

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, September 19, 2017

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
ROBERT L. McKINZIE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV***

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney***

Invocation

Reverend Ty Bradley - Sunshine Cathedral

Pledge of Allegiance

Commissioner Dean Trantalis

ROLL CALL

Present: 5 - Commissioner Dean J. Trantalis, Commissioner Robert L. McKinzie, Commissioner Romney Rogers, Vice Mayor Bruce G. Roberts and Mayor John P. "Jack" Seiler

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett, City Auditor John Herbst and Sergeant at Arms Jaime Costas

No e-comments were submitted for this meeting.

CALL TO ORDER

Mayor Seiler called the meeting to order at 6:10 p.m.

ANNOUNCEMENTS

Mayor Seiler announced the following revisions to the Agenda:

M-4 - Motion to Approve an Event Agreement with Broward Center for the Performing Arts, Inc. for International Super Yacht Society Gala was revised.

Mayor Seiler announced the following Walk-On items had been added the Agenda:

WALK-ON - City employee recognition for their preparation and recovery efforts associated with Hurricane Irma

WALK-ON - Fire Chiefs Association of Broward County 2017 EMS Awards

WALK-ON Motion to Approve Interlocal Agreements with Wilton Manors, Village of Lazy Lake, and Town of Lauderdale-By-The-Sea for Hurricane/Disaster Debris Removal and Disposal

The following agenda items were pulled by Commission members:

Commissioner Rogers: CM-4 and PUR-3

Commissioner Trantalis: CR-2

Vice Mayor Roberts: CM-2

Commission: CM-7

Approval of MINUTES and Agenda

[17-1146](#)

Minutes for August 22, 2017 Regular Commission Meeting and August 29, 2017 Joint Workshop with the Budget Advisory Board

Commissioner Trantalis made a motion to approve the noted minutes and was seconded by Vice Mayor Roberts.

APPROVED

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

Not Present: 1 - Commissioner McKinzie

PRESENTATIONS

Commissioner McKinzie arrived at 6:21 p.m.

PRES- [17-1145](#)
1

Welcome and Introduction of Honorary Consul Tomas Abreu, Consulate of the Principality of Monaco in Miami

Mayor Seiler welcomed Tomas Abreu, Honorary Consul, Consulate of the Principality of Monaco in Miami. Mayor Seiler noted the duties and purpose of this position, giving a brief background of Mr. Abreu and Monaco.

Consul Tomas Abreu addressed the Commission, commenting on the Honorary Consul position, unique aspects of Monaco and his business experience in South Florida. He thanked Mayor Seiler and the Commission for their warm welcome and commented on similar

business and cultural areas of interest.

PRESENTED

17-1171

WALK-ON - City employee recognition for their preparation and recovery efforts associated with Hurricane Irma

Mayor Seiler reviewed the current status of the City resulting from the impact of Hurricane Irma (Storm). He acknowledged the many aspects of kindness and charity extended from neighbor to neighbor both before and after the Storm.

Mayor Seiler thanked Management, Staff, and Police and Fire Department personnel for their extraordinary efforts prior to during and after the Storm. Mayor Seiler called all those present in these areas of service to the front of the dais to be recognized and acknowledged for their efforts.

PRESENTED

**PRES- [17-1150](#)
2**

Recognition of Swim Fort Lauderdale Masters - National Championship Title Achievement

Parks and Recreation Director Phil Thornburg requested the Swim Fort Lauderdale Masters Team come to the dais to be recognized for their National Championship Title achievement at the University of Minnesota, August 2-6, 2017. Mr. Thornburg announced the winners and their times.

Marty Hendrick, Coach of Swim Fort Lauderdale Master, thanked Mr. Thornburg, Mayor Seiler, the Commission, and the Parks and Recreation Department for their support and recognition of this achievement. Mr. Hendrick emphasized during the event that the Championship Team is part of the municipal Parks and Recreation Program.

Mr. Hendrick also congratulated Kristin Volz for her volunteerism at local and national swim events, commenting that is not only the swimmers but the support of those behind the scenes who make winning possible.

PRESENTED

17-1172

WALK-ON - Fire Chiefs Association of Broward County 2017 EMS Awards:

1. Dave Foster Paramedic of the Year Award - Firefighter Dustin Rousseau
2. EMT of the Year Award - Firefighter/EMT Walter King

Mayor Seiler recognized Fire Rescue Chief Robert Hoecherl who

presented the Fire Chiefs Association of Broward County 2017 Dave Foster Emergency Management Services (EMS) Award for Paramedic of the Year Award to Firefighter/Paramedic Dustin Rousseau. Chief Hoecherl also announced the Fire Chiefs Association of Broward County 2017 Emergency Management Technician (EMT) of the Year Award was awarded to EMT Walter King.

Chief Hoecherl shared the selfless actions by Dustin Rousseau, Firefighter/Paramedic, during an incident occurring in December 2016 where Firefighter Rousseau far exceeded normal actions required in his duties to assist a young man transported to Broward General Hospital. Firefighter Paramedic Rousseau was subsequently able to reunite the young man with his family located out of the state for Christmas. Firefighter Rousseau's actions illustrated his role as an exemplary employee who personifies the professional attributes of compassion, empathy and selfless acts all firefighters should possess.

Chief Hoecherl shared the actions of Walter King, Emergency Management Technician (EMT) while teaching fire safety to a group of deaf students despite having not formal teaching experience. EMT King used texture, lights, and the equipment's vibrations to teach students fire safety. The museum where he was teaching confirmed Mr. King is equally adept at teaching Autistic, visually impaired, young and disabled children. A former chemist, EMT King is known for his mentoring and cooking skills at his Fire House. Chief Hoecherl confirmed EMT King epitomizes what every Emergency Management Technician should be and congratulating Mr. King for his recent promotion to Driver/Engineer.

PRESENTED

CONSENT AGENDA PUBLIC COMMENT

There were no public speakers for the public comment portion of Consent Agenda.

CONSENT AGENDA

CONSENT MOTION

Approval of the Consent Agenda

Commissioner Trantalis made a motion to approve the Consent Agenda and was seconded by Vice Mayor Roberts.

Approve the Consent Agenda

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

CM-1 [17-1051](#) Motion to Approve Event Agreements for Tuesday Night Farmers Market and Farmers Market at Whole Foods

APPROVED

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

CM-2 [17-1055](#) Motion to Approve Event Agreements and Related Road Closings: Funky Fun Run, Victoria Park Civic Association's Halloween Fun Run & Block Party and Day of the Dead

Mayor Seiler recognized Abby Laughlin, 425 Bayshore Drive. Ms. Laughlin spoke in support of the Funky Fun Run Event and the grand reopening of the 13th Street road on Saturday, October 21, 2017, at 3:00 p.m. Former City Commissioner Tim Smith and his colleagues presented details of the Fun Run Event and the 13th Street reopening.

Mayor Seiler recognized Ms. Hammond who spoke in response to Commissioner Trantalis's suggestion to have the Day of the Dead event scheduled on a weekend, allowing for greater participation. Ms. Hammond noted the desire to maintain the event on its actual date of Thursday, November 2, 2017.

Commissioner Trantalis made a motion to approve this item and was seconded by Vice Mayor Roberts.

APPROVED

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

CM-3 [17-1052](#) Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with Exclusive Sports Marketing, Inc. for a Volleyball Competition

APPROVED

CM-4 [17-1091](#) Motion Approving 2018 Event Dates of the Agreement with TMF2013, LLC for a Three-day Music Event on Fort Lauderdale Beach, April 6 - 8, 2018

Mayor Seiler recognized Abby Laughlin, 425 Bayshore Drive, who noted her support of the Tortuga Music Festival (Festival) but expressed her concern with their request to close a section of the South Beach

Parking Lot (Parking Lot), for 25 days to accommodate event setup and breakdown. She noted this will impact Spring Break.

Mayor Seiler recognized Ina Lee, 2000 S. Ocean Drive, who addressed the Commission in support this item, stating this event is important to the tourism industry, noting its positive impact on room rates. Commissioner Trantalis commented on competing tourism visitors, the Festival and Spring Breakers. Ms. Lee commented on the need to control previous Spring Break issues that the Festival would serve to supplant. Further comments and discussions ensued on events during last year's Spring Break and its impact on the image of the City.

Mayor Seiler recognized Chris Stacey, Founder - Rock the Ocean and Tortuga Music Festival, LLC, (Festival) who addressed the Commission in support of this item. He confirmed the timeframe necessary for the Festival's set-up and breakdown in the Parking Lot, confirming it is the same as last year. Mr. Stacey thanked the Commission for their support, commenting on their efforts to reduce the impact on the South Beach Parking Lot.

Mayor Seiler recognized Phil Thornburg, Director Parks and Recreation, who discussed the dates involved with the Festival's set-up and breakdown, also confirming it is the same amount of days as last year.

Commissioner Rogers commented on the dates of use for the Parking Lot. Mr. Stacy noted the phased use of the Parking Lot to reduce impact. The number of days for the Festival has been extended from the initial Festival due to the increase in attendance. In response to Commissioner Trantalis, Mr. Stacey confirmed the number of days being used for setup and breakdown is the same as last year.

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie

APPROVED

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

Nay: 1 - Commissioner Rogers

CM-5 [17-1050](#)

Motion Approving a Revised and Restated Agreement with Entercom Miami, LLC for Riptide Music Festival on Fort Lauderdale Beach, December 1 - December 3, 2017

APPROVED

CM-6 [17-1082](#)

Motion to Approve the 2017-2018 State Housing Initiatives

Partnership (SHIP) Funds and Amend the 2016-2017 SHIP Program Income

APPROVED

CM-7 [17-1049](#)

Motion Approving a Revocable License Agreement with Autonation, Inc. for the Construction of a Temporary Beach Statue

Mayor Seiler recognized Stephanie Toothaker, Esq., designated representative of Autonation, who addressed the Commission on this item. Ms. Toothaker confirmed the request to put up a Pink Ribbon Statue at Las Olas Boulevard and A1A. She noted the current Pink Ribbon being proposed differs from the one in the Commission package. Further comments and discussions ensued on the differences.

A copy Ms. Toothaker's most recent Pink Ribbon submission is attached to these minutes.

City Attorney Everett commented on the opinion that outdoor advertising is not allowed on billboards. City Manager Feldman commented on issues relating to this item and a previous exception. Ms. Toothaker said this request is similar to the previous exception.

Mayor Seiler recognized Anthony Fajardo, Director of Sustainable Development, who commented on previous discussions with the City Attorney's Office. Commissioner Trantalis commented on the need to create a standard that emphasizes charitable causes rather than corporate sponsorship of art pieces and confirmed his support. There was a consensus among the Commission to include *Fort Lauderdale* on the Pink Ribbon.

Commissioner McKinzie made a motion to approve this item as amended and was seconded by Commissioner Trantalis.

APPROVED AS AMENDED

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

CM-8 [17-0972](#)

Motion Authorizing Construction Services Task Order for Fort Lauderdale Executive Airport Taxiway Foxtrot Pavement Rehabilitation - Kimley-Horn and Associates, Inc. - \$359,013

APPROVED

CM-9 [17-1015](#)

Motion Authorizing Amendment for Bridge Engineering Consulting Services - Hardesty & Hanover, LLC - \$24,990

APPROVED

CM-10 [17-0896](#) Motion to Approve a Revocable License Agreement with Broward County for Improvements at Broward Boulevard and SE 15th Avenue

APPROVED

CM-11 [17-1043](#) Motion to Approve the First Amendment to the Master Installation and Maintenance Bus Shelter Agreement with Broward County Transit

APPROVED

CM-12 [17-0960](#) Motion Authorizing Execution of a Revocable License with One River Plaza Co., LTD, for Temporary Right-of-Way Closure of a portion of West Las Olas Boulevard, the sidewalk along West Las Olas Boulevard and Closure of Alley Sidewalk to the West of the Property Associated with the Construction of the "4 West Las Olas" Project Located at 4 West Las Olas Boulevard

APPROVED

CONSENT RESOLUTION

CR-1 [17-1116](#) Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2017 - Appropriation

ADOPTED

CR-2 [17-1126](#) Resolution to Approve the Purchase Contract for the Property Located at 2681 Riverland Road for \$2,200,000

Commissioner Trantalis discussed his position that Park Impact Fees should be used to mitigate park issues in the areas where fees are collected, noting the Commission's position on this item. He commented on neighbor concerns regarding ingress and egress into this item's public Park.

In response to Commissioner Trantalis's inquiry, City Manager Feldman stated this item only addresses purchasing the land. Funds would need

to be located for a build out of the Park. Discussions continued on the current Park rendering, funding necessary for the Park's roadways to address ingress and egress and required components to make it an active Park.

In response to Commissioner Rogers' inquiry, City Manager Feldman confirmed that the Park Impact Fee System is designed as one entire benefit district. The Park Impact Fees are put into a Trust Fund and the Commission determines how they will be spent based upon needs throughout the City. These funds can go to any City-wide project.

Commissioner Rogers emphasized this is a community generated Park that acknowledges this area is a great place for open Park space.

Commissioner McKinzie introduced this Resolution which was read by title only.

ADOPTED

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

PURCHASING AGENDA

PUR-1 [17-0869](#) Motion to Approve Contract for Purchase of Fort Lauderdale Executive Airport Taxiway Foxtrot Pavement Rehabilitation Project - General Asphalt Co., Inc. - \$2,158,102

APPROVED

PUR-2 [17-1027](#) Motion to Approve Increase in Funds to Fire Extinguisher and Systems Services Contract - City Fire Incorporated - \$56,000

APPROVED

PUR-3 [17-1028](#) Motion to Approve Contract for Purchase of Fire Protective Clothing, Bunker and Bail-Out Gear - Fisher Scientific Company L.L.C. - \$292,613 (estimated two-year total)

Commissioner Rogers confirmed he pulled this item because only one bidder could provide these items.

Mayor Seiler recognized Kirk Buffington, Director of Finance, who explained his review of this solicitation. He discussed how vendors who register for bids can be misleading. There are a limited number of

manufacturers for Bunker Gear, noting they did not specify a specific brand. There are two pages of what the technical specs must meet. This was sent to multiple suppliers of Bunker Gear. No objections to the specifications were received. Mr. Buffington confirmed he was satisfied that the competitive process was met.

Mayor Seiler recognized Fire-Rescue Chief Robert Hoecherl who confirmed Mr. Buffington's comments that there are very few manufacturers of this gear. In order to keep equipment uniform, the Fire Department desires the same gear that they currently use. Further discussion and comments continued on this topic. Fire-Rescue Chief Robert Hoecherl confirmed Fisher Scientific is used for the Fire Department's breathing apparatus. They also service the Fire Department's equipment, stating in the past there has never been an issue.

Commissioner Rogers made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

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

PUR-4 [17-1030](#)

Motion to Approve Contract for Purchase of Positive Displacement Cold Water Meters - Ferguson Enterprises, Inc. - \$1,108,796 (estimated two-year total)

APPROVED

PUR-5 [17-1080](#)

Motion to Approve Contract for Treatment Plant Concrete Repairs - Real Estate Engineering, LLC d/b/a G. Batista & Associates - \$229,692

APPROVED

MOTIONS

M-1 [17-1056](#)

Motion to Approve an Event Agreement with Team Footwork's Educational and Fitness Corporation for Run 2 Date

Commissioner Rogers discussed his concerns with this item occurring on a Wednesday evening, the event route of the event running through downtown and amplified music until midnight. Discussions ensued on these concerns.

Mayor Seiler recognized J.P. Huseby, designated representative of Team Footwork, who spoke in support of this item. He addressed the concerns raised by Commissioner Rogers. Mr. Huseby stated the music would not be loud and is intended to provide ambiance for a post-race networking event in Huizenga Plaza for professionals that will include lawn games. Mr. Huseby confirmed his commitment to a set decibel level, an end time of 11:00 p.m. and specific details of the event. Further discussions and comments ensued.

Commissioner Trantalis made a motion to approve this item as amended which was seconded by Commissioner Rogers.

APPROVED AS AMENDED - End Time 11 p.m. within present decibel level

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

M-2 [17-1057](#) Motion to Approve an Event Agreement with Downtowner Saloon, LLC for Craftober Fest

Vice Mayor Roberts left the meeting at 7:31 p.m.

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner Rogers.

APPROVED

Aye: 4 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler

Not Present: 1 - Vice Mayor Roberts

M-3 [17-1058](#) Motion to Approve an Event Agreement with Museum of Discovery and Science, Inc. for MODS Gala

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner Rogers.

APPROVED

Aye: 4 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler

Not Present: 1 - Vice Mayor Roberts

M-4 [17-1059](#) Motion to Approve an Event Agreement with Broward Center for the Performing Arts, Inc. for International Super Yacht Society Gala

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 4 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler

Not Present: 1 - Vice Mayor Roberts

RESOLUTIONS

R-1 [17-1122](#) Appointment of Board and Committee Members

City Clerk Jeffrey Modarelli read the Board and Committee appointments into the record.

A copy of the Board and Committee appointments is attached to these minutes.

Commissioner Trantalis introduced this Resolution which was read by title only.

ADOPTED

Aye: 4 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler

Not Present: 1 - Vice Mayor Roberts

R-2 [17-0902](#) Quasi-Judicial Resolution Granting a Waiver of Limitations at 1909 SE 21st Avenue for the installation of two (2) finger piers and two (2) mooring piles

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.

Vice Mayor Roberts returned to the meeting at 7:35 p.m.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Tyler Chappell, The Chappell Group. In response to Commissioner Rogers' question about neighbor concerns that this dock would be utilized as a commercial rental, Mr. Chappell confirmed this dock will not be used as a commercial rental. It will be used by one family and their vessel. He confirmed this item and the additional item on this Agenda concerning a similar waiver are approximately one-quarter mile apart. Mr. Chappell confirmed safety issues have been reviewed and no safety concerns have been raised.

There being no one else wishing to speak on this item, Commissioner Rogers made a motion to close the public hearing, which was seconded by Commissioner Trantalis. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced this Resolution which was read by title only.

ADOPTED

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

R-3 [17-0903](#)

Quasi-Judicial Resolution Granting a Waiver of Limitations at 2009 SE 21st Avenue for the installation of an 'L' shaped dock and boatlift

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner Rogers. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Commissioner McKinzie introduced this Resolution which was read by title only.

ADOPTED

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

R-4 [17-0635](#)

Quasi-Judicial - Appeal - Historic Preservation Board Denial of Certificate of Appropriateness for Demolition of Single-Family Home - 927 SW 2 Court - Case H17002

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Heidi Davis Knapik, Esq., on behalf of property owner NJ Thompson, Inc., who addressed the Commission on the Appeal of the Historic Preservation Board's (Board) Denial of Certificate of Appropriateness for Demolition of Single-Family Home - 927 SW 2 Court - Case H17002. Ms. Knapik gave a detailed description of the property, its location in the Sailboat Bend neighborhood and her client's history regarding the building's purchase, condition, and plans for the redevelopment. She discussed the process and criteria in need of review by the Commission.

City Attorney Everett commented on the notice requirements for the De Novo hearing.

Ms. Knapik presented her client's position on the criteria used by the Board and their subsequent actions. She stated competent, substantial evidence did not exist to support the Board's decision at their April 3, 2017 hearing. The Board's decision did not comport with the essential elements of the law and was not based on competent substantial evidence. The Board failed to take into consideration the testimony of a licensed Professional Engineer submitted into the record.

Ms. Knapik expounded on the applicant's position regarding the structure's worthiness from a historical or an architectural perspective, the Board's failure to apply the Unified Land Development Regulation (ULDR) criteria to its decision, other necessary criteria to consider and requests from Staff for additional information. Neither the Board or Staff conducted a structural inspection of the property as done by the applicant's Professional Engineer.

Ms. Knapik discussed the Commission's determination of granting a De Novo hearing. She stated in the applicant's appeal, it was requested that a De Novo Hearing be granted and held on the same night.

With regard to an appeal, Commissioner Trantalis commented on the need to hear from Staff and the Board about the structure's merits for preservation. Mayor Seiler commented on the need to move forward with a De Novo Hearing. Further discussions and comments ensued on testimony provided at the Board's meeting and noted in those meeting minutes. Commissioner Trantalis referenced a communication from the

Chair of the Board regarding their decision.

City Manager Feldman commented on the aspect of notice concerning this issue. Further discussions ensued on setting a De Novo Hearing. Commissioner Trantalis reiterated the need to hear from all parties to determine a decision. Commissioner Rogers commented on the Board's minutes lacking information, commenting that it does not list any facts regarding the Board's decision.

In response to City Attorney Everett's comments, Ms. Knapik confirmed that she is not making a De Novo Hearing presentation tonight. Ms. Knapik confirmed her desire is to illustrate how the Board failed to meet the required criteria regarding the essential requirements of law. Further discussions ensued.

There being no one else wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner McKinzie. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Anthony Fajardo, Director of Sustainable Development, responded to Vice Mayor Roberts' question about Staff's request to the Board to obtain additional information prior to making their decision, confirming that was Staff's request.

Mr. Fajardo deferred to Tricia Logan, Planner III and Historic Preservation Officer, who had attended the Board hearing. Ms. Logan confirmed Staff had requested additional information regarding the structural integrity of the building, expounding on the Board's responsibilities in making their determination. She discussed issues relating to the demolition rider in the ULDR, the determination that structural integrity is no longer contributing to the significance of a Historic District, and aspects of the structure's architectural integrity. The 1920's wood frame structures still in existence are historically significant, commenting that very few remain. She expounded on ways to develop the site while maintaining the wood frame structure, reconfirming her request for additional information. Further discussions continued on the Board's decision and testimony given at the April 3, 2017 Board Meeting.

In response to Commissioner Trantalis's question, Mr. Fajardo discussed the distinction that Staff has on their recommendation that is based on background and knowledge on the structure meeting criteria. It does not opine on whether the Board's criteria met the essential

elements of the law and was based on competent substantial evidence. Staff only determined it met basic criteria. Mr. Fajardo confirmed the next Board meeting is October 2, 2017 and the procedures of the Board for having a representative present at a De Novo hearing.

Commissioner Rogers stated his concern that this matter had not been properly addressed, confirming the need for a De Novo Hearing to hear all of the facts.

Commissioner Rogers made a motion to set a De Novo Hearing for October 3, 2017 at 6:00 p.m. and was seconded by Vice Mayor Roberts.

ADOPTED Resolution setting De Novo Hearing October 3, 2017

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

Nay: 1 - Commissioner Trantalis

R-5 [17-1127](#)

Quasi-Judicial Resolution Approving a Site Plan Level III Development Permit Allocating 297 Downtown Dwelling Units, Riverwalk Residences of Las Olas - Riverwalk Plaza Associates LLP - 333 N. New River Dr. East - Case Number R16066

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Courtney Crush, Esq., on behalf of the applicant. Ms. Crush addressed the Commission giving a presentation, discussing the criteria and attributes of the proposed development and the developer's background in this type of assisted living facility development, . Ms. Crush gave her presentation on the proposed development as outlined in this item's backup. She discussed requested modifications and the response to community input that have been made to the proposed development, expounding on these details. Ms. Crush continued her presentation reviewing the project's attributes, the emergency management plan for the project and aspects of the design serving an older population.

At 8:34 p.m. Mayor Seiler left the meeting and handed the gavel to Vice Mayor Roberts.

Vice Mayor Roberts recognized Richard Esychner, 347 New River Drive East, who addressed the Commission in opposition to this item. Mr. Esychner commented the proposed development violates the intent of the New River Master Plan and the neighborhood compatibility requirements. He cited examples, noting the appropriate height and density for this type of project. Mr. Esychner also commented on the other developments on New River Drive.

Vice Mayor Roberts recognized Louis Niro, 347 N. New River Drive East. Mr. Niro commented on his background in architecture, engineering and urban studies regarding the use of high-rise buildings for senior living. Mr. Niro discussed the need for an appropriate campus design for this type of project. He also discussed the impact of this high-rise building project on property values in his building and project's inadequate parking.

Vice Mayor Roberts recognized Chris Shirar, SLS Consulting, who waived speaking in support of this item.

Vice Mayor Roberts recognized Wingate Payne, 347 N. New River Drive East. Ms. Payne stated this project is a large building on a tiny lot that illustrates development the downtown area. She commented on the growth in the downtown area over the past five years and the amount of pending applications for development, questioning the ability of infrastructure to handle the increased density. Other issues of concern she discussed included set-back issues, neighborhood compatibility and the project's impact on surrounding property values.

Vice Mayor Roberts recognized Steve Silverman, Ocean Land (Coastal Construction), who waived speaking in support of this item.

Vice Mayor Roberts recognized Jenni Morejon, Executive Director of the Downtown Development Authority, who addressed the Commission in support of this item. Ms. Morejon discussed the vision of creating a successful downtown and the development of the Downtown Master Plan (Plan), stating the density limits have not yet been reached. This project was what was envisioned in the Plan.

Vice Mayor Roberts recognized John Bordeau, 347 N. New River Drive East. Mr. Bordeau stated the residents of The WaterGarden Condominium (WaterGarden) did not approve of this proposed project. Rather, they approved an agreement regarding concessions with the developer. He commented on the required 30 foot set-back being reduced to six feet, issues concerning building on the property line, care

of residents and ingress and egress issues.

Vice Mayor Roberts noted Mayor Seiler had stepped out of the meeting to attend to issues relating to the recent Storm.

Vice Mayor Roberts recognized Peter Barkin, 217 NE 14th Avenue, who addressed the Commission in support of this item. Mr. Barkin discussed the necessity to address senior citizen care with a facility of this type that allows families to remain in the same area. He discussed the walkability aspect of this project. It provides an opportunity for senior residents to transition into a residence with a more suitable lifestyle while still remaining in their neighborhoods.

Vice Mayor Roberts recognized Ina Lee, 2000 S. Ocean Drive, who addressed the Commission in support of this item. Ms. Lee confirmed this project presents an opportunity for her transition into senior living. Ms. Lee noted the successful reputation of the project developer and the project's ability to serve its senior residents and their families.

Vice Mayor Roberts recognized Stan Eichelbaum, President of the Downtown Fort Lauderdale Civic Association, who addressed the Commission on this item, stating the desire for smart respectful development, commenting this process has gone astray. Mr. Eichelbaum commented on concerns regarding the deficiencies with development, the impact of the high number of developers with concurrent projects. He commented that livability codes are being compromised. He recommended hiring experts to analyze and evaluate the quantitative process and life-safety issues. Mr. Eichelbaum also discussed specific concerns regarding this project.

Vice Mayor Roberts recognized Drew Saito, 5740 NE 22nd Terrace, who addressed the Commission in support of this item. Mr. Saito commented this project will bring diversification to the downtown core, noting the benefits of having senior family members located nearby to enjoy the amenities of the downtown core. He also discussed the advantages of having a project with reduced parking for residents.

Vice Mayor Roberts recognized Shari Steinbaum, 347 N. New River Drive East. Ms. Steinbaum addressed the Commission in opposition to this item. Ms. Steinbaum gave an overview of her background, noting this project does not have an operator which is a licensing requirement. The developer's other projects are all located in Canada and do not exceed 30 stories. Additionally, those projects have not had to withstand hurricanes and storm surge. She discussed the need for high-rise residents to be able to react and respond in emergency situations as

noted in Assisted Living Facilities (ALF) criteria.

Vice Mayor Roberts recognized Genia Ellis, 428 SE13th Street and designated representative of Riverwalk, who addressed the Commission in support of this item. Ms. Ellis stated her position that the intent of this project complies with the Downtown Master Plan, the New River Walk Master Plan, and the Riverwalk District Plan. She noted the need for diversity, including senior residents who have contributed to the City in the past.

Vice Mayor Roberts recognized Dr. Harold Friend, 1500 NW 10th Avenue. Dr. Friend gave a brief history of his professional experience in this area. He gave his opinion in support of this item, noting the need to address residents with memory disorders. This facility will provide necessary services based on levels of needs.

Vice Mayor Roberts recognized Lenny Steinbaum, 347 N. New River Drive East. Mr. Steinbaum addressed the Commission in opposition to this item, commenting on safety issues for residents due to the possible impact of hurricanes, commenting on possible scenarios. He recommended building another type of project, not a senior living center.

Vice Mayor Roberts recognized John Gehrig, 20 Isle of Venice, who addressed the Commission in support of this item. He noted his positive experience with this project's developer and his support of this active adult assisted living facility. Mr. Gehrig also discussed the need for this type of facility for senior family members with memory issues.

Vice Mayor Roberts recognized Salvador Perez Gavilan Pompa, 70 Hendricks Isle, who addressed the Commission in support of this item. Mr. Pompa noted his desire to reside at this project later in life.

Vice Mayor Roberts recognized Sharon Rifkin, 347 N. New River Drive East. Ms. Rifkin addressed the Commission in opposition to this item. Ms. Rifkin commented the lot being used is too small for the proposed structure. She explained that at the last Planning and Zoning Board Meeting, it was acknowledged that the 42 story height was to ensure an adequate return on their investment. She voiced her concern with evacuation plans for seniors living at this building should a hurricane strike.

Vice Mayor Roberts recognized Bruce Lane, 347 New River Drive East. Mr. Lane addressed the Commission in support of this item. He noted the work with the developer to mitigate the Association's concerns, confirming some but not all were addressed. The Association's Board

voted to approve the revised Site Plan.

Vice Mayor Roberts recognized Leonardo Rodriguez and designated representative of the developer who waived speaking in support of this item.

Mayor Seiler returned to the meeting at 9:26 p.m.

Mayor Seiler recognized John Ropes, 1299 N. Rio Vista Boulevard, who addressed the Commission on this item. Mr. Ropes stated he is the owner of the office building at this site, confirming its construction in 1986 in an Enterprise Zone. He noted previous development efforts for that building. Mr. Ropes commented on the need for an active senior living center in this area, stating this is an state-of-the-art concept and facility.

Mayor Seiler recognized Linda Carter, Community Foundation of Broward County, who addressed the Commission on this item. Ms. Carter urged the Commission to keep the needs of the aging front and center in all of its decisions to maintain an age friendly community. She discussed facts related to the increase in the aging population, noting the need to address their living requirements.

A copy of Ms. Carter's submission to the Commission is attached to these minutes.

Mayor Seiler recognized Arthur Marcus, 1800 N. Andrews Avenue, who addressed the Commission in support of this item. Mr. Marcus stated he is an architect, noting diversity is the key to a successful downtown area. This project will be a great contribution to this type of diversity, while increasing the residential population in urban downtown. Mr. Marcus discussed similar projects in the South Florida area.

Mayor Seiler recognized Denis Beaulieu, 2066 N. Ocean Boulevard, who addressed the Commission in support of this item. Mr. Beaulieu confirmed his support of this proposed facility, stating it will be a good option for seniors. Mr. Beaulieu commented on the amenities that will serve to enhance residents' lifestyle that are not offered by a majority of senior living centers.

Mayor Seiler recognized Malcom MacInnes, 347 N. New River Drive East. Mr. MacInnes addressed the Commission in support of this item, confirming the movement towards more density in the downtown area to support retail and restaurants. He discussed the need for work force housing and senior living, commenting on the need to not limit housing options.

Mayor Seiler recognized Solomon Schoonover, 1485 Windjammer Way, who addressed the Commission in support of this item. Mr. Schoonover noted this residence will provide senior living facilities and premium healthcare to its residents, citing his personal family experiences. It will provide an unmatched quality of life and healthcare for senior citizens.

Mayor Seiler recognized Courtney Crush, Esq., who addressed the Commission. Ms. Crush confirmed this proposed project complies with the Unified Land Development Regulations (ULDR), stating Staff has advised it also complies with the Master Plan. She reiterated this is a residential building. There is not a special permission request to be 55 and older community. She commented on a portion of the building proposed for assisted living that has 57 memory care was presented as a conditional use to the Planning and Zoning Board who considered and approved the use. Ms. Crush reiterated that aspects of the project meets required conditions, confirming its resiliency to survive a Category 5 Hurricane. She rebutted to comments made from previous speakers in opposition to this proposed project regarding the impact on the WaterGarden. Ms. Crush requested the Commission to approve this Resolution.

There being no one else wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice Mayor Roberts. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

In response to Commissioner Trantalis's inquiry about the percentage of the ground floor square footage being commercial space, Anthony Fajardo, Director of Sustainable Development, stated there is no stated requirement for this aspect of the project or in the downtown. The 1,000 feet of ground level is described as active use, i.e., for a convenience store. Mr. Fajardo expounded on the encouragement to have active ground floor usage, providing necessities related to pedestrian and vehicular ingress and egress, and utility access. The lobby space is counted toward this space.

Mayor Seiler recognized Ella Parker, Urban Design and Development Manager, who commented that when the New River Master Plan was developed it encouraged retail space to help activate those areas. She noted the market should drive what is feasible in terms of successful spaces. The goal is for ground space to engage pedestrians. Ms. Parker noted aspects of this project that provides this experience.

Commissioner Trantalis noted his experience in the development of the New River Master Plan. He commented on the desire to maintain the spirit of the Master Plan to activate the ground level of downtown buildings that encourages increased pedestrian traffic.

After conferring with Ms. Crush, Mr. Fajardo confirmed the commercial ground level space is 1,6000 square feet and would be activated for use as an epicurean market with outdoor seating.

Commissioners Trantalis discussed the issue of sea level rise, the building being able to withstand a storm surge and its impact on the ingress and egress. Mr. Fajardo stated his understanding that the building will be built to the current Federal Emergency Management Agency's (FEMA) standards. Mr. Fajardo confirmed the Flood Plain Manager Richard Benton has reviewed and signed off on the project. In response to Commissioner Trantalis's concerns regarding ingress and egress should there be a flood, Mr. Fajardo deferred to Ms. Crush on the issue of an evacuation plan.

In response to Commissioner Trantalis's question, Mr. Fajardo confirmed this project includes part of the 5,000 allocated dwelling units from Broward County (County). Regarding the 15% percent requirement from the County for work force housing, Mr. Fajardo confirmed half of the 15% must be within the first 2,500 allocated dwelling units prior to the issuance of a building permit.

City Manager Feldman commented on discussions with the Planning Council and County Staff on the definition of Affordable Housing. He stated the County has confirmed the obligation to demonstrate that 15% of affordable housing units within the allocated 5,000 meet the definition on affordable housing. This determination is based on income. Staff is working on providing the necessary information and details to the County for confirmation.

Commissioner Trantalis commented on the viability of assisted living at this price point and the possibility of the developer wishing to convert these units to condominiums or rental housing and the impact on parking deficiencies. Mr. Fajardo commented on what would be necessary should the developer wish to revise the plan with a different project concept. He stated they would not be required to provide any additional parking. Further comments and discussions ensued regarding parking.

In response to Commissioner Rogers' question, Mr. Fajardo confirmed that should the developer wish to use the building for a different purpose or have major changes to the project, they would need to go through the

required process.

In responses to Vice Mayor Roberts' question, Mr. Fajardo stated current Code does not speak to issues concerning senior care and program management. These issues were not addressed during the review process. Commissioner Trantalis concurred with Vice Mayor Roberts' concerns regarding senior residents' safety, commenting on this issue.

In response to Commissioner Trantalis's suggestion to angle the building on the parking platform to enhance the line of sight for those residing at the WaterGarden, Ms. Crush confirmed the building was pivoted but the structure does not permit it to be re-angled. Ms. Crush deferred to the architect who explained why this was not an option due to cost efficiency and other factors impacting the structure, including increased obstruction of WaterGarden views.

Ms. Crush confirmed a storm surge analysis was done on this property, stating there would be approximately three feet of water should there be a Category Five storm. Ms. Crush confirmed there has been no flooding in this area during King Tides.

In response to Commissioner Rogers' question about a state law regarding evacuations of senior citizens, Ms. Crush confirmed there are Florida Statutes and Administrative Code that mandates senior citizen evacuations should a mandatory evacuation order be issued for that area. She reviewed the protocol as covered in the Statute and Code. Further discussions ensued on the licensing components of this issue and vetting facility operators.

In response to Commissioner Trantalis's request, Alan Dodd, Director of Public Works, gave an opinion on the projects impact on infrastructure, other proposed development projects on the Agenda, the timeline to complete, and how they will be funded. Mr. Dodd reviewed projects that are in the works to address the increased capacity and the sufficiency of pipes to transport additional capacity. City Manager Feldman confirmed the developer is contributing to these costs as part of the project impact fees. Further discussions ensued on this topic and related costs. The other project developers will also be making similar impact fee contributions.

Commissioner Trantalis gave his comments regarding this project, acknowledging the issues relating to the project obstructing the views of WaterGarden residents. He commented on the need for a diverse downtown community to serve the needs of seniors and the benefits of having a vibrant urban downtown that was the vision of the Master Plan.

Commissioner Rogers concurred with Commissioner Trantalis's comments, confirming in the near future, the majority of the communities' population will be over the age of 65 and commented on the need to address health issues relating to aging. He stated that addressing these issues is essential and rounds out the needs of the community.

Vice Mayor Roberts concurred with the statements of Commissioners Trantalis and Rogers. He thanked the developer for enhancing and addressing important concerns regarding senior citizens.

Vice Mayor Roberts introduced this Resolution which was read by title only.

ADOPTED Resolution Approving Development Permit

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

Mayor Seiler recognized Commissioner Charlotte Rodstrom who raised a point of order regarding the September 13, 2017 Special Commission Meeting/Second Budget Hearing. She requested the Commission to reconsider the vote on the September 13, 2017 Second Budget Hearing and set a new date of the Commission's choosing.

Commissioner Rodstrom cited a Traffic Advisory and requested the Commission to make a motion to reconsider. Mayor Seiler stated this can be done anytime during this meeting. Commissioner Rodstrom confirmed she will stay for the duration of the meeting to meet the requirement that this be done during this meeting.

R-6 [17-1020](#)

Quasi-Judicial Resolution Approving a Site Plan Level II Development Permit Allocating 362 Downtown Dwelling Units, 488 Residences - SWFB, LLC - 488 SW 1st Avenue - Case Number R17005

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner

Trantalis made a motion to close the public hearing, which was seconded by Commissioner McKinzie. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

In response to Commissioner Trantalis's inquiry, Mayor Seiler recognized Jim Ellis, the project developer, who confirmed they are in the process of securing financing for this building and discussed his possible business options. Commissioner Trantalis commented on avoiding a situation similar to Marina Lofts where 850 units were delayed for a number of years, inhibiting development south of the river. Further discussion ensued on this topic.

Mayor Seiler recognized Robert Lochrie, Esq., who confirmed one of the projects the current Commission approved is currently under construction. Commissioner Trantalis discussed his concern over approving a second development when the first development has not been completed.

Discussions continued on project development approvals, projects moving forward, and delayed project development as a result of being remarketed at higher prices. City Attorney Everett stated the Commission needs to reach its own determination as to the basis of approving development decisions.

City Manager Feldman stated it is a Site Level II Development for allocation of units.

Commissioner McKinzie introduced this Resolution which was read by title only.

ADOPTED Resolution Approving Development Permit

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

Commissioner McKinzie recognized Pastor Ricky Scott from New Hope Baptist Church who is visiting tonight, noting his desire to be more involved with the Commission. Commissioner McKinzie thanked Pastor Scott for all he does in District III, asking he keep up the good work.

R-7 [17-1021](#)

Quasi-Judicial Resolution Approving a Site Plan Level II Development Permit Allocating 127 Downtown Dwelling Units, Las Olas Walk-South - Las Olas Co., Inc. - 200 S. Federal Highway - Case Number

R16058

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner McKinzie made a motion to close the public hearing, which was seconded by Commissioner Trantalis. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Commissioner McKinzie introduced this Resolution which was read by title only.

ADOPTED Resolution Approving Development Permit

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

R-8 [17-1022](#)

Quasi-Judicial Resolution Approving a Site Plan Level II Development Permit Allocating 329 Downtown Dwelling Units, Las Olas Walk-North - Las Olas Co., Inc. - 116 S. Federal Highway - Case Number R16059

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice Mayor Roberts. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Vice Mayor Roberts introduced this Resolution which was read by title

only.

ADOPTED Resolution Approving Development Permit

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

Mayor Seiler recessed the meeting for a two-minute break at 10:56 p.m. prior to the Public Hearing portion of the Agenda.

Mayor Seiler reconvened the meeting at 11:00 p.m. to commence the Public Hearing portion of the Agenda.

PUBLIC HEARINGS

PH-1 [17-1025](#) Reallocation of Unspent HOPWA Funds for FY 2014-2015 and FY 2015-2016 - Request Deferment to October 3, 2017

Commissioner McKinzie made a motion to defer this item until October 3, 2017 at 6:00 p.m. and was seconded by Commissioner Rogers.

DEFERRED to October 3, 2017

Aye: 4 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler

Not Present: 1 - Vice Mayor Roberts

PH-2 [17-0964](#) Quasi-Judicial - Ordinance Vacating a Right-of-Way (alley) located at 2980 N. Federal Highway - 2980 Investments, LLC - 416 SW 1 Avenue - V17001

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was

seconded by Commissioner McKinzie. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Commissioner McKinzie introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

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

PH-3 [17-0965](#)

Quasi-Judicial - Ordinance Amending Unified Land Development Regulations (ULDR) Section 47-13.50, General Regulations; Section 47-24.1, Development Permits and Procedures Table; and Section 47-28, Flexibility Rules; - Case T17008

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one else wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner McKinzie. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

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

PH-4 [17-0966](#)

Quasi-Judicial - Ordinance Amending Unified Land Development Regulations (ULDR) Section 47-13.20, Downtown Regional Activity Center; and Section 47-38C, Education Mitigation - Case T17009

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.

Each City Commission member disclosed their verbal and written

communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Jenni Morejon, Downtown Development Authority, who waived speaking in support of this item.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner McKinzie. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

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

PH-5 [17-1060](#)

Quasi-Judicial - Ordinance Amending Unified Land Development Regulations (ULDR) Section 47-20.3.A.4, Parking Reductions and Exemptions Review Process and Section 47-20.3.F, Northwest-Progresso-Flagler Heights Community Redevelopment Area - Case T17004

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner McKinzie. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

In response to Commissioner Trantalis's question, Anthony Fajardo, Director of Sustainable Development, addressed the question of establishing parameters for reducing the parking from the current requirement. He stated this is addressed in the Code and is the same process used at the Planning and Zoning Board. The applicant will

provide a parking study. Transportation and Mobility Staff will review the study to determine the appropriateness of the proposed parking reduction or an alternative amount.

Commissioner Trantalis introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

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

PH-6 [17-1125](#)

Resolution to Designate the Colee Hammock Neighborhood as a Residential Parking Permit District

Mayor Seiler recognized Jerry Jordan, 1109 E 4th Street and President of Colee Hammock Association, who addressed the Commission in support of this item. Mr. Jordan confirmed the Colee Hammock neighborhood is being overwhelmed with traffic, citing examples. A majority of parking is being used by non-residents which requires permitted parking for residents. Mr. Jordan commented that due to similar issues, certain beach area residents have residential permitted parking.

Commissioner Trantalis noted the need for patrons of Las Olas Boulevard businesses to have access to parking. Further discussions ensued on this issue and previous zoning requirements for restaurants and businesses to provide parking for patrons.

Mayor Seiler recognized Walt McCrory, 415 SE 17th Avenue and designated representative of Colee Hammock, who addressed the Commission in support of this item. Mr. McCrory said the Colee Hammock neighborhood should not be utilized as a parking lot for nearby businesses.

Mayor Seiler recognized Sonia Terboss, designated representative of Spa Juice Bar, who addressed the Commission in opposition to this item. Ms. Terboss stated businesses on Las Olas are closing due the lack of patron parking. Ms. Terboss asked requested merchants' needs to be taken into consideration.

Mayor Seiler recognized Susan Lazarus, 1401 SE 1st Street, who addressed the Commission in support of this item. Ms. Lazarus commented that parking during the day is a result of activities at surrounding physician offices. The evening parking activity is from Las Olas Boulevard businesses patrons. Others parking in the area include condominium residents and Uber drivers.

Mayor Seiler recognized John Van Hise, 1400 SE 1st Street, who addressed the commission in support of this item. Mr. Van Hise commented on the inability to back out of his driveway due to parked cars. He also said people repeatedly park their cars in front of his home and leave it there for several days.

Mayor Seiler recognized Peter Vittas, Operations Director - Rocco's Tacos, and a member of the Big Time Restaurant Group, who addressed the Commission in opposition to this item. Mr. Vittas discussed the challenges both employees and patrons would face should resident parking permits be required in Colee Hammock. His points of concern resulting from reduced patronage parking would be the impact on Las Olas Boulevard business revenue and the financial security of employees. He offered to assist in discussions with Colee Hammock residents to work towards a compromise.

Mayor Seiler recognized Ray Brastad, 1405 SE 1st Street, who commented on the many changes in the Colee Hammock over the years. Mr. Brastad discussed parking concerns in the area, including those who bring bikes, park in Colee Hammock and ride to the beach for the day. Other non-residents park for several days include airline flight personnel who take Uber to the airport.

Mayor Seiler recognized Susan Thomas, 1621 SE 2nd Court, who addressed the Commission in support of this item, stating the Colee Hammock neighborhood has many vacation rentals and workers in the surrounding area. She also noted the lack of parking for contractors serving residents and visitors who park and Uber or walk to the beach, requesting the Commission to approve this item.

Mayor Seiler recognized Joel Molqueen, Tiffany Spa and Natural Healing Center located at 1507 East Las Olas Boulevard, who addressed the Commission in opposition to this item. He confirmed there are only two small parking lots to serve the SE 15th Avenue area and employee parking would fill both of these lots. Mr. Molqueen discussed the negative financial impact of this Resolution on small businesses on Las Olas Boulevard, confirming this is their number one issue.

Mayor Seiler recognized John Milledge, 2886 NE 35th Court, speaking on behalf of Emmitt McTigue who resides at 16 South Fourth Street. Mr. Milledge addressed the Commission in opposition to this item. Mr. Milledge said Mr. McTigue had not seen a parking issue on specific streets. Approving this item would require Mr. McTigue to visit City Hall annually for a residential parking permit. He also feels permitted parking

would negatively impact the value of his residence. Mr. McTigue requests exclusion from this exemption. Discussions ensued on a consensus to exclude Fourth Street from the residential permitted parking area.

Mayor Seiler recognized Bill Condon, 101 SE 5th Avenue, who addressed the Commission in support of this item. His concerns focused on business employees parking in Colee Hammock and relocating garbage cans on the street the day of collection, resulting in the garbage not being picked up. In some instances trash has spilled onto the ground. He suggested working towards allowing employee parking in the surrounding parking lots. Mr. Condon discussed his work with First Presbyterian Church (Church) to address this issue, confirming the Church's support.

Commissioner Rogers gave his input regarding working towards resolving this issue as it relates to the Church and the Parking Authority.

Mayor Seiler recognized Robert Vick, 1621 SE 2nd Street, who addressed the Commission in support of this item, confirming he has four parking spaces in front of his residence. He also has a grass swale with an irrigation system that has been damaged by non-residential parking. Commercial parking should not take place on a residential street. Further comments and discussions ensued.

Mayor Seiler recognized Amber Van Buren, Executive Director of the Las Olas Association Businesses, who addressed the Commission on this item. She commented on the attributes and benefits of the Las Olas Boulevard business corridor. Ms. Van Buren discussed the negative impact of having registered residential parking in this area, suggesting the allocation of a portion of designated parking permits to business owners. Should inappropriate behavior occur, business owner parking permits could be revoked.

Mayor Seiler recognized Bradley Deckelbaum, 1425 SE 2nd Court, who addressed the Commission in opposition to this item. He thanked the Commission and Staff for their efforts in addressing the Storm. Mr. Deckelbaum commented permit parking will harm businesses in the east area of Las Olas Boulevard. Mr. Deckelbaum commented on the respectful manner in which Las Olas employees were parking on his street.

Mayor Seiler recognized Carla Vick, 1621 SE 2nd Street, who addressed the Commission in support of this item. Ms. Vick confirmed residents are required to maintain swales in front of their properties and

residents are negatively impacted by people parking on the swales. Other issues include the use of residential driveways to make turns while searching for parking, blocking of fire hydrants, blocking sidewalks, parking too close to the driveway and spilled trash.

A copy of pictures submitted by Ms. Vice is attached to these minutes.

Mayor Seiler recognized Molly Taylor, 1620 SE 2nd Street, and Colee Hammock Homeowners Association Board Member, who addressed the Commission in support of this item. Ms. Taylor commented that Las Olas Boulevard business owners should provide their employees with parking. She cited her work over the years to address this issue and recent neighbor surveys illustrating resident's desire for parking permits.

Mayor Seiler recognized Tucker Fallon, 1520 SE 1st Street, who addressed the Commission in support of this item. Mr. Fallon emphasized Colee Hammock is a residential neighborhood and expounded on problems caused by non-residential parking. Mr. Fallon requested the Commission approve this item.

Mayor Seiler recognized Veronica Padro, 1405 SE 2nd Street, who addressed the Commission in support of this item, citing the years of work she has contributed towards permitted parking. Ms. Padro noted the parking lots in Colee Hammock generate revenue for the City. She recommended employers work to accommodate their employee parking needs.

Mayor Seiler recognized Joel Lee, 1613 SE 1st Street, who addressed the Commission in support of this item. Mr. Lee commented that all new buildings be required to have adequate parking. For customers to support businesses on Las Olas Boulevard, parking options need to be available for both customers and employees.

Mayor Seiler recognized Anthony Abbate, 1222 SE 1st Street, who addressed the Commission in support of this item. He commented that free parking is not a right. It is a matter of public policy. Mr. Abbate stated when he owned a business on Las Olas Boulevard, he paid The Las Olas Company to accommodate employee parking, noting how he addressed patron parking. Mr. Abbate also commented on residents' needs to access their homes and the need for managed parking and density issues.

Mayor Seiler recognized Jacqueline Scott, 1626 SE 1st Street, who addressed the Commission in support of this item. Ms. Scott

commented on this neighborhood deserves a high quality of life. Ms. Scott commented on new businesses not being required to provide adequate parking. She requested the Commission to restrict parking in the of Colee Hammock and Beverly Heights neighborhoods.

There being no one else wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice Mayor Roberts. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Mayor Seiler agreed something needs to be done to address employee parking in these neighborhoods. Vice Mayor Roberts noted previous efforts to address this issue, stating now is the time to provide relief to the problem. He confirmed his support of permitted residential parking, recommending a pilot program to determine its adequacy and to solve all stakeholder concerns. Commissioner Rogers concurred suggesting a one-year pilot program, noting that Staff needs the ability to have input and make suggestions.

Commissioner Trantalis acknowledged there is a problem, commenting on the importance of maintaining residential areas. He also commented this measure should be refined to consider employees, residents, and patrons' needs. Commissioner Trantalis also discussed the specific hours in the Ordinance. Further comments and discussions continued on the need for Las Olas Boulevard customers to have access to parking. Commissioner Rogers also concurred with the comments of Mayor Seiler and Commissioner Trantalis for a one-year pilot program for restricted residential parking.

Diana Alarcon, Transportation and Mobility Department, confirmed the need for a 45-day timeline to implement the pilot program. Further discussions ensued on the need to have a uniform program in place. There was a consensus on the necessary timeline to determine the pilot program's impact on traffic patterns. There was agreement for a one-year pilot program for residential permitted parking in the Colee Hammock neighborhood that will include the request for the block of 16th Avenue South of 4th Street not be included in the designated area.

Commissioner Trantalis introduced this Resolution as amended which was read by title only.

ADOPTED AS AMENDED

Exempt the block of 16th Avenue South of 4th - as described

One year Pilot

Begins November 1, 2017

Direction of City Manager to address the business parking

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

PH-7 [17-1129](#)

Resolution to Designate the Beverly Heights Neighborhood as a Residential Parking Permit District

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Brandon Cox, Gentle Care Animal Hospital, who addressed the Commission in opposition to this item. Ms. Cox commented that business owners were not noticed on this issue. She commented on businesses in the Beverly Heights neighborhood that would be impacted with restricted residential parking. Ms. Cox stated she provides parking for her entire staff. and discussed several remedies including timed parking. Ms. Cox confirmed there were 231 signatures from neighborhood residents and clients of Gentle Care Animal Hospital in opposition to the proposed restricted residential parking in the Beverly Heights neighborhood.

In response to Commissioner Rogers's comments on the similarities of Colee Hammock and Beverly Heights, Ms. Cox noted Beverly Heights is not contiguous to Las Olas Boulevard due to the river. Commissioner Rogers discussed his observations of the parking in Beverly Heights.

Diana Alarcon, Director of Transportation and Mobility, commented on the surveys done for both neighborhoods, confirming notification was sent out to all residents in the area in addition to communications with the homeowners associations. She noted there was a higher response rate from Colee Hammock to move forward with residential permitted parking.

In response to Commissioner Rogers' question, Ms. Cox explained how she accommodates her patrons' parking. Commissioner Rogers suggested having a business guest parking pass as a possible solution. Further discussions ensued on employees parking in this neighborhood.

Commissioner Rogers recommended deferring this item to allow for additional notice to area businesses. He commented on the impact to the Beverly Heights neighborhood once residential permitted parking is put into place in Colee Hammock. Further comments and discussion ensued.

There being no one else wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice Mayor Roberts. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner

Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Mayor Seiler requested heads of the Beverly Heights neighborhood associations be invited to October 3, 2017 Regular Meeting to give their input on this proposed Resolution.

Commissioner Trantalis made a motion to defer this Resolution to October 3, 2017, at 6:00 p.m. which was seconded by Commissioner Rogers.

DEFERRED to October 3, 2017

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

PH-8 [17-0963](#)

Quasi-Judicial - Ordinance - Rezoning from Residential Multifamily Mid Rise/Medium High Density (RMM-25) District to Exclusive Use - Parking Lot (X-P) District with Allocation of 0.49 Acres of Commercial Flex with an Associated 5,100 Square Foot Restaurant and 2,465 Square Foot Retail Building and Parking Reduction - 2980 Investments LLC. - 2980 N. Federal Highway - Case ZR17003

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.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner McKinzie. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

Vice Mayor Roberts introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

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

ORDINANCE FIRST READING

OFR-1 [17-1130](#)

Ordinance Amending Unified Land Development Regulations (ULDR);

Adding Section 47-20.3.I, Reductions and Exemptions; Required Guest Parking for Townhouse/Cluster/Coach Home Developments - Case T17003

Vice Mayor Roberts made a motion to defer this Ordinance on First Reading to October 17, 2017 at 6:00 p.m. and was seconded by Commissioner Rogers.

DEFERRED on First Reading to October 17, 2017, 6:00 p.m.

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

[17-1170](#)

WALK-ON Motion to Approve Interlocal Agreements with Wilton Manors, Village of Lazy Lake, and Town of Lauderdale-By-The-Sea for Hurricane/Disaster Debris Removal and Disposal

Commissioner McKinzie made a motion to approve this item and was seconded by Vice Mayor Roberts.

APPROVED

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

Former Commissioner Charlotte Rodstrom requested the Commission to make a motion on her earlier point of order regarding notice issues for the September 13, 2017 Special Commission Meeting and Second Budget Hearing, requesting the Commission to reconsider the vote on the September 13, 2017, Second Budget Hearing and to set a new date of the Commission's choosing.

No motion was made.

ADJOURNMENT

There being no further business before the City Commission at the Regular Meeting of September 19, 2017, Mayor Seiler adjourned the meeting at 12:53 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jeffrey A. Modarelli
City Clerk