

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, December 3, 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 6:01 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, Sergeant Edward Stewart

Vote Roll Call Order for this Meeting

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

Invocation

Chaplain Ron Perkins, Seafarer House at Port Everglades, Fort Lauderdale Police Department

Pledge of Allegiance

Led by Dennis Ulmer

Approval of MINUTES and Agenda

13-1560 APPROVAL OF MINUTES for September 23, 2013 Joint Workshop with Beach Redevelopment Advisory Board and October 1, 2013 Conference Meeting

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

APPROVED

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

PRESENTATIONS

PRES-1 13-1614 PROCLAMATION DECLARING DECEMBER 1-6, 2013 AS WORLD AIDS WEEK IN THE CITY OF FORT LAUDERDALE

Commissioner DuBose presented the proclamation to Evelyn Ullah, HIV Prevention Program Director for the Florida Department of Health; Mario DeSantis, the City's Housing Opportunities for Persons with AIDS (HOPWA) administrator; and Dr. Paula Thaqi, a health officer. The recipients of the proclamation discussed available AIDS services in Broward County.

PRES-2 13-1617 PROCLAMATION DECLARING DECEMBER 3, 2013 AS RICK CASE BIKES FOR KIDS DAY IN THE CITY OF FORT LAUDERDALE

Vice-Mayor Roberts presented the proclamation to Rick and Lisa Case. Rick Case thanked the Commission and the citizens of Fort Lauderdale for supporting the program throughout South Florida.

OTHER BUSINESS

OB 13-1627 WALK-ON PROCLAMATION – RECOGNIZING STEPHANIE CARPENTER FOR HER HEROISM IN HELPING RESCUE AN ELDERLY MAN FROM A BURNING HOME

Commissioner Rogers presented the proclamation to Stephanie Carpenter, recognizing her heroism in helping to rescue an elderly man from a burning home.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

Motion made by Vice-Mayor Roberts and seconded by Commissioner Trantalis that Consent Agenda Items M-1, M-10, CR-1, CR-4 and PUR-7 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

APPROVED

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

M-1 13-1531 EVENT AGREEMENTS: 1) Dive Bar Christmas Party, 2) Spartan Race Workout, 3) Winterfest Boat Parade Viewing and 4) Coral Ridge Association Holiday Party.

Art Seitz, 1905 North Atlantic Boulevard, wished to discuss Winterfest Boat Parade viewing. He congratulated Bokamper’s restaurant, which recently opened on Intracoastal Waterway and will provide excellent Winterfest viewing. The Commission has not given much thought to Winterfest viewing at the Fort Lauderdale Aquatic Complex. If you were to go on top of the parking garage there would be a fantastic view of Winterfest. If this facility is going to host people for multipurpose events, it should have a restaurant, kitchen and banquet facilities. There are defects in the design. Bokamper’s would not have opened a restaurant on the Intracoastal Waterway if there was no market for waterfront restaurants.

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

APPROVED

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

M-2 13-1532 EVENT AGREEMENT AND RELATED ROAD CLOSING FOR LAS OLAS SUNDAY MARKET

APPROVED

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

M-3 13-1529 SETTLEMENT OF POLICE LIABILITY LAWSUIT - \$25,000 - File PPL 1078 (Brennan Hamilton)

APPROVED

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

M-4 13-1530 SETTLEMENT OF POLICE LIABILITY LAWSUIT - \$37,500 - File PPL 12-910 (Veronica Titre)

APPROVED

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

M-5 13-1306 AMENDMENT 1 - GRANT AGREEMENT FOR RIVER OAKS STORMWATER PARK - extending deadline and other modifications - Florida Department of Environmental Protection

APPROVED

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

M-6 13-1492 THIRD AMENDMENT TO INTERLOCAL AGREEMENT FOR WATER SERVICE INTERCONNECTION - MIDDLE RIVER AND NORTH FORK OF NEW RIVER CANAL SYSTEMS - extending term to December 31, 2015 - Broward County

APPROVED

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

M-7 13-1519 WORK ORDER 30 - \$2,219, WORK ORDER 31 - \$20,775 AND WORK ORDER 32 - \$3,800 under Annual Concrete and Brick Pavers Contract with Straightline Engineering Group, LLC - sidewalk and paver brick restoration - Lake Ridge, ADA ramps in Dillar Park and other locations

APPROVED

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

- M-8 13-1536** TASK ORDER 28 - AIRFIELD LIGHTING COMPUTER CONTROLLED MONITORING SYSTEM AT EXECUTIVE AIRPORT - \$87,805 - Kimley-Horn and Associates, Inc.

APPROVED

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

- M-9 13-1564** TASK ORDER 9 - \$10,199 AND TASK ORDER 5- \$20, 057.00 - CITY PARK GARAGE INSPECTIONS with DeRose Design Consultants, Inc.- 150 SE 2 Street

APPROVED

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

- M-10 13-1551** CITY COMMISSION REQUEST FOR REVIEW - INSTALLATION OF ABOVE-GRADE COMMUNICATIONS CABINETS - schedule public hearing for review of application on December 17, 2013 - 1601 NE 56 Street and 1707 East Commercial Boulevard

Vice-Mayor Roberts expressed a concern about the cabinets being installed without a permit.

Victor Beninate, representing AT&T, acknowledged the installation occurring without a permit. It was an oversight, and he apologized for the error. AT&T plans to work with the City and neighboring residents at both locations to make sure it is in the best interests of the community.

Vice-Mayor Roberts indicated that he wanted to ensure community outreach was conducted. He wished to defer the item until AT&T can work with staff to come up with a remedy for this situation.

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose to defer the item.

DEFERRED

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

CONSENT RESOLUTION

- CR-1 13-1603** APPROVING CITY'S 2014 LEGISLATIVE PRIORITIES AND FUNDING REQUESTS

Art Seitz, 1905 North Atlantic Boulevard, noted that the City spent a lot of time and money conducting a vision study. Approximately 1,600 suggestions were made by participants. Only a few were interested in matters related to the Aquatic Complex. However, bicycle and pedestrian concerns were a top

priority for roughly 60 percent of participants. Yet, funding flagged for those concerns is not significant. Four-foot bike lanes on Sunrise Boulevard are dangerous. He elaborated on other areas of concern. The Commission needs to address this topic. He suggested allowing cyclists to go through Holiday Park to avoid Sunrise Boulevard.

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

ADOPTED

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

CR-2 13-1472 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2014 BUDGET – APPROPRIATION

ADOPTED

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

CR-3 13-1616 GRANT APPLICATION TO EXTEND NW 2 AVENUE TO NW 4 STREET - \$368,146 - U.S. Department of Commerce, Economic Development Administration - 2014 Economic Development Assistance Programs - \$368,146, City match required of equal amount to be supplied by All Aboard Florida - Operations LLC

ADOPTED

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

CR-4 13-1547 PERFORMING ARTS CENTER AUTHORITY FISCAL YEAR 2014 BUDGET - Tri-Party Agreement with Broward Center for Performing Arts and Performing Arts Center Authority

Art Seitz, 1905 North Atlantic Boulevard, said he supports expanding the Broward Center for Performing Arts. However the progress of Riverwalk has been slow. He discussed his concerns about the Aquatic Complex plans. He encouraged those overseeing the Riverwalk to consider a walkway along the Intracoastal and attract art in public places, music, restaurants and so forth. It should not have to wait any longer.

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

ADOPTED

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

CR-5 13-1495 ACCEPTANCE OF GRANT FUNDS - 2012 URBAN AREA SECURITY INITIATIVE GRANT PROGRAM - \$179,869.90 from the United States Department of Homeland Security and Florida Division of Emergency Management through City of Miami - Community Emergency Response Team training and equipment, Emergency Operations Center enhancements and maintenance, Fixed Satellite communications services and Regional Citizens Corp training

ADOPTED

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

CR-6 13-1487 RENAMING 15TH STREET BOAT RAMP TO COX'S LANDING 15th STREET BOAT RAMP

ADOPTED

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

CR-7 13-1512 GRANT ACCEPTANCE - OUTBOARD MOTORS - MARINE LAW ENFORCEMENT - \$30,000 - Florida Inland Navigation District Waterways Assistance Program - City match required of \$30,000

ADOPTED

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

CR-8 13-1517 GRANT ACCEPTANCE - 2013 EDWARD BYRNE JUSTICE ASSISTANCE GRANT - COUNTYWIDE SOLICITATION - \$90,000 - no City match required

ADOPTED

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

CR-9 13-1416 AMENDMENT 2 TO INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT FOR RIGHT OF WAY IMPROVEMENTS AS PART OF PASEO DEL MAR SITE PLAN APPROVAL PROCESS - Sunrise Boulevard - Florida Department of Transportation

ADOPTED

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

PURCHASING AGENDA

PUR-1 13-1111 CONTRACT FOR UTILITIES AND PAVING SITE PREPARATION WORK FOR TEMPORARY FIRE STATION 54 in the amount of \$194,740 from PARS Development, Inc.

APPROVED

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

PUR-2 13-1373 CONTRACT FOR PURCHASE OF TAXILANE CHARLIE PAVEMENT REHABILITATION AND LIGHTING REPLACEMENT AT EXECUTIVE AIRPORT in the amount of \$1,236,359.60 from Weekly Asphalt Paving, Inc.

APPROVED

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

PUR-3 13-1461 CONTRACT FOR PALM AIRE VILLAGE WEST ENTRYWAY IMPROVEMENTS in the amount of \$115,215 from Hartzell Construction, Inc.

APPROVED

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

PUR-4 13-1462 U.S. CUSTOMS AND BORDER PROTECTION FACILITY AT EXECUTIVE AIRPORT in the amount of \$5,689,000 from Pirtle Construction Company

APPROVED

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

PUR-5 13-1489 PURCHASE OF REINSURANCE FOR SELF-FUNDED MEDICAL PLAN in the amount of \$838,634.16 from Cigna Health and Life Insurance Company

APPROVED

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

PUR-6 13-1491 PURCHASE OF ELECTRONIC CONTROL PANELS FOR SANITARY SEWER PUMP STATIONS in the amount of \$30,345 from Atlantic Environmental Systems, Inc.

APPROVED

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

PUR-7 13-1514 INCREASED EXPENDITURE FOR TREES, PLANTS AND SOD in the amount of \$300,000 from Gardening Angel Nursery, Inc. and Sunset Sod, Inc.

Art Seitz, 1905 North Atlantic Boulevard, expressed concern that the City has not maintained the park area under the Oakland Park Bridge that was built by Florida Department of Transportation (FDOT). The landscaping has been refurbished by FDOT three times. It is now in need of attention again. This is something that could be addressed with impact fees. When promises are made by developers, the City should hold them to those promises.

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

APPROVED

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

PUR-8 13-1587 PURCHASE PROPRIETARY ITEMS FOR WATER DISTRIBUTION AND WASTEWATER COLLECTION SYSTEM INFRASTRUCTURE AND TREATMENT FACILITIES on an as-needed basis from Eastern Elevator Service, Inc. and Pantropic Power, Inc.

APPROVED

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

CITIZEN PRESENTATIONS

CIT-3 13-1595 ART SEITZ - Quality of Life - Fort Lauderdale Barrier Island

Art Seitz, 1905 North Atlantic Boulevard, said there should be better access through Holiday Park to avoid Sunrise Boulevard. He reiterated concern about a 4-foot bike lane being installed on Sunrise Boulevard. Mayor Seiler agreed that 4-foot bike lanes on Sunrise are too narrow, but there is a space issue. Seitz felt it would be safer to use a route through Holiday Park. He referred to the consultant's reasoning that the park is closed from midnight to 5 a.m. Mayor Seiler said park hours have to be enforced. Seitz thought it would be acceptable to simply abide by the closed hours and use the access for the remainder of time in a day. Seitz went on to question the Mayor's comment about envisioning soccer fields on the property that was formerly American Golfers Club.

CIT-1 13-1597 DENNIS ULMER - A "Neighbor" Thanks Our City Employees

Dennis Ulmer thanked and recognized City employees. He discussed the role of City employees in delivering the mission and vision of Fort Lauderdale. Too often, City employees go unrecognized. They play a special role because, as a tourist destination, City services affect the local economy. *The Sun-*

Sentinel recently recognized Fort Lauderdale as one of the best cities in which to retire. If a hurricane, tropical storm or unforeseen act of nature strikes, residents can be confident that City employees will meet the challenge. He commended the City Manager, Mayor Seiler and the Commission for providing leadership and support to employees.

CIT-2 13-1596 JEFF WEINBERGER - Proposed Changes in Stranahan Park

Jeff Weinberger noted that during the presentation for World AIDS Week, it was expressed that housing is an important need. He agrees with that sentiment. He believes the fundamental need to house people is not often addressed in Fort Lauderdale. The ongoing beautification process at Stranahan Park is obviously hiding the ugly reality about how the City deals with its homeless population, by demonizing and criminalizing them. They are systematically being told they cannot go into the park during regular park hours. A few weeks ago the park gazebo was surrounded by yellow tape, but there was no construction occurring. Also recently, two individuals who went to the park to feed the homeless were told by a park ranger they could not be there without a permit. A citizen presentation was made a month ago by Rose James, a single mother who has struggled with homelessness. She asked about a program called Rapid Re-Housing which has existed in the county for at least 10 years. He believed the Mayor's response to Ms. James was not satisfactory in that he referred her to the state. He concluded by saying that the Commission needs to address homelessness and provide housing.

CIT-4 13-1608 ROBERT WALSH - Commissioner Dean J. Trantalis

Robert Walsh said he had planned to call for Commissioner Trantalis' resignation. However, based on information he learned at the commissioner's district meeting, he no longer feels that is necessary, but Commissioner Trantalis owes the Commission an apology for not disclosing a voting conflict at the last meeting. He provided a copy of a letter of intent and contract for sale and purchase concerning the subject property for the record (see November 19, 2013 regular meeting). He believes Commissioner Trantalis is doing a good job and is well-liked in the community. He elaborated on comments made to him when he campaigned for the District II seat.

CIT-5 13-1598 BENJAMIN PROWS - Hammocks on the Beach

Benjamin Prows noted that the Native American feature at D.C. Alexander Park is in need of repair; it is rusting. He asked something be done about traffic light timing and the library construction delay. Mayor Seiler said both of these items are the County's responsibility.

Prows went on to say he is frustrated that hammocks are banned from the beach. No one has ever been hurt in a hammock. It does not hurt the trees. There is no reason why hammocks should not be allowed. He would like the Commission to vote on this issue. Putting a hammock on the beach is a symbol of freedom. Commissioner Trantalis noted that some people may not be respectful of the trees. Hammocks can be suspended by chains and other things that could damage the trees. Prows did not believe there is any evidence of hammocks killing trees. People will continue using hammocks on the beach because no one really knows it is not allowed.

Prows also felt people should be able to slackline.

RESOLUTIONS

R-1 13-1582 FRATERNAL ORDER OF POLICE LODGE 31 - RATIFYING TENTATIVE AGREEMENTS - effective December 3, 2013 - September 30, 2016 - 1) police officers and sergeants and 2) police

lieutenants and captains

This item was revised, as outlined in Commission Agenda Memorandum 13-265.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, said that although this may be the largest item in the budget, no one knows anything about it. It should not be a big secret when a large monetary item like this is considered. There has only been one newspaper article about it. It appears as though this item is being considered during the holidays so it can be kept a secret. He did not see any savings in the current year. He pointed out that the Commission has taken the position in the past that take-home vehicles save money, yet it has been reversed in this contract. When it came to the fire assessment fee, the City wanted full recovery from the taxpayers, but it is not expected from police officers. There has been no information about the size of the contract. He requested that the Commission table the item and allow more time for public discussion. The Commission could set up a system to work wherein police would have to conform to the current tax structure, but this proposal requires constant fee and millage increases. The only good thing is it will allow take-home vehicles for employees who live in the city.

There was no one else wishing to speak.

Vice-Mayor Roberts said there are savings throughout the contract, including immediate savings for each of the three years. It is the first contract he can remember that was ratified by the Union and saves the City money. It accomplishes what the City set out to do in the long term, which is fix a \$300 million liability. From the police side alone, \$161 million is being saved. There is give and take, as there is any time negotiations occur. With respect to vehicles, at the high-end officers will be paying close to \$2,000 per year in fuel reimbursement. Previously reimbursement was for those living outside of the county. It has been changed to the city only. He agreed there should be an incentive for officers to reside in the city. Overall it is a win-win. Public negotiations have been ongoing for months, so this has not been done in secret.

Commissioner DuBose pointed out that this is not an easy issue, nor is it unique to Fort Lauderdale. Law enforcement has rights as outlined in statute. The contract is not perfect but it is a compromise. The Commission is trying to save money and exercise its fiduciary responsibility. The contract represents savings and it shows that the unions recognize we are in this together.

Commissioner Trantalis noted that collective bargaining has been conducted in closed door sessions, as they should because discussion can become political if handled in public in the early stages. The important thing is the dollars and cents. If the City keeps the millage rate and fire assessment fee at the current levels, then the City has to determine how much money is left to spend on all of its responsibilities. A significant portion of the budget goes toward employee pay and benefits with police and fire making up the lion's share. The Commission has been in negotiations with representatives of the police and fire unions and tonight they are presented a recommended contract. This is the first time the Commission has seen the recommendation because at the last closed door session, the Commission asked that the City's representatives do better and they have now said this is the best they can do. There are significant savings, more than \$100 million, in terms of 30 years of pension benefits, but they seem to be offset by other benefits and pay. The City Manager confirmed that in the first year of the agreement, there is \$110,000 savings; the second year the savings is \$70,000; and the third year savings amount to about \$31,000. Commissioner Trantalis questioned how the City is going to pay for this, if the net savings is virtually zero. He is concerned that the City is agreeing to compensate employees at this level and it may not be able to maintain the millage rate as it is today. The fire

assessment fee has already been increased this year. The City is assuming the City's income will increase proportionately with increases that are being built in. It is unfair to residents who may have to suffer a tax increase if the measure of savings is so narrow that the slightest variation in property valuation could cause the budget to suffer a serious blow. He is concerned because the City does not even have enough money to pave dirt roads in some neighborhoods. There are neighborhoods with pending Neighborhood Capital Improvement Program grant applications that the City has not been able to address for funding or staffing reasons.

In response to Commissioner Trantalis, the City Manager explained that at the proposed multiplier rate of 3 percent, meaning that for a new hire police officer, it would take 25 years to retire with full pension benefits. Commissioner Trantalis went on to say that means a person can be hired at 21 years old and retire with full benefits. The City Manager indicated the individual would receive 75 percent of their pay at age 46. Commissioner Trantalis pointed out that there is no place in private enterprise where this exists. Police and fire personnel are deserving, but the City has to identify how to pay for it. He is prepared to vote for a contract tonight, but only if there is certainty that it would not prompt a tax increase.

Commissioner Rogers said the financial modeling shows the contract is affordable while keeping the tax rate and fire assessment fee at the same level and expecting a 3 percent increase in property values. Savings of \$211,000 over the next three years is significant. He is more concerned with fairness and whether it is competitive. He believed it is understood that public safety is first. Forty significant changes were made to the contract, including pension reform amounting to \$161 million. The Commission was charged with finding a savings of \$300 million over a 30-year period. Staff spent time to reach this accord; every line was looked at; pencils were sharpened. Cooperation is the reason for reaching an accord. It is affordable because, for example, new hires are starting at a lower salary and steps of increase are only once a year. The legislature ruled that pension funds can only be used for new benefits, so the police union was given a health insurance plan with an employee tax incentive but no loss to the City. He is satisfied with the work that was done, that pension reform of some \$161 million has been accomplished and he is comfortable saying the City has done a good job for its residents.

Mayor Seiler noted there were 23 public meetings where this was discussed between City representatives and members of the FOP (Fraternal Order of Police). Each of these meetings was held in public. Executive sessions were closed, which may be what has caused confusion. This is a simple issue. If you support \$161 million in pension reform, then one would vote to approve. The number one role of government is to protect the community. Throughout all the budget cuts and economic downturn, the City never reduced the size of its public safety force because of its importance. When a priority is established, it must be funded. This Commission inherited a lot and was able to save tens of millions of dollars in the last round of negotiations. This round of negotiations resulted in \$161 million in pension reform. One can decide it is not enough, but he did not know how you could vote against \$161 million in savings. He noted the take-home vehicle policy change. The multiplier was reduced from 3.38 percent to 3 percent, which is significant when viewed over the life of a contract. In addition, the Florida Retirement System rate is at 3 percent. Going below that level would result in officers leaving after a couple of years. Compensation must be competitive. Also, the maximum accrual has been reduced from 81 to 75 percent. The final highest compensation rate has been from the two highest years to the five highest years. The standard benefit formula changed from 60 percent joint survivor to a 10-year certain in life. The maximum drop of 96 months has been reduced by one month for every month employed after the 25 years. Florida Statutes, Chapter 185 reserve funds have been used to offset the pension contribution to the City; a \$1.2 million offset. The City's exposure with respect to leave has been addressed. There are people who think the only way to negotiate is to attack. He does not want to destroy the morale of the City's public safety force. This is a good compromise; significant pension

reform.

Commissioner Trantalis said he is not attacking the fire or police departments. He is only speaking of dollars and cents. Mayor Seiler advised that his comments were not in reference to Commissioner Trantalis. Commissioner Trantalis explained whenever there is any dissent to this issue, it seems to cause tempers to flare. This is really about dollars and cents. When the negotiations began, the City Manager said the current level of compensation to the employees is unsustainable. In order to continue doing business in a solvent fashion, it was necessary to reduce pension obligations for the next 30 years by \$300 million. The City was only able to get halfway to that point. He was notified last night that the police union now wants to add sexual orientation as a protected class. Mayor Seiler clarified this was not a new addition to the contract, but rather an error in the existing contract. Commissioner Trantalis wanted to be in a position to provide a little bit more to neighborhoods and other programs. The City seems to be draining its resources with compensation packages.

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

ADOPTED AGREEMENTS FOR POLICE OFFICERS AND SERGEANTS

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

Nay: 1 – Commissioner Trantalis

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

ADOPTED AGREEMENTS FOR POLICE LIEUTENANTS AND CAPTAINS

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

Nay: 1 – Commissioner Trantalis

R-2 13-1621 QUASI-JUDICIAL - APPEAL OF CITY ENGINEER'S DENIAL OF RIGHT OF WAY PERMITS APPLICATION - PLACEMENT OF TWELVE DISTRIBUTED ANTENNA SYSTEMS IN PUBLIC RIGHT OF WAY

Appellant: Crown Castle NG East Inc.

Applications: CC13-01, CC13-02, CC13-03, CC13-04, CC13-05, CC13-06, CC13-07, CC13-8, CC13-9, CC13-10, CC13-11, and CC13-12

Locations: SE 10 Avenue, SE 4 Avenue SE 21 Street, NW 15 Avenue, NW 17 Avenue, NW 16 Avenue, NW 13 Street, NW 10 Place, NW 11 Street, NW 1 Avenue, NW 12 Street

1) Introduce resolution upholding City Engineer's decision of denial, OR 2) adopt motion to hold de novo hearing immediately, OR 3) introduce resolution setting de novo hearing within thirty days

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.

Assistant City Engineer Dennis Girisgen highlighted the chronology of this item as contained in Commission Agenda Memorandum 13-1621. He confirmed for Mayor Seiler that the record submitted to the City for the requests has been provided to the Commission in its entirety.

Attorney Melissa P. Anderson of Weiss Serota Helfman Pastoriza Cole & Boniske, P.A., representing the Applicant, said there was absolutely a departure from the essential requirements of the law. She is not sure why it has come to this point since the Applicant is in compliance with state law and the City's ordinance. The appeal letter that was submitted to the City on September 25 asked the Commission to review seven permits that were denied on the basis that sidewalks would be going into these areas at some point. When she asked for documentation showing when the sidewalks would be installed, it could not be produced because staff was referring to a comprehensive plan element that generally supports sidewalks. Rather than the seven permits in the appeal, all 12 permit denials have been scheduled on the Commission agenda. There are several errors in the commission agenda memorandum. Permits were first submitted in January of this year, not May. She first met with staff in August 2012. The cabinets are 4 feet high, not 6 feet. When she received the denial letter, she and Crown Castle representatives believed the issues could be worked out with City staff. She was told that City staff could not meet with the Applicant; everything would have to go through the City Attorney's Office. She asked that staff be allowed to meet with Crown Castle and make a meaningful attempt to work this out. Letters were sent out to residents and homeowners associations and the Applicant did everything the City requested.

In response to Mayor Seiler, Anderson said the Applicant wishes to proceed with all 12 permit applications. The Applicant's position is that there was a departure from the essential requirements of law. Anderson said she also does not believe there was sufficient evidence to deny the permits. When she asked for that evidence, it was not provided. Ultimately, she received a reference to the comprehensive plan. There are many communications services facilities in the right-of-way where the City may want to have sidewalks in the future, but those permits were not denied.

In response to Commissioner Trantalis, the City Attorney explained that staff is willing to work with the Applicant but an appeal has been brought forward and therefore the City is obligated to hear it. It could be deferred or the appeal could be withdrawn. The City Manager explained that his position was that staff could meet with the Applicant, but if they had legal counsel present, the City would also want to have counsel present. Assistant City Attorney Bob Dunckel said he met with the Applicant although he was uncertain whether all of the issues had been resolved. The City Attorney's Office did not refuse to meet with the Applicant. In response to Commissioner Rogers, Dunckel referenced State Statute, Section 337.401, which covers telecommunications service providers being treated in a non-discriminatory manner. He did not believe there is complete unanimity among municipal attorneys as to whether Crown Castle's product is a telecommunication service facility. He also referenced State Statute 365.172.

Commissioner Trantalis said the City wants telecommunications services and should attempt to resolve this. Dunckel suggested more dialogue with the appeal on hold. Anderson wished to put the appeal on hold. She wished to have a meaningful dialogue with staff. She also agreed to email more information about the Applicant's facilities at each proposed location to the Commission and City Manager.

Motion made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to defer the item.

Vice-Mayor Roberts emphasized that negative impacts on the neighborhood and concerns in the denial letter have to be addressed.

DEFERRED

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

R-3 13-1535 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS -
vacancy information provided under Conference Item BD-2

REMOVED FROM AGENDA – no appointees

PUBLIC HEARINGS

PH-1 13-1412 SECOND READING OF ORDINANCE - REAPPORTIONMENT OF
CITY COMMISSION DISTRICTS - establishing geographical
boundaries to be approximately equal in population as is practicable
pursuant to Section 7.12 of City Charter

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, supported East Point Towers remaining in District II. The Commission, not the committee, has the definitive power.

Mergharita Nehme, 1170 North Federal Highway, representing East Point Towers, provided a petition, urging the City to keep Area 18 in Commission District 2 along with the rest of Lake Ridge. This will allow the City to meet its goal of never splitting off a populated portion of a neighborhood. She indicated it has been signed by a majority of East Point residents (157). She indicated it is within the maximum 10 percent variance. East Point began the process of joining Lake Ridge Civic Association in May. They are happy to be part of a neighborhood and have a sense of belonging. She just heard of the reapportionment in August.

Steve Dolgin, a member of East Point Towers Association Board of Directors, said East Point Towers did not join Lake Ridge in order to circumvent the reapportionment process. Everyone seems to agree that this change is numerically insignificant. No one can claim that Lake Ridge received special treatment because it is the only neighborhood that would have a populated area split off because there is no other neighborhood with this situation. The Commission and the Reapportionment Committee repeatedly promised that no populated portion of a neighborhood would be split. He disagreed with treating changes that occur after the committee has sunsetted as irrelevant. He urged the Commission to keep their promise.

Greg Brintlinger, president of the East Point Towers Homeowners Association, asked that Lake Ridge and East Point Towers not be split into two districts. He referred to statements made at the last meeting by City officials and Ed Smoker, a member of the Reapportionment Committee, that one of the most important factors in redistricting is not to break up a neighborhood.

Shannon Harmeling, president of Lake Ridge Civic Association president, explained that Lake Ridge expanded after the fact. Some people were not aware of the committee. Had she known, she would have gotten involved sooner. She referenced the petition submitted by Nehme which contains 157 signatures collected over the Thanksgiving holiday, asking to stay in District II. These residents have no political agenda. It will not impact the numbers significantly.

Genia Ellis, vice-chair of the Reapportionment Committee, said the assumption that there has never been a divided neighborhood during redistricting is incorrect. It occurred with the last redistricting. It is not the purpose of the committee to split neighborhoods but at the time, East Point Towers was not even part of Lake Ridge. Allowing 309 residents to remain in District II does not significantly affect the districts, but it does affect the process, which was two years in the making. The committee was given a charge and a process, and now the Commission will have to make a decision. The committee supports the process.

There being no other 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: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers and Mayor Seiler. NAYS: None.

Motion made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to accept the Reapportionment Committee's recommendation with an amendment to the map that would include East Point Towers (Area 18) as part of District II. Ten years ago when the Commission was going through the redistricting process, some rearrangements were made to the map, and the committee recommendation was amended at that time. This is not a big deal. It is just 301 residents, and it seems to mean a lot to them. It does not change the ratio required to balance the various populations among the districts. It is important to maintain the integrity of a neighborhood. The committee did a great job of meeting that goal, and he would like to see that consistency maintained.

Commissioner Rogers felt it is important for the Commission to not be involved in this process. It is wrong to step in at the last minute and change the committee recommendation. Two commissioners are better than one representing a neighborhood. There is one condominium that came late to the game and wants to disrupt the process. He believed it is important for the Commission to stay out of the process.

Vice-Mayor Roberts noted that he has thought about the potential impact of this amendment and discussed it with the City Attorney. There are no legal ramifications. He respects the process too, but this is a unique situation. He believes it is important to maintain the integrity of neighborhood associations. While there have been some differences of opinion on other neighborhoods, there has not been one that had such an overwhelming response as that of East Point Towers. He has changed his mind and will support the amendment.

Commissioner DuBose noted that he was not present at the last meeting when the item was discussed. He lives in a neighborhood that is split into two districts at the county level. He touched on the positives and negatives of split districts. He supports the process put in place when the committee was tasked with reapportionment. He is not willing to accept an amendment tonight. If the Commission is going to approve this change, it would need to allow other neighborhoods to present their conflicts.

Mayor Seiler said since the last meeting he has considered whether East Point Towers and Lake Ridge would have been split if they had been together when the committee began its work two years ago. He does not believe they would have been split them. He believes the process works but will support this minor amendment.

ACCEPT COMMITTEE RECOMMENDATION WITH AMENDMENT TO MAP TO INCLUDE AREA 18 (EAST POINT TOWERS) IN DISTRICT II

Aye: 3 - Vice-Mayor Roberts, Commissioner Trantalis, Commissioner Rogers and Mayor Seiler

Nay: 2 – Commissioner DuBose, Commissioner Rogers

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

ADOPTED ON SECOND READING WITH AMENDMENT

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

Nay: 1 – Commissioner Rogers

PH-2 13-1437 QUASI-JUDICIAL - FIRST READING OF ORDINANCE - Rezone from Residential Mid Rise Multifamily/Medium High Density District (RMM-25) to Boulevard Business (B-1) - Holman Automotive, Inc. located at 500 SE 14 Court - Case 7Z13

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 and/or site visits made concerning this matter.

Mayor Seiler opened the floor for public comment.

Attorney Steven Wherry of Greenspoon Marder, representing the Applicant, said this rezoning would create a contiguous large parcel of B-1 zoning. He met with the Planning and Zoning Board. He asked that the application and staff recommendation along with a justification statement be made a part of the record. He agrees with staff's analysis. The site is within the South Regional Activity Center, which encourages high-intensity compact mixed-use development. Substantial changes in the character of development support this change. As the city has grown, so has commercial development along this corridor. The request is consistent with the depth of commercial zoning in this portion of South Federal Highway. The character of the area is suitable to the proposed uses and is compatible with the surrounding area. The Applicant spent considerable time with the Poinciana Park Civic Association and made several changes to the plan throughout that process. The Association submitted a letter of support for the project. He provided a copy of the letter, dated June 26, 2013, that was made a part of the record. The Association requested that the Applicant explore ways to mitigate traffic circulation. The Applicant agreed to develop a written policy, signed by all employees, that Wherry submitted into the record. Service or demonstration test rides must be conducted on main arterial roads, and not internal neighborhood roads. Additionally, in an effort to improve compatibility, the Applicant voluntarily suggested a modification to the permitted uses for the site by declaration of restrictive covenants. It would exclude bars, cocktail lounges, night clubs, liquor stores, adult gaming centers, automotive service and tattoo parlors. The covenant would be binding on future owners and could be amended only with consent of the City. The intended use of this property is for an automotive sales facility and related activities, which does not include service. Automotive service is often seen by neighbors as generating a nuisance. Holman Automotive's intention is to keep its service activities at a site on South Andrews Avenue that is currently in the Development Review Committee process. This supports the contention that there is no intent to have service activities at this location.

Lynn Christine Waterbury, 2132 NE 63 Street, read from a presentation, which is attached to these minutes. She spoke in opposition to the rezoning. She confirmed for Mayor Seiler that she is a neighboring property owner. In response to Commissioner Rogers, Waterbury confirmed that she owns two rental properties on 14 Court that are zoned Residential Office (RO). Commissioner Rogers pointed out that the zoning designation has been in place for 40 years. The transition that the City intended for

that area did not happen as planned. This facility will have a 6-foot-wall abutting Waterbury's property with a 17-foot setback, which is consistent with the zoning.

Commissioner Rogers understood that Holman Automotive also has a facility across the street. He is concerned about traffic back and forth across Federal Highway. He explained that trying to determine what South Federal Highway should look like is important to the City and its residents.

In response to Commissioner Rogers, Waterbury said she is certain there has been a negative impact on her property value. She has had an offer to purchase her property for less than what was paid for the parcel next to it that expires today, which she felt had to do with her objection to this application. Commissioner Rogers thought it may have to do with obtaining the rezoning. Waterbury explained her objection to the application is that the facility is too small. She does not believe a dealership will remain at the site for the long term. She referred to existing abandoned dealerships and expressed her viewpoint that they seem difficult to change the use. She felt the most likely second choice could be a parking garage. The medical facility across the street causes no concerns because it is a different type of use. Mayor Seiler noted that some uses are not taxable. Commissioner Rogers shared some of Waterbury's concerns when reviewing the proposal but was encouraged by the Applicant's commitment in building a multimillion-dollar repair facility. Waterbury pointed out that when it comes to the sales experience, it does not dynamically change the Applicant's existing situation. She felt once they have the ability to have another parcel, this property will be vacated. Commissioner Rogers pointed out the restrictive covenants prevent numerous uses. Perhaps their plan simply does not require as much space. It is an investment in the community that he thinks is in the best interest of the citizens overall.

In response to Commissioner Rogers, Waterbury said she spoke with the neighborhood association and found that they did not realize the precedent this rezoning would set. Some dialogue ensued about the area zoning wherein Commissioner Rogers pointed out that based on the zoning, the area was not intended to be residential. Waterbury said that all of the lots on the back of her lot line are RMM-25 (Residential Multifamily Mid Rise/Medium High Density). Commissioner Rogers said if they continue along Waterbury's street, it is a zoning planned for office. Waterbury explained that it still affects the RMM-25 property owners.

Vice-Mayor Roberts thought that it appears Waterbury's main concern is future use of the property and questioned whether she would be satisfied by the many future use restrictions the Applicant has agreed to. Waterbury said that does not ease her concerns because she is in the car business and knows that abandoned dealerships are difficult to adapt into another use. The closed dealership on East Sunrise Boulevard is a perfect example. Also, she thought properties proposed for rezoning are required to have notice signage. Vice-Mayor Roberts assured that the City Manager would be requested to check on her concern about code issues at another location provided in the information furnished by Waterbury.

In response to Mayor Seiler, Waterbury confirmed she did not become aware of the Association's letter of support until the zoning hearing. She did not see the conditions offered by the Applicant. Photographs in the information she furnished were taken in October. The Applicant stated that they put the previously mentioned policy into effect in July. Yet in 10 or 15 minutes, three vehicles passed by her when she was behind the Applicant's business. Vehicles were being demo-tested by customers. Her tenants on 14 Court report there is traffic all the time. Apparently they are offloading vehicles on 14 Court. It is very difficult to police. It appears the route is Federal Highway, Davie Boulevard, Miami Road, 14 Court and to the dealership. Vice-Mayor Roberts wanted to see better enforcement and compliance with the policy.

Robert Bamonte, facilities development manager for Holman Automotive, said vehicles are delivered to a facility at NE 9 Street and Andrews Avenue for prepping. They are then driven to the appropriate location. He acknowledged that a carrier may occasionally come to this location, but that practice is discouraged. It is possible for the vehicles to be offloaded before anyone at the dealership even knows it. There are facilities for this purpose. Holman does not support offloading on residential streets. At the Mayor's suggestion, Bamonte agreed to a condition that offloading should not be allowed in residential neighborhoods. Commissioner Rogers further suggested that test driving should not be done in residential areas. Mayor Seiler would like the conditions to be ironed out before the second reading.

In response to Mayor Seiler, Bamonte said code requires that lighting not extend beyond the property line except one or two foot-candles for a few feet. The lights are directed onto the property. Mayor Seiler said lighting is designed so as not to impact surrounding properties. Bamonte said the dealership showroom closes at 8 p.m., but there could be employees onsite until 9 p.m. Security lighting or dimmed lighting occurs at 11 p.m.

Commissioner Rogers commented that while this is just the rezoning, there will likely be other issues that arise during the site plan review. Mayor Seiler wanted Waterbury to meet with staff to assure everyone is on the same page when conditions and stipulations are put into place. He believes this is a good location for the use. The neighborhood supports it. Waterbury pointed out that there is no one in Poinciana Park Civic Association that lives in this particular area, but mostly just south of 17 Street. Commissioner Rogers disagreed. Members of the Commission commented on the fact that this association is very active.

Camille Fenn, 415 SE 15 Street, said she owns two properties abutting the Andrews Avenue repair facility and previously resided at 1819 SE 1 Avenue. She is familiar with the hardships of residing adjacent to an automotive business. She supported businesses to succeed and grow but has some concerns. The 6-foot wall was not high enough and Mr. Bamonte was kind enough to raise it to 8 feet a few months ago after many complaints from her tenants. She thought perhaps Holman does not realize that it is bursting at the seams. There are cars parked at the Wells Fargo building, along Andrews Avenue and the Progresso area, that is, many places that are now under Holman ownership. There are cars being repaired in the Progresso area. She felt the City should be concerned about the moving of vehicles and activity in the area overall. She felt this business would best be located at the property Holman purchased on Sunrise Boulevard where another dealership previously existed.

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

Mayor Seiler wanted to ensure that additional conditions are imposed: 1) driving conditions in the neighborhood behind; 2) no offloading on any of the back streets; 3) restrictive covenants on future uses submitted by the Applicant. He asked that Waterbury and Fenn email the Commission with any specific concerns before the next reading.

Vice-Mayor Roberts introduced the ordinance subject to all of the conditions imposed and accepted by the Applicant, which was read by title only.

PASSED FIRST READING WITH CONDITIONS

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

Mayor Seiler encouraged the Applicant to meet with Ms. Waterbury and Ms. Fenn on the issues raised, including the lighting, before second reading. Wherry agreed to do so. He went on to mention that part of the reason for developing the service center site was to relieve the vehicular movements at the other site.

PH-3 13-1452 QUASI JUDICIAL - FIRST READING ORDINANCE - Rezoning Parks, Recreation and Open Space (P) to Residential Single Family/Low Density District - 3850 N Federal Hwy - Coral Ridge Golf Course, Inc. - Case Number 6Z13

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.

The Commission announced with whom they had spoken and/or site visits made concerning this matter, referencing the same disclosures made during the March 5, 2013, regular meeting. The following additional disclosures were made: Mayor Seiler indicated that he lives on the Coral Ridge Country Club (CRCC) golf course, but does not hold membership. However, his parents are members. Two of his children held summer jobs at CRCC, and he represented the former general manager in a lawsuit against CRCC in the 1990s. Commissioner Rogers noted that he is a non-equity member of the CRCC. Vice-Mayor Roberts attended meetings of the Coral Ridge Country Club Estates Homeowners Association, Inc. (CRCC Estates), Coral Ridge Association Inc. (Coral Ridge), the Landings Residential Association (Landings), and Bay Colony HOA (Bay Colony) where presentations about the proposed item were made.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, said Coral Ridge is a wonderful country club. There are 1,100 single family homes in the area. This is about parks, recreation and green space being converted to residential. They want to build 37 homes on 21 acres that leaves 46 acres. He spoke against the proposal of a passive park and felt active uses could be situated at this location. This is precious green space. He felt the city and county will double in size. In response to Mayor Seiler, he said he has not spoken to residents who live on the golf course. Mayor Seiler pointed out that there is no one present from the area this evening to ask for a park. He suggested a park but all of the feedback from area residents, homeowners associations, civic associations and the district commissioner has been that there is no desire to situate a public park where a private golf course currently exists. A passive park is planned because the area residents do not want lights, noise or parking and traffic problems. Seitz reiterated felt a larger area should be designated. Any time parks, recreation and green space are lost it is a negative. Bamboo could be used for a buffer.

Charles King, 105 North Victoria Park Road, felt Mayor Seiler is championing neighborhood rights because it is his neighborhood. He reviewed the history of the property. Mayor Seiler purchased a home in the area, with full knowledge that his friends would be someday building a neighborhood there. He felt the Mayor should recuse himself. Vice-Mayor Roberts pointed out that this is private property. King said generally speaking there are multiple conflicts of interest among the Commission that are not disclosed.

There being no other 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: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers and Mayor Seiler. NAYS: None.

Vice-Mayor Roberts pointed out that there has been some misrepresentation about this project. He went on to provide an overview of the application. The Applicant is donating 4 acres for a passive park. Although it will not be an athletic field, activities will be held there. The Applicant gave presentations to four surrounding neighborhood associations, and all were receptive and agreed to the proposal. He felt that can be attributed to the developer radically changing the plans from five or six years ago. There is public access via Federal Highway. Having 36 homes on the golf course is welcomed. It adds to the tax base. It is a win-win. More parks in the area are desirable, but this is not the place. Discussions with staff have been about what the neighborhood wants to do with the park which is done throughout the city except for the major parks. The Twin Lakes pocket park was developed in concert with the neighborhood.

Commissioner Trantalis felt the Commission is concerned overall with the shrinking open space in the city. It is a shame this open space is being lost. This is zoned for open space, and when purchased the Applicant was aware of the zoning. However, there are other issues that need to be considered. He agrees with Vice-Mayor Roberts. It is private property and it is the desire of the neighborhood. People want more control over their neighborhood with respect to activities in their backyards and the issue of security. The Applicant has opted to build upscale and large homes, which is one way to make people feel better about the loss of public space. Four acres is being donated for public use. It goes against his better judgment to reduce open space, but because it is private property, the Commission's hands are tied to some extent. Moreover, this is wanted by the neighborhood. He supports the district commissioner.

Commissioner Rogers believed this project is a win-win. It will increase the tax base. There will still be public open space.

Mayor Seiler said it would bring in \$250,000 in increased annual tax revenue. He agrees this is a win-win. The City is getting 4 acres of public park space from private property. There are two opponents of this proposal: one who lives on the beach and another who lives in Victoria Park. Neither has spoken to anyone who lives in the affected neighborhoods.

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

PASSED FIRST READING

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

ORDINANCES

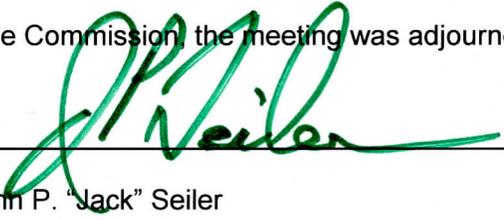
O-1 13-1463 FIRST READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-22.3.C, BANNER SIGNS - GENERAL REGULATIONS

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

PASSED FIRST READING

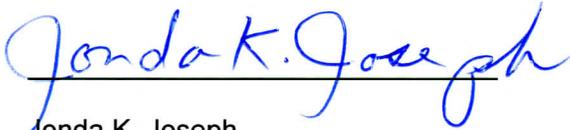
Aye: 5 - Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers and Mayor Seiler

There being no other matters to come before the Commission, the meeting was adjourned at 9:49 p.m.



John P. "Jack" Seiler
Mayor

ATTEST:



Jonda K. Joseph
City Clerk