

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Wednesday, December 17, 2014

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
ROMNEY ROGERS Vice Mayor - Commissioner - District IV
BRUCE G. ROBERTS Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
ROBERT L. McKINZIE Commissioner - District III

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

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

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Romney Rogers, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Robert L. McKinzie

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett, Sergeant At Arms Sergeant Mike Siekierski and Sergeant At Arms Sergeant Edward Wenger (9:45 p.m.)

Vote Roll Call Order for this Meeting

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

Invocation

Dwayne Black, The Sanctuary

Pledge of Allegiance

Led by Sustainable and Economic Development Director Greg Brewton

Approval of MINUTES and Agenda

14-1585 APPROVAL OF MINUTES for October 7, 2014 and October 21, 2014 Regular Meetings

No public comments were submitted by email for the December 17, 2014 regular meeting.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the noted minutes.

APPROVED

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

PRESENTATIONS

PRES-1 14-1547 POLICE OFFICER OF THE MONTH FOR DECEMBER, 2014

Assistant Chief Raul Diaz recognized Detectives Scott Hoffer and Scott Moseley for their role in identifying Apple employees and a Best Buy employee involved in fraud.

PRES-2 14-1592 THANK YOU TO CITY FOR INVITING ANN STORCK CENTER TO PARTICIPATE IN THE CITY'S CONNECTING THE BLOCKS PAINTED INTERSECTIONS PROJECT

Charlotte Mather-Taylor of the Ann Storck Center made a presentation thanking the City for inviting the

Center to the "Painted Intersections" project on November 15. She recognized City staff members who contributed to the project.

PRES-3 14-1610 PROCLAMATION DECLARING DECEMBER 7, 2014 AS MERRILYN RATHBUN APPRECIATION DAY IN THE CITY OF FORT LAUDERDALE

Commissioner Trantalis presented a proclamation declaring December 17, 2014 as Merylyn Rathbun Appreciation Day. Rathbun thanked the Commission for the honor.

PRES-4 14-1626 COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT III

Commissioner McKinzie presented the WOW Award for District III to Frances and Robert Bell for improvements made to their home in the Rock Island neighborhood.

PRES-5 14-1620 PROCLAMATION DECLARING DECEMBER 19, 2014, AS GREG BREWTON DAY IN THE CITY OF FORT LAUDERDALE

Commissioner McKinzie presented the proclamation to Director of Economic and Sustainable Development Greg Brewton. Brewton thanked his family, the Commission and the community.

CONSENT AGENDA

Mayor Seiler announced that CM-9 was revised, a first reading of lien searches was deferred to January 6, and CM-3, CR-1, CR-2 and PUR-5 were removed from the Consent Agenda for discussion. A walk-on resolution was announced appointing general counsel for a class action suit. The City Clerk announced revisions to PUR-4, PUR-5, CM-3 and CM-9, and a typographical error on CR-1.

Motion made by Vice-Mayor Rogers and seconded by Commissioner Trantalis that Consent Agenda items CM-3, CR-1, CR-2 and PUR-5 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

CONSENT MOTION

CM-1 14-1531 EVENT AGREEMENTS: Senior Sunrise Mass, Beach Baptism, Vintage Swing Celebration and Kilt Jam - New Year's Eve

APPROVED

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

CM-2 14-1525 EVENT AGREEMENT AND RELATED ROAD CLOSURE: Tarpon Bend New Year's Eve

APPROVED

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

CM-3 14-1628 APPROVE APPEAL OF COURT ORDERS ISSUED AGAINST CITY -

Arnold Abbott, Love Thy Neighbor Fund, Inc. v. City of Fort
Lauderdale, Case CACE 99-03583 (05)

Mayor Seiler opened the floor for public comment.

Laura Florio, 430 NW 27 Avenue, questioned why the City would continue to waste more money fighting this matter. She believed that the public feedings will continue.

Craig Watts, representing Royal Palm Christian Church of Coral Springs, questioned how much money the City has lost in tourist dollars, public perception and overall good will. He questioned why the City continues fighting this matter. People will continue to feed outdoors because of the need. No amount of public relations spinning about feeding indoors when the facilities are not available will change it. He asked the Commission to reconsider. He hoped the Commission will step away from other laws relating to homelessness and find more constructive approaches.

Casey Cooper, 3080 Broadway, Boulder, Colorado, suggested this is a waste of money. He accused the Commission of lying to the media.

Nathan Pim, 855 NW 3 Terrace, Dania Beach, spoke in opposition to the item. He noted that Raymond Cox was arrested recently and remains in jail for missing a court date related to urinating in public. He questioned how the homeless oriented laws are enforced. A repeat offender of homeless-related laws has not been arrested or jailed and will be accepting a prestigious award in Washington. Food Not Bombs members, however, have been arrested for civil disobedience. No charges have been filed. However, when an actual homeless person spoke up for himself, he was jailed. He objected to the way the City operates in their treatment of people.

Charles King, 105 North Victoria Park Road, spoke in support of the item. There are people who want public lockers, showers and restrooms. They want to be able to panhandle in traffic and seven-day public feedings organized by the City. He believed there are hardly any citizens who want this. This has not affected tourism or the economy.

Frank Pontillo, representing REMAR, wanted to repeal the law governing public feedings. He did not feel that the City has taken the peaceful route. He noted cities that have had similar ordinances that have been ruled against. He advocated for appropriate housing for the homeless. There are not social services to accommodate all the people. It costs more to house someone in jail than to provide shelter. If buildings are provided, people will provide for the homeless. He suggested a summit.

There was no one else wishing to speak.

Commissioner Trantalis noted that the matter was discussed during a closed door session earlier today. Arnold Abbott is not the only one involved. The judge allowed one month for a compromise. He believed the City could have come to terms with Abbott but now there are several others who have joined him. He commented on his recent town hall meeting on homelessness where many different people participated. There was open and frank dialogue. He referenced King's comment that the city is robust. It engages in numerous programs but more should be done. Municipalities have a responsibility to help people who cannot help themselves. It is not fair to say Fort Lauderdale is not doing anything for the homeless. This Commission has passed laws in an effort to maintain a quality of life. Now the City is at a crossroads as to whether to fight the court. The court suspended enforcement of the ordinance, of which he was in favor. The court directed everyone to work out something but a compromise has not been reached. It sends a bad signal to fight the judge when in reality the City really wants to help the homeless. The City's attorneys have said there are technicalities that must be addressed. Because other people joined in the lawsuit, the City cannot meet with Abbott alone. He felt it would send the

wrong message to appeal the court decision.

Vice-Mayor Rogers felt it is important to address the technicalities. He wanted to make sure the law is followed. He wanted to resolve this matter. There is nothing to say the City cannot appeal and try to settle as well which is what he believed should be done.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

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

Nay: 1 – Commissioner Trantalis

CM-4 14-1529 FIVE-YEAR AGREEMENT FOR PROMOTION OF DOWNTOWN COUNTDOWN - NEW YEAR'S EVE CELEBRATION - O.B. Festival Events, LLC

APPROVED

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

CM-5 14-1471 GRANT AGREEMENT WITH BROWARD COUNTY FOR ONE MASS CASUALTY INCIDENT BAG

APPROVED

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

CM-6 14-1495 GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR SYNTHETIC DRUG ENFORCEMENT - \$47,000

APPROVED

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

CM-7 14-1501 GRANT AGREEMENT WITH U.S. DEPARTMENT OF HOMELAND SECURITY FOR MARINE RADIATION DETECTORS - \$4,070

APPROVED

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

CM-8 14-1431 AUTHORIZATION AND APPROPRIATION TO EXISTING PROFESSIONAL TRAFFIC AND TRANSPORTATION ENGINEERING CONSULTANT SERVICES AGREEMENTS - \$1,098,370 - Kimley-Horn and Associates, Inc., Kittelson & Associates, Inc., Miller Legg & Associates, Inc. and T.Y. Lin

International

APPROVED

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

CM-9 14-1607 LICENSE AGREEMENT FOR OPERATION OF LOCKHART STADIUM - Miami FC, L.L.C. d/b/a Fort Lauderdale Strikers, a Florida limited liability company

APPROVED

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

CONSENT RESOLUTION

CR-1 14-1516 SUPPORTING MANDATORY LABELING OF GENETICALLY ENGINEERED PRODUCTS

Mayor Seiler opened the floor for public comment.

Arnie Weber, 5349 NW 90 Avenue, Sunrise, spoke in support of the item. He believed chefs want to work with pure foods and give the consumer the best possible product. There is no loss or gain in allowing labeling. This will show that Fort Lauderdale cares.

Jennifer Ehrenfried, representing Food and Water Watch, spoke in support of the item. This is about transparency and information. There is no reason to believe it will increase costs.

Judith Summers, 631 NE 17 Way, explained that she wants to be an informed consumer.

Valerie Amor, 3140 SW 23 Street, former chair of the Sustainability Advisory Board, spoke in support of the item. She displayed a food label and explained the information it lists.

Adrienne Bolton, 844 SW 17 Street, said she is a local business owner, a registered dietician and an educator. She felt that transparency on this matter is important for the consumer.

Samuel Chillaron, 7220 NW 11 Place, felt that what one chooses to purchase is more powerful than who one chooses to elect into office. Capital determines who is in office. As a consumer he wants to know what he is supporting. There are a handful of companies that have a monopoly on the food industry and that monopoly should be broken. He disputed the industry's argument about having to feed the world in that more than 40 percent of the food produced in this country ends up in a dumpster.

Jason Long, 1975 South Flamingo Road, spoke in support of the item.

Michael Madfis, 1041 SW 17 Street, said he is a local farmer. There is no need for genetically-modified organisms (GMOs). He felt this would be a milestone for the city.

Hallandale Beach Commissioner Michele Lazarow noted that Hallandale Beach was the first municipality in Florida to pass a resolution in support of GMO labeling. This is about transparency,

health, safety and welfare. Genetically modified foods have not been proven safe. It is just one more disclosure.

There was no one else wishing to speak.

Commissioner Roberts introduced the resolution, which was read by title only.

Vice-Mayor Rogers expressed concern that because the City has no control over this matter, it is similar to an unfunded mandate. He listed several agencies that have researched the matter and found no evidence that GMO foods on the market today are unsafe. Some people may not understand the label and assume it means it is bad. The resolution promotes labeling but it is unclear to whom. Labeling requirements could result in significant costs in terms of enforcement, monitoring and differences from state to state. Commissioner Roberts agreed that as far as the science of this, much of the Vice-Mayor's comments are true. However, he contended that this is about transparency. The resolution is directed toward the state. The City has passed resolutions on other topics supporting state legislation. Other states have passed legislation on this topic. He did not think the City is looking to create anything that is monetarily impactful on people. It is simply a label. He referenced a letter from the Grocery Manufacturer Association that says 80 percent of the food supply is genetically modified. Vice-Mayor Rogers pointed out that the resolution will not result in labeling in Fort Lauderdale. Commissioner Roberts reiterated that it will support pending state legislation that could have that impact and join other states that have already done so. Mayor Seiler understood there is a bill pending and this would support that bill. Vice-Mayor Rogers indicated that he read that some 600 peer-review studies show that GMO foods are safe. Commissioner Roberts felt that labeling still makes sense. Vice-Mayor Rogers pointed out that labeling comes with a cost. He questioned whether labeling would extend to restaurant menus. The City has no jurisdiction over this and there is not sufficient research time. There has not been any scientific testimony. Commissioner Trantalis acknowledged that the Commission does not have the authority to legislate certain issues but it sends a message to the community of public opinion. An effort should be made to be part of the debate. Vice-Mayor Rogers suggested that low-income households will bear the brunt of increased costs. Commissioner Trantalis pointed out that it is a simple stamp. Commissioner Roberts noted that this version of the resolution is strictly about notification. Vice-Mayor Rogers contended there are findings that he does not know are fact. There is a lack of backup. Mayor Seiler indicated he changed his position because of the rewriting based on the Sustainability Advisory Board's work. Commissioner McKinzie said he does not support ceremonial resolutions, but this will provide a voice to take it to the next level.

ADOPTED

Aye: 4 – Commissioner Roberts, Commissioner Trantalis, Commissioner McKinzie and Mayor Seiler

Nay: 1 - Vice-Mayor Rogers

CR-2 14-1617 SPECIAL COUNSEL FOR LITIGATION AND LEGAL CHALLENGES RELATING TO LAND USE AND ZONING ORDINANCES BY ARNOLD ABBOTT, LOVE THY NEIGHBOR FUND, INC., REVEREND MARK SIMS AND PASTOR DWAYNE BLACK - law firm of Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.

Mayor Seiler opened the floor for public comment.

Laura Florio, 430 NW 27 Avenue, objected to expenditure of money for this purpose and questioned if the City is willing to work on finding solutions. The City has not responded to her proposal.

Reverend Craig Watts, representing Royal Palm Christian Church, said he has continued feeding people outdoors even with passage of the recent ordinance on this matter. People have been cited and arrested but he did not think anyone will stop. It will cost the City more money but it will not accomplish anything constructive. He advocated for working together. The City should not push forward laws that restrict in any way those who are trying to do good works. The law on feeding as well as those discriminating against the homeless are morally dubious. He urged the Commission to take a different direction.

Reverend Gail Tapscott, representing Unitarian Universalist Church of Fort Lauderdale, believed that more court cases will be filed. She has fought this issue long before Arnold Abbott became the face of it. This is an international issue. No one expects that Fort Lauderdale will solve it, but they should show true good faith. She urged the Commission to spend a day living on the streets.

Charles King, 105 North Victoria Park Road, said it is morally dubious to ignore laws and for ministers from the suburbs to refuse to use their church facilities, instead holding feedings in public parks. The County is perfectly happy to allow Fort Lauderdale to be the repository for all local problems. He noted homeless facilities closing in other nearby communities that could result in an influx to Fort Lauderdale. He believed the laws must be defended. He believed that the case should be appealed because the judiciary is out of control. Other cities have appealed what is on the books and succeeded.

Frank Pontillo, representing REMAR, cautioned against talking about homeless people as if they are not human. Many people are one paycheck away from being homeless. Segregation and discrimination are wrong. This problem has been created because there is not adequate housing for people who fall on hard times. This is a human rights issue. He urged the City to move away from criminalization. It costs more money to house people in jail than to provide housing. It gives people a criminal record. These are oppressive laws. He did not feel there was proper notice when this topic was previously before the Commission. Parks are for everyone. He advocated for public restrooms.

There was no one else wishing to speak.

Commissioner Roberts introduced the resolution, which was read by title only.

ADOPTED

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

Nay: 1 – Commissioner Trantalis

CR-3 14-1575 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2015 BUDGET

ADOPTED

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

CR-4 14-1514 COLLECTIVE BARGAINING AGREEMENT WITH TEAMSTERS LOCAL UNION 769 - effective December 17, 2014 through September 30, 2016

ADOPTED

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

CR-5 14-1474 GRANT APPLICATION - SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S COOPERATIVE FUNDING PROGRAM - Fiscal Year 2016

ADOPTED

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

PURCHASING AGENDA

PUR-1 14-1393 FIRST AMENDMENT TO AGREEMENT FOR SLUDGE DISPOSAL SERVICES - Biosolids Distribution Services LLC

APPROVED

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

PUR-2 14-1454 CONTRACT FOR SANITARY SEWER PUMP STATION REPLACEMENT - \$2,960,079 - 301 Lido Drive - Metro Equipment Service, Inc.

APPROVED

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

PUR-3 14-1463 EXTENSION OF FLEET MAINTENANCE AND MANAGEMENT SERVICES AGREEMENT MONTH-TO-MONTH, UP TO FOUR MONTHS - not to exceed \$1,955,085 - First Vehicle Services

APPROVED

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

PUR-4 14-1466 PURCHASE WORK MANAGEMENT SOFTWARE FOR CAYENTA UTILITIES SYSTEM - \$282,640 - N. Harris Computer Corporation

APPROVED

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

PUR-5 14-1517 PURCHASE AND INSTALLATION OF MARQUEE WITH LED VIDEO DISPLAY FOR HOLIDAY PARK - \$163,240 - Don Bell Signs LLC

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, spoke in support of the item. He advocated for higher quality events at War Memorial Auditorium. He wanted to reduce the number of gun shows.

There was no one else wishing to speak.

Commissioner Trantalis felt the backup should include a picture of the marquee before voting. Director of Parks and Recreation Phil Thornburg displayed a photograph of the sign that was made a part of the record. He explained the City's partnership with the Performing Arts Center. Cost is being shared with them therefore the City is only paying half of \$163,240. In further response to Commissioner Trantalis, Orlando Castellano, general manager of War Memorial, described particulars about the marquee and noted advertising functions on a cloud-based programming system. The Performing Arts Center will have half the advertising time. In response to Mayor Seiler, Castellano indicated there are three interior signs that are a separate project. They are also LED but a different type. Commissioner Trantalis asked about the height but that information was not available.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to approve the item as recommended.

APPROVED

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

PUR-6 14-1527 PROPRIETARY PURCHASE OF ANNUAL SUPPORT FOR HEWLETT-PACKARD HARDWARE AND SOFTWARE - \$68,641 - Hewlett-Packard Company

APPROVED

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

PUR-7 14-1528 TWO-YEAR CONTRACT FOR LICENSE PLATE READER HARDWARE AND SOFTWARE - \$625,260 (two-year total)

APPROVED

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

PUR-8 14-1579 PROPRIETARY AGREEMENT FOR MAINTENANCE OF DEFIBRILLATOR/MONITOR AND CHEST COMPRESSION DEVICE UNITS - \$233,274 (three year total) - Physio-Control, Inc.

APPROVED

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

PUR-9 14-1600 PURCHASE CITY-WIDE HIGH SPEED WIRELESS DATA SERVICES - \$468,151

APPROVED

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

MOTIONS

M-1 14-1612 CITY COMMISSION REQUEST FOR REVIEW - CODE ENFORCEMENT LIEN ON 2901 NE 33 AVENUE, UNIT 2C

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to defer the item to January 21, 2015.

DEFERRED TO JANUARY 21, 2015

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

M-2 14-1623 CITY COMMISSION REQUEST FOR REVIEW - CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF RIVERMONT HOUSE -1016 Waverly Road - Case H14014

Mayor Seiler announced that this request for review (call-up) was initiated by Commissioner Trantalis. A hearing will be set if additional review is needed to insure development standards and criteria have been met and the surrounding area is protected. Applicable hearings dates would be January 6, January 21 or February 3.

Mayor Seiler opened the floor for public comment.

Susan McClellan, 5495 NE 25 Avenue, reviewed her credentials as a local architect and preservationist, including that she was the former chair of the Historic Preservation Board. She asked that the Commission review this matter. This is an important site that the City's historic expert has recommended be preserved. It is an archaeological site. Only a few Board members attended the meeting when their recommendation was made.

In response to Commissioner Trantalis, McClellan said she has not been inside the house, but has looked at the site from next door. It is well-documented that this site is an archaeological resource. Because the City is a Certified Local Government, it is the caretaker of its historic sites. She realized that properties can be changed by the property owner, but she wanted to incorporate history in such a way that it means something to the community.

Abby Laughlin, 425 Bayshore Drive, pointed out the challenges of being a preservationist. She referred to the City consultant report on this matter and its accuracy (Exhibit 4 to Commission Agenda Memorandum 14-1623). She did not understand how the Board's decision could be so diametrically opposed to that report. Further consideration should be given to this matter. She supported the request to review.

David Baber, 1225 Coontie Court, reviewed his credentials in the field of preservation of the built environment. This is a very important historic and archaeological resource. It is one of the oldest buildings in the Sailboat Bend historic district. He has been inside the house and studied it. The exterior features are original. The east and west walls are original. The front main façade was improperly assessed by the architect. The porch in the middle has been enclosed but it could be reversed. The rear porch was enclosed and a new porch added which was also subsequently enclosed. The additions followed City criteria. Therefore, the only changes are these rear additions. He encouraged the City to

preserve this important historic building.

Marla Sherman-Dumas, 1145 Harrison, Hollywood, advised that she is a city planner and long-time member of the County's historical commission. She commented that this site is very similar to the Miami Circle. This site's documentation exists in the Florida Master Site file. She was concerned about what would happen to the archaeological mound if the building is demolished. As a Certified Local Government, the City is charged with protecting archaeological sites. The State has talked about taking archaeological sites away from cities much like they do for submerged lands. An action like this could rejuvenate that discussion. She supported the request to review. Perhaps an independent architect should be retained to determine if the building is worthy of being saved.

Molly Hughes, 728 SW 4 Place, urged the Commission to honor the votes that have taken place to date. There was a unanimous Historic Preservation Board (HPB) vote to demolish the building and a unanimous vote of the Sailboat Bend Civic Association in support of demolition. There has been no opposition to date. Some of the people in attendance this evening did not attend either HPB meeting. Dr. Kyner, who lives next door, missed both meetings. Also, he was permitted to disturb the same ground and no commissioner initiated a request for review. She also lives on the river and was not asked to not disturb her property. The City has a history of allowing people to modify or demolish homes on the river. Mr. Jordan was allowed to demolish a house on the river. She did not think it is fair to ask these people to not invest in the neighborhood.

Mary Hughes, president of Sailboat Bend Civic Association, said the Applicant presented this matter to the Association. The Applicant has hired an archaeologist who will carefully unearth what might exist. There has been much discussion about separating the site and the house. Association Board Member Dave Parker said he evaluated the house and felt there is nothing there to preserve. The house has been modified many times over the years. The neighborhood unanimously supported demolition. The Applicant has agreed to take tremendous care in unearthing artifacts.

Steve Glassman, representing Broward Trust for Historic Preservation, read from a prepared statement, which is attached to these minutes. Additionally he distributed documents for the record including letters and emails of support for preserving the property. The documents are attached to these minutes. He also provided copies to the Applicant. He mentioned there were only 13 members present at the Sailboat Bend Civic Association meeting when this matter was considered.

Historic preservation consultant Merrilyn Rathbun confirmed for Mayor Seiler that she attended the HPB meeting and presented her report. She is the consultant to the Board. The Board voted against her recommendation. She felt that demolition would not be appropriate. HPB members have said the house is in poor shape and is not worth preserving. The original construction was in 1918. There have been various additions. The front porch has been modified and partially enclosed. The back porch was enlarged and another addition was put on. She did not know the square footage.

Attorney Steve Tilbrook of Gray Robinson, P.A., representing the Applicant, expressed concern that this case is part of a quasi-judicial process. It is not appropriate for the Commission to consider additional evidence and create a record at this hearing. There has been significant review by the HPB. Unfortunately there are people who chose not to attend the HPB meetings and not to appeal the Board's decision or go to circuit court. He pointed out that Rathbun is not an architect but merely a resource from the Historical Society.

Mayor Seiler explained he is not taking any documents submitted as new evidence. He appears there should be a hearing to consider evidence. He is considering the current record and Commissioner Trantalis' request.

Tilbrook explained that there was a full-scale hearing held, with hours of testimony and evidence presented before the Historic Preservation Board. This matter involves an applicant seeking to use their private property. They have followed the process according to code. They have hired experts and contributed significant resources to the process. There have been two public hearings and a unanimous decision from the HPB that should not be discarded. There was a unanimous recommendation from the Sailboat Bend Civic Association. He asked that the integrity of this process be honored and to let the private property owner proceed in the process. The demolition will be overseen by archaeologist Bob Carr. Specialized contractors will conduct the demolition. In the first HPB hearing it was demonstrated that very little of the original house still remains. Superstructure underneath and above the house succeeds the original house. The Applicant originally sought to restore the house but their architects advised that there is nothing to preserve and what is left is not worthy of preservation.

Bob Carr, representing the Applicant, said they devised a management plan for potential adverse effects of demolition on the building. Eight conditions were accepted by the HPB: 1) Place temporary fencing separating the intact areas of the site to the west and east from the proposed demolition area; 2) Provide written guidelines, meet with and advise contractor of the site sensitivity; 3) Place environmental fabric and fill across the access road for demolition equipment to have access without impacting the site; 4) Use an assigned staging area on the south side of the house currently covered by asphalt to store equipment and supplies; 5) Demolish the building by pushing and pulling debris into the inside of the house footprint and into the cellar; the foundation walls would be pulled into the center as would the swimming pool walls. The purpose is to avoid impacting sediments associated with the site 6) Voids left following the demolition of the house basement and pool would be stabilized to minimize potential erosion of soil; 7) For filling of demolished basement or swimming pool, they would use clean fill and not any existing soils from the parcel; 8) Monitoring archaeologist will monitor and document all ground-disturbing activities associated with any approved demolition and provide a report to the Fort Lauderdale Historic Preservation Board. It is recognized that this is one of the most significant sites in Fort Lauderdale and Broward County. This series of guidelines has been used effectively in Delray Beach and Davie.

In response to Mayor Seiler, Tilbrook advised that the management plan was not presented to Sailboat Bend Civic Association but was fully vetted by the HPB.

Commissioner Roberts noted that Carr has impressive credentials.

Tilbrook stated that they want to continue the process. It is about preserving materials at the site, not unearthing them. The proposed home will be built within the confines of the current site and there has already been a disturbance. It will be built on pilings so there will be no further disturbance. The midden will remain intact. The only unearthing will be for the pilings which will be addressed at a future HPB meeting for the new construction application. He confirmed for Commissioner Roberts that they will submit weekly reports to the City and Broward County. Both the County and the City have determined that the County's ordinance does not apply to this particular site.

In response to Mayor Seiler, Mary Hughes said the September 10 Sailboat Bend Civic Association meeting was a regular meeting with public notice given. The vote was unanimous. Turnout is usually 13 to 20.

There was no one else wishing to speak.

Commissioner Trantalis believed Tilbrook is coming before the Commission in good faith. He believed the owners bought the property knowing it was sensitive and they initially wanted to preserve the house. He asked that the matter be called up for review because there is so much conflicting testimony. Consultants, the State and the County have said how important the site is. While every measure will be

taken to respect the integrity of the site, something more should be done to ensure the historical sanctity. There are two separate issues: the house and the site. Everyone agrees the site is important and should be preserved. He believed the call-up procedure is proper. The HPB acts in an advisory capacity. The Commission makes the final decision. In addition to the management plan, steps must be taken to secure the integrity of the site. He was concerned about the use of pilings. The house is attractive; he did not want to take away from the neighborhood by saying investment should not be sought. The process deserves fleshing out so the Commission could be comfortable in knowing that they have taken the right steps.

Vice-Mayor Rogers pointed out the call-up criteria (Section 47-26A.2, Unified Land Development Regulations) requires a finding that the project and surrounding area requires additional review in order to ensure that development standards and criteria have been met. He questioned what findings need to be made in order to meet the criteria. He wanted to know how to separate the house from the surrounding midden. The City Attorney pointed out there has been a preliminary review by an advisory board who has made a recommendation. Consistent with review of their recommendation, if the Commission finds there is something unique and there is uncertainty, it may initiate the call-up provision for a de novo hearing. The Commission is constrained by the language in the code. Mayor Seiler felt the site, not the building, has significance. Commissioner Trantalis did not think that determination can be made until the evidence is heard. The City Attorney pointed out that the Board recommendation includes parameters and provisions that would ensure protection. Vice-Mayor Rogers noted that historic preservation should be encouraged. He did not want to put up barriers, but rather to make sure what is done is in the right way. It seems like the process is somewhat flawed because it is starting over, which is an impediment to historic preservation. He did not want to discourage preservation. Mayor Seiler noted the Florida Department of State and Broward County letters speak about significance to the property. Commissioner Roberts did not think that the State and County had the benefit of the Applicant's management plan when the letters were composed. Commissioner Trantalis understood the archaeologist made recommendations after the HPB hearings, so they were not working in tandem. Everyone seems to agree this is an important site. He felt that the Commission should ensure that measures are taken so the midden is not compromised and part of that is what happens with the house. This is the reason he felt a hearing is needed. Commissioner Roberts was comfortable with the plan. He felt there is enough information to make a decision, but would defer to Commissioner Trantalis' request.

In response to Commissioner Roberts, Tilbrook said the new home would be in the impacted area of the midden, which includes the home, the swimming pool and the patio. It would be on pilings. Carr confirmed for Mayor Seiler that he conducted the archaeological survey of the New River in 1981.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to set a de novo hearing for January 6, 2015 based on the required findings according to the City's ordinance and statute.

DE NOVO HEARING SET FOR JANUARY 6, 2015

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

RESOLUTIONS

WALK-ON

RESOLUTION APPOINTING ROBBINS GELLER RUDMAN & DOWD LLP as Special Counsel to General Employee's Retirement System to pursue lead plaintiff status in Federal securities fraud

class action filed against Salix Pharmaceuticals LTD, et al in United States District Court Southern District of New York

Commissioner Roberts introduced the resolution, which was read by title only.

ADOPTED

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

R-1 14-1545 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:

- Beach Business Improvement Advisory Committee Jean Capps (Consensus)
Stephen Donahue (Alternate/Consensus)
- Beach Redevelopment Board Ina Lee (Mayor Seiler)
Abby Laughlin (Mayor Seiler)
Judith Scher (Commissioner Trantalis)
Shirley Smith (Commissioner Trantalis)
- Cemetery System Board of Trustees Vicki Mowrey (Mayor Seiler)
Patricia Hayes (Vice-Mayor Rogers)
John Sykes (Vice-Mayor Rogers)
Mark Van Rees (Commissioner Roberts)
Daman Adams (Commissioner Roberts)
- Economic Development Advisory Board Gary Farmer (Mayor Seiler)
Jason Hughes (Commissioner Roberts)
- Education Advisory Board Ciara L. Bostick (Commissioner Roberts)
- Fire-Rescue Facilities Bond Issue Frank C. Snedaker Jr. (Commissioner Trantalis)
- Nuisance Abatement Board Douglas Meade, Alternate (Consensus)
- Parks, Recreation and Beaches Board Matt J. Walters (Mayor Seiler)
- Planning and Zoning Board Richard Heidelberger (Vice-Mayor Rogers)
- Sustainability Advisory Board Ronald Goff (Mayor Seiler)
Jason Liechty (Vice-Mayor Rogers)
Enrique Vadiveloo (Vice-Mayor Rogers)
- Unsafe Structures Board Ian Scot Seitel (Mayor Seiler)

Commissioner Roberts introduced the resolution, which was read by title only.

ADOPTED

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

R-2 14-1475 DOCK PERMIT APPLICATION - use of marginal dock and seawall on public property adjacent to property owned by Jack Hayes Properties, LLC - 1009 Cordova Road

RESCHEDULED FOR JANUARY 21, 2015

R-3 14-1490 QUASI-JUDICIAL - RESCHEDULING DE NOVO HEARING TO JANUARY 6, 2015 - APPLICATION FOR INSTALLATION OF ABOVE-GRADE COMMUNICATIONS SERVICE FACILITIES AT EIGHT RIGHT OF WAY LOCATIONS

Applicant: Crown Castle NG East LLC

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to reschedule the de novo hearing to January 6, 2015.

DEFERRED TO JANUARY 6, 2015

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

PUBLIC HEARINGS

PH-1 14-1437 MOTION - REALLOCATION OF UNSPENT HOPWA FUNDS FROM FISCAL YEARS 2012 AND 2013

Mayor Seiler opened the floor for public comment.

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

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to approve the item as recommended.

APPROVED

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

PH-2 14-1438 MOTION - TRANSFER HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS (HOPWA) RESIDENTIAL HOUSINT UNITS FROM HOUSING AUTHORITY OF CITY OF FORT LAUDERDALE TO BROWARD HOUSE AND EXTEND BROWARD HOUSE 2014 HOPWA AGREEMENT

REMOVED FROM AGENDA

PH-3 14-1563 FIRST READING OF ORDINANCE CREATING NEW ZONING DISTRICTS SPECIFIED AS NORTHWEST REGIONAL ACTIVITY CENTER MIXED USE NORTHEAST, MIXED USE EAST AND MIXED USE WEST - amending Unified Land Development Regulations, Section 47-13 - Case T14012

Community Reinvestment Manager (Northwest) Alfred Battle highlighted a historical chronology concerning the subject area and need for City invention to concentrate improvement in the area including public outreach and creation of a community redevelopment agency. He went on to explain the reasoning for a mixed-use zoning approach. Minor investments can have significant impact. Battle's comments touched on the Northwest Regional Activity Center Master Plan. The Planning and Zoning Board approved staff's recommendation by a vote of 8 to 1. A copy of Exhibit 1 to Commission Agenda Memorandum 14-1563 is attached to these minutes.

Director of Sustainable and Economic Development Greg Brewton noted the study area depicted in Exhibit 1 to Commission Agenda Memorandum 14-1563. This proposal does not encroach into anything other than what is already zoned commercial or industrial.

Principal Planner Linda Franco explained the goal is to allow for a development process with easier, more predictable, reduced parking requirements to encourage use of existing buildings and eliminate certain uses that encourage negative activity. The City has been working strategically to add public parking spaces for future development. She highlighted some design standards. Seventh Avenue is the dividing line. On the west side, permitted height would be 45 feet by right and 65 feet with Commission approval. On the east side, permitted height would be greater. Now, 150 feet is permitted, but parking must be provided. Now, neighborhood compatibility must be provided if a development abuts residential, as well as parking. The proposal is to exempt the first 2,500 square feet from parking with a reduced percentage for the remainder. She concluded by reviewing the height provisions shown in the attached Slide 17 from Exhibit 8.

Brewton and Battle answered a series of questions regarding height and neighborhood compatibility for Commissioner Trantalis and Commissioner McKinzie. Commissioner Trantalis referred to the northwest area and questioned if further restrictions are being imposed. Brewton did not believe so. The uncertainty has been removed. If a developer follows the design guidelines and ordinance, he may simply proceed to building permit. He added that parking requirements are significantly being reduced. Staff believes the proposed changes will create development energy.

Discussion turned to the City's master plans. Commissioner Trantalis said there needs to be a certain critical mass of population in order to ensure that amenities would make money. He questioned whether the proposal would cap that potential. Brewton said density does not necessarily mean tall buildings. There is a lot of energy within the CRA with multiple types of housing. Commissioner McKinzie felt the goal is to achieve what occurred in Flagler Village with respect to density. The west side of 7 Avenue wants five stories trending downward as development approaches residences. A 150-foot structure can be built under the current zoning but no one has chosen to do that. There is not enough depth in the lots on the west side of 7 Avenue. Commissioner Trantalis did not want to inundate a neighborhood with overbuilding. The 7 Avenue and 9 Avenue corridors have been used as the focal point of the land west of the railroad tracks. It is creating another downtown area. Tall buildings were not constructed in the past in the northwest (orange – opposite of Sears and Home Depot) because there was not a need or desire. There has been a recession for the past eight years and Sistrunk had not been built out. Now that people find it appealing, he did not want to hamstring development. Mayor Seiler felt there is consensus about everything west on Sistrunk. His questions are about the transitional area between west and east. Commissioner Trantalis clarified west of 7 Avenue.

Commissioner McKinzie pointed out on the east side it starts at a different height and can go up to 65 feet of right.

In response to Commissioner Trantalis' further question concerning the northeast (orange), Brewton explained that staff is proposing to provide certainty to the development community. Height of some 150 feet has generally not occurred. With Commission approval, 110 feet would be allowed. Commissioner Roberts noted that 150 feet is possible now with Commission approval. Commissioner Trantalis emphasized that there are difficult areas, and he wanted to give developers the opportunity to build something other than warehouses and junkyards. Brewton clarified that those types of uses would not be permitted under the proposal, but they are permitted now.

In response to Vice-Mayor Rogers, Brewton said car dealerships and repair shops would not be permitted in the transit-oriented districts, which was the compromise that was struck.

Commissioner Roberts questioned whether buildings could be higher in the northwest – east along the railroad tracks to 6 Street. He wanted to ensure that future development would be fostered. Brewton explained it is an all-inclusive zoning change, and there are no small areas carved out. Mayor Seiler said that homeowners in the yellow area adjacent to the orange area have indicated they want height. He referred to the area in the eastern part of Sistrunk adjacent to the railroad tracks where currently there is difficulty attracting good development. The Community Redevelopment Agency (CRA) has not brought what it should have to this area. Now it is trendy across the country to locate near railroad tracks. Brewton confirmed to Mayor Seiler that the County project on the other side of the tracks is eight stories, about 80 feet. It was pointed out that ceiling height is greater now. Mayor Seiler did not believe there is consensus with regard to height in this transitional area. Brewton explained that an area could be carved out that would allow greater height as of right. Mayor Seiler noted that discussion at the Planning and Zoning Board focused on west of Sistrunk, where there seems to be a clear message from the neighborhood. Commissioner McKinzie felt that perhaps there was not an opportunity to hear from each neighborhood. Perhaps these things can be considered now.

Commissioner McKinzie felt the only area in question is what was brought forth by Commissioner Trantalis. Mayor Seiler brought attention to the yellow area by the railroad tracks.

Commissioner Trantalis likened the green area to Wilton Drive and its challenges because of a height restriction, lack of parking and the lots not being very deep. Wilton Drive is successful because they have a standard metropolitan statistical area of 30 to 40 miles, that is, people coming that distance to Wilton Drive. He questioned whether people would come that distance to patronize businesses along Sistrunk or will there be sufficient population in the area to support the businesses. Mayor Seiler believed that kind of success could translate to Sistrunk.

Mayor Seiler asked about investors for the yellow area. Battle said developers and residents consider this area to be an extension of Flagler Village. They desire that type of development. There has not been as much concern about the maximum height at this point. He has only heard comments about the minimum height. Subsidized housing along the railroad tracks was pointed out wherein Commissioner Trantalis asked if that is the only type of development that can be attracted along the railroad tracks. Battle said it depends on the developer. Mayor Seiler pointed out that occasionally the CRA director may need something extra to attract an investment. Residents in the yellow area do not object to height. They are interested in development. Battle said density has not been limited. Within that framework, acquiring more property also allows for the density. Height becomes a bit of a lightning rod for this particular part of the area. Across the railroad tracks, the height is already establishing the framework. It is slightly higher. Mayor Seiler noted that there has been discussion about adding stops for the Wave streetcar on Sistrunk. For that to be possible there should be density and developers in

terms of funding. He believed the opportunity is there. It is understood there is no desire for density west on Sistrunk; but rather to preserve the residential feel and transition to a lower height. Commissioner McKinzie said people want the density but do not want the height because of the depth of the lots. Mayor Seiler emphasized he is speaking about the yellow area along the tracks. Commissioner McKinzie felt allowances should be made if more height is wanted. Commissioner Trantalis felt that the orange area should be extended to Sistrunk. There should be more intense zoning along the tracks. Going west on Sistrunk there should be downsizing. Brewton advised that the yellow area was part of the original study area. Battle added that the line was drawn that way in part because the property owners wanted to take advantage of the accelerated process.

Commissioner Trantalis suggested passing the ordinance on first reading and further reviewing the area along the tracks before the second reading. Mayor Seiler wanted to hold the second reading at the January 21 meeting.

Vice-Mayor Rogers questioned projects coming directly to the Commission instead of the Planning and Zoning Board. He preferred a call-up concept. Mayor Seiler pointed out that would mean two hearings. Brewton said the developer will have to respond to standards in place. The issues will be defined. The same process enacted for South Andrews is mirrored. He described the difference between Site Plan Level IV and this process. He confirmed for Commissioner Trantalis that neighborhood compatibility is only removed up to a certain height then design criteria comes into play. He reiterated that whatever is possible for the yellow area along the tracks that can be economically viable for an investor should be made possible. That corridor should be tweaked.

Mayor Seiler opened the floor for public comment.

Attorney George Platt, representing LSN Partners, presented a drawing of a proposed Flagler apartment development, which is attached to these minutes. LSN agrees that warehouses in this area need to go. LSN has been working on this off and on since 2003. They want to be part of the new Regional Activity Center but need height of at least 120 feet. They intend to build 800 1,200- square foot market apartments that will attract people to the area. It will be in close proximity to the Wave and All Aboard Florida. It will be transit-oriented development. Platt went on to say that railroad tracks are not mentioned in the ordinance. It is an intense corridor. Tweaking the ordinance to recognize the intensity of the corridor would be a positive. It will attract development. There are two projects immediately east of the tracks (9-10 stories) which would be a match to LSN's project. In response to Mayor Seiler, Platt said the proposed height is 120 feet. The drawing is purely conceptual; the project is not yet designed. There is a large junkyard contiguous to the site. With this proposal, he believed the highest and best use for that site ceases to be a junkyard.

Developer Paul Hugo, representing LSN Partners, said 150 feet height is permitted now. They acquired the property 10 years ago and have attempted to create a workforce project. He supported what the City is trying to do. They would like the junkyard site be a phase two. This is a pivotal point between east and west and it is important for it to be responsible development. PZ passed this development 5-2, with two members asking only that if it goes to the greater height, design criteria should be followed. They would like to streamline the process. Everything is market driven. There are buildings on 3 Avenue much taller than five stories.

Ron Centamore, president of Progresso Village Neighborhood Association, said the neighborhood is not opposed to the zoning change. Projects in Flagler Village are a square block, which will not be possible along Sistrunk therefore the density lower. This is one reason they felt more height should be allowed. In the yellow area, they support 110 feet but if 120 is needed for the project on the railroad tracks, the neighborhood would be supportive. They feel the minimum should be 75 feet rather than 65 feet. Because of the fire code, it becomes more expensive to build above 75 feet. There should be a

transition downward between 9 Avenue and 7 Avenue. Mayor Seiler advised that staff is proposing 45 feet west of 7 Avenue. The neighborhood is comfortable with what has been discussed concerning the yellow area around the tracks. He referred to the blue area on both sides of Andrews Avenue north of Sistrunk and indicated property owners would like more height. Mayor Seiler suggested he work this out with Commissioner Trantalis. As to the orange area, Centamore advised that the neighborhood does not object to the proposed height.

Robert Bamonte, representing Holman Automotive, indicated Holman is located in the orange area. They support the item. Expanding the "by right" section will make it easier for development because it does not require up-front costs. The reduction in parking requirements will promote public transportation.

Alan Levy, representing Broward Workshop, spoke in support of the item. There should be places for children to play with whatever is planned for the entire length of 7 Avenue. He offered the Workshop's support.

Senator Chris Smith, 1740 NW 3 Court, noted the parking reductions will spur growth on Sistrunk. He also supported the height restrictions. The City is heading in the right direction.

Joan Hinton, 713 NW 19 Avenue, spoke in support of the item. She was concerned about the orange area.

Yolonda Reed, 1451 NW 22 Street, questioned why the Mayor seemed interested in investment in the yellow area. She felt the same focus should be on the green area. Mayor Seiler clarified there is consensus concerning the green area, but not with respect to the yellow area. Reed emphasized the desire for more investors along the Sistrunk corridor.

Jana Gray-Williams, 3011 NW 21 Street, spoke in support of the item. She observed that more density from allowing greater height will mean more voters. She pointed out that Districts II and III have different interests and challenges. She advocated for subsidized and affordable housing to be spread across the entire district.

Charles King, 105 North Victoria Park Road, referred to the yellow and orange areas and indicated the height should be the same on both the west and east sides. He also supported transition downward to 7 Avenue. The ordinance should be tweaked so that height transitions down until it gets to 7 Avenue. He felt the zoning should be the same on both sides of Andrews Avenue.

Burnadette Norris-Weeks, representing River Garden Sweeting Estates, commented that the areas on the west side of 7 Avenue and between 7 Avenue and 9 Avenue have the best opportunity to be developed because there are a lot of vacant lots there. There is not a consensus as to the west side of 7th. There were numerous petitions that cannot be found now signed by people who have direct interests in this area. She said that she is a member of the Midtown Business Association, which met with staff over a long period of time and provided many ideas, but 7 Avenue was not part of those discussions. She believed the idea came out on a bus trip. She asked the Commission to consider proposals of the Broward Workshop and Greater Fort Lauderdale Chamber of Commerce to move the line from 7 Avenue to 9 Avenue. Both sides of 7 Avenue should be equal. Changing the height from 150 feet to 45 feet on one side of the street she would consider a substantial taking. Growth will not occur if areas that could be developed are being down-zoned. Consideration should be given to All Aboard Florida coming to the area.

State Representative Bobby DuBose said he served on the Commission when this process began. He along with staff met with the Midtown Business Association. It is difficult to balance interests. He

referred to individuals Ms. Norris-Weeks stated are in support of her position and said several are not in support of her position. There has been interest in development on 7 Avenue. It is inaccurate to say that there is no activity and the area is vacant. Because of the holiday, fewer people are present tonight. He believed there will be a packed chambers support on the next reading. The proposal is not 100 percent what either the residents or the business community want. He emphasized the extent of vetting for this proposal. He supported following staff's recommendation. He urged careful consideration be given to the proposed 120-foot-tall building discussed earlier.

Keyon Dooling, 3478 Gulfstream Way, Davie, spoke of the positive activity happening on Sistrunk and that it has the most untapped potential. A cultural preservation will be needed but there is an opportunity for development and preserving the community integrity. He supported the City's direction.

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

Commissioner Trantalis questioned why 7 Avenue was chosen as the line of demarcation. Brewton explained that staff considered the current zoning lines without any indication of what may be purchased in the future. As to the lots in question, at one point they were developed with low-density residential units. Beyond the vacant lots are residentially developed and zoned parcels that cannot be ignored.

Commissioner Trantalis introduced the ordinance, which was read by title only, along with scheduling second reading on January 21, 2015. There was consensus to revisit the section that has been discussed.

PASSED FIRST READING

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

PH-4 14-1618 QUASI-JUDICIAL - FIRST READING OF ORDINANCE REZONING TO NORTHWEST REGIONAL ACTIVITY CENTER MIXED USE NORTHEAST, MIXED USE EAST AND MIXED USE WEST - Case 3Z13

Applicant: City of Fort Lauderdale

Location: Approximately 130 acres along Sistrunk Boulevard from NW 7 Avenue corridors

Current Zoning: Residential Low Rise Multifamily/Medium Density (RM-15); Community Business (CB); General Business (B-2); Heavy Commercial/Light Industrial Business (B-3) and General Industrial (I)

All individuals wishing to speak on this matter were sworn in.

Mayor Seiler opened the floor for public comment.

George Burrows Sr., 1600 NW 4 Street, spoke in support of the item. His business has operated on the Sistrunk corridor for more than 65 years. The area's history and culture have been lost. People who once lived in this area were promised redevelopment and an opportunity to return to a revitalized community but that never happened. He has seen NW 6 Street, now Sistrunk Boulevard, develop,

thrive and decline. He was excited to see Sistrunk revitalized with smart redevelopment, not high-rises that would destroy the community's character. He favored an increase of affordable single-family homes and medium-height, mixed-use construction. The promises made many years ago need to be fulfilled.

Sonya Burrows, 1600 NW 4 Street, presented what she identified as almost petitions signed in support of the proposed zoning changes from residents, business owners and property owners on the Sistrunk corridor.

I, the undersigned stakeholder in the Historic Sistrunk Community, fully support the proposed zoning changes as presented in the Northwest Regional Activity Center-Mixed Use (NWRAC-MU) identified and outlined in Exhibit 4 Case #s T14012 ULDR Text Amendment and 3Z13 Rezoning.

As a stakeholder in the community, I am excited to see the much-needed redevelopment and revitalization of my community continue in a manner and direction that maintains the historic and cultural integrity of the community.

Additionally I appreciate city staff in the Department of Sustainable Development for listening and responding to the concerns and voices of our community particularly as respects the recommended height of new construction that will allow for medium density on or near Sistrunk Boulevard west of NW 7 Avenue. While the zoning amendments as proposed will not satisfy the density desires for all developers and private ventures, the recommended medium density is sufficient to spur the needed economic redevelopment of our community without destroying the fabric of it. Four national/regional retail chains have been attracted to and found homes in our community thus far namely: Bank of America, Save-A-Lot, Family Dollar and Jimmy John's. As our community launches its new branding campaign, I believe that more retail ventures will find a home on Sistrunk Boulevard as well. We applaud the City's desire as expressed in the Urban Design & Planning Division goal to focus on enhancing the quality of life and improving livability in the City of Fort Lauderdale, by encouraging and directing orderly growth and promoting well-designed development and redevelopment through sound planning principles, and we hope that this focus is one that would be applied equitably throughout the City. We have a rich history of commerce along the Sistrunk Corridor; we are proud of it and we want to both revitalize the commerce and preserve our history and heritage.

I respectfully urge you to support the proposed zoning amendments as proposed in the document stated above.

The petitions were made a part of the record. They want the community to be a destination and not a mere extension of the downtown. They are not opposed to density but rather to new, unchecked high-rise development. She supported the height limitation at 7 Avenue scaling down to 45 feet/three stories toward the established community. She particularly supported more scrutiny for projects above the recommended height.

Audrey Peterman, 450 SW 7 Avenue, was pleased that the proposal appears to protect the neighborhood's integrity with respect to height restrictions.

Beauregard Cummings, 1710 NW 27 Avenue, said he is excited about what is taking place. There is a lack of trust that has stemmed from the 1960s. He encouraged the Commission to stick with this proposal and make sure it comes to fruition. He supported staff's recommendation.

William Cone, 1020 NW 6 Street, said that in 1950, his family started a business on Sistrunk which died primarily due to economic decline. He supported staff's recommendation. Community revitalization is

necessary to help businesses survive. Revitalization must occur properly from 7 Avenue to the west. He asked the Commission to continue to help businesses in this area to survive.

Sheryl A. Dickey, 1033 NW 6 Street, spoke in support of the item. This is the first step. There must be continued investment in the Northwest RAC west of 7 Avenue in the way of investment incentives. She supported incentivizing developers for infill construction of single-family homes, townhomes and condominiums for ownership, which will also help stabilize the community.

Jessie Adderley, 443 NW 19 Avenue, spoke in support of the item. She was pleased to see the Commission discussing historic preservation of Sailboat Bend. She went on to say that the Sistrunk community would like the same consideration. More single-family affordable housing is needed. Some of the vacant lots on 7 Avenue are simply being held by property owners in anticipation of All Aboard Florida.

Mickey Hinton, president of Durrs Homeowners Association, wanted to retain and expand the residential development. He urged that a provision be made for more affordable housing. He supported staff's recommendation.

Bobby Henry Jr., 545 NW 7 Avenue, spoke in support of the item. He supported staff's recommendation. He believed the character of the community is much easier kept than to be recovered.

Jasmin Shirley, 1565 NW 4 Street, spoke in support of the item. She is approached frequently by people who want to buy her property. She noted that she has learned from this evening's discussion as to future potential development. She noted that there are two leaderships now and it is important that the community come together.

Burnadette Norris-Weeks, representing River Garden Sweetings Estates, said she learned in a recent All Aboard Florida session that there will be a great opportunity for development. There is a fear that this 98 percent black area will repopulate in a way that no one anticipates and people will be forced out of their homes. The fears are not justified based on the Florida constitution. The Wave is not possible for Sistrunk Boulevard because there are not enough people. She felt that the Commission has a responsibility to ensure they are making the best decisions for all of the city and to give every area the best opportunity for development. The CRA advisory board voted against the staff's recommendation. Staff has not followed the CRA implementation plan. As to the petitions, she said that some people must have signed more than one petition.

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

Commissioner McKinzie introduced the ordinance, which was read by title only, along with scheduling second reading on January 21, 2015.

There was consensus to hold the second reading on January 21, 2015.

PASSED FIRST READING

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

ORDINANCES**O-1 14-1498 FIRST READING OF ORDINANCE ESTABLISHING A PERMANENT PARKLET PROGRAM - Case 7T13**

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

PASSED FIRST READING

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

O-2 14-1275 QUASI-JUDICIAL - SECOND READING OF ORDINANCE - VACATION OF RIGHT-OF-WAY (Alley Reservation) - Case V14004

Applicant: Pacific National Bank/John Hart; Alan Jay Braverman
Location: South side of NE 7 Street between NE 2 Avenue and NE 3 Avenue
Zoning: Regional Activity Center - Urban Village (RAC-UV)
Future Land Use: Downtown Regional Activity Center

All individuals wishing to speak on this matter were sworn in.

Mayor Seiler reviewed the procedure for the public hearing and opened the floor for public comment.

Charles King, 105 North Victoria Park Road, wanted assurance that this project would not be converted from market rate to low-income government subsidized. He asked if the Commission could impose conditions to prevent that from occurring.

Attorney Robert Lochrie of Lochrie & Chakas, P.A., representing the Applicant, advised this is vacation of a right-of-way reservation. It has never existed as an alley. A site plan is being processed now for a market rate residential project. Commissioner Trantalis suggested imposing a condition to ensure the project will be market rate. The City Attorney did not believe such a requirement could be imposed at this juncture. Staff will work for a way for the Commission to achieve its goals. Commissioner Trantalis pointed out that the Applicant is proposing to build a 250-plus unit development but the proposal says nothing about market rate.

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

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

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

ADOPTED ON SECOND READING

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

**O-3 14-1361 QUASI-JUDICIAL - SECOND READING OF ORDINANCE
REZONING TO BOULEVARD BUSINESS - Case Z14003**

Applicant: Holman Automotive, Inc.

Location: West of Federal Highway between SE 14 Court and SE 15 Street

Current Zoning: Residential Office (RO), Planned Residential Office (ROC) and Residential Mid Rise Multifamily/Medium High Density (RMM-25)

Future Land Use: South Regional Activity Center

All individuals wishing to speak on this matter were sworn in.

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

Conrad Akers, 400 SE 14 Court, entered support of the item.

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

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

Vice-Mayor Rogers noted that the policy of not allowing test drives through the neighborhood should be maintained.

ADOPTED ON SECOND READING

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

**O-4 14-1542 SECOND READING OF ORDINANCE AMENDING CODE OF
ORDINANCES, CHAPTER 28, TRANSFERRING RESPONSIBILITY
FOR CONSTRUCTION OF SEWER LATERALS TO PROPERTY
OWNERS**

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

ADOPTED ON SECOND READING

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

**O-5 14-1350 SECOND READING OF ORDINANCE AMENDING CODE OF
ORDINANCES, CHAPTER 26, RELATING TO TRAFFIC AND
PARKING**

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

ADOPTED ON SECOND READING

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

CITY MANAGER REPORTS

14-1613 BEACH PLACE SECURITY ISSUES

The City Manager noted that Beach Place has requested that this item be continued to January 21, 2015.

Attorney Stephanie Toothaker of Tripp Scott, representing Beach Place, said their security consultant has analyzed the incident reports and she intends to provide a report to the City tomorrow that addresses security issues and includes several recommendations. She will not be in town on January 6. She asked that time be allowed to work with the City Manager in the interim.

In response to Commissioner Roberts, Toothaker advised that additional security cameras have been installed and are now using two-way radios for more direct communication with the police. They have been working with tenants on an enhanced security plan. She understood it would be important to have enhanced security for events such as New Year's Eve. The City Manager did not believe there would be additional police officers or security guards. Toothaker agreed. They are using canine officers although they are requesting relief on this. She asked the Commission to provide the City Manager authority to work with them on a plan that would carry through the holidays so a revised security plan could be presented on January 21. Commissioner Roberts said if the City Manager does not agree to the plan, there is no recourse for the Commission to act during the holidays because the Commission does not meet until after the holidays. Mayor Seiler did not object to waiting until January 21 for the final plan but he felt the City Manager needs to be granted some authority for the interim.

Commissioner Trantalis said it is not just a security issue. Beach Place has turned into a rowdy environment. Anything that Beach Place does that deteriorates quality of life is going to be a tipping point. Area neighbors are starting to organize. They are tired of the noise, filth and drunkenness. He was concerned about the entertainment ordinance that allows so many bars to be concentrated in one area. Combining with high-rent buildings is a toxic mix. He deferred to the City Manager to develop standards that can be applied until January 21. If an incident occurs in this interim he will recommend that the entertainment license be suspended permanently. The Commission owes it to residents and visitors. Commissioner Roberts agreed. Discussion ensued about the differences between this entertainment district and the one along 2 Street.

In response to Commissioner Roberts, Toothaker said they analyzed two years of incident reports relating to Beach Place. She appeared before the Nuisance Abatement Board on Monday when jurisdiction was extended another year. City staff stated on the record that there have been no incidents at Beach Place for the last 60 days. She believed it has to do with changes already made. Commissioner Roberts indicated it is not just crime, but any type of incident, which led to more serious matters. Toothaker advised that they looked at everything. Mayor Seiler asked about an incident that could occur across the street from Beach Place that is clearly attributed to Beach Place, such as an open container violation. Toothaker advised that they segregated the data from on site and not on site. The City Manager advised that there are incidents in which Beach Place was not referenced in the report even though the incident emanated from Beach Place. Toothaker indicated that the public records request for the incident reports attempted to capture everything pertinent.

Toothaker confirmed for Mayor Seiler that Jon Grossman of Cap Index is their security expert who will be present on January 21. Beach Place is in compliance with the security plan on record. They are receiving negative feedback about the canines and will be asking for relief. The City Manager clarified

that Beach Place is in compliance with the security plan as it pertains to the canines. Discussion ensued about the hours during which the canine units are required. Commissioner Roberts thought random checks would be more effective. The City Manager advised that the requirement is eight-hour shifts varying between 12 p.m. and 4 a.m. Thursday, Friday, Saturday and Sunday. His understanding is that it is varying within those times. Direction was given to make the adjustment.

There was consensus to schedule the security plan discussion with the security expert on January 21, 2015 including timing of canine unit use.

There being no other matters to come before the Commission, the meeting was adjourned at 12:34 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk