

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, March 19, 2013

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

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

Meeting was called to order at 6:16 p.m. by Mayor Seiler.

Vote Roll Call Order for this Meeting

Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis, Commissioner Bobby B. DuBose (Excused Absence) and Mayor Seiler

ATTENDANCE ROLL CALL

Present:4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Romney Rogers

Excused: 1 - Commissioner Bobby B. DuBose

Mayor Seiler announced that Commissioner DuBose is representing Fort Lauderdale and the Broward League of Cities at the FLC (Florida League of Cities) Legislative Action Days conference in Tallahassee. This is an excused absence pursuant to Section 3.08 of the Charter.

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

Invocation

Reverend Gail Tapscott, Unitarian Universalist Church

Pledge of Allegiance

Led by Commissioner Trantalis

Approval of MINUTES and Agenda

13-0392 APPROVAL OF MINUTES - February 5, 2013 Conference and Regular Meetings

Motion made by Vice Mayor Roberts and seconded by Commissioner Trantalis to approve the minutes of the February 5, 2013 Conference and Regular Meetings.

APPROVED

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

Excused: 1 - Commissioner DuBose

PRESENTATIONS**PRES-1 13-0491 RECOGNITION OF ST. PATRICK'S PARADE AND FESTIVAL COMMITTEE AND PARADE WINNERS**

Chris Wren, Event Chair of the St. Patrick's Day Parade and Festival Planning Committee, recognized the committee members and presented awards to the parade winners.

PRES-2 13-0492 PRESENTATION OF PUBLICATION THAT CHRONICLES THE HISTORY AND RECORDS OF FORT LAUDERDALE HIGH SCHOOL'S TRACK AND FIELD AND CROSS COUNTRY PROGRAMS FROM 1915 BY GARY BLOOM, TRACK AND FIELD HISTORIAN

Mayor Seiler noted the success of the inaugural Fort Lauderdale Track and Field City Championships that were held at Joseph C. Carter Park's Orange Bowl Field. He recognized Gary Bloom, Fort Lauderdale High's 1960 state champion relay athlete. Mr. Bloom elaborated upon a book he compiled about the history of Fort Lauderdale High and South Florida area track and field teams. He presented a copy of the book entitled, *A Moment in Time: The Golden Era*, to Parks and Recreation Director, Phil Thornburg.

PRES-3 13-0480 PROCLAMATION DESIGNATING MARCH, 2013 AS MARCH FOR MEALS MONTH IN THE CITY OF FORT LAUDERDALE

Vice Mayor Roberts presented a proclamation designating March, 2013, as March for Meals Month in the City to Mark Adler, Executive Director, Broward Meals on Wheels (BMOW). Mr. Adler thanked the Commission. He emphasized that volunteers are the strength of this organization. BMOW serves 1.5 million meals in Broward County each year to 10,000 clients, but that is only one-eighth of Broward's senior population that is going hungry.

PRES-4 13-0451 PROCLAMATION DESIGNATING THE WEEK OF MARCH 19, 2013 AS FIX A LEAK WEEK IN THE CITY OF FORT LAUDERDALE

Commissioner Trantalis presented a proclamation designating the week of March 19, 2013, as Fix A Leak Week in the City to Julie Leonard, Deputy Public Works Director-Utilities. Ms. Leonard thanked the Commission, and emphasized the City's commitment to promoting water efficiency and conservation.

PRES-5 13-0469 INTRODUCTION OF RECENTLY PROMOTED POLICE DEPARTMENT EXECUTIVES

Police Chief Frank Adderley introduced the following recently promoted police department executives: Jonathan S. Appel and Dana B. Swisher, both promoted from Police Lieutenant to Police Captain; Michael G. Gregory, promoted from Police Captain to Police Major; and Anthony C. Williams, promoted from Police Major to Assistant Chief of Police.

Consent Agenda**(CA)**

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

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

Motion made by Vice Mayor Roberts and seconded by Commissioner Trantalis that Consent Agenda Items M-4 and M-6 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

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

Excused: 1 - Commissioner DuBose

- M-1 13-0385** EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Coral Ridge Association Annual Easter Egg Hunt, Cypress Creek Round Up, A Cry at Midnight, Spring in the Garden, Beach Beast 5K Challenge, New Times 16th Annual Beeriest/College Basketball Championship Edition, Whole Foods Movie Night at Bonnet House, Over the Edge For Gilda's and Tony Hawk's Red Science Opening Weekend Event

APPROVED

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

Excused: 1 - Commissioner DuBose

- M-2 13-0471** AGREEMENT WITH RESOURCE RECOVERY BOARD - PROVISION OF AUDIT SERVICES BY CITY AUDITOR'S OFFICE in an amount not to exceed \$250,000

APPROVED

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

Excused: 1 - Commissioner DuBose

- M-3 13-0421** AIRPORT LIABILITY INSURANCE - USE OF NEGOTIATION METHOD TO OBTAIN PREMIUM QUOTE

APPROVED

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

Excused: 1 - Commissioner DuBose

M-4 13-0472 CITY'S HEALTH AND WELLNESS CENTER - Six-Year Building Lease Agreement with 105 NE 3rd Street, LLC - 105 NE 3 Street, Suites A and C - \$389,920.90

Revised

This item was removed from the consent agenda by a member of the public.

The City Manager announced that this item was revised to include an estimated annual amount for utilities and HVAC maintenance, rather than a monthly amount.

Charles King of 105 North Victoria Park Road, thought this is speculative in terms of cost savings whereas there are other areas where cost savings could be achieved with certainty. Mayor Seiler confirmed that the goal for the proposed Health and Wellness Center (Center) is to save funds. Being that this is not mandatory for employees, Mr. King asked how it will create a savings. Mayor Seiler suggested he meet separately with the City Manager as this matter was already addressed.

In response to Commissioner Trantalis, the City Manager explained that the City is self-insured for health coverage and provides health insurance for all (full-time), non-police, City employees and their dependents. The cost of health insurance has continued to increase faster than the rate of inflation. Recently there was a dramatic increase in the premiums for dependent coverage. The proposed solution for controlling these costs was borrowed from the private sector. He highlighted information in Commission Agenda Memorandum 13-0472. The idea is that employees will not need costly private physicians and healthcare establishments if the City can provide basic quality medical services. Hence, this is a means to control costs. The City pays all costs above the co-payment for its insured individuals. But, through the Center, the City can provide routine services at a lower cost than a private physician, and there is no co-payment which is an incentive for employees.

In further response, the City Manager indicated that he does not have the staffing cost figure now, but a multiple year contract with Marathon Health, Inc. (Marathon) to provide a doctor, nurse, and other necessary staffing was approved by the Commission on (October 2, 2012, item PUR-7). The costs for rent of the proposed facility and Marathon's services were included in the 2013 fiscal year budget. He confirmed that all of the costs associated with establishing and operating the Center are still less than if employees and dependents were to utilize outside providers. Further, the Center will be able to procure non-narcotic pharmaceuticals at wholesale rates and dispense them which will also create a savings.

The City Auditor remarked that Lakeland saved \$1.1 million in one year after opening a clinic, and employee participation has grown from 67 percent to 87 percent. He referred to a Kaiser Family Foundation study which indicates that on-site clinics provide a \$2 employer savings for every \$1 invested and reduce absenteeism. .

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the item as amended and described above.

APPROVED

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

Excused: 1 - Commissioner DuBose

M-5 13-0433 SAILBOAT BEND PRESERVE CANAL HEAD RESTORATION PLAN - AMENDMENT NO. 1 TO AGREEMENT - Florida Department of Environmental Protection (CM309) - Coastal Partnership Initiative Grant

APPROVED

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

Excused: 1 - Commissioner DuBose

M-6 12-2365 SCHOOL RESOURCE OFFICER PROGRAM - renew one-year agreement with School Board of Broward County - August 13, 2012 through June 7, 2013

Charles King of 105 N. Victoria Park Road thought this program should be entirely funded by the School Board. The City Manager advised that there is no state law mandating the City's contribution. Mayor Seiler agreed that this is a School Board obligation. However, the School Board is asking every city to participate, and the program will not likely be executed without those contributions. He referred to a state legislative proposal to levy an additional tax to pay for School Resource Officers (SRO). The City will not take a position on that until analyses are provided showing the fiscal impact, and showing the number of students who are City residents. Currently the City provides SRO funding because the school is located in Fort Lauderdale. Vice Mayor Roberts added that five of the eight proposed SRO positions are funded by the police department's Law Enforcement Trust Fund (LETF), and not from ad valorem tax dollars. Mayor Seiler explained that the City's share of funding for the proposed program is about two-thirds, and the School Board about one-third. Mr. King preferred a 50/50 split. He expressed concern about how much the SRO officers are paid. Commissioner Trantalis indicated that people who attended the District II meeting thought the compensation of eight SRO's at \$913,000 annually in salary and benefits seemed exorbitant. He agreed that this matter needs to be more closely examined to determine the benefit non-City residents are receiving.

Discussion ensued on the point of City subsidy for non-City residents. Vice Mayor Roberts noted that five of the eight SRO positions are being funded with the LETF, non-tax dollars. Commissioner Trantalis asked the City Manager to look at obtaining contributions from other sources. This is an important need, but the City is shouldering more than its share. The City Manager advised that the Broward League of Cities has formed a committee to address a more equitable formula. Many cities want to address this. Commissioner Trantalis suggested all of the funding be provided up-front by the School Board and the City then reimburse a percentage share. The City Manager mentioned that the School Board of Miami- Dade County has its own police department that provides all of the SRO's.

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

APPROVED

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

Excused: 1 - Commissioner DuBose

M-7 13-0356 DONATION TO 28TH NATIONAL CONFERENCE ON PREVENTING CRIME IN THE BLACK COMMUNITY - \$3,000 from State Law Enforcement Trust Fund

APPROVED

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

Excused: 1 - Commissioner DuBose

M-8 13-0357 DONATION TO FBI NATIONAL ACADEMY ASSOCIATES - \$5,000 from State Law Enforcement Trust Fund

APPROVED

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

Excused: 1 - Commissioner DuBose

M-9 13-0319 FIRST CONTRACT AMENDMENT - BRIDGE REPLACEMENT - SE 15 AVENUE BRIDGES OVER MARCHETTA AND CARLOTTA RIVERS - requested by Florida Department of Transportation under terms of local agency program agreements

APPROVED

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

Excused: 1 - Commissioner DuBose

M-10 13-0374 PEELE DIXIE WELLFIELD - SETTLEMENT AND REMEDIATION AGREEMENT with Fort Lauderdale Country Club, Inc.

Mayor Seiler announced that this item was removed from the agenda at the request of the City Manager.

REMOVED FROM AGENDA

M-11 13-0422 CHANGE ORDER 1 - SE 15 AVENUE BRIDGES OVER MARCHETTA AND CARLOTTA RIVERS - Baker Concrete Construction, Inc. - additional eight days to contract period at no additional cost

APPROVED

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

Excused: 1 - Commissioner DuBose

M-12 13-0405 GRANT APPLICATION - \$360,000 - SHUTTLE SERVICE IN UPTOWN AREA - Florida Department of Transportation Transit Corridor Program

APPROVED

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

Excused: 1 - Commissioner DuBose

CONSENT RESOLUTION

CR-1 13-0364 SUPPORTING AND ADOPTING BROWARD COUNTY OCTOBER 2012 REVISED MULTI-JURISDICTIONAL LOCAL MITIGATION STRATEGY

ADOPTED

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

Excused: 1 - Commissioner DuBose

CR-2 13-0388 APPLY FOR ADDITIONAL GRANT FUNDING - \$258,898 - DREDGING INTRACOASTAL WATERWAY IN VICINITY OF LAS OLAS MARINA AND AQUATIC CENTER - Florida Inland Navigation District - 2013 -2014 Waterways Assistance Program for design, engineering and permit fees - authorize City Manager to apply and execute all necessary documents

ADOPTED

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

Excused: 1 - Commissioner DuBose

CR-3 13-0257 PARCEL 2 - EXECUTIVE AIRPORT - SECOND AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT with Zeley Aviation, Inc.

ADOPTED

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

Excused: 1 - Commissioner DuBose

CR-4 13-0332 GRANT APPLICATIONS - TRANSPORTATION ALTERNATIVES PROGRAM - BAYVIEW DRIVE AND NW 7 AVENUE PROJECTS - Florida Department of Transportation through Broward Metropolitan Planning Organization

ADOPTED

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

- CR-5 13-0372** **Excused:** 1 - Commissioner DuBose
CITY HALL GARAGE PARKING AND AIRSPACE LEASE AGREEMENT with GS Exchange, LLC - parking spaces on fourth floor and construction of pedestrian bridge walkway
ADOPTED
Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis and Commissioner Rogers
Excused: 1 - Commissioner DuBose

PURCHASING AGENDA

- PUR-1 13-0343** PROPRIETARY PURCHASE - DECORATIVE STREET NAME SIGNPOSTS AND COMPONENTS FOR PROGRESSO VILLAGE NEIGHBORHOOD in the amount of \$124,424 from Municipal Lighting Systems, Inc.
APPROVED
Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis and Commissioner Rogers
Excused: 1 - Commissioner DuBose
- PUR-2 13-0344** PURCHASE OF SHADE STRUCTURES FOR CORAL RIDGE PARK in the amount of \$53,661.30 from Shade Systems, Inc. - St. Johns County Contract in substantially the form provided.
APPROVED
Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis and Commissioner Rogers
Excused: 1 - Commissioner DuBose
- PUR-3 13-0350** TWO-YEAR CONTRACT FOR DEMOLITION SERVICES in the estimated amount of \$227,826 from The BG Group, LLC and authorize the City Manager to approve renewal options contingent upon approval and appropriation of funds
APPROVED
Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis and Commissioner Rogers
Excused: 1 - Commissioner DuBose
- PUR-4 13-0366** ONE-YEAR CONTRACT FOR PURCHASE OF TAPPING SLEEVES in estimated amount of \$103,251.65 from A&B Pipe and Supply, Inc. and authorize City Manager to approve renewal options contingent upon approval and appropriation of funds
APPROVED
Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis and

Commissioner Rogers

Excused: 1 - Commissioner DuBose

PUR-5 13-0375

FOUR-YEAR LEASE OF FULL COLOR DIGITAL PRESS in estimated amount of \$92,941 from Konica Minolta Business Solutions U.S.A., Inc., contingent upon approval and appropriation of funds

APPROVED

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

Excused: 1 - Commissioner DuBose

PUR-6 13-0377

PURCHASE OF REAR RECYCLE PACKER in the amount of \$97,150 from Navistar, Inc. d/o Rechtein International Trucks, Inc. - Florida Sheriff's Association Contract

APPROVED

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

Excused: 1 - Commissioner DuBose

PUR-7 13-0423

PURCHASE OF NETMOTION SOFTWARE in the amount of \$95,819.75 from AT&T Mobility National Accounts LLC - police mobile laptops

APPROVED

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

Excused: 1 - Commissioner DuBose

PUR-8 13-0424

PURCHASE OF FOUR VERTICAL AXIS WIND TURBINES in the amount of \$189,980 from MGP Systems, Inc. d/b/a Alternate Energy Company

Revised - multiple clarifying points

The City Auditor announced modifications to this item set forth in revised Commission Agenda Memorandum 13-0424 which is attached to these minutes.

APPROVED

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

Excused: 1 - Commissioner DuBose

RESOLUTIONS

R-1 13-0373 GRANT APPLICATION - \$30,000 - 2013 WATERWAYS ASSISTANCE PROGRAM - Florida Inland Navigation District - 50% cash City match

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

ADOPTED

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

Excused: 1 - Commissioner DuBose

R-2 13-0107 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

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

Beach Business Improvement District Advisory Committee	Ina Lee (Consensus – Beach Redevelopment Board representative category)
Beach Redevelopment Board	Marvin Andrew Mitchell, Jr. (Commissioner Rogers)
Budget Advisory Board	James McMullen (Commissioner Rogers)
Charter Revision Board	Maria Del Rosario Lescano (Mayor Seiler) Alain Jean (Commissioner DuBose)
Civil Service Board	Robert Baldwin (City Manager's recommendation – Consensus)
Education Advisory Board	Magdalene J. Lewis (Mayor Seiler) Maureen Persi (Mayor Seiler) Susan L. Ledbetter (Vice Mayor Roberts) Chet A. Ludwick (Vice Mayor Roberts) Austin Edward Scott (Vice Mayor Roberts) Angela Sebaly (Vice Mayor Roberts) Edna Elijah (Commissioner DuBose) Wayne Neunie (Commissioner DuBose) Gregory T. Boardman (Commissioner Rogers)
Enterprise Zone Development Agency (Nomination to a Broward County Board)	Patrick Hart (Police Chief's designee - Consensus)
Marine Advisory Board	F. St. George Guardabassi (Mayor Seiler) Frank Herhold (Mayor Seiler) Joe Cain (Vice Mayor Roberts) John T. Holmes (Vice Mayor Roberts) Tom Tapp (Vice Mayor Roberts) Bob Ross (Commissioner Rogers) Jim Welch (Commissioner Rogers)

Sustainability Advisory Board

Jim Hetzel (Vice Mayor Roberts)

Utility Advisory Committee

Cara Christine Pavalock (Commissioner Rogers)

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

ADOPTED

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

Excused: 1 - Commissioner DuBose

OB 13-0495

WALK-ON - RESOLUTION - APPLICATION FOR ADDITIONAL MATCHING GRANT FUNDS - DREDGING BAHIA MAR YACHTING CENTER AND LAS OLAS MARINA AREAS OF INTRACOASTAL - from Florida Inland Navigation District - 2013-2014 Waterways Assistance Program for engineering and permit fees - \$206,543

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

In response to Mayor Seiler, the City Manager explained that, similar to item R-1, this is for a separate grant application for dredging at the Bahia Mar Yachting Center.

ADOPTED

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

Excused: 1 - Commissioner DuBose

PUBLIC HEARINGS**PH-1 13-0386**

RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3 E - construction and maintenance after the fact of two triple-pile clusters to Giles Blondeau/Multimo, LLC - 3012 NE 20 Court

Stephen Tilbrook, representing the Applicant, presented an aerial photograph of the property which is attached to these minutes. He indicated that the property is a corner lot with 125 feet of dockage on the interior canal and 95 feet of dockage on the Intracoastal. The Applicant's boat is 115 feet long and 25 feet wide. The Applicant's contractor obtained permits to construct new docks, but there was a glitch involving the installation of two piling locations that were insufficient to secure the vessel. Although concerns have been expressed about the view impact of the vessel, the proposed is a request for a waiver of the 25 foot limitation for two cluster pilings that extend an additional (20) feet into the waterway. The Marine Advisory Board (MAB) unanimously approved this request. He noted the MAB's findings. There are no code violations; the Applicant was within their riparian rights to dock this vessel at this location and to install dolphin pilings. The application is consistent with safe operation of the waterway and other dock waivers granted in the area. He presented slides depicting photographs taken from the property's dock. A copy of the slides is attached to these minutes. There is a significant wake on the Intracoastal at this location as the property is just north of the no wake zone and it is common for vessels to dock along the finger canals in this area. In this case it is the only option for the Applicant, given the vessel's size. The Applicant specifically identified this property for this vessel as few properties in Fort Lauderdale can accommodate it. The unique conditions and property dimensions as well as the Intracoastal location are extraordinary circumstances that warrant the proposed waiver.

In response to Commissioner Trantalis, Mr. Tilbrook believed the two pilings were initially installed without a permit, and this is an after-the-fact application. He confirmed that the ULDR (Unified Land Development Regulations) states the pilings can extend 30 percent (into the waterway) or 25 feet, whichever is less; however, the Applicant extended them 45 feet. The proposed area of waterway is 200 feet wide, and 30 percent is 60 feet; hence, the Applicant is 15 feet within the maximum. In further response, he indicated that the pilings allow the vessel to be secured directly adjacent to the dock, not to extend further from the dock. The purpose of the pilings is to secure the vessel in the event of waves and wind. He pointed out the locations of the pilings on the aerial photograph slide. Commissioner Trantalis was concerned about the ability of others to safely navigate in the area. If the other property owners followed suit, the waterway would be unnavigable. Mr. Tilbrook explained that the purpose of the 30 percent width stipulation is to allow 40 percent of the waterway to remain unencumbered for clear navigation. The pilings are required to have reflector tape for visibility. He reasoned that the proposed request is not extraordinary as many vessels in the finger canals are docked perpendicular to the seawall whereas this vessel docks parallel to the seawall. The MAB determined that there is sufficient space for navigation.

In response to Vice Mayor Roberts and Commissioner Trantalis, Mr. Tilbrook articulated that the extraordinary circumstances that allow for granting a waiver are the exceptionally wide waterway at the proposed location and the dock's length and location in relation to the vessel's size and dimensions. The proposed pilings are within the 30 percent width and there is sufficient space for navigation. He presented a copy of the plat which illustrates the waterway's 200 foot width. A copy of the plat is attached to these minutes. Commissioner Trantalis felt that the extraordinary circumstances were not imposed on the Applicant, rather the Applicant purchased the house and boat knowing the circumstances. He thought more plausible extraordinary circumstances could be related to the waterway's condition and use, wave action, and difficulty docking a vessel this size with pilings located too close. Mr. Tilbrook agreed and reiterated that the property is located adjacent to the no wake zone. Given the significant wake, it is practically impossible to dock a boat on the Intracoastal at this location. The purpose of docks along the finger canals is dockage. The vessel will actually create a wave buffer. The Applicant's property is 127 feet wide and 95 feet from north to south. In response to Mayor Seiler, Mr. Tilbrook indicated that the vessel does not extend into the Intracoastal. But it is permissible for a vessel to extend 25 feet beyond the dock into the Intracoastal. He understood that the application conforms to riparian and property rights of the Applicant.

In response to Commissioner Rogers, Jerry Wooten of Broward Dock and Seawall, Inc. (Broward Dock) confirmed that he installed the pilings under written contract with the Applicant which provided for the contractor to obtain the permit. The federal, state, and city-level permits were obtained for the dock, but the pilings were not installed along with the dock because of uncertainty about their placement as the Applicant did not yet have the boat. The pilings were installed when the Applicant got the boat, and the permit application was subsequent. In response to Mayor Seiler, he explained that the Applicant purchased the boat last summer. Mr. Tilbrook indicated that the Applicant purchased the home three years ago. Mr. Wooten explained to Commissioner Rogers that he was uncertain when the dock was completed, but the pilings were installed last summer. The Applicant did not own the boat when the dock was built.

In response to Mayor Seiler, the City Attorney advised that the extraordinary circumstances ought to relate to the vessel. Mayor Seiler noted that the Applicant purchased the vessel three years after buying the property, and the extraordinary circumstance is the boat's width. In response to Mayor Seiler, Mr. Wooten explained that the dock was completed earlier in 2012, and the previous dock was about the same width, eight feet. He contended that the ULDR allows a dock to extend out to 10 percent of the waterway, up to 20 feet. With a 20 foot dock, pilings can only be placed 5 foot off the dock. Mr. Tilbrook pointed out that the ULDR does not define extraordinary circumstances. However,

he recalled that, during his six years serving on the MAB, environmental circumstances and the waterway's configuration are examples of things considered by the MAB. Several waivers were granted on the finger isles because a vessel cannot be docked along the Intracoastal. Hence, the record provides several bases for extraordinary circumstances, particularly related to wave action and location of the no wake zone. He submitted a letter of support from Jim White, dated February 4, 2013, as well as letters of opposition from Charles E. Donnelly and Michael Jones, both dated February 7, 2013 which were made part of the record.

Mayor Seiler opened the floor for public comment.

H. Warren Ullman, Jr., 3031 NE 20 Court, summarized points in a prepared statement which is attached to these minutes. He presented an aerial map of the proposed property which is also attached to these minutes. He emphasized that a building permit was not obtained and asked the Commission not to approve this item. Some facts were not presented, and some information is false. He advocated for more severe penalties to prevent ULDR violations like this, as the current penalty is only \$300 and the waiver application cost is only \$300. He also felt that MAB membership should have more non-marine residents. In response to Mayor Seiler, he explained that Mr. Tilbrook's statement that there are no outstanding ULDR violations on the Applicant's property is false as there is an outstanding violation now. Mayor Seiler noted that the item before the Commission now addresses that violation.

Tom Stawartz, 1915 NE 31 Avenue, noted his experience and credentials as Vice President of Dolphin Isles Homeowners Association, and a 14-year resident at this address. He presented aerial photographs, a photograph of the subject dock and a drawing from the City of Fort Lauderdale Neighborhood Improvement Project Master Plan concerning this matter. Copies of these items are attached to these minutes. He contended that the Applicant purchased his home knowing the area to be 123 feet in length. The Applicant's pilings are 20 feet over into adjoining Donnelly property. He discussed sight lines and emphasized that they have to be respected. These are unattractive triple pilings. Based on his measurements, he thought the Applicant's pilings are located 52.5 to 53 feet from the wet face of the seawall or dock. The measurements were taken with, both, a long rule floating device. Measuring by satellite, the pilings are 45 feet from the dock. However there is a distance of about four feet between the face and back of the pilings. He also submitted a letter of opposition from John O'Flaherty, dated February 4, 2013, which was made part of the record.

In response to Mayor Seiler, Andrew Cuba, Marine Facilities Manager and Marine Advisory Board Liaison, explained that staff does not measure distances of pilings, rather a survey is required in order to obtain a permit. He submitted a copy of the Applicant's survey shown on page 9 of Exhibit 1, Commission Agenda Memorandum 13-0386 provided to the Commission. Mr. Cuba confirmed for Mayor Seiler that riparian rights are the imaginary extension into the waterway from the property lines and the pilings need to fall within that extension. Mayor Seiler indicated that the proposed pilings do not appear to do so. He questioned how this after the fact permit issue arose, being that Broward Dock is an experienced contractor in this area. He wanted measurements to be taken. Although he generally supports the MAB's recommendations, he wanted to hear from the Applicant. He questioned whether buying a boat creates an extraordinary circumstance. Also, the tender had to be placed on the outside because it would not fit anywhere else. Mr. Tilbrook clarified that the application does not request any setback variance. The Applicant will move the pilings if necessary so they are located within the riparian line.

In response to Mayor Seiler, Mr. Wooten reiterated that his crew installed two triangle dolphin pilings a couple of months after installing the Applicant's dock, and a survey done prior to the dock installation was utilized. The dock is 123 feet by 8 feet along the length of the property. The dock installation began in 2011 and was completed in 2012. A marine survey was not utilized to install the pilings, rather a

measurement was taken from the property line out from the end of the dock in order to determine their locations. He confirmed that the property line runs in a southwest line, rather than straight north to south. Therefore, the riparian line should extend southwest of the property line, rather than straight out. The pilings may be in the wrong place, but will be moved if necessary. The farthest point of the outer piling is about 47 feet from the wet face of the seawall. Mr. Tilbrook confirmed that the Applicant will comply with the requirement for a maximum of 45 feet and no setback variances. They will be moved if necessary. He requested a deferral to April 16, 2013. He offered to bring back verification of the current location as well as where they will be moved after this waiver is granted. He agreed to meet with the neighbors. He noted that riparian rights are clear rights, not view.

Charles Donnelly, 3018 NE 20 Court, indicated that he resides next door to the Applicant. When the pilings were being installed, the Broward Dock employees followed the Applicant's direction to install them along with the property line. Mayor Seiler encouraged him to meet with Mr. Tilbrook about this matter. He used the photograph of the Applicant's pilings submitted by Stawartz, to explain that the Applicant asked that he waive his rights as to placement of the pilings, but he declined. He claimed the pilings are within his property lines and the contractor employees indicated to him there was no permit at the time the pilings were installed.

There was no one else wishing to speak.

Motion made by Commissioner Rogers and seconded by Commissioner Trantalis to defer the item to April 16, 2013.

DEFERRED

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

Excused: 1 - Commissioner DuBose

PH-2 13-0354

MOTION - SUBSTANTIAL AMENDMENT TO 2010-2011 AND 2011-2012 ANNUAL ACTION PLAN FOR HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS (HOPWA) PROGRAM

Jonathan Brown, Housing and Community Development Program Manager, highlighted information set forth in Commission Agenda Memorandum 13-0354.

Commissioner Trantalis noted his conflict of interest related to his membership on the Broward House board of directors, and intention to abstain from voting.

In response to Mayor Seiler, Mr. Brown explained that HOPWA (Housing Opportunities for Persons with HIV/AIDS) funds must be spent within three years of receipt. Some funds were allocated in 2010-2011 and some the following year. Broward House and Broward Regional Planning Council (BRPC) have a demonstrated need to ensure the funds are spent within the deadline. Susan B. Anthony Center's funding was not expended during the contract period. He noted allocations in 2011 and 2012. In response to Commissioner Trantalis, he indicated that each agency was awarded a one-year contract with two, one-year extensions, and at times there is overlap where funds are spent the following year. But, given the three-year deadline, he did not want to risk agencies forfeiting the funds. Mayor Seiler was concerned about agencies not utilizing their funding. Mr. Brown confirmed that some of the proposed funding will be used for the Homeless Management Information System (HMIS) which is a tracking system to monitor how funds are spent and clients served, thereby allowing staff to project the amount of funds an agency will spend before the end of a fiscal year.

In response to Commissioner Rogers, Mr. Brown explained that the Short-Term Rent, Mortgage and Utilities (STRMU) program is based on independent living, while MODCO Emergency Transition Housing (MODCO) is facility-based housing. Commissioner Rogers recognized a need for both types of housing. However, there seems to be an immediate need for emergency shelter and transitional housing. He was concerned whether the proposed use of funds will meet needs. Mario DeSantis, Housing and Community Development, explained that there is a federal-level movement away from transitional housing and toward rapid rehousing. Depending upon clients' needs, they can enter the program at different tiers with self-sufficiency being the ultimate goal. The STRMU program's objective is to prevent clients who live independently and without housing subsidies from becoming homeless. Mr. Brown confirmed that, for HOPWA clients, the STRMU program is the most closely related to rapid rehousing. In response to Mayor Seiler, he offered to examine whether some of the proposed funds could be utilized to fill the gap in the City's Homeless Reunification Program.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as amended with \$350,000 being reallocated, and \$23,601.20 reserved pending staff's determination whether these funds can be utilized for the Homeless Reunification Program.

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

\$350,000 reallocated with \$23,601.20 reserved pending Staff determining if these funds could be directed to the homeless reunification program.

APPROVED AS AMENDED

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

Excused: 1 - Commissioner DuBose

Abstain: 1 - Commissioner Trantalis

PH-3 13-0329 MOTION - SUN TROLLEY BEACH LINK COMMUNITY BUS ROUTE -
7-day service expansion

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

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

APPROVED

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

Excused: 1 - Commissioner DuBose

ORDINANCES

O-1 13-0281 QUASI-JUDICIAL - SECOND READING OF ORDINANCE
REZONING TO PARKS, RECREATION AND OPEN SPACE - GORE
BETZ PARK - Case 15-Z-12

Applicant: City of Fort Lauderdale
From: Residential Single Family/Duplex - Low Medium Density RD-15
Location: Northwest corner of SW 9 Avenue and Orange Isle

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

Commissioner Trantalis announced a site visit, and members of the Commission announced the disclosures were the same as those indicated on first reading.

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

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

ADOPTED ON SECOND READING

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

Excused: 1 - Commissioner DuBose

O-2 13-0322 SECOND READING OF ORDINANCE AMENDING CODE OF
ORDINANCES, CHAPTER 26, ARTICLE VIII - VALET PARKING ON
RIGHTS-OF-WAY AND PUBLIC PARKING FACILITIES on a
permanent basis

Mayor Seiler opened the floor for public comment.

Steven Cook, 708 SW 16 Court, opposed the item. He noted that bicycling is difficult in the downtown area. He elaborated upon Broward County's Complete Streets program. There is an issue at Chima restaurant on Las Olas Boulevard where motorists use the bike lane that abuts the valet area to park. He contended that he has never been able to ride in the bike lane on Las Olas Boulevard at night. The proposed valet parking will block streets, regardless of where it is placed and the number of lanes. In response to Commissioner Rogers, he thought Chima may be able to safely implement valet service if more than four metered parking spaces are used. But motorists using the bike lane would still likely be an issue. Commissioner Trantalis noted a suggestion that Chima use the gas station next door that it currently uses for parking as a pull-in area for motorists. Mr. Cook reasoned that the issues at Chima will pervade the entire street if valet parking is allowed on Las Olas Boulevard.

Mayor Seiler noted the City's goal to create a global fix for traffic and parking on Las Olas. He did not want to piecemeal this matter. Diana Alarcon, Transportation and Mobility Director, confirmed that the pilot program for valet parking on rights-of-way and public parking facilities has been implemented for

about a year. Chima has been operating for that period. Parking enforcement follows up on complaints and checks regularly to ensure the permit guidelines are followed. Citations are issued for violations. There is a three-strike rule in place which Chima has not reached. She offered to have parking enforcement specialists work more closely with Chima. Chima has operated valet parking for a number of years, and this ordinance legitimizes it. In response to Mayor Seiler, she thought maybe one citation has been issued under this ordinance in the last year. Violators are initially provided a warning and relevant education. Mr. Cook pointed out that the number of parking spaces is not tied to the restaurant's size; four spaces may be appropriate for a 25-seat restaurant, but not for a 300-seat one.

Fred Carlson, representing the Central Beach Alliance (CBA), indicated that the company that handles Hilton Fort Lauderdale Beach Resort's parking made a recent presentation to the CBA about their request to reserve space along the hotel's northern side for valet parking. The presentation brought out numerous questions which he elaborated upon. A conclusion was not reached, but a determination must be made as to how this can safely be implemented. He thought more discussion is needed. In general, the needs of local businesses take priority. He thought the proposed item should be supported if the bicycle lane issue can be avoided.

There was no one else wishing to speak.

Commissioner Rogers thought it is a safety concern that the ordinance does not require a certain number of parking spaces to use as a ramping area, rather the decision is left to the operator. He suggested a number of spaces be determined and made a requirement. Ms. Alarcon explained that applicants must provide an operational plan along with the application. Staff then performs an onsite assessment. If complaints are received after the permit is issued, the applicant is required to get additional parking spaces for ramping. Permits have been denied for a heavy traffic impact. In further response, she indicated that staff will look into the Chima operation. If it is determined that there is a traffic impact, staff will require Chima to add more ramping space. The City Manager commented that caution needs to be exercised with requiring one party to acquire use of specific private property. Commissioner Rogers thought there is some leeway in terms of advising applicants that do not have the option to utilize side streets to settling upon the safest operation. The City Manager clarified that staff will explain the problem to Chima and assist with devising a solution, but avoid recommending any specific use of property that Chima does not control. Ms. Alarcon confirmed that permits are renewed annually. Permit holders in violation are given thirty days to remedy.

Vice Mayor Roberts wanted more oversight to determine if there is compliance in the city. He would not hesitate to use enforcement tools for the purposes of compliance and safety. Assessments should take place during peak operational times. Ms. Alarcon agreed to move forward with this approach. Mayor Seiler did not want to oppose this item because it is working at the vast majority of locations.

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

ADOPTED ON SECOND READING

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

Excused: 1 - Commissioner DuBose

**OB 13-0504 WALK-ON - CITY COMMISSION REQUEST FOR REVIEW
CONSIDERATION - Pelican Grand Development Permit Application,
Case 41-R-12**

Mayor Seiler announced that Commissioner Trantalis has requested the City Commission set a hearing to review a development permit application for the Pelican Grand I, in accordance with Section 47-26A.2.A of the Unified Land Development Regulations.

Commissioner Trantalis indicated that members of the public requested this call-up in order to review the impact of the Pelican Grand I's (Pelican Grand) application to expand their property's use to include outdoor activity involving entertainment and loudspeaker systems. The Applicant's attorney has indicated that the expanded use was pared back.

Mayor Seiler opened the floor for public comment.

Gary Sieger, 1905 North Ocean Boulevard (Shore Club Condominium), advised that he resides across the street from the Pelican Grant (Pelican). The Shore Club supports the item, but is concerned about the noise impact. They believe that the Planning and Zoning Board erred by not requiring sound-proofing of the banquet facility, and that the sliding glass doors be closed during events. He was not aware of a time limit on the banquet facility. The Shore Club also requested that no amplified sound be allowed on the upper (outdoor) decks. The Pelican is now proposing sound limiters, but took no previous measures to remedy the issue. Quality of life must be preserved in a residential district. Commissioner Trantalis wanted to avoid repeating a similar issue that arose at the W Hotel. The beach area is both an entertainment zone and a residential district, but residents have a right to not be regularly exposed to loud entertainment particularly with this being an added function.

Stephanie Toothaker, representing the Pelican Grand, indicated that this level III site plan amendment went before the Planning and Zoning Board. A hotel is a permitted use in the RMH-60 zoning district, and the ULDR (Unified Land Development Regulations) contemplates accessory uses like outdoor food service and patio bars. The Pelican met with its neighbors over the last year, including five meetings with the Shore Club, which resulted in the CBA (Central Beach Alliance), the Vue Residences and Beach Club, and the Shore Club voting unanimously to support the project. She presented an aerial showing neighboring developments. A copy of the slide is attached to these minutes. She indicated that letters of support were provided by the Sun Tower Hotel and Suites and CBA. The only objections to this application are from Mr. Sieger and Anthony E. Conetta. The Florida Restaurant and Lodging Association, the Greater Fort Lauderdale Chamber of Commerce and its Beach Council, and the Broward Workshop have expressed support of this application. She read a prepared statement enumerating the Pelican's voluntary commitments to neighbors, including significant restrictions to use of the outdoor decks as a result of negotiations with the Shore Club. A copy of the statement is attached to these minutes. Although the Shore Club has speakers placed all around their decks, Mr. Sieger and Mr. Conetta have asked the Pelican to not have any such speakers.

Anthony E. Conetta, 1905 North Ocean Boulevard, indicated that he does not oppose the project, but is concerned about the noise impact. The Shore Club's unanimous decision was made by seven member board of directors, not the 191 owners. The owners were not polled. He contended that about twenty owners opposed the application when the matter was raised in December. He elaborated upon varying degrees of noise impact on the Shore Club. Ninety-two units in the east building are the most impacted. In response to Mayor Seiler, he indicated that the only Shore Club residents who testified at the Planning and Zoning Board hearing were Nick Catalano, Gary Sieger, Art Seitz and himself. He recalled a petition of over thirty signatures from two years ago protesting the noise.

In response to Mayor Seiler, Ms. Toothaker explained that the Pelican engaged an acoustical consultant to develop the voluntary commitments which were made part of the record and a condition of the site plan approval at the Planning and Zoning Board hearing. Mr. Sieger and Mr. Conetta took part in all of the meetings the Pelican held with the Shore Club, and some of the commitments are based on Mr. Sieger's suggestions. There were noise issues with DJ's and a tent setting and the Pelican agreed to discontinue this. The outdoor decks will only be used for more passive uses; no wedding receptions or live music. The purpose of this site plan is to bring these types of events inside by creating two indoor banquet facilities.

Mr. Sieger stressed that there is no agreement in place for the banquet facilities' windows; the Pelican will not commit to closing them. In response to Mayor Seiler, Ms. Toothaker explained that the banquet facilities are soundproofed. She presented slides depicting graphic illustrations of the ground floor banquet space looking northeast and looking west. A copy of the slides is attached to these minutes. The windows facing south toward the Vue are not intended to open, but some windows do open. Although the windows will not be opened on many occasions, the Pelican cannot agree to Mr. Sieger's request to never open them as that would defeat the purpose of having a banquet facility on the beach. Further, the Pelican must always comply with the decibel restrictions in place. She explained to Mayor Seiler that there are no code restrictions set forth in the ULDR regarding time limits for indoor events, but the Pelican will have to comply with noise ordinances and the additional voluntary restrictions.

Commissioner Trantalis commented that a situation could happen where people complain about an event on the weekend. He did not think any side is ready for a full presentation tonight. He did not know whether Mr. Sieger and Mr. Conetta comprise the entire opposition. Ms. Toothaker clarified that the petition referenced from some time ago pertains to a permanent tent being installed which is no longer on the table. Mayor Seiler noted that the purpose of this call-up is to request a review of the development permit application to determine that the characteristics of this project and the surrounding area are essentially compatible. He did not want to repeat what was just accomplished by the Planning and Zoning Board. He has not heard that the development standards and criteria have not been met.

Vice Mayor Roberts mentioned a Galt Ocean Mile hotel that has noise issues. Citations are issued immediately by police and code enforcement. He shared Commissioner Trantalis' concern about noise. However, the Pelican has taken significant measures to mitigate noise issues. In response to Vice Mayor Roberts, Ms. Toothaker confirmed that outdoor events will end at 10:30 p.m., 30 minutes earlier than required by code, but the noise restrictions (offered by the Pelican) which exceed code requirements apply to the entire property. Vice Mayor Roberts advocated for a no tolerance, immediate enforcement approach.

Mr. Sieger clarified that the Shore Club's rules prohibit amplified sound at their pool. Also, there are several people in opposition to this project who would come forward if a hearing is set. He concurred with Mr. Conetta that this was not approved by Shore Club residents, but rather by their board. He noted that residents have consistently requested that there be no amplified sound on the decks. Further, his request was not that the windows be closed permanently, but only for events with amplified sound.

Fred Carlson, representing Central Beach Alliance (CBA), indicated that the CBA unanimously voted in support of the project because solid walls, rather than a tent, will significantly mitigate sound. He also pointed out that a noise governor will be used and it is known to be reliable based on experience at the W Hotel. The CBA felt the Pelican has complied with all regulations and taken their neighbors into consideration. He urged the Commission not to set a hearing, but rather to deal with this matter tonight. In response to Mayor Seiler, Ms. Toothaker explained that this matter was brought before the CBA on

May 31, 2012.

There was no one else wishing to speak.

Vice Mayor Roberts reiterated that the Pelican has taken measures to mitigate noise. If issues arise, they can be addressed by enforcement. Commissioner Rogers thought Mr. Sieger's request pertaining to the Pelican not opening their windows is unreasonable. The project has been approved by all neighboring properties. It would be unfair to set another hearing. The Pelican has offered to keep the sound level 10 decibels below the code requirement. This is simply an enforcement issue. Commissioner Trantalis indicated that this matter was addressed prior to the District II special election. He thought there were additional concerns raised by Mr. Sieger. If the Commission feels the concerns have been addressed, that is their decision.

Motion made by Commissioner Trantalis to set a hearing to review the development permit application for the Pelican Grand I, Case No. 41-R-12, in accordance with Section 47-26A.2.A of the Unified Land Development Regulations, died for lack of a second.

Died for lack of a second

The City Commission adjourned the regular meeting at 9:37 p.m. and returned to the conference meeting agenda, Item BUS-5.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk