

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
DECEMBER 20, 2011

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
December 20, 2011**

Meeting was called to order at 6:04 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

Also Present:	City Manager	Lee R. Feldman
	City Auditor	John Herbst
	City Clerk	Jonda K. Joseph
	City Attorney	Harry A. Stewart
	Sergeant At Arms	Sergeant Jeff Brull

Invocation was offered by Chaplain Luke Harrigan, Fort Lauderdale Police Department, followed by the recitation of the pledge led by Frank Locanto.

NOTE: All items were presented by Mayor Seiler 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 Roberts and seconded by Commissioner Rogers to approve the minutes of the October 18, 2011 Regular Meeting and November 7, 2011 Joint Workshop with Budget Advisory Board. YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Moment of Silence – Expression of Sympathy

(OB)

Mayor Seiler offered a moment of silence in memory of Willie Washington, former Solid Waste Foreman, recognized for the dedication and professionalism he demonstrated throughout over two decades of service to the City.

Presentations**1. COMMUNITY APPEARANCE BOARD - WOW AWARD - DISTRICT IV (PRES-01)**

Commissioner Rogers recognized Adam Grant and Richard Sparkes, who reside in Riverside Park, as the recipients of the WOW Award for District IV.

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.

POLICY AMENDMENTS - NAMING OF CITY PARKS, RECREATION AREAS (M-01) AND FACILITIES**No budgetary impact.**

Policy Amendments relating to the naming of City parks, recreation areas and facilities.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1850

MEMORANDUM OF UNDERSTANDING - COMMUNITY REDEVELOPMENT (M-02) AGENCY - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – LINE OF CREDIT REPAYMENT**No Budgetary Impact**

Memorandum of Understanding with Community Redevelopment Agency for repayment to City's Community Development Block Grant Program line of credit.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1821

**CENTRAL BEACH PARKING FACILITY FEE - PERFORMANCE BOND (M-03)
IN LIEU OF CASH PAYMENT**

No budgetary impacts.

Acceptance of performance bond in lieu of a cash payment for Central Beach parking facility fee required by Unified Land Development Regulations, Section 47-12.7.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1906

**TASK ORDERS 2, 3 & 4 - KEITH AND SCHNARS, P.A. – (M-04)
UNDERGROUNDING UTILITY LINES - SPECIAL ASSESSMENT PROGRAM -
IDLEWYLE, SEVEN ISLES, LAS OLAS ISLES - \$10,800 (Work Authorization 17875)**

Please see funding information attached to these minutes.

Task Orders 2, 3 and 4, with Keith and Schnars, P.A., in the amount of \$2,600 each - plus \$1,000 for associated printing and certified mailing costs - civil engineering utility design, construction management, appraisal and community outreach consultant services for undergrounding utility lines - Idlewyle, Seven Isles and Las Olas Isles and transfer funds for task orders and associated printing and certified mailing costs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1835

**GRANT EXTENSION - HAZARD MITIGATION GRANT PROGRAM – (M-05)
\$1,306,171 - POLICE HEADQUARTERS RETROFIT –
FLORIDA DIVISION OF EMERGENCY MANAGEMENT**

NO BUDGETARY IMPACT

Extension of Hazard Mitigation Grant Program Subgrant Agreement with Florida Division of Emergency Management to February 28, 2012 for Police Headquarters retrofit and execution of all necessary documents to finalize extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1854

**HOMELESS OUTREACH REUNIFICATION PROGRAM - \$25,000 (M-06)
STATE LAW ENFORCEMENT TRUST FUND**

Please see funding information attached to these minutes.

Utilize State Law Enforcement Trust Fund to fund Homeless Outreach Reunification Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1882

SETTLEMENT - MARITIME PETROLEUM ASSOCIATES, LLC d/b/a PETERSON FUEL DELIVERY (M-07)

Please see funding information attached to these minutes.

Settlement of Maritime Petroleum Associates, LLC d/b/a Peterson Fuel Delivery v. City of Fort Lauderdale, Fort Lauderdale Police Captain John Bollinger, Sergeant Andrew Pallen, and other officers presently unknown", U.S. District Court, Southern District of Florida, Case 10-62463-Civ-Zloch/Rosenbaum.

Recommend: Motion to approve settlement agreement.

Exhibit: Commission Agenda Report 11-1915

This item was removed from the agenda at the request of the City Attorney.

CONSENT RESOLUTION

RIVER HOUSE RESTAURANT LEASE PROPOSAL (CR-01)
TERMINATE ACCEPTANCE OF INTER-PACIFIC GROUP PROPOSAL

No current year budgetary impact.

Terminate acceptance of Inter-Pacific Group, Inc.'s proposal to lease property formerly known as River House restaurant and historic Bryan Home - 301 SW 3 Avenue.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1834

RESOLUTION NO. 11-348*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TERMINATING THE ACCEPTANCE OF THE BID OF INTER-PACIFIC GROUP, INC., A FLORIDA CORPORATION, TO LEASE CERTAIN LANDS AND IMPROVEMENTS SITUATED THEREON OWNED BY THE CITY OF FORT LAUDERDALE KNOWN AS HISTORIC BRYAN HOMES.

*Resolution was revised. See discussion on page 11.

AMENDMENTS - PARKS AND RECREATION RULES AND REGULATIONS (CR-02)

No budgetary impact.

Amendments to Parks and Recreation Rules and Regulations.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1847

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE PARKS AND RECREATION RULES AND REGULATIONS.

This item was removed from the agenda at the request of the City Manager.

CONTRACT AWARD - GREEN CONSTRUCTION TECHNOLOGIES, INC. – (CR-03)
\$24,040 - NEIGHBORHOOD CAPITAL IMPROVEMENT PROGRAM –
COLEE HAMMOCK

Please see funding information attached to these minutes.

1) Contract with Green Construction Technologies Inc., in the amount of \$24,040 for construction of entryway signage in Colee Hammock, 2) amendment to fiscal year 2012 final operating budget by accepting and appropriating Colee Hammock Homeowners Association's cash match to the project and 3) transfer \$3,300 match - Colee Hammock Homeowners Association, Inc. - Neighborhood Capital Improvement Program.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1831

RESOLUTION NO. 11-349

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, 2011 AND ENDING SEPTEMBER 30, 2012 BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE

SIDEWALK REPAIRS - \$3,128**(CR-04)****No budgetary impact.**

Authorization to repair sidewalks abutting private property at cost of property owners - 333 Sunset Drive, 6520 NE 20 Avenue and 401 SW 4 Avenue and accept funds, in the amount of \$3,128, from the property owners.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1829

RESOLUTION NO. 11-350

A RESOLUTION REQUIRING THE OWNERS OF CERTAIN PARCELS OF REAL PROPERTY TO RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING THEIR PROPERTIES LOCATED AT 333 SUNSET DRIVE, 6520 NE 20 AVENUE AND 401 SW 4 AVENUE WITHIN SIXTY (60) DAYS AND, IN THE EVENT SUCH OWNERS FAIL TO DO SO, AUTHORIZING CITY WORK CREWS OR CONTRACTORS, OR BOTH, TO RECONSTRUCT OR REPAIR SAID SIDEWALKS WITH THE COST OF PERFORMING SUCH WORK CONSTITUTING A CHARGE AND LIEN AGAINST SAID PROPERTIES.

RESCHEDULING JANUARY 3, 2012 CITY COMMISSION MEETINGS**(CR-05)****No budgetary impact.**

Rescheduling January 3, 2012 City Commission meetings to January 5, 2012 due to the New Year holiday.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1268

RESOLUTION NO. 11-351

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE JANUARY 3, 2012, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO JANUARY 5, 2012.

VISIONING COMMITTEE - TERM EXTENSION**(CR-06)****No budgetary impact.**

Amendment to Resolution 09-303, extending term of Visioning Committee to expire on December 31, 2012.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1840

RESOLUTION NO. 11-352

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 09-303 WHICH ESTABLISHED THE VISIONING COMMITTEE TO EXTEND THE COMMITTEE'S TERM TO DECEMBER 31, 2012; AND PROVIDE CLARIFICATION OF THE PURPOSE AND DUTIES OF THE COMMITTEE.

PROPRIETARY - CONTRACT AWARD - ARROYO PROCESS EQUIPMENT, INC. - \$531,981 - REPAIR AND REBUILD AERATORS – LOHMEYER REGIONAL WASTEWATER TREATMENT PLANT

(CR-07)**Please see funding information attached to these minutes.**

Contract, in substantially the form provided, with Arroyo Process Equipment, Inc. for repair and rebuild of nine aerators at Lohmeyer Regional Wastewater Treatment Plant and amendment of fiscal year 2012 final operating budget by appropriating the funds for expenditure.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1822

Procurement Services has reviewed this item and recommends approval of this proprietary purchase.

RESOLUTION NO. 11-353

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, 2011, AND ENDING SEPTEMBER 30, 2012, BY APPROPRIATING FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT, AUTHORIZING EXECUTION OF AN AGREEMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

GRANT ACCEPTANCE - METROPOLITAN MEDICAL RESPONSE SYSTEMS - \$281,693 (CR-08)

Please see funding information attached to these minutes.

1) Acceptance of fiscal year 2011 Metropolitan Medical Response Systems grant funds, in the amount of \$281,693, from U.S. Department of Homeland Security, 2) amendment of fiscal year 2012 final operating budget, appropriating the funds and 3) execution of all necessary documents to receive and disburse the funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1845

RESOLUTION NO. 11-354

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$281,693 FROM THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT THROUGH THE METROPOLITAN MEDICAL RESPONSE SYSTEMS GRANT PROGRAM, EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN SUCH GRANT FUNDING AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER30, 2012, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

PURCHASING AGENDA

PROPRIETARY - LOGOS IMAGING SECURITY SYSTEM - \$21,485 (PUR-01)

Please see funding information attached to these minutes.

Purchase Logos Imaging Security System.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1843

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

PROPRIETARY - EOD 9 BOMB DISPOSAL SUIT AND HELMET - \$26,566 (PUR-02)

Please see funding information attached to these minutes.

Purchase EOD 9 Bomb Disposal Suit and Helmet.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1848

The Procurement Services Division has reviewed this item and recommends approval of the proprietary purchase.

495-10161 - SANITATION RATE STUDY - \$60,200 (PUR-03)

Please see funding information attached to these minutes.

Sanitation rate study.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1753

Procurement Services has reviewed this item and recommends approval of these purchases.

AMENDMENTS - PARKS AND RECREATION RULES AND REGULATIONS (CR-02)

No budgetary impact.

This item was removed from the agenda at the request of the City Manager.

SETTLEMENT - MARITIME PETROLEUM ASSOCIATES, LLC d/b/a PETERSON FUEL DELIVERY (M-07)

This item was removed from the agenda at the request of the City Attorney.

Motion made by Commissioner Roberts and seconded by Commissioner Rogers that Consent Agenda Items M-03, M-06, CR-01, CR-05, and PUR-03 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 DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**CENTRAL BEACH PARKING FACILITY FEE - PERFORMANCE BOND (M-03)
IN LIEU OF CASH PAYMENT**

No budgetary impacts.

Commissioner Rogers expressed support of this item, but thought perhaps the pricing should be changed as the current costs per parking space are based on a resolution adopted in 1994. Rather than payment up front, the recommendation is for a bond requiring payment in full within ten years. He questioned whether a CPI (Consumer Price Index) should be included to avoid the same prices being in effect for a long time. Diana Alarcon, Director of Transportation and Mobility, explained that the parking fee is reviewed annually based on the current market cost of construction. If an adjustment is needed, it is brought forward; the fee table was adjusted in 2007. Based on the Barrier Island study, staff is in the process of adjusting overall parking requirements that will be brought forward by April. However, a current issue is that some existing establishments are trying to do a small change of use, and cannot afford the payment of a fee in lieu of. The proposed is a short-term fix to allow time for staff to adjust the code and these establishments can be moved forward to provide for new use in the beach area. Commissioner Rogers did not want to delay anything, but thought staff should examine pricing. Ms. Alarcon explained that the ten-year bond was mirrored with the sunset date of the Beach CRA.

In response to Vice Mayor DuBose, Ms. Alarcon noted the overall parking requirements will be presented no later than April. As to the ten-year period, it has been mirrored with the sunset of the Beach CRA, because staff has already been tasked with the Oceanside, Intracoastal and Sebastian garages in this same area. The funds could be used for improvements to an existing facility also. Although this resolution has been in place since 1994, the City has not derived any funds from it because no developer has paid into it. Rather, developers usually obtain a parking reduction. However, developers in this area have built parking because the code does not allow for them to apply for a reduction. Public parking cannot be counted toward a reduction. If the project is not in the central beach area, a developer can apply for a parking reduction. In response to Mayor Seiler, she confirmed that these are the first applicants to utilize the pay in lieu of in the central beach area. She reiterated that this is a short-term fix to allow these small changes of use to move forward in the interest of revitalizing the area. She confirmed for Vice Mayor DuBose that, over the years, the City has lost funds as a result of parking reductions. In the central beach district, however, the code does not allow for a parking reduction. Commissioner Rodstrom pointed out that these applicants are existing shops, not large-scale new development. This will provide for change of the central beach district businesses that the Commission supports.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve the item as presented. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**HOMELESS OUTREACH REUNIFICATION PROGRAM - \$25,000
STATE LAW ENFORCEMENT TRUST FUND****(M-06)**

In response to Vice Mayor DuBose, the City Manager confirmed that this program will facilitate mutually desired reunification between a homeless person in the city and their family member who resides elsewhere by purchasing a bus ticket for the homeless individual. The Broward County counterpart of this program provides five to ten trips per week, but there is a significant backlog so it is the City's desire to provide assistance to the program. Vice Mayor DuBose thought these funds could be better used. He is familiar with individuals who have used this type of program solely as a means to travel around the country as this kind of program is offered in many cities. Mayor Seiler understood that, in Broward and Palm Beach counties, this program reunites homeless individuals who want to return home to their family members. This benefits the city and the individual. He is considering this program based on the majority using it even if it is abused by a few. Vice Mayor DuBose agreed and noted his strong advocacy for the homeless, and his support for unifying families. However, he thought this program lacks efficiency, given these challenging economic times. He would support this program if staff can provide data in support of the program's effectiveness. He noted that many people choose to be homeless. This program is not really meeting the objective to reduce homelessness. Commissioner Rodstrom understood Vice Mayor DuBose's concerns. However, she thought this item should be approached as a study. There will still be \$1.6 million remaining in this fund. There is a percentage of individuals who may never reunite with family members, and a different solution should be considered for them. But, if this program can fund a bus ticket during tough economic times to bring someone home and reunite a family, it is beneficial. Commissioner Roberts agreed and recalled utilizing this program for homeless individuals during his employ at the City's police department where it was believed to be a worthwhile program. It will provide some alleviation as there are not enough social services currently to handle the homeless issue. He agreed with Commissioner Rodstrom that this is not a long-term solution, though one is needed.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: Vice Mayor DuBose.

**RIVER HOUSE RESTAURANT LEASE PROPOSAL
TERMINATE ACCEPTANCE OF INTER-PACIFIC GROUP PROPOSAL****(CR-01)**

In response to Vice Mayor DuBose, the City Manager highlighted information in his Memorandum 11-384 which is attached to these minutes, noting that the RFP allows for the City to retain the bid security deposit and that is the recommendation. In further response, the City Attorney explained that the City's legal exposure is \$10,000; however, the City has an argument to not refund the \$10,000 security deposit. Commissioner Rogers noted that the resolution would then need to be amended.

Motion made by Vice Mayor DuBose and seconded by Commissioner Roberts to approve the item as amended to reflect forfeiture of security deposit. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

RESCHEDULING JANUARY 3, 2012 CITY COMMISSION MEETINGS**(CR-05)**

In light of this reschedule due to the Christmas and New Year holidays, Vice Mayor DuBose questioned why the January 17 meeting was not rescheduled, being that it immediately follows the observance of Martin Luther King, Jr.'s birthday. The City Manager thought there was conflict for January 18th. Mayor Seiler noted he has a health related conflict. Discussion ensued about a feasible reschedule date. Vice Mayor DuBose pointed out that the observance of Martin Luther King, Jr.'s birthday is a holiday and should share the same premise as others. Mayor Seiler offered to reschedule to January 19th. In response to Vice Mayor DuBose's inquiry, the City Manager confirmed that staff could be prepared for January 17.

Motion made by Vice Mayor DuBose and seconded by Commissioner Roberts to approve the item as presented. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

495-10161 - SANITATION RATE STUDY - \$60,200**(PUR-03)**

In response to Vice Mayor DuBose, Albert Carbon, Public Works Director, explained that this study is being conducted because the rates have not been adjusted in 11 years, and a study has not been completed in the last seven years. The service review that took place over the summer is coming to completion, and will be merged with the rate study and brought forward to provide a menu and matrix of services and their cost to determine which services will be continued, increased, or reduced. Other elements that must be factored into the future rates are that the (Broward County) Resource Recovery Board agreement is expiring, and the single stream recycling program will begin in May. In further response, he was uncertain of the amount of the last rate increase in 2000 and what prompted it. The purpose of the rate study is not necessarily to increase fees as there is a potential cost savings for tipping fees, so there could be a rate reduction. He elaborated upon the services being reviewed. The service review and rate study will provide a complete overview of the services provided. Vice Mayor DuBose thought the services study should be completed first so the rate study can be based on the defined services that the City will provide; perhaps, this would reduce the cost of the study if there are eliminated services.

In response to Commissioner Rogers, Mr. Carbon was uncertain when the three-year contract will expire, but offered to bring back this information. Commissioner Rogers wanted to have the rate study completed before this expires because the new vendor's (Choice Environmental) contract was \$1 million less than Waste Management which is a significant enough figure to warrant concern about whether this is working, and if there were issues with the vendor. He recalled that the City Auditor reviewed the vendors to determine which had the financial wherewithal to meet the commitment, and the Commission's selection was based upon it. Being that this contract's expiration is approaching, it is important to understand all of the moving parts, including a change in tipping fees and possibly a vendor. Mayor Seiler wanted to defer this item. He asked staff to bring back a cost breakdown for a service review and rate study, individually and

combined; and to also provide the contract expiration dates.

Motion made by Commissioner Rogers and seconded by Vice Mayor DuBose to defer the item. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

RESOLUTIONS

SITE PLAN WITH ALLOCATION OF POST 2003 DWELLING UNITS (R-01)
NEW RIVER VILLAGE PHASE III - CASE 69-R-11

No budgetary impact.

Applicant:	New River Village Associates, LTD.
Location:	501 SE 5 Avenue
Zoning:	Regional Activity Center-City Center (RAC-CC)
Land Use:	Downtown RAC (D-RAC)

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1859

The Commission announced with whom he or she had spoken with and/or site visits made concerning this matter.

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

Jordana Jarjura, representing the Applicant, highlighted points in the narrative submitted on behalf of the Applicant and set forth in Exhibit 4 of Commission Agenda Report 11-1859 which is attached to these minutes. She also reviewed slides concerning this matter. A copy of the slides is attached to these minutes. She submitted background information and resumes for all individuals representing the Applicant which were made a part of the record. She outlined the criteria for review. Notwithstanding the 1999 ULDR provisions and settlement agreement, staff has interpreted the need for the Applicant to request allocation of units. The Applicant has agreed to do so without waiving any rights under the settlement agreement.

Ms. Jarjura indicated that this project does not have a parking garage; rather, parking is available pursuant to the ground lease between the Applicant and Broward County which includes 243 spaces located in the Broward County East Parking Garage; and a pedestrian walkway will connect the garage to the building. She continued to highlight information in Exhibit 4 about the project's architectural style, and then returned to the slides. The purpose of adding architectural features to the western and north wall was to be more consistent with the Downtown Master Plan. The Applicant deviated from the 1999 ULDR in terms of setback as it was understood to be a preferred design. She noted that City staff recommends approval based on a determination that the proposed meets the design criteria.

Ms. Jarjura went on to point out that the construction cost for the proposed project is \$32 million and 250 construction-related jobs will be created. As a luxury rental project, the taxable value will initially be based upon construction cost with consideration of assessed values in the area. Also, these 195 rental dwelling units will not receive homestead exemption, so the City will receive the full benefit of the ad valorem taxes. The estimated rental rate ranges from \$1,550 per month for 1 bedroom units to \$2,800 per month for 3 bedrooms. She recalled an issue raised at the December 6, 2011 meeting as to whether these are original units or additional units. The tri-party education mitigation agreement between the City, the School Board of Broward County (School Board), and Broward County is based upon the units being allocated. There is a difference in fees from \$262,000 to \$13,000. She has been told that the School Board will not acquiesce to a lower fee. Subsequent to the December 6 meeting, City staff revised the letter previously issued to Broward County related to the unit allocation. A County commissioner questioned whether the Applicant would voluntarily commit to affordable housing for this project, since these are part of the additional, rather than the original units. There is a requirement for the additional units that 15 percent or 450 units must be allocated for affordable housing, and it is the City's responsibility to monitor this. The Applicant requested that City staff issue a letter to the County advising such, and indicate that it would be inappropriate to mandate affordable housing, given the project's position in the approval process. The Applicant is not an affordable housing developer, and the project was not designed as such.

Ms. Jarjura went on to submit a letter of support, dated December 7, 2011, from a neighboring business, Cinema Paradiso. She noted that the Applicant met with the (New River Village) Phase I property manager to provide the project details and contact information. She did not receive any email communications from Phase I residents. The Applicant also met with (New River Village) Phase II which issued a letter of support (not submitted) for the garage expansion as more parking is desired. The Phase II Board is new and has not yet reviewed this project, but the information has been provided and she has responded to a resident's inquiries. She elaborated upon the anticipated positive impact to the area brought about by the placement of the Phase I and Phase II restaurants. In addition, the Applicant will present to the Riverwalk Trust on January 4.

In response to Commissioner Rogers, Ms. Jarjura explained that the vehicular use area requirement that (a parking garage) is not placed within 50 feet of the New River corridor is not applicable because the proposed does not have a vehicular use area. The Broward County East Parking Garage for this project is located beyond the 50 foot requirement. Commissioner Rogers wanted staff's input regarding security, landscaping, and lighting for Smoker Park and the Riverwalk, so the Applicant is on the same page for these matters. Ms. Jarjura indicated that Smoker Park is already quite dense so the Applicant proposes to remove and mitigate, rather than relocating more trees to this location. The belief is that the proposed project itself, as well as the floor-to-ceiling glass lobby, will add a significant amount of lighting for Smoker Park. If the City has any lighting needs, the City has an easement over the property from morning to night; and, pursuant to that easement, the City has authority over any improvements to Smoker Park. So, the Applicant would have to bring forward any improvements to Smoker Park.

Mayor Seiler opened the floor for public comment.

Pat Tarsey, 511 SE 5 Avenue, indicated that she was notified of this only two days ago, and is a resident and owner of multiple units in Nu River Landing (Phase II) which is

located directly adjacent to the proposed project. She thought the Applicant has inadequately addressed the parking situation. Nu River has 425 units, 90 percent of which are two and three bedroom; so, there are approximately 1,000 licensed drivers and vehicles, and parking for only about 500. Consequently, Nu River residents lease parking at the courthouse which is congested and difficult to access during peak times. There is only one ingress/egress to Nu River that is also used by other buildings, and the Applicant plans to use it as well. The proposed 195-unit project will require approximately 400 parking spaces, not 243. She noted that Nu River allows only one parking space per unit, but each owner has two or three vehicles. She stressed the danger posed by vehicles lined around the block during peak times trying to access valet parking or the parking lot which would not allow for passage of emergency vehicles. The proposed project will increase the parking problem by 50 percent. The Applicant's proposal to lease the parking spaces is an inadequate solution. She contended that 95 percent of the 1,000 Nu River residents are unsatisfied with the proposed project, but are not present because they only found out about this meeting over this holiday weekend. There was no notice.

There was no one else wishing to speak.

Ms. Jarjura clarified that the Applicant did not develop Phase II (Nu River Landing). Phase II has a parking issue and, therefore, leases spaces from the Applicant which has a ground lease with the County that provides for exclusive use of 243 spaces, 24 hours per day and exclusive use of the garage on nights, weekends, and holidays. In response to Mayor Seiler, she noted that Phase II was developed by Carlisle Development Group. In further response, she pointed out that this matter was brought before a prior Commission. There is no off-street parking requirement for the Regional Activity Center (RAC). The County is aware of the parking problem at the garage because the Applicant has submitted complaints about access, congestion, and barricades that impede traffic flow; the County recently selected a contractor to work on resolving these issues. Also, the Applicant went before the County for conceptual approval of the garage expansion because it recognizes the need for parking throughout the entire New River Village; although, the Applicant did not cause this problem. The County granted conceptual approval approximately three months ago; the City approval process will now be pursued, and then it will be brought back to the County. The expansion includes about 450 parking spaces per floor for a total additional 900 spaces.

In response to Commissioner Rodstrom's inquiry as to whether Phase II was approved without adequate parking, Ms. Jarjura explained that, under the ULDR, the RAC zoning does not require off-street parking. In addition to Phase II residents, the Applicant also sub-leases parking to Cinema Paradiso. Commissioner Rodstrom indicated that, ideally, while this project is being built, the County garage expansion would take place so there would be enough parking for the entire area. Ms. Jarjura mentioned that there are more parking spaces available at the (County) garage now. The Applicant has exclusive use of the garage on nights and weekends, but only 243 spaces during the day. She confirmed that there is enough parking, but there is a long-range plan to add more even though it is not required. In response to Commissioner Rogers, Ms. Jarjura explained that the Applicant's ground lease with the County is divided into several parcels: Phase I, Phase II, Phase III, and Smoker Park. Phase III was also assigned the parking rights to the garage which includes 243 parking spaces which are not currently being utilized, and exclusive use on nights, weekends, and holidays except for 150 parking spaces retained by the County for law enforcement vehicles. While the courthouse garage is

being built, the County is also sub-leasing 164 of the 243 spaces for 18 months which commenced in August, 2011. When this agreement expires, those 164 spaces will be utilized by this proposed development.

In response to Commissioner Rodstrom, Ms. Jarjura noted that the affordable housing aspect is on a first come, first served basis, and the City is responsible for monitoring which units are affordable housing. Before expending all of the 3,000 units, 450 must be utilized for affordable housing. There is no designation that the 450 must be divided among all of the developments in the downtown RAC that are requesting units. , Greg Brewton, Director of Planning and Zoning, confirmed that the 15 percent affordable housing figure applies to the total number of units in the RAC; and the determination is made by the City. Discussion ensued between him and Commissioner Rogers about how units have been distributed. The City Attorney clarified that the allocation in 2003 was for 3,000 units; of the 3,000 units, the City was required to have 15 percent, or 450 units, as affordable housing. The City's policy has been that the units are given on a first come, first served basis. There have not been any applications for affordable housing. The City has not required developers to allocate a percentage of their project as affordable housing. The City's plan was for up to 3,000 units; if 1,550 units were built without affordable housing, there would be no more units built except affordable housing. Mr. Brewton indicated that the requirement is not project-to-project. Affordable housing could still be provided in other projects.

In response to Commissioner Rogers, the City Attorney explained that, other than the design criteria, the Applicant has complied with the criteria of the settlement agreement (Exhibit 2 of the Commission Agenda Report). Mr. Brewton noted that the settlement agreement was based on meeting the 1999 Code (ULDR) and the design criteria associated with it. The settlement agreement stipulated that this site plan only had to go before the DRC, but it is before the Commission now out of an effort to work with the developer to meet the 1999 Code (ULDR) and the agreement. The master plan was used instead and this process was required. This is an improved design and it is consistent with the master plan. Commissioner Rogers recalled an agenda item to add more lighting to the south side of Riverwalk that was deferred. A portion of the park has a walking track and is well utilized day and night. He stressed the importance of lighting and security. As a condition of approval, he wanted certainty that the City and Applicant are hand in glove on these matters. Mr. Brewton suggested these terms be worked out with the final site plan; an agreement must be reached at a later date on the Riverwalk lighting design. In further response, he thought there may be an opportunity prior to or during the construction phase for staff to examine the lighting and security element, if the Applicant is agreeable. Further, he understood that proper notice was given for this item. Ms. Jarjura indicated that signs were posted as required by the ULDR, and she received a copy of the notice that was sent to residents by the Phase I and Phase II property managers. In response to Commissioner Roberts, Mr. Brewton confirmed that staff recommends approval for this item.

Mayor Seiler opened the floor for public comment by an individual who arrived late.

Daniel Greenwald, 511 SE 5 Avenue, pointed out that a notice was posted on a fence, indicating that this meeting would be held at 6:30 p.m. on December 21, rather than December 20. The sign was knocked down and never re-posted. Residents found out about tonight's meeting on Monday. He contended that adding two floors to the parking garage will block natural light and ventilation from the sixth-floor and seventh-floor Phase

II residents. Also, this will reduce the property value which, in turn, reduces the City's tax revenue. This being conceived without appropriate parking in the building itself has been troublesome for Phase II residents for years. Regardless of the proposed pedestrian walkway, there is limited access to the entire area which will pose problems for emergency vehicle access. In response to Commissioner Rogers, he explained that he has resided in this building (Nu River Landing) for five years. One parking space was allocated upon purchase. There were extra parking spaces for sale that were rapidly sold. Also, upon purchase, residents were advised that, from SE 5 Avenue to the beach, there was a moratorium on new highrise buildings. He contended that there was a great deal of misrepresentation. Commissioner Rogers pointed out that, ten years ago, the Commission intentionally decided not to require any parking in the Downtown RAC, based on the idea of letting the market take care of itself as this is an urban core. He noted that Mr. Greenwald purchased the unit with one parking space. This is an important issue that will have to be dealt with unless the no parking requirement in the RAC is changed. Mr. Greenwald questioned whether the City has made provisions for public transportation in the RAC to reduce the need for vehicles. Commissioner Rogers explained that the Sun Trolley operates in the area, and The Wave and B-Cycle. But, he agreed that when the decision was made there was a hope that public transportation would have progressed more than it has. Given the size of the proposed building, Mr. Greenwald believed it should include some parking in the building.

In response to Mayor Seiler's inquiry as to how this settlement agreement was reached, John Scherer, representing the Applicant, believed that approval was granted for one of the projects by a prior commission; however, the approval was pulled by an incoming commission which delayed the project for two years. Litigation ensued and was subsequently settled, bringing forth this settlement agreement. The City Attorney explained that the settlement agreement stated that the 1999 (ULDR) rules would apply to future development. The applied for site plan was not approved. It had gotten approvals along the way and then a new commission came into office and a decision was made to change the rules so the site plan that was proposed under the old rules which met the old rules, no longer met the new rules. The resulting settlement agreement acknowledged that the City had done them wrong. The City agreed to forego building permit fees and other items, including expedited review of development permits, and approved the site plan that was originally disapproved. The developer amended the site plan in order to build a hotel. But, the current plan is to build apartments which require an allocation of units because the original units were transferred. Ms. Jarjura explained that there were 263 original units. The City Attorney confirmed that the proposed 195-unit project is a reduction.

In terms of parking, Mr. Scherer explained to Mayor Seiler that the Applicant leases 50 or 75 parking spaces at night to Phase II. The Applicant only has use of the 243 spaces during the day, but the entire garage at night. He indicated that a significant portion of Phase II traffic stems from weekend guests, and many of these additional vehicles can be accommodated in the garage on the weekends, at night and holidays. The 243 spaces are for Phase III. So, when Phase III is completed, Phase II will be accommodated on nights and weekends. There is a total of 2,000 parking spaces in the garage, and 243 spaces are utilized by Phase III. As for the timeframe for the garage expansion, Mr. Scherer explained that conceptual approval was granted for five years. He thought the market will demand this. This project is moving forward, but not at the same rate as the apartments. The Applicant currently has the 243 parking spaces for Phase III, 24 hours per day. He did not believe there are parking issues at Phase I

because it has approximately 240-250 units and its own parking garage. Ms. Jarjura noted that Phase I originally had 47 of the 243 parking spaces, but was not utilizing them; so, they were assigned to Phase III. There are more spaces available if Phase II wished to lease them. Mr. Scherer thought Commissioner Rogers was correction in his reasoning for the causes of parking issues in Phase II. The Applicant is renting its spaces to the County during construction of the garage. When this lease is complete, the Applicant's renters will use the 243 spaces. However, there are plenty available parking spaces for lease on nights and weekends for everyone in Phase II to have two spaces. The Applicant has currently leased Phase II 50-60 spaces.

There was no one else wishing to speak.

In response to Commissioner Rogers' desire to include the condition for lighting and security at Smoker Park, Ms. Jarjura thought consent from Phase II would be necessary as Smoker Park is part of the Phase II legal description. She elaborated upon management and oversight of Smoker Park. Commissioner Rogers thought it is fair to include a condition for approval that Smoker Park is addressed in terms of security, or sufficient lighting, because Phase III has the ability to enforce the lease in terms of use of Smoker Park. Mr. Scherer noted the Applicant's desire for residents to feel safe entering the park at night. He recalled the Applicant's prior request for the City to defer proposed improvements for Smoker Park so City staff could work with the Applicant's designers on this matter. Commissioner Rogers thought this should be a condition. Also the Applicant should be willing to seek funding from Phase II if more lighting is needed. Mr. Scherer understood his concern, and confirmed that the Applicant will work with City staff to ensure a quality design. Discussion ensued about whether consent from Phase II is needed. In response to the City Manager, Mr. Scherer explained that the Applicant would be precluded from spending funds at Smoker Park if Phase II indicates such. But, he was uncertain if this is the case. The City Manager thought Phase II could preclude the Applicant from spending Phase II's funds, but not from spending the Applicant's funds. Mr. Scherer understood that the Applicant would have to obtain approval from Phase II to execute any improvements – even if the Applicant's own funds are utilized. The City Manager pointed out that the Applicant could make a contribution to the City for the Smoker Park improvements. Ms. Jarjura remarked that the Applicant has contributed \$74,000 for the Riverwalk improvements. Commissioner Rogers noted a determination was made some time ago as to the need for more lighting at Smoker Park and he agrees with that determination. Some entity on that side of the river, whether it is Phases II or III, has to be responsible. He urged the Applicant to be certain that the lighting is provided.

The City Attorney clarified that the question presently before the Commission is whether to allocate the units and whether the developer has met the ULDR requirements for the allocation. He indicated that the Applicant has done so. A former problem was created by applying conditions that were not supported by the ULDR; therefore, he suggested that the ULDR be followed, and address the lighting issue in future negotiations. In response to Commissioner Rogers, he noted that any conditions must be supported by the ULDR requirements. Commissioner Rogers thought this is an overlay condition of safety and security that would translate to sufficient lighting. In response to Mayor Seiler, the City Attorney explained that lighting would fall under the ULDR if the City had control of Smoker Park; but, there is an agreement in place wherein the park does not belong to the City. It is not really a park, the City has an easement during daylight hours when lighting is not needed. Commissioner Rogers noted the close proximity of Smoker Park

to the Riverwalk. He thought the Applicant wants to address this matter, and he is simply trying to frame it as something that must be determined later. In response to Mayor Seiler, the City Attorney clarified that, as to whether to allocate units under the 2003 allocation, the lighting condition does not fall under the ULDR because Smoker Park is not the City's property. Commissioner Rogers referred to the City Commission Action set forth in Exhibit 1 of the Commission Agenda Report that indicates conditions may be imposed. In response to Commissioner Rogers, the City Attorney confirmed that, in order to get approval from the County, the Applicant has requested a letter (from the City) stating that the City is not imposing any affordable housing restrictions on these units. Mr. Scherer explained that the City's letter will help the Applicant with the County because this is not an affordable housing project, and was never designed to be such. The Applicant only became aware of this three weeks ago. For example, if this project was part of the old allocation, this conversation would not be occurring. In response to Commissioner Rogers, the City Attorney pointed out that it would be possible to tie the condition to the Applicant's other requests, like the letter or an impact fee reduction because the Applicant is asking for something outside of the ULDR and the quid pro quo can be the lighting condition.

Commissioner Rogers asked why the Commission is looking at a site plan, if this vote is limited to allocation of the 2003 dwelling units. The City Attorney explained that the site plan presented was supposed to comply with the 1999 ULDR; subsequently, the ULDR was amended and a master plan was adopted. There was a slight deviation from the 1999 requirements in terms of the size and setbacks for this project. Staff determined that application of the master plan and the new regulations as to that particular deviation made a better project. Based on this, the Commission is considering whether to allocate the units. Commissioner Rogers had no objection to the units or the development. The City Attorney confirmed for him that, when this project went before the DRC, the DRC indicated that the Applicant could use the new master plan guidelines, rather than the 1999 ULDR guidelines. Commissioner Rogers questioned whether the Commission is ratifying that in this vote. The City Attorney confirmed for Mayor Seiler that the (master plan) guidelines were created to benefit the City, not the developer. Mr. Scherer assured Commissioner Rogers that the Applicant will work with the City's lighting designers. Commissioner Rogers expressed desire to ensure that a mutual goal for the Applicant and City is to work toward a project that includes a secure, well-lighted Smoker Park.

Commissioner Rogers introduced the following resolution noting the discussion above:

RESOLUTION NO. 11-342

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN IN DOWNTOWN RAC-CC INCLUDING ALLOCATION OF POST 2003 DWELLING UNITS TO DEVELOP AN 18 STORY RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTH SIDE OF THE NEW RIVER BETWEEN S.E. 5TH AVENUE AND SMOKER PARK, FORT LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.

Which resolution was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and

Mayor Seiler. NAYS: None.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to direct staff to notify Broward County of the City's policy concerning the 450 affordable housing units set aside has been first come, first served and ask that the City's policy be followed, which leaves determination to the City of where the affordable housing units are placed. Roll call showed. YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**AMENDMENT TO SITE PLAN LEVEL IV - BUILDING HEIGHT, (R-02)
FACADE AND OUTSIDE DINING - L & A BEACH HOLDINGS RESTAURANT –
CASE 127-R-06A1**

No budgetary impacts.

Applicant: L & A Beach Holdings, LLC.
Location: 225 South Ocean Boulevard - Spazio's
Zoning: Planned Resort District (PRD)
Future Land Use: Central Beach Regional Activity Center (CRAC)

Recommend: Introduce resolution.
Exhibit: Commission Agenda Report 11-1416

The Commission announced with whom he or she had spoken with and/or site visits made concerning this matter.

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

Courtney Crush, representing the Applicant, highlighted points in the narrative submitted on behalf of the Applicant and set forth in Exhibit 1 of Commission Agenda Report 11-1416 which is attached to these minutes. She noted that this property is an existing t-shirt store, and has received a Senate Bill 1752 site plan extension; the project is currently in the permitting process. She presented photographs concerning this matter which are attached to these minutes (as part of Exhibit 1), and then returned to the narrative. The desire is to update this t-shirt store, and make it a yogurt shop and boutique. She returned to the photograph presentation. The desire is to increase the project's height by raising the roof, not to add a second story.

In response to Mayor Seiler, Ms. Crush explained that the increased roof height does not block any views. Jackson Tower is the closest condominium behind the project. To her knowledge, none of the buildings to the west of this project have residential units on the lower floors. In response to Commissioner Rodstrom's inquiry about the project's design, she referred to the site plan shown in Exhibit 1. She explained that the west side of the top floor will be closed. Outdoor dining is only on A-1-A in front of the building. Commissioner Rodstrom noted that she had not received any communications from Jackson Tower residents. Ms. Crush pointed out that the desire is to remain consistent with the ceiling height of the restaurant (Spazio's). In response to Commissioner Rodstrom's inquiry as to whether an air conditioning unit will be installed on the roof, Ms. Crush believed it will be an interior unit. A brief exchange ensued about other buildings in the vicinity as to compatibility.

As for amplified noise, Ms. Crush explained that, as a condition of the site plan approval in 2006, there would be no amplified music permitted with the outdoor dining. Mayor Seiler thought this 27 foot wall on this project would help to mute sound. Ms. Crush agreed. Any requests for music would be presented to the Commission. Mayor Seiler opened the floor for public comment.

Monty Lalwani, representing Central Beach Alliance, expressed support of this item.

There was no one else wishing to speak.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-343

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN FOR A RESTAURANT WITH OUTDOOR DINING TO MODIFY THE FAÇADE, INCREASE THE HEIGHT OF THE BUILDING AND MODIFY THE OUTDOOR DINING AREA AT PROPERTY LOCATED AT 225 SOUTH OCEAN BOULEVARD, FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT.

Which resolution was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

AMENDMENTS TO DEVELOPMENT PLAN - CASE 1-ZPUD-03 (R-03)
GEORGIAN OAKS PLANNED UNIT DEVELOPMENT - 1624 SW 23 STREET

No budgetary impact

Applicant: Centerline Homes Group Seven, Ltd.
Location: 1624 SW 23 Street
Zoning: Planned Unit Development (PUD)
Future Land Use: Residential-Medium

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1863

Members of the Commission announced the same disclosures as those indicated on prior considerations, as well as with whom he or she had since spoken with and/or site visits made concerning this matter.

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

Robert Stiegele, representing the Applicant, explained that this defunct development was acquired in April, 2011; it had been previously approved. The infrastructure was

completed. The Applicant has since worked with staff to reinstate the site plan which this Commission unanimously approved in October. This is being brought forward because there have been some modifications to floor plans, elevations, and landscaping in order to make the project more acceptable in the current economic environment. As part of this acquisition, the Applicant acquired seven dilapidated duplexes located just outside of this PUD (Planned Unit Development) which were renovated and all seven have sold and six have closed. He referred to a letter of support for this item from the River Oaks Civic Association, Exhibit 6 of Commission Agenda Report 11-1863.

Commissioner Rogers appreciated the Applicant's outreach to the neighborhood. He pointed out that the site plan approved by a prior commission could not be built. He noted support of area residents. In terms of marketing, he thought it is beneficial that the Applicant is going from three to eight models. All of his concerns have been addressed.

Mayor Seiler opened the floor for public comment.

James Walsh, 1509 SW 24 Street, noted that he lives less than one block from this development. The land on which this project is to be built was formerly lowland, containing wetlands. Over the past few weeks, multiple loads of fill have been used to noticeably raise the development area above the adjacent properties. Until the latest fill project, there was a small, remnant wetland on the south side of the property; but, three-quarters of it was also filled in over the past few weeks which left a postage stamp sized wet area next to the park. Historically, the River Oaks neighborhood is subject to flooding. He questioned why filling wetlands is allowed, being that it exacerbates flooding and water degradation. He asked how the City will control the increased flooding when this raised project is completed. Jonathan Keith, representing the Applicant, explained that the site is currently filled to its ultimate configuration, pursuant to the permits issued by the City and Broward County in 2005, and will not be filled beyond the original permit. He clarified that the area Mr. Walsh perceived as a wetland was actually just a low-lying area that was not completed prior to the project's abandonment in 2006. So, the area that was filled was always intended to be filled. The wetland area at the southwest corner of the property will remain; it is also a drainage basin area. In response to Commissioner Rogers, he confirmed that all of the stormwater must be contained on-site. Regardless of the project's elevation, none of the stormwater can be discharged onto adjacent properties. The Applicant is currently in the process of completing all of the perimeter dykes and berms that were part of the original plan. When these are completed, he has invited Mr. Walsh and any other interested neighbors to walk the site with him so he can show what has been done. He elaborated upon the measures taken by the Applicant to avoid a drainage impact on the surrounding neighborhoods. In response to Commissioner Rodstrom, Mr. Walsh noted that wetlands are home to wildlife and contribute to water quality. He felt it is easy to sacrifice the environment for economic growth. He mentioned that there was a lot of property damage in the recent flood. Commissioner Rogers pointed out that the Commission has recognized a need for the stormwater discharge issue to be addressed throughout the city. Undoubtedly River Oaks is impacted. The City purchased property to address this. But, the design and functionality of the process have not been implemented yet. He stressed that a responsible party is now in place who is going to ensure that any stormwater issue is contained on this site. Mayor Seiler pointed out that this developer has addressed a mess created by a prior developer. He appreciated their outreach and efforts in general. Mr. Walsh emphasized the need to replace wetland areas when development overtakes them. Commissioner Rodstrom explained that the building code requires a certain

elevation which causes runoff. The City may want to pursue a way to preserve wetlands.

Shirlee Sandler, 1650 SW 20 Street, shared Mr. Walsh's concerns regarding water runoff. She indicated that the project's fence has multiple cracks and breaks. Mr. Keith explained that a perimeter berm is being constructed against the inside of the fence that will hold in a 25-year storm. Also, filter fabric has been installed against the fence to make sure that there is no soil seepage, and the cracks are being sealed.. He indicated that no changes will be made to the width of the landscaping buffers around the site. More plants and Florida native trees will be utilized which are larger and taller in order to create some instant buffering. In response to Commissioner Rodstrom, he indicated that the landscaping on the outside of the fence on the property's west side was already dedicated to the City and the City is now maintaining it. All of the landscaping for this project will be located inside of the fence, within the landscaping easements and buffers. Ms. Sandler submitted photographs illustrating breaks in the wall that were made part of the record. Mayor Seiler asked the Applicant to directly communicate with Ms. Sandler. Mr. Keith indicated that this project is a work in progress; the wall is currently being repaired.

There was no one else wishing to speak.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-344

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN APPROVED AS PART OF ORDINANCE NO. C-04-21 THAT CHANGED THE UNIFIED LAND DEVELOPMENT REGULATIONS BY REZONING PROPERTY FROM RD-15 TO PLANNED UNIT DEVELOPMENT FOR THE PROJECT KNOWN AS GEORGIAN OAKS TO INCORPORATE BUILDING, ARCHITECTURAL FEATURES, LANDSCAPE AND SETBACK AMENDMENTS ON PROPERTY LOCATED SOUTH OF S.W. 20TH STREET, NORTH OF S.W. 24TH STREET, BETWEEN S.W. 17TH AVENUE AND S.W. 15TH AVENUE, FORT LAUDERDALE, FLORIDA, IN A PUD ZONING DISTRICT.

Which resolution was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Vice Mayor DuBose left the meeting momentarily and returned at approximately 8:55 p.m.

**VACATION OF NON-VEHICULAR ACCESS LINE - CASE 18-P-07(A2)
COMFORT SUITES HOTEL - 2201 NORTH FEDERAL HIGHWAY**

(R-04)

No budgetary impacts.

Applicant: Judith Antweiler and John L. Rickel
Location: 2201 North Federal Highway
Zoning: Boulevard Business (B-1)
Future Land Use: Commercial

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1741

Members of the Commission announced with whom he or she had spoken with and/or site visit(s) made concerning this matter.

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

Mayor Seiler opened the floor for public comment.

In response to Commissioner Rodstrom, Leigh R. Kerr, representing the Applicant, confirmed that the original plat was approved by this Commission in April, 2009. He explained the purpose of the request. This will allow the Applicant and the owners of the parcel to the north to have a common driveway, and reduce access points on Federal Highway (U.S. 1). He elaborated upon the businesses planned for the subject site, but was uncertain what is planned for the property to the north. It is all on the west side of U.S. 1.

There was no one else wishing to speak.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-345

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE NON- VEHICULAR ACCESS LINE ALONG THE EAST BOUNDARY OF PARCEL "A", "COMFORT SUITES HOTEL 2201 N. FEDERAL HIGHWAY PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 178, PAGE 156 AND 157, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE WEST SIDE OF FEDERAL HIGHWAY, BETWEEN NORTHEAST 19 STREET AND THE MIDDLE RIVER, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

AMENDMENT TO SITE PLAN LEVEL IV - CASE 26-R-99(A1)
ATLANTIC HOTEL – AWNING

(R-05)

No budgetary impact.

Applicant: Atlantic Partners, LLC.
Location: 601 North Fort Lauderdale Beach Boulevard
Zoning: A-1-A Beachfront Area (ABA)
Future Land Use: Central Beach Regional Activity Center (C-RAC)

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1817

Members of the Commission announced the site visit(s) made concerning this matter.

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

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-346

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN FOR A HOTEL, RESTAURANT AND RETAIL USE TO PERMIT AN AWNING WITHIN THE SETBACK ON PROPERTY LOCATED AT 601 NORTH FORT LAUDERDALE BEACH BOULEVARD, FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT.

Which resolution was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

BOARD AND COMMITTEE APPOINTMENTS

(R-06)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1826

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

- Aviation Advisory Board Gloria Shirley-Brown (Vice Mayor DuBose)
- Community Appearance Board Kenneth Green (Vice Mayor DuBose)
- Downtown Development Authority William H. Bodenhamer, Jr. (Consensus)
- Education Advisory Board Heather P. Brinkworth (Vice Mayor DuBose)
- Historic Preservation Board Rena Marie W. Holloway-Harrison (Vice Mayor DuBose)
- Insurance Advisory Board Robert Geoffrey Langsett (Consensus)
- Short Term Residental Use Lula Myers (Vice Mayor DuBose)
Committee

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-347

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 called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Commissioner Roberts was not present for this vote. He left the meeting at approximately 9:01 p.m. and returned at approximately 9:07 p.m.

PUBLIC HEARINGS

**APPEAL - PLANNING AND ZONING BOARD DECISION - REZONING – (PH-01)
DEFERRAL REQUEST - FIRST EBENEZER MISSIONARY CHRISTIAN
CHURCH, INC. - CASE 3-Z-11**

No budgetary impacts.

- Applicant:** First Ebenezer Missionary Christian Church, Inc.
- Location:** 312 NW 7 Street
- Current Zoning:** Residential Mid Rise Multi-family/Medium High Density
RMM-25
- Future Land Use:** Northwest Regional Activity Center

Recommend: Motion to defer to January 17, 2012 at request of Applicant.

Exhibit: Commission Agenda Report 11-1873

A **motion** was made by Commissioner Rodstrom and seconded by Vice Mayor DuBose to defer this item to January 17, 2012 (request of Applicant). Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Commissioner Roberts was not present for this vote. He left the meeting at approximately 9:01 p.m. and returned at approximately 9:07 p.m.

ORDINANCES

UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT – (O-01)
A-1 -A NORTH BEACH AREA - NEIGHBORHOOD SERVING USES –
CASE 6-T-11

No budgetary impacts.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1912

Courtney Crush, representing Pan Capital LLC, requested that the term, parking lot, be deleted from Section 47-12.5.1, 4. k) of the ordinance.

A **motion** was made by Commissioner Rodstrom and seconded by Commissioner Rogers to remove the reference to parking lot as a permitted use in Section 47-12.5.1, 4.k). Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Commissioner Roberts was not present for this vote. He left the meeting at approximately 9:01 p.m. and returned at approximately 9:07 p.m.

Commissioner Rodstrom introduced the following ordinance on SECOND reading, as amended:

ORDINANCE NO. C-11-40

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12 CENTRAL BEACH DISTRICTS TO PERMIT RESIDENTIAL USES IN A PORTION OF THE ABA DISTRICT; TO PERMIT CERTAIN NON-RESIDENTIAL USES IN A PORTION OF THE ABA

DISTRICT AND THE NBRA DISTRICT; TO PERMIT RESTAURANTS WITH OUTDOOR SERVICE IN THE NBRA; AND TO DECREASE THE NUMBER OF HOTEL ROOMS REQUIRED IN ORDER FOR A HOTEL TO HAVE A RESTAURANT AND OTHER SECONDARY USES.

Which ordinance, as amended and noted above, was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Commissioner Roberts was not present for this vote. He left the meeting at approximately 9:01 p.m. and returned at approximately 9:07 p.m.

**UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT – (O-02)
INTERIM USES - CASE 7-T-11 - A-1-A NORTH BEACH AND INTRACOASTAL
OVERLOOK AREAS - NEIGHBORHOOD SERVING USES**

No budgetary impacts.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1913

Courtney Crush, representing Pan Capital LLC, noted that, since the first reading, it came to her attention that some residents in and around the North Beach area were not aware of the interim use ordinance. These residents expressed a specific concern about parking lots in the NBRA (North Beach Residential) zoning district. She recalled meeting with the residents last weekend. In order to address this concern, she requested that the portion of the interim use ordinance that speaks to the NBRA be deferred to April 17, 2012. She submitted a draft ordinance containing the proposed amendments and a companion ordinance containing the portions to be deferred. Commissioner Rodstrom had attended the meeting, and pointed out that more time is needed as residents were unaware of the (interim use) ordinance and it will impact them. In response to Commissioner Rodstrom, the City Attorney explained that he has no objection to the ordinance (C-11-41) being amended to delete all references to the NBRA zoning district. He recommended that the second ordinance be re-advertised for the future, as opposed to deferred.

A **motion** was made by Commissioner Rodstrom and seconded by Commissioner Roberts to amend this item by deleting the section that references the NBRA zoning district; and to direct the City Manager to present another ordinance to adopt revisions to the NBRA zoning district separately.

Mayor Seiler opened the floor for public comment.

Steven Auerbacher, president of Americas Condominium Association, Americas on the Park (Americas), noted that Americas overlooks the NBRA on the Intracoastal. He indicated that many area residents were unaware of these pending ordinances. He took measures to convey this information when he found out about it approximately ten days

ago. Almost 50 people from five buildings attended the weekend meeting where a compromise was reached to split the ordinance to allow (Pan Capital) to have interim uses for the IOA (Intracoastal Overlook Area) and ABA (A-1-A Beachfront Area) zoning districts, but the NBRA would be examined in the future. He requested at least four months. He clarified that residents are not opposed to development on the beach, or the related ordinance on this agenda, O-01. However, being that Americas already overlooks green space in the form of a 50,000 square foot vacant lot, residents do not understand why the City is trying to get pedestrian movement and additional green spaces when interim uses are being approved for take-out restaurants and parking. He pointed out that the issue of echoing noise is a great concern. He asked the Commission to separate this ordinance to make it applicable only to the IOA and ABA; and, as to the NBRA, a deferral.

Fred Carlson, representing Central Beach Alliance (CBA), indicated that residents at the weekend meeting were concerned that the interim use would be inevitably be long term. The president of Central Beach Alliance, John Weaver, informed the residents (at the meeting) that the use plan would go before the CBA and the Commission. But, the primary issue is that Americas did not have an attending representative at the CBA meetings, so they did not benefit from the information presentation by Ms. Crush. He strongly urged approval of the permanent uses and deferral of the interim uses. On a personal level, he thought that, when residents are better educated in this matter, they will recognize the overall benefit to the neighborhood.

There was no one else wishing to speak.

ORDINANCE NO. C-11-41

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS CENTRAL BEACH DISTRICTS TO ADD PERMITTED INTERIM USES TO PORTIONS OF THE ABA AND IOA DISTRICTS; PROVIDING THE PURPOSE AND INTENT, LIST OF PERMITTED INTERIM USES, DIMENSIONAL REQUIREMENTS, DEFINITIONS, PARKING, SIGN, LANDSCAPE AND OTHER DEVELOPMENT REQUIREMENTS; PROVIDING A PERMIT PROCESS; PROVIDING SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Which ordinance, as amended and noted above, was read by title only. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

VACATION OF 14 FOOT ALLEY - 2 SOUTH NEW RIVER DRIVE WEST (O-03)
NEW RIVER YACHT CLUB - CASE 7-P-11

No budgetary impact.

Applicant: TRG New River, LTD and TRG New River II, LTD.
Location: 2 South New River Drive West

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1900

The Commission announced the disclosures were the same as those indicated on first reading, with one additional site visit announced by Mayor Seiler and Commissioner Rogers.

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

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-39

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE 14 FOOT ALLEY IN BLOCK 41, "TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK, "B", PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTH OF THE SOUTH LINE OF LOT 1, OF SAID BLOCK 41, LOCATED SOUTH OF SOUTH NEW RIVER DRIVE WEST, BETWEEN S O U T H W E S T 1 A V E N U E AND SOUTH ANDREWS AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

ADDITIONS TO PURPOSE AND DUTIES OF SUSTAINABILITY ADVISORY BOARD (O-04)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1853

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-37

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SUBSECTION 4(2), OF ORDINANCE NO. C-10-48 OF THE CITY OF FORT

LAUDERDALE, FLORIDA, TO PROVIDE ADDITIONS TO THE PURPOSE AND DUTIES OF THE SUSTAINABILITY ADVISORY BOARD; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE

Which ordinance was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**CODE AMENDMENT - CHAPTER 2, ARTICLE VIII - LOBBYING
ACTIVITIES**

(O-05)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1903

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-42

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE VIII, LOBBYING ACTIVITIES, TO CONFORM TO CERTAIN PORTIONS OF THE BROWARD COUNTY CODE OF ETHICS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**CODE AMENDMENT - DELETION - CHAPTER 2, ARTICLE X –
SOLITATION OF DONATIONS**

(O-06)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1904

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-43

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, BY DELETING ARTICLE X, SOLICITATION OF DONATIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Seiler pointed out that the purpose of this item is to comply with the Broward County Code of Ethics which was recently adopted.

Which ordinance was read by title only. Roll called showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Note: There being no other matters to come before the Commission, the meeting was adjourned at 9:25 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk