

City of Fort Lauderdale

City Hall
100 N. Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes - DRAFT

Tuesday, January 8, 2013

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
HARRY A. STEWART, City Attorney

Meeting was called to order at 6:07 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

Vote Roll Call Order for this Meeting

Vice Mayor Roberts, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler

Invocation

Pastor Mark Caldwell, First United Methodist Church

Pledge of Allegiance

Led by Marilyn Mammano, Acting President of the Council of Fort Lauderdale Civic Associations

Approval of MINUTES and Agenda

13-0053 APPROVAL OF MINUTES - October 16, 2012 Conference Meeting, November 6, 2012 Conference and Regular Meetings, and November 20, 2012 Conference Meeting and Regular Meetings

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to approve the minutes of the October 16, 2012 Conference, November 6, 2012 Conference and Regular, and November 20, 2012 Conference and Regular Meetings.

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PRESENTATIONS

PRES-3 13-0119 PROCLAMATION DESIGNATING JANUARY 11, 2013 AS HUMAN TRAFFICKING AWARENESS DAY IN THE CITY OF FORT LAUDERDALE

Commissioner DuBose presented a proclamation designating January 11, 2013, as Human Trafficking Awareness Day in the City to Adriane Reese, Chair/President of the Broward Human Trafficking Coalition. Commissioner DuBose emphasized the seriousness and far-reaching nature of this issue. He encouraged the public to take part in raising awareness. Ms. Reese indicated that many State laws have been enacted working toward change. She urged the public to educate themselves on this matter, and expressed gratitude to the Commission.

OB Presentation from State Representative Gwyndolen Clarke-Reed

Representative Clarke-Reed detailed the Fort Lauderdale precincts that she represents. She met with City staff and was informed of issues that are pertinent to the City. She noted her experience as a former Deerfield Beach city commissioner. She introduced and provided contact information for her staff members in Tallahassee and Pompano Beach, and elaborated upon the committees she has been assigned to.

PRES-1 13-0006 COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT III

Commissioner DuBose recognized Louis and Katrina Griffin who reside in Melrose Manors as the recipients of the WOW Award for District III.

PRES-2 13-0037 THE MAYOR AND CITY COMMISSION WILL ACCEPT A CHECK IN THE AMOUNT OF \$3,000 FROM PETERSON'S FUEL DELIVERY FOR FURTHERANCE OF CITY'S COMMUNITY SAILING PROGRAM

On behalf of the City Commission, Phil Thornburg, Parks and Recreation Director, accepted a \$3,000 contribution from Eric Rahn of Peterson Fuel Delivery to further the City of Fort Lauderdale's Community Youth Sailing Program. Mr. Thornburg noted that the Supervisor of Marine Facilities, Jonathan Luscomb, spearheaded this program last year. He and Mayor Seiler thanked Mr. Rahn for the contribution.

PRES-4 13-0146 THE MAYOR AND CITY COMMISSION WILL RECOGNIZE OUTSTANDING CITY EMPLOYEES

Albert Carbon, Public Works Director, presented the STAR of the month to Frank Santos, Utilities Serviceworker IV, and Ted Owens, Utilities Serviceworker IV, for their attentiveness and swift response which helped police to apprehend and identify an individual who allegedly committed assault.

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.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers that Consent Agenda Items M-1, M-2, CR-1, and PUR-8 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: AYES: Vice Mayor Roberts, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

CONSENT AGENDA**Approval of the Consent Agenda****Approve the Consent Agenda**

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-1 13-0036 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Monk's Wine & Liquor Cave 1st Year Anniversary, Las Olas Bluesfest, A Taste of the Mediterranean, A Toyland Event, Ride with Heart and Bike It for Life.

Mayor Seiler announced that the event agreements for Monk's Wine and Liquor Cave 1st Year Anniversary and Bike It for Life were removed from this item at the request of the City Manager.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the item as amended and shown above.

APPROVED AS AMENDED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-2 13-0007 CONTRACT RENEWALS - APRIL, MAY, JUNE 2013 AND ONE FROM JANUARY, FEBRUARY AND MARCH, 2013 - contingent upon respective vendor agreeing to extension

Based upon the Commission's action taken last year with regard to debris management services, the City Manager advised that Item 14, renewal for Crowder-Gulf Joint Venture, Inc., set forth in Exhibit 1 of Commission Agenda Memorandum 13-0007, needs to be removed from this item and will be rebid.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the item as amended and noted above.

APPROVED AS AMENDED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-3 12-2663 PROPERTY INSURANCE POLICY RENEWAL - \$2,163,203 - City-Owned Properties

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-4 12-2216 TASK ORDER 23 - LARGE DIAMETER PROCESS PIPE REPLACEMENT PHASE II - LOHMEYER WASTEWATER TREATMENT PLANT - CDM Smith Inc. - \$240,772 plus \$34,740.38 engineering administration fees, funds transfer and authorize City Manager to execute on behalf of City

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- M-5 13-0076** REVOCABLE LICENSE - BOB SWAYMAN - NINE PRIVATE PARKING SPACES WITHIN CANAL RIGHT OF WAY - MELROSE PARK - installation and maintenance
APPROVED
Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-6 12-2651** WARI: PRE INCA LORDS OF PERU EXHIBIT - FORT LAUDERDALE MUSEUM OF ART - CO-SPONSORSHIP - BANNERS AND POLE SIGNS - February 10, 2013 - May 19, 2013
APPROVED
Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-7 13-0123** BIORAMO, LLC - EXTENSION TO QUALIFIED TARGET INDUSTRY TAX REFUND AGREEMENT
APPROVED
Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-8 13-0073** NEW TROLLEY NEIGHBORHOOD LINK COMMUNITY BUS ROUTE - AMENDMENT TO INTERLOCAL AGREEMENT WITH BROWARD COUNTY - terminating Housing Authority's Red Route and renaming Blue Route to Neighborhood Link and increasing route length and reducing hours of service

Mayor Seiler announced that this item was removed from the agenda at the request of the City Manager.

CONSENT RESOLUTION

- CR-1 12-2644** CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2013 BUDGET – APPROPRIATION

Commissioner Rogers expressed concern that \$133,864.68 in funding is to be taken from the completed Bill Keith Park project located in District IV and utilized for three baseball fields, amenities, lighting, and a concession building at Osswald Park located in District III (Item D on page 3 of Commission Agenda Memorandum 12-2644). He noted that the estimate in PUR-8 for improvements to Southside School was too low by about 50 percent, and sidewalk improvements have been added. Although he thought the \$101,203.70 bid for the sidewalk was high, he was concerned about whether there will be adequate funds for the sidewalk. He would be pleased to add more baseball fields to Osswald Park, but sidewalks should take priority over a concession building. The City Manager explained that funds are identified and available for the Hardy Park improvements and the sidewalk is a gas tax eligible expenditure. Further, the funds would have been available for the Southside improvements if the bids had not been rejected. The bids are actually being rejected to ensure a full set of qualified bidders with none being excluded due to the lower prebid estimate.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as presented.

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- CR-2 12-2652** GRANT ACCEPTANCE - 2011 URBAN AREA SECURITY INITIATIVE - \$236,818.42 from United States Department of Homeland Security, Florida Division of Emergency Management through City of Miami - no local match required - authorize proper City Officials to execute all necessary documents

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- CR-3 13-0014** CONSTRUCTION OF U.S. CUSTOMS AND BORDER PROTECTION FACILITY AT EXECUTIVE AIRPORT - \$81,250 - Supplemental Joint Participation Agreement with Florida Department of Transportation - local match of \$20,312 - authorize City Manager to execute on behalf of City

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- CR-4 13-0016** TAXIWAY GOLF PAVEMENT REHABILITATION AT EXECUTIVE AIRPORT - \$110,000 or up to 5% of project cost - Joint Participation Agreement with Florida Department of Transportation - local match of \$10,000 - authorize City Manager to execute on behalf of City

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- CR-5 13-0022** RESCHEDULING JANUARY 15, 2013 CITY COMMISSION REGULAR AND CONFERENCE MEETINGS TO JANUARY 22, 2013

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PURCHASING AGENDA

- PUR-1 12-2479** CONTRACT FOR REGISTRATION OF VACANT, ABANDONED AND FORECLOSED PROPERTIES with Federal Property Registration Corp. - Real Property Registry and Fee Collection Program

This Commission Agenda Memorandum (12-2479) was corrected such that the reference to Ordinance 2-187 (7) in the first paragraph should read Section 2-181 (7) of the Code.

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-2 12-2514

THREE, TWO-YEAR UNIT-PRICED CONTRACTS FOR STORM DRAINAGE SERVICES with GPE Engineering & General Contractor Corp., Southeastern Engineering Contractors, Inc. and Ric-Man Construction Florida, Inc. - \$2,000,000 - authorize proper City Officials to issue individual work orders up to \$25,000

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-3 13-0008

INCREASED EXPENDITURE FOR PARKING CITATION MANAGEMENT COMPUTER SYSTEM CONSULTANT in the amount of \$10,000 from Sherri Adams

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-4 13-0009

PURCHASE OF REPLACEMENT BATTERY BACKUP POWER SUPPLY SYSTEMS FOR POLICE AND PUBLIC WORKS DATA CENTERS in the amount of \$240,537.40 from GovConnection, Inc. using State of Florida Contract

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-5 13-0010

ONE-YEAR CONTRACT FOR PURCHASE OF UNIFORMS FOR UTILTIY OPERATIONS in estimated annual amount of \$62,817.58 from Global Trading, Inc. and authorize City Manager or designee to approve all renewal options

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and

PUR-6 13-0011

REJECT ALL PROPOSALS FOR PURCHASE OF RESCUE TRANSPORT UNIT AND RE-BID

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-7 13-0012

CONTRACT FOR ELECTRICAL IMPROVEMENTS TO SMOKER PARK, NORTH RIVERWALK AND ESPLANADE PARK in the amount of \$96,932.22 from Sunshine State Electric of Florida, Inc.

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-8 13-0029 REJECT ALL BIDS FOR SOUTH SIDE SCHOOL REDESIGN - SOUTH EXTERIOR ELEMENTS including small restroom building, picnic pavilion, fabric shade sails and site improvements

Commissioner Rogers indicated that this item was previously addressed along with item CR-1.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as presented.

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-9 13-0072 PURCHASE OF REPLACEMENT POLICE TACTICAL BALLISTIC VESTS in the amount of \$87,980 from Lou's Police Distributors, Inc. - State of Florida Contract

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

MOTIONS FOR DISCUSSION

MD-1 13-0065 MOTION - SUBSTANTIAL AMENDMENT TO 2010-2011 ANNUAL ACTION PLAN - EXPANDING NEIGHBORHOOD STABILIZATION PROGRAM 3 - NSP3 1) Palm Aire West and Boulevard Park, 2) Coral Ridge Isles, 3) Melrose Manors, 4) Melrose Park, 5) River Garden, 6) Sweeting Estate and Rock Island - and authorize City Manager to execute all associated documents

NSP3 eligible targeted areas citywide to be used; NSP3 Program developers (Florida's Attainable and Inner Urban Asset Management) instructed to start first with No. 20 Need Scored and then proceed to lower need scored properties. City Manager will inform Commission when No. 20 properties are exhausted.

The City Manager highlighted information in Commission Agenda Memorandum 13-0065 explaining the need for this amendment.

Commissioner Rogers expressed concern that 2010 data is being utilized to develop criteria. He was uncertain how the criteria that the properties be foreclosed, bank owned and vacant overlays onto the 2010 data as the property ranking criteria relates to factors like declining property values and unemployment. According to the backup information, there are no properties in the target areas of Twin Lakes North and Durrs that meet the criteria. He questioned the limitations in place relating to the scope of acceptable properties and there being only two target areas. He has not been provided a survey depicting (the number of foreclosed, bank owned, and vacant properties), rather he has only seen rankings of the data based on staff's review of the criteria. The objective of the NSP 3 program is to get the biggest bang for the buck and make a difference in a neighborhood. There must be multiple listing information on properties or bank listings that could be reviewed in order to target neighborhoods based

on actual availability. He emphasized that there are only a few months left to carry out this program, unless an extension can be obtained.

The City Manager advised that utilizing 2010 data is HUD's determination, and the City must operate within those parameters. However, the Commission can expand the target areas. A list of staff recommendations based upon scoring criteria recommended by HUD. Staff can endeavor to provide the Commission a list of properties owned by banks that are willing to go through this process. The banks must be contacted in order to determine which troubled assets they are willing to dispose of as they do not wish to do away with all of them. The procedure is such that an appraisal is done and a price point within the appraisal must be met. Then the bank decides whether it will sell the property for that price. Although the NSP 3 program was intended as a means to remove banks' troubled assets, the most significant compliance issue for communities around the country is that some banks are not willing to sell their properties at the given price points. So a list of properties will help, but it is not conclusive. This item can be deferred to January 22, 2013, if the Commission desires a bank-owned property list. However, there is a time constraint as the City is obligated to commit 50 percent of the funding by March, 2013, and the remainder by March, 2014. Being that the City has to advertise any change of the criteria, Commissioner Rogers thought it is smarter to be broader as property values are increasing and there is more competition for vacant properties. He wanted to direct staff to develop a map of properties that meet the HUD criteria and that specific timeframes then be established.

Vice Mayor Roberts agreed that utilizing 2010 data is not the most efficient method, but if the City is held and bound by that information, nothing may change. He recalled that when the properties were first ranked according to the HUD criteria, NSP scores were assigned and the Commission chose neighborhoods with scores of about 20 and above. The City Manager confirmed that the proposed neighborhoods also ranked high according to the NSP 3 scores. Vice Mayor Roberts asked whether the scoring can be changed, or is the City bound to scoring based on the 2010 data. Jonathan Brown, Housing and Community Development Manager, explained that 2010 data is being utilized because NSP 3 was originated with HUD software in 2010 which is no longer available. At that point, the City could select target areas where the score was 17 or higher. He pointed out that members of the Commission have expressed some interest in the proposed areas.

Commissioner Rogers reiterated his concern that time was wasted utilizing the 2010 data to rank areas as Twin Lakes North and Durrs do not have any available properties that meet the HUD criteria. Instead, a list of foreclosed, bank owned, and vacant properties should be applied to the 2010 criteria. Commissioner DuBose indicated that the (contracted) developers have found and renovated some properties, and the City's initial expectations of the NSP program were actually exceeded. He asked whether the developers requested this proposed expansion so that more properties can be purchased and renovated. Mr. Brown confirmed that is correct for NSP 1. He noted that both the developers and City staff worked to identify properties in Twin Lakes North and Durrs that met HUD's criteria, but were unsuccessful. He explained to Commissioner DuBose that the developers have been operating for about three or four months. Commissioner DuBose inquired about the gap of time because this funding allocation has been in place for longer than three or four months; this exercise was done over one year ago. Greg Brewton, Sustainable Development Director, explained that NSP 3 differs from NSP 1 in that it has a more narrow focus. NSP 3 was not finalized until late summer because staff took measures to ensure the City could abide by the program regulations, and there were some procedural delays which he elaborated upon. However, the developers were working to identify properties in Twin Lakes North and Durrs prior to the finalization. The basis for this request is that the developers performed additional research and identified other neighborhoods with properties that meet the HUD criteria.

Commissioner DuBose surmised that the developers were successful in the proposed target areas when NSP 1 was executed. He expressed concern because he thought the NSP 1 and NSP 3 programs were being administered simultaneously and operating well according to status reports; apparently, the

positive reports were only for NSP 1 properties. Mr. Brewton clarified that the NSP 3 program officially began three or four months ago, but the same NSP 1 developers were utilized. NSP 3 posed a different set of guidelines. The developers independently continued to look for properties because the City could not process any properties until the agreements and contracts for NSP 3 were executed. Nonetheless, Commissioner DuBose thought it took an excessive amount of time to start the NSP 3 program. Mr. Brewton explained that the developers were not all in agreement with the NSP 3 terms, so staff had to renegotiate. The City Manager advised that he negotiated the NSP 3 developer's rate. Commissioner DuBose recalled that was done approximately a year ago. Mr. Brewton explained that a subsequent issue about the rate arose with a developer, and he was uncertain how long it took to settle that matter. It was then necessary to carry out some procedural matters, and there were staffing-related delays.

Meir Benzaken of Florida's Attainable Home Company, LLC, recalled for Commissioner DuBose that the developer's rate was not amended, it was agreed upon while meeting with the City Manager. However, there were many discrepancies between the NSP 1 and NSP 3 agreements which he elaborated upon. The rate was negotiated over a year ago, and he waited for the City to send the contract. He received the contract about two or three months ago and responded immediately. He reviewed the contract to see if it was aligned with HUD guidelines. He also reviewed the target areas (Twin Lakes North and Durrs) to find that no available properties fell within the HUD guidelines, and none of the banking and mortgage agencies he works with had any properties in those areas either. Commissioner DuBose inquired about the nine-month gap. Mr. Brewton thought Mr. Benzaken's assessment was inaccurate. Mr. Benzaken was the developer with whom the City had an issue. He confirmed that an agreement was reached about the rate at least a year ago. However, the contract was not received three or four months ago; rather, it was executed three or four months ago. Staff discussed the draft of the contract with Mr. Benzaken in April or May, 2012. In further response to Commissioner DuBose, Mr. Brown confirmed that the contract was sent out around April of 2012. Another consideration is that the contract was being modified, so staff had to obtain a copy of the contract from another city. The NSP 3 agreement differs greatly from the NSP 1 agreement. The final draft of the NSP 3 contract was completed by September or October of 2012, and sent out to the developers. Mr. Brewton explained that it took staff approximately nine months to work on the NSP 3 contract because there were challenges. Being that this is a time-sensitive issue, Commissioner DuBose wished the Commission had been made aware of the length of time it took. He did not object to the proposed expansion of target areas, rather he objected to the lengthy nature of this process. This should have been made a higher priority, and completed in a more timely fashion. Mr. Brewton agreed.

Commissioner Rogers wanted to know how Mr. Benzaken developed his list of properties. Mr. Benzaken explained that he has developed contacts with banks over the past few years. Also, a conglomerate of banks joined their foreclosed property inventories to form a (National Community Stabilization Trust) (Trust) and (NSP) developers are allowed first opportunity to look at and acquire the properties. The information provided by the Trust is current and can be shared with the City in terms of available properties that meet HUD's criteria. He clarified that HUD's criteria has changed to include properties with delinquent mortgages that will eventually become a foreclosure; the property has to be vacant and the mortgage payments must be in default. Commissioner Rogers indicated that the backup (page 2 of Commission Agenda Memorandum 13-0065) does not reflect the revised HUD criteria. The City Manager clarified that the property must be under control of the entity that has foreclosed. Mr. Brown added that the properties must be completely through the foreclosure process, otherwise the City would spend months dealing with clouded titles. Mr. Benzaken noted that, in reality, a short sale or property that is not yet foreclosed, is a lengthy process which often does not result in a closed sale. All of the property he purchased over the past several years was bank owned, and he intends to continue purchasing property that has been foreclosed. In further response, he reiterated that he searched, but could not find any suitable properties in Twin Lakes North and Durrs. Mr. Brown stressed that Mr. Benzaken and (another developer) have been providing information on available properties in the expanded target areas.

However, he has not publicly presented those properties because that would cause the prices to escalate. There are properties in the expanded target areas that meet the HUD guidelines.

Mr. Benzaken presented a NSP3 Expansion Map, produced by the National Community Stabilization Trust, a conglomerate of banks, of both the current and proposed target areas and properties that are either, foreclosed or in the process of foreclosure. A copy of the map is attached to these minutes. Mayor Seiler wanted to know the percentage of properties depicted on the map are foreclosed. Mr. Benzaken did not have that information, but explained that in the designated areas, there are no foreclosed properties. In response to Commissioner Rogers, Mr. Brown confirmed that HUD guidelines have changed to include short sale properties. However, he reiterated that short sales often result in wasted time from pursuing deals that never come to fruition including clouded titles. Mayor Seiler agreed with Mr. Brown. Commissioner Rogers was uncertain whether the City is on the same page with their contracted developers. He questioned why data on the map is not narrowed to foreclosed, bank owned, and vacant properties. He wanted to be able to make an informed decision. The City Manager advised that staff can endeavor to do just that. In the meantime, he asked if the Commission would like to move forward with this proposed expansion and staff would present another expansion; or defer the item; or approve as presented.

Commissioner DuBose remarked that nine months have already been lost. He emphasized the need to move forward with this item. Time is of the essence. Commissioner Rogers thought the whole city should be examined for properties that meet the criteria so this process does not have to be repeated. Commissioner DuBose did not believe all neighborhoods in the city would qualify for the NSP3 program. At least it is known that the proposed areas fit into HUD's criteria. The NSP3 requirements are more restrictive (than NSP 1). He cautioned about delays and possible fines from HUD if Commissioner Rogers' approach is taken.

Vice Mayor Roberts recalled a guideline previously established by the Commission for five properties in each NSP 3 neighborhood, Durrs and Twin Lakes North. Being that less than five properties are depicted in some of the expansion areas on Mr. Benzaken's map, he wanted staff to verify whether the properties are representative of areas that meet the criteria established when the properties were initially rated. The City Manager advised that staff cannot verify that the properties depicted on Mr. Benzaken's map meet those definitions. However, he presented a matrix (Preliminary NSP3 Target Areas – Rankings within each Commission District) that staff prepared on the initial scoring based on the 2010 criteria. There are neighborhoods in every district that meet or exceed the minimum score of 17. In order to move forward and comply with the NSP3 deadlines, he recommended the target areas be expanded to any neighborhood with a score of 17. The two contracted developers can identify properties in those areas that meet HUD requirements. Commissioner Rogers agreed. Vice Mayor Roberts suggested working from the highest scoring neighborhoods of 20, and go downward. The City Manager indicated that staff would have the developers demonstrate that there is no property inventory in neighborhoods with a score of 20 before those with a score of 19 are looked at, and so on. Vice Mayor Roberts maintained his desire for the priority to be set at 20, rather than a range. Mayor Seiler and Commissioner Rogers agreed.

Vice Mayor Roberts shared Commissioner DuBose's dissatisfaction that the Commission was not made aware of the lengthy amount of time this process took.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as amended with the document entitled, Preliminary NSP 3 Target Areas, to be used as a scoring guideline for the NSP 3 contracts; and for the NSP 3 developers to be instructed to start at neighborhoods with a score of 20 and work downward until all of the funding is utilized. A copy of the Preliminary NSP 3 Target Areas document was made part of the record.

In response to Commissioner Rogers, Mr. Brown assured that the developers have a good working relationship, and have not historically targeted the same properties. The City Manager advised that staff will notify the Commission via memorandum as each scoring level is exhausted.

APPROVED AS AMENDED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

CITIZEN PRESENTATIONS

CIT-1 13-0054 JOHN M. CARR - Homeless in the Downtown Historical Himmarshee Area

Mr. Carr noted his credentials as the owner of Fort Lauderdale Ghost Tours. He has conducted tours through the City's historical district since 2004. The number of homeless individuals in the city has tripled in the past two years; many are located in the historical district which has frightened his clients. He has had some violent experiences, and has witnessed homeless individuals engaging in illegal behaviors, including defaming historical landmarks. There is both a responsibility to protect our tourists, and to meet the needs of the homeless. He claimed that some homeless individuals are squatting in the New River Inn. He wanted to establish an open dialogue with the police and park rangers for them to serve as a steady presence, and for local shelters to provide assistance past 7 p.m. The matter is worsened by some Himmarshee area businesses that provide work to the homeless and pay them with beer.

Mayor Seiler advised that a dialogue has been established. The City is working with Broward County which has a significant amount of funding designated for this issue. This has been an uphill battle, but the City will continue to work on it. Some homeless individuals that were removed from Stranahan Park are now inhabiting other neighborhoods. This issue is far-reaching and multi-faceted, involving the County and factors like the location of jails. The City does not have access to the County's homeless funds which are to be utilized for getting them off the street and into facilities. Vice Mayor Roberts indicated that he has dealt with the homeless issue since serving on the City's police department. There are not enough social services in place to provide the amount of assistance needed; this is more of a County and State issue. The police department's Homeless Outreach Program has been very successful. The City is committed to do its part to work on this issue, a multi-faceted approach is needed. He encouraged Mr. Carr to contact the police department, as well as Broward County commissioners.

CIT-2 13-0055 MARY FERTIG - Lapse of Bahia Mar Site Plan and Renegotiation of Lease Agreement

Ms. Fertig, representing the Idlewyld Improvement Association, elaborated upon the initial concerns surrounding the Bahia Mar site plan, as well as the subsequent amendments. The amended site plan was a compromise she supported because it would benefit the city now and in the future by placing strict conditions on future development to guarantee open space between the ocean and the Intracoastal. Although the site plan timeline was not extended, she wanted the open space greenways and noise abatement elements to be preserved for any future plan. When development does move forward, she hoped the starting point will be where the amended site plan left off in June, 2011. She would like this preserved. She was concerned that an extension was not granted. This is public property and the subject should be addressed publicly.

CIT-3 13-0093 ART SEITZ - Barrier Island - District II

Mr. Seitz expressed delight about the Orange Bowl Committee funds utilized at Joseph C. Carter Park. The City should be able to get that type of funding each year, if it has a shovel-ready project. He elaborated upon why he was pleased the Bahia Mar site plan was not extended. If the A-1-A greenway project had progressed from three years ago, engineering studies would have been completed to bring awareness of the tidal flooding on A-1-A at NE 16 Court and east Sunrise Boulevard and A-1-A. He thanked Vice Mayor Roberts for the proposed 15 foot greenway on A-1-A. There is good bike travel from east Oakland Park Boulevard, north on A-1-A to Lauderdale-By-The-Sea. However, bike travel is dangerous heading south from east Oakland Park. He mentioned that Broward County Commissioner, Chip LaMarca, sent an email to Mayor Seiler supporting a greenway route which he elaborated upon. He asked the Commission to move forward with the greenway and save lives.

RESOLUTIONS**R-1 12-2618 CITY'S 2013 LEGISLATIVE PRIORITIES AND FUNDING REQUESTS**

Commissioner Rogers introduced the resolution which was read by title only.

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and
Commissioner Rogers

Candace Ericks of Ericks Consultants, Inc., City's Lobbyist, explained that the first week of committee meetings begins in Tallahassee on January 14, 2013. She will keep the City up-to-date. She has provided some updated studies and will be following up.

R-2 12-2646 QUASI-JUDICIAL - ST. JEROME'S CATHOLIC CHURCH AND SCHOOL PLAT - CASE 1-P-12

Applicant: The Most Reverend Thomas G. Wenski, Archbishop
Location: 2601 SW 9 Avenue
Zoning: Community Facilities CF
Future Land Use: Commercial

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Members of the Commission announced with whom he had spoken with and/or site visits made concerning this matter.

Commissioner Rogers introduced the resolution which was read by title only.

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and
Commissioner Rogers

R-3 13-0091 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS -
vacancy information provided under Conference Item BD-2

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

Insurance Advisory Board Charles J. Grimsley (Consensus)

Middle River-South Middle River-
Sunrise Boulevard Redevelopment
Advisory Board Thomas A. Maleta (Consensus – Building Contractor Category)

Vice Mayor Roberts introduced the resolution which was read by title only.

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and
Commissioner Rogers

PUBLIC HEARINGS

PH-1 12-2645 QUASI-JUDICIAL - FIRST READING OF ORDINANCE - LAND USE
AMENDMENT - CHANGING DESIGNATION TO COMMERCIAL -
RIVERBEND MARKET PLACE - CASE 13-T-12

Applicant: Gatlin Development Group
From: Medium High Residential
Location: Southeast corner of West Broward Boulevard and SW 27
Avenue

Anyone wishing to speak must be sworn in. Commission will announce any
site visits, communications or expert opinions received and make them part
of the record.

Commissioner DuBose asked that the Applicant provide an update at a District III meeting later this year.

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

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

*Ordinance amending the City of Fort Lauderdale 2008 Comprehensive Plan to
amend the Land Use Designation of certain properties from Medium-High Residential
to Commercial and authorizing the proper City officials to transmit the proposed
amendments and supporting data and analyses to reviewing agencies.*

Vice Mayor Roberts introduced the ordinance which was read by title only.

PASSED FIRST READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and
Commissioner Rogers

Resolution approving transmittal of an amendment to City of Fort Lauderdale Comprehensive Plan to the Broward County Planning Council and requesting the amendment of the Broward County Land Use Plan to change the Land Use Designation of certain lands from Medium-High Residential to Commercial.

Commissioner Rogers introduced the resolution which was read by title only.

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

ORDINANCES

O-1 12-2647 SECOND READING OF ORDINANCE - Amending Pay Plan, Schedule I (Supervisory, Professional, and Managerial employees - P.E.R.C Exempt) - adding one new class - Public Safety Communications Manager

Vice Mayor Roberts introduced the ordinance which was read by title only.

ADOPTED ON SECOND READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

O-2 13-0068 QUASI-JUDICIAL - SECOND READING OF ORDINANCE VACATING RIGHT-OF-WAY - PORTION OF SE 9 STREET - FRENCH VILLAGE - Case 11-P-12

Applicant: D. Fredrico Fazio
Location: Portion of SE 9 Street at 101 SE 9 Street

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Members of the Commission announced the disclosures were the same as those indicated on first reading with one additional site visit announced by Mayor Seiler. Commissioner Rogers announced a site visit made concerning this matter.

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

Vice Mayor Roberts introduced the ordinance which was read by title only.

ADOPTED ON SECOND READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

**O-3 13-0069 QUASI-JUDICIAL - SECOND READING OF ORDINANCE VACATING
RIGHT-OF-WAY - SOUTHWEST CORNER OF SE 8 STREET AND
SE 2 AVENUE - FRENCH VILLAGE - Case 10-P-12**

Applicant: D. Fredrico Fazio

Location: Southwest corner of SE 8 Street and SE 2 Avenue

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

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

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

Vice Mayor Roberts introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

**O-4 13-0070 QUASI-JUDICIAL - SECOND READING OF ORDINANCE
REZONING TO COMMUNITY BUSINESS (CB) - Case 1-Z-12**

From: Industrial (I)

Applicant: Romelio Riveron

Location: 610 NW 9 Avenue

Land Use: Northwest Regional Activity Center

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

The Commission announced site visits made concerning this matter.

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

Vice Mayor Roberts introduced the ordinance which was read by title only.

ADOPTED ON SECOND READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

O-5 13-0033 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES - WASTEWATER COMMODITY ADJUSTMENT FOR COMMERCIAL ACCOUNTS when an excessive consumption is the result of a known leak - Chapter 28, Article II, Division 3, Section 28-76 - Wastewater User Rates

Vice Mayor Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and
Commissioner Rogers

Note: There being no other matters to come before the Commission, the meeting was adjourned at 8:00 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk