

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, November 20, 2012

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

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

Meeting was called to order at 6:04 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

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

Vote Roll Call Order for this Meeting

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

Invocation

Pastor Velma Wright, The Sanctuary of the Living God

Pledge of Allegiance Led by youths in the audience

Approval of MINUTES and Agenda

12-2547 APPROVAL OF MINUTES - September 18, 2012 and October 2, 2012 Conference Meetings

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to approve the minutes of the September 18, 2012 and October 2, 2012 Conference Meetings.

APPROVED

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

PRESENTATIONS

There were no presentations during this meeting.

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers that all Consent Agenda Items be approved as recommended. Roll call showed: AYES: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

- Aye:** 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-1 12-2423** ADDITION OF COMMUNICATIONS TECHNICIAN NEW CLASS IN TEAMSTERS LOCAL 769 BARGAINING AGREEMENT
APPROVED
- Aye:** 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-2 12-2454** EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Home for the Holidays, Rio Vista Holiday Party, Cause for Paws, Quarterdeck Dive Bar Holiday Party, City Link Beerfest, Holiday Festival in Old Fort Lauderdale, and Candle Light Thanksgiving.
APPROVED
- Aye:** 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-3 12-2293** TASK ORDER 13 - PROGRESSO, DURRS AND DORSEY-RIVERBEND NEIGHBORHOODS STORMWATER SYSTEM IMPROVEMENTS PHASE I - PRELIMINARY DATA INVESTIGATIONS STUDY - CDM Smith, Inc. - \$18,280
APPROVED
- Aye:** 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-4 12-2297** TASK ORDER 19 - EDGEWOOD NEIGHBORHOOD STORMWATER SYSTEM IMPROVEMENTS PHASE I - PRELIMINARY DATA INVESTIGATIONS STUDY - CDM Smith, Inc. - \$16,110
APPROVED
- Aye:** 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-5 12-2469** AGREEMENT WITH BROWARD COUNTY - AMENDMENT TO NON VEHICULAR ACCESS LINES AND EXPRESSING NO OBJECTION TO PLAT NOTE AMENDMENT - restrict use of new Fire Station 46 driveway to emergency vehicles - south end of Mills Pond Park
APPROVED
- Aye:** 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers
- M-6 12-2344** CITY HALL PARKING GARAGE - FIRST AMENDMENT TO OFF STREET PARKING AGREEMENT AND LEASE OF PARKING PERMITS - Tower 101 Associates, LLC - to allow mortgage lender to take the place of owner in the case of foreclosure action
APPROVED

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

CONSENT RESOLUTION

CR-1 12-2425 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2012 BUDGET – APPROPRIATION

ADOPTED

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

CR-2 12-2528 GRANT ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS - 15th STREET BOAT LAUNCH AND MARINE COMPLEX REDEVELOPMENT - \$876,906 from Florida Inland Navigation District Waterways Assistance Program to reimburse City for up to 40% of Phase II construction cost and authorize City Manager to execute application on behalf of City

ADOPTED

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

CR-3 12-2435 LAND LEASE AGREEMENT WITH UNITED STATES OF AMERICA FOR PARCEL 17 - EXECUTIVE AIRPORT - December 1, 2012 to November 30, 2013 and increasing annual lease rate to \$103,600 with four, one-year renewal options - authorizing City Manager to execute on behalf of City subject to approval of Commission Agenda Memorandum 12-2408 - U.S. Army Nininger Reserve Center

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

PURCHASING AGENDA

PUR-1 12-2348 ONE-YEAR CONTRACT FOR LAW ENFORCEMENT TRANSCRIPTION SERVICES in the estimated amount of \$101,750 from Globespan Medical, Inc. dba Globespan Transcription and authorize City Manager or designee to approve all renewal options

APPROVED

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

PUR-2 12-2379 CONTRACT EXTENSION FOR COMPETITIVE DIVE TEAM AND INSTRUCTIONAL PROGRAMMING SERVICES from Burgering Enterprises, Inc. - through August 15, 2013 or until such time construction begins at Aquatic Complex - \$32,083.31 expense and \$10,966.69 revenue

APPROVED

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

Commissioner Rogers

PUR-3 12-2421 CONTRACT FOR DILLARD ELEMENTARY AND DILLARD HIGH SCHOOL SIDEWALK PROJECT - Straightline Engineering Group, LLC - \$72,990

APPROVED

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

PUR-4 12-2424 PURCHASE RESCUE TRANSPORT UNIT in the amount of \$372,390.28 from Hall-Mark Fire Apparatus, Inc.

REMOVED FROM AGENDA

PUR-5 12-2426 PROPRIETARY PURCHASE - PARKEON PARKING METERS - PARTS, SUPPLIES, COMMUNICATION SERVICES AND EXTENDED WARRANTIES in the estimated amount of \$179,880 from Parkeon, Inc.

APPROVED

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

PUR-6 12-2427 PROPRIETARY PURCHASE - DIGITAL PARKING METERS - PARTS, SUPPLIES AND COMMUNICATION SERVICES in the amount of \$163,040 from Digital Payment Technologies, Inc.

APPROVED

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

PUR-7 12-2433 PURCHASE COMPUTER SOFTWARE AND HARDWARE TO UPGRADE EMAIL SYSTEM AND POLICE DATA CENTER in the amount of \$648,025 from Computer Systems Support, Inc., Software House International, Tegsys, Inc. and Dell Marketing Corporation

APPROVED

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

PUR-8 12-2437 ONE-YEAR CONTRACT EXTENSION FOR JULY 4TH FIREWORKS DISPLAY in the amount of \$82,425 with Pyrotecnico of Florida, LLC

APPROVED

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

PUR-4 12-2424 PURCHASE RESCUE TRANSPORT UNIT in the amount of \$372,390.28 from Hall-Mark Fire Apparatus, Inc.

The City Clerk announced that this item was removed from the agenda at the request of the City Manager.

RESOLUTIONS

R-1 12-2409 OFFICE OF CITY COMMISSIONER - DISTRICT II - CALLING SPECIAL MUNICIPAL PRIMARY ON JANUARY 15, 2013 AND SPECIAL MUNICIPAL ELECTION ON MARCH 12, 2013 AND SETTING QUALIFYING PERIOD

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

ADOPTED

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

In response to Mayor Seiler, the City Clerk indicated that the candidates for the District II Commission seat are Lester Zalewski, Dean Trantalis, Chuck Black, and Charlotte Rodstrom.

R-2 12-2512 BRIDGESIDE SQUARE BEAUTIFICATION/REVITALIZATION SPECIAL ASSESSMENT PROJECT - construction complete, accepted and ready for public use

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

ADOPTED

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

R-3 12-2207 QUASI-JUDICIAL - SITE PLAN LEVEL IV DEVELOPMENT PERMIT - RESTAURANT USE WITH OUTDOOR DINING - HUNTER'S BAR - Case 41-R-11A1
Applicant: Las Olas Property Management, LLC
Location: 235-237 Almond Avenue
Zoning: Planned Resort Development PRD
Land Use: Central Beach Regional Activity Center C-RAC

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.

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

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

ADOPTED

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

R-4 12-2410 QUASI-JUDICIAL - VACATION OF 6 FOOT UTILITY EASEMENTS - SISTRUNK GARDENS/NORTHWEST GARDENS IV - Case 10-M-12
Applicant: Housing Authority of the City of Fort Lauderdale
Location: Sistrunk Boulevard and NW 5 Street, East of NW 15 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.

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

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

ADOPTED

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

R-5 12-2411 QUASI-JUDICIAL - VACATION OF 35 FOOT UTILITY EASEMENT - SISTRUNK GARDENS/NORTHWEST GARDENS IV - Case 11-M-12
Applicant: Housing Authority of the City of Fort Lauderdale
Location: Sistrunk Boulevard and NW 5 Street, East of NW 15 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.

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

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

ADOPTED

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

R-6 12-2441 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - see Conference Agenda Item BD-2 (12-2440) for vacancy information

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

Cemetery System Board of Trustees Jimmy Witherspoon (Commissioner DuBose)

Citizens Police Review Board

Marc Dickerman (Mayor Seiler)
Kenneth Staab (Vice Mayor Roberts)
Roosevelt Walters (Commissioner DuBose)
Jim Jordan (Consensus)

Community Appearance Board

Jason B. Blank (Mayor Seiler)
Marni Canavan (Mayor Seiler)
Tom Catalino (Mayor Seiler)
Carol Cappadona (Vice Mayor Roberts)
Eric Seidmon (Vice Mayor Roberts)
Barbara Van Voast (Vice Mayor Roberts)
Ayisah Gordon (Commissioner DuBose)
Kenneth Green (Commissioner DuBose)
Pamelia Harris (Commissioner DuBose)

Downtown Development Authority

Gregory Durden (Consensus)
Dennis F. O'Shea (Consensus)

Economic Development Advisory Board

George Mihaiu (Vice Mayor Roberts)
Sheryl Dickey (Commissioner DuBose)
Alfred C. Calloway (Commissioner Rogers)

General Employees Retirement System
Board of Trustees

Julie K. Cameron (Consensus)

Insurance Advisory Board

Steve Botkin (Consensus)
James E. Drake (Consensus)
Ted Hess, Sr. (Consensus)

Sustainability Advisory Board

Valerie J. Amor (Mayor Seiler)
Robert Caine (Mayor Seiler)
Steven Cook (Vice Mayor Roberts)
William Goetz (Vice Mayor Roberts)
Jim Moyer (Commissioner DuBose)

Vice Mayor Roberts asked the Commission's opinion as to whether the Citizens Police Review Board's requirement for training at the Citizens' Police Academy (CPA) can be waived for a retired police officer. In response to Mayor Seiler, the City Attorney explained that the resolution indicates that a sworn officer does not have to complete the CPA training, but a civilian does. The question is whether it was the legislative intent to have sworn officers who become civilians complete the training. He had advised Vice Mayor Roberts to ask the Commission, as the legislative body, whether their intent was to require CPA training for civilians who have not had police training. Mayor Seiler indicated that is his intent. There was consensus agreement.

In response to Commissioner DuBose, the City Clerk indicated that the District II board and committee members who wish to be reappointed will remain appointed until the District II Commission seat is filled; or the Commission has the option to take action.

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

ADOPTED

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

PUBLIC HEARINGS

PH-1 12-2300 MOTIONS - SUBSTANTIAL AMENDMENT TO ANNUAL ACTION PLAN AND RELATED HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/Aids (HOPWA) PROGRAM MATTERS: 1) appropriation of funding for 2013 HOPWA Program awards; 2) funding for Legal Aid legal support services; 3) contract renewal with Groupware Technologies, Inc. for Provide Enterprise System; 4) HOPWA performance indicators; 5) substantial amendment to 2013 Annual Action Plan; 6) City Manager to execute all agreements associated with Annual Action Plan

Funding for Legal Aid legal support services was deferred to Dec 4, 2012

Jonathan Brown, Housing and Community Development Program Manager, highlighted information set forth in Commission Agenda Memorandum (CAM) 12-2300. He announced a correction to the first recommendation set forth on page 1 of CAM 12-2300, that the word "appropriation" should instead be "allocation". In response to Mayor Seiler, the City Attorney advised that he raised a number of issues, including conflicts of interest. He went on to list the conflicts of interest set forth in City Attorney Memorandum 12-0146 (Exhibit 1) which is attached to these minutes. Mayor Seiler pointed out that Legal Aid Service of Broward County, Inc. (Legal Aid) provided a response letter to the City Attorney's memorandum, dated October 5, 2012 (Exhibit 5). A copy of Legal Aid's response letter is attached to these minutes. The issue is whether an agreement can be drafted where Legal Aid agrees not to take cases that create the conflict. The City Attorney thought that could be done before December 4, 2012.

In response to Commissioner Rogers, the City Attorney explained that a contract is in place wherein the City asks the judge to assign a lawyer to those (ordinance violators) who face criminal prosecution and are subject to incarceration; so the judge assigns the lawyer in each of those cases. In most cases, the judge will assign the lawyer whom the City is contracted with. But that adds to the judicial discretion. Mayor Seiler remarked that the City is providing the funding and Legal Aid is taking cases against the City on these issues. But he thought something could be crafted that carves out the conflict. Commissioner Rogers wanted to move forward with that. In response to Vice Mayor Roberts, the City Manager and Mr. Brown confirmed that deferring the proposed funding for Legal Aid will not delay any of the other recommended contracts.

Commissioner DuBose indicated that he had some issues with this matter. He is open to seeing what solution can be reached. He performed his own due diligence and has communicated his position on this matter to Legal Aid. This is a complex issue, and these dollars are precious. Although the (Legal Aid) avenue is desired, the heart of the matter is providing the HOPWA services. He will reserve his opinion to see what solution is produced, and continue to examine the matter. He wanted staff to provide him statistical information regarding the cases involving (conflicts of interest) in terms of which side prevailed. He stressed that these funds must be looked at carefully; and it is problematic if the funds can be used to provide additional housing or tenant vouchers as opposed to conflicting in the legal system.

Mayor Seiler opened the floor for public comment.

Regine Kanzki of the Broward Regional Health Planning Council (BRHPC), expressed gratitude to the Commission and City staff for the opportunity to serve HOPWA, STRUM (Short-Term Rental, Utility and Mortgage Assistance), and PHP (Permanent Housing Placement) clients for the past four years.

Jesse Diner, representing Legal Aid Service of Broward County, Inc., does not believe there is a conflict based upon his review of the City ordinance regarding conflicts of interest and HUD regulations pertaining to conflicts of interest. This is noted in Legal Aid's response letter. Nonetheless, the objective

is to solve the problem. He offered to withdraw anything from the application that is perceived to be a conflict, and read the following prepared statement: Legal Aid will not represent with these HOPWA funds any clients at administrative hearings for termination from HOPWA tenant based rental voucher program which are brought by another HOPWA sub-recipient housing provider. He noted that all of the conflict issues raised in the City Attorney's memorandum related to termination from the HOPWA program and Legal Aid's representation. These funds will be well spent as Legal Aid has always been a good steward of funds. He noted his credentials as Legal Aid's former President and current Chair of the organization's Executive Council.

Patrice Paldino of Legal Aid Service of Broward County, Inc., indicated that Legal Aid and its sister agency, Coast to Coast Legal Aid of South Florida (Coast to Coast), are the only free legal service providers in Broward County. The inclusion of legal services in the HOPWA continuum of care will stretch every dollar spent on the other programs. The HOPWA partner agencies will be better able to meet their objectives to prevent homelessness. Legal Aid will assist clients in eliminating legal barriers to housing stability and collaborate with other HOPWA providers to create individualized plans for housing stability. She elaborated upon HOPWA agencies that continue to send referrals to Legal Aid as well as services that Legal Aid will provide to HOPWA clients. Legal Aid will tailor the approach to meet the legal needs of HOPWA clients. This project will build upon Legal Aid's success through the Ryan White HIV Law Project (Ryan White Project). She reviewed information reflected in a handout. A copy of the handout is attached to these minutes. She asked the Commission to seriously consider this proposal.

Dwayne Dickerson, representing Legal Aid Service of Broward County, Inc., believed that, based on the current proposal, the conflict issue is moot because Legal Aid has eliminated any representation that could pose a conflict regarding the termination administrative hearings. Historically, termination administrative hearings have only comprised about five percent of Legal Aid's services; the other 95 percent is reflected in the handout previously gone over by Ms. Paldino which he also reviewed. In response to Mayor Seiler, Ms. Paldino explained that Legal Aid's tax clinic can help a client resolve a tax issue by either eliminating the debt or by entering the client into an appropriate payment plan that would route money back into the house to help stabilize the housing and family. Mayor Seiler asked why there are two entities, Legal Aid and Coast to Coast. Tony Karrat of Legal Aid Service of Broward County, Inc., explained that legal aid programs in the state were restructured in 2004. There were federal funding restrictions imposed on the dollars received such that those federal funds restricted every other funding source. Therefore, Legal Aid split into two different programs, one had the federal funds and the other did not. Legal Aid and Coast to Coast are separate not-for-profit organizations with an overlapping board of directors. He confirmed that the City's funds will go to Legal Aid and there is a sub-contract for Coast to Coast to provide some family law services. Legal Aid provides most of the legal services in the community, but Coast to Coast provides services in areas that Legal Aid does not. He affirmed for Mayor Seiler that there is no issue with these federal HOPWA funds being passed down to Coast to Coast. Currently, Ryan White Project funds are received. Mr. Brown thought it is a matter of whether Coast to Coast was an applicant in the RFP, though he was not aware of any problems related to the federal funds being passed down. Before staff makes a definitive comment, the City Manager expressed desire to review this and consult with the City Attorney's office.

In response to Commissioner DuBose, Mr. Diner reiterated that Legal Aid would not be in conflict with any HOPWA sub-recipient in termination proceedings. The City Manager remarked that the focus of this discussion has been on the tenant based voucher program, but the City sponsors other HOPWA programs. Therefore, he wanted certainty that Legal Aid will not represent with these HOPWA funds any clients at administrative hearings for termination from any HOPWA program administered by the City, and not just the tenant based rental voucher program. Mayor Seiler suggested this item be approved, except for the second recommendation pertaining to Legal Aid which is to be sent to the City Attorney to draft conflict waiver language. He wanted this item to be brought back on December 4.

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

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to approve the item as amended with the term "appropriation" changed to "allocation" in the first recommendation in Commission Agenda Memorandum 12-2300; and subject to Legal Aid funding being deferred to December 4, 2012, with the proviso that sufficient conflict waiver language is included in that agreement. Roll call showed: AYES: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

APPROVED AS AMENDED

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

PH-2 12-2403

FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 15 AND UNIFIED LAND DEVELOPMENT REGULATIONS, SECTIONS 47-6, 47-18 AND 47-20 - ADULT GAMING FACILITIES AND ELECTRONIC GAMING DEVICES - ESTABLISHING REGULATIONS, LOCATION AND OPERATIONS STANDARDS AND REQUIREMENTS FOR CONDITIONAL REVIEW AND APPROVAL

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

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

PASSED FIRST READING

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

PH-3 12-2438

QUASI-JUDICIAL - FIRST READING OF ORDINANCE REZONING TO EXCLUSIVE PARKING USE (XP) - Case 3-ZR-12
From: Residential Single Family/Low Medium Density District (RS-8) and Limited Residential Office (ROA)
Applicant: First Presbyterian Church of Fort Lauderdale
Location: 1224 East Las Olas Blvd
Land Use: Low-Medium

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

Mayor Seiler opened the floor for public comment.

Robert Lochrie, representing the Applicant, elaborated upon the two-year collaborative process which led to the proposed project. This revised project was supported by the Colee Hammock Homeowners Association (Association) when it was brought back to the Planning and Zoning Board in September,

2012. He reviewed slides concerning this matter. A copy of the slides is attached to these minutes. He noted the proposed property's location which is set forth in the ordinance (Exhibit 3 of Commission Agenda Report 12-2438). The requested zoning change is from Residential Single Family/Low Medium Density District (RS-8) and Limited Residential Office (ROA) to Exclusive Use Parking (XP). The commercial area just north of the portion being rezoned is being used as the family center. The 30,000 square foot family center has been moved to Las Olas with an additional 7,000 square feet of retail. The proposed rezoning is consistent with neighboring properties. He noted that the 321 building (321 SE 15 Avenue) will be preserved. The remainder of the property which is to be rezoned will be paved and enhanced with drainage, landscaping, a plaza to the west, and sidewalks connecting the entire area. Further, the B-1 (Boulevard Business) zoned portion of the project is being developed consistent with that zoning. The family center will be architecturally consistent with the other church properties. He elaborated upon features of the family center and the retail portion. This project will connect the east and west sides of Las Olas and bring more activity to the area. He mentioned that there is another cottage just west of the 321 building that the Applicant wishes to relocate to east of 15th if the church use can be maintained, and with the City's approval. The (Association) has supported the request.

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

Commissioner Rogers and Mayor Seiler expressed gratitude for the efforts and compromise put forth for this project.

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

PASSED FIRST READING

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

PH-4 12-2408 RESOLUTION - ESTABLISHING MINIMUM ANNUAL LEASE RATES AND ADOPTING REAL ESTATE BROKERAGE COMMISSION POLICY FOR PROPERTY AVAILABLE FOR LEASE AT EXECUTIVE AIRPORT

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

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

ADOPTED

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

In response to Mayor Seiler, the City Manager confirmed that the lease rates are mandated by the FAA (Federal Aviation Administration), and the City must get fair market value for the property. This resolution which defines fair market value was approved by the FAA.

ORDINANCES

- O-1 12-2480** SECOND READING OF ORDINANCE AMENDING PAY PLAN BY ADDING SPECIAL PAY PRACTICES - providing maximum 6.14% salary differential for non-classified employees enrolled in City's 401 (a) Defined Contribution Plan - hired before August 1, 2012 and in City's employ on effective date of this ordinance

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

ADOPTED ON SECOND READING

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

- O-2 12-2398** SECOND READING OF ORDINANCE - 2013 DISCOVER ORANGE BOWL AND DISCOVER BOWL CHAMPIONSHIP SERIES - designating public purpose special event and limited temporary exemption from sign requirements - December 1, 2012 through January 20, 2013

Mayor Seiler disclosed that he serves on the Board of Directors of the Orange Bowl Committee which puts on both the Discover Orange Bowl and the Discover Bowl Championship Series. However, the committee is a not-for-profit organization and he does not receive any financial gain as he is an unpaid volunteer.

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

ADOPTED ON SECOND READING

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

- O-3 12-2417** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 9 AND UNIFIED LAND DEVELOPMENT REGULATIONS, SECTIONS 47-19.2.Z, 47-21.5 AND 47-35.1 - IMPLEMENTATION OF GO SOLAR ROOFTOP PHOTOVOLTAIC SOLAR SYSTEM PERMITTING PROGRAM

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

PASSED FIRST READING

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

O-4 12-2502 FIRST READING OF ORDINANCE - CONVENIENCE AND LIQUOR STORE MORATORIUM WITHIN BOUNDARY OF NORTHWEST PROGRESSO FLAGLER HEIGHTS COMMUNITY REDEVELOPMENT AREA - 90 days with ability to extend

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

PASSED FIRST READING

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

12-2552 WALK-ON - MOTION APPROVING USE OF NEGOTIATION METHOD TO OBTAIN PROPERTY INSURANCE PREMIUM QUOTES

Mayor Seiler was concerned about whether proposals will be brought forward by one agent or by each insurer. Commissioner DuBose believed this comes through the Insurance Advisory Board (Board). Mayor Seiler had no objection to the negotiation method as long as a process is in place to decide upon the agent who will present the proposals. Guy Hine, Risk Manager, confirmed that this goes through the Board, but the agent who is contracted with the City, along with a surplus line to wholesale agent, will be negotiating with all available insurance markets. Further, the City's contracted agent, PRIA (Public Risk Insurance Agency), has undergone a competitive selection process. He confirmed for Commissioner DuBose that the City's agent will search out the best rate and bring that information to the Board; the Board then makes a recommendation for the Commission. The City has an agent but, in terms of policies, there are multiple providers.

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

APPROVED

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

12-2613 WALK-ON - APPOINTMENT OF VICE MAYOR

Bruce G. Roberts

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

ADOPTED

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

12-2578 WALK-ON - EXPANDING MEMBERSHIP OF THE CITIZENS' COMMITTEE OF RECOGNITION

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

ADOPTED ON SECOND READING

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

Note: The City Commission adjourned the regular meeting at 7:23 p.m. and returned to the conference meeting agenda, item BUS-4, at 7:24 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk