

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING FEBRUARY 2, 2010

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CITY COMMISSION CONFERENCE MEETING 1: 35 P.M. February 2, 2010

Present: Mayor John P. "Jack" Seiler
 Vice Mayor Bruce G. Roberts, Commissioners Charlotte E. Rodstrom,
 Bobby B. DuBose and Commissioners Romney Rogers

Also Present: City Manager – George Gretsas
 City Auditor - John Herbst
 City Clerk - Jonda K. Joseph
 City Attorney - Harry A. Stewart
 Sergeant At Arms – Sergeant Dana Swisher

IV - City Commission Reports

Neighborhood Development Criteria Revisions Project

At Vice Mayor Roberts' request, Greg Brewton, Director of Planning and Zoning, provided a verbal status report on the neighborhood development criteria revisions, indicating this matter will be presented to the Planning and Zoning Board in February and then the Commission. He offered to furnish a schedule. Mr. Brewton later announced the board meeting date as February 24, 6:30 P.M.

Fraudulent Homestead Applications

Vice Mayor Roberts asked the City Manager to follow up on this with the Broward County Property Appraiser, Pompano Beach and Sunrise have pursued this. Mayor Seiler agreed it is a worthy endeavor.

Haitian Relief

Commissioner DuBose emphasized the need to continue helping. Later under Commission Reports, Mayor Seiler asked arrangements be made to thank City employees who have helped with this disaster. He wanted the City to continue to stay focused on helping.

Black History Month

Commissioner DuBose noted there will be many upcoming events including Sistrunk Festival.

Citizen Volunteer Corp

Commissioner Rogers announced an upcoming CVC event at Esplanade Park on February 13, 8 A.M.

Public Notices and Advertisements; Senate Bill 376

Commissioner Rogers noted a report from the City Clerk on potential savings by moving public notices to the website addressed in Senate Bill 376. He wanted to support it. Mayor Seiler asked the topic be placed on a conference agenda because there are minority and under privileged communities who are very much opposed. There are still

many people who do not use the technology. Commissioner Rogers felt alternative approaches could be used; he was interested in the significant savings. Mayor Seiler asked the item be placed on the February 16 conference agenda. Commissioner Rodstrom agreed it should be discussed because there are people who do not use computer technology.

Utility Rate Increase

In response to Commissioner Rodstrom, Albert Carbon, Director of Public Works, noted the rate increase that just went into effect was approved in 2009 and detailed additional increases in the future.

A-1-A Greenway

Commissioner Rodstrom recalled discussion about her working with Public Works and the Metropolitan Planning Organization (MPO) on the A-1-A Greenway, and asked when this could get underway. Albert Carbon, Director of Public Works, indicated he met yesterday with Mark Horowitz, Broward MPO/Special Projects and Bike Coordinator, Larry Hymowitz, Florida Department of Transportation (FDOT) Pedestrian-Bike Coordinator, and Jeff Weidner, FDOT Project Manager. Commissioner Rodstrom questioned why she was not included. Mr. Carbon indicated they called the meeting. In the future, Commissioner Rodstrom asked to be notified. The City Manager indicated for internal meetings there is concern about only inviting one commissioner. He agreed to provide a briefing afterward. Mayor Seiler asked that a briefing be scheduled with all three affected commissioners. Commissioner Rodstrom explained she wants to have the most up to date information on anything happening in her district that staff knows. If staff meets with her constituents, she would also like to be apprised.

Metropolitan Planning Organization; Bikeway Pavement Coloring: A-1-A and 17th Street Causeway

In response to Commissioner Rodstrom's question about the Sunshine law, the City Attorney advised for that any Metropolitan Planning Organization (MPO) topic that may affect another commissioner that she wishes to discuss with the affected commissioner should be discussed at a Commission meeting unless it would not ever come before the Commission which is very unlikely.

Commissioner Rodstrom noted her meeting with Greg Stuart of the MPO when she was informed of upcoming funding from the Florida Department of Transportation (FDOT) for improvements to 17th Street Causeway. There will be some repaving at A-1-A and the Causeway and they questioned whether the City had an interest in being a pilot program for coloring the bikeways that she had raised at a previous meeting with FDOT. If Commissioner Rogers is in agreement, she will advocate it. She wanted a consistent color.

International Swimming Hall of Fame; Sherman Whitmore comments

Commissioner Rodstrom noted a letter to the Commission from Bruce Wigo, Executive Director of the International Swimming Hall of Fame, indicating he did not authorize Sherman Whitmore to speak on his behalf. Mr. Wigo brought to her attention the building program and site analysis from 2001. She questioned if staff read this analysis

before putting together the RFP. In general, she asked who does the historic research before agenda items come forward. The City Manager advised that the RFP was drafted in accord with Commission direction. As to factoring-in information from previous reports, it depends on the issue. He mentioned the volume of such reports. Commissioner Rodstrom thought this particular information, for example, would have been very helpful to the Commission before giving direction on the RFP. In the future, she indicated she will request the historic information.

Community Redevelopment Agency Area Expansion

Commissioner Rodstrom had received information on this topic from the Community Redevelopment Agency Director (Northwest) (CRA), and asked that the expansion be put on the front burner. Alfred Battle, CRA Director, recapped the status since the December 15, 2009, CRA meeting when the board voted to create a new CRA including his efforts to accelerate the process. He offered to furnish a copy of the information to be provided to Broward County. The City may receive a response from the County staff or it may be scheduled on a County Commission meeting agenda. In further response, he agreed to keep Commissioner Rodstrom informed as to when the information goes to the County.

Upcoming Water and Sewer Bond Issue: Negotiated versus Competitively Bid

In response to Commissioner Rodstrom, the City Manager indicated the complete topic including Build America Bonds will be on the February 16 conference agenda. Commissioner Rodstrom asked that the City's financial advisor attend.

Allocation of Staff Time to Commission Districts

Commissioner Rodstrom asked how is the allocation of staff time to each district is determined and by whom. The City Manager indicated it depends on the issue. It is about triage and understanding the goals and objectives of the Commission as a whole. It is a case-by-case basis. Some issues in a district are citywide issues. He offered to try to accommodate her if there is something that needs attention. She was interested in knowing how fluff issues are addressed. She offered to provide some examples.

Census Awareness

Both Mayor Seiler and Commissioner DuBose emphasized the importance of public awareness and a complete count for the census. He suggested a booth be set up at the St. Patrick's Day event and every event up to the deadline. Perhaps the CVC could organize a walk. Vice Mayor Roberts and Commissioner Rodstrom remarked about unique issues pertaining to condominium residents and people who do not live in Fort Lauderdale year-round.

Recycling Containers at Holiday Park

Mayor Seiler noted that the recycling containers are not distributed throughout the park and asked that be corrected for all of the parks.

Events

Mayor Seiler noted upcoming and past events.

Courthouse; Recovery Zone Bonds

Mayor Seiler provided some information about recovery zone bonds and asked if the City's bonds could be used in the courthouse project in the interest of keeping the courthouse in the downtown and saving some \$2 million. Broward County would agree to be responsible. The City Attorney believed the City could so allocate the funds as it is a public project and within the boundaries of the city. It does not have to be a City project. It would be a matter of whether the County and, or a developer is willing. The City Manager indicated staff is working through the details; this will be part of the presentation on bonds (February 16).

Super Bowl Saturday Night Concert

Mayor Seiler asked that signage be posted to encourage people with parking downtown and use of the shuttles.

Unified Land Development Regulations Amendment; Cardinal Gibbons Mediated Settlement Agreement; Notice

In response to Mayor Seiler, the City Attorney indicated that O-02 (Unified Land Development Regulations Amendment – Community Facilities Modification of Height and Maximum Square Foot Gross Floor Area) was removed from tonight's agenda. It will be scheduled on a conference agenda at which time the question will be whether to refer it back to the Planning and Zoning Board. It is not a rezoning for Cardinal Gibbons High School. Having checked the minutes, Mayor Seiler noted a commitment was made as to notice. Regardless of the final outcome, there should be an opportunity for people to be heard. He recognized that all legal notice requirements were met. In response to Vice Mayor Roberts, the City Attorney advised although there was a stipulation that action be taken by February 1, all parties are in agreement with a deferral. After checking Mr. Brewton verified the Planning and Zoning Board meeting date.

I-A – Northwest Commercial Development Agreement – Milton Jones Development Corporation

Alfred Battle, Community Redevelopment Agency Director (Northwest), (CRA) noted that Milton Jones Development Corporation has requested an amendment to their development agreement. This City property is located at the corner of Sistrunk Boulevard and NW 7 Avenue. He highlighted information provided with the Commission Agenda Report 10-0186, including notation that HUD is a partner in this project as the property was purchased with federal funds, an overview of the January 23 public meeting where over forty people were in attendance and highlights of the agreement and an overall historical account. In addition to the City's parcel, the Developer purchased the Church's Fried Chicken site in February of 2006. The proposed amendments are acceptance of a proposed Save-a-Lot grocery store with a square footage smaller than specified in the agreement; modify the site plan including reallocating retail functions and reducing the residential; to phase the project and revise the timeline. He provided information about Save-a-Lot. Letters of support are included in the information

provided the Commission as well as a letter from Dorsey River Bend Neighborhood Association received after the agenda backup was provided to the Commission. A copy of the slides outlining Mr. Battle's presentation is attached to these minutes.

Mr. Battle responded to questions by Commissioner Rodstrom concerning when the size of the grocery store was originally decided and project phasing and financing.

Sean Jones, Milton Jones Development Corporation (Milton Jones or Developer), noted all of the diligent work in securing a grocery store by Milton Jones and City staff. He thanked Commissioners Rodstrom and DuBose for their help in trying to attract a grocery store. He also provided information about Save-a-Lot and noted this grocery store will help anchor Sistrunk Boulevard. He noted that the development agreement and concept plan contemplated modification based on whatever grocery store was brought to the site. Save-a-Lot requires surface parking in front of the grocery store, five spaces per thousand (square feet). This resulted in loss of one of the mixed use buildings in the (approved) concept plan, however, a continual building phase along Sistrunk Boulevard between 7 and 5 Avenues was maintained along with a walkable sidewalk consistent with the Northwest Progresso Flagler Heights Implementation Plan prepared for the CRA.

Mr. Jones outlined requested development agreement amendments: 1) reduced grocery store square footage from 25,000 to 15,680; 2) revised concept site plan; 3) two phases for development entitlements, financing and construction – construction phasing is already permitted and 4) removal of drive-thru feature prohibition. Save-a-Lot has issued a lease to them, requiring construction to be underway by the end of the year and turning over the store by July, 2011. They have garnered interest from a bank that is requesting a drive-thru. He requested the amendments be brought back to the Commission for their approval on February 16.

The following responses were provided to Mayor Seiler's questions about the grocery store. Mr. Battle indicated 25,000 square feet was set as a benchmark after a number of grocery store chains were mentioned as desirable; the definition of a supermarket and how many items a particular store carries as well as types of services such as pharmacy or deli. Twenty-five square feet seems to be the minimum to meet the definition of a bigger, better grocery store which is a defined term in the development agreement. In response to Vice Mayor Roberts, Mr. Battle advised that a pharmacy was requested, but not a requirement. Greg Brewton, Director of Planning and Zoning, added that a pharmacy was thought to be an important aspect. He believed the square footage was for the entire structure. Mr. Jones did not know the square footage of retail for the grocery store; the layout and operation will be typical. Mayor Seiler asked Mr. Jones to find out if the layout will be the same as the store on West Broward Boulevard. Mr. Jones advised that typical square footage for a Save-a-Lot ranges between 14,000 and 17,000 square feet; they decide based on an analysis of the particular area. Vice Mayor Roberts asked how Save-a-Lot made the decision on this site when other chains were not attracted. Mr. Jones indicated Save-a-Lot is addressing the current community; they are an extreme value, carefully selected grocery store. They bring savings from volume and providing only a certain number of items.

Vice Mayor Roberts asked about the store in terms of meeting future needs. Mr. Jones indicated there is an additional 10,000 square feet to the east. He went on to comment about the growth of Save-a-Lot in terms of new stores. Commissioner Rodstrom felt this

chain has a niche market and she believed it will continue in the future. She anticipated shoppers will be attracted from all over Fort Lauderdale. She felt the proposed store is good sized and compared if with the downtown Publix of 18,000 square feet. She saw it as a positive. In response to Commissioner Rogers, Mr. Battle advised that an analysis was not conducted in terms of usage comparison of Save-a-Lot and existing convenience stores on Sistrunk. Commissioner Rogers indicated that his constituents thought there may be merit in reconsidering the need for a grocery store whatsoever in view of the nearby radius of other grocery stores. He thought that putting others out of business would defeat the purpose of redevelopment.

In response to Mayor Seiler, Mr. Battle offered some historical insight on the drive-thru prohibition. The Marjorie Davis Charrette (1999) was the precursor to re-doing Sistrunk Boulevard. This old document speaks to eliminating the number of driveways (along Sistrunk Boulevard) and consequently drive-thrus so as to eliminate arbitrary access onto the roadway. Commissioner Rodstrom noted that prohibition related to 6 Street only. The City Attorney recalled that the drive-thru prohibition related to retail food sales. There was discussion about a fast food restaurant and the desire for sit-down style. Commissioner DuBose clarified that a bank was not on the table at the time.

Relating to revitalizing Sistrunk Boulevard, Mayor Seiler questioned if the walkway is wide enough, mentioned the goal to make Sistrunk a walkable environment. Mr. Battle advised that the sidewalk will be widened as part of the development project. Mr. Jones understood the goal and noted that the concept site plan displayed does not include the public right of way. He believed the plan would usher that in. He drew attention to the continuous retail. Commissioner Rodstrom asked about variation as far as the fronts of the building as well as landscaping and lighting. Mr. Jones indicated there is variation. Mayor Seiler felt that landscaping and lighting is another issue. Mayor Seiler wanted to make sure the desired tone for the area is set with this development. Mr. Battle advised that the plan will be subject to the design and development review process. Mr. Jones noted the Commission will have the call-up option on the site plan.

In response to Vice Mayor Roberts, Mr. Jones advised the grocery store was relocated to accommodate parking and in accordance with where Save-a-Lot wanted to be situated.

In further response to Vice Mayor Roberts, Mr. Jones advised that the residential units are being reduced from 223 to 103. Retail is being reduced from 44,000 to 40,000 square feet. Mr. Battle indicated the development would still have to meet HUD requirements. The revision has more surface parking. Vice Mayor Roberts thought it looks like a large parking lot and he questioned if that is good. Commissioner Rodstrom pointed out that the previous Commission imposed a five-story limitation, but that could be lifted and more residential units added in phase two. She pointed out that the previous plan had almost a block of no activity. Mr. Jones agreed and confirmed there will now be continuous building face on 6 Street. Commissioner Rodstrom concluded that relocation of the grocery store was a good idea. In further response, Mr. Jones advised there will be wider sidewalks and landscaping on 7 Avenue.

In response to Commissioner Rogers, Mr. Jones indicated that the name will be a decision made by the principals, but they have brought forth names of Village of the Arts and the Arts Shoppes. Commissioner Rogers pointed out that the overall appearance is different than originally proposed. He reiterated the question of whether the grocery

store is really still needed. Mr. Jones thought that would send the wrong message to the community and to retailers. The City has repeatedly expressed the desire for a grocery store. He discussed development at U.S. 1 and Broward Boulevard and what occurred after CVS Pharmacy was built. This development is in line with the Northwest Progresso Flagler Heights Implementation Plan and it will anchor development on the other corners. Commissioner Rodstrom pointed out that the other corners are not owned by the CRA. Commissioner Rogers asked if the investment is still \$50 million. Mr. Jones replied it is now \$38.5 million for the entire site. He did not respond to Commissioner Rogers' question as to what Milton Jones paid for the Church's site but indicated it was under contract before the development agreement was signed. In further response, Mr. Milton Jones advised that they have a letter of interest from a bank. Mr. Sean Jones indicated it is a major bank. They would like to follow the timeline requested by Save-a-Lot. They contemplate having their financing commitment in hand before closing on the property. In further response, Mr. Jones agreed that the project schedule will have to be revised.

Mayor Seiler opened the floor for public comment.

Doug Sterner, a resident of Progresso Village, referred to this parcel's long history of some twenty years and expressed the view that there should be more development on this parcel. The Wallace Roberts and Todd Study (2005) and the implementation plan both identified this intersection for development that would revitalize the entire area. Both call for an urban village type of environment. The implementation plan suggested average heights between eight and ten stories. It was further revised to five-stories and is now a suburban strip mall which will not accomplish the revitalization goal. The Save-a-Lot is 40% less and the residential is 50% less than the original concept plan. This development will not set the appropriate tone. He pointed out that the changes are being driven by a corporation in Minneapolis. The entire future of this area is really at stake.

Commissioner Rodstrom asked if the community no longer wants a grocery store. Mr. Sterner believed views are divided. He referred to sentiments expressed at both Commissioners Rogers and DuBose pre-agenda meetings and seemingly a consensus at the District III meeting. Commissioner Rodstrom remarked about the clear push for a grocery store in the past. She recognized that this niche store has a different market than the other stores that have sprung up in the last twenty years. Mr. Sterner indicated the concern is more about the location than the store itself. There is a parking lot instead of an environment. Commissioner Rodstrom questioned what would he would envision along Sistrunk between 5 and 6 Avenues. She still believed a grocery store is a priority and if that is the case, the City needs to accommodate their preference as to location on the site. Further, she believed that residential units are addressed in phase two.

In response to Commissioner DuBose, Mr. Sterner indicated his preference is mixed use. He went on to reiterate the 50% reduction in residential. Commissioner Rodstrom pointed out that the five-story limitation, which impacts the residential, was imposed by the Commission at a public meeting.

Ron Centamore, 638 NW 2 Avenue, pointed out that this project lies within Progresso Village and Mr. Sterner is the president of Progresso Village Civic Association. They want more density in line with an urban village feeling. There needs to be a residential

component to support the retail. It does not conform to the implementation plan. It is a parking lot and suburban strip mall atmosphere. He supported height at the intersections. He emphasized the importance of getting the urban village at this corner as it is the kick-off point. He claimed the grocery store square footage is the size of a Walgreens. The Winn Dixie at 6 Street and Federal Highway is 29,000 square feet. Most grocery stores are 45,000 square feet. He thought the idea and requirement of a grocery store came forward nineteen years ago when there were no others nearby. Grocery store businesses have not been willing without people to support a store. The result has been nothing has got done. He did not think a grocery store needs to be tied to this site. He also questioned the proposed bank with the intended tone. He suggested thought be given to repaying HUD to avoid having to get their authorization for anything that is done on the site. He questioned how much money a parking lot generates in tax revenue. He concluded by emphasizing the implementation plan be followed.

Janet Riley, Broward County Legal Aid Service, pointed out that people resided in this area and were moved out for this development project. Now the number of residential units has been reduced. She did not think this proposal helps the people who were relocated. She did not think there has been justification for reducing the residential. She did not think the City should settle for this proposal. Commissioner Rodstrom recalled the previous Commission came to a consensus to reduce the number of residential stories to five, although she was not in favor of it at the time. Commissioner DuBose noted that the original RFP was all commercial and retail. He noted there were more components to this. Ms. Riley emphasized that housing for low income and very low income needs to be built in this neighborhood. In response to Mayor Seiler, Mr. Milton Jones did not think there were any more than forty or fifty homes originally but probably more on the larger site. Ms. Riley concluded by emphasizing that this proposal is not a good use of Community Development Block Grant (CDBG) funds to promote jobs or housing for the income group that CDBG is designed to help.

Roosevelt Walters, 1207 NW 10 Place, elaborated upon the extensive debate that has preceded this project over the course of more than twenty years. Ultimately very few people who were relocated were able to return. He did not think this project does justice when thinking of the people who want to return and for what the City committed to doing many years ago and what the previous Commission approved. He did not think a Save-a-Lot would be properly supported. It should not be a case of being happy with anything offered. He did not like the Save-a-Lot on State Road 7. He questioned the likelihood of forcing a big business to do what the City wants. He stressed the Commission find the best and more desired use for the community. If a grocery store that can survive at this location cannot be secured, he advocated another use be found. The Commission should not rush. In response to Commissioner Rodstrom, Mr. Walters believed the community would like to have a grocery store, however, people need to be brought back to the area. He opposed further residential reduction.

Rene Lepine, 715 NW 1 Avenue, noted that three corners of this intersection fall in Progresso Village and they are against this change. He serves as the chair of Progresso Village Civic Association's zoning committee and has been asked to express their views. He was also asked by J. J. Hankerson, a resident of Progresso Village since 1972, to speak. Progresso Village just became aware of the proposed changes ten days ago. He offered some history on proposals throughout the years including the implementation plan that was adopted by the Commission. He encouraged the

Commission to heed the plan that provides for 8-10 stories. He noted the illustration of an urban village on the cover of the implementation plan. The proposal is suburban. The design is not walkable. The plan calls for 8-10 stories at the intersection. Thought has been given to locating city hall in this area, but he did not think it would be considered across the street from a discount grocery store. This project sets the tone for the entire street. It will become a suburban strip mall; precedent setting.

In response to Commissioner Rodstrom, Mr. Lepine advised that Progresso Village changed their boundaries three years ago, at which time this project was included. Commissioner Rodstrom noted that normally projects come before the Commission for input, although this project may be different. Mr. Lepine pointed out that there is a bigger financing problem with an urban village concept; it is easier to get a commitment from a big box national retailer. Dialogue between Commissioner Rodstrom and Mr. Lepine continued on the amount of linear footage that could be activated. In response to Commissioner Rogers, Mr. Lepine indicated he developed thirty-four units some three blocks from the subject parcel. It was approved for an additional sixty units, but never completed. Mr. Lepine claimed that everyone he spoke with is opposed to the grocery store. He believed the investment and economic impact of what is called for in the implementation plan is far from the proposal.

Jessie Adderley, 443 NW 19 Avenue, indicated she is a resident of Dorsey River Bend and represents the residents of this neighborhood. A presentation was made to them years ago and the grocery store was supported. There are thousands of people who live in the area who support Save-a-Lot. Had she knew this type of debate would occur today, she would have encourage people to attend. There are residents who do not have automobiles and do not want to pay the high prices of the existing small convenience stores. Mayor Seiler referred to the Dorsey River Bend Civic Association's letter (January 27, 2010) and noted it expresses opposition to phasing. Both Commissioner DuBose and Ms. Adderley advised that there was opposition to phasing. In response to Mayor Seiler and Commissioner Rodstrom, Ms. Adderley stated that she is not on the Dorsey River Bend Civic Association board, but she is a property owner and resident of Dorsey River Bend and a member of the Northwest Progresso Flagler Heights Advisory Board.

Lucy Harty, 417 NW 23 Avenue, emphasized the importance in urban redevelopment of starting and staying with a vision. She believed the vision is being abandoned. Most of the residents do not want a strip mall or a Save-a-Lot. People are not necessarily opposed to a grocery store, but rather a Save-a-Lot. She was concerned about blight in the area. She believed the vision to be urban village and a grocery store is not necessarily part of that vision.

Former Commissioner Carlton Moore pointed out that Progresso Village Neighborhood Association can change its boundaries without having it sanctioned by the neighborhood. He commended the Jones family for development of Regal Trace, but he has always been critical about the commercial development. He has also been critical of the Commission and the community as to the site not being activated. If the community has given the City directives for over twenty-five years that the property should be commercial, it should be done. He opposed phasing. Housing was not included originally for this portion. It was mixed use; he pointed to Regal Trace and City View. The subject property is owned by the City. He contended that the problems have to be with the process not being competitive; one developer has had the property for twenty

years and cannot provide what the City wants. He advocated a Wal-Mart Neighborhood Store instead of Save-a-Lot. The citizens that he represented have been consistent for more than twenty years. He was opposed to placing city hall in the area. He referred to the implementation plan and pointed out that the rendering was drawn by a paid consultant and not law. The property is not zoned to allow ten stories and was not approved by the Commission. The reason for a 25,000 square foot minimum for the grocery store had to do with quality.

There was no one else wishing to speak.

Mr. Jones clarified that the initial acquisition of the property was more than the subject parcel. Initially, the subject parcel was to be entirely commercial. Milton Jones acquired the Church's Fried Chicken site to have a comprehensive plan. The City had to request authorization from HUD to convert to mixed-use, consequently any beyond zero is an addition to the housing stock. The Commission could remove the residential cap to allow for more units. He contended that Save-a-Lot did not become the fourth largest food retailer in North America by providing bad product and service. Some two hundred more stores are contemplated this year by the parent company. He noted the need for commercial development in the area. He disagreed with the statements that their plan is inconsistent with the implementation plan. There is a continued building face. Mr. Milton Jones called attention to the people who walk or take the bus to get their groceries. He did not think any of those people are present today.

In response to a question about the size of the Publix on North Andrews Avenue, the City Manager advised it is 44,000 square feet and the Publix on Sunrise Boulevard is 47,800 square feet. Mr. Brewton clarified that these square footages are the building shells.

Mr. Jones responded to Commissioner DuBose's question about increasing the grocery store size. Save-a-Lot analyzed the area; determined 15,000 square feet as appropriate for the area; and approved it internally. He would not say that there is no opportunity for re-opening discussion on the square footage. Commissioner DuBose thought there may be more flexibility with this site different than other development sites. He noted the proposal seems in line with the City's parking requirements and asked if there is an alternative approach, such as a garage. Mr. Jones advised that Save-a-Lot required surface parking and front parking. Additionally, they do not want anything to obstruct the view of the store; the lease has a site height limitation of twenty-five feet. Commissioner DuBose asked about turning to 7 Avenue to provide for parking on the side. Mr. Jones replied no and indicated this plan has been approved.

In response to Commissioner DuBose, Mr. Jones wanted the drive-thru restriction lifted for the entire site, but the bank is only at question at this time. Perhaps, there could be a conditional site plan review. Commissioner DuBose indicated that the community was very vocal in regard to this feature, therefore he was inclined to accept a specific bank drive-thru.

Commissioner DuBose pointed out that there are stores in the area that over-charge. Many of these stores are constantly in front of the Nuisance Abatement Board. Residents will be excited to see them go.

In response to Commissioner DuBose, Mr. Jones advised that their request does not include lifting the five-story cap, but Milton Jones would not be opposed to removing such a restriction. Commissioner DuBose supported the restriction.

Commissioner DuBose commented that there are people who have spoken in favor and against a Save-a-Lot. There are also people who want more density. Consideration has to be given to the people who are here now. Many people would use a discount store because of the economic times. He pointed out that the Save-a-Lot on State Road 7 is in an older shopping area whereas the one proposed for Fort Lauderdale would be new. He also went on to discuss Save-a-Lot's standing in their line of business, that he has visited other stores, but Save-a-Lot has shown that they will be successful here. He was concerned about phasing. He felt the community has waited long enough. In fact it could be debated several more years and nothing change. For some twenty years, there has been a continual cry for a grocery store.

In response to Commissioner Rogers, Mr. Jones advised that the lease term is twenty-three years and was dictated by Save-a-Lot. The initial term is eight years with four, five-year options. In further response, Mr. Jones acknowledged that people beyond the immediate community need to be attracted in order to be successful. Other retailers are being courted. A consultant was retained that does market analysis with respect to grocery stores and related retail and that information has been put out to the market place. Mr. Milton Jones referred to other retailers on the stock exchange, but explained he does not want to make such disclosures. As to financing, Mr. Sean Jones advised that the development has been discussed with several institutions, both large and small, community-size. The bankability of Save-a-Lot with respect to the lease term has been discussed with a banker. Commissioner Rogers understood and Mr. Jones confirmed that they are willing to shorten the timeline with respect to phase one. Mr. Jones pointed out that the entire timeline will have to change.

Vice Mayor Roberts understood the need for a grocery store, but did not like the parking lot aspect. With respect to both 6 Street and 7 Avenue, the vision seems to be lost; it is not pedestrian friendly. Retail is being forfeited. One is looking at the side of a building. He wanted a larger promenade, better landscaping. In response to Commissioner Rodstrom, Mr. Jones believed the parking is a deal-breaker with Save-a-Lot. He noted that all of the stores could use the parking; a total of 32,480 square feet. In response to her question, Commissioner Rodstrom was informed that eighty spaces are for Save-a-Lot. She raised the idea of considering a parking reduction to facilitate more space on 7 Avenue for retail. Mr. Brewton explained the entire site would be examined because there is no area specifically carved out for Save-a-Lot. Mr. Jones added that Save-a-Lot does not want anything blocking the view of the store, a height of twenty-five feet. Commissioner DuBose pointed out and Mr. Jones confirmed that phase two has its own parking. Further discussion ensued concerning parking wherein Commissioner DuBose raised the idea of using the parking garage in phase two for retail along 6 Street. In response to Mayor Seiler, Mr. Jones indicated on-street parking will be part of the development project and whether Milton Jones would provide it for the entire street is something that will be negotiated. Mr. Battle clarified that on-street parking is not and will not be allowed on 6 Street. Commissioner Rodstrom suggested reconfiguring the site to accommodate another building and a parking reduction sought at that time. Mr. Jones offered to revisit the idea; the area is tight. He went on to explain once a lease is signed with Save-a-Lot, they would have to agree to any additional retail on 7 Avenue. Mayor Seiler did not think that Save-a-Lot would agree to a parking reduction. In response to

Commissioner DuBose, Mr. Jones advised that the on-street parking is not included in the parking analysis. Mr. Brewton indicated this would be a factor in a parking reduction. Mr. Milton Jones pointed out that the development is designed to meet code.

Mayor Seiler questioned if zoning is in place to follow through with the vision. Mr. Brewton indicated it is a regional activity center, thus there are no land use restrictions. It would be achievable. The correct zoning classifications would have to be determined. In response to Mayor Seiler, Mr. Milton Jones did not wish to disclose anything about anticipated use adjacent to Save-a-Lot. Mr. Sean Jones clarified that they do not have a lease. Commissioner Rodstrom pointed out that the retail could be reconfigured if necessary. Commissioner Rogers asked if Save-a-Lot has the right to default a proposed tenant. Mr. Jones advised that Save-a-Lot has an extensive list of restrictive covenants.

Mayor Seiler was not impressed whatsoever with the proposed development, but the neighborhood has waited twenty plus years. He acknowledged that the district commissioner supports it and there comes a time when one must support the district commissioner on property that directly relates to their constituency. Sistrunk has been neglected for too long. He would prefer that Save-a-Lot face 7 Avenue or place it in the phase two area. He felt the bank on the corner will be a problem because it does not draw any attention. The retail needs to be moved to the outside. Hopefully phase two will have more zest to it. He agreed with Vice Mayor Roberts with respect to all of the parking. Commissioner DuBose pointed out regardless of the business, the parking demand exists. He called attention to Publix on Sunrise Boulevard for example. Mayor Seiler thought a walkable community, a community center and a gateway were goals for Sistrunk, yet the parking detracts from all of these goals. This community should not wait another twenty years for a grocery store.

In response to Mayor Seiler, Commissioner DuBose expressed his opposition to phasing. Mr. Battle advised that Save-a-Lot is anxious to get started. However, it may be a couple of meetings before something could be scheduled before the Commission. Mayor Seiler did not think the Commission could resolve the phasing issue today. In response to Commissioner Rodstrom's suggestion of language in the agreement as to the City taking the property back to assure a commitment, Mr. Jones noted the property is already owned by the City and they may take action if the developer does not comply with the time line. In response to Mayor Seiler, Mr. Jones reiterated the contemplated names of the retail and residential areas, and indicated that Save-a-Lot does not have a part in the naming.

Commissioner Rogers did not think that the market has spoken with regard to the residential component. He felt it deserves more discussion.

There was consensus approval on: 1) acceptance of Save-a-Lot; 2) revised concept plan including a) smaller grocery store (15,680 square feet) and b) relocation of retail functions. Milton Jones was requested to meet with the Commission individually on the remaining items requested in Commission Agenda Report 10-0186. The remaining items in the report will be brought back on February 16.

Mr. Jones wanted some type of approval to allow for Development Review Committee consideration of phase one. The City Attorney advised it will not be possible to bring this back in two weeks.

Commissioner DuBose did not favor increasing the height of the residential. The community favors commercial retail according to the original RFP. In response to Mayor Seiler, Mr. Jones advised the original commercial retail was single-story. Commissioner DuBose felt it is time to move forward. He noted the site meeting that took place at his urging. A lot of people in the community shop at Save-a-Lot. Some of the issues in the northwest, including this one, are due to neglect. Mayor Seiler felt there has been a mixed message as to what this corner was to be. Commissioner DuBose reiterated the residential component was met with Regal Trace and City View, but the commercial has not been addressed. Commissioner Rodstrom felt this project is not the end, but rather the end. She did not want to jeopardize anything with Save-a-Lot by not doing the phasing. Mr. Jones did not want to hold up phase one entitlements and financing for phase two when the City controls the property. Commissioner Rodstrom wanted staff to expedite the project once it comes back to the Commission in March.

In response to Mr. Jones, there was no objection expressed with the bank drive-thru. Commissioner DuBose specified it should be for a bank only.

I-B – Fort Lauderdale Stadium Site Usage – Proposal by Traffic Sports USA, Inc.

Cate McCaffrey, Director of Business Enterprises, introduced Aaron Davidson of Traffic Sports, who introduced Traffic Sports associates in attendance. Mr. Davidson reviewed slides on this matter. A copy of the slides is attached to these minutes. Separate from the Strikers, Traffic believes they can accommodate about one thousand children and adults at a three-field level. He noted that improvements to the baseball stadium other than the field would not be a part of the plan because they do not anticipate playing there, however, there may be a change of mind. The investment slide is preliminary. If the facility becomes a training complex for the world cup, similar to what was done in Brazil, it may be possible to access other state and county funds.

In response to Mayor Seiler, Mr. Davidson advised that Traffic's upcoming schedule is based on Lockhart Stadium availability and they are aware of the terms.

In response to Mr. Davidson's inquiry about dormitories, the City Attorney did not think that the Federal Aviation Administration (FAA) would allow it on the property.

In response to Vice Mayor Roberts, the City Manager advised that the property has to be brought back into compliance with the original zoning. Ms. McCaffrey indicated she will be meeting with Planning and Zoning staff on the application timelines. Vice Mayor Roberts cautioned that if the February deadline is not met, the entire process will be delayed some six months. Greg Brewton, Director of Planning and Zoning, indicated that soccer use would be permitted with the current zoning. Ms. McCaffrey explained the issue is that the FAA takes exception to the zoning. In either case, the City Manager believed it would be possible.

Mayor Seiler asked how much hours would be available for local teams to play. Mr. Davidson offered to furnish information. Traffic would charge for use of the fields with a percentage to FAA so that the complex is self-funded. They understand it would be public/private. Commissioner Rogers asked about existing events and uses and whether they could be accommodated. Mr. Davidson indicated their goal would be to maximize use of the facility. In response to Mayor Seiler and Commissioner Rogers,

Ms. McCaffrey advised that the Orioles paid 5% of their gross to the Airport Fund; approximately \$70,000-\$100,000 annually. The Orioles were responsible for all maintenance. She did not know if there was any revenue from concessions. Mr. Davidson indicated Traffic is willing to step in as soon as possible in terms of stadium maintenance.

Mayor Seiler explained that he would like to activate the area. This is the first presentation on a use, except the baseball group (Federal League, Inc.). The Commission will need to make a decision. He liked the concept. He wanted it to be a Fort Lauderdale based youth program.

Ms. McCaffrey reminded the Commission that any non-aeronautical use would need FAA approval. Mayor Seiler asked inquiry be made and Traffic's proposal be provided to the FAA. Vice Mayor Roberts reiterated that the City needs to proceed with the land use and zoning changes that will satisfy the FAA. Ms. McCaffrey noted FAA's other issue is fair market value. In response to Mayor Seiler, Ms. McCaffrey believed that the City regains control over Lockhart Stadium (from School Board) in 2011.

Note: The City Commission recessed at 5:55 P.M. and returned to the conference meeting agenda, item I-C, from 6:44 P.M. to 7:03 P.M.; the regular meeting agenda, item CR-04, at 7:03 P.M.; and the remainder of the conference agenda at 8:09 P.M., in the Chamber on the first floor of City Hall.

I-C – Maximum Distances Permitted by Broward Coastal Communities Allowed in a Waterway Pertaining to Davits, Boat Hoists and Similar Devices – Survey Comparison

Cate McCaffrey, Director of Business Enterprises, summarized of the current ordinance, what the Marine Advisory Board has suggested, and the comparison table of Broward County coastal municipalities as detailed in the Commission Agenda Report (10-0166).

In response to Mayor Seiler, Ms. McCaffrey explained the code provides that underwater lifts taking up more than fifteen percent of the waterway's width must have guide polls. She clarified a discrepancy found by Commissioner Rodstrom that a boat hoist may extend into the waterway thirty percent or thirty feet whichever is less. Commissioner Rodstrom expressed concern for the allowance of up to thirty percent. Ms. McCaffrey explained that it mirrors the present code for hydro-hoists (underwater) for vessels parked along the property line or into the seawall. Only one hoist is allowed per 100 feet of waterfront. Setbacks must be obeyed. The board is suggesting a waiver to permit more than one hoist. Present code, regardless of the hoist, provides that a boat may only extend thirty percent into the width of the waterway.

In response to Commissioner DuBose, Ms. McCaffrey confirmed that the second table in the back-up was verified and is accurate.

Vice Mayor Roberts noted that this issue has existed for several years. He inquired about any possible drawbacks of not implementing the board's suggestions. Ms. McCaffrey elaborated upon the comparison data and confirmed that staff has not determined any. Vice Mayor Roberts expressed his support for the item. Jamie Hart, Marine Facilities, responded to Commissioner Rogers' request for historical insight and Mayor Seiler's questions. He advised that some variances have been denied for safety

reasons, but most are approved. He does not believe that navigational safety issues will be exposed because there is a waiver process and this will only affect some of the smaller canals. The application process will afford some control. As to thirty or twenty-five percent and the State submerged lands regulations of twenty-five percent, the City Attorney thought it would be helpful to maintain consistency with the State. He recommended that problems associated with large boats docked at corner properties be examined. In response to Commissioner Rodstrom, Mr. Hart confirmed that Planning and Zoning staff completed the 2000 study referred to in the back-up. In further response to Commissioner Rogers, Mr. Hart indicated there could be instances where five feet could make a difference.

Mayor Seiler recommended a change to twenty-five feet or twenty-five percent whichever is less. Mr. Hart thought that would be prudent. There was consensus approval for the distance by which a lift may extend into the waterway as modified to twenty-five feet or twenty-five percent whichever is less and a waiver process for more than one boat lift per hundred feet of frontage. In response to Commissioner Rogers, Ms. McCaffrey explained that the board's recommendation concerning height was to make the current language in the code more clear.

I-D – Pain Clinics

Mayor Seiler recommended option two in the City Attorney's Memorandum 10-0016 and Commission Agenda Report 10-0188, and immediately impose a 180-day moratorium and during that time, investigate option three, enactment of a regulatory ordinance. He was agreeable to an ordinance being presented for first reading on February 16 and second reading on March 2. He elaborated upon the severity of the problem. The City Attorney noted that some are violating the zoning code with a pharmacy or drug store inside the clinic. This will be enforced in the interim.

The City Attorney responded as follows to questions from all members of the Commission. He explained the ordinance has not been examined as to what changes need to be made to resolve the problem as each clinic operates in a different manner. For example, some operate during the day and some at night. Ordinances will be addressed as the problem is studied. About twelve have been identified with six to eight in the vicinity of hospitals.

Vice Mayor Roberts favored a moratorium and move to severely restrict their existence. He was opposed to the state regulation requiring reporting within two weeks of dispensing a narcotic. Commissioner Rogers concurred and emphasized whatever can be done in the interim with respect to zoning code violations. Commissioner Rodstrom also concurred. She wanted to be the first city to take action. She questioned how code enforcement will be able to decipher which establishments are in violations and whether there is any distance requirement concerning schools. The City Attorney indicated there is nothing in the code now, but that would be part of the study.

There was consensus approval to proceed with option two, imposing a 180-day moratorium and investigating option three, enactment of a regulatory ordinance. Staff to proceed with enforcement of zoning code violations. Mayor Seiler asked it be a priority.

I-E – Offshore Oil Drilling in Florida Waters

Mayor Seiler noted he brought this forward. It is now in the Florida Legislature. There is a House Memorial on it (provided). Vice Mayor Roberts indicated District I constituents are opposed to ending a moratorium on offshore oil drilling. Commissioner Rodstrom agreed. She asked about alternative energy options.

In response to Mayor Seiler, Kathleen Gunn, Grants and Legislative Affairs, misunderstood that the proposed language in opposition was to be provided to the Commission. However, the City Attorney's Office has prepared a resolution in opposition if the Commission wishes to consider it.

Commissioner Rogers shared information discussed at District IV pre-agenda meeting and went on to agree to opposing it.

Mayor Seiler requested the proposed resolution be presented for February 16.

I-F – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

There were no objections.

II-A – 2010 Census Outreach

Chaz Adams, Acting Director of Public Information, referred to Commission Agenda Report 10-0179, that highlights the outreach efforts. At the Commission's direction, staff met with Commissioner DuBose to review it.

Mr. Adams responded to Vice Mayor Roberts' question about outreach to the Haitian community. Vice Mayor Roberts encouraged use of the local radio station that communicates very well to that community.

II-B – December 2009 Monthly Financial Report

In response to Commissioner Rogers, Jay Stacy, Information Technology Services, indicated the Playa del Sol radio site is one of the police and fire radio system towers. Shonda Singleton-Taylor, Acting Director of Management and Budget, clarified later in the discussion that this bullet explanation should be reflected under the Central Services bullet (typographical). Commissioner Rogers asked if the City is on target with respect to overtime. Ms. Singleton-Taylor indicated after the noted events are over, it will be revisited to see if an amendment is needed. Stephen Scott, Director of Economic Development, advised that the City will be reimbursed by the NFL for costs with respect to the NFL's concert, however most of the officers will be working extra duty details and not overtime. Frank Adderley, Chief of Police, advised there is no additional staffing other than that covered by the NFL.

Commissioner Rogers suggested the interest earnings amount be adjusted. Ms. Singleton-Taylor indicated the first quarter will not be reflected until the January report.

In response to the City Auditor's follow-up question to Commissioner Rogers' question about extra police patrol, Chief Adderley advised the NFL will pay the officers. Chief

Adderley also confirmed for Commissioner Rodstrom that the officers will not be logging any overtime.

In response to Vice Mayor Roberts, Ms. Singleton-Taylor offered to provide an explanation for Information Technology Services Department having expenses 31.8% of their budget.

III-A – Communications to City Commission and Minutes Circulated for Period ending

Beach Business Improvement District Advisory Committee

Motion by Mr. Yaari, seconded by Mr. Rosenthal, to make a recommendation to City Commission to extend the hours at the Las Olas Beachfront parking lot to 4:00 a.m. in alliance with the establishments that are open until 4:00 a.m. In a voice vote, the motion passed unanimously.

Diana Alarcon, Director of Parking and Fleet Services, advised that the lot currently closes at 2 A.M. She did not see any adverse effect if it is extended to 4 A.M., but first wanted to reach out to the area condominium associations. In response to Commissioner DuBose, Ms. Alarcon indicated there should be no impact to staff as they already work until 4 A.M.; it will generate revenue. There was no objection.

Budget Advisory Board

Motion by Mr. Nesbitt, seconded by Mr. Dickerman, approving a plan to review four departments on a program-by-program basis according to the following schedule:

March: Police Department
April: Fire Rescue Department
May: Public Works Department
June: Parks and Recreation Department

The departmental program review meetings will be held twice a month in the eighth floor conference room of City Hall (pending room availability). Relevant City staff are requested to make presentations to the board. In a voice vote, the motion passed unanimously.

Code Enforcement Board

By unanimous voice vote, the Board requested that the City Commission consider adoption of a “Super Lien” ordinance.

The City Attorney believed a super lien ordinance would attempt to make the City's liens superior to other liens in the foreclosure process. He was not certain that could be done, but offered to look into it and report back.

Community Appearance Board

Motion made by Ms. Mammano, seconded by Ms. Gordon, requesting a sub-committee be established to develop a new annual award category for businesses that have made a significant contribution to the appearance of the City of Fort Lauderdale. In a voice vote, the motion passed unanimously.

The City Clerk advised that the board and committee handbook indicates that staff liaisons may draft minutes for subcommittees, but subcommittees must be authorized by resolution of the Commission.

In response to Mayor Seiler, Albert Carbon, Director of Public Works, advised that the full board handles the residential award program. As to whether the full board could also handle a business award program, he was not at the board's meeting and did not know their thinking.

Community Services Board

By unanimous consensus, the Board recommends:

- 1) The City Commission establish policy for awarding** CDBG funds for the Public Services Program per the discussion on pages 6-10. If the City Commission has no objection with this recommendation, it is requested the new policy be implemented immediately for the 2010-2011 Annual Action Plan.
- 2) The Board recognizes that some organizations that** previously applied for and received grant funding will not be allowed to apply for funding in 2010. However, consistent with HUD philosophy, which encourages agencies to strive for sustainability, and following the trend of many municipalities and HCD, and consistent with the direction given to agencies during the 2009 funding cycles, the Board strongly supports policy recommendation 3 (agencies cannot receive funding in four consecutive years) as a requirement of awarding Community Services Board grants.

Mayor Seiler and Commissioner Rodstrom raised questions about the recommendation to give preference to first-time applicants and, or applicants that did not receive funding during the previous year. Greg Brewton, Director of Planning and Zoning, believed there were several concerns of the board; one having to do with new participation and self-sufficiency would occur with those already in the program. There is a HUD requirement for the City to encourage self-sufficiency and it is not an ongoing funding stream. Mayor

Seiler was concerned that funding could be given to a first-time applicant and the program not administered very well whereas an existing agency could be doing a good job. Funding could be reduced as the agency moves toward self-sufficiency. Commissioner Rogers pointed out that all not-for-profits need money and seek funding from all sources. He agreed funding should not be allocated simply because an organization is new. Commissioner DuBose explained that with certain agencies receiving funding year after year, it is difficult for new ones to come through the process. The goal is for agencies to work together to efficiently deliver the services, but organizations just want what was budgeted the previous year. There may be some outstanding needs not being addressed. The City Auditor explained that the non-profit landscape has changed with the economy. Funding has dropped. There is a lot of overlap amongst non-profits which creates inherent inefficiency, therefore smaller agencies are going away. He felt the City needs to continue funding the agencies that can provide the mission at the lowest cost and with the most efficiency.

In response to Vice Mayor Roberts, Mr. Brewton understood that the six funding categories (page 6 of January 11, 2010 board minutes) are no more restrictive than current practice, but he was not completely certain. Vice Mayor Roberts wanted confirmation. In response to Commissioner Rodstrom, Mr. Brewton believed agencies may submit in multiple categories and the recommendation is to limit agencies to one category. Commissioner Rodstrom did not want to impose a limitation; she wanted more information.

There was consensus approval for recommendations 2 and 4. More information is requested for recommendation 1 as to the preference. There are concerns about recommendation 3.

Commissioner Rogers suggested an additional point in the point system for a start-up agency to receive in the ranking, but agreed with Mayor Seiler that agencies should not receive funding simply because they are new.

Economic Development Advisory Board

- 1) **Motion made by Vice Chair Krom, seconded by Chair Riehl**, to recommend a pilot program for projection display to promote cultural nonprofit organizations, events, and exhibits on the RoboVault Building for a period of one year at no cost to the City, subject to review by the City Attorney and response from the City Commission within 30 days. In a voice vote, the motion carried unanimously.

Mayor Seiler asked the City Attorney to look at the first communication and report back to the Commission.

- 2) **Motion made by Ms. Dickey, seconded by Mr. Pollock**, requesting that the next board meeting consist of a workshop for one hour regarding the sign ordinance and requesting the assistance of City Planning and Zoning, Code Enforcement staff and City Attorney's Office attend the workshop and provide

assistance. In a voice vote, the motion carried unanimously.

In response to the second communication, Stephen Scott, Director of Economic Development, advised that plans for the requested workshop are underway.

Education Advisory Board

Motion made by Mr. Borawski, seconded by Ms. Small, to recommend that the City Commission adopt a resolution supporting "A Safe Haven for Newborns," similar to what was adopted by the School Board of Broward County and that this resolution be implemented by the City. In a voice vote, the motion carried unanimously.

The City Attorney advised that state statute already provides for fire stations to be safe havens. Mayor Seiler asked the staff liaison to so inform the board.

Citizens Sustainability Green Committee

By unanimous consensus, the Committee recommends:

- 1) The City Commission adopt the Committee's draft multi-family recycling resolution.**

In response to Commissioner Rogers concerning recycling at multi-family buildings, Mike Maloney, Code Enforcement Manager, agreed the first step would be an educational campaign through Public Works. In terms of enforcement, matters could be brought before the special magistrate. However, he wanted to focus on education. Staff needs to establish an action plan. Albert Carbon, Director of Public Works, advised that the written material on recycling will be updated for multi-family. Because the City does not provide service for multi-family, there is no revenue to the City. Mayor Seiler noted if a resolution was put in place, the City could capture the revenue. Mr. Carbon pointed out that the City would also have to provide the service. He thought it could be regulated without providing the service. With the percentage of multi-family citywide, he thought the City is missing an opportunity. In response to his idea for a fee on the recycling rebate so to speak, Mr. Carbon wanted to develop a monitoring program through the private haulers. It costs less to recycle. Commissioner Rogers wanted to find a way to capture funds from the additional benefit realized by the haulers. Mr. Carbon indicated the City gets a percentage of revenue generated by the haulers. Mayor Seiler believed the City can collect revenue from recycled materials collected by all residents regardless. Mr. Carbon explained that franchise fees are based on revenues the hauler generates in the City. It is an educational process for the haulers and the condominiums.

Vicki Eckels, member of the Citizens Sustainability Green Committee, explained haulers are obligated to take collected material to the City's designated facility and that tonnage is allocated to the City. The City receives \$58.50 for every ton. The City will see a reduction in the 17% because the cost of waste is decreasing. It is critical for condominiums to understand the need to add recycling service to their contracts. Everyone wins in this effort. In response to Commissioner Rodstrom, Ms. Eckels

elaborated upon how recycling programs function in multi-family buildings. The committee recommends the City provide an educational program and that all residents receive equal service.

Commissioner Rogers questioned if there is a tracking mechanism in order to determine the net revenue. Mr. Carbon felt there would be need for additional staff for enforcement for recommendations 1 and 2. Staff is already in the process of addressing recommendation 3. (Commissioner DuBose left the meeting at 9:17 P.M. and returned at 9:19 P.M.) As to recommendation 4, Mr. Carbon noted the hauling contracts are in place. The question is whether a condominium could get a better price than what the City could offer.

Mayor Seiler asked about the overlap in services provided by the County versus the City. Mr. Carbon indicated this is being examined with the Resource Recovery System staff. The hauling is not provided anywhere else. Mayor Seiler was interested in knowing the net effect in revenue with implementation of the recycling program. Mr. Carbon noted the cost for the incinerator will be less. It is being analyzed, but he believed the net will be less cost.

- 2) Any forthcoming underground utility ordinance not**
receive its first reading until the Utility Advisory
Committee reviews it and additional community input is
solicited, as this relates to sustainability.

Mr. Carbon advised that the Utility Advisory Committee has seen the underground utility ordinance. They took no position on it, but want to reconsider it after it is presented to the Commission at a conference meeting.

There was consensus approval.

Nuisance Abatement Board

By unanimous vote, the Board requested that the
City Commission appoint an alternate as soon as
possible to fill the vacancy.

III-B – Board and Committee Vacancies

Note: Please see regular meeting, agenda item R-02.

V- City Manager Reports

Trolley Services; tourism relating to Super Bowl

In response to a previous request of the Commission, Diana Alarcon, Director of Parking and Fleet Services, outlined trolley services proposed for Wednesday, Thursday and Saturday at a total cost of \$4,200. In response to Mayor Seiler and Commissioner DuBose, Mr. Carbon advised even though a fee is charged, there is a differential net cost that will be incurred inclusive of the revenue.

Black History Month Activities

Phil Thornburg, Director of Parks and Recreation, outlined planned activities for Black History Month.

There being no further business to come before the Commission, the meeting was adjourned at approximately 9:26 P.M.