

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, March 17, 2015

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
ROMNEY ROGERS Vice Mayor - Commissioner - District IV
BRUCE G. ROBERTS Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
ROBERT L. McKINZIE Commissioner - District III

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

Meeting was called to order at 6:09 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

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

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Jeff Jenkins

Vote Roll Call Order for this Meeting

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

Invocation

Reverend Hugh Tudor-Foley, Saints Episcopal Church

Pledge of Allegiance

Led by Dennis Ulmer, a Fort Lauderdale resident

Mayor Seiler announced that the ordinance updating the City's backflow prevention program was advertised for this meeting but will be presented on April 7, 2015. Additionally Agenda Items R-7 and M-1 should be consent motion items.

Approval of MINUTES and Agenda

No public comments were submitted by email for the March 17, 2015 regular meeting.

15-0372 Minutes for December 17, 2014 Regular Meeting and January 21, 2015 Development Workshop

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

APPROVED

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

PRESENTATIONS

PRES-1 15-0340 Police Officer of the Month for March 2015

Police Chief Frank Adderley recognized Detective Jack DiCristofalo as Officer of the Month for March 2015. Chief Adderley commended DiCristofalo's efforts in apprehending a homicide suspect.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

Raymond Cox, no address provided, did not feel business of the City is being conducted in public. He expressed concern about a road closure over the past weekend for an event that denied citizens access to the beach, for example. He went on to advocate for the homeless. He felt that he should be afforded more time to speak. He questioned why the northwest is being considered for rezoning. He was opposed to expansion of the Las Olas Marina.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie that Consent Agenda items CM-5, CM-15 and CM-16 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. The City Clerk announced that a resolution is not needed for Agenda Item CM-11.

APPROVED

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

PUBLIC HEARINGS

PH-1 15-0237 QUASI-JUDICIAL - Resolution Granting a Waiver of Limitations for 1524 Land, LLC c/o Mr. Victor Doudine to Construct Wood Marginal Dock and Boat Lift - 1524 South Ocean Drive

Mayor Seiler noted that the applicant has requested deferral of this item.

Motion made by Commissioner Roberts and seconded by Commissioner Trantalis to defer the item to April 7, 2015.

DEFERRED TO APRIL 7, 2015

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

CONSENT MOTION

CM-1 15-0228 Event Agreements: Dan Marino Foundation Celebrity Volleyball Tournament, YogaFest, Las Olas Sunday Market, 81st Easter Sunrise Service, Happyland Day School Easter Egg Hunt, and Coral Ridge Association Holiday Party

APPROVED

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

CM-2 15-0245 Event Agreements and Related Road Closing: 9th Annual Duck Fest Derby, Corporate Run, Take Steps Walk, 15th Annual Riverwalk Run and Easter Sunday Vintage Car & Art Show

APPROVED

Aye: 5 - Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis,

Commissioner McKinzie and Mayor Seiler

CM-3 15-0262 First Amendment to Participation Agreement with Riverwalk Fort Lauderdale, Inc. for Informational Kiosks - \$25,000

APPROVED

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

CM-4 15-0263 First Amendment to Participation Agreement with Winterfest, Inc. for Police Detail - \$2,778.50

APPROVED

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

CM-5 14-1166 First Amendment to Agreement and Addendum with CBRE, Inc. for Real Estate Brokerage and Lease Management Services

Commissioner Trantalis noted that originally when CBRE services were sought, it was his understanding that there was an employee assigned to real estate who was not measuring up and was let go. He thought the City's need at the time was disposing of surplus real estate. It seems some administrative roles are being delegated to CBRE, which he felt far exceeds the original mandate. For example, CBRE is asking for 4 percent of the first term of a lease and an additional 2 percent for any renewal term. A renewal fee is not considered standard in the industry. He felt it would place a burden on the lessee. Additionally CBRE has been asked to take on financial advisory services relating to implementing the strategic plan. He would like to see the item tailored down because some of the responsibilities should remain in house. Vice-Mayor Rogers felt that outsourcing is appropriate under the right circumstances, which the Commission concluded. A request for proposals (RFP) was issued. Local property managers said to him that they could not afford to do what was spelled out in the RFP, which means that CBRE is taking a risk. He supported the City Manager's position that there is no net loss to the City by having the lessee or purchaser to pay the commission. He did not know how this would impact rents or tenants. He felt the management piece of this is more important. He cited some examples. He felt it is time to try something different. He did not want to lose the relationship with CBRE. Commissioner McKinzie questioned whether the 2 percent fee should be imposed for lease renewals. There is no clear definition of the total fees.

The City Manager explained that in 2011 the City had a real estate office with three professionals and one clerical staff member. From a cost-benefit standpoint, to date, CBRE has earned \$43,000 for the first seven months of the agreement. He cited a recent renewal in the amount of roughly \$30,000 for a five-year term (amounting to a total of \$150,000). The 2 percent fee would be \$3,000. The price is renegotiated based on current market rates at the time. In response to Commissioner Trantalis, the City Manager explained that the City would negotiate a separate fee structure for large projects, which must go back before the Commission for approval of the scope of work and associated fee. As to the fee structure, he did not want a one-size-fits-all model. He advised that it is addressed in Paragraph 3.2, page 9 of Exhibit 1 to Commission Agenda Memorandum 14-1166. Commissioner Trantalis did not believe the language properly addresses a reduced commission for large projects.

Vice-Mayor Rogers suggested limiting the number of years. Commissioner Roberts suggested deferring the item so that it could be worked out. Discussion ensued about the need to move forward with the item.

Assistant City Attorney Bob Dunckel indicated his interpretation is that CBRE would be entitled to a 4

percent commission if a lease with Las Olas Marina resulted. CBRE would not be entitled to a commission at Bahia Mar because that is specifically written into the addendum and the base contract. The brokerage commission is structured for 50 percent of the initial lease payment and the other 50 percent goes to the City for the lease minus the 3 percent management fee. The full brokerage fee over the 50 years is frontloaded. It was structured so the tenant will continue to pay a 4 percent brokerage fee over the balance of the lease. However, there is no guarantee the tenant will last the full term of the lease. As to the Las Olas Marina, there would be a 4 percent commission. A financial advisory service fee could also be negotiated if the City wished to do so, but CBRE would still be entitled to a 4 percent commission for the lease. The City Manager indicated the idea was to have a threshold for large projects. Dunkel indicated that language was removed at his direction.

Commissioner Roberts reiterated his deferral suggestion. Vice-Mayor Rogers suggested considering a limit on the number of years.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to defer the item to April 7, 2015.

DEFERRED TO APRIL 7, 2015

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

CM-6 15-0111 Three-Year Agreement with Broward County R.C. Race Club, Inc. for Operating Remote Control Miniature Race Cars at Mills Pond Park

APPROVED

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

CM-7 15-0215 Assignment and Assumption of Lease Agreement between Piccolo Forno, Inc. and Corporate Chef, LLC for Central Business District Parking Garage Shop 136

APPROVED

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

CM-8 15-0278 Second Extension of Agreement with Gold Coast Ski Club, Inc. for Use of Lake at Mills Pond Park for Water Skiing Activities

APPROVED

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

CM-9 15-0325 Grant Application to Community Foundation of Broward for Esplanade Park Cultural Improvements - Art of Community Grant Program - \$100,000

APPROVED

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

- CM-10 15-0159** Donation to Onikusu Judo Club - \$30,000 from State Law Enforcement Trust Fund
- APPROVED**
- Aye:** 5 - Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis, Commissioner McKinzie and Mayor Seiler
- CM-11 14-1659** Road Transfer Agreement with Broward County for NW 19 Street from NW 9 Avenue (Powerline Road) to NW 7 Avenue
- APPROVED**
- Aye:** 5 - Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis, Commissioner McKinzie and Mayor Seiler
- CM-12 15-0064** Las Olas Isles, Venice Isle and Rio Vista Isles Tidal Valves Design Work - Keith & Schnars - \$102,700 Task Order
- APPROVED**
- Aye:** 5 - Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis, Commissioner McKinzie and Mayor Seiler
- CM-13 15-0099** City Hall ADA Improvements - Synalovski Romanik Saye, LLC - \$44,250 Task Order
- APPROVED**
- Aye:** 5 - Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis, Commissioner McKinzie and Mayor Seiler
- CM-14 15-0270** River Oaks Stormwater Preserve Park - Conceptual Design - Craven Thompson & Associates, Inc. - \$171,606 Task Order
- APPROVED**
- Aye:** 5 - Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis, Commissioner McKinzie and Mayor Seiler
- CM-15 15-0308** Neighborhood Housing and Economic Analysis Interlocal Agreement with Florida International University - \$65,000

Charles King, 105 North Victoria Park Road, questioned the scope of this analysis, whether it is citywide. The City Manager explained that the analysis will be conducted in phases but the intent is the entire city. The \$65,000 fee covers the entire city. It is expected to be completed within five to six months.

Motion made by Commissioner McKinzie and seconded by Commissioner Roberts to approve the item as recommended.

APPROVED

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

CM-16 15-0132 Real Estate Purchase and Exchange Agreement with All Aboard Florida - Operations LLC

Commissioner Trantalis pointed out that the City's property is worth about \$3 million more than the other property in the swap. The City Manager said the appraisal for the heliport site is in the range of \$5.6 million. The original number was about \$6.3 million but about \$600,000 was removed for right-of-way dedication. All Aboard Florida also did an appraisal that came in at \$4.7 million. The City's appraisal for Site K was appraised at \$2.9 million and Florida East Coast Railway's (FEC), appraisal was \$4 million, which is the purchase price that All Aboard Florida has to pay FEC to have control of that property for the land swap. There is a difference of \$1.6 million to \$2 million. All Aboard Florida is putting up half a million in cash, which decreases the difference. At the time the City committed to the Wave maintenance facility, the One Stop Shop was considered to be the site and it was valued at about \$7.5 million. The land for the Wave maintenance facility would be much higher than the \$7.5 million. The Wave project would have to pay market rate for the land, which would likely be between \$12 million and \$15 million. The high price of the site, coupled with the fact that the County and City staff were concerned about putting the Wave maintenance facility in the downtown as the best use for the property. Consequently, they looked for additional sites. Site K came up as a possible location. It also allowed the City to site Fire Station 8. Additionally use of the heliport site by All Aboard Florida would be consistent with the transit-oriented campus development that would ultimately also serve the Tri-Rail commuter station. There is a higher and better use for the heliport site than its current use as a parking lot. He concluded by saying that City staff believes there is an intangible benefit from having that development and its property taxes and economic impact. He was satisfied in recommending the item because of the intangible benefits to two major infrastructure projects.

In response to Commissioner Roberts about the fire station, the City Manager advised that when they came on board, the City had set aside about \$2 million for the purchase of land. Appraisals at the time were in excess of \$4 million to purchase the land. Commissioner Roberts agreed about the intangible trade-offs and the City accomplishing a lot more with this type of trade. In the original backup, there was some confusion relative to quiet zones, which will be installed anyway and the \$500,000 distribution will be a cash offset to the City as opposed to quiet zone infrastructure. The City Manager concurred.

Vice-Mayor Rogers pointed out that the City has been looking for a fire station site that would meet response guidelines for some seven years. The location is valuable to the City. Moreover the Wave (maintenance facility) should not be housed downtown. Commissioner Trantalis believed there is no disagreement that the concept makes sense. He does not, however, accept FEC's valuation of the southern property because they are the seller and for the other property as the buyer. The \$4 million price tag on the south piece and the \$4.5 million price tag on the north piece are clearly to their advantage. The \$500,000 difference is not the real opportunity cost. Commissioner Roberts advised that, when looking at the All Aboard Florida and FEC costs, it adds up to \$8.7 million. The City's assessment is \$8.5 million. It is not that far apart. There is then the intangible benefit for the fire station site. The City Manager advised that there is not an easy way to evaluate all pieces of the deal. There is a Wave partnership agreement that requires the City to provide a site. If this deal does not go through, the City will have to turn over One Stop Shop. The City has been criticized for slowing down this process by trying to re-site the Wave maintenance facility. The deadline in the agreement is May or June of this year. Both Vice-Mayor Rogers and Commissioner Roberts commented on the several moving parts that have been under negotiation for some time and the time sensitivity. Mayor Seiler agreed that there is a value to moving the maintenance facility out of downtown. Vice-Mayor Rogers commented that there is not a lot of availability as to sites. In response to Mayor Seiler, the City Manager indicated that his understanding is they will not sell the property to the City. The original land swap idea was the One Stop Shop with Site K, but the City felt the One Stop Shop site is too valuable. The Wave maintenance facility will not work at the heliport site. Commissioner Trantalis asked the City Auditor's opinion. The City Auditor indicated that he had noted the same differences with the appraisals as Commissioner Trantalis and has the same

skepticism with regard to the appraisals provided by FEC. However from a public policy perspective, he believed this makes sense. He was reasonably confident that the City Manager got the best deal possible at the time. He went on to mention that originally the Downtown Development Authority asked the City for \$10 million in cash. The suggestion then was put forward that the City provide land instead as a local contribution. The City Manager clarified that the City's original commitment was \$10.5 million for the Wave. Without the land contribution, it would be \$10.5 million in cash. If Site K was ultimately valued at \$2 million (it will be bifurcated for the maintenance facility and fire station), the City then has a cash commitment of \$8.5 million. The City would have a greater cash commitment because the land has less value. Meanwhile, the Wave has a lower cost for the maintenance facility. Commissioner Trantalis questioned why the City is not getting any credit for finding an alternate maintenance facility site for less. The City Manager advised that the City will not have to pay for electric and running the rail the extra distance to the maintenance facility from the end of the line. Commissioner Trantalis recognized the intangibles and noted he was not on board for the beginning of the negotiations. He supports the proposed location for the maintenance facility and the need for a fire station site. Mayor Seiler commented that the same points were raised by other members of the Commission. The siting and a timing issue have to do with this decision.

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

APPROVED

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

CM-17 15-0209

Parking Enforcement Agreement with Las Olas Place II, LLC for 1200 East Las Olas Boulevard

APPROVED

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

CM-18 15-0323

Cost Recovery Agreement with Midgard Management Inc. - Financing Structure for Parking Garage

APPROVED

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

CM-19 15-0175

Revocable License Agreement among County, City and Andrews Second Street, LLC for Right Of Way Improvements and Agreement Ancillary to Revocable License Agreement (previously Agenda Item R-7)

ADOPTED

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

CM-20 15-0387

Executive Airport U.S. Customs and Border Protection Facility - James B. Pirtle Construction Company, Inc. d/b/a Pirtle Construction Company - Change Order No. 1 and Change Order No. 2 - \$24,917.81 and \$28,235.82 (previously Agenda Item M-1)

APPROVED

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

CONSENT RESOLUTION

CR-1 15-0338 Increasing fees to Special Counsel, Lewis, Longman & Walker, P.A. for Retirement and Pension Matters

Raymond Cox, no address provided, questioned the expense. He did not address the subject matter. He questioned why the City Attorney's job was being turned over to a law firm.

Charles King, 105 North Victoria Park Road, questioned whether there were any concerns with fraud. If the pension fund does not make enough money, the City will end up picking up the tab. Short sales have hurt the City.

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

ADOPTED

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

CR-2 15-0371 Agreement with American Traffic Systems and its Counsel, Carlton Fields Jordan Burt, P.A. to Undertake and Completely Fund City Representation Concerning Judicial Review of County Court Traffic Magistrate's decision in State of Florida (City of Fort Lauderdale) v. Mary Welsh Wesolowski and Appointing Carlton Fields Jordan Burt, P.A., as Special Counsel

ADOPTED

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

CR-3 15-0379 Appointing Code Enforcement Special Magistrates

Raymond Cox, no address provided, expressed concern that Sunshine laws were not being followed.

Jeff Weinberger, no address provided, questioned the purpose of establishing this court. Mayor Seiler clarified that it will hear code enforcement cases. The City Attorney added that municipal ordinance violations will be considered elsewhere.

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

ADOPTED

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

CR-4 15-0383 Appointing Steven A. Schaet LLC as Special Counsel to Indigent Defendants when Appointed by County Court in City's Municipal

Violation Cases and Approving Contract Extension with Steven A. Schaet LLC

Raymond Cox, no address provided, advocated for public restrooms and the homeless.

Michael Robinson, 5700 NW 27 Court, supported appointing an attorney to represent the indigent. He felt that more should be done to help those in need. He spoke against laws that criminalize life-sustaining acts. He did not believe people were being treated equally under the law.

Jeff Weinberger, no address provided, said due process for the indigent does not exist. It is a constitutional mandate. Up until recently there was no representation during the week. There is still no representation for the indigent on weekends. He was also concerned that the public defender does not appear with the indigent in court when he is representing them but rather watching them on a video screen. He cannot consult with clients and determine their needs.

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

ADOPTED

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

- CR-5 15-0384** Expanding Scope of Services, Increasing Hourly Rate and Establishing a Rate for Paralegals and Law Clerks for Special Counsel, Brinkley, Morgan, Solomon, Tatum, Stanley & Lunny, LLP concerning Amendment to City's Lease of Bahia Mar

ADOPTED

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

- CR-6 15-0236** Grant Application to Florida Inland Navigation District for ADA Accessible Floating Dock at Sweeting Park - Waterways Assistance Program - \$25,000

ADOPTED

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

- CR-7 15-0261** Grant Application to Florida Inland Navigation District for ADA Accessible Floating Dock at Coontie Hatchie Park - Waterways Assistance Program - \$127,000

ADOPTED

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

- CR-8 15-0203** Imposition of Special Assessment Liens for Costs Associated with Lot Clearing and Cleaning

ADOPTED

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

CR-9 15-0078

First Amendment to Interlocal Agreement with Downtown Fort Lauderdale Transportation Management Association adding Uptown Link Community Bus Service

ADOPTED

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

CR-10 15-0284

Consent to Assignment of Lease Agreement from Cypress Executive Associates LLC to ICM (VII) Cypress LP for Lots at Executive Airport

ADOPTED

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

CR-11 15-0327

Aircraft Noise at Fort Lauderdale-Hollywood International Airport

Attorney Shaun Zaciewski of Katzman and Garfinkel, representing the Applicant, spoke in support of the item.

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

ADOPTED

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

PURCHASING AGENDA

PUR-1 15-0073

Electrical Upgrade of Transportation and Mobility Building - Electrical Contracting Service, Inc. - \$214,660

APPROVED

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

PUR-2 15-0112

Skid Steer Loader - Nortrax, Inc. - \$57,232

APPROVED

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

PUR-3 15-0173

Stormwater Rate Study - Burton & Associates, Inc. - \$59,903

APPROVED

Aye: 5 - Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis,

Commissioner McKinzie and Mayor Seiler

PUR-4 15-0217 Load Bank - Ramsay-Bliese Corp. d/b/a Leete Generators - \$44,650

APPROVED

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

PUR-5 15-0218 Manhole Rehabilitation Trailer - Madewell Products Corp. - \$84,786

APPROVED

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

PUR-6 15-0229 Barricades and Flasher Rental - Motplans.com LLC; Bob's Barricades, Inc.; Roadside Traffic Systems, Inc. - \$848,000 (four-year estimated cost)

APPROVED

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

PUR-7 15-0257 Osswald Park Concession Building - BNB Construction Inc. - \$157,100

APPROVED

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

PUR-8 15-0258 Golden Heights Curbing and Swale Project - Sagaris Corp. - \$55,755.

APPROVED

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

PUR-9 15-0259 Turf Grass Maintenance - C & M Landscaping, Inc. - \$225,855 (three-year cost)

APPROVED

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

PUR-10 15-0265 Police Department Windows Replacement Project - Trintec Construction Inc - \$157,500

Charles King, 105 North Victoria Park Road, said the police station should be replaced. He did not want money to be wasted.

Raymond Cox, no address provided, felt that there was not sufficient backup material on this item. He advocated for public restrooms.

There being no one else wishing to speak, a motion was adopted to close the public hearing.

In response to Commissioner Trantalis, the City Manager said the funding was coming from the capital improvement facility maintenance fund. The City Auditor added that grant funds became available following a hurricane a few years ago. There were numerous problems with the facility at the time, and several grants were secured. The City Manager advised that some windows were not covered under the grant.

Commissioner Roberts indicated that a police station should be included, as it is the oldest facility in Broward County. In the meantime there must be an operational facility to use during emergencies. This was the lowest of 10 bids for this item.

The City Manager added that, in addition to hurricane safety, they are experiencing leaks which adds to the air quality of the building. He confirmed that this will be paid for out of the general fund.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

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

PUR-11 15-0345 Reject All Bids - Criminal Defense Attorney Services

APPROVED

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

PUR-12 15-0382 City-wide Computer Hardware Additions and Replacements - Dell Marketing Corporation - \$448,000

APPROVED

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

MOTIONS

M-2 15-0172 QUASI-JUDICIAL - Compliance Determination with Resolution 14-44 Providing a Dock Waiver at 704 NE 20 Avenue

All individuals wishing to speak on this matter were sworn in.

Mayor Seiler reviewed the procedure for the public hearing and opened the floor for public comment.

Raymond Cox, no address provided, did not address the subject matter.

The City Manager pointed out that the property owners' representative has requested to defer the item to April 21, 2015.

Attorney Richard Coker of Coker & Feiner, representing the Applicant, noted that he requested a

continuance to April 7, 2015 so that the attorney representing Mr. and Mrs. Benyo can attend. He wished to put on the record Mr. And Mrs. Benyo's objection to the hearing. Mayor Seiler clarified they are only discussing the continuance.

Commissioner Trantalis clarified that Coker was suggesting the proceeding is inappropriate, even if continued to a later date.

Attorney Brady Cobb of Cobb Eddy PLLC, representing next door neighbors Jim Juranitch and Priscilla Boehme, said there is an ongoing public nuisance. They would like the matter heard tonight.

Coker said there is no boat and no tenant on the property. They are requesting a continuance because the attorney who represents the property owners is out of town.

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

Commissioner Trantalis pointed out that those who live around the property in question are concerned about the alleged nuisance created by the property owner. He asked if Coker could guarantee there would be no nuisance over the next two weeks if the matter is continued. Coker confirmed there would be no boat on the premises during the interim and said the only work being conducted is construction of pilings under an existing, active permit.

Commissioner Trantalis said there is a concern that some of the 10 conditions imposed on the dock waiver may have been violated. He felt it may behoove the property owner to not conduct any work until those issues are resolved.

Cobb said 34 neighbors have signed a petition. A commercial barge is there now along with a 60-foot boat. He reiterated that they would like the matter heard tonight.

Commissioner Trantalis requested that assurances be provided that there would be no boat dock and no work done over the next two weeks to maintain neighborhood integrity. Coker advised that between now and the hearing there will be no boat and no lease on the premises. The barge belongs to a marine contractor who is installing pilings. He did not believe dredging activities were taking place.

Mayor Seiler noted that he has serious concerns about the activities going on but wanted to impose conditions on the continuance to ensure no more impacts occur. No activity should take place at the property during the interim. Commissioner Roberts agreed. Mayor Seiler was concerned that a series of questions were asked when the waiver was approved. He wanted to ensure that no one was adversely impacted by the continuance.

Coker advised that a barge is there installing pilings, but that can be stopped. Additionally they are installing pavers in their driveway and would like to continue that work. Mayor Seiler recommended agreeing to a continuance as long as no work is conducted in the backyard. Vice-Mayor Rogers felt it would be a mistake to stop work on the pavers.

Motion made by Vice-Mayor Rogers and seconded by Commissioner Roberts to continue the item to April 21, 2015.

DEFERRED TO APRIL 21, 2015 subject to there being no activity on the rear of the property until the hearing is held

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

RESOLUTIONS

R-1 15-0354 Appointing a Director, Alternate and Second Alternate to Broward League of Cities Board of Directors

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, spoke in opposition to action taken concerning Agenda Item M-2. He went on to discuss public comment format.

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

There was consensus to appoint Commissioner Trantalis as director, Commissioner McKinzie as alternate and Commissioner Roberts as second alternate.

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

ADOPTED

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

R-2 15-0364 Intent to Lease South Side School to Friends of South Side, Inc. for Use as Cultural, Educational and Wellness Center

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned delays and the handling of this project.

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

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

ADOPTED

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

R-3 15-0302 Amending Resolution No. 15-28 to Announce that Tenant of Oasis Café Shall Pay Brokerage Commission and Revising Dates for Submittal of Bids

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, raised questions relating to decisions being made concerning this property.

Charles King, 105 North Victoria Park Road, questioned adding a 4 percent commission.

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

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

ADOPTED

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

R-4 15-0303 Amending Resolution No. 15-27 to Announce that Tenant of Bryan Homes Shall Pay Brokerage Commission and Revising Dates for Submittal of Bids

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned the brokerage commission provision. He questioned how the City Manager delegates work. He also spoke about potential corruption.

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

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

ADOPTED

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

R-5 15-0304 Amending Resolution No. 15-26 to Announce that Purchaser of 825 East Sunrise Bouelvard Shall Pay Brokerage Commission and Revising Dates for Submittal of Bids

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned whether Sunshine laws are being followed and the Broward Addiction and Recovery Center site plan.

Charles King, 105 North Victoria Park Road, questioned CBRE's commission, and whether the buyer receives a commission. Commissioner Trantalis said that has not yet been determined. Assistant City Attorney Bob Dunckel advised the resolution provides for a 4 percent commission to be paid by the buyer. Ryan Nunes of CBRE said if there is a co-broker, the fee is increased to 6 percent and shared equally between CBRE and the buyer's agent. It would be paid by the buyer or the tenant. Commissioner Trantalis understood that the brokerage fee for leases has yet to be resolved. The City Manager advised

that the existing contract specifies a brokerage fee for leases. Staff is in the process of amending it to deal with outside brokers to clarify the arrangement. This was in the agreement that was deferred. It would deal with leases, sales and renewals. The current agreement has a provision for both leases and sales. He believed the commission on sales is 4 percent. This resolution provides that the commission is paid by the buyer. Any other brokerage fees of the buyer's broker would also be paid by the buyer. In further response, Nunes advised if there is another broker, it is not addressed as to how to be paid, which was the reason for the amendment. He confirmed a buyer's broker would expect half of a typical brokerage fee, three percent. A buyer will have to pay 7 percent to both brokers under the existing agreement. The City Manager confirmed with the appraisal at \$1.134 million, the buyer would have to pay \$80,000 (7 percent commission) in addition to the appraised value as a minimum bid.

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

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

ADOPTED

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

R-6 15-0313 Disposal of City-Owned Surplus Properties

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, advocated for the homeless.

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

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

ADOPTED

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

R-8 15-0195 QUASI-JUDICIAL - Riva Residences Plat - Case PL14007 - 108 North Federal Highway - Premier Riva, LLC

All individuals wishing to speak on this matter were sworn in.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, discussed growth, public transportation, congestion and the 911 system.

Greg Brintlinger, president of East Point Towers and a member of Lake Ridge Civic Association, requested deferral until issues are resolved with Florida Department of Transportation and the neighborhood. Although issues may have been addressed at the Development Review Committee (DRC) level, they were not satisfied. He went on to list requirements that were to be met by the Applicant,

which has not happened. He wanted meetings to be held with the Applicants. He felt that the Applicant's plat application was incomplete and should be rejected.

Steve Dolgin, secretary of East Point Towers, emphasized that in the Development Review Committee meeting information it indicates that the Applicant acknowledges that one or more additional conditions of approval may arise which will be completed prior to the Committee's final sign-off. However, the Applicant was not required to have a meeting.

Ted Spiliotis, representing Lake Ridge Civic Association, advised that the Applicant has not contacted the Association about the plat and City staff promised this would take place following the Development Review Committee's meeting about the plat. He mentioned several other projects recently approved in the area. Traffic issues are a concern. He requested these matters be addressed before approval of the plat.

Jerry McLaughlin of McLaughlin Engineering, representing the Applicant, said they have met with Florida Department of Transportation (FDOT) and staff and adhered to all requirements. Commissioner Roberts said the allegation is that the Applicant did not meet with the neighborhoods. The City Manager advised that Lake Ridge and Victoria Park neighbors attended the meeting with FDOT convened by the City on February 12. The neighbors believe the Applicant should have called a meeting rather than the City. Brintlinger explained at the DRC meeting that neighborhood representatives clearly said they wanted to be a part of and participate in the discussions. The Applicant and City staff consented. The meeting referenced by the City Manager is one about 15 Street traffic and many other issues. They would like a specific conversation with the Applicant to take into consideration the U-turn in front of the subject property. It does not appear that any changes by FDOT are planned. He clarified for Commissioner Roberts that it is understood the neighbors may not agree with FDOT strategy, but nonetheless the neighbors want a meeting for the conversation to take place.

Commissioner Trantalis referred to the public participation ordinances recently adopted. The neighbors are familiar with the location and the traffic issues. It is a difficult corner. It is a matter of trying to make the plan better. Courtney Crush of Crush Law, representing the Applicant, indicated the site plan was approved in summer 2012. A meeting was held on June 13 which was before the site plan went before the Planning and Zoning Board. The requirements were listed as conditions of approval. The requirements were addressed by FDOT. She provided an email from Eric Czerniejewski, dated June 13, 2013 concerning the conditions that is attached to these minutes. * FDOT was not in agreement that a pedestrian crossing was warranted at U.S. 1 for the development. It appears there was overlap with the site plan and the same conditions. Follow up with City staff and FDOT occurred in February of last year.

Brintlinger indicated there were additional items in the DRC meeting associated with the plat approval calling for a meeting about neighborhood issues that never took place. He went on to comment that at the DRC meeting, they asked the question repeatedly and no one from City staff acknowledged that any other meetings had taken place. The neighborhood took the initiative to meet with FDOT and the City because the meeting never took place. They would like the Applicant to be a part of the discussions. Mayor Seiler asked if the comments in the email provided by Crush existed in 2013, why would they be included in a 2014 document. Director of Economic and Sustainable Development Jenni Morejon explained that typically a site plan and plat run parallel in the process. In this case the site plan was approved last summer after going through the full development review process when those types of comments from engineering were originally addressed. When the plat application came through, the same comments from the site plan application were restated. In the plat process, the City initiated a meeting the FDOT and neighbors from the area to talk about issues at a global level because other developments have come in since the Riva site plan. Mayor Seiler understood the misunderstanding in that it appears the language is saying the conditions need to be done again. It says that the neighborhood should have a meeting with the City and FDOT to address the conditions but should have said they were already addressed. The City Manager pointed out that subsequently there was an additional meeting

held in February of 2015 with the neighborhood but the Applicant was not present. Morejon advised that after comments were made on the plat, staff held a meeting in January with the district commissioner and the neighborhood to clarify the confusion. As a result a meeting was then held on February 12 with FDOT and neighborhood representatives to talk about the entire Gateway intersection collectively.

Dolgin said that staff indicated to the neighbors that they would be notified of meetings with FDOT so that they could attend. It was clarified that occurred at the DRC meeting. Mayor Seiler believed the confusion has to do with a drafting error on the City's part. Dolgin went on to explain more details of what the neighbors were told leading to the confusion. Commissioner Trantalis felt that while meetings were held in connection with the site plan, new projects have come along that will impact the area. Commissioner Roberts questioned the ramifications of not approving the plat when the site plan has been approved. He questioned holding this development back at plat level because of other developments. He felt concerns will be addressed in the future as FDOT has a chance to assess all the developments. Mayor Seiler concurred. Vice-Mayor Rogers questioned when is the best time to discuss these issues. Crush advised the City asked the questions of FDOT in 2013 which is why City staff attended the meeting with FDOT with the Applicant's traffic consultant. When it was noticed that the site plan conditions were replicated in the plat documentation, she reached out to the City engineering staff which resulted in City staff including the City Manager meeting with East Point. The issues were raised during site plan approval. She understood staff arranged for an independent secondary follow up meeting with FDOT and neighbors to discuss the issues, but the Applicant was not included. In fairness to the neighborhood, she agreed to set an independent meeting with FDOT and the City. In response to Mayor Seiler, Brintlinger indicated that purpose of the meeting was not articulated to him. He went on to say that in their meetings with FDOT, it should be noted that they are looking at a mid-block crosswalk. FDOT is studying the area. City staff participated in these meetings. Morejon advised that FDOT did not want to focus on site specific improvements, but to look collectively at all of the development taking place and come up with a series of improvements with one being crosswalks. Debora Griner, Transportation Manager, indicated that FDOT requested all traffic studies for developments in the last year or so and made it clear they wanted to look at it from a corridor perspective. They have a safety study and a resurfacing study underway. They wanted to know issues raised by the area neighbors. It was not site specific. Lake Ridge was invited, which provided input to FDOT also. Information was provided to Broward County.

Crush indicated she did not know this confusion existed until this evening. They will be crystal clear going forward. The site plan conditions were addressed and satisfied. She referred to the staff's findings in the backup with respect to the plat. The Applicant has satisfied the adequacy requirements for 100 residential units and 15,000 square feet of commercial use. She urged approval.

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

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

Mayor Seiler understood why the neighborhood was confused. He recognized that FDOT has additional issues but the site specific was examined by FDOT in 2013 and issues were addressed. Separately at the request of the City in 2014 and 2015, FDOT is studying the entire corridor study. Commissioner Trantalis felt that staff should continue to pursue its efforts in conjunction with FDOT with respect to some type of crosswalk or pedestrian safety assistance because it is an important issue. He did not think that requirement could be attached to this plat because it is not site-specific. The City Manager noted that staff would diligently pursue all safety options for the corridor, approximately from 16 Street to Searstown. It is critical to have a walkable city.

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

ADOPTED

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

R-9 15-0310 QUASI-JUDICIAL - Determining Proposed Change to Development Order for New River Center Florida Quality Development is not a Substantial Change and Expressing No Objection to the Modification - Riverwalk Center I Joint Venture

All individuals wishing to speak on this matter were sworn in.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, was concerned about pedestrian safety issues. He went on to talk about Riverwalk.

There being no one else wishing to speak on this matter, a **motion** was made by Vice Mayor Rogers and seconded by Commissioner Roberts to close the public hearing. Roll call showed: **AYES:** Vice-Mayor Rogers, Commissioner Roberts, Commissioner McKinzie and Mayor Seiler. **NAYS:** None. **NOT PRESENT:** Commissioner Trantalis.

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

ADOPTED

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

Not Present: 1 – Commissioner Trantalis

R-10 15-0282 Appointing City Board and Committee Members

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, suggested that homeless people be permitted to serve on the Parks, Recreation and Beaches Advisory Board.

There was no one else wishing to speak.

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

- | | |
|-------------------------|--------------------------------------|
| Audit Advisory Board | D. Keith Cobb (Commissioner Roberts) |
| Aviation Advisory Board | Patrick Kerney (Commissioner Rogers) |
| | John Watt (Commissioner Trantalis) |

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

ADOPTED

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

PUBLIC HEARINGS

PH-2 15-0249 QUASI-JUDICIAL - De Novo Hearing of Site Plan Level IV Development Permit - Bayshore 740 - 740 Bayshore LLC - Case R14049

All individuals wishing to speak on this matter were sworn in.

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

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, was concerned about the lack of open discussion.

Assistant City Attorney D'Wayne Spence noted that although the distinction between the two is slight, this is not a de novo hearing; it is a quasi-judicial hearing.

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

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

ADOPTED

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

ORDINANCES

O-1 15-0339 First Reading of Ordinance Establishing Number of Members for Marine Advisory Board and Parks, Recreation and Beaches Advisory Board

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, spoke in opposition to providing for mega-yachts and damaging seagrass.

Charles King, 105 North Victoria Park Road, criticized the Marine Advisory Board membership representation of broad City interests and diversity in general.

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

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

PASSED FIRST READING

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

O-2 15-0143 First Reading of Ordinance Creating New Article in Code of Ordinances Regulating and Permitting Street Performers and Street Artists - Riverwalk and Central Beach Area

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, advocated for the homeless and equal rights.

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

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

In response to Commissioner Trantalis, Assistant City Attorney Alain Bouileau agreed to add language for second reading to address aggressive solicitation.

PASSED FIRST READING

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

O-3 15-0169 QUASI-JUDICIAL - Aquatic Complex - Second Reading of Ordinance Approving Public Purpose Use and Issuance of Site Plan Level IV Development Permit - City of Fort Lauderdale - Case R14005 - Request to Defer to April 7, 2015

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to defer the item to April 7, 2015.

DEFERRED TO APRIL 7, 2015

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

O-4 15-0207 Second Reading of Ordinance Amending Ordinance C-13-39 that Vacated a 15-foot Wide Alley Associated with New Mount Olive Baptist Church Expansion

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, advocated for the homeless.

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

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

ADOPTED ON SECOND READING

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

O-5 15-0250 QUASI-JUDICIAL - First Reading of Ordinance Rezoning from Residential Mid Rise Multifamily/Medium Density (RMM-25) to Exclusive Use - Parking Lot (X-P) with Commercial Flex Allocation - Preston Holding's Land Trust - Case ZR14002

All individuals wishing to speak on this matter were sworn in.

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

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned the zoning district of Exclusive Use – Parking Lot.

L.F. Rosenthal, 1237 NW 4 Avenue, suggested applicants provide a development model visual aide in the chambers.

Trudy Palin, president of Venezia Las Olas Condominium and vice president of Beverly Heights Neighborhood Association, spoke in opposition to the item and advocated for the property to remain residential in character.

Joe Fellmeth, president of Beverly Heights Neighborhood Association, spoke in opposition to the item and advocated for the property to remain residential in character.

Commissioner Trantalis pointed out that there is a lack of parking around the Las Olas corridor. Considering the sensitive nature of Colee Hammock and Beverly Heights, one would think that adding parking would be helpful to accommodate events and weekend influx. Fellmeth indicated that parking overflow for events has been addressed with the use of barricades however there is a continued problem with area employees parking in the neighborhood because it is free. He did not think it is about a shortage of parking but rather the cost. Mayor Seiler thought more parking would be welcomed. He has only had positive feedback. Fellmeth advised that they first heard of the plan last summer. They told the Applicant at that time that they did not see how this would improve the neighborhood. They would prefer townhouses. Palin explained she would prefer grass, landscaping and residences instead of a parking lot. It is a neighborhood not just the downtown.

In response to Mayor Seiler, Fellmeth and Palin indicated that they did not testify before the Planning and Zoning Board. Fellmeth indicated they missed the meeting. Mayor Seiler noted that it was unanimously approved by that board. Vice-Mayor Rogers understood the neighborhood's perspective. He went on to review criteria in the Unified Land Development Regulations. He could not see how a commercial parking would ever be consistent with residential use.

Attorney Courtney Crush of Crush Law, representing the Applicant, explained she met with Palin and Fellmeth in April 2014. She displayed an aerial of the property and area. In some locations, she might agree with the neighborhood, but at this location she felt this is exactly what the Exclusive Use zoning was put into the code to do; that is low intensity buffering uses and designed site specific. Previously, a parking lot could be built in multi-family residential zones with simply a building permit. With approval of

review criteria in the Unified Land Development Regulations. He could not see how a commercial parking would ever be consistent with residential use.

Attorney Courtney Crush of Crush Law, representing the Applicant, explained she met with Palin and Fellmeth in April 2014. She displayed an aerial of the property and area. In some locations, she might agree with the neighborhood, but at this location she felt this is exactly what the Exclusive Use zoning was put into the code to do; that is low intensity buffering uses and designed site specific. Previously, a parking lot could be built in multi-family residential zones with simply a building permit. With approval of this item, the site plan will be locked in. She went on to review slides justifying the application that are attached to these minutes. In response to Vice-Mayor Rogers, Crush explained the condition of being designed to provide compatible parking means that the parking lot will not serve a parking generator. Nineteen spaces are proposed for the public via pay by phone through the City with more landscaped buffering than a townhouse. She described the ingress/egress. Commissioner Trantalis observed that the block with the exception of one building owned by Carroll's Jewelers is parking. In response to Mayor Seiler, Crush advised that the parking could be used by the neighborhood as well. She noted the Applicant received letters of support from two area property owners (not submitted).

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

Vice-Mayor Rogers commented that no one likes a parking lot unless they need a parking space. The neighborhood has come to the conclusion that they do not need it. He felt that the neighborhood has a strong case and the compatibility criteria is in their favor to the extent that everything to the north and west is residential. Mayor Seiler pointed out the continuous parking lot use and as such he felt that the compatibility is compelling. Vice-Mayor Rogers understood the neighborhood's concern. In response to Mayor Seiler, Director of Sustainable and Economic Development Jenni Morejon advised that the underlying land use remains residential, but the zoning will be changed. It could go back to any residential zoning that is permitted by the underlying land use which would be what exists today or something similar. Property to the west is also Exclusive Use.

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

PASSED FIRST READING

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

Nay: 1 – Vice-Mayor Rogers

There being no other matters to come before the Commission, the meeting was adjourned at 10:34 p.m.



John P. "Jack" Seiler
Mayor

ATTEST:



City of Fort Lauderdale