

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, June 18, 2013

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

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

Meeting was called to order at 6:05 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

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

Also Present: 5 - City Manager, Lee R. Feldman; City Auditor, John Herbst; City Clerk, Jonda K. Joseph; City Attorney, Harry A. Stewart; Sergeant At Arms, Sergeant Todd Bunn

Vote Roll Call Order for this Meeting

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

Invocation

Reverend Chris Reny, The Church By The Sea

Pledge of Allegiance

Fort Lauderdale Lightning 8U Baseball Team

Approval of MINUTES and Agenda

13-0833 APPROVAL OF MINUTES - April 16, 2013 and May 7, 2013 Conference Meetings, April 22, 2013 Goals Workshop and April 30, 2013 Joint Workshop with Budget Advisory Board

Motion made by Commissioner Trantalis and seconded by Commissioner Rogers to approve the minutes as shown.

APPROVED

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

PRESENTATIONS

PRES-4 13-0935 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DECLARING JUNE 18, 2013 AS FORT LAUDERDALE LIGHTNING 8U BASEBALL TEAM DAY IN THE CITY OF FORT LAUDERDALE - DISNEY 2013 SUN & SURF BASH CHAMPIONSHIP WINNERS

Commissioner Trantalis presented the proclamation to Head Coach Tim Shield. The team was recognized.

PRESENTED

PRES-1 13-0570 COMMUNITY APPEARANCE BOARD WOW AWARDS
PRESENTATION FOR DISTRICTS I AND IV

Vice Mayor Roberts recognized Dick Cutter and Helen Casey of Coral Ridge as the recipients of the WOW Award for District I.

PRES-2 13-0916 THE MAYOR AND CITY COMMISSION WILL ISSUE A
PROCLAMATION DESIGNATING JUNE 17-21, 2013 AS NATIONAL
SMALL BUSINESS WEEK IN THE CITY OF FORT LAUDERDALE

Commissioner DuBose presented the proclamation to Jonel Heil, Deputy District Director of Small Business Association, South Florida District Office.

PRES-3 13-0936 THE MAYOR AND CITY COMMISSION WILL ISSUE A
PROCLAMATION DECLARING JUNE 28, 2013 AS LAUDERDALE
YACHT CLUB 75TH ANNIVERSARY DAY IN THE CITY OF FORT
LAUDERDALE

Commissioner Rogers presented the proclamation to Commandor Lang Ryder of the Club

Consent Agenda

(CA)

Mayor Seiler announced the procedure for consent items.

Motion made by Commissioner Trantalis and seconded by Commissioner DuBose that Consent Agenda Items M-2, M-3 and PUR-3 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

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

M-1 13-0841 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: STA
Class of '88 Reunion; Las Olas Sunday Market; Health Food Expo and
One Stop Fish Fry

APPROVED

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

**M-2 13-0876 LOCATION AGREEMENT FOR USE OF RIVER HOUSE TO FILM
TELEVISION SERIES - Telemundo Studios Miami LLC - June 15,
2013 to November 6, 2013 - \$78,000**

Commissioner Rogers announced that he inspected the River House and it is in need of repair. He requested an allocation of these funds for the repairs. During discussion of the item, the City Manager advised that Telemundo will be using the interior as a set. An RFP has been issued that anticipates the successful lessee would be responsible for repairing the building. Commissioner Rogers was concerned about hanging fascia which would be a safety concern. The City Manager agreed to send a crew out to address the safety issues.

Motion made by Commissioner Rogers 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-3 13-0924 REIMBURSEMENT OF LEGAL FEES TO FRATERNAL ORDER OF
POLICE LODGE 31 - defense of charges against Sergeant Florenco
and Officers Mocerri and Shaffer - \$90,000 - pursuant to Florida
Statute 111.065**

Charles King, 105 North Victoria Park Road, discussed this matter and questioned the City having to pay this. He advocated for a better system, perhaps cameras in patrol vehicles, so that the taxpayers would not be obligated. Mayor Seiler responded by explaining what occurred.

Jack Lokeinsky, representing the Fraternal Order of Police (FOP), clarified that the state statute provides for reasonable attorney fees. Fortunately there are attorneys willing to represent FOP members when they are improperly charged at a discounted rate. Pursuant to state statute, this is a requirement.

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

**M-4 13-0143 CHANGE ORDER 1 (FINAL) - HARBORAGE ISLE BRIDGE
REPLACEMENT - Weekley Asphalt Paving, Inc. - \$67,088.98 plus
\$4,696.23 engineering administration fees and adding 134
non-compensatory work days to contract 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-5 13-0808** WORK ORDER 4 - DRAINAGE IMPROVEMENTS - JIMMY EVERT
TENNIS CENTER AT HOLIDAY PARK - Annual Storm Drainage
Contract with GPE Engineering & General Contractor Corp. -
\$79,699.01 including \$5,903.63 for construction service fees
REMOVED FROM AGENDA BY CITY AUDITOR
- M-6 13-0852** REVOCABLE LICENSE WITH STILES CORPORATION -
TEMPORARY RIGHT OF WAY CLOSURE - SE 1 Avenue between SE
6 Court and SE 7 Street - associated with construction of Broward
County Courthouse Parking Garage
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers
- M-7 13-0331** COMMUNITY BUS SERVICES - One-Year Extension to Interlocal
Agreement with Broward County - October 1, 2013 to September 30,
2014
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers
- M-8 13-0819** GRANT APPLICATION - TAXIWAY GOLF RELOCATION PHASE I -
EXECUTIVE AIRPORT - not to exceed \$1,493,540 -
Federal Aviation Administration
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

CONSENT RESOLUTION

- CR-1 13-0668** ADOPTING POLICY - STAFF TO ADDRESS DEFAULT OF LEASES
ON PUBLIC PROPERTY
ADOPTED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers
- CR-2 13-0827** DECLARING JULY 4, 2013 AS A PUBLIC PURPOSE SPECIAL
EVENT - 2013 JULY 4TH SPECTACULAR - providing limited
temporary exemption from Municipal Code, Section 8-85 as it relates
to open containers - A-1-A between the southern boundary of NE 18
Street and northern boundary of Holiday Drive
ADOPTED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

CR-3 13-0824 FIVE-YEAR LEASE AGREEMENT FOR HANGAR 1 ON PARCEL 7A - EXECUTIVE AIRPORT - A.O.G. Aircraft Services Inc. - \$5,500 per month with annual CPI adjustments

ADOPTED

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

PURCHASING AGENDA

PUR-1 13-0777 ONE-YEAR CONTRACT FOR ANNUAL OCEAN REGULATORY BUOY REPLACEMENT in the estimated amount of \$59,950 from American Underwaster Contractors, Inc. 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-2 13-0780 PROPRIETARY PURCHASE - EXPANSION OF KRONOS WORKFORCE TIMEKEEPING SYSTEM in the estimated not to exceed amount of \$415,000 from Kronos, Incorporated

APPROVED

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

PUR-3 13-0786 CITYWIDE TOWING SERVICES - REJECT ALL PROPOSALS UNDER RFP 135-11084 AND AWARD TWO-YEAR CONTRACT UNDER RFP 135-11212 in the total revenue amount of \$460,000 from West Way Towing, Inc. and authorize City Manager to approval all renewal options.

John Milledge, representing Page Three Enterprises, Inc. d/b/a All County Towing, advised that All County was ranked second, but would like to delineate why they should be ranked number one. He referred to the Evaluation Committee Tabulation, Exhibit 1 to Commission Agenda Memorandum 13-0786 provided to the Commission, which is attached to these minutes. As to the first ranking factor of facilities, equipment, etc., he displayed a map showing the locations of All County and Westway Towing, the first ranked company. Westway is in Lauderdale Lakes on State Road 7 whereas All County is at Avenue of the Arts near Sunrise Boulevard. The map was made a part of the record. Having to travel to Lauderdale Lakes to retrieve one's vehicle adds to an already poor experience. Westway is pledging much of the same equipment to other cities. He presented a list of equipment pledged to Tamarac and Lauderhill with those checked having also been pledged to Fort Lauderdale. All County has offered permit fees to the City of \$545,000 whereas Westway has offered \$460,000. Westway is in a position to spread their resources and should be able to offer a higher amount. For these reasons, he believed All County should be ranked number one. At the very least the contract should be broken into two sectors.

Scott Stringham, president of EMS Towing, advised that EMS Towing is located in Fort Lauderdale at Interstate 95 and Sunrise Boulevard. EMS Towing has been in business for twenty-five years. He was concerned that references were not checked, which would have revealed issues with Westway's response times. He also mentioned his community volunteer work with the police and fire departments. He mentioned the inconvenience of having to travel to Lauderdale Lakes to retrieve one's vehicle and that it supports business in that community instead of Fort Lauderdale. He paid \$42,000 in property taxes this year. He reinvests profits into the community.

Craig Goldstein, founder of Westway Towing, advised that Westway has been in business since 1990. Westway has never lost a City police contract. Westway won the RFP in 2007 and gave the City over \$1.3 million in franchise fees. They have performed over 40,000 tows. He was aware of three complaints over the course of those 40,000 tows. He explained that police towing is about taking control of someone's property after responding to the police. Performing towing services for a broken down vehicle is not as much as ten percent of the volume. He elaborated upon their technologically advanced dispatch system that prevent over-charging. There are fourteen office personnel with around the clock dispatching. The City has never lost any court cases due to Westway's handling of their evidence. Westway's indoor storage facility is located in Fort Lauderdale on 19th Street. He elaborated upon its size and amenities. Westway has thirty-eight vehicles for Fort Lauderdale and other municipal contracts. Westway also handles HAZMAT matters that saves the City money. The competitor in this RFP does not have any police contract experience. He elaborated upon Westway's rescue expertise and training work with the City's Fire Rescue Department. Westway is a responsible, certified towing company. He provided information on his presentation which is attached to these minutes.

Mr. Goldstein responded to Commissioner Trantalis' question about their retrieval fee for a vehicle that has been towed. Mr. Goldstein advised it is governed by Broward County ordinance; he believed it is \$22 per day storage. Broward County private property tow fee is \$100. In response to Commissioner Rogers, Mr. Goldstein advised that the Lauderdale Lakes location is used only for special holds.

The following information was presented during questions posed by members of the Commission. Kirk Buffington, Deputy Director of Finance confirmed that Westway has been under contract with the City for six years. Some four years ago, there were issues where their tow yard is located. Westway immediately responded to the neighborhood issues and there have not been any more. He was not aware of any other issues. The RFP required that the closed, contained confiscated warehouse be located within the City limits. The City Manager clarified particulars having to do with local preference and the associated scoring percentage. Commissioner Trantalis emphasized the importance of a convenient tow yard location. For this reason alone, he felt the recommendation should be reconsidered. Vice Mayor Roberts pointed out that perception and reputation are factors. There are companies other than Westway have been in the forefront of complaints with respect to Broward County regulations. Commissioner Rogers preferred to split the contract. The City Manager clarified the scope of the RFP is not for private property tows. If one is in a traffic accident or the vehicle is disabled and it is blocking the roadway, the City institutes police tow. The individual is always given the option to use their own wrecker service. Commissioner DuBose commented that when an individual is in a traffic accident, they are thinking about wellbeing and not a wrecker service. He felt residents would be better served if there was some competition. Mayor Seiler pointed out that this is a company with three documented complaints in 6-7 years that did not reach the Commission level. Westway has done a good job.

Discussion turned to whether the award could be made to the top two ranked companies. The City Attorney advised that it is possible to divide it, but practically the question is how to go about doing it and whether they would accept. The price may have been different based on the volume. The City Manager advised that the dispatchers are not City employees. If the Commission wishes to split the

contract, he recommended it be north and south. Vice Mayor Roberts pointed out the quantity of tows in each area is unknown. The City has no track record with All County at this time. He supported the City Manager's recommendation. Mayor Seiler suggested the award be reduced to one-year. Commissioner Rogers reiterated his desire to foster competition. Mayor Seiler pointed out that getting involved in dividing the calls by working with the dispatchers is adding to the City's cost in terms of employee time. He suggested one year and then re-bid. Vice Mayor Roberts agreed with Mayor Seiler and pointed out his belief that a proper division cannot be done. If it is to be awarded to two, the RFP has to be more specific and even so, it may be difficult to accomplish. At the end of the year, the City will know more about what the County is going to do and the dust settled as far as perceptions and reputations.

Motion made by Vice Mayor Roberts and seconded by Mayor Seiler to approve the item for a one-year period.

Aye: 2 - Vice-Mayor Roberts and Mayor Seiler

Nay: 3 - Commissioner DuBose, Commissioner Rogers and Commissioner Trantalis

More discussion ensued about the difficulties of dividing the contract.

Mr. Milledge agreed to a division and indicated that previously the division was at Sunrise Boulevard. He suggested that All County have south of Sunrise Boulevard based on past practices.

Christopher Casale of All County Towing advised that the 2007 RFP called for two companies, north and south with the division line being Sunrise Boulevard.

Mr. Goldstein believed in the previous RFP the company getting the north end of the city got all of the beach. He questioned how it could be divided at this point. He was open to discussing this.

In response to Mayor Seiler, Kirk Buffington, Deputy Director of Finance, indicated that the City changed from two zones to one zone in 2007 because it was an absolute nightmare for dispatch. Vice Mayor Roberts asked for Sergeant Rousseau, who was a member of the Evaluation Committee, to comment on that conflict.

Sergeant Bill Rousseau advised he is in charge of traffic homicide. He commented that when there were two zones, it was a nightmare also for the people whose vehicles were towed. The rates are the same because they are following Broward County tow ordinance. Competition is not being added by having two companies. The Traffic Homicide Division would then have two locations for vehicle storage. He felt it is a bad idea, confusing to the public, dispatch and Police Department personnel. Commissioner Rogers explained he is looking at revenue to the City as well as equipment availability in terms of competition.

Mr. Milledge conceded that all secured vehicles could be handled and stored with Westway.

Mr. Goldstein noted that there is an open investigation into All County at this time. He questioned how All County could be allowed to participate in this process with there being an open investigation. He provided more detail about the incident in response to Mayor Seiler and indicated that he provided a copy of the police report to the Commission previously. The Police Department also has a copy of the video. He explained that the needs in other cities where he provides service are different than Fort Lauderdale. He also emphasized that this is a police tow contract and not private property or motor club towing. Commissioner Trantalis emphasized his concern about convenience for the individual having to retrieve their vehicle. In response to Commissioner Trantalis, Mr. Goldstein advised if a

rental vehicle is towed, the rental company picks up the vehicle and the individual is provided another vehicle by the rental company. There were problems with companies with which the City contracted for this service before Westway.

Motion made by Commissioner Rogers and seconded by Commissioner Trantalis to defer the item and request the City Manager to negotiate with the two highest ranked vendors (Westway Towing and All County Towing) for the highest and best pricing and agreement as to how the contract can be split.

Mr. Buffington indicated staff will do its best to have the item back to the Commission on July 2.

City Manager requested to negotiate with two highest ranked vendors (Westway Towing and All County Towing) for the highest and best pricing and agreement as to how the contract can be split.

Aye: 3 - Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Nay: 2 - Mayor Seiler and Vice-Mayor Roberts

PUR-4 13-0787 RATE INCREASE FOR DISPOSAL OF SLUDGE in the amount of \$145,833.33 to H&H Liquid Sludge Disposal, Inc. contingent upon approval and appropriation of funds

APPROVED

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

PUR-5 13-0790 PURCHASE OF TENNIS AND BASKETBALL COURT RESURFACING in the not to exceed amount of \$146,517.84 from Fast Dry Courts, Inc.

APPROVED

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

PUR-6 13-0791 PROPRIETARY PURCHASE - ANNUAL SOFTWARE SUPPORT FOR FINANCIAL ACCOUNTING AND BUDGET PREPARATION SOFTWARE SYSTEMS in the amount of \$84,317 from International Business Machines Corporation (IBM)

APPROVED

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

PUR-7 13-0800 ONE-YEAR CONTRACT FOR INTERNATIONAL WASTE DISPOSAL in the estimated amount of \$45,980 from Waste Services of Florida, Inc. and authorize City Manager to approve 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-8 13-0801 ONE-YEAR CONTRACT EXTENSIONS FOR STATE LEGISLATIVE LOBBYIST SERVICES in the total amount of \$80,000 from Ericks Consultants, Inc. and Ronald L. Book, P.A.

APPROVED

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

PUR-9 13-0881 CONTRACT FOR SOUTHEAST 15th STREET BOAT LAUNCH AND MARINE COMPLEX IMPROVEMENTS (Re-Bid) in the amount of \$1,690,270 from MBR Construction, Inc.

APPROVED

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

PUR-1 13-0890
0 NINE-MONTH CONTRACT EXTENSION FOR CREDIT CARD PROCESSING SERVICES in the amount of \$664,500 from Elavon, Inc. and authorize proper City Officials to execute all necessary documents contingent upon vendor agreeing to extension

APPROVED

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

PUR-11 **13-0892** PURCHASE OF PROJECT AND ASSET MANAGEMENT SOFTWARE AND MAINTENANCE in the amount of \$434,828 for five-year period from Enstoa, Inc.

APPROVED

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

OB 13-0953 WALK-ON RESOLUTION STRONGLY OPPOSING BROWARD COUNTY'S MOTION TO ADOPT BUDGET RESOLUTION 2013-459, AT THEIR COUNTY COMMISSION MEETING ON JUNE 11, 2013, TO TRANSFER FUNDS FROM THE RESOURCE RECOVERY FUND RESERVES TO THE SOLID WASTE FUND IN THE AMOUNT OF \$9,210,674 FOR THE PURPOSE OF RETAINING SUFFICIENT FUNDING TO MEET COUNTY OBLIGATIONS REGARDING SOLID WASTE DISPOSAL

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

RESOLUTIONS

R-1 13-0919 APPOINTING CYNTHIA A. EVERETT AS CITY ATTORNEY OF THE CITY OF FORT LAUDERDALE - effective July 1, 2013

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

Commissioner Trantalis asked for clarification on his understanding that while Ms. Everett is slated to start employment July 1, she will not be able to work fulltime for the City immediately. Ms. Everett explained that the Commission wanted a start date of July 1, however, she is currently in private practice and has commitments to fulfill. There are identified events scheduled through August that would be difficult to reschedule. After August, she will be working fulltime. If there was something she needed to attend to, she would take leave to do so. Commissioner Trantalis questioned fulltime pay for someone who will not be here. Mayor Seiler explained that he asked Ms. Everett to start July 1 so there would be overlap with Mr. Stewart. He was certain she would be committed to the City nevertheless and available by telephone and so forth. For example, she may have a deposition on a particular day, but would be committed to the City for the remainder of the day. Commissioner Trantalis referred to Exhibit 3 of Commission Agenda Memorandum 13-0919, July and August List of Pre-Scheduled Matters/Events and pointed out that she will be attending a conference for five working days (July 28 – August 2). He was supportive of her contract, but did not agree with the July 1 start date. Ms. Everett noted that if she is not at work and working on other matters, she will be on leave without pay. The start date is a policy matter, but it is not a monetary issue. There is a Pinecrest meeting what will not start until 7 p.m. which would probably be after the hour that one would be in Fort Lauderdale. More discussion followed on this point and the following reflects the highlights. Commissioner Rogers referred to the professional conferences that are shown and commented that she would be attending those anyway. He appreciated her attendance at such conferences. Commissioner DuBose noted that this is occurring during the Commission's recess which is an ideal transition time. Commissioner Rogers felt the overlap with Mr. Stewart is really important. Aside from the compensation, Commissioner Trantalis was concerned about her attention not being on Fort Lauderdale. Mayor Seiler explained that she is starting at this time at the City's request.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, asked the amount of Ms. Everett's entire package. Mayor Seiler noted her base salary and that her retirement benefits are substantially less than Mr. Stewart. She has a car allowance and other benefits of that nature. There is a good savings. From all indications she has been an outstanding city attorney. Mr. King referred to some legal opinions of Mr. Stewart with which he disagrees. He would appreciate Mr. Everett starting earlier which would be a savings.

Robert Walsh, 401 East Las Olas Boulevard, advocated for Mr. Everett starting September 1 because she will not be in Fort Lauderdale before Mr. Stewart leaves.

ADOPTED

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

Nay: 1 - Commissioner Trantalis

**R-2 13-0904 DESIGNATING CITY'S CODE ENFORCEMENT SPECIAL
MAGISTRATES AS LOCAL HEARING OFFICERS and authorizing
City Manager to utilize current staff to act as the clerk to the hearing**

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

Mayor Seiler was concerned that since their responsibilities are being shifted somewhat, he asked whether the City should look at the selected individuals' expertise. The City Attorney advised that the code requires that special magistrates be mediators or judges. There is no specialty required. Because of the volume, there is a likelihood that the City will need to add to the team which will likely

come back to the Commission in August. He responded to additional questions as to term and the number on the City's list. The City Attorney offered to ensure that these individuals have expertise in the areas that will be assigned to them. The City Manager noted for Vice Mayor Roberts and Mayor Seiler the time constraint and cost recovery information. Mayor Seiler wanted to make sure that these individuals are qualified to hear this type of case.

ADOPTED

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

R-3 13-0835 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

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

Affordable Housing Committee	Jodi Lee (Vice Mayor Roberts) Skeet Jernigan (Commissioner Trantalis)
Aviation Advisory Board	Kevin Borwick (Vice Mayor Roberts) Stephen O'Malley (Vice Mayor Roberts) Ron Carlson (Commissioner DuBose)
Citizens Police Review Board	Ted Fling (Commissioner Trantalis)
Community Services Board	Wanda Francis (Vice Mayor Roberts)
Historic Preservation Board	Alexandria J. Scherer (Vice Mayor Roberts)

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

ADOPTED

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

Not Present: 1 - Commissioner DuBose

PUBLIC HEARINGS

PH-1 13-0887 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3.D AND E - construction and maintenance after the fact of two triple-pile clusters extending a maximum of 45 feet from property line - 3012 NE 20 Court

Applicant: Giles Blondeau; Multimo, LLC

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

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

Stephen Tilbrook, representing the Applicant, advised that this is the third public hearing before the Commission on this matter. Since the last hearing, the Applicant has moved the piling to be further west from extension of the property line even though their surveyor interprets the riparian line to be perpendicular to the property line (Exhibit 12 of Commission Agenda Memorandum 13-0887). The Applicant also engaged Dynamic Engineering Solutions (engineer) and his report is provided as Exhibit 11 to the Commission Agenda Memorandum. This report and full backup was provided to their neighbors, those individuals who have participated in the previous public hearings and have not received any feedback. The engineer has certified the pilings minimum height, material and location. They should be triple and of wood material, a maximum height of 16.8 feet above NGVD. The mean high water line is 1.8 feet over the NGVD so the pilings would be 15 feet above the mean high water line which is the location of the vessel's rub railing. If they are lower, the pilings could damage the vessel. This is the minimum waiver to accommodate this vessel and provide access to the waterway so the property owner may exercise their riparian rights.

The following comments were provided in response to questions posed by the Commission. Linda Socolow, representing the Applicant, confirmed that the west piling is within the riparian rights. The Commission reviewed the surveys presented by Mr. Tilbrook that are attached to these minutes. Mr. Tilbrook advised because this is a corner lot, the riparian rights wrap around the corner of the lot. As interpreted in this case, the riparian rights are where the vessel may be docked and the ability to access the channel. The piling is east of the dock line extension and within the riparian rights. He believed the pilings have been reduced in height. Ms. Socolow advised that the rub railing is 11 feet above the water line. The 1.8 feet beyond the mean high water line is to accommodate the tide.

Mayor Seiler opened the public hearing.

Warren Ullman, 3031 NE 20 Court, presented three aerial photographs that are attached to these minutes. There are ten residences about the subject property and all of them are opposed to the application. There are no extraordinary circumstances. Approval will set a precedent to convert residential lots into partial marinas. He pointed out the number of water inlets to the Chart House restaurant on Oakland Park Boulevard where this could be repeated. The Applicant ignored the City's rules and regulations by proceeding with installation without a permit. Moreover crew members were residing on the boat.

Charles Donnelly, 3018 NE 20 Court, read a letter from his next door neighbor, Michael Jones, who could not attend, expressing his opposition. Mr. Donnelly felt that the pilings are grotesque. No rendering of the pilings has been presented. He displayed a photograph of the waterway and contended they should be back another five feet. The photograph is attached to these minutes. He urged rejection of the request that would set a dangerous precedent. The pilings will interfere with the view and negatively impact property values.

Charles King, 105 North Victoria Park Road, questioned why this matter is before the Commission and not settled by the building department. He believed that people are doing as they please with respect to pilings. He felt a decision should be reached that could be applied to future requests.

In response to Mayor Seiler, Dana Freed, representing the Applicant, advised that he is a captain that runs mega yachts worldwide. The pilings were twenty-five feet and have been lowered to 16.8 feet. The cap rail is above the rub rail. The pilings need to be above the cap rail and the lines not falling into the water. He elaborated on how damage to the vessel can occur if the pilings get under the rub or bow rail. The pilings will be wrapped with cable to be held together. The cable needs to be in a safe zone

also. He has not operated this boat, but has operated identical power and length of other boats. Once secured, the boat could move roughly no more than six inches.

Some exchange occurred between Mayor Seiler and Mr. Donnelly concerning the photograph taken from his property (attached). Mayor Seiler recalled that these pilings were removed and one was moved about ten feet to the west. Mr. Freed estimated it is closer to fifteen feet from that location. Mr. Donnelly believed that the pilings are proposed to be placed on the riparian property line. Mr. Tilbrook advised that it is at least 15 to 18 feet to the west of the riparian line. There is no dispute as to the riparian line. It has been submitted into evidence at this hearing. He drew attention to the surveyor's interpretation. The pilings are 12 inches and combined, it is an 18 inch circumference. It is not a significant visual impairment. Mr. Donnelly does not have a view corridor over his neighbor's riparian rights.

There being no other individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Roberts and seconded by Commissioner DuBose to close the public hearing. Roll call showed: AYES: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Commissioner Trantalis commented that the number of waivers suggests that the regulations are broken. He felt that anyone living on the water should be entitled to a boat and the law allows it. He believed that any other property owners in this area made the same application, no one would be denied the right to have a boat. The only consideration would be water frontage based on lot size. He felt the application and pilings' placement are fair.

Mayor Seiler noted that the pilings have been moved about fifteen feet to the west at his request so they would not be behind the neighbor's house. The pilings are well within the riparian rights of the Applicant. The proposed type of piling is necessary. He supports the revised application. At his request, Mr. Tilbrook noted one piling is 44.1 feet and the other is 43.4 feet, both 16.8 NGVD in height.

Vice Mayor Roberts introduced the resolution as specified above, which was read by title only.

Amended to specify the two triple-pile clusters to extend from Applicant's platted property line, one 44.1 feet and the other 43.4 feet, both 16.8 NGVD in height.

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

PH-2 13-0664

**QUASI-JUDICIAL - SECOND READING OF ORDINANCE-
REZONING TO COMMUNITY FACILITY - HOUSE OF WORSHIP -
Case 2-Z-13**

Applicant: Saint John United Methodist Church
From: Residential Single Family - Low Medium Density RS-8
Location: North Side of NW 5 Street and 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.

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

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner DuBose and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: **Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

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

PH-3 13-0760

**QUASI-JUDICIAL - SECOND READING OF ORDINANCE
REZONING TO PARKS, RECREATION AND OPEN SPACE -
TOWNSEND PARK - Case 1-Z-13**

Applicant: City of Fort Lauderdale
From: Residential Low Rise Multi-Family - Medium High Density
Location: Southwest Corner of SW 14 Avenue and Argyle Drive

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 this matter.

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

Commissioner Rogers 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

PH-4 13-0888

**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

Patricia Rathburn, Broward Trust for Historic Preservation, advised that there is agreement for a continuance.

Neil Hamuy, owner of Sun glasses & Swim by Stylin, indicated he would not be available in July, but

would be available for the August 20, 2013 meeting. He confirmed for Mayor Seiler that the awnings are in-place so a delay does not harm him.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts to defer the item to August 20, 2013.

Deferred to Aug 20, 2013

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

PH-5 13-0882

LEASE AGREEMENT WITH BROWARD COUNTY MINORITY
BUILDERS COALITION, INC. (Request to defer to July 2, 2013)

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to defer the item to July 2, 2013 as requested.

Deferred to Jul 2, 2013

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

ORDINANCES

- O-1 13-0875** SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 26, ARTICLE VII, TRAFFIC INTERSECTION SAFETY ACT - providing for statutory authority and consistency with general law

Commissioner Rogers 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 13-0884** SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 2-127, APPROVAL OF CHANGE ORDERS, ADDITIONS, TASK ORDERS

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-3 13-0870** QUASI-JUDICIAL - SECOND READING OF ORDINANCE APPROVING SITE PLAN AMENDMENT FOR BROWARD COUNTY HOMELESS ASSISTANCE CENTER AND PROVIDING A PROCESS FOR FUTURE AMENDMENTS TO THE APPROVED SITE PLAN - 920 NW 7 Avenue

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-4 13-0802** QUASI-JUDICIAL - FIRST READING OF ORDINANCE VACATING RIGHT-OF-WAY - 74.5 feet along southern boundary of site - Case 6-P-13

Applicant: Bac Home Loans
Location: 2401 NE 27 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 this matter.

The City Manager provided some background information on this item. There is a cloud on the title

that needs to be cleared. It is requested that any utilities be required to be removed and replaced or relocated at their expense and approved by the City's engineer.

There being no individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Roberts and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: **Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Commissioner Trantalis introduced the ordinance subject to the recommended conditions, which was read by title only.

Subject to conditions contained in Commission Agenda Memorandum 13-0802

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

**O-5 13-0908 FIRST READING OF ORDINANCE AMENDING CODE OF
ORDINANCES, CHAPTER 24, ARTICLE III, SECTIONS 24-66 and
24-69 - SOLID WASTE PRIVATE COLLECTION SERVICES -
information required and franchise fee charge methodology**

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

Note: The City Commission adjourned the regular meeting at 9:06 p.m. and convened as the Community Redevelopment Agency Board of Directors.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk