

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, August 20, 2013
6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

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

Meeting was called to order at 6:02 by Mayor Seiler.

ATTENDANCE ROLL CALL

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

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett, Sergeant At Arms Sergeants Todd Bunn, Jose Gonzalez, Almonos Heath and Frank Vetancourt

Vote Roll Call Order for this Meeting:

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

Invocation

Rev. Willie J. Cook, Mount Hermon AME Church

Pledge of Allegiance

Led by Emma Brady, fourth-grade student, St. Anthony Catholic School

Approval of MINUTES and Agenda

13-1001 APPROVAL OF MINUTES – May 13, 2013 Marine Industry Strategy Workshop, May 21, 2013 Negotiations for Recruitment of City Attorney, May 21, 2013 Conference and Regular Meetings, June 4, 2013 Conference and Regular Meetings, June 7, 2013 Negotiations for Recruitment of City Attorney and June 18, 2013 Conference and Regular Meetings

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose to approve the noted minutes.

APPROVED

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

PRESENTATIONS

PRES-1 13-1138 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DECLARING AUGUST 20, 2013, AS MARCUS GARVEY DAY IN THE CITY OF FORT LAUDERDALE

Commissioner DuBose presented the proclamation to Priest Douglas Smith, president of the Rootz Foundation.

PRES-2 13-1149 FORT LAUDERDALE FIRE AND SAFETY MUSEUM WILL ANNOUNCE THE 2013 RECIPIENT OF THE LORRAINE THOMAS SCHOLARSHIP AWARD.

Fire Rescue Department Lieutenant John Heiser, president of Fort Lauderdale Fire and Safety Museum, joined Retired Fire Chief Bill Sharp and Active Deputy Fire Chief Robert Simac in presenting the 2013 Lorraine Thomas Scholarship Award to Michael Hernandez. The \$2,500 scholarship is designated for the children of active and retired firefighters.

Consent Agenda

(CA)

Mayor Seiler announced the procedure for consent items.

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose that Consent Agenda Items M-22, PUR-3, PUR-4, PUR-5 and PUR-13 be pulled from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

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

M-1 13-1016 EVENT AGREEMENTS: Cypress Creek Round Up, GIVE: Paint the Park and Health Food Expo

APPROVED

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

M-2 13-1015 TUNNEL TO TOWERS 5K EVENT AGREEMENT AND RELATED ROAD CLOSING

APPROVED

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

M-3 13-1065 DONATION TO A CHILD IS MISSING - \$3,500 from State Law Enforcement Trust Fund

APPROVED

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

- M-4 13-1011** CITIZEN CORPS GRANT ACCEPTANCE - \$7,500 - Florida Division of Emergency Management - no local match required

APPROVED

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

- M-5 13-1012** GRANT ACCEPTANCE - COMMUNITY EMERGENCY RESPONSE TEAM from Florida Division of Emergency Management - \$7,500 - October 1, 2012- January 31, 2014 - no local match required

APPROVED

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

- M-6 13-1034** GRANT ACCEPTANCE -2011 URBAN AREA SECURITY INITIATIVE - CITIZEN CORPS PROGRAM - \$75,000 from United States Department of Homeland Security, Florida Division of Emergency Management through City of Miami - no local match required - authorize proper City Officials to execute all necessary documents to accept funds

APPROVED

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

- M-7 13-0992** GRANT APPLICATION - SUSTAINABILITY MASTER PLAN - EXECUTIVE AIRPORT - Federal Aviation Administration - \$315,000

APPROVED

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

- M-8 13-1062** AGREEMENT FOR PARAMEDIC AND EMT STUDENT – INTERN TRAINING - Southwestern Acquisition, LLC d/b/a Florida Medical Training Institute - August 31, 2013 to September 1, 2016

APPROVED

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

M-9 13-0976 SETTLEMENT OF WORKERS' COMPENSATION FILE WC-96-8973 (Gladys McNeal-Neal) - \$377,990.40

APPROVED

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

M-10 13-1052 SETTLEMENT OF AUTOMOBILE GENERAL LIABILITY FILE VA GL 08-704 (Robert Lewis) - \$22,500

APPROVED

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

M-11 13-1081 SETTLEMENT OF GENERAL LIABILITY LAWSUIT - BELLAGIO OF FORT LAUDERDALE CONDOMINIUM ASSOCIATION v. CITY OF FORT LAUDERDALE - \$25,000

APPROVED

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

M-12 13-1055 PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY INSURANCE - use of negotiation method to obtain insurance premium quotes

APPROVED

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

M-13 13-1000 AGREEMENT FOR ANNUAL COLLEGE SWIM FORUM AT AQUATIC COMPLEX - College Swimming Coaches Association of America, Inc. - December 26, 2013 - January 13, 2014

APPROVED

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

M-14 13-1006 APPLICATION FOR TEMPORARY BEACH LICENSE AND OUTDOOR EVENT AGREEMENT - MONSTER THE ULTIMATE PERSONAL

APPROVED

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

- M-15 13-1068** CENTRAL BUSINESS DISTRICT PARKING GARAGE, SHOP 136
- Consent to Assignment and Assumption of Lease Agreement
between Riddlez Café, LLC and Piccolo Forno, Inc.

APPROVED

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

- M-16 13-1061** FIRST AMENDMENT TO LEASE AGREEMENT FOR OFFICE OF
INTERNAL AFFAIRS - 316 NE 4 Street - General Employees
Retirement System Board of Trustees - April 1, 2013 to November
30, 2016 - \$25,193.49 first year

APPROVED

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

- M-17 13-0722** ONE-YEAR EXTENSION TO ANNUAL UTILITIES RESTORATION
CONTRACT (FINAL) - REPAIR AND EMERGENCY SERVICES
TO WATER, SEWER AND STORMWATER INFRASTRUCTURE
ON AS-NEEDED BASIS - Molloy Bros. Inc. - not to exceed
\$749,830 and authorize City Manager to execute on behalf of City

APPROVED

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

- M-18 13-1037** TASK ORDER 14 - \$82,080 - WILDLIFE HAZARD ASSESSMENT
- Miller, Legg & Associates, Inc.

APPROVED

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

- M-19 13-1038** TASK ORDER 16 - \$38,460 - NATIVE VEGETATION
PROTECTION AND TREE INVENTORY FOR PARCEL 21B AT
EXECUTIVE AIRPORT - Miller, Legg & Associates, Inc.

APPROVED

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

- M-20 13-1042** WORK ORDER 3 - RIVERWALK NORTH REPAIRS – SEAWALL REPLACEMENT ALONG NEW RIVER - Engineering Control Systems Corporation - \$77,818 plus \$7,800 for engineering fees

APPROVED

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

- M-21 13-1044** CHANGE ORDERS 4-A, 5 and 8 - SE 15TH AVENUE BRIDGES OVER MARCHETTA AND CARLOTTA RIVERS - additional work and 71 days to contract period at no added cost - Baker Concrete Construction, Inc.

APPROVED

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

- M-22 13-1008** ACCEPTANCE OF 2013-2014 STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM (SHIP) FUNDS AND AUTHORIZE AGREEMENTS - \$236,279

Charles King, 105 N. Victoria Park Road, said SHIP funds are usually put toward low-income housing developments that often are clustered in one part of the city. He inquired what specifically the funds would be used for. He said he supports putting the money into the private sector so property taxes can be collected and fire assessment fees do not increase. The City Manager said the backup document indicates that the use of this money is restricted to five purposes: rehabilitation or modification of owner-occupied houses in blighted neighborhoods, assistance of purchases of existing housing with or without rehabilitation, providing of housing counseling services, providing of lease purchase assistance or implementing the strategies approved by the Florida Housing Finance Corporation related to assisting households with the impacts of foreclosures by reutilizing the existing housing stock.

Motion made by Commissioner DuBose and seconded by Vice-Mayor Roberts to approve the item as recommended.

APPROVED

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

- M-23 13-0496** HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT FOR BROWARD BOULEVARD BICYCLE AND SIDEWALK PROJECTS - Florida Department of Transportation and authorizing City Manager to execute a Local Governmental Right-of-Way Certification Statement for project to be completed within the public right-of-way and that no additional right-of-way is required

APPROVED

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

CONSENT RESOLUTION

CR-1 13-0965 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2013 BUDGET – APPROPRIATION

ADOPTED

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

CR-2 13-1091 TOWER FORUM - authorize City Manager to accept appointment to Board of Directors for the Tower Forum

ADOPTED

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

CR-3 13-0994 ACCEPTANCE OF GRANT FUNDS FOR ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - FIRE PREVENTION AND SAFETY - \$96,336 - Agreement with U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) – local match of \$24,084 - authorization to execute any documents necessary to receive and disburse funds and amend 2013 operating budget by appropriating funds

ADOPTED

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

CR-4 13-1058 ACCEPTANCE OF EQUIPMENT FROM URBAN AREA SECURITY INITIATIVE GRANT PROGRAM - U.S. Department of Homeland Security, Florida Division of Emergency Management vis City of Miami - \$85,804

ADOPTED

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

CR-5 13-0991 ACCEPTANCE OF GRANT FUNDS FOR TAXIWAY SIERRA REHABILITATION AT EXECUTIVE AIRPORT - \$976,000 – Joint Participation Agreement with Florida Department of Transportation - authorize City Manager to execute on behalf of City

ADOPTED

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

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CR-6 13-0477 COMMUNITY BUS SERVICES - ONE-YEAR EXTENSION TO INTERLOCAL AGREEMENT and authorize Contract Administrator to execute amendments - Downtown Fort Lauderdale Transportation Management Association

ADOPTED

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

PURCHASING AGENDA

PUR-1 13-0917 ONE-YEAR CONTRACT FOR POSITIVE DISPLACEMENT COLD WATER METERS in the estimated amount of \$351,455 from Sunstate Meter & Supply, Inc.

APPROVED

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

PUR-2 13-1014 ONE-YEAR PRE-QUALIFICATION OF FIVE VENDORS FOR WATER DISTRIBUTION SYSTEM PIPE in the estimated amount of \$500,000 - HD Supply Waterworks, LTD., Ferguson Enterprise, Inc., Corcel Corp., Mariflow Industries, Inc. and Fortiline, Inc. d/b/a Fortiline Waterworks

APPROVED

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

PUR-3 13-1022 TWO-YEAR CONTRACT FOR UNDERCOVER VEHICLE RENTAL SERVICES in the estimated amount of \$195,400 from 2nd Chance Holdings Inc. d/b/a Budget Car Rental

Charles King, 105 N. Victoria Park Road, questioned the expenses associated with purchasing and maintaining the police department fleet. The City Manager said the purchasing item is related to unmarked vehicles that can be swapped out with other vehicles in the fleet to ensure constant change for use in neighborhoods patrolled by undercover officers. Vice-Mayor Roberts recommended that Mr. King attend the Citizens Police Academy to learn more about the police department operations and budget. He explained that police officers need to have the ability to switch out a car on a daily or even hourly basis when conducting undercover operations.

Fred Carlson, 625 Orton Ave., said the police officers on the beach do an excellent job and have told him that they value the use of unmarked vehicles. He said he supports the purchase of the vehicles.

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose to approve the item as recommended.

APPROVED

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

PUR-4 13-1024 FINAL RANKING AND COMMENCEMENT OF NEGOTIATIONS – CONSULTANT SERVICES – DESIGN AND IMPLEMENTATION OF LAS OLAS BOULEVARD CORRIDOR IMPROVEMENTS – top ranked proposer EDSA Inc.

Commissioner Rogers said the projects identified in PUR-4 and PUR-5 were both ranked for the same bidder. In the case of PUR-5, the final rankings were separated between the top firm and second-ranked firm by one-tenth of 1 percent, he said. Commissioner Rogers suggested seeking options for encouraging competition among vendors rather than awarding both bids to the same firm. Vice-Mayor Roberts said he philosophically agrees with Commissioner Rogers' suggestion but expressed concern about potential legal ramifications.

The City Manager said the procedure was followed in accordance with the Competitive Consultants Negotiation Act, which requires that the City rank the firms and begin to negotiate with the top-ranked firm. If the City cannot reach an agreement with the top-ranked firm, negotiations then begin with the second-ranked firm. He noted past practice and that it is his understanding that ultimately the Commission makes the final ranking by whatever process it wishes to employ. The City Attorney did not think there would be any problem if the Commission wants to rank the firms differently.

Commissioner Trantalis asked whether it would make sense for two consultants to work on the same job considering the nature of the work. The City Manager explained that PUR-4 and PUR-5 are distinct enough that they could be awarded to two different firms. PUR-4 is actually three projects – two parking garages and a public plaza – bundled together because of concerns that conflicts could occur if there were multiple designers. PUR-5 deals with streetscaping.

Commissioner Rogers stressed the importance of the PUR-5 project and suggested finding a way to get the two firms together to use their expertise and possibly a better deal for the City. The City Auditor thought a similar process was used with the WaterWorks project several years ago. Mayor Seiler questioned how the work could be fairly divided. He went on to express his disagreement with the road realignment part of the item. He preferred to expand Alexander Park. Commissioner Rogers pointed out that a design with and without the realignment could be prepared so that the Commission could decide which would be best. Commissioner Trantalis understood one reason for the garages was displacement of parking by the realignment. He did not think there is a parking deficit on the beach. Mayor Seiler disagreed. More parking is needed close to the bridge so that people will get out of their vehicles and traffic issues can be resolved.

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose to defer the item to September 3, 2013 (Conference Meeting).

DEFERRED TO SEPTEMBER 3, 2013

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

PUR-5 13-1031 FINAL RANKING AND COMMENCEMENT OF CONTRACT NEGOTIATIONS – CONSULTANT SERVICES – DESIGN AND IMPLEMENTATION OF FORT LAUDERDALE BEACH STREETScape IMPROVEMENT PROJECT – top ranked proposer Kimley Horn and Associates Inc.

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose to defer the item to September 3, 2013 (Conference Meeting).

DEFERRED TO SEPTEMBER 3, 2013

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

CR-5 13-0991 ACCEPTANCE OF GRANT FUNDS FOR TAXIWAY SIERRA REHABILITATION AT EXECUTIVE AIRPORT - \$976,000 – Joint Participation Agreement with Florida Department of Transportation - authorize City Manager to execute on behalf of City

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Mayor Seiler asked if any deadlines were missed. The City Manager explained this item solely has to do with funding. Deputy Director of Transportation and Mobility Clara Bennett clarified that the item involves assembling funding in order to begin design work for the project. The project has not been bid yet. Item PUR-15 authorized rejecting all bids and rebidding the project.

PUR-6 13-1032 ONE-YEAR CONTRACT FOR WATER EXTRACTION AND REMEDIATION OF WATER DAMAGE AND MOLD IMPACT SERVICES in the estimated amount of \$113,015.15 from Decon Environmental & Engineering, Inc. and Air Quality Control Environmental, Inc. as a sub-contractor and authorize City Manager to approval renewal options contingent upon approval and appropriation of funds

APPROVED

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

PUR-7 13-1048 SERVICE OF PROCESS AND SUBPOENA SERVICES -
Assignment of Contract to Burke Process Service, Inc.

APPROVED

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

PUR-8 13-1053 CANCEL CONTRACT FOR BEACH PADDLEBOARD
CONCESSION SERVICES with Stand Up Paddle Lessons, LLC

APPROVED

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

PUR-9 13-1035 PURCHASE CITYWIDE ECONOMIC DEVELOPMENT
STRATEGIC PLAN in the amount of \$79,800 from Willdan
Financial Services, Inc. with sub-consultant Renaissance Planning
Group, Inc.

APPROVED

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

PUR-10 13-1056 PURCHASE OF DUAL CONCRETE STREET RECEPTACLES in
the amount of \$179,586 from Wausau Tile, Inc.

APPROVED

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

PUR-11 13-1059 PURCHASE OF RECYCLED DUAL WASTE AND RECYCLING
RECEPTABLES in the amount of \$336,105 from The Prestwick
Group, Inc. d/b/a Max-R

APPROVED

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

PUR-12 13-0858 PURCHASE AND INSTALLATION OF EPOXY POLYMER LINING
SYSTEM in the amount of \$157,900 from Atlantic Painting &
Sandblasting, LLC

APPROVED

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

PUR-13 13-1018 PAINTING OF JOHN FUHRER DOWNTOWN HELISTOP in the amount of \$70,860 from Fitch Builders Inc.

Commissioner Rogers questioned the expense and timing of the project. Deputy Director of Transportation and Mobility Clara Bennett clarified that the project is on a five to seven-year maintenance schedule. She will work with the parking department to accommodate the back-to-school schedule that involves an influx of students in the area.

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

APPROVED

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

PUR-14 13-1060 RESCUE TRANSPORT VEHICLES - REJECT SINGLE BID AND RE-BID

APPROVED

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

PUR-15 13-1004 TAXILANE CHARLIE PAVEMENT REHABILITATION AND REPLACEMENT OF AIRFIELD LIGHTING - EXECUTIVE AIRPORT - REJECT ALL BIDS AND RE-BID

APPROVED

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

PUR-16 13-1064 CONTRACT CHANGES FOR PURCHASE OF SPECIALIZED COMPUTER SEARCH SERVICES - LexisNexis Risk Solutions FL, Inc.

APPROVED

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

PUR-17 13-1092 CONTRACT EXTENSION - SINGLE FAMILY RESIDENTIAL HOUSEHOLD GARBAGE, TRASH AND YARD WASTE COLLECTION in the not to exceed amount of \$1,630,214.36 from Choice Environmental Services of Broward, Inc. - through January 31, 2014

APPROVED

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

MOTIONS FOR DISCUSSION

MD-1 13-1013 CITY COMMISSION REQUEST FOR REVIEW – BROWARD COUNTY COURTHOUSE PARKING GARAGE APPLICATION FOR DEVELOPMENT PERMIT – SITE PLAN LEVEL II – Case 48 R-11

Mayor Seiler announced that Commissioner Rogers has requested the Commission set a hearing to review the Development Review Committee's approval of Phase II of the Broward County Courthouse parking garage. The review is to ensure that development standards and other criteria have been met.

Commissioner Rogers said the project was fast-tracked but there may be an opportunity to pause at the onset of Phase II to review the full project plans. He later said he had concerns about how the job site is being maintained. Broward County Assistant Public Works Director Steve Hammond said the site plan previously presented to the Commission contains buildings that probably will not be constructed in the near future. The project is on a fast track with plans to go before County Commission next month to seek final approval for construction of the parking garage. He requested that the City Commission forego holding a hearing in order to keep the project on track and explained the time concern has to do with infrastructure work. Review by the City Commission on September 3 would be within the thirty-day period when the matter would come before the County Commission. At Commissioner Rogers' request, he said he would provide any requested information to the City Manager.

Motion made by Vice-Mayor Roberts and seconded by Commissioner Trantalis to hold a hearing on September 3, 2013.

HEARING SET FOR SEPTEMBER 3, 2013

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

PUBLIC HEARINGS

PH-1 13-1029 RESOLUTION - UNDERGROUNDING OF OVERHEAD UTILITY LINES - SETTING FEE FOR INITIAL UPFRONT COSTS - Las Olas Isles - Service Area B

Mayor Seiler opened the floor for public comment.

Kenneth Cooper, president of Las Olas Isles Homeowners Association, previously provided a memorandum, dated August 19, showing what was done to notify all the residents that is attached to these minutes. He has signatures of residents making up 95 percent of the neighborhood in agreement with the underground utility issue and the water bill issue.

Alyce Whitney Brennan, 627 Royal Plaza Drive, said she has a problem with the process of seeking project approval from homeowners because a lot of the residents did not realize that not voting was disenfranchising them from the matter. She introduced Engineer Daniel Lavrich. Engineer Daniel Lavrich, 13500 SW 16 Court, Davie, disagreed with the process by which votes were tallied, requiring 70 percent of those who cast a vote to approve rather than 70 percent of homeowners in the area to approve. He also expressed concern over the cost of engineering drawings being borne upfront instead of a feasibility study.

Knud Hostrop, 441 Royal Plaza Drive, agreed with Lavrich's comments and wanted to know how many people voted and the results. He opposed the project. He wanted to know more about the status and an opportunity to participate. Mayor Seiler recapped what has happened to date and what is before the Commission this evening.

Tom Godart, 330 Isle of Capri, said in every neighborhood there are people who would rather not spend any money to improve the neighborhood. Some of those people are not members of the homeowners association. A few people have held up the feasibility study from going forward. He added that he believes it is unfair to those who pay real estate taxes for expensive property in Las Olas and want to see their homes improve in value.

Dane Reed Hancock, 516 Bontona Avenue, asked for clarification on the process. He believed that the work is two-part and 40 percent of the homes already have underground secondary power. There would be no cost for the underground secondary power. He went into more detail about there being different scenarios. He requested a project breakdown so that the need for each home is clear. The City Manager said the next step in the process is to complete 90 percent design plans for bidding purposes. It will show the true cost for the work. There was a need for the affected area property owners to guarantee this cost. The City would front this cost and collect it over a two-year period via water bills. If the Commission approves the item tonight, there will be an item on a future agenda to approve a task order for engineering design.

Paul Franzelas, 414 Isle of Capri, read in part from a prepared statement detailing his concerns about the project.

Howard Steinholz, president of Seven Isles Homeowners Association, said information about the project has been forthcoming and Ken Cooper has provided information. The effort, he said, was a cooperation among four neighborhoods.

Charles King, 105 N. Victoria Park Road, said it is ridiculous that 70 percent of the property owners have to show up and vote for something in order for progress to occur. There will always be nay sayers. This will improve properties.

Ken Cooper clarified that homeowners association dues are \$50 per year and he sends notices to all 300 residents, based on the Property Appraiser's records, not just members of the homeowners association.

Commissioner Trantalis (representing the district in question) said residents are anticipating a significant financial burden if the Commission moves forward with the project. He thanked Mr. Cooper for his efforts. Since the Commission is only deciding tonight on the feasibility study, he believes the financial impact is minimal and the matter should go forward.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Commissioner DuBose to close the public hearing.

Roll call showed: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers and Mayor Seiler. NAYS: None.

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

ADOPTED

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

PH-2 13-1009 RESOLUTION - AMENDMENT TO NORTHWEST PROGRESSO-FLAGLER-HEIGHTS COMMUNITY REDEVELOPMENT PLAN - adding Community Policing Innovation Program, Wireless Surveillance Camera System and Public Wi-Fi-System

Mayor Seiler opened the floor for public comment.

Charles King, 105 N. Victoria Park Road, said he supports security cameras but free wi-fi and the police substation are wasteful. Mayor Seiler said the wi-fi is necessary for the security cameras.

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

Vice-Mayor Roberts requested quarterly reports on police successes in the area.

Commissioner Trantalis introduced the resolution, which was read by title only, including quarterly status reports on the community policing program.

ADOPTED

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

PH-3 13-0955 QUASI-JUDICIAL - DE NOVO HEARING - CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS TO LAUDERDALE BEACH HOTEL (Las Olas Beach Club) - Case 5-H-13

Applicant: Preferred Signs
Location: 101 South Fort Lauderdale Beach Boulevard
Zoning: Planned Resort Development PRD
Future Land Use: Regional Activity Center - Central Beach RAC-CB

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

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

Applicant Neil Hamuy of Sunglasses and Swim said he is willing to change the color of the awnings and the fabric to what exists on the building but it is not acceptable. In response to Commissioner Trantalis, he said it is incorrect that he has refused to meet with those who are opposed to his awnings (Broward Trust for Historic Preservation). He displayed photographs of the building and awnings as well as the building permit issued by the City during his presentation that were made a part of the record.

Arie Mrejen, representing the Applicant, submitted a letter issued to Patricia Rathburn of Broward Trust for Historic Preservation that was made a part of the record. He said his client went through the appropriate process and obtained a City permit to install the awnings. For the past five years, there have been very similar awnings on the facade. He said it is commendable that the Applicant has tried to compromise. He felt Broward Trust is overstepping.

Patricia Rathburn, representing Broward Trust for Historic Preservation, displayed photographs of the Tommy Bahama signage on the awning as well as the Applicant's storefront awning and an awning on the south of the building. She said she never received the letter Mr. Mrejen claimed was sent to her. She added that on June 13 she proposed a settlement offer which would have allowed the Applicant to keep the signage and would have required him to change to an awning that is consistent with the H2Oawning. She said the response she received was that Mr. Hamuy did not want to respond to the settlement offer until he met with the awning company to see how much it would cost. She said the statement that she has not been in contact with him is untrue. She elaborated upon the communication there has been between her and Mr. Hamuy. She has been waiting for a response to the settlement offer. She said Mr. Hamuy does not want to remove some of his signage and an awning that hangs over the entrance to his store. Broward Trust would agree to an awning in that location provided it is consistent with the overhang. She went on to point out that the awning on the south side of the building is unnecessary and should be removed. The historic guidelines have been violated. She said the permit should not have been issued without the matter going before the Historic Preservation Board. The City Manager indicated that staff does not agree that the City made a mistake in this matter. She disagreed in that it is a historically designated building. It has nothing to do with the preservation easement. In response to Mayor Seiler, Director of Sustainable Development Greg Brewton indicated any use of the building requires a certificate of appropriateness from the Historic Preservation Board. The question has always been it would be appropriate in this case because of the easement. There is generally a flag on all properties that have been designated historic. Ms. Rathburn clarified that this offer pertains only to this tenant. She reiterated each point in the settlement offer previously noted and added that the Trust does not object to the signage. Broward Trust would also give Mr. Hamuy until November 15 to comply.

Mr. Mrejen used the photographs presented by the Applicant. The signage is on the awning itself. He did not think the shape of the awning matters. More importantly Mr. Hamuy should not have to bear more expense when he did nothing wrong. Initially Broward Trust offered no

alternative but to remove the awnings. After four meetings, something different has been posed. Changing the structural configuration will be significantly more costly.

Commissioner Trantalis indicated that the signage shown in the photographs is clearly not allowed pursuant to the code and should be removed.

Mr. Hamuy read an email dated August 6, wherein he proposed changing the fabric and color of the awnings to that of H2O's awning and asked Ms. Rathburn to consult the Broward Trust and apprise him.

After more discussion in an effort to reach a solution, Mayor Seiler suggested that Mr. Hamuy and Ms. Rathburn set a meeting with Commissioner Trantalis to resolve the dispute.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Vice Mayor Roberts to continue the public hearing to September 17, 2013. Roll call showed: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers and Mayor Seiler. NAYS: None. NOT PRESENT: Commissioner DuBose.

DEFERRED TO SEPTEMBER 17, 2013

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

Not Present: 1 – Commissioner DuBose

ORDINANCES

O-1 13-1075 SECOND READING OF ORDINANCE AMENDING ORDINANCE C-03-46 - ESTABLISHING STAGGERED TERMS FOR AUDIT ADVISORY BOARD

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

ADOPTED ON SECOND READING

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

O-2 13-0843 QUASI-JUDICIAL - SECOND READING OF ORDINANCE REZONING TO EXCLUSIVE USE (X-P) - PARKING LOT AND SITE PLAN WITH COMMERCIAL FLEX ALLOCATION - EXPANSION OF BOAT OWNERS WAREHOUSE - Case 7-ZR-12

Applicant: Second Avenue Properties - Boat Owners Warehouse
From: Residential Low Rise Multi-Family - Medium High Density RM-15
Location: Southeast Corner of SE 3 Avenue and State Road 84 – 2307 SE 3 Avenue

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

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

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

ADOPTED ON SECOND READING

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

O-3 13-0911 SECOND READING OF ORDINANCE - AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTIONS 47-6 AND 47-18, Business Zoning Districts (CB, B-1, B-2, B-3) and Specific Use Requirements - TO PROHIBIT PACKAGE LIQUOR STORE, CONVENIENCE KIOSK, CONVENIENCE STORE, MULTI-PURPOSE AND SUBSTANTIALLY SIMILAR USES WITHIN NORTHWEST REGIONAL ACTIVITY CENTER

Mayor Seiler opened the floor for public comment.

Charles King, 105 N. Victoria Park Road, said the ordinance is an ineffective attempt to outlaw liquor stores and convenience stores that are perceived to be crime hubs. He said it would prevent legitimate large corporations from locating in that area. It demonstrates that the Commission is in control of what can be located in the Community Redevelopment district.

There was no one else who wished to speak.

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

ADOPTED ON SECOND READING

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

O-4 13-1039 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, ARTICLE III, SECTION 24-69 - SOLID WASTE PRIVATE COLLECTION SERVICES - LICENSED PRIVATE COLLECTOR FRANCHISE FEE AND PAYMENT METHODOLOGY

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

PASSED FIRST READING

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

O-5 13-0818 FIRST READING OF ORDINANCE - DISSOLVING NORTHWEST NEIGHBORHOOD IMPROVEMENT DISTRICT

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

PASSED FIRST READING

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

RESOLUTIONS

R-1 13-1051 APPLICATION TO INSTALL AND MAINTAIN FOUR-POST BOATLIFT - 621 Cordova Road - Steven Merson

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

ADOPTED

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

R-2 13-0912 ONE-YEAR PARKLET PILOT PROGRAM - OUTDOOR SEATING - semi-permanent decks that expand pedestrian realm beyond the sidewalk into a parking lane - Case 7-T-13

Mayor Seiler opened the floor for public comment.

Samuel E. Poole III, 702 Rio Vista Blvd., explained that the intent of a parklet is to create a space on the sidewalk wide enough for café tables and to encourage walkability. He said it is intended to be temporary as the city transitions back to walkability.

Jonathan Schwartz, 329 SW 13 Terrace, said successful pedestrian areas are useful, safe, comfortable and interesting.

Attorney Courtney Crush said she thinks parklets are a wonderful idea. She suggested consideration be given to allowing parklets in the other regional activity centers.

Jenni Morejon of the Department of Sustainable Development said that portion of the resolution that indicates locations where parklets will be permitted contains a typographical error. It should read, "Parklets are permitted on streets with speed limits of 25 mph or less, and on Oakland Park and Commercial Boulevards between U.S. 1 and the Intercoastal Waterway." She said the intent is to allow parklets on streets within the entire city subject to other conditions and also on Oakland Park and Commercial Boulevards between U.S. 1 and Intercoastal Waterway, she said. She explained for Commissioner Rogers why they are being limited to ten. At Vice-Mayor Roberts' request, the resolution was amended to allow up to 20 parklets in the pilot program.

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

ADOPTED

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

R-3 13-0937 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

Commissioner Trantalis said Mel Rubenstein intends to resign from the Beach Redevelopment Advisory Board. He submitted Shirley Smith be appointed to fill the vacancy.

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

Aviation Advisory Board	Richard D. Owen (Commissioner Rogers)
Beach Redevelopment Board	Shirley G. Smith (Commissioner Trantalis)
Board of Adjustment	Fred Stresau (Consensus/Commissioner Rogers)
Budget Advisory Board	Charles “Chip” Burpee (Commissioner Rogers) James McMullen (Commissioner Rogers)
Community Services Board	Benjamin P. Bean (Commissioner Rogers) Ann Clark (Commissioner Rogers) Richard Whipple (Commissioner Rogers)

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

ADOPTED

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

R-4 13-0989 MARINA LOFTS - Case 51-R-12 - Applicant: Downtown Fort Lauderdale Waterfront 18, LLC - Location: South Side of New River between Florida East Coast Right of Way and SW 4 Avenue - Future Land Use: Downtown Regional Activity Center A) Resolution authorizing relocation of African Rain Tree, designated protected tree, to public plaza park space on northeast corner of SW 3 Avenue and SW 5 Street B) Quasi-Judicial - Site Plan Level III Development Permit with Allocation of Post 2003 dwelling units

Commissioner Rogers cited a conflict of interest and said the law requires him to abstain from the vote and discussion on this matter.

The Commission announced with whom they had spoken with and, or site visits made.

The Applicant and his team reviewed slides concerning their application as follows that are attached to these minutes.

Asi Cymbal, Cymbal Development, spoke as the owner and developer of Marina Lofts. He mentioned that the development was unanimously approved, 9-0, by the Planning and Zoning Board. He said his company is composed of real estate developers, builders and restaurateurs who typically work with the best architects in the world. He also noted the team's experience. He went on to elaborate on the Cymbal team's intentions, including to significantly transform downtown Fort Lauderdale with iconic architecture. He has met with more than 1,000 members of the Esplanade community – of which he is a resident – over the past two years.

He explained that the project is broken into phases. Phase I will include 255 units. He said the key to Marina Lofts' success is density. Because of density, Cymbal will be able to provide a high level of architecture and design as well as public improvements. Cymbal has already invested \$15 million in the project. Entitlements will be lost if the second building is not completed within eighteen months of the first that equates to over \$10 million. There is already a wait list for Phase I occupancy. He discussed the financing aspect and noted that there is interest from several lenders, including City National Bank. Cymbal is under construction on a \$35 million project in Miami as general contractor, developer and owner. There is a 95 percent occupancy rate in downtown Fort Lauderdale, thus a high demand for housing. There is a desperate need for affordable housing.

Mr. Cymbal elaborated upon his belief of the importance of architecture and design, and why he chose Bjarke Ingels.

Architect Bjarke Ingels, BIG Architect, New York, NY, said one of his major ambitions for the project is to incorporate the advantages of living close to a body of water to the downtown experience. He was committed to maintaining the existing culture of the area including the marina, water taxi and the historical rain tree. This development will complete the Riverwalk, providing a continuous passage. The development will encourage walkability. He presented and reviewed project renderings that are attached to these minutes.

Stephanie Toothaker of Tripp Scott, spoke on behalf of the Applicant. She noted the project location and existing conditions in the area. The rain tree is concealed behind a fence and other trees, and the Applicant looks forward to relocating it to a public park for the benefit of all the residents of Fort Lauderdale. She noted the slides for each phase that provide a breakdown of the uses, setbacks, floors, units and parking.

The project contains a significant amount of open space and green area (36 percent of the site). She also addressed slides on access and loading. The Applicant team has internalized loading zones inside the garages with the exception of tractor-trailers. She said loading and unloading by semi tractor-trailers would not be permitted on SW 4 Avenue, the street immediately adjacent to the Esplanade.

She displayed a slide comparing densities of other developments that have been approved within the City and pointed out that the New River Yacht Club, which is immediately adjacent to the proposed Marina Lofts project, has 261 units per acre. By comparison, Marina Lofts is 1.62 units per acre.

Traffic engineer Joaquin Vargas, representing the Applicant, reviewed slides concerning parking and roadway and multimodal improvements.

In his opinion, these measures mitigate traffic issues for all phases of the project. Additional improvements include bicycle lanes, bicycle storage, B-Cycle racks, Complete Street concept on 3 Avenue and 6 Street, informational signs on alternative modes of transportation and improvements to the Water Taxi station.

Architect Anthony Abbate, representing the Applicant, reviewed slides concerning evaluation of historic resources and shadowing. There actually are no historic resources on the site or adjacent to it. There are significant historic resources across the river including the New River Inn and the Bryan Homes. The project was reviewed using the Secretary of the Interior's standards for rehabilitation and guidelines for historic buildings and the National Park Service Bulletin 15 on how to evaluate the integrity of a property to test the criteria of adverse effects of a proposed development on historic resources. The only other standard that applies is the archaeological resources which were evaluated by Robert Carr who is available this evening. His report concludes that there are no negative impacts on historic resources in the area. Placement, long-term health and condition of the proposed landscaping are an important factor.

Abbate said he also worked on a shadow and shading study using Google SketchUp software. He reviewed slides showing the areas where shadows would be cast in a worst-case scenario.

Jordana Jarjura of Conrad & Scherer, representing the Applicant, entered for the record a report by planner Kim Glas-Castro, dated August 19, 2013, regarding the project's consistency with the City's comprehensive plan. She noted Ms. Glas-Castro's professional credentials and experience. She also submitted the application's narrative, dated July 10, 2013, an affidavit of Hector Torres, dated August 19, 2013 related to the tree presentation and 848 letters of support, 524 of which come from residents of the City, 356 from the district where the property is located. All of these documents were made a part of the record. She continued review of slides relating to various City plans and recommendation of approval by the City staff and Planning and Zoning Board.

She said the Marina Lofts project meets and embodies the goals of the City's comprehensive plan, downtown master plan, New River master plan, Riverwalk District plan and 2013 visioning plan. She drew attention to a letter of support from Riverwalk Fort Lauderdale, dated April 4, 2013, shown as a slide. The project will be LEED certified. The only criteria for unit allocation is compliance with the downtown master plan. Ms. Jarjura's comments are contained in the slides that are attached to these minutes. Paul Lambert of Lambert Advisors, representing the Applicant, continued review of slides relating to economic impact. He estimated there is more than \$67 million of economic impact from the construction of this project, primarily related to wages. Once the project is complete, he estimated a \$34 million annual recurring economic impact.

Robert Brennan of Arboricultural Consulting, Inc., representing the Applicant, noted his professional credentials and experience. He discussed tree relocation and preservation in general terms. He noted their intent to reapply to championship status as soon as the new rain tree park opens. The developer recognizes the rain tree as a magnificent specimen and intend for the tree to be preserved and maintained. Paul Cox of Environmental Design, representing the Applicant, noted his professional credentials and experience as well as the credentials of his company, Environmental Design. He continued review of slides concerning the rain tree and examples of Environmental Design's work. He said the "round ball" tree moving method has been identified as the means for relocating the rain tree. He went on to describe the technique and present a video on the technique. He said his company's singular focus is the preservation

and relocation of giant trees, and because of that, it is critical that they are successful. He added that he has high confidence this tree can be safely relocated and will survive.

In closing, Mr. Cymbal reviewed the slide on his team's community outreach efforts. Mayor Seiler reviewed the procedure for the public hearing, noted relocation of the tree is not deemed to be quasi-judicial and opened the floor for public comment.

Samuel E. Poole III, 702 N. Rio Vista Blvd. distributed materials for the record pertaining to the rain tree. Mr. Poole supported the transplant of the tree and design of the Marina Lofts development. He suggested clarifying the downtown plan if necessary and making that part of City code to avoid future lengthy public hearings where residents ask the City to reinterpret the code.

Brucie Cummings, 830 SW 9 St., read a prepared statement in part supportive of development in the area but expressed concern about building height and suggested the City consider recommendations made in the Tarpon River master plans. She supports leaving the tree in place and developing around it. A copy of her statement was made a part of the record.

Robert Walsh, 401 E. Las Olas Blvd., said he disagreed with Commissioner Rogers abstaining from the vote on this item. He also expressed concerns about electrical wires associated with the development.

Doug McCraw, founder of Fat Village, spoke in support of the Marina Lofts development and said a project of this impact and stature should not be decided over a tree.

Reid Morgan, 911 SW 9 Ave., board member of Tarpon River, opposed the development and opposed relocating the rain tree.

Bob Swindell, 1317 Tansello Isle, said he supports the staff recommendation to proceed with the development.

Jessica Kross, creator of the rain tree petition, distributed for the record a petition she said contains more than 5,000 signatures from residents who oppose the development and oppose the tree relocation.

Dan Lindblade, president and CEO of Greater Fort Lauderdale Chamber of Commerce, said the Chamber's board of directors voted unanimously in favor of this project. He said the development will bring numerous benefits to the City including jobs and tax revenue.

Jennifer Louise Kerrick, 409 SW 18 Ave., addressed a 1987 ordinance and expressed concern about the tree being harmed. She opposed the tree relocation and development.

Edward Smoker, 912 E. Broward Blvd., said he has relocated a tree which is now thriving and in better shape than before it was moved. He commended the Commission and staff for its vision and leadership. He supported the development and tree relocation.

Liz Naranjo, 401 SW 4 Ave., said she opposed the development being constructed in multiple phases.

Ina Lee, 2200 S. Ocean Lane, supported the development, saying that it addresses a need for affordable rental property. She said she also supports the tree relocation.

Ralph Enderby, 401 SW 4 Ave., presented an open letter to the Applicant, dated December 17, 2012, along with an aerial photograph and area density statistics for the record and asked the Commission to reconsider the scope of the project, specifically the density.

Kathy Schauer, 401 SW 4 Ave., said she trusts the experts who say the tree can be moved successfully and supports the development.

Diane Scully said she opposes moving the tree.

Samantha DeBianchi, 813 SE 2 St., spoke in support of the development, saying Fort Lauderdale doesn't have any comparable real estate.

Donna Meents, 401 SW 4 Ave., said she opposed moving the tree.

Randall Vitale, 779 NE 4 Ave., spoke in support of the development.

Sherry Rudolph, 6034 SW 19 Court, spoke in support of the development, emphasizing the jobs it would bring to the community.

Shawn Williams, 717 SW 2 Court, spoke in support of the development.

Bill Poulson, 725 N. Rio Vista Blvd., spoke in support of the development.

David Rose, 701 Coconut Drive, expressed concern about the power lines and said he'd like to see that matter resolved before permits are issued. He also expressed concerns about traffic in the area and asked the commission to study the matter further.

Sharon Lambert Bogard, 1609 SW 5 Court, said she would support the project in another area and opposed relocating the tree.

Erin Sutherland spoke in support of the development.

Joel Slotnick, 703 SW 4 St., opposed the development and tree relocation. He asked the commission to put the project on the next ballot for a public vote.

Todd Weaver, 2000 S. Ocean Lane, said he supports the development and tree relocation.

Joseph Belmont, 333 Las Olas Way, spoke in support of the development.

Valerie Amor, 3140 SW 23 St., chair of the Sustainability Advisory Board, said she previously provided a letter from Richard Fedrizzi of the U.S. Green Building Council, dated August 13, 2013, along with downtown sea level rise information, which she submitted again for the record. She said she was opposed to moving the tree but was not necessarily opposed to the development. She asked that commissioners to amend the project plan by creating a park around the area where the tree stands and modify the building plans so the tree does not have to be removed.

Maggie Gunther, 305 SW 9 St., spoke in support of the development and tree relocation.

Carol Smith said she is opposed to the density of the development.

Shannon Harmeling, 1106 NE 11 Ave., said she supports the project.

Jonathan Schwartz, 329 SW 13 Terrace, spoke in support of the development.

Marion Radeer, 401 SW 4 Ave., said she supports the project.

Kit Denison, 6397-2 Bayfront Drive, said he supports the project.

Richard Kazares, 2584 Lucille Drive, read part of a prepared statement, which he provided the Commission.

Rochelle Golub, 712 Intracoastal Drive, expressed concern about the project and asked that the commissioners get assurances from the developer that the project will be completed and that the housing will be affordable and properly maintained. She also questioned how the tree will be maintained and who will be paying for the maintenance if it is relocated.

Brad Schmidt, 2025 NE 14 Ct., said he supports the project.

Nick Sakhnovsky, 455 SW 5 Ave., expressed concerns about traffic and flooding potential in the area surrounding the development. He provided an aerial of the subject area that was made a part of the record.

Dan Norman, president of the Esplanade Condominium, said he supports the project.

Rose Bechard-Butman, Fort Lauderdale Garden Club, said she is opposed to relocating the tree.

Chris Brennan, 2721 NE 14 St., read from an editorial in the *New Times Broward-Palm Beach* and said he opposed the project. He submitted a fact sheet on the topic that was made a part of the record.

William Walker, Fort Lauderdale Water Taxi, 413 SW 3 Ave., said he supports the project.

Rick Hunter, 1353 Middle River Drive, spoke in support of the development.

Emilee Abisoror, 2665 Middle River Drive, spoke in support of the development.

Steven Buckingham, 628 SW 8 Terrace, said the city should reject any proposal that has the potential to kill a state champion tree.

Cheryl Frost, 2740 NE 15 Terrace, spoke in opposition to the development and tree relocation.

Kelly Alvarez-Vitale, 779 NE 4 Ave., said she supports the Marina Lofts project.

L. Thomas Chancey, landscape architect and consulting arborist, 15 SW 19 Ave., said is was opposed to moving the tree but believes the project can move forward without moving the tree.

John O'Connor, 2012 NE 31 Ave., said he supports the project.

Hillary Lewis, 52C SE 5 Ave. #2108, spoke in support of the development.

Mary Fertig, 501 Poinciana Drive, said the City does not need a development like Marina Lofts because it is already a vibrant city.

Steve Sticht, 1319 NE 13 Ave., said he does not support the development.

Rob Hink, sustainability professional, 501 Spinnaker, Weston, FL, spoke in support of the project.

BJ McKenzie, 401 SW 4 Ave., spoke in support of the project.

Marty Kurtz, 2110 N. Ocean Blvd., #703, spoke in support of the project.

Jacqueline Schoettle, 2609 Anchor Drive, said she is opposed to moving the tree.

Thomas Godart, 330 Isle of Capri, said he supports the development.

Vicki Eckels, 917 SE 14 St., a member of the Sustainability Advisory Board, said she is opposed to moving the tree but likes the design of the development and encouraged commissioners to seek options for moving forward with Marina Lofts without moving the tree.

Fritz Hrubenak, 408 NE 2 Ave., spoke in support of the development.

Beverly Grant, 842 SW 9 St., asked commissioners to send the project back to the drawing board to be redesigned with lower density while still achieving the City's goal of building an active urban center.

Bob Granatelli, 401 SW 4 Ave., expressed concerns about the Marina Lofts design plans. He said he supported sending the project back to the drawing board to make changes before approving it.

Joseph Mustipher, 7471 NW 11 Pl, Plantation, FL, spoke in support of the project.

Attorney Jim Brady said he is representing Ralph Stone, and Bob Granatelli. He submitted a report for the record written by Ralph Stone and asked if the Commission is taking quasi-judicial notice of its comprehensive land use plan and unified development regulations. He understood that the Applicant has the burden to prove by competent substantial evidence that the application meets all of the objective standards and criteria in the unified land development regulations and that the project is consistent with the land use plan. He submitted Mr. Stone's resume as well as an analysis of consistency with the City of Fort Lauderdale comprehensive plan, unified land development regulations, downtown master plan and New River master plan by Mr. Stone, dated August 19, 2013 that were made a part of the record.

Ralph Stone, 401 SW 4 Ave., said it is his expert opinion that the project is not consistent with the comprehensive plan, unified land development regulations, downtown master plan or the New River master plan. He mentioned four inconsistencies: transition and neighborhood compatibility, parking access and traffic flow, and required parking and design guidelines. In order to meet the definition of transitional, the height should not exceed 26 stories. He was concerned about the amount of time he was afforded in comparison with what was given to the Applicant. In response to Mayor Seiler, the City Attorney indicated that Mr. Brady's clients requested party status and significant additional time, however, her position is that they are not entitled to such status.

Mark Corbett, 4501 NE 21 St., spoke in support of Marina Lofts.

Raymond Dettman, 1900 S. Miami Road, said he is against the project because of the density and is against moving the tree.

Lynne Helm, 707 SW 8 Way, expressed concerns about power lines, traffic and density.

Vicki Grooner, 1819 SE 17 St., spoke in support of the project and relocating the tree.

Dave Marshall, 1223 SW 5 Ct., expressed concerns about the project's potential adverse effects on quality of life.

Tiffany Tibbetts said she opposed the development and relocating the tree.

John Calabrese, business owner, Guggenheim Partners, discussed the need for affordable housing in Fort Lauderdale and said the concept of having downtown housing for young professionals is very important. He said he supports the Marina Lofts project.

Jon Francis Keenan Jr., 83 Isle of Venice Drive, Fort Lauderdale, FL 33301, spoke in support of the development.

Janet Scrapper, 401 SW 4 Ave., S., read a prepared statement in part in opposition to the current configuration which is attached to these minutes. She also submitted a position paper (attached to these minutes) and 54 letters for the record.

Luis Franco, business owner, CMIT Solutions, 1931 Cordova Road Suite 118, spoke in support of the development.

Tyler Brunell, 2630 NE 15 St., said he supports the project.

Charles King, 105 N. Victoria Park Road, said he was disappointed Commissioner Rogers will be abstaining from the vote and discussing the development. He spoke in opposition to Marina Lofts.

Bunny Brenneman, chair of the Utility Advisory Committee and Tree Subcommittee, said she opposes moving the tree.

Kristopher Fisher, 2820 N. Oakland Forest, Oakland Park, FL, said he supports the project.

Richard Dinh, 4250 Galt Ocean Drive, said he supports the project.

Mayor Seiler was concerned that the letters submitted by Ms. Scrapper are generally dated in May but the position paper that they reference is dated August 19. Ms. Scrapper said that these individuals gave the Esplanade development review team permission to represent them throughout this process. This team is different than the Esplanade board of directors. Marion Radeer, The Esplanade board of directors' secretary, said that their board's position was sent to the Commission and presented at the Planning and Zoning Board hearing as well.

Director of Sustainable Development Greg Brewton submitted the staff's report, dated May 14, 2013 (Exhibit 3 to Commission Agenda Memorandum 13-0989) for the record.

There was no one else wishing to speak.

Commissioner Trantalis asked which portion of the New River Master Plan was considered in terms of the high-density, setbacks and other design guidelines. There are significant variations between the project and the New River Master Plan, in particular the indication that it involves transitional zoning. Mr. Brewton said the transitional zoning classification was created to accommodate the Downtown Master Plan and the New River Master Plan. It speaks of how intense development would occur within the core and areas surrounding the core. The proposed project is not inconsistent with the master plan, he said, because the transitional zoning district allows height variations. The intent was to have multiple levels of activity as you approach the boundary of the district. The property is in the RAC (Regional Activity Center), which was designed to have high-density development. Commissioner Trantalis pointed out that the adjacent Esplanade is sixteen stories. He questioned why the spirit of the master plans is not being followed. It impacts quality of life. He asked if the intention is to continue the RAC height into the transitional RAC. Mr. Brewton thought there may be some misunderstanding concerning the definition of transitional. This development is not on the edge of the district boundary. Staff believes this development meets the intent of the guidelines and is consistent with the plan.

Also in response to Commissioner Trantalis, Mr. Brewton addressed the request for a parking reduction. He said the reduction is supported by the desire to have a walkable community that encourages mass transit and other types of transportation. Diana Alarcon, Director of Transportation and Mobility, discussed the methodology used to determine parking needs. Commissioner Trantalis expressed support for Marina Lofts, but had concerns about the relaxing of many requirements, namely traffic congestion. Commissioner DuBose said he also has concerns about transportation and parking. For example, if funding is not available for community buses, there could be negative impacts on the parking situation. Ms. Alarcon said staff supports multi-modal transportation initiatives, including wide sidewalks, bicycle lanes, that is, the Complete Street concept with streetscaping. She said conditions were set so that the developer will complete transportation upgrades with each phase. The developer will provide a traffic analysis at each phase, and if the impacts are too demanding, the City can require adjustments. She believed there is adequate parking for Phases I and II but a concern could arise in Phase III when the bulk of the residential will occur and some occupants may have more than one vehicle per household. Vice-Mayor Roberts believed these types of developments typically attract people who want to live in a walkable community. He clarified that the City would be able to ascertain as each phase comes to a close whether measures need to be taken to improve the traffic situation, however, this area has always had a traffic issue. Not every project is going to meet 100 percent of the criteria laid out in each City plan. Mr. Brewton reiterated that staff believes that the proposal, including massing and the project's orientation, is compatible with the intent of all the master plans that have been discussed. These are guidelines. Vice-Mayor Roberts observed and Ms. Alarcon confirmed that traffic mitigation and impact will occur along the way at each phase. Ms. Alarcon noted that will not be the case with parking. Ms. Toothaker advised that the Applicant has no further comments or questions.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to close the public hearing. Roll call showed: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler. NAYS: None. ABSTAIN: Commissioner Rogers. A memorandum of voting conflict, dated August 13, 2013, filed by Commissioner Rogers is attached to these minutes.

Mayor Seiler said he wanted to make clear that the left-turn only requirement on SW 4 and the traffic calming requirements should be conditions of approval. Ms. Toothaker agreed to those conditions as part of Phase I.

Mayor Seiler asked the Applicant to reduce the maximum number of residential units from 960 to 860 with no reduction in parking. Ms. Toothaker said the Applicant would voluntarily reduce the number of units to 856. Mayor Seiler said the City has been trying to connect the Riverwalk and the south side of town and he was pleased that this project will accomplish that goal. However, he would like to see the narrowest part along the Riverwalk where the floating docks are situated opened up to 20 feet to allow enough space for bicyclists, pedestrians and strollers. Ms. Toothaker indicated that the Applicant would agree to this condition. Mayor Seiler also requested the floating docks be lighted at night. Ms. Toothaker advised that the Applicant would agree to this condition. In response to his concern, Ms. Toothaker indicated that the Applicant is posting a completion bond and a demolition bond for completion of not only the Riverwalk but all the complete streets improvements and would agree to provide an access, construction and pedestrian easement for construction purposes in the event that Phases II and III are not completed. Mayor Seiler also addressed the Applicant's plans for balcony areas depicted in the drawings with "living walls" where plants are located. If that part of the building is not maintained or is vacant, it could end up looking terrible, he said. Ms. Toothaker said that the Applicant would agree as a site plan condition to be responsible for ongoing maintenance of the parking garage and the eastern façade of the western building.

In response to Commissioner Trantalis, Ms. Toothaker clarified that the 104-unit reduction would be the third phase and there would be a commensurate reduction in the height of the building.

Vice-Mayor Roberts asked the Applicant to clarify assurances that Phases I and II would be completed. Ms. Toothaker explained the process of seeking entitlements for a building and said no developer would put in the time and assemble a team of this caliber to secure such entitlements and then not complete the project. Commissioner Trantalis referenced a previous development slated for construction in phases that was not developed to completion. He said the Commission needs additional assurances that the whole project is going to be built. Both phases provide the iconic look. Mr. Cymbal said he has completed several projects, the bulk of which are in New York, but several are in South Florida. The reason for phasing the project is the limit to how much financing can be obtained for a construction project. He explained and elaborated upon the financing challenges. It has been divided into phases so that financing can be obtained. Cymbal already has the equity to do this. Several banks are interested. A letter of interest of City National Bank was previously submitted into the record. In the \$40 million range, Cymbal is comfortable with the financing. It is a very different story with respect to a \$90 million range. Also, he does not wish to flood the market in terms of absorption. The goal is for the first phase to be absorbed quickly. There is a wait list of 150% of the first building. He is confident that the first and second buildings will be constructed in quick succession. He said his team is capable of building and maintaining projects in other areas while also working on the Fort Lauderdale project.

Commissioner DuBose inquired whether the development meets the City's requirements with respect to distance between buildings. Mr. Brewton said the distance requirement is 60 feet. The actual distance is 30 feet, but it meets the intent of the City guidelines. The City Manager explained that there are design guidelines in the master plan, which Mr. Brewton is referring to, that are different from required setbacks in the ULDR (Unified Land Development Regulations).

The 60-foot separation is a recommendation in the design guidelines, not the ULDR. Mr. Brewton added that the ULDR does not have any separation distance requirement.

In response to a question from Mayor Seiler, Ms. Toothaker said 78 trees are being preserved, 61 of which will be moved off site to locations identified by the City at the expense of the developer. Mayor Seiler asked whether the rain tree would be in jeopardy if it stayed in its current location and went on to ask other questions to which Mr. Brennan responded as reflected in this paragraph. Mr. Brennan said it is his opinion that the tree would be better off in terms of sun and wind exposure if relocated to a park because staying in its current location would cause it to be jammed up against the building and would require significant pruning. He elaborated upon his first-hand experience in relocating trees. There is no doubt the tree will be able to survive following relocation. The tree is some 80 years old. It has a life expectancy of 350 years. Both Mr. Brennan and Mr. Cox explained how the tree will be moved and what obstacles need to be cleared prior to the relocation. Mr. Brennan provided information as to his role and responsibilities in his current position as arborist at Fairchild Tropical Botanic Garden. In response to Vice-Mayor Roberts, Mr. Cox indicated he does not foresee pruning related to the relocation. Mr. Brennan did not anticipate more than 10 percent in the entire endeavor. He said the health of the tree would be evident within the first year of the transport, possibly sooner. Mr. Cox believed it will happen quickly if it is going to happen. Mr. Cox also provided more information as to his experience in relocating trees. In Environmental Design's 35 years of moving trees, they have a 98 percent success rate. Environmental Design has not lost any trees over 60 inches in diameter. This tree is measured at 76 inches.

Mayor Seiler noted staff's recommendation of a \$1 million bond for assuring the life of the tree over a five-year period. Ms. Toothaker said the Applicant agrees to this condition, provided that Cymbal has the right to protect the tree during that period. She indicated there would be cameras and minimal see-through fencing subject to staff approval. She agreed to Mayor Seiler's request that the fencing be removed sooner if possible. In further response, she noted that maintenance would be fully borne by the Applicant as a condition of approval.

Ms. Toothaker acknowledged that the Applicant has not reached an agreement with Florida Power & Light regarding power lines traversing the site and referenced a condition in the staff report that if the power lines are moved adjacent to or within the FEC right-of-way, they will be undergrounded from Broward Boulevard to SW 5 Street, including under the river, at the Applicant's expense. If they are not relocated, the Applicant still intends to underground the lines with the poles being wholly contained on the project site. The City Manager also suggested imposing a condition that if the power line poles are relocated, City approval is required with a Commission callup provision. She advised that the Applicant would agree to these conditions.

Mayor Seiler referenced a document on the rain tree provided by a member of the public, Mr. Poole. Mr. Brennan talked more about the rain tree and its ability to propagate. He has personal experience with four such trees.

Commissioner Trantalis was concerned about intensity of the development for the site, the road network surrounding the site and the transitioning being consistent with the zoning district. He would prefer to reduce the development by 200 units. Both Commissioners Trantalis and DuBose raised concerns about parking. Ms. Toothaker emphasized that density is critical. The phasing has to do with financing. In response to Vice-Mayor Roberts, Ms. Toothaker advised that 78 trees are being preserved from the site and 61 are being donated to the City and the remainder will be relocated on the site. She suggested a condition that a parking study after

Phases I and II are completed to determine whether there is a need for additional parking in Phase III. The City Manager summarized and Ms. Toothaker agreed the condition would be that a parking study would be conducted after Phases I and II and prior to Phase III. If it finds there is insufficient parking, Phase III would be re-designed to accommodate additional parking needs prior to Phase III building permit.

Both Mr. Brennan and Mr. Cox clarified their credentials for Mayor Seiler. Mayor Seiler asked Mr. Brennan and Mr. Cox whether they are stating their opinions have been with a reasonable degree of arborcultural certainty. Both replied affirmatively.

Vice-Mayor Roberts introduced the resolution authorizing the relocation of the African Rain Tree, designated protected tree, to public plaza park space on the northeast corner of SW 3 Avenue and SW 5 Street which was read by title only.

Aye: 3 - Mayor Seiler, Vice-Mayor Roberts and Commissioner DuBose

Nay: 1 - Commissioner Trantalis

Abstain: 1 – Commissioner Rogers

Vice-Mayor Roberts introduced the resolution approving the development permit subject to all conditions imposed and accepted by the Applicant as detailed above which was read by title only.

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

Abstain: 1 - Commissioner Rogers

A memorandum of voting conflict, dated August 13, 2013, relating to both resolutions, is attached to these minutes.

Note: The City Commission adjourned the regular meeting at 3:07 a.m. and returned to the Conference Meeting.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk