parking at that garage, using the trolley system. Mr. Hoelzle said that parking garage sells monthly permits. Commissioner Moore thought that would be an option.

Commissioner Moore was concerned about disallowing swale parking such as noted by Mrs. Lochrie. Mr. Partington explained it has to do with minimum dimension not existing there and it encourages individuals to park on the sidewalk. He displayed a graphic of what would happen if two people parked opposite of each other and indicated the open area comes down to 14-15 feet. There is probably a preference to park partially on the sidewalk in order to be off the roadway. There are probably a variety of situations.

Mayor Naugle commented on the width of the vehicle in the diagram looking seven feet wide. Mr. Partington acknowledged it is a large vehicle.

Commissioner Moore supported the trial, but asked staff to review the legitimacy of disallowing parking in certain areas as discussed. He did not want to allow parking on the sidewalk. He wanted an assessment in three months. He also wanted a letter from the Commission to the merchants association, asking they encourage their members to use the garage.

In response to Mayor Naugle, Mr. Hoelzle indicated the estimated cost for the six-month trial is \$135,000 to \$150,000 based on quotes received from the company providing the license plate recognition equipment for the two-hour free parking and the temporary parking enforcement specialists and based on estimated revenue, there would be a deficit in the first six-months of \$57,305. The annual deficit would be \$152,710. Mayor Naugle asked if other neighborhoods ask for such a program how would they be funded. Mr. Hoelzle did not know how they could be funded unless other revenue sources were identified. Mayor Naugle concluded that parking rates would have to be increased.

Mayor Naugle was concerned about the financial consideration for such programs. The parking system subsidizes businesses; there are expenses to recapitalize parking structures. There is already criticism about inadequate maintenance of parking garages. There seems to be 50/50 neighborhood support. Mr. Hoelzle noted that different neighborhoods would require different types of programs. They may not all be as expensive. Because of the two-hour free parking, the City would have to have additional

staff and acquire special equipment. Most of the Parking Fund revenue goes toward recurring projects. The cost of such programs needs to be addressed.

Due to the neighborhood's uniqueness, Commissioner Rodstrom agreed with the reassessment in three months. She felt it is riddled with a few flaws and 100% are not buying into it.

Vice Mayor Hutchinson said she started this process what seems like a thousand years ago. The goal was to help a neighborhood. All they have done is create more bureaucracy, chasing their tails. Cities across the country do this simply. This is going to take away parking from people and not allow swale parking. It is not a good ordinance. There is a parking problem in that area, but this program will not solve it. It will only cause turmoil. She did not criticize staff because they have worked hard to find a solution. It cannot be a burden to some residents and help others. She did not how to solve this.

Commissioner Moore said the major problem was attempting to make everyone happy. It started with giving the merchants free two-hour parking. Vice Mayor Hutchinson emphasized it still does not allow people to park in front of their house where they can park today. With this program, enforcement of prohibited swale parking becomes a priority.

Commissioner Moore commented about the parking available to businesses in this area. He believed two wheels on, two wheels off parking should be implemented citywide. He noted many advantages. He suggested two wheels on, two wheels off, with a limited permit fee.

Vice Mayor Hutchinson believed the community would forfeit the two-hour component. Commissioner Moore felt it should be eliminated.

Motion made by Vice Mayor Hutchinson to approve a six-month trial period, including two wheels on, two wheels off. This will allow people to park on the swale although they will still have to get a permit.

Mayor Naugle noted the City Engineer showed that vehicles could not pass through and it would effectively be made into a one-way road. Vice Mayor Hutchinson said such parking exists today in areas and vehicles get through.

Vice Mayor Hutchinson said that the free two-hour parking would be eliminated.

Commissioner Moore seconded the motion. He requested a three-month interim report. He felt that after the trial period, it will prove less costly. He felt the two-hour free parking attributes to the cost.

Mayor Naugle said that part of the two-hour free parking was to accommodate someone stopping at a residence for a few minutes. Those individuals would now be ticketed. Commissioner Moore noted in those cases, the resident would have to move their vehicle to the swale and let the visitor park in the driveway.

The City Attorney said this is the first reading. If this motion passes, an amended ordinance would be brought back to the Commission.

Vice Mayor Hutchinson introduced the ordinance on the first reading:

ORDINANCE NO. C-07-12

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING A TRIAL RESIDENTIAL PARKING PERMIT PROGRAM FOR THE AREA KNOWN AS COLEE HAMMOCK LOCATED EAST OF S.E. 12TH AVENUE, NORTH OF LAS OLAS BOULEVARD, WEST OF VICTORIA PARK ROAD AND SOUTH OF EAST BROWARD BOULEVARD; PROHIBITING VEHICLES FROM PARKING ON CERTAIN RIGHTS-OF-WAY IN THE AREA DURING CERTAIN HOURS; ESTABLISHING A FINE FOR VIOLATIONS AND FURTHER PROVIDING THAT THE ORDINANCE SHALL BE IN EFFECT FOR A PERIOD OF SIX MONTHS.

Which ordinance was read by title only.

Commissioner Teel said she is voting no because a monster has been created. Until the Commission gets serious about parking reductions and not over-regulating, they will just continue creating problems.

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

Mr. Partington said that at second reading, staff will furnish an amended map, showing the areas where two wheels on, two wheels off parking would be permitted.

Soliciting of Donations Using City Resources

(OB)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 07-46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING A POLICY FOR MEMBERS OF THE CITY COMMISSION AGAINST SOLICITING DONATIONS USING CITY RESOURCES.

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

Advisory Board /Committee Appointments

(OB)

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

Cemeteries Board of Trustees

Victoria Mowrey

Code Enforcement Board Board	Eugenia Ellis
Education Advisory Board	Shannon Prohaszka Jacki Gross
Historic Preservation Board	Patricia Hale Marie Harrison
Parks, Recreation and Beaches Advisory Board	Larry Mabson
Police & Firefighters Retirement Board of Trustees	Dennis Hole
Utility Advisory Committee	Robert Caine Caldwell Cooper Joe Holland Richard Barrett Magdelene Lewis Nathaniel Wilkerson

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 07-39

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 Teel, Rodstrom, and Moore, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 8:07 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk

