

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, April 2, 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
DEAN J. TRANTALIS Commissioner - District II
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 6:03 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

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 Joyce Fleming

Vote Roll Call Order for this Meeting

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

Invocation

Commissioner Rogers

Pledge of Allegiance

Alfred G. Battle III

Approval of MINUTES and Agenda

13-0529 APPROVAL OF MINUTES - February 19, 2013 Conference and Regular Meetings

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to approve the minutes of the February 19, 2013 Conference and Regular Meetings.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PRESENTATIONS

PRES-1 13-0439 THE MAYOR AND CITY COMMISSION WILL RECOGNIZE THE VOLUNTEERS AND SPONSORS FOR LIGHT UP SISTRUNK

Commissioner DuBose expressed gratitude to community and City staff volunteers, as well as the following sponsors for participating in the Light Up Sistrunk event: Walgreens; Florida Power and Light; Lochrie and Chakas, P.A.; Our Community Apartments; Goldstein Environmental Law Firm; Regal Trace Apartments - Shoppes On Arts Avenue - Milton Jones Development Corporation; PMG Associates, Inc.; Hooper Construction, Inc.; UrbanFarm Design Group, Inc.; Hot 105 FM; The Westside Gazette; Downtown Development Authority of Fort Lauderdale; Gatlin Development Company; and Carlisle Development Group. Mayor Seiler and Vice Mayor Roberts acknowledged Commissioner DuBose's effective leadership for this event.

PRES-2 13-0540 PROCLAMATION DESIGNATING MAY 18, 2013 AS RELAY FOR LIFE DAY AT JOSEPH C. CARTER PARK

Commissioner DuBose presented a proclamation designating May 18, 2013, as Relay for Life Day in the City to Dreema Stokes of the American Cancer Society. Ms. Stokes thanked the Commission and elaborated upon a variety of services provided by the American Cancer Society. She expressed gratitude to the following City staff members for supporting this event: Johnny Alexander, Recreation Programmer II; Tommy Hall, Recreation Programmer II; David Deal, Recreation Program Coordinator; Phil Thornburg, Parks and Recreation Director; Petula Burks, Public Information Specialist; and Tracy Roach, Commission Assistant IV. She invited the public to attend the upcoming Relay for Life event at Joseph C. Carter Park.

PRES-3 13-0541 THE MAYOR AND CITY COMMISSION WILL ISSUE CERTIFICATES OF RECOGNITION TO DILLARD HIGH SCHOOL GIRLS BASKETBALL TEAM - 4th CONSECUTIVE STATE 5A CHAMPIONSHIP WINNERS

Commissioner DuBose presented certificates of recognition to the Dillard High School Lady Panthers basketball team and Coach Marcia Pinder for their fourth consecutive win of the State 5A Championship. Coach Pinder thanked the Commission, and recognized the assistant coaches and team members. She noted that the team will be participating in the upcoming ESPN RISE National High School Invitational.

PRES-4 13-0542 THE MAYOR AND CITY COMMISSION WILL ISSUE A CERTIFICATE OF RECOGNITION TO NOAH JONES, STUDENT OF DILLARD HIGH SCHOOL AND RECIPIENT OF A FULL FIVE-YEAR FOOTBALL SCHOLARSHIP TO MICHIGAN STATE UNIVERSITY

Commissioner DuBose and Greg Brewton, Sustainable Development Director, presented a certificate of recognition to Dillard High School student, Noah Jones, for being the recipient of a five-year football scholarship to Michigan State University.

PRES-5 13-0418 COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT III

Commissioner DuBose recognized Olive Waugh who resides in Melrose Park Estates as the recipient of the WOW Award for District III. Ms. Waugh thanked the Commission and encouraged the public to be involved in the community.

OB 13-0567 WALK-ON - Presentation - Jacklyn Laflamme Murals

Ms. Laflamme presented a slideshow highlighting the 13th Street Outdoor Gallery project (13th Street project) as well as murals she created in North Miami Beach and Pembroke Pines. A DVD copy of the slideshow was made part of the record. The 13th Street project brought together a diverse community, replaced blight with beauty, and created neighborhood pride. She proposed another community art project in the City.

PRES-7 13-0543 PROCLAMATION DESIGNATING APRIL 9, 2013 AS MAYOR'S DAY OF RECOGNITION FOR NATIONAL SERVICE

Vice Mayor Roberts presented a proclamation designating April 9, 2013, as Mayor's Day of Recognition for National Service in the City to Jorg Hruschka, Chief Service Officer. Mr. Hruschka thanked the Commission for recognizing the importance of volunteerism in the City. He invited the public to attend the upcoming Power of One Hour volunteer event at Poinciana Park, as well as other local events.

PRES-8 13-0544 PROCLAMATION DESIGNATING APRIL, 2013 AS WATER CONSERVATION MONTH IN THE CITY OF FORT LAUDERDALE

Commissioner Rogers presented a proclamation designating April, 2013, as Water Conservation Month in the City to Julie Leonard, Deputy Public Works Director-Utilities. Ms. Leonard thanked the Commission.

PRES-9 13-0545 PROCLAMATION DESIGNATING APRIL 22, 2013 AS EARTH DAY IN THE CITY OF FORT LAUDERDALE

Commissioner Trantalis presented a proclamation designating April 22, 2013, as Earth Day in the City to Joshua Nichols, Sustainability Manager. Mr. Nichols thanked the Commission. He noted that recent weather events are reminders of the changing climate. He invited the public to participate in related upcoming events.

PRES-6 13-0536 THE MAYOR AND CITY COMMISSION WILL RECOGNIZE OUTSTANDING CITY EMPLOYEES

Hardeep Anand, Public Works Acting Director, presented the April, 2013 STAR award to Ebony Pardo, Administrative Aide, for the diligence, professionalism, and enthusiasm she has displayed while working on a variety of projects including the City's "Mix it. Curb it." program.

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 DuBose that Consent Agenda Items M-11, CR-1 and PUR-1 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-1 13-0458** EVENT AGREEMENTS AND ROAD CLOSINGS: Off the Hookah Car Show; Great Strides Fort Lauderdale; Walk Like MADD and MADD Dash; Walk for KID; G.I.V.E. (Get Involved Volunteer Expo); Fiesta Fabuoso Cinco de Mayo Celebration and Above the Influence March Rally; American Cancer Society, Inc.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-2 13-0135** TASK ORDERS 3 AND 4 - GREEN EDUCATION CENTER AT HOLIDAY PARK SOCIAL CENTER - Derosé Design Consultants, Inc. - \$32,634 total (\$21,437 for mechanical and electrical design and \$11,197 for structural design)

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-3 13-0403** CONTRACT AMENDMENT NO. 1 - ANNUAL CONCRETE AND PAVER BRICKS - Straightline Engineering Group, LLC - Community Development Block Grant Program eligible sidewalk projects on NE 4 Avenue and NW 19 Avenue

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-4 13-0445** CONTRACT AMENDMENT NO. 1 - NW 24 AVENUE SIDEWALK PROJECT (Dillard Elementary and High School) - Straightline Engineering LLC

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-5 13-0448** AGREEMENT FOR PLAT NOTE AMENDMENT - BROWARD COUNTY - FIRE STATION 46 - Mills Pond Park abutting NW 19 Street
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers
- M-6 13-0450** AMENDMENT TO NON-VEHICULAR ACCESS LINE AGREEMENT WITH BROWARD COUNTY - FIRE STATION 46 - Mills Pond Park abutting NW 19 Street
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers
- M-7 13-0452** CONTRACT AMENDMENT NO. 1 - ANNUAL CONCRETE AND PAVER BRICKS CONTRACT - Weekley Asphalt Paving, Inc. - add provisions, certifications and affidavits for Community Development Block Grant Program eligible projects
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers
- M-8 13-0174** AGREEMENT WITH GREATER FORT LAUDERDALE SISTER CITIES INTERNATIONAL, INC. - annual funding in the amount of \$19,000
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers
- M-9 13-0379** APPROPRIATING 2013 STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM "SHIP" FUNDING - \$64,947 and authorize City Manager to execute all associated documents with this appropriation
Revised to specify accepting funding, not appropriating.

Mayor Seiler announced that this item (Commission Agenda Memorandum 13-0379) was revised to reflect a recommendation to adopt a motion accepting, not appropriating, the State Housing Initiative Partnership (SHIP) Program funds.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-10 13-0427** NO OBJECTION TO PLAT NOTE AMENDMENT - PINNACLE AT TARPON RIVER - PAT'S PLAT - Case 6-P-91A
Applicant: Lofts at Tarpon River, LLC
Location: Northwest corner of SE 9 Street and SE 3 Avenue
Zoning: Regional Activity Center - City Center
Land Use: Regional Activity Center - City Center

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-11 13-0515** SETTLEMENT OF CONTRACT DISPUTE LAWSUIT GENERAL LIABILITY FILE GL 12-490 (West Construction) - \$500,000

Amount reduced to \$494,000

Mayor Seiler announced that the settlement amount for this item (Commission Agenda Memorandum 13-0515) was reduced to \$494,000.

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

APPROVED

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

Nay: 1 - Mayor Seiler

- M-12 13-0290** SETTLEMENT OF VEHICLE GENERAL LIABILITY FILE VA GL 12-220 (Brian Gibbs) - \$150,000.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CONSENT RESOLUTION

- CR-1 13-0384** CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2013 BUDGET - APPROPRIATION

In response to Commissioner Trantalis, the City Manager advised that a grant totaling more than the required amount of \$26,500 was received from the Florida Department of Transportation (FDOT) to complete the Progresso Village Decorative Street Signs project. The funding deficiency of \$261,914 for the Fort Lauderdale Country Club remedial action plan will be derived from the water and sewer fund balance which is comprised of collected water and sewer fees.

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

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,

Commissioner DuBose and Commissioner Rogers

- CR-2 13-0380** QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - RECOMMENDING PROJECT VANDALAY as a jprogram applicant and providing for local financial support in the amount of \$89,600 contingent upon approval by State of Florida

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- CR-3 13-0429** SECOND AMENDMENT TO LEASE AGREEMENT FOR EXECUTIVE AIRPORT PARCEL 3 with Buehler Aviation Research Foundation Inc. - extending term and adjusting rent

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- CR-4 13-0524** AUTHORIZING CITY MANAGER TO ACCEPT APPOINTMENT TO FLORIDA INTERNATIONAL UNIVERSITY METROPOLITAN CENTER ADVISORY BOARD

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PURCHASING AGENDA

- PUR-1 13-0345** CONTRACT FOR REDESIGN OF SOUTHEAST PORTION OF HARDY PARK in the amount of \$726,847.47 from MBR Construction, Inc.

In response to Commissioner Trantalis, the City Manager explained that Nova Southeastern University (Nova) has expressed renewed interest in the South Side School (South Side) property. Their application to construct an additional building was approved by the Historic Preservation Board yesterday. He expects to bring forward a final lease agreement on May 7, 2013. This item is funded with South Side overall project funds (as shown on page 2 of Commission Agenda Memorandum 13-0345). Commissioner Trantalis remarked that these funds are taxpayer dollars from the general fund. Mayor Seiler pointed out that some funding was derived from grants. Commissioner Trantalis stressed that this item is costly, yet the project's direction is unclear. Commissioner Rogers emphasized this is the park. He highlighted elements of the proposed project as set forth in the Commission Agenda Memorandum. The three main components are: the west side which is Hardy Park; the (southeast) side which is the playground, pavilion and restrooms; and the north side which is the school. This item is completely separate from South Side, and behind schedule by about one year. It has already been budgeted. Mayor Seiler clarified that this portion of the property will not be leased by Nova, and is separate from their proposed construction.

In further response to Commissioner Trantalis, Commissioner Rogers indicated that this will complete the planned improvements for the southeast portion of Hardy Park; but the master plan includes some improvements for the western side. As for this item being overdue, he noted that the boundless playground was built five years ago, but still lacks a shade structure and restrooms. Commissioner

Trantalis was concerned about establishing a set amount for expenditures on this project as it is taking away from other projects in District IV and throughout the city. He asked whether the park's needs have been refigured so it can be made viable without having to spend \$726,000. The City Manager indicated that staff has followed the Commission's direction toward fulfilling the master plan, but has not revisited the plan. It is up to the Commission to establish a definition as to expenditures. Commissioner Trantalis emphasized that the plan was created during better economic times, whereas the City is currently running a deficit. As for development of other phases of the park, the City Manager indicated that the master plan calls for more sports fields on the west side, but no funding is currently allocated, though grant funds are possible. Commissioner Trantalis asked if the proposed funds can be distributed to other parts of the park, rather than only utilized on the southeast section. Commissioner Rogers advised that these funds are for four projects (restrooms, pavilion, shade structure and sidewalk) within that section. The project is overdue because these improvements were previously connected to the school rehabilitation project on one contract, then issues arose with the school portion so the contract was split. Another delay was caused by inaccurate estimating. He emphasized the transformation that Hardy Park has undergone which includes a highly utilized boundless playground as well as fields used by a youth soccer program.

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

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

PUR-2 13-0409

ONE-YEAR CONTRACT FOR PURCHASE OF STAINLESS STEEL TAPPING SLEEVES in the estimated amount of \$58,860 from HD Supply Waterworks, LTD

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

PUR-3 13-0410

TWO-YEAR CONTRACT FOR BOAT REPAIR AND MAINTENANCE SERVICES in the estimated annual amount of \$50,900 from U.S. Recreational Alliance, Inc. d/b/a Coastline Maine

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

PUR-4 13-0419

PHASE TWO OF CITY-WIDE COMPUTER AND SERVER REPLACEMENTS AND STORAGE SYSTEM in the estimated amount not to exceed \$439,690 from Dell Marketing Corporation - Western States Contracting Alliance and State of Florida Contracts

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

PUR-5 13-0432

PURCHASE OF CISCO VOICE OVER INTERNET PROTOCOL (VOLP) TELEPHONE EQUIPMENT AND CONSULTING SERVICES -

PHASED REPLACEMENT OF NORTEL SYSTEM in the not to exceed amount of \$712,000 from Insight Public Sector, Inc. and Presidio Networked Solutions, Inc. - U.S. Communities Agreement and State of Florida Contract

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-6 13-0435

SECOND ONE-YEAR CONTRACT EXENSION FOR CONSTRUCTION MANAGEMENT CONSULTANT SERVICES - FIRE STATIONS from CIMA Engineering Corp. contingent upon approval and appropriation of funds

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-7 13-0436

TWO-YEAR CONTRACT FOR CITYWIDE TOWING SERVICES in the revenue amount of \$460,000 from West Way Towing, Inc. and authorize City Manager to approve renewal options

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

REMOVED FROM AGENDA

PUR-8 13-0437

PURCHASE OF ANNUAL CISCO SMARTNET SUPPORT FOR VOICE AND DATA NETWORK COMMUNICATIONS SYSTEMS in the amount of \$176,739.13 from Prosys Information Systems, Inc.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

OB 13-0555

WALK-ON - APPOINTMENT OF VICE MAYOR - For a one-year term, in accordance with City Charter, Section 3.05.

Bruce G. Roberts

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

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

OB 13-0549 WALK-ON CALL UP - REQUEST FOR REVIEW - Case 5-H-13 -
Applicant: Preferred Signs - Owner: Las Olas Beach Club - Request
to Historic Preservation Board for after the fact installation of shade
canopies throughout the building and adding signage on the east and
south facade of the building

Public Hearing set for May 7, 2013

Mayor Seiler announced that the Historic Preservation Board denied this application and pursuant to ULDR (Unified Land Development Regulations) Section 47-26A.2, a statement of intent was filed requesting that this item be placed on the agenda to set a public hearing to review the application. The request was made Commissioner Trantalis. He went on to explain the quasi-judicial process.

Commissioner Trantalis provided an overview of the circumstances. A façade easement was originally granted to the Broward Trust for Historic Preservation (Broward Trust) and he was uncertain why the Historic Preservation Board (HPB) was made a part of this. The City Manager explained that the City is not involved in the enforcement of an easement that is not in the City's favor. Commissioner Trantalis noted certain restrictions were placed on the building because it was historic. However, since the Las Olas Beach Club (Beach Club) was built, signage and awnings were added and the City has participated in granting permission for that. He inquired as to the City's role in this matter. The City Attorney advised that the eastern portion of the Beach Club has a historic designation. There are criteria for making adjustments to historic buildings. A certificate of appropriateness (COA) is required. The easement is only enforceable through an action for specific performance. The City has an ordinance that sets forth criteria for the issuance of a COA, and his office advised the HPB to consider those criteria because the City was not a party to the agreement. The City does not enforce private easements. Arguments could be raised to the extent that the changes were inappropriate, but the mere fact that an easement exists did not give authority to veto the City's ordinance. With the historic designation, Commissioner Trantalis reasoned that the HPB has participated in decision making regarding the building's use. In further response, the City Attorney explained that there is a list of criteria to be considered in order to issue a COA. Every item on the list was considered. The ordinance does not give the Broward Trust veto power over COAs. Commissioner Trantalis believed the HPB did not give proper weight to the criteria in making its determination regardless of the agreement. This is why he has requested a review.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts to set a public hearing on May 7, 2013 to review the application.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

CITIZEN PRESENTATIONS

CIT-1 13-0465 ART SEITZ - Pedestrians, Bicycles, Beach and Funding

Mr. Seitz thought measures should be taken to conceal blighted beach area properties like Ireland's Inn, Howard Johnson, and the Natchez site. Family and educational attractions should be included at the A-1-A greenway (greenway) or Intracoastal promenade. He contended that the greenway is a top priority of the Broward County Bicycle and Pedestrian Advisory Committee (BPAC) as well as the (Florida Scenic Highways Program). He elaborated upon recommendations for the greenway route to enhance cyclists' and pedestrians' safety. He referred to the residential development project on the

former American Golfers Club golf course site and was dissatisfied with the four acre passive park part of that project's plan. He elaborated upon issues related to the District II election.

CIT-2 13-0467 CHRISTINE TIMMON - Public Access TV

Ms. Timmon read portions of Florida Statute 610.109 pertaining to public, educational, and governmental access channels (PEG) and provided a copy of the statute that was made a part of the record. Mayor Seiler pointed out Subsection 11 of the statute shows that the obligation of the municipality or county ended on July 1, 2012. Ms. Timmon contended that, according to Comcast, if the educational component goes off the air, the governmental component must do the same. She conveyed a brief history of this law, and commented on the benefits of public access television.

CIT-3 13-0525 BENJAMIN PROWS - Allowing Hammocks on the Beach

Mr. Prows asked the Commission to repeal Beach Regulation 7.5(g) which states that attaching hammocks to trees, showers, or structures is prohibited. In response to Commissioner Trantalis, he explained that slacklining is a new sport that involves walking on a tightrope that is attached to two trees. He believed the regulations do not specifically prohibit slacklining. However, he has been arrested twice, issued multiple trespassing citations, and was recently ordered to remain out of the City's parks and beach areas for six months. He juggles while slacklining, but does not seek monetary gain. Commissioner Trantalis emphasized that the City does not wish to assume liability for possible injuries sustained by slackliners. Mr. Prows confirmed for Mayor Seiler that police gave him numerous warnings before he was arrested.

**CIT-4 13-0526 CHRISTOPHER BRENNAN - The Future of Fort Lauderdale's
Champion Rain Tree and Marina Lofts Project.**

Mr. Brennan noted that he recently created a YouTube video about the rain tree located on the New River. He outlined historical information about the tree including its National Champion designation in 1982 and the City's resolution to protect it in 1987. Several arborists believe it would not be possible to move the tree as proposed by the Marina Lofts developer. He contended that he was terminated from his job at the Water Taxi because he refused to remove the video, and their property is owned by the Marina Lofts developer. He urged the Commission not to allow the tree to be moved, but rather to build around it. He elaborated upon national media exposure this matter has received.

CIT-5 13-0527 STEPHEN STICHT - Over-Development in Fort Lauderdale

Mr. Sticht submitted photographs of developments taken about four weeks ago. A copy of the photographs is attached to these minutes. He thought there could be deception involving the Marina Lofts project because other projects in Miami are depicted on the Cymbal Development (Cymbal) website as current ongoing projects is not actually correct. He believed Cymbal obtains entitlements and then walks away from projects. In response to Mayor Seiler, he indicated that the Miami projects are not labeled "proposed" on the website. He was unaware of any completed Cymbal projects in Miami over two stories, other than build-outs of the developer's office and a few other items. He was concerned about this developer's forthrightness. In response to Commissioner Trantalis, he believed this matter should be more closely examined because his research indicates that Cymbal may not complete the Marina Lofts project. Further, Cymbal has indicated that it would stitch together the Riverwalk, but that cannot occur unless something is done with Allied Marine.

RESOLUTIONS

R-1 13-0461 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:

Marine Advisory Board

Joe Cain (Vice Mayor Roberts)

Sustainability Advisory Board

Daniel Ayers (Mayor Seiler – Applicable categories: Florida state licensed architect and LEED certification in business practices such as construction)

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

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

PUBLIC HEARINGS

PH-1 13-0455 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF
UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3
C - construction and maintenance after the fact of existing dock and
boatlift extending 38.1 feet from property line - 801 Idlewyld Drive

Applicant: Joe H. Scott, Jr.

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.

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

Commissioner Trantalis shared highlights of discussion on this matter at his district meeting where several members of the Marine Advisory Board were present. He believed this law was established for safety reasons, that being access to the waterway. However, it seems the law is becoming obsolete because today boats are much larger and there is more accuracy in navigating. He thought it is inappropriate to simply use the MAB's recommendation as a standard for granting a waiver. The City Attorney advised that the regulations were established to set a standard that would apply to everyone, and to provide for a waiver in circumstances where the standard would not be applicable or meet safety qualifications. The criteria has to do with public safety and protection of adjacent property owners' property rights. Commissioner Trantalis thought riparian rights is separate from enforcing the ULDR (Unified Land Development Regulations). He asked for advisement on what standard to use for

granting a waiver. The City Attorney explained that, although subjective, the criteria are set forth in the ordinance.

Commissioner Rogers indicated that his reasoning for the proposed item was based on eleven properties in the area having been granted waivers for an average distance of about 56 feet (Table 2, page 2 of Exhibit 1), whereas this is only for 38.1 feet. He thought this meets the test of safety and fairness because the Applicant's property is located on a wide part of the Intracoastal; a waiver was granted for this property in 1986 for a maximum distance of 54 feet in 1986; and the proposed dock coordinates with others in the neighborhood. Commissioner Trantalis asked the City Attorney whether consideration should be given to changing the ULDR to be more aligned with today's needs. The City Attorney explained that, to the extent the rules are made totally objective, it is limiting in circumstances where a waiver would be appropriate. Commissioner Trantalis thought the 25 foot limitation is impractical as relates to this part of the Intracoastal. The City has already granted over twelve waivers in the area, and one is over 81 feet. He thought the City is essentially violating its own law on a case-by-case basis, and in a totally subjective manner. The City Attorney disagreed because the law provides for a waiver, although it is beneficial to review a law from time to time. Commissioner Trantalis thought the law's subjective nature unnecessarily exposes property owners to the waiver process and expense. More freedom should be allotted in these matters, especially at locations like the proposed.

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

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

PH-2 13-0456

QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3D - construction and maintenance after the fact of two mooring pile clusters extending a maximum of 40 feet from the property line - 785 Middle River Drive

Applicant: 785 Middle River Drive, LLC - Sean Tanner

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.

Mayor Seiler requested follow-up by staff and an opinion from the City Attorney

Mayor Seiler and Vice Mayor Roberts announced a site visit made concerning this matter.

In response to questions raised by Mayor Seiler, Sean Tanner, Applicant, explained that the proposed mooring pile clusters (piling clusters) are two pilings each. He presented a photograph which is attached to these minutes. The piling clusters were installed by the previous owner, and he was not aware they were unpermitted until the short sale closing in November, 2012. The waterway at this location averages about 440 feet wide. He did not know when the pilings were installed. There is an open permit on the dock construction that cannot be closed because of the unpermitted pilings. He purchased the property with the open permit. The pilings were not referenced in the permit. The code violation referenced in the Marine Advisory Board's meeting minutes (Exhibit 3 of Commission Agenda Memorandum 13-0456) is unrelated to the open permit; the previous owner did unpermitted interior work to the home. Vice Mayor Roberts pointed out that this property has been problematic for the

neighborhood and the objective was to get it sold. In further response to Mayor Seiler, Mr. Tanner confirmed that all of the code violations on the property have been resolved.

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 Trantalis, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

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

In response to Commissioner Trantalis, the City Attorney did not believe the City is accepting any risk by allowing the pilings to be placed outside of the perimeter allowed by the ULDR (Unified Land Development Regulations). The pilings are required to have markers and reflectors. Commissioner Trantalis raised the idea of requiring applicants to sign a hold harmless agreement. The City Attorney indicated a hold harmless agreement has not been required in the past, but it could be done. Mayor Seiler did not object to a hold harmless requirement, but was concerned that it may imply liability on the part of the City. Commissioner Trantalis thought granting the waiver is basically an admission. Vice Mayor Roberts did not object to looking into the concept. However, he was not aware of any related accidents or safety violations to create that need, even though some waivers date back to the 1980's. Mayor Seiler thought Commissioner Trantalis' concern is valid. He asked the Marine Advisory Board staff liaison and the City Attorney to look at this to determine how it is approached by other municipalities and counties. He requested an opinion from the City Attorney.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PH-3 13-0457

QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3D - construction and maintenance of 12 mooring pile clusters extending a maximum of 35 feet from the property line - 91 Isle of Venice Drive

Applicant: LaScala Townhomes LLC

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.

Mayor Seiler announced a site visit made concerning this matter.

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

In response to questions raised by Mayor Seiler, Andrew Cuba, Marine Facilities Manager, clarified that the canal at this property is approximately 160 feet wide. These vessels will moor in a perpendicular fashion, and are constrained by the 30 percent rule as set forth in Commission Agenda Memorandum 13-0457. Based on the 30 percent rule and the 160 foot width of the canal, Mayor Seiler calculated that the largest vessel that could moor here is 48 feet, or less if positioned three or four feet from the wet

face of the seawall. As for the 50 to 60 foot boats near this location referenced in the Marine Advisory Board (MAB) meeting minutes (Exhibit 4), Mr. Cuba explained that there are many vessels docked along these canals. The vessels are angled on Hendricks Isle and Isle of Venice so as not to violate the 30 percent rule. Though slightly unusual, there is no marginal dock at the proposed location, rather the perpendicular finger piers extend 25 feet. He displayed an aerial photograph of the area (page 4 of Exhibit 1), as well as the site plan sketch (page 9 of Exhibit 1) which are attached to these minutes. He thought a marginal dock was purposely omitted to allow for greater vessel length. As for whether this poses a safety issue, he explained to Commissioner Rogers that there is always potential for a wash-out. He clarified points of the site plan for Mayor Seiler as to placement of the pilings. In response to Commissioner Trantalis, Mr. Cuba advised that the rule of thumb is to always maintain a 40-foot navigable channel.

In response to Vice Mayor Roberts' inquiry related to the aerial photograph, Mr. Cuba explained that it appears that boats docked at the proposed site would not extend as far out as other existing docked boats which appear to be in violation. Discussion ensued about the canal's varying width as relates to the 30 percent rule.

Mayor Seiler asked Mr. Cuba to include more detail and clarity in the backup going forward.

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

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

Note: The City Commission adjourned the regular meeting at 8:47 p.m. and returned to the conference meeting agenda, item BD-2.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk