

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
FEBRUARY 3, 2009

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
February 3, 2009**

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

Roll call showed:

Present: Commissioner Christine Teel
Vice Mayor Charlotte E. Rodstrom
Commissioner Magdalene E. Lewis
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None.

Also Present: City Manager George Gretsas
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sgt. Joe Hoover

Invocation was offered by Chaplain Rick Braswell, Broward Sheriff's Office, 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 Commissioner Teel to approve the minutes of the December 16, 2008 Regular Meeting, and the agenda for the meeting of February 3, 2009. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Lewis, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Presentations

1. Saint Thomas Aquinas High School Day (PRES-01)

Assistant City Attorney Carrie Sarver, a Saint Thomas Aquinas High School graduate, presented a proclamation declaring February 3, 2009, as Saint Thomas Aquinas High School Day in the City in recognition of their football team winning the 2008 state championship, to Head Coach George Smith and Assistant Head Coach Jay Connolly.

Coach Smith thanked the Commission for supporting high school athletics.

2. Outstanding City Employees**(PRES-02)**

Albert Carbon, Director of Public Works, recognized Shannon Graham for her work as the staff board liaison for the Community Appearance Board including their annual awards event.

James Eddy, Fire Rescue Chief, recognized Freddy Zelaya for his outstanding service. He also recognized Richard Brown, Joseph Fox, David Carter, Stephen Shaw, Vincent Latona, Jorge Mederos, Antonio Yon and Michael Hughes for building a wall on the mezzanine of the new fire station (53) to be used as a training prop and saving money required to attend Broward County training.

Frank Addeley, Police Chief, recognized detectives Mark Breen and John Curcio for identifying and apprehending a murder suspect.

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 – Just Breathe**(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Bailey and Associates Reporting, Inc. for Just Breathe, a walk to be held February 28, 2009, 11 AM - 1 PM, beginning at DC Alexander Park and ending at Tarpon Bend (200 SW 2 Street).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0084

Event Agreement and Co-Sponsorship – Florida Aids Walk – Closing Roads Along Route**(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with AIDS Healthcare Foundation, Inc. for Florida AIDS Walk, to be held at Huizenga Plaza, downtown and beach area streets and sidewalks on March 15, 2009, 8 AM – 3 PM;

closing roads along route; and approving co-sponsorship to allow banners at specified locations, subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0039

Event Agreement – Sistrunk Parade and Street Festival (M-03)
Closing Roads

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Sistrunk Historical Festival, Inc. for Sistrunk Parade and Street Festival, to be held February 29, 2009, 8 AM – 6 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0032

Event Agreement – 5K For a Better Day (M-04)
Closing Roads Along Route

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Greater Fort Lauderdale Road Runners Club, Inc. for 5K For A Better Day, to be held February 28, 2009, 7:30 AM – 9:30 AM at Broward General Medical Center and closing roads along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0077

Event Agreement – A-1-A Marathon (M-05)
Closing Roads Along Route

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Exclusive Sports Marketing, Inc. of Florida for A-1-A Marathon, to be held February 22, 2009, 5:30 AM – 12 Noon, beginning at Esplanade and ending at South Beach and closing roads along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0078

**Event Agreement and Co-Sponsorship
Waterway Cleanup****(M-06)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Marine Industries Association of South Florida, Inc. for 32nd Annual Waterway Cleanup, to be held March 7, 2009, 9AM – 1 PM, at several waterfront locations and approving co-sponsorship to allow banners at specified locations, subject to permitting regulations.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-0081

**Event Agreement – United Way 5K - Closing
Roads Along Route****(M-07)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Exclusive Sports Marketing, Inc. of Florida for United Way 5K, to be held February 21, 2009, 5:30 AM – 8 AM, beginning at Birch State Park and ending at George English Park and closing roads along route.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-0088

**Event Agreement and Co-Sponsorship – Walk For
The Animals – Closing Roads Along Route****(M-08)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Humane Society of Broward County, Inc. for Walk For The Animals, to be held March 7, 2009, 8 AM – 12 Noon at Huizenga Plaza; closing roads along route; and approving co-sponsorship to allow banners subject to permitting regulations.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-0080

Event Agreement – Coral Ridge Dog Fest**(M-09)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Coral Ridge Association, Inc. for the Coral Ridge Dog Fest, to be held February 14, 2009, 11 AM – 3 PM, at George English Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0082

Event Agreement – Palm 100

(M-10)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Ultra Sports, LLC for Palm 100, to be held from 6 AM, March 28, 2009 to 2 AM, March 29, 2009 on beach sidewalks from Las Olas Boulevard north to City limits.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0086

**Rescind Contract – Expertech Network Installation (U.S.) Inc.
\$935,476.76 – Forcemain System Interconnects and Transmission
System Improvements**

(M-11)

No budgetary impact.

A motion authorizing the proper City Officials to: (1) rescind contract awarded to Expertech Network Installation (U.S.) Inc., in the amount of \$935,476.76 – forcemain system interconnects and transmission system improvements at various locations throughout City – Project 11119A; and (2) re-bid modified project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1259

**Contract Award – Homestead Concrete & Drainage, Inc.
\$34,410.09 – Entry Signs and Landscaping – Neighborhood
Capital Improvements Project**

(M-12)

\$9,410.09 is budgeted in P11094.331-6599 Fund 331, Subfund 01 and \$25,000 is available in CD1490-8001, Fund 108, Subfund 01.

A motion authorizing the proper City Officials to award and execute a contract with Homestead Concrete & Drainage, Inc., in the amount of \$34,410.09 – installation of entry signs and landscaping – Golden Heights Homeowners Association, Inc. – Neighborhood Capital Improvement Program – Project 11094.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0072

Contract Award – Palm Beach Building Group, Inc. (M-13)
Renovation of Facilities at Joseph C. Carter Park

\$295,366.50 is available in P11275.328-6599, Fund 328, Subfund 01 to fund the contract, engineering fees and contingencies.

A motion authorizing the proper City Officials to award and execute contract with Palm Beach Building Group, Inc., in the amount of \$229,500 – renovations to facilities at Joseph C. Carter Park – swimming pool showers, gymnasium showers and restrooms and social center restrooms.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0083

Contract Award – Electrical Contracting Service, Inc. - \$66,437.50 (M-14)
Power Services For Temporary Fire Station 49

Transfer \$66,437.50 from P10910.336, SE Fire Station 8 Land, to P11368.336 – all in Fund 336, Subfund 01, Subobject 6599.

A motion authorizing the proper City Officials to: (1) award and execute contract with Electrical Contracting Service, Inc., in the amount of \$66,437.50 – power services for temporary Fire Station 49 – 500 Seabreeze Boulevard – Project 11368; and (2) transfer funds to fund the contract.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0092

Change Order 2 – Metro Equipment Service, Inc. - \$336,435.48 (M-15)
Add 126 Days – Systemwide Pump Station Upgrades

Appropriate \$380,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10874.482-6599; EP03219.

A motion authorizing: (1) Change Order 2 with Metro Equipment Service, Inc., in the amount of \$336,435.48 and the addition of 126 non-compensable calendar days to contract period – additional work – Phase I Systemwide Pump Station Upgrades – Project 10874; and (2) appropriate \$380,000 to fund this change order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 08-1378

Change Order 3 (Final) – Metro Equipment Service, Inc. (M-16)
Credit (\$126,536.23) – Pump Station Rehabilitation – Birch Road and Vista Mar Force Main

Reduce encumbrance by (\$65,649.43) in Fund 482, Subfund 01, P10823.482-6599 and by (\$60,886.80) in Fund 490, Subfund 01, P10823.490-6599. EPO3060

A motion authorizing: (1) Change Order 3 (Final) with Metro Equipment Service, Inc., in the CREDIT amount of (\$126,536.23) – final quantity reconciliation – Pump Station Rehabilitation Birch Road and Vista Mar Force Main – Project 10823; and (2) reduce encumbrance by (\$126,536.23).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0008

Change Order 7 – Asphalt Consultants, Inc. - \$79,314 (M-17)
Riverland South

Appropriate \$89,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10832.482-6599; EP03383.

A motion authorizing: (1) Change Order 7 with Asphalt Consultants, Inc., in the amount of \$79,314 – additional work and quantity adjustments – Septic Area 2 East Basins A and C, Riverland South – Project 10832; and (2) appropriate \$89,000 to fund this change order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0046

Change Order 1 – Insituform Technologies, Inc. – Net Zero (M-18)
Wastewater Conveyance System – Sewer Basin A-11 and Annual Sewer Lining

No budgetary impact.

A motion authorizing Change Order 1 with Insituform Technologies, Inc., for a net zero cost – quantity adjustments – Wastewater Conveyance System – Sewer Basin A-11 and Annual Sewer Lining – Project 11273.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0050

Change Order 4 (Final) – Miami Skyline Construction Corp. (M-19)
\$28,227.60 – Fire Station 3 Renovations

\$28,227.60 is available in P11078.331-6599, Fire Facilities Capital Maintenance, Fund 331 Subfund 01.

A motion authorizing Change Order 4 (Final) with Miami Skyline Construction Corp., in the amount of \$28,227.60 – renovation of Fire Station 3 – 2801 SW 4 Avenue – Project 10401.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0069

Task Order 08-08 – Hazen and Sawyer, P.C. - \$40,440 (M-20)
2009 Water Supply Planning Assistance

Appropriate \$46,000 from Water and Sewer Fund Recap., P11197.454-6599 to P10760.454-6599, both in Fund 454, Subfund 01.

A motion authorizing the proper City Officials to: (1) execute Task Order 09-08 with Hazen and Sawyer, P.C., in the amount of \$40,440 – design engineering services – 2009 Water Supply Planning Assistance – Project 10760, and (2) appropriate \$46,000 to fund this task order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0052

Amendment 2 – Task Order 04-10 – Hazen and Sawyer, P.C. (M-21)
\$28,476 – Central River Large Water Main River Crossing

Appropriate \$32,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10814.482-6599.

A motion authorizing the proper City Officials to: (1) execute Amendment 2 to Task Order 04-10 with Hazen and Sawyer, P.C., in the amount of \$28,476 – additional design engineering services – Central River Area – Large Water Main River Crossing – Project 10814; and (2) appropriate \$32,000 to fund this amendment and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0056

Designation of Host Hotels – Agreements (M-22)
U.S. Tennis Association Tournaments –
Jimmy Evert Tennis Center

No budgetary impact.

A motion authorizing the Parks and Recreation Director or his designee to enter into agreements on behalf of the City with local hotels for United States Tennis Association state and national tournaments held at Jimmy Evert Tennis Center.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0073

Marriott Harbor Beach Resort and Spa – 3030 Holiday Drive (M-23)
Amendment 3 – Development Agreement – Lauderdale Beach
Association

No budgetary impact.

A motion authorizing the proper City Officials to execute a third amendment to development agreement with Lauderdale Beach Association – site plan revisions to Marriott Harbor Beach Resort and Spa – 3030 Holiday Drive.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0053

CONSENT RESOLUTION

Grant Application – Enhanced Marine Law Enforcement (CR-01)
Grant Program – Broward County - \$138,432 – Boating
Safety Initiatives

No current year budgetary impact. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0063

RESOLUTION NO. 09-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE BROWARD COUNTY MARINE ADVISORY COMMITTEE FOR A BROWARD COUNTY ENHANCED MARINE LAW ENFORCEMENT GRANT FOR THE ENHANCEMENT OF MARINE LAW ENFORCEMENT AND EDUCATION; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH GRANT FUNDING.

**Amend Operating Budget – Appropriation - \$250,000
Flagler Park**

(CR-02)

Appropriate \$250,000 from trust account 269-450220 fund type 01, fund 001, fund 01 (famis screen 6100) to P11306.331-6599 Construction, fund type 30, fund 331, subfund 01, revenue subobject N398.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0091

RESOLUTION NO. 09-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING \$250,000 OF PARK IMPACT FEES FROM FUND TYPE 01, FUND 001, TO FUND TYPE 30, FUND 331, SUBFUND 01 TO FUND CONSTRUCTION OF FLAGLER PARK.

**Amend Operating Budget – Appropriation – Osswald Park
\$699,893.23**

(CR-03)

Appropriate \$699,893.23 from trust account 219-000068 fund type 01, fund 001, subfund 01 (screen 6100) to P11306.331-6599 construction, fund type 30, fund 331, subfund 01, revenue to subobject F733.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0090

RESOLUTION NO. 09-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING \$699,893.23 OF THE BROWARD COUNTY OSSWALD PARK ANNEXATION PAYMENT FROM FUND TYPE 01, FUND 001, SUBFUND 01 TO FUND TYPE 30, FUND 331, SUBFUND 01 TO FUND CONSTRUCTION AT OSSWALD PARK.

**Grant Acceptance – Ann Herman Park - \$51,167
Land Stewardship Program – Parks For People**

(CR-04)

Appropriate \$51,167 of grant revenue funds to fund type 10, fund 409, subfund 01, P11072.409-F733, Broward County Cultural Recreation grant, \$51,167 expenditures to P11072.409-6599, construction, fund type 10, fund 409, subfund 01. No cash match required at this time.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 08-1900

RESOLUTION NO. 09-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$51,167 FROM BROWARD COUNTY FOR DEVELOPMENT OF ANN HERMAN PARK, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDS AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009 BY ACCEPTING AND APPROPRIATING SUCH GRANT FUNDS TO FUND 409.

Grant Acceptance – Flagler Heights Park - \$51,166
Land Stewardship Program – Parks For People

(CR-05)

Appropriate \$51,166 of grant revenue funds to fund type 10, fund 409, subfund 01, P11305.409-F733, Broward County Cultural Recreation grant, and \$51,166 expenditures to P11305.409-6599, construction, fund type 10, fund 409, subfund 01. No cash match required at this time.

Recommend: Adopt resolution..

Exhibit: Commission Agenda Report 08-1903

RESOLUTION NO. 09-32

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$51,166 FROM BROWARD COUNTY FOR DEVELOPMENT OF FLAGLER HEIGHTS PARK, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDS AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009 BY ACCEPTING AND APPROPRIATING SUCH GRANT FUNDS TO FUND 409.

Amend Operating Budget – Appropriation - \$6,000 (CR-06)
Donation To Fort Lauderdale Aqua Angels Swim Team
Project Abstract

Appropriate \$6,000 from Fund 104, sub-fund 01, Undesignated Fund Balance to Fund 104, sub-fund 01, POL050201, sub-object 4299.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0107

RESOLUTION NO. 09-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009 BY AUTHORIZING DONATION TO THE FORT LAUDERDALE AQUA ANGELS SWIM TEAM IN THE AMOUNT OF \$6,000.00; APPROPRIATING FUNDS FOR SUCH PURPOSE AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS.

Amend Operating Budget – Appropriation (\$120,000) and (CR-07)
Transfer Grant – SE 15 Street Boat Launch and Marine Complex

Appropriate \$120,000 of Grant Funds to Fund 129, Subfund 01, P11422.129, Revenue in F732 and Expenditure in 6599. Request transfer of \$26,206 from P11069.331-6599 Fund 01, Subfund 01 to P11422.331-6599 Fund 01, Subfund 01 for required matching funds. Currently \$93,494 of the required match funds are in P11422.331-6599, Fund 01, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0062

RESOLUTION NO. 09-34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, APPROPRIATING GRANT FUNDS AWARDED TO THE CITY BY THE FLORIDA INLAND NAVIGATION DISTRICT, IN THE AMOUNT OF \$120,000 TO FUND 129, SUBFUND 01, P11422.129, REVENUE F732 AND EXPENDITURE IN 6599 FOR THE SE 15TH STREET BOAT LAUNCH AND MARINE COMPLEX.

**Amend Operating Budget – Appropriation (\$450,000) and
Transfer Grant – New River Floating Docks****(CR-08)**

Appropriate \$450,000.00 Grant Funds to Fund 129, Subfund 01, P11000.129 Revenue in F731 and Expenditure in 6599. Request transfer of \$450,000.00 for matching funds from P11236.331, Fund 01, Subfund 01 to P11000.331-6599, Fund 01, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0064

RESOLUTION NO. 09-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING \$450,000 IN GRANT FUNDS AWARDED TO THE CITY BY THE BROWARD BOATING IMPROVEMENT PROGRAM TO FUND 129, SUBFUND 01, P11000.129 REVENUE F731 AND EXPENDITURE IN 6599 FOR THE NEW RIVER FLOATING DOCKS PROJECT AND TO TRANSFER \$450,000 FROM P11236.331, FUND 331, SUBFUND 01 TO P11000.331-6599, FUND 331, SUBFUND 01.

**Amend Operating Budget – Appropriation (\$218,454) and
Transfer Grant – Cooley’s Landing Boat Ramp Replacement****(CR-09)**

Appropriate \$218,545 of Grant Funds to Fund 129, Subfund 01 P11472.129, Revenue in F731 and Expenditure in 6599. Request transfer of \$450,000.00 for matching funds from P11236.331, Fund 01, Subfund 01 to P11000.331-6599, Fund 01, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0067

RESOLUTION NO. 09-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING \$218,545 IN GRANT FUNDS FROM THE BROWARD BOATING IMPROVEMENT PROGRAM FOR COOLEY’S LANDING BOAT RAMP REPLACEMENT PROJECT TO FUND 129, SUBFUND 01, P11472.129, REVENUE F731

AND EXPENDITURE IN 6599 AND TRANSFERING \$88,044 FROM P11068.3316599, FUND 01, SUBFUND 01 TO P11472.331-6599, FUND 01, SUBFUND 01.

Amend Operating Budget – Appropriation - \$218,545 (CR-10)
Grant – Cooley’s Landing Boat Ramp

Appropriate \$218,545 of Grant Funds to Fund 129, Subfund 01, P11472.129, revenue in F732 and expenditures in 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0068

RESOLUTION NO. 09-37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING \$218,545 IN GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT FOR COOLEY’S LANDING BOAT RAMP REPLACEMENT PROJECT TO FUND 129, SUBFUND 01, P11472.129, REVENUE F732 AND EXPENDITURE IN 6599.

PURCHASING AGENDA

293-10215 – Firefighting Foam (PUR-01)

\$21,600 is budgeted in Fund 001, Subfund 01, FIR010501, 3799

Two-year contract for purchase of National Universal Gold firefighting foam is being presented for approval by Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Elite Fire & Safety Equipment, Inc.
Naples, FL

Amount: \$21,600.00 (annual estimated)

Bids Solicited/Rec’d: 431/5

Exhibit: Commission Agenda Report 08-1801

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

493-10191 –Reject Bids and Re-Bid – Liquid Oxygen**(PUR-02)****No budgetary impact.**

Reject all bids for purchase of liquid oxygen and authorize re-bidding is being presented for approval by the Public Works Department.

Recommend: Motion to reject and authorize re-bidding.

Bids Solicited/Rec'd: 278/3

Exhibit: Commission Agenda Report 09-0076

The Procurement Services Department has reviewed this item and recommends rejecting all bids and re-bidding.

492-10187 – Emergency Board-Up Services**(PUR-03)**

\$40,000 is budgeted in GF 001, SubFund 01, BLD020101, 3226

One-year contract for emergency board-up services is being presented for approval by the Building Services Department.

Recommend: Motion to approve.

Vendor: Assured Contracting, LLC
Plantation, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: 573/8

Exhibit: Commission Agenda Report 09-0099

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

Proprietary – Four Vehicle Replacements**(PUR-04)**

\$476,062 is budgeted in Fund 583, Subfund 01, PAR030101, 6416.

Purchase four vehicle replacements identified in the 2008-2009 Fleet Plan and approved in the 2008-2009 Fleet Services Capital Budget is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Advanced Truck Equipment, Inc.
Boynton Beach, FL
Container Systems & Equipment Co., Inc.
Daytona Beach FL

Amount: \$476,062.00

Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 09-0066

The Procurement Services Department has reviewed this item and recommends approval of the proprietary purchase and to the low responsive and responsible bidder.

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

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel that Consent Agenda Item M-15 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Lewis, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Change Order 2 – Metro Equipment Service, Inc. - \$336,435.48 - (M-15)
Add 126 Days – Systemwide Pump Station Upgrades

Appropriate \$380,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10874.482-6599; EP03219.

In response to Vice Mayor Rodstrom, Paul Bohlander, Assistant Utilities Services Director, advised none of the items in the change order are the responsibility of Metro Equipment Service, Inc. although there are some outstanding issues for the work at the pump station, which the City intends to pursue separately.

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

MOTIONS

Appeal – Planning and Zoning Board Decision – Vacate Alley - (MD-01)
Case 8-P-08 – North of SW 33 Avenue Between Andrews Avenue
And FEC Rail Line

Applicant: AG Realty Fort Lauderdale
Zoning: Heavy Commercial – Light Industrial Business B-3
Location: North of SE 33 Street between South Andrews Avenue
And FEC Rail Line

In response to Commissioner Hutchinson, Greg Brewton, Director of Planning and Zoning, indicated the Applicant is proposing to vacate less and provide for a bigger turnaround than originally proposed.

Mayor Naugle opened the floor to the public for comments on whether a hearing should be held.

Neil Schiller, representing the Applicant, indicated the Planning and Zoning Board's decision of November 18, 2008 is being appealed. He detailed how there has been a departure from the essential requirements of law. The minutes show that the board did not determine whether the Applicant met the criteria pursuant to Section 47-24.6b. There is no competent and substantial evidence to support the board's decision exists. In speaking with the Fire Rescue Department, he learned that they would not use the alleyway to gain access for firefighting purposes.

Harry Hipler, representing Khoury property at 3233 South Andrews Avenue, referred to the ordinance that specifies there needs to be a departure from the central requirements of law by planning and zoning and there is not. There is substantial, competent evidence of what was presented to the Planning and Zoning Board. There should not be a de novo hearing. Because the Planning and Zoning Board found that they did not prove their case. There was no need to close the alleyway which was arbitrarily closed in 2006. The information is contained in the Planning and Zoning Board record.

Sam Khoury indicated he is the owner of property that would be landlocked if the alleyway is blocked. He requested the appeal be denied. Vacation of the alley would cause hardship to his business, safety, fire services and so forth.

Michael Guerrieri indicated he is the owner of Lots 3, 4,5,6,7 and 16, at 3245 South Andrews Avenue, which was purchased in 1976. He expressed favor in a hearing.

Alex Khoury indicated he is also a property owner at 3233 South Andrews Avenue. He was opposed to a hearing.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Rodstrom to hold a de novo hearing immediately. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Lewis, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Mayor Naugle opened the public hearing.

Mr. Schiller presented and reviewed slides concerning this matter. A copy of the slides as well as affidavits of John Cullen, Danny Adams and Paul Calvacca concerning the gate being closed and locked are attached to these minutes. He noted that the Applicant, AG Realty, owns the property shown in green and the Khourys own the property shown in red.

Mr. Hipler explained that this occurred because of two code violations where the gate was locked and closed without a permit because the property owner had leased the public right of way to a third party. The T-turnaround is offensive to the Khourys and the electronic firm property owners. The alleyway has been open continuously and if it was locked and closed, it was done illegally. He mentioned an alleyway meeting where the Khourys were not present or allowed to speak. He contended this has been done for financial gain. The Khourys intend to expand their property. There is an issue as to onstreet parking on Andrews Avenue that this would prejudice. There is still a need for the alleyway to be open so that large trucks can travel from one street to the next. The City's solid waste pickup service has refused to pickup trash because the gate has been illegally locked. Access is needed for sanitation and septic tank services. There are no alternatives. He explained why the T-turnaround is not acceptable and requested the item be denied.

Alex Khoury indicated he is also a property owner at 3233 South Andrews Avenue. The permit issued was for a fence between two properties and not for a gate crossing an alleyway which is considered a right of way. He showed a 1925 plat (Dixie Cut-Off Section Croissant Park) that shows an alley behind each lot. The plat is attached to these minutes. The alley is only for one-way traffic and is wide enough for one-way traffic only. The alleyway is need for sanitation and septic tank service. He elaborated upon problems that would result without the alleyway when they add a second story to their building. Additionally he noted the need to always have a second means of egress according to the Florida Building Code. A one-way alley would not be safe. There are other alleyways open behind other 25-foot lots in Dixie Cut-off Section Croissant Park. If this vacation was granted, it would be the only alleyway vacated that it still serving a 25-foot lot. In this case, the alleyway is the sole means of access to the rear. The alleyway is the only means for Florida Power and Light trucks to service power lines.

Sam Khoury indicated he is the property owner at 3233 South Andrews Avenue. He indicated he has owned this property for some twenty-five years. He has obtained City approval to add a second story to the construction business at this site. There is sufficient space in the rear for parking. There are deliveries. There are semi-trucks that cannot turn around. There would be no way the City would issue a permit to install a gate in front of an alleyway. The permit issued was to fence their property only. It would be unsafe for vehicles to have to back out.

Deborah Khoury was concerned about space to build the addition to their building or to receive deliveries. It will not serve the same purpose if a T-turnaround is substituted. The alley is the only way to gain access to the rear of her property and to be able to expand.

Michael Guerrieri indicated he cares for property at 3245 South Andrews Avenue, AG Realty Fort Lauderdale. This totally fenced and gated property was purchased some thirty-two years ago because it was suitable for a poultry distribution warehouse and sales office. It was suitable because it was totally secure with a gate opening onto SW 33 Street. He noted other particulars about the property. After more construction in the 1940s and 1950s as a milk distribution facility and the loading dock position, tractors regularly passed through the alleyway that ran through AG Realty's property and exited onto SW 33 Street. The gate to the alleyway behind the Khoury property has been closed for over thirty years in spite of testimony to the contrary. AG Realty has used the property and rented it out to three separate tenants that all required a secure property since 1976. Insurance companies require the security. In July of 2007, the City requested that the non-permitted gate be removed. He attempted to work out a solution with the Khourys. The City would accept AG Realty's permit for the gate. He met again with the Khourys, who have refused every option presented. If the alley is opened, AG Realty's property will not be able to be used as it has been since developed and marketability for renting will be severely impacted. The T-turnaround will render their loading ramp and dock useless although they have agreed to it as it would be the only way to get through. He wanted things to be left as they have been since they purchased the property.

Joe Bowman indicated that he has worked for the Guerrieris since 1999. He has been to the site on numerous occasions. The gate was never open. He commented about the gravel and overgrowth preventing it from being open. It is unsafe to drive on.

Joseph Stafford indicated that he is a former employee of the Guerrieris. From 1985 to 1989, one of his responsibilities was to check this property to ensure that the gate was locked.

Don Lampasone indicated he was retained by the southern property owner to research this matter to ascertain the truth. Lease of the property has relied on the property being secured in its total perimeter. Assertions by the middle property owner that the gate has been open during the last thirty-two years are not true. The 25-foot lot is non-conforming. The property cannot be expanded. The middle property has ingress and egress to the north. There is easy access for septic service. The reasons used are false. The property owner is using the City to try to get more use out of his property. Opening the alleyway would cost the City hundreds of thousands of dollars and be an engineering nightmare. Rock has been dumped onto the alley, causing water to dump onto that portion to the west. Eventual redevelopment will require the alleyway to be vacated. He urged that the alleyway behind the southern property be vacated and the middle and north ingress/egress left as it is.

Nick Khoury indicated he is also the property owner at 3233 South Andrews Avenue. The Khoury family has not received any offer. The adjacent (Cookin' Good) property has an absentee out of state landlord. Vacation of the alleyway will prevent their property from being expanded. As he was growing up he visited the site, and there was a time when the gate was open and the alleyway was clear. The fence existed, but the gate was not closed or locked. At the last magistrate hearing, instructions were given to open the gate.

Mr. Schiller, representing the Applicant, indicated that they have met the criteria. There is competent and substantial evidence indicating that the alleyway has not been open. How vacating the alleyway will prevent the Hourys from expanding their property does not make sense and takes one's eye off the issue. The issue is whether the Applicant meet code criteria in order to vacate this portion of the alleyway. Staff agrees that the criteria have been met. The T-turnaround has been worked out with the City Engineer. He urged approval.

There was no further public comment.

In response to Commissioner Hutchinson and her reference to staff's memorandum of November, 2008, Greg Brewton, Director of Planning and Zoning, clarified that the memorandum is indicating that the Applicant has provided information as to how he has met the criteria in the Unified Land Development Regulations. Staff does not make a judgment as to whether the alleyway should be vacated. The information was provided to the Planning and Zoning Board for their determination.

In response to Commissioner Hutchinson and her reference to a photograph of the northern portion of the alleyway, the City Engineer displayed the plat drawing and indicated Commissioner Hutchinson is correct that placement of the turnaround on the Applicant's property will give the northern property owner more property for turning. She agreed with the Fire Rescue Department about where they would be situated to fight a fire. Also, she knew the developer building a hotel on State Road 84 secured permission from the Florida Department of Transportation to park a crane on State Road 84. There is a lot of onstreet parking in the subject area. The area in question on the north side is unimproved, tight and many of the metal containers situated there may

have to be removed. She introduced an ordinance on first reading with the T-turnaround:

ORDINANCE NO. C-09-06

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL THAT PORTION OF THE 16 FOOT ALLEY IN BLOCK "D-1," "DIXIE CUT-OFF SECTION CROISSANT PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING SOUTH OF A LINE PARALLEL WITH AND 10 FEET SOUTH OF THE SOUTH LINE OF LOT 4 OF SAID BLOCK "D-1," LOCATED BETWEEN SOUTH ANDREWS AVENUE AND THE F.E.C. RAILROAD, NORTH OF SOUTHWEST 33RD STREET AND SOUTH OF THE EXTENSION OF SOUTHWEST 32ND COURT, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

Which ordinance was read by title only.

Mayor Naugle indicated that he has done business with the Applicant's tenant. In response to the City Attorney, Mayor Naugle indicated that he does not have an interest in the company. The City Attorney saw no conflict.

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

RESOLUTIONS

**Lot Clearing and Cleaning
Special Assessment Liens For Associated Cost**

(R-01)

No budgetary impact.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 09-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST

EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

CITIZEN PRESENTATIONS

Robert Walsh (CIT-01)

Reminder to Vote – February 10 and March 10, 2009 Municipal Elections

Not present.

Robert Scott Lefferts (CIT-02)

U.S. Passion – People Against Snuff and Slavery In Our Nation

Mr. Lefferts indicated he has founded U.S. Passion which stands for people against snuff and slavery in our nation. He referred to the number of missing persons annually and the crimes committed by kidnappers are unthinkable. It is a growing problem particularly with the internet and hidden cameras. Criminals need to be brought to justice. He wanted to raise awareness and work with other organizations in that regard.

PUBLIC HEARINGS

Rezoning To Planned Unit Development – Escape – 2900 Riomar Street – Cases 1-ZPUD-08 and 1-H-08 (PH-01)

No budgetary impact.

Applicant: RMS Properties IV, LLC
Location: 2900 Riomar Street
Current Zoning: North Beach Residential Area NBRA
Proposed Zoning: Planned Unit Development PUD
Future Land Use: Central Beach Regional Activity Center CBRAC

There being no one wishing to speak, a motion was made by Commissioner Hutchinson and seconded by Vice Mayor Rodstrom to close the public hearing. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Lewis, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-09-07

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM NBRA TO PLANNED UNIT DEVELOPMENT ("PUD"), INCLUDING APPROVAL OF A DEVELOPMENT PLAN KNOWN AS THE ESCAPE (TIFFANY HOUSE) AND ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING BUT NOT LIMITED TO USES, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING, LOTS 1, 2, 3 AND 4, BLOCK 8, "BIRCH OCEAN FRONT SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 26; TOGETHER WITH LOTS 15, 16, AND 17 "BIRCH ESTATES", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGE 24, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF RIOMAR STREET AND WEST OF BIRCH ROAD BY BAYSHORE DRIVE, 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: Vice Mayor Rodstrom, Commissioners Lewis, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Dock Waiver Application – Distance Limitations
John C. Rebhan – 709 Idlewyld Drive

(PH-02)

No budgetary impact.

Applicant: John C. Rebhan
Location: 709 Idlewyld Drive

There being no one wishing to speak, a motion was made by Commissioner Hutchinson and seconded by Commissioner Teel to close the public hearing. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Lewis, Hutchinson and Teel, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 09-26

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 THE ESTATE OF JOHN C. REBHAN, DECEASED, TO CONSTRUCT AND MAINTAIN A FLOATING DOCK PIER AND TWO (2) SETS OF CLUSTER MOORING PILINGS AT DISTANCES SET FORTH BELOW AND ADJACENT TO PROPERTY HAVING A STREET ADDRESS OF 709 IDLEWYLD DRIVE, SUCH DISTANCES AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW.

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

ORDINANCES

Reducing Quorum Requirement; Certain Advisory Boards and Committees

(O-01)

Commissioner Hutchinson introduced the following ordinance: on first reading:

ORDINANCE NO. C-09-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REDUCING THE QUORUM REQUIREMENT FOR THE BEACH REDEVELOPMENT, CEMETERIES, EDUCATION ADVISORY, ECONOMIC DEVELOPMENT, INSURANCE, PARKS, RECREATION AND BEACHES AND THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS REDEVELOPMENT, COMMUNITY APPEARANCE; THE COMMUNITY SERVICES AND THE MARINE ADVISORY BOARDS; AND THE UTILITY ADVISORY, THE FIRE-RESCUE FACILITIES AND THE CENTENNIAL CELEBRATION COMMITTEES AND THE UTILITY ADVISORY SUBCOMMITTEES.

Bunney Brenneman, Chair, Utility Advisory Committee, and on behalf of affected boards, thanked staff for recognizing this longstanding problem.

Which ordinance was read by title only. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioners Lewis, Hutchinson and 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:

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 09-27

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

Sun Sentinel Tribune

Mayor Naugle referred to bounced checks to City employees who may have worked for the Sun Sentinel Tribune on their day off. He planned to look into it on behalf of the employees.

There being no other matters to come before the Commission, the meeting was adjourned at 7:25 P.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk