

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, June 16, 2015

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

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 6:10 p.m. by Vice-Mayor McKinzie.

ATTENDANCE ROLL CALL

Present: 4 - Vice-Mayor Robert L. McKinzie, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Romney Rogers

Not Present: 1 – Mayor John P. “Jack” Seiler (arrived at approximately 6:19 p.m.)

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett (arrived at approximately 6:31 p.m.) and Sergeant At Arms Sergeant Franklin Foulks

Vote Roll Call Order for this Meeting

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

Invocation

Dr. Jeffrey Thompson, senior pastor, Fort Lauderdale Seventh-Day Adventist Church

Pledge of Allegiance

Led by local youth

Approval of MINUTES and Agenda

15-0852 Minutes for March 17, 2015 Conference and Regular Meetings

No public comments were submitted by email for the June 16, 2015 regular meeting.

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

APPROVED

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

Not Present: 1 – Mayor Seiler

PRESENTATIONS

PRES-1 15-0794 Police Officer of the Month for June, 2015

Police Chief Frank Adderley recognized Officer Michael Peugh as Police Officer of the Month for June 2015 for his efforts in apprehending carjacking suspects.

PRES-2 15-0809 Recognition of Fort Lauderdale Executive Airport Staff For Their Response to Fatal Crash of April 12, 2015

Deputy Director of Transportation and Mobility Julie Leonard recognized Executive Airport staff for their response to a fatal crash on April 12, 2015.

PRES-3 15-0856 Proclamation declaring July 14, 2015 as Involuntary Breath Holding Awareness Day in the City of Fort Lauderdale

Vice-Mayor McKinzie presented the proclamation to Christina Underwood. Underwood thanked the Commission and provided brief information about the condition.

PRES-4 15-0857 Proclamation declaring June 20, 2015 as Marine Industry Day in the City of Fort Lauderdale

Commissioner Rogers presented the proclamation to Colleen Devertuil, chair of Annual Marine Industry Day. Devertuil thanked the Commission and provided information about an upcoming event.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items and announced two walk-on items involving the Ritz Carlton and event agreements.

Motion made by Commissioner Trantalis and seconded by Vice-Mayor McKinzie to add two walk-on items.

APPROVED

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

Commissioner Trantalis advised that he called up a matter related to All Aboard Florida. However due to an agreement between interested parties, he would like to rescind his motion to call up M-1. Mayor Seiler advised that PUR-8, CR-8 and CR-9 and were removed from the agenda.

Motion made by Vice-Mayor McKinzie and seconded by Commissioner Roberts that Consent Agenda items CM-5, CR-3, CR-4, CR-5, PUR-5 and PUR-11 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

APPROVED

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

WALK-ON MOTIONS

**APPROVING EVENT AGREEMENTS AND RELATED ROAD CLOSINGS:
Flagler Artwalk Show Central and the Village Market**

APPROVED

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

PENDING SALE OF RITZ CARLTON – Lease Agreement and Pedestrian Overpass Agreement – Consent to Assignment and Assumption of Lease Agreement and Overpass Agreement from RCFL Investor, LLC to CWI-GG RCFL Property Owner, LLC

APPROVED

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

CONSENT MOTION

CM-1 15-0782 Motion Approving Event Agreements and Related Road Closings: Glam-A-Thon Glam Doll Strut and Race with Broward County Delta’s

APPROVED

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

CM-2 15-0850 Motion Approving Purchase of Mitigation Credits from the Everglades Mitigation Bank for the Riverwalk Extension Project

APPROVED

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

CM-3 15-0566 Motion Authorizing a Sovereignty Submerged Land Lease Renewal with Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for Cooley’s Landing Marina

APPROVED

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

CM-4 15-0775 Motion Authorizing The July 4th Spectacular for July 4, 2015 as a Public Purpose Special Event Creating a Temporary Exemption Relating to the Sale, Possession and Consumption of Alcohol at the Event

APPROVED

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

CM-5 15-0709 Motion Approving Memorandum of Understanding with the Sheriff of Broward County for Placement of City Criminalist in the Crime Lab

Commissioner Rogers noted that a cost of \$750,000 per month would be assessed and there do not appear to be enough funds in the budget to complete the year. The City Manager advised that a

candidate is in place for the funded position.

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

APPROVED

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

CM-6 15-0672 Motion Authorizing Professional Services for the George T. Lohmeyer Waste Water Treatment Plant Stormwater Improvements - Craven Thompson & Associates - \$127,440 Task Order

APPROVED

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

CM-7 15-0750 Motion Authorizing Professional Services for Pump Station B-10 Rehabilitation - Calvin, Giordano & Associates, Inc. - \$171,606 Task Order

APPROVED

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

CM-8 15-0843 Motion Authorizing Professional Services for Small Water Main Improvements in Victoria Park 'A' North and Lake Ridge Sunrise Boulevard - Keith and Schnars, P.A. - \$175,350

APPROVED

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

CM-9 15-0642 Motion Approving a Revocable License Agreement between Broward County, City of Fort Lauderdale and GDC Broward RB, LLC for Right Of Way Improvements and an Agreement Ancillary to the Revocable License Agreement - East Side of SW 27th Avenue between Broward Boulevard and SW 3rd Street

APPROVED

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

CM-10 15-0763 Motion Approving Lien Settlement Agreement - 1434-1436 Northwest 9th Street

APPROVED

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

- CM-11 15-0853** Motion Amending the Revocable License Agreement with GDC Broward RB, LLC for Temporary Closure of Public Right of Way at North End of SW 24 Avenue on Broward Boulevard for Riverbend Marketplace

APPROVED

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

CONSENT RESOLUTION

- CR-1 15-0808** Resolution Approving an Interlocal Agreement with the Housing Authority of the City of Fort Lauderdale

ADOPTED

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

- CR-2 15-0729** Resolution Appointing Bond and Disclosure Counsel for the Issuance of General Obligation Refunding Bonds, Series 2015

ADOPTED

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

- CR-3 15-0838** Resolution Ratifying Tentative Agreement with IAFF Local Union 765, effective June 16, 2015 through September 30, 2017

Commissioner Trantalis commended the work of staff and the Fire Department in reaching this agreement.

Scott Bayne, representing the Local 765 Union, spoke in support of the item. He noted this was a 2.5-year process. There was a lot of give and take to reach the agreement.

Mayor Seiler commended the Fire Department for doing their jobs throughout the process.

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

Commissioner Roberts echoed Mayor Seiler's comments and noted that the Fire Department has a 94 percent approval rating.

ADOPTED

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

- CR-4 15-0673** Resolution Approving General Price List and Veterans Special Pricing

List for the City Cemeteries Effective June 16, 2015

Commissioner Rogers noted that a rate increase was approved last year. He questioned whether the competitive piece should be more closely examined. The City Manager advised that he plans to talk with the Cemetery Board at its next meeting about the condition of the cemeteries. They are running out of space and need to look into options on the seven- to 10-year horizon for acquiring land if they remain in the cemetery business. With regard to pricing, there is a resident and non-resident base system. If the Commission is concerned about that, he suggested that they could increase the non-resident pricing and hold firm on the resident pricing. Commissioner Rogers said he felt comfortable with that. He suggested approving the item tonight without a pricing increase for residential.

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

ADOPTED AS AMENDED providing that resident pricing will not change

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

CR-5 15-0701 Resolution Approving the Sale of City-owned Property Located at 825 East Sunrise Boulevard to Felipe Yalale in the amount of \$1,300,000

Commissioner Rogers noted that the 10-31 reference was stricken from the contract. Assistant City Attorney Bob Duncel said he was uncertain why the reference was removed. Typically a 10-31 exchange is not included in this type of property. If it is an essential part of the bargain for the buyer, it will likely be added back into the contract.

In response to Commissioner Trantalis, the City Manager advised that an appraisal was attached to the original resolution.

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

ADOPTED

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

CR-6 15-0805 Resolution Approving a Lease Agreement with Riverwalk Fort Lauderdale, Inc. for the Property located at 220 SW 3 Street - Shippey House**ADOPTED**

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

CR-7 15-0723 Resolution Amending a Local Agency Program Agreement with Florida Department of Transportation - Final Construction Cost for Flagler Drive Greenway and Bicycle Facility Project**ADOPTED**

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

- CR-8 15-0725** Resolution to Approve an Amendment to the Aquatic Complex Developer's Agreement - Recreational Design and Construction, Inc. - \$2,100,000

REMOVED FROM AGENDA

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

- CR-9 15-0665** Resolution Declaring Intent to Lease Property at 1409 Sistrunk Boulevard (Mizell Center) to Broward County Minority Builders Coalition, Inc.

REMOVED FROM AGENDA

- CR-10 15-0727** Resolution Approving a Lease Agreement with the Downtown Fort Lauderdale Transportation Management Association for a Vehicle Maintenance Site

ADOPTED

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

PURCHASING AGENDA

- PUR-1 15-0571** Motion to Approve Choicelinx Benefit Enrollment System - Choicelinx Corporation

APPROVED

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

- PUR-2 15-0588** Motion to Approve Contracts for Citywide Printer Supplies - CVR Computer Supplies, Inc. and The Office Pal Inc - \$82,000 (one-year cost)

APPROVED

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

- PUR-3 15-0636** Motion Authorizing Equipment Lease Purchase Upgrade for Public Safety Radio Communications System - Motorola Solutions, Inc. - \$4,187,540.90 (five-year cost)

APPROVED

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

PUR-4 15-0663 Motion to Ratify Expenditures of \$24,836 and Purchase Additional Office Furniture - Florida State Contract 425-001-121-1 Office Furniture and Files - \$29,184

APPROVED

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

PUR-5 15-0693 Motion to Approve Housing Opportunities for Persons with HIV/AIDS Grant Funding for Partner Providers of the City of Fort Lauderdale - \$6,700,126

Tom Pietrogallo, 1640 East Sunrise Boulevard, provided general information about CareResource. He believed there was a concern about the agency's ties to Broward County. They are requesting \$215,000.

Commissioner Trantalis advised that he spoke with members of the Community Service Board about this matter. The Broward connection was a factor but not necessarily a determining factor. They appreciate the work that CareResource does. CareResource used to be a Miami-Dade County agency but has brought its services locally. He stated that he supports the Board's recommendation.

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

APPROVED

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

PUR-6 15-0696 Motion to Approve Annual Asphaltic Concrete Pavement Contract - Hardrives of Delray, Inc. d/b/a Hardrives, Inc. - \$1,659,535

APPROVED

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

PUR-7 15-0698 Motion to Award Contract for Federal Lobbyist Services to Alcalde & Fay, LTD. Inc - \$62,000 (two-year amount \$124,000)

APPROVED

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

PUR-8 15-0702 Motion to Approve Contract for Las Olas Median Improvements - Green Construction Technologies Inc. - \$104,945

REMOVED FROM AGENDA

PUR-9 15-0730 Motion to Approve a Proprietary Purchase - Lizard Q 360 Photographic Imaging System - Scene Capture, Inc. - \$58,500

APPROVED

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

PUR-10 15-0739 Motion to Approve Contract for Fiveash Water Treatment Plant Filter Rehabilitation - Poole & Kent Company of Florida - \$486,470

APPROVED

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

PUR-11 15-0799 Motion to Approve Decorative Concrete Poles and LED Fixtures for the Riverwalk as a Proprietary Purchase - Municipal Lighting Systems, Inc. - \$119,668

Commissioner Rogers questioned where the poles would be placed. There has been some concern on the south side. Staff advised that the replacement poles are all slated for the north side. They are replacing aluminum with concrete for a streamlined look and replacing bulbs. They will be looking into replacements on the south side as a separate purchase. The City Manager advised that staff would follow up with Commissioner Rogers about the lighting plan for Smoker Park.

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

APPROVED

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

PUR-12 15-0804 Motion to Approve Information Technology Temporary Staffing Services - Teksystems, Inc. - \$39,500

APPROVED

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

PUR-13 15-0822 Motion to Approve a Second Extension and Amendment for Annual Concrete and Brick Paver Contract f - Straightline Engineering Group, LLC - Contract Increase of \$100,000

APPROVED

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

MOTIONS

M-1 15-0859 Motion Relating to a City Commission Request for Review - All Aboard Station - Case R14043

REMOVED FROM AGENDA

M-2 15-0785 Motion Designating Voting Delegate for Florida League of Cities 2015 Annual Business Session

There was consensus to nominate Mayor Seiler as voting delegate.

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

APPROVED

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

RESOLUTIONS

R-1 15-0747 Appointment of City Board and Committee Members

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

Cemetery System Board of Trustees	Avis Boyd-Gaines (Commissioner McKinzie)
Community Appearance Board	Alexander Coffey (Commissioner Roberts)
Parks, Recreation and Beaches Board	Idan Eckstein (Commissioner Trantalis)

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

ADOPTED

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

PUBLIC HEARINGS

PH-1 15-0717 QUASI-JUDICIAL - Resolution Granting a Waiver of Limitations at 3081 NE 40th Street for the Installation of an Eight-Post Boat Lift to Brian S. and Kathleen Tedeschi

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.

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

There being no individuals wishing to speak on this matter, a motion was made by Commissioner Roberts and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: AYES:

Vice-Mayor McKinzie, Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis and Mayor Seiler. NAYS: None.

In response to Commissioner Trantalis, Marine Facilities Manager Andrew Cuba advised that the 30 percent rule ensures that there will be a 40 percent navigable channel in every waterway in the City.

Tyler Chappell of The Chappell Group confirmed for Commissioner Rogers that this applicant previously received a waiver. Instead of 1.9 feet they are going to 3.9 feet. The lift sticks out wider; the boat is not sticking out.

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

ADOPTED

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

ORDINANCE FIRST READING

OFR-1 15-0848 Ordinance Amending Sections 20-129 and 20-135 of the Code of Ordinances Relating to the City of Fort Lauderdale Police and Firefighters' Retirement System - IRS Tax Qualification of the Plan

There being no one wishing to speak, a motion was adopted to close the public hearing.

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

PASSED FIRST READING

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

OFR-2 15-0817 Ordinance Amending Section 2-199 of the Code of Ordinances Relating to the Procedure for the Purchase of Insurance and Insurance-Related Services

There being no one wishing to speak, a motion was adopted to close the public hearing.

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

PASSED FIRST READING

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

ORDINANCE SECOND READING

OSR-1 15-0705 Ordinance Amending Chapter 25, Article VII of the Code of Ordinances to Permit Sidewalk Cafés along the Riverwalk

There being no one wishing to speak, a motion was adopted to close the public hearing.

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

ADOPTED ON SECOND READING

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

WALK-ON MOTION 3017 ALHAMBRA STREET – HISTORIC PRESERVATION BOARD
CASE H15010 – Landmark Designation of Villa Torino (formerly known
as Willis Apartments)

The City Manager advised that the Applicant has indicated he will not be in town for the July 7 meeting. The property owner has stated this is a time-sensitive matter and the August 18 meeting would be too late. The Commission will need to set a date to hear the matter.

Mayor Seiler felt that should be coordinated through the property owner. The Commission agreed.

Attorney Steve Tilbrook of Gray Robinson, representing the property owner, said his client suffers from a medical condition and there is a need to resolve the item quickly due to declining health of his client. There is a contract to sell the property, and this particular item has impaired that contract.

Attorney Stephanie Toothaker of Tripp Scott, representing the contract purchaser OTO Development, said that after six months of meeting with beach stakeholders, her client submitted an application to the Design Review Committee (DRC) on February 13. The application was reviewed on March 10 and there was no issue with any of the properties being considered historic. They believe the historic application was submitted to delay or prevent a proposed development. The project was approved by a majority vote of the Central Beach Alliance. Her client is under a tight time frame and a delay would cause serious harm. She was in agreement with Tilbrook's comments.

Charlie Esposito, 3009 Seville Street, read from a prepared statement, which is attached to these minutes.

Consultant Marla Dumas, representing the Applicant, said there was a lot on this location slated for the Vintro Hotel. There was discussion at the time that the Historic Preservation Board would submit applications to designate the property but that did not occur; private citizens came forward. No one was doing this because a development was pending. She advised that other meetings still must occur and can be scheduled on a dual track if the historic designation hearing is delayed. She believed that Mr. Ostryniec has rights but also believed that the Applicant should be allowed to be present at the hearing. The ordinance allows 90 days for the hearing to occur. Mayor Seiler pointed out that the owner has a health issue and believed they should defer to the owner's rights for scheduling. The Applicant can have someone stand in for him or submit a prepared statement. Dumas did not think a few weeks would make a difference. The closing meeting before the Commission meeting is a long one. She did not think it was a property rights issue.

Esposito confirmed for Mayor Seiler that he does not have expert knowledge of the property. David Baber is providing expertise, but Dumas said he would not be available on July 7.

Tilbrook stated that Architect Arthur Marcus testified before the HPB on behalf of the property owner. Toothaker advised that Tony Abbate was their expert, and he designated a spokesperson. Tilbrook said they were not aware of an expert representing the Applicant. Dumas said she was asked by Baber to speak on behalf of the property. She was not recognized by the HPB as an expert but was permitted to

speak during public comments.

Commissioner Trantalis clarified that the HPB passed a resolution supporting Esposito’s application and would therefore now be the proponent of the application. Additional experts such as Dumas could provide testimony if the hearing is held July 7. He did not believe the developer was really under the gun because they are not ready to pull the trigger on any of the purchases. He felt that the driving force was the ability of a property owner to designate their property historic if they feel it is adverse to their interests. He felt weight should be given to the property owner because their rights are at issue. He suggested holding the hearing on July 7 and did not think the agenda would be any more or less inundated with agenda items. He wanted a full and fair hearing on the matter because he supports historic preservation.

Esposito suggested September 1, but the City Manager clarified that does not fall within the 90-day time frame. Commissioner Roberts agreed that the hearing should be held July 7. He reiterated that Esposito could provide testimony for the record.

Esposito clarified that he suggested Ostryniec could submit his testimony by video because counsel moved for his standing. Mayor Seiler suggested that Esposito’s testimony could also be provided by video. Commissioner Trantalis noted that a three- or five-minute presentation would be allowed but nothing further in order to accommodate as many parties as possible.

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

Hearing set for July 7, 2015

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

The City Commission adjourned the regular meeting at 7:37 p.m. and returned to the conference meeting agenda, item BD-2, from 7:37 p.m. to 7:41 p.m.

REQUEST FOR CLOSED DOOR

The City Attorney requested a closed door session for July 7, 2015, to discuss matters pertaining to *Walter Hinton, et. al. v. City of Fort Lauderdale* and *Ray Adderley, et. al. v. City of Fort Lauderdale*.

There being no other matters to come before the Commission, the meeting adjourned at 7:42 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jeff Modarelli
Assistant City Clerk
City of Fort Lauderdale