

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MAY 1, 2012

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
May 1, 2012**

Meeting was called to order at 6:06 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
Vice Mayor Charlotte E. Rodstrom
Commissioner Romney Rogers
Commissioner 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 Andy Mueller

Invocation was offered by Reverend Patrick Jules, Bethel Evangelical Baptist Church, followed by the recitation of the pledge led by Jordan Allen.

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).

MOMENT OF SILENCE – EXPRESSION OF SYMPATHY (OB)

Mayor Seiler offered a moment of silence in memory of Randolph Calvin Smith, husband of community activist, Shirley Smith; and Mary Reese, mother of City board member, Adriane Reese. An expression of sympathy was offered to the family and friends of Mr. Smith and Ms. Reese.

Mayor Seiler thanked Pine Crest Athletic Director, Jim Foster, for his efforts in obtaining eight State championships during his ten-year employment.

PINE CREST BOYS BASKETBALL – 2011- 2012 FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 4A STATE BASKETBALL CHAMPIONSHIP (OB)

Commissioner Rogers presented a proclamation designating May 1, 2012, as Pine Crest

Panthers Boys Basketball Team Day in the City in recognition of their 2012 Florida High School Athletic Association Class 4A State Basketball Championship to Head Coach David Beckerman. Mr. Beckerman acknowledged the team's players, and announced the universities they will be attending. He thanked the Commission.

PINE CREST BOYS TENNIS TEAM – 2012 THE FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 2A STATE TENNIS CHAMPIONSHIP (OB)

Commissioner Roberts presented a proclamation designating May 2, 2012, as Pine Crest Panthers Boys Tennis Team Day in the City in recognition of their 2012 Florida High School Athletic Association Class 2A State Tennis Championship to Assistant Coach, Kasey Hamaway. Ms. Hamaway congratulated the team and announced the universities that the senior members will be attending.

GROUND ZERO AMERICAN FLAG CERTIFICATE – PRESENTATION TO COMMISSION (OB)

Colonel Connie Christensen presented a United States flag flown at the World Trade Center and a certificate to the City from the United War Veterans Council in memory of Fort Lauderdale's current and past military heroes to Mayor Seiler. Mayor Seiler thanked veterans in the audience for their service.

1. DRINKING WATER WEEK – MAY 6-12, 2012 – DROP SAVERS WATER CONSERVATION POSTER CONTEST WINNERS (PRES-01)

Commissioner Roberts presented a proclamation designating May 6-12, 2012, as Drinking Water Week in the City to Julie Leonard, Assistant Utilities Services Director, Operations. Ms. Leonard thanked the Commission. She noted that the Drop Savers Water Conservation Art Contest was designed to promote water awareness and the importance of conservation among Kindergarten through Eighth grade students. She presented awards to the contest winners. Melissa Velez, Chair, Florida Section of the AWWA (American Water Works Association), announced the students who also won at State level.

2. WILLIAM DANDY MIDDLE SCHOOL DAY – MAY 1, 2012 (PRES-02)

Commissioner DuBose presented a proclamation designating May 1, 2012, as William Dandy Middle School Day in the City for being awarded the 2012 National Excellence in Urban Education Award to Shernette Davis, Principal. Ms. Davis thanked the Commission.

JAMAICA 50TH INDEPENDENCE ANNIVERSARY DAY - AUGUST 6, 2012 (OB)

Commissioner DuBose announced a proclamation designating August 6, 2012, as Jamaica 50th Independence Anniversary Day in the City.

**REPUBLIC OF TRINIDAD AND TOBAGO 50TH INDEPENDENCE
ANNIVERSARY DAY – AUGUST 31, 2012****(OB)**

Commissioner DuBose announced a proclamation designating August 31, 2012, as Republic of Trinidad and Tobago 50th Independence Anniversary Day in the City.

3. NEUROPATHY AWARENESS WEEK – MAY 14-18, 2012**(PRES-03)**

Vice Mayor Rodstrom presented a proclamation designating May 14-18, 2012, as Neuropathy Awareness Week in the City to Colonel Eugene Richardson, President, Network for Neuropathy Support, Inc. Mr. Richardson acknowledged military veterans. He elaborated upon the physical effects he suffered from exposure to Agent Orange. He remarked on a DVD about coping with neuropathy that is produced and distributed by his organization.

**4. DISTINGUISHED BUDGET PRESENTATION AWARD -
BUDGET, COMMUNITY INVESTMENT PROGRAM AND
GRANTS DIVISION, CITY MANAGER OFFICE****(PRES-04)**

The City Manager announced the City's receipt of the Distinguished Budget Presentation Award. Emilie Smith, Budget Manager, recognized the following budget staff members for their efforts that contributed to obtainment of this honor: Norm Mason, Assistant Budget Manager; Bobbi Williams, Administrative Assistant; Barbara Smith, Administrative Aide; Stacey Balkaran, Financial Management Analyst; Diane Lichtenstein, Financial Management Analyst; and Laura Reece, Assistant Manager of CIP/Grants.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Rogers to approve the minutes of the March 20, 2012 Special Meeting and March 26, 2012 Joint Workshop with Budget Advisory Board. YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Consent Agenda**(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

EVENT AGREEMENTS, RELATED ROAD CLOSINGS AND CO-SPONSORSHIP FOR BANNERS

(M-01)

No Budgetary impact

Event Agreements: Cinco de Mayo SW 2nd Street, Haitian Flag Day, Swelter Stopper, Great American Beach Party and Florida Aids Day Walk.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0785

GRANT ACCEPTANCE - BROWARD CULTURAL TOURISM GRANT 2012 MEMORIAL WEEKEND BEACH ACTIVITIES – GREAT AMERICAN BEACH PARTY

(M-02)

Funding for this CAR is contingent upon approval by the City Commission of the consolidated budget amendment CAR#12-0763.

Grant Agreement with Broward County and Broward Cultural Council for Broward Cultural Tourism Grant, in the amount of \$20,000, with local match - 2012 Memorial Weekend Beach Activities - Great American Beach Party and authorizing City Manager to execute documents extending grant term, as necessary.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0727

GRANT EXTENSION - URBAN AREA SECURITY INITIATIVE INTERLOCAL AGREEMENT FOURTH AMENDMENT - CITY OF MIRAMAR

(M-03)

No Budgetary Impact.

Extension of 2008 Urban Area Security Initiative grant agreement to August 31, 2012 and execution of all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0772

BROWARD COUNTY CHIEFS OF POLICE ASSOCIATION, INC. - \$2,500 STATE LAW ENFORCEMENT TRUST FUND

(M-04)

Please see funding information attached to these minutes.

Payment to Broward County Chiefs of Police Association, Inc. from State Law Enforcement Trust Fund - 60th Annual Summer Training Conference and Exposition

from July 8-11, 2012

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0694

**THIRD AMENDMENT TO LEASE AGREEMENT - CABOT INVESTMENT (M-05)
PROPERTIES LLC - RESERVED PARKING AT 110 AND
100 EAST BROWARD BOULEVARD**

Please see funding information attached to these minutes.

Third Amendment to Lease Agreement, in substantially the form provided, with Cabot Investment Properties LLC to decrease number of reserved parking spaces at 110 and 100 East Broward Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0780

**GRANT APPLICATION - SMART FIRE SAFETY AND EMERGENCY (M-06)
TRAINING TRAILER - \$124,600 - U.S. DEPARTMENT OF HOMELND
SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY**

Please see funding information attached to these minutes.

Grant application for a Smart Fire Safety and Emergency Training Trailer, in the amount of \$124,600 including local 20 percent match, from U.S. Department of Homeland Security, FEMA - Fiscal Year 2011 Assistance to Fire Fighters Grant Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0833

CONSENT RESOLUTION

**PARTICIPATION IN MEETINGS THROUGH COMMUNICATIONS (CR-01)
TECHNOLOGY**

No Budgetary Impact

Revising and consolidating policies for absent City Commission and board and committee members to participate in meetings through communications technology.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0858

RESOLUTION NO. 12-84

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REVISING AND CONSOLIDATING POLICIES FOR ABSENT CITY COMMISSION AND BOARD AND COMMITTEE MEMBERS TO PARTICIPATE IN MEETINGS THROUGH COMMUNICATIONS TECHNOLOGY.

CITY ATTORNEY SEARCH COMMITTEE

(CR-02)

No budgetary impact.

Establishing City Attorney Search Committee.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0859

RESOLUTION NO. 12-85

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE CITY ATTORNEY SEARCH COMMITTEE; PROVIDING THE PURPOSE AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE NUMBER OF COMMITTEE MEMBERS; PROVIDING CRITERIA FOR COMMITTEE MEMBERSHIP AND PROVIDING FOR LENGTH OF TERM OF THE COMMITTEE.

ORANGE BOWL FIELD AT CARTER PARK - COOPERATIVE PROJECT – O.B. CARTER PARK, LLC

(CR-03)

Matching funds are available in Fund 331 - Capital Improvement General Fund.

Agreement with O.B. Carter Park, LLC for Orange Bowl Field at Carter Park Project - contribution of \$1,500,000 with local match - Orange Bowl legacy gift of athletic field, running track and related improvements at Joseph C. Carter Park.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0669

RESOLUTION NO. 12-86

A RESOLUTION OF THE CITY COMMISSION OF THE

CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH O.B. CARTER PARK, LLC, ("OBC") TO PROVIDE FOR THE CITY'S PARTICIPATION IN A COOPERATIVE PROJECT KNOWN AS ORANGE BOWL FIELD AT CARTER PARK, LOCATED AT 1450 WEST SUNRISE BOULEVARD, FORT LAUDERDALE, FLORIDA, TO CONSTRUCT A SYNTHETIC TURF ATHLETIC FIELD AND AN EIGHT LANE RUNNING TRACK AND ASSOCIATED IMPROVEMENTS AS DESCRIBED HEREIN AT CARTER PARK AS AN ORANGE BOWL LEGACY GIFT ("PROJECT") WHEREIN THE OBC WILL CONTRIBUTE \$1,500,000.00 AND THE CITY WILL CONTRIBUTE MATCHING FUNDS UP TO \$1,500,000.00; AFTER AN ADVERTISED PUBLIC MEETING BY A 2/3 VOTE, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF A PROPRIETARY PURCHASE, WAIVING COMPETITIVE BIDDING PROCEDURES TO THE EFFECT IT IS IN THE BEST INTEREST OF THE CITY TO PERMIT AND ALLOW OBC TO DIRECT, SUPERVISE, MANAGE AND BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT DUE TO THE TIME CONSTRAINTS IN THIS PROJECT, AND IN RECOGNITION OF CONDITIONS OF THE GRANT FUNDING FROM THE OBC, PRECLUDING CUSTOMARY SEALED BIDDING PROCEDURES TO ALLOW OBC TO SELECT THE QUALIFIED, LICENSED, BONDED, CERTIFIED AND INSURED PRIVATE SECTOR GENERAL CONTRACTOR TO BUILD THE PROJECT BY A METHOD OTHER THAN COMPETITIVE PROCUREMENT; FURTHER RATIFYING APPROVING AND CONFIRMING, THE CITY MANAGER'S WRITTEN FINDING OF A VALID PUBLIC EMERGENCY, WAIVING CONSULTANT'S COMPETITIVE NEGOTIATION ACT PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES FOR THE RETENTION OF CCNA PROFESSIONAL SERVICES FOR THIS PROJECT BY THE OBC.

This Commission Agenda Report (12-0669) was revised. See announcement on page

CONSOLIDATED BUDGET AMENDMENT - APPROPRIATION

(CR-04)

Please see funding information attached to these minutes.

Amendment of fiscal year 2012 final operating budget - appropriation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0763

RESOLUTION NO. 12-87

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 EXHIBITS 1 THROUGH 11, AND PROVIDING FOR AN EFFECTIVE DATE.

<p>PURCHASING AGENDA</p>

223-10976 - FIREFIGHTING FOAM - \$58,612

(PUR-01)

Please see funding information attached to these minutes.

Two-year contract with two, one-year renewal options for purchase of firefighting foam.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0759

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

SURVEYING AND MAPPING SERVICES - KEITH AND ASSOCIATES, INC. (PUR-02)

Purchases are made on an as-needed basis and charged to individual budgets per available funds and in accordance with unit pricing.

Second and final one-year contract extension and amendment to agreement for surveying and mapping services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0760

The Procurement Services Division has reviewed this item and recommends approval of the Second Extension and Amendment to Agreement.

SURVEYING AND MAPPING SERVICES - CRAVEN, THOMPSON & ASSOCIATES, INC.

(PUR-03)

Purchases are made on an as-needed basis and charged to individual budgets per available funds and in accordance with unit pricing.

Second and final one-year contract extension and amendment to agreement for surveying and mapping services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0767
The Procurement Services Division has reviewed this item and recommends approval of the Second Extension and Amendment to Agreement.

SURVEYING AND MAPPING SERVICES - STONER & ASSOCIATES, INC.

(PUR-04)

Purchases are made on an as-needed basis and charged to individual budgets per available funds and in accordance with unit pricing.

Second and final one-year contract extension and amendment to agreement for surveying and mapping services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0768

The Procurement Services Division has reviewed this item and recommends approval of the Second Extension and Amendment to Agreement.

**COASTAL ENGINEERING SERVICES
GENERAL WASTEWATER CONSULTANT, ARCHITECTURAL –
ENGINEERING SERVICES**

(PUR-05)

No budgetary impact.

Second extension and amendment to agreement for coastal engineering services with URS Corporation Southern and first amendment to agreement for general wastewater consultant professional architectural - engineering services with CDM Smith Inc. f/k/a Camp Dresser & McKee Inc.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0806

The Procurement Services Division has reviewed this item and recommends approval.

ORANGE BOWL FIELD AT CARTER PARK - COOPERATIVE PROJECT – (CR-03)
O.B. CARTER PARK, LLC

Mayor Seiler announced that this item is subject to the appropriation of the match funding in item CR-04 of the Consolidated Budget Amendment.

This item was removed from the consent agenda by Vice Mayor Rodstrom and a member of the public.

In response to Vice Mayor Rodstrom, the City Auditor clarified that, upon his request, it is recommended that approval of this agreement be subject to the appropriation of the match funding for CIP (Capital Improvement Plan) projects which will be associated with the bond fund, at the May 15 meeting. Vice Mayor Rodstrom wanted to see all of the documentation on this matter, including any comments by Bond Counsel simply because it is a sizeable amount, \$1.5 million match. The City Manager explained that there are currently sufficient funds in the Capital Improvement General Fund; the funds will be transferred to the 2011 Special Obligation Bonds, and Bond Counsel's concurrence will be furnished at the May 15 meeting. He would not object to approval being subject to the appropriation at that time. The City Auditor believed it is conceptually inappropriate to budget funds today, with the knowledge that a different funding source will be substituted on May 15. It circumvents the budget's intent. If staff intends to utilize bond funds, which he believes is appropriate, then those funds should be appropriated. The City Manager indicated that the intent was to show the entire 2011 Special Obligation Bonds, but there is a time constraint related to the Orange Bowl Committee. In response to the City Manager's suggestion, the City Auditor did not object to appropriating from Fund 345 of the 2011 Special Obligation Bond, Series A. The City Manager confirmed for Vice Mayor Rodstrom that Bond Counsel verified that this is allowed. These funds cannot be returned to the General Fund as they are allocated for CIP projects, and not only park projects.

Continued on page 11

Motion made by Commissioner Roberts and seconded by Commissioner DuBose that Consent Agenda Items M-02 and CR-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: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

GRANT ACCEPTANCE - BROWARD CULTURAL TOURISM GRANT (M-02)
2012 MEMORIAL WEEKEND BEACH ACTIVITIES –
GREAT AMERICAN BEACH PARTY

Art Seitz, 1905 North Atlantic Boulevard, thought the City should fund recreational and family-oriented events on the beach. He felt the International Swimming Hall of Fame's (ISHOF) event calendar is lacking. For example, he supported the City planning for the Indy 500 event in 2013. He urged the Commission to utilize the bed tax to enhance the City's calendar of events.

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

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ORANGE BOWL FIELD AT CARTER PARK - COOPERATIVE PROJECT – (CR-03)
O.B. CARTER PARK, LLC

Charles King, 105 North Victoria Park Road, pointed out that this park was just recently renovated. A majority of those present at the District II meeting opposed this item. Mayor Seiler confirmed for him that the City’s \$1.5 million match is capped. Mr. King suggested the City, instead, purchase property to develop as an additional park. A park in South Middle River might be a better idea as there are youth-related issues in the area. He discussed the rise in crime statistics in the city. In addition to outdoor activities, he thought focus should be placed on schools. He opposed the item.

Motion made by Commissioner DuBose and seconded by Commissioner Roberts to approve item as presented.

The City Manager clarified that this item will be appropriated from Fund 345 – 2011 Special Obligation Bond, Series A. Vice Mayor Rodstrom questioned whether it will be brought back on May 15. The City Manager explained that staff will bring back the entire budget amendment with all recommended adjustments to the existing CIP funds. Vice Mayor Rodstrom reiterated her discomfort with how this item was presented, piecemeal and changes on the dais.

Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner DuBose, and Mayor Seiler. NAYS: Vice Mayor Rodstrom.

RESOLUTIONS

SITE PLAN AMENDMENT - JUST INK - CASE 82-R-11 (R-01)
RETAIL USE WITH TATTOO ARTIST

No budgetary impacts.

Applicant: Just Ink - THOR Transwestern Beach Place
Location: 17 South Fort Lauderdale Beach Boulevard.
Zoning: Planned Resort PRD
Future Land Use: Central Beach Regional Activity Center C-RAC

Recommend: Recommend introducing resolution for approval.

Exhibit: Commission Agenda Report 12-0839

The Commission announced with whom he or she had spoken with and/or site visit(s) made concerning this matter; Commissioner Roberts noted that the disclosures were the same as those indicated on prior consideration.

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

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, recalled that a majority opposed this item at a Central Beach Alliance (CBA) meeting. If approved, this will be precedent setting. He elaborated upon the number of beach area t-shirt stores and the possibility of a Ron Jon t-shirt shop being placed at the north end of D.C. Alexander Park. He felt that t-shirt stores and tattoo parlors are of a similar caliber. Mayor Seiler asked him to focus his comments on this item. Mr. Seitz preferred beach area businesses similar to those in Bal Harbour. He urged the Commission not to approve this item.

Fred Carlson, 625 Orton Avenue, indicated that he and the president of the CBA (Central Beach Alliance), agree with the conditions suggested by Mayor Seiler at the April 17, 2012 Regular Commission Meeting, as that compromise will stop the proliferation of tattoo parlors in the beach area. The conditions will be presented to CBA members at their next meeting.

Roy Smith, representing the Applicant, noted the Applicant's request for a reuse. Approximately 30 percent of the Applicant's business is tattooing. The concern that approval of this item could result in five tattoo parlors being located on the first floor of Beach Place would be possible; however, he did not think that would be practical. He pointed out correspondence from Thor Equities, the owner of Beach Place, (Exhibit 2 of Commission Agenda Report 12-0839) indicating that the Applicant will be the only tattoo business allowed at the property. He elaborated upon some fourteen prohibited uses for the Beach Place property that does not include tattoo artists. Being that the Planning and Zoning Board and DRC (Development Review Committee) granted approval, the Applicant has entered into a two-year lease with Beach Place. The proposed tattoo parlor is located on the second floor which is not visible from A-1-A. There is no flashing sign, only a sign reflecting the name of the business, "Just Ink". The Applicant is willing to cooperate. In terms of proliferation, he did not find it probable that another party would put forth a similar effort to seek an approval from the City as this has been an eight-month process.

Brandy Scott, Lauderhill resident and tattoo artist for the Applicant, elaborated upon her education and work history. She acknowledged the stigma related to tattoo parlors; but, there is a distinction between those and this proposed studio. Whereas tattoo parlors typically draw a young clientele and have unlicensed and inexperienced artists; the Applicant will utilize licensed and experienced fine artists. She noted that there are a lot of professionals in their customer base. She thought the Applicant will offer an element of quality in terms of high-end art and commensurate pricing.

Shaliza Kadir, resident of Miramar and apprentice for the Applicant, summarized her written statement on this topic which is attached to these minutes.

There being no other individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Rodstrom and seconded by Commissioner Roberts to close the public

hearing. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

In response to Commissioner Rogers, the City Attorney advised that this item is a Site Plan Level IV review which involves neighborhood compatibility issues. This is an approval based on the proposed conditions that there is no signage on the street and that it be an interior location. The only precedent that would be set is that another tattoo parlor with no signage on the street and an interior location could be allowed. A t-shirt shop or any business with frontage on the street, could not convert to a tattoo parlor. Commissioner Rogers pointed out that this zoning district, PRD (Planned Resort Development), is supposed to cater to tourists. As such, he questioned how the proposed use will impact tourism. He questioned how any business could be operated without signage indicating the nature of the business. Mayor Seiler explained that the Applicant can have interior signs within Beach Place, but not on the street. Commissioner Rogers pointed out the letter from the property manager, Thor Equities (Exhibit 2 to Commission Agenda Report 12-0839), indicates that they will approve signage that does not include the word, "tattoo". Mr. Smith advised that the storefront signage is "Just Ink" only. Despite the visibility stipulations, Mr. Smith indicated that the Applicant desires the Beach Place location because of the traffic.

Commissioner Roberts was satisfied that the concern about proliferation has been addressed; and the Planning and Zoning Board, DRC, and area residents have expressed support.

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to approve the item subject to the conditions that there be no external signage posted on A-1-A; that the shop be situated in an interior location with no store frontage on A-1-A; and other recommended conditions (by Planning and Zoning Board).

Vice Mayor Rodstrom was concerned about proliferation throughout the entire beach area. In response to her inquiry, Greg Brewton, Sustainable Development Director, believed that the Galt Ocean Mile shops are predominantly zoned CB (Community Business) with some B-1 (Boulevard Business). B-1 allows tattoo parlors.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN TO PERMIT A TATTOO ARTIST USE ASSOCIATED WITH A RETAIL SALES USE AT A PROPERTY LOCATED AT 17 SOUTH FORT LAUDERDALE BEACH BOULEVARD, FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

Which resolution, as amended and noted above, was read by title only. Roll called showed: YEAS: Commissioner Roberts, Commissioner DuBose, and Mayor Seiler. NAYS: Commissioner Rogers and Vice Mayor Rodstrom

In response to Mayor Seiler, Mr. Brewton explained that there will not be another public hearing for this item. Staff will include conditions before final DRC approval. Mr. Smith and Mr. Brewton confirmed their understanding of the conditions.

SITE PLAN AMENDMENT - NEW RIVER VILLAGE PHASE III - CASE 69-R-11 (R-02)
ADDITIONAL RESIDENTIAL UNITS

No budgetary impact.

Applicant: New River Village Associates, LTD.
Location: 501 SE 5 Avenue
Zoning: Regional Activity Center-City Center RAC-CC
Future Land Use: Downtown D-RAC
Recommend: Recommend introducing resolution for approval.

Exhibit: Commission Agenda Report 12-0802

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.

Jordana Jarjura, representing the Applicant, recalled that, at the December 20, 2011, Regular Commission meeting, the Commission allocated 195 residential units from the Downtown RAC (Regional Activity Center), in conjunction with approval of the Applicant's site plan amendment for a 17-story residential tower with 2,245 square feet of restaurant space on the ground floor. She went on to highlight points in the narrative submitted on behalf of the Applicant and set forth in Exhibit 1 of Commission Agenda Report 12-0802, which is attached to these minutes. She presented slides, including a sketch of the site and a chart, entitled Development Comparison, comparing this development (Phase III) from 1999 to present, as well as to Phases I and II, which are attached to these minutes. She also submitted the December 20 minutes to be made part of the record. Since 2011, the only change is the mix of units which necessitates approval for 14 additional units. There are no dimensional changes except for more balconies to the east to reflect the increase in one-bedroom units.

In response to Mayor Seiler, Ms. Jarjura went into more detail about previous phases. The project became smaller with each of the (prior) amendments. Phase III has 243 exclusive-use parking spaces, 24-hours a day; and a pedestrian bridge was approved that connects Phase III to the Broward County parking garage. In addition, Phase III has exclusive use of the entire garage on nights and weekends, except for 165 spaces used by the County for police vehicles. Phase III leases approximately 100 spaces to Phase II for nights and weekends. There are just over 2,000 total spaces in the garage. Furthermore, the County granted conceptual approval to add two floors to the garage which will be in effect for four years for the Applicant to pursue. In further response to Mayor Seiler, she indicated that parking assignments have not been fully planned; but, likely the 243 spaces would be utilized exclusively by residents 24 hours a day, and guests could park in the remaining spaces on evenings and weekends. She explained to Commissioner Rogers that the County has exclusive use of the garage during the

day, except for the 243 spaces. During the courthouse construction, the County has a sub-license agreement for 165 spaces from the 243 spaces, which will terminate eighteen months from August, 2011.

Commissioner Rogers indicated that the primary objection he hears is that Phase II has inadequate parking and the proposed includes 243 more parking spaces that Phase II cannot use. Discussion ensued between him and Ms. Jarjura about Phase II's accessibility to the 100 leased parking spaces. Ms. Jarjura detailed the litigation history of the various phases. There is a settlement agreement between Phase II and the Applicant wherein Phase II agrees to support the Applicant in its development and expansion of the garage. Phase II should not have a problem with this phase. The 243 spaces have never been designated for use by any development other than this phase (III). She elaborated upon a matter involving Phase III taking over lease payments for 47 spaces in 2008 from Phase I. Phase II never had any parking spaces in the garage, and was made aware of that when the property was purchased; furthermore, that parking issue is not related to this project. Although Phase II was approved by a prior commission, Commissioner Rogers wanted to address today's issues. He asked whether the County opening the parking garage on Andrews Avenue will free any of these spaces. He thought the Phase II parking issue is worse at night. Ms. Jarjura remarked that Phase II can lease more spaces at night from the Applicant. It is a County garage and there is a parking availability issue during the day; parking is available at night, but for a cost.

In further response to Commissioner Rogers, Ms. Jarjura explained that, when the decision was made to develop the property in 1994, an archaeological study was performed. There were 117 test sites throughout all three phases, not including Smoker Park. The study found that there is nothing of archaeological or historical significance. The County recommended, but did not require, that an archaeologist be on-site during construction. Crews will be informed to stop work immediately if skeletal material of any sort appears. However, if there was any archaeologically significant matter, it likely would have been discovered when the property was originally excavated in 1998-1999. She submitted the archaeological assessment report which was made part of the record. The consultant summary on page one is attached to these minutes.

In further response to Commissioner Rogers, Ms. Jarjura indicated that, in terms of Smoker Park and Riverwalk, all of requirements in the settlement agreement have been met. The park easement agreement that involves the City, County, and the Applicant, gives the City perpetual use of Smoker Park from sunrise to sunset, and indicates that the City can make improvements to the park consistent with a public park without the approval of any of the three phases. Smoker Park is part of, both, Phase I and Phase II's legal description, but is under the purview of all three phases; however, any improvements that the County or Applicant wish to do, must be approved by the City. Further, all three phases would have to split the cost of improvements on a pro-rata basis, based upon their lease payment; so, it would have to be a mutual decision. She has met with the property managers of the other phases as to improvements to the common areas. Commissioner Rogers asked whether there is an agreement regarding Smoker Park improvements between the three phases. Ms. Jarjura indicated that there are several agreements, including a master declaration that addresses costs. There is a pro-rata split between the three phases, based on the percentage of the lease. In response to Mayor Seiler's inquiry as to whether a unanimous vote would be required, she indicated that board with representatives from all three phases would need to be

established and a voting ratio likely commensurate with the building size. Until that time, Mayor Seiler inquired as to what can be done with Smoker Park. Ms. Jarjura explained that Smoker Park's maintenance is being handled by a property management company. She understood that City staff was told that the property management company is not maintaining the park. She supplied the Parks and Recreation Department a copy of the landscaping contract and insurance policy. Apparently, the park was being doubly maintained by the City, but this will now cease. City staff determined that a higher level of service than required under the park easement agreement is being provided. The property manager was cutting the grass once a week but, it is only required ten to twelve times a year. The property management company receives compensation from all three phases. It also has reserves for landscaping improvements. Perhaps money saved from mowing the park could be used for more landscaping of the other common areas.

In response to Commissioner Rogers' inquiry as to whether there will be any safety issues during construction that will require the park to be shut down, Ms. Jarjura indicated that this level of planning has not been reached; but, she believed the Applicant will be required to have a construction plan approved by the City. In further response, she believed the fence is on the property line so the floor plate will be slightly smaller. The 60 foot setback extends from the New River and setbacks from other directions are 10.5 feet, 2.10 feet and 8.25 feet. The setback dimensions on the east side, between Smoker Park and the building, vary, being 10.5 feet on the northern end and 3 feet on the southern end. On the northern corner of the ground floor will be a 2,200 square foot restaurant. There is no retail on the ground floor, only uses for the building. Only the interior has been re-designed since December 20. The different units will be on floors three through seventeen.

Mayor Seiler opened the floor for public comment.

Keith May, Las Olas By The River Association (Phase I), did not intend to dispute the outcome of the December 20 meeting; however, Phase I was not properly represented due to their property manager's illness. He indicated that the Las Olas By The River (condominium) is primarily occupied by non-residents, and their goal is to have more owner-occupied units. He opposed this amendment because it will increase density. There are concerns regarding parking, green space and contamination of the New River; however, the primary concern is that rental prices and property values are being damaged due to an oversupply of units. Mayor Seiler pointed out that the proposed has sixty less units than the 263 that were originally approved. Mr. May understood it was to be a condominium and now he understood it to be totally leased. The City Attorney explained that the City cannot differentiate between condominium and rental. As for the Applicant's request for 14 additional units, historically, the City has not employed any criteria, other than a first come, first served basis, for this type of allocation. The units are available. Mayor Seiler referred to a 2001 settlement agreement. The City cannot impact whether the project is rental or owner-occupied. He noted that the 1999 and 2008 plans were both approved by a prior commission, and went on to compare elements of the plans using the backup. He believed the City's hands are somewhat tied in that all aspects of the project have been reduced from what was approved in the settlement agreement.

Mr. May also expressed concern about the park easements to the river. It appears the footprint of the proposed project will not damage Phase I's park easement. But, there is concern about plans to place large amounts of gravel on Smoker Park for events and additional pathways. Things of this nature are shown in the Riverwalk plan on the website. There is concern about the green space in Smoker Park being compromised. Commissioner Rogers did not think this would present an issue as efforts have been made to address that concern. Once construction is complete, there are plans to improve Smoker Park. Furthermore, he thought the Applicant will want to have a nice backyard.

As for responsibility of maintaining the park, Mr. May explained to Mayor Seiler that their non-resident board of directors delegated that authority to their property manager however, he did not believe the property manager has shared this information with the I owners. He elaborated upon the difficult matter of communicating because of the out-of-state owners.

Lenny Steinbaum, 347 New River Drive East, opposed the item because it will add more units to an overdeveloped area. He questioned why these 14 units were not included by the Applicant when this was brought forward in December, 2011. Furthermore, the Applicant did not inform the City in December, 2011, about the possibility of Seminole artifacts at this site. He knows of two archaeologists who believe there are more significant artifacts to be found. Therefore, he thought experts should review the archaeological assessment before moving forward. In response to Commissioner Rogers, he indicated that he lives in the Watergarden Condominium. Commissioner Rogers stressed that the die has been cast. Moreover this project is less intensive than was allowed by the zoning; presently, the objective is to make for the best possible outcome. Mr. Steinbaum thought the City should revisit the zoning provision that does not require any parking. Discussion ensued between him and Commissioner Rogers about the element of motivating residents to utilize public transportation. In response to concerns raised by Mr. Steinbaum regarding Smoker Park's current size of two acres as opposed to the four-acre description in the 99-year lease and whether the Applicant will seek to use park space to build another parking garage, Commissioner Rogers drew attention to this Commission's focus on preservation of park space. He noted some nine or ten new parks have been opened in the past three years.

Charles King, 105 North Victoria Park Road, indicated that he owns property in Flagler Village; and, there has been an influx of low-income high-rise buildings in that area recently. He questioned whether the County enforces an affordable housing quota on the City. He suggested mixing low-income and high-income units which is done in New York City. Mayor Seiler indicated that the future of affordable housing will be addressed when the City's affordable housing inventory is completed. It is currently being reviewed.

Jacqueline Incledon, 520 SE 5 Avenue (Phase I), asked about the setback from the street to the building. She expressed concern about traffic issues in the garage, and questioned whether there was proper planning. Mayor Seiler elaborated upon litigation that was settled involving the New River Village developers and the City. Being that parking is not a zoning condition in this area, the City cannot regulate it. There was a prior commission in office when this matter was settled and this Commission's hands are tied because the size and scope of the proposed structure have been reduced from what the developers were allowed to do under the settlement agreement. Ms. Incledon noted

that her question about the setback stems from concern about visibility of oncoming vehicles. She contended that Smoker Park is not being properly maintained. Ms. Jarjura estimated that the setback from the street to the building is approximately 18 feet and 32 feet in another area. Ms. Incledon did not think 18 feet is an adequate setback for a 17-story building. She felt this matter should be revisited.

Peter Incledon, 520 SE 5 Avenue (Phase I), indicated that parking and traffic are significant problems in this area. He felt parking should be required because there is no mass transit and there are a large number of people who have vehicles. Discussion ensued between him and Mayor Seiler about the zoning not requiring parking. Greg Brewton, Sustainable Development Director, explained the history around this zoning provision for the downtown. It was to encourage development. There was a downtown parking garage and other off-street parking. Mr. Incledon thought this will be an ongoing problem. Going forward, adequate parking should be considered. He also had concerns about the lack of notice by their management company. In response to Mr. Incledon, Mayor Seiler noted that Smoker Park will be preserved under the settlement agreement; but, he was concerned about the maintenance issue. Mr. Incledon contended that the park is not being properly maintained. Mayor Seiler gave assurance that there will be a follow-up as to maintenance. In response to Mayor Seiler, Phil Thornburg, Parks and Recreation Director, explained that staff performs maintenance in Smoker Park from time to time, on a supplemental basis. The developer's maintenance company indicated that services are performed once a week, but he could not verify that frequency. However, there is not a great deal of maintenance done because the park is considered a conservation or natural area. Mayor Seiler requested an update on this matter. Ms. Jarjura offered to provide the property management company's landscaping contract.

Robert Walsh, 401 East Las Olas Boulevard, expressed support of this item because it will create jobs and help with the economy. He felt confident in this developer's ability. He did not see any harm in a mix of low-income units.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Rogers and seconded by Commissioner Roberts to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Commissioner Rogers introduced the following resolution which was corrected to indicate seventeen stories (There is no numbered thirteenth floor):

RESOLUTION NO. 12-82

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR A 17 STORY RESIDENTIAL DEVELOPMENT THAT INCLUDED THE ALLOCATION OF POST 2003 DWELLING UNITS LOCATED ON THE SOUTH SIDE OF THE NEW RIVER BETWEEN S.E. 5TH AVENUE AND SMOKER PARK, FORT LAUDERDALE, FLORIDA IN AN RAC-CC ZONING DISTRICT.

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

Mayor Seiler wanted the maintenance issue for Smoker Park to be better coordinated. He asked Ms. Jarjura to schedule a meeting that includes the property management companies and Commissioner Rogers.

BOARD AND COMMITTEE APPOINTMENTS

(R-03)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0796

In response to Mayor Seiler, the City Attorney advised that Eugene Pettis is not a lobbyist, but performs work for the City; and W. George Allen is not a lobbyist, and does not work for the City. Mayor Seiler recommended either Mr. Allen or Mr. Pettis for the consensus appointment. Although he felt both are worthy candidates, Commissioner Rogers recalled that the Commission previously addressed not appointing individuals who work for the City. Vice Mayor Rodstrom elaborated upon other possible attorney recommendations, and expressed reservations about appointing someone who does legal work for the City. Mayor Seiler elaborated upon Mr. Pettis' credentials and statewide connection. Commissioner Rogers agreed. Mayor Seiler decided to appoint Mr. Pettis.. There was consensus approval to appoint Mr. Allen. Mayor Seiler noted Mr. Allen's strong record of service in the county. The City Attorney advised that a waiver must be in place for Mr. Pettis to serve on a board because of his contractual relationship with the City. Mayor Seiler confirmed that Mr. Pettis' appointment is subject to a waiver.

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

Board of Adjustment	Diana Waterous Centorino (Consensus) Karl Shallenberger (Consensus)
City Attorney Search Committee	Eugene Keith Pettis (Mayor Seiler) – waiver granted Sharon P. Miller (Vice Mayor Rodstrom) Rochelle Golub (Commissioner Roberts) Gregory Durden (Commissioner DuBose) Andrew S. Maurodis (Commissioner Rogers) W. George Allen (Consensus)
Community Appearance Board	Pamelia Harris (Commissioner DuBose)
Education Advisory Board	Tricia Halliday (Vice Mayor Rodstrom)
Historic Preservation Board	Mary-Jane Bowen Graff (Commissioner Roberts)

Housing Authority,
Board of Commissioners,
City of Fort Lauderdale

Maria Freeman (Mayor Seiler)

Northwest Progresso-Flagler Heights
Redevelopment Board

Steve Lucas (Mayor Seiler)
Richard D. Powers (Commissioner Roberts)
John P. Wilkes (Commissioner Rogers)

Planning and Zoning Board

Michael Ferber (Vice Mayor Rodstrom)
Peter Witschen (Commissioner Roberts)
Stephanie Jean (Commissioner DuBose)

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-83

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: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

CITIZEN PRESENTATIONS

DENNIS ULMER – REMEMBERING MEMORIAL DAY

(CIT-01)

Mr. Ulmer provided a historic background of the origins of Memorial Day. He noted that the rights set forth in the Declaration of Independence and the U.S. Constitution have been maintained because of the brave soldiers who fought for them. He invited the public to attend a Memorial Day service at Lauderdale Memorial Park Cemetery. He urged the public to remember the sacrifices made by those who gave their lives to preserve our freedom. Mayor Seiler announced other local Memorial Day services.

CARL JR. GRANT - PETITION FOR EMINENT DOMAIN HOSTILE TAKEOVER AND OVERAGE BUYOUT FOR MIXED USE PROJECT

(CIT-02)

Mr. Grant intended to present a citizens petition for the City Commission to consider approval for eminent domain and rezoning for a pre-construction, mixed-use luxury affordable housing development. He expressed desire to develop a working relationship with the City and the Planning and Zoning Board. He felt the City's affordable housing is substandard, and there is too little. Mayor Seiler believed that the Commission does not have the public purpose for this proposal as the State's eminent domain laws were substantially changed a few years ago. He advised Mr. Grant to direct his questions

about petitions to the City Clerk.

**ART SEITZ - A-1-A GREENWAY, BEACH AND CONNECTING DOWNTOWN (CIT-03)
TO BEACH**

Mr. Seitz was pleased that pedestrian-friendly and bicycle-friendly issues were addressed at the Commission's Goals, Objectives, and Priorities Workshop. He agreed with the idea of renovating the south side of Riverwalk and suggested the renovations be split to include 25 percent on the north side; 25 percent on the south side; 25 percent on A-1-A; and 25 percent on the Intracoastal. He elaborated upon an RFP recently issued by the Miami Beach Convention Center which received eight bids, and suggested the City issue another RFP for the (Aquatic Complex). He remarked on a design competition in St. Petersburg for pier renovations. Debate ensued between him and Mayor Seiler about the bid amount that was received for the (Aquatic Complex).

DAVID CARRUOZZO - FORT LAUDERDALE ROAD CONDITIONS (CIT-04)

Mr. Carruozzo recalled contacting the Distribution and Collection Supervisor Keith Hutchison, last November to request a repair of road damage on SW 17 Street caused by City employees who repaired a water main, but failed to compact the ground before covering it with asphalt. He presented a photograph of a recently completed repair on SW 17 Street at SW 3 Avenue. A copy of the photograph is attached to these minutes. The Distribution and Collection Supervisor advised him that this matter would be resolved. He elaborated upon communications he has made from January to present with City staff and Commissioner Rogers' office concerning this issue. During a more recent communication, the Distribution and Collection Supervisor told him that this issue will be taken care of when time is available due to other priorities. He presented a photograph of a patch near the road's edge that is already sinking, although the repair was just done in April. A copy of the photograph is attached to these minutes. Furthermore, the manholes are not being brought up to grade by the City's repaving contractors. When sewers were built in the Edgewood neighborhood, he tried to get this corrected to no avail. Mayor Seiler asked staff to follow up. Vice Mayor Rodstrom also surmised from the photographs that the asphalt edge intrudes into the swale.

PUBLIC HEARINGS

RELIEF FROM PARKING, FENCE AND SETBACK REQUIREMENTS (PH-01)
FOR PUBLIC PURPOSE USE - SUNSET MEMORIAL GARDENS –
3201 NW 19 STREET - CASE 24-R-12

No budgetary impacts.

Applicant: City of Fort Lauderdale
Address: 3201 NW 19th Street
Zoning: Community Facility CF
Future Land Use: Community Facility CF

Recommend: Open hearing, close hearing, introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0803

The Commission announced the disclosures were the same as those indicated on first reading.

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Rogers and seconded by Commissioner DuBose to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING REPLACEMENT OF AN EXISTING FENCE AT SUNSET MEMORIAL GARDENS AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE FENCE, SETBACK AND STREET INTERSECTION RIGHT-OF-WAY CHORD REQUIREMENTS IN A CF ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS ALL OF THE PLAT OF "SUNSET MEMORIAL GARDENS" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 55, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHWEST INTERSECTION OF NORTHWEST 31ST AVENUE AND NORTHWEST 19TH STREET; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

**RELIEF FROM WALL AND SETBACK REQUIREMENTS FOR PUBLIC PURPOSE USE - COOLEY'S LANDING PARK - 450 COOLEY AVENUE – (PH-02)
CASE 21-R-12**

No budgetary impact

Applicant: City of Fort Lauderdale
Location: 450 Cooley Avenue

Zoning: Parks, Recreation and Open Space P
Future Land Use Designation: Park-Open Space

Recommend: Open hearing, close hearing, introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0835

The Commission announced the disclosures were the same as those indicated on first reading.

There being no individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Rodstrom and seconded by Commissioner Roberts to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Commissioner Rogers introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A MAINTENANCE BUILDING AT AN EXISTING PARK AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE SETBACK AND WALL REQUIREMENTS IN A PARK (P) ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS A PORTION OF LOTS 3,4, 5 AND 17, BLOCK 32, "L. H. BRYAN'S SUBDIVISION OF BLOCK 32, FORT LAUDERDALE, FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 78, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND A PORTION OF THE UNNUMBERED PARCEL LYING SOUTH OF BLOCK 32 AND EAST OF BLOCK 34, "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, LOCATED NORTH OF THE NEW RIVER, SOUTHWEST OF THE W.H. MARSHALL BRIDGE AND EAST OF SOUTHWEST 7TH AVENUE AND COMMONLY KNOWN AS THE COOLEY'S LANDING BOAT RAMPS; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

SUBSTANTIAL AMENDMENT TO ANNUAL ACTION PLAN - \$50,922 (PH-03)
EMERGENCY SOLUTIONS GRANT STRATEGY

No budgetary impact at this time.

Submittal of substantial amendment to 2012 Annual Action Plan of 2010-2015 Consolidated Plan – Emergency Solutions Grant Strategy (formerly Emergency Shelter Grant Program) to U.S. Department of Housing and Urban Development and authorization to issue request for proposals.

Recommend: Open hearing, close hearing, motion to approve.

Exhibit: Commission Agenda Report 12-0722

There being no individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Rodstrom and seconded by Commissioner Rogers to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Rogers to approve item as presented: 1) Emergency Solutions Grant amendment; 2) issuance of an RFP and 3) execution of documents. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

ORDINANCES

CODE AMENDMENT - CHAPTER 16, ARTICLE IV (O-01)
PROHIBITION OF AGGRESSIVE PANHANDLING, BEGGING OR SOLICITATION

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0837

Commissioner Roberts introduced the following ordinance, as amended, to take effect 15 days after the adoption date, on SECOND reading:

ORDINANCE NO. C-12-10

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE IV,
OF THE CODE OF ORDINANCES OF THE CITY OF

FORT LAUDERDALE, FLORIDA, PROVIDING FOR PROHIBITION OF BEGGING, PANHANDLING OR SOLICITING ON CERTAIN DESIGNATED PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; AND FURTHER PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Seiler opened the floor for public comment.

Mertella Burris, noted her credentials as the supervising attorney for the Homeless Project, Broward County Legal Aid Services. She felt this ordinance is overly broad in some areas. She elaborated upon some effective measures taken by Broward County and the City to alleviate homelessness, and recalled the City's consideration of alternative feeding sites. She noted that in the last year Broward County brought in over \$500,000 in retroactive benefits for the homeless by helping them to obtain, both, disability and SSI (Social Security Disability Insurance) benefits; however, the monthly benefit amount is not enough to afford housing in Broward County. She noted possible cuts to the County's homeless program budget.

Reverend Gail Tapscott, Unitarian Universalist Church of Fort Lauderdale, objected to the panhandling signage itself as it implies there are great services available for homeless individuals that do not panhandle. It is not true. The City and Broward County have inadequate provisions for the homeless. She mentioned that there are numerous scriptures urging people to help those with the least. Historically, she felt local elected officials have portrayed the homeless issue as smaller than it is, and it has only worsened over time. The money spent on signage to ask people not to help could actually be used to help. This city has a high cost of living and low wages. She opposed this item.

Mara Shlackman, 2100 South Ocean Drive, noted her credentials as the vice president of the South Florida Chapter of the National Lawyers Guild (NLG), as well as her experience working with the homeless. She listed the following individuals who have expressed support of the statement submitted on behalf of the NLG on first reading of this ordinance (April 17, 2012): Laura Hansen, CEO of Coalition to End Homelessness; Reverend Kathleen Bishop, Network of Spiritual Progressives; Sean Cononie, Founder of The Homeless Voice; Pastor Renwick Bell, Church of Our Savior (Boynton Beach); Art Kane, Director of Pax Christi at St. Maurice Catholic Church (Dania Beach); Father Roy Bourgeois, Founder of School of the Americas Watch; Ray Del Papa, Director of School of the Americas Watch South Florida; and Frank Hernandez, Director of Development at LifeNet4Families, The Cooperative Feeding Program

Ray Del Papa noted his affiliations with Pax Christi, St. Maurice Catholic Church and School of the Americas Watch; as well as his membership in the National Lawyers Guild. He elaborated upon references to the collecting of alms in various world religions and social justice issues addressed in Christianity. He urged the Commission to reconsider this ordinance.

Nathan Pim, Hollywood resident and member of Food Not Bombs, thanked those who have supported opposition to ordinances like this. He noted that today is International Workers' Day that opposes government taking from the people it is supposed to help. He elaborated upon a personal experience that he felt was caused by a desire for law

enforcement to instill fear in people who protect the homeless.

Monique Everhart, 1041 NE 16 Terrace, read a poem.

Jeff Weinberger, Plantation resident, felt the economic system in place creates homelessness. Now banks are paid for their failures and greed and working class families are kicked out of their homes though they have done nothing wrong. The City is trying to make it even harder for people to ask for help. He elaborated upon communications related to homelessness in America and Florida from the United Nations and the National Coalition for the Homeless. He urged the Commission to reconsider this ordinance.

Haylee Becker, Food Not Bombs, contended that the City has endeavored to criminalize poverty. She felt this ordinance will worsen the outlook for the homeless and reduce their opportunity to obtain employment. In response to Ms. Becker, Mayor Seiler indicated that the Commissioner recently adopted an ordinance that expands services provided by the Homeless Assistance Center (HAC). She asked the Commission to reconsider this ordinance.

Anthony Naughton, member of Occupy Fort Lauderdale, supported provision of a hand up to people in need, not a hand out. However, he felt this ordinance criminalizes homelessness. He read scriptures from the Bible. He thought funding for the air show would have been better spent helping residents such as a mental health facility instead of corporate advertising.

Robert Walsh, 401 East Las Olas Boulevard, pointed out that there are available jobs in the city. He stressed the value in hard work. He urged the homeless to try to better themselves. He contended that the City and Broward County do more for the homeless than almost any other locality in the country.

Charles King, 105 North Victoria Park Road, indicated that the purpose of this ordinance is to get people off the streets. Being that feeding services are provided to the City's homeless, he contended that money given to panhandlers is only utilized for drugs, alcohol and cigarettes. There are homeless who do not want help. This ordinance will help them face reality. He pointed out that a majority supports this item.

There was no one else wishing to speak.

Mayor Seiler suggested that the ordinance be amended to take effect 15 days after the adoption date.

Commissioner Rogers indicated that he has attended several meetings on this topic, including a Hope South Florida board member. The objective is to address the homeless issue, including feeding sites, social services and expansion of the HAC. He thought this ordinance will have a positive impact. He did not think that government is the solution, but the community wants the City to take a leadership role in this matter. He invited the public to make suggestions and offered to report back periodically.

Vice Mayor Rodstrom felt everyone agrees that homelessness is not a crime. Rather, this ordinance deals with aggressive panhandling and is, therefore, not solely focused on homeless people. The City strives to provide services to people in need. She

emphasized her open door policy to help people regardless of the office she holds. She stressed her sensitivity to the needs of the homeless, and her advocacy to help them back on track and find employment.

Commissioner DuBose agreed that this ordinance is about aggressive panhandling. As for homelessness, it is a difficult issue that this Commission has struggled with. It is also a county, state and federal matter. All jurisdictions need to come to the table. The City has worked closely with the faith-based and business communities to address this matter. This ordinance is not to attack the homeless. Everyone in the city has basic rights, and it is the job of elected officials to ensure that no one's rights are not infringed upon. He emphasized his concern for the homeless which is shared by the entire Commission.

Mayor Seiler indicated that the Commission has endeavored to provide some relief to the homeless, and will continue to provide additional services and resources. The Commission understands that homelessness is not a crime. But, numerous individuals have demanded relief in order to utilize the City's parks. The Commission has recognized their entitlement to relief. This ordinance is not about being homeless; rather, it is about illegal, unlawful and improper activity and conduct by anyone that impacts the lives of others. It is not about the actor; it is about the activity. It is not about the individual but about their conduct. A law-abiding homeless individual will not be disturbed in this city.

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

**ECONOMIC DEVELOPMENT ADVISORY BOARD - ADDITIONAL DUTIES (O-02)
CULTURAL ARTS AND TOURISM**

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0822

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-11

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-92-61 CREATING THE ECONOMIC DEVELOPMENT ADVISORY BOARD, AS AMENDED, TO CHANGE THE PURPOSE AND DUTIES OF THE BOARD, TO REFLECT UPDATES TO THE CITY'S ADMINISTRATIVE STRUCTURE, TO ELIMINATE GENDER-SPECIFIC TERMINOLOGY; CLARIFYING CERTAIN PROVISIONS; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND AN

EFFECTIVE DATE.

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

CODE AMENDMENT - CHAPTER 19, PARKS AND RECREATION (O-03)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0784

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-15

AN ORDINANCE AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 19, PARKS AND RECREATION, BY AMENDING ARTICLE I, IN GENERAL, SECTION 19-1, USE OF PUBLIC PARKS, SECTION 19-2, PRIVATE CONCESSIONS PROHIBITED; EXCEPTIONS, SECTION 19-3, AUTHORITY TO ESTABLISH PARK AND RECREATIONAL USER FEES, SECTION 19-4, SWIMMING HALL OF FAME OLYMPIC POOL COMPLEX-AUTHORITY TO LEASE AND SECTION 19-5, SAME – AUTHORITY TO CONTRACT FOR CONCESSION RIGHTS; AMENDING ARTICLE II, PARKS, RECREATION AND BEACHES BOARD, SECTION 19-32, POWERS AND DUTIES; AMENDING ARTICLE III, FACILITY RULES, SECTION 19-51, PERMIT TO USE CITY FACILITIES FOR PRIVATE INSTRUCTION AND SECTION 19-53, TENNIS FACILITIES; AND AMENDING ARTICLE IV, LOCKHART AND FORT LAUDERDALE (YANKEE STADIUMS), DIVISION 2, FACILITY RULES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

CODE AMENDMENT - CHAPTER 15, ARTICLE V-OUTDOOR EVENTS-BUSINESS TAX RECEIPTS - MISCELLANEOUS BUSINESS REGULATIONS (O-04)

No budgetary impact.

Recommend: Introduce ordinance on second reading.
Exhibit: Commission Agenda Report 12-0783

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 15-181, 15-182, 15-183, and 15-184 OF ARTICLE V, ENTITLED "OUTDOOR EVENTS", OF CHAPTER 15 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS", PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

CODE AMENDMENT - CHAPTER 8, ARTICLE III - BOATS, DOCKS, BEACHES AND WATERWAYS- PUBLIC BEACHES (O-05)

No budgetary impact.

Recommend: Introduce ordinance on second reading.
Exhibit: Commission Agenda Report 12-0782

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-13

AN ORDINANCE AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 8, BOATS, DOCKS, BEACHES AND WATERWAYS BY AMENDING ARTICLE III, PUBLIC BEACHES, SECTION 8-54, TEMPORARY CONCESSIONS FOR SPECIAL EVENTS, SECTION 8-55.1, RECREATION CONCESSIONS, CREATING A NEW SECTION 8-55.3 RECREATIONAL PROGRAMS/SERVICES, AMENDING SECTION 8-76, PET CONTROL, AMENDING SECTION 8-85, ALCOHOLIC BEVERAGES PROHIBITED; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Seiler. NAYS: None.

CODE AMENDMENT - CHAPTER 5, SECTION 5-3 - CONSUMPTION, POSSESSION IN BEACH AREA - SALE OF ALCOHOLIC BEVERAGES AT SPECIAL EVENTS (O-06)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0781

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 5-3 OF ARTICLE I, ENTITLED "IN GENERAL", OF CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGES", PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Note: The City Commission adjourned the regular meeting at 10:02 p.m. and returned to the conference meeting agenda, item I-G, at 10:02 p.m. and then convened as the Community Redevelopment Agency Board of Directors at 11:01 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk