

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, February 4, 2014

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

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

Meeting was called to order at 6:07 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 3 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts and Commissioner Bobby B. DuBose

Absent: 2 – Commissioner Romney Rogers (arrived momentarily) and Commissioner Dean J. Trantalis (arrived momentarily)

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

Vote Roll Call Order for this Meeting

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

Invocation

Reverend Christopher T. Metropulos

Pledge of Allegiance

Led by Larry Clemons

Approval of MINUTES and Agenda

14-0171 APPROVAL OF MINUTES for May 28, 2013 and August 23, 2013 Goals Workshops; January 6, 2014 Joint Workshop with Historic Preservation Board; and January 7, 2014 Regular Meeting

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

APPROVED

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

PRESENTATIONS

PRES-1 14-0229 RECOGNITION OF AQUA ANGEL FOUNDATION AND BASS PARK TEENS FOR EDUCATING 500 BROWARD COUNTY YOUTH ABOUT SOCIAL AND SEXUAL AWARENESS AND PERSONAL DEVELOPMENT AMONGST TEENS

Commissioner DuBose presented certificates of recognition to representatives from the Aqua Angel Foundation and Bass Park Teens. Nara Chaffin commented on the group's activities.

PRES-2 14-0170 RECOGNITION OF SUSTAINABILITY DIVISION OF PUBLIC WORKS DEPARTMENT - Awarded Gold Status by Florida Green Building Coalition

Jim Barnes of the Florida Green Building Coalition presented the Gold Status Award to the City Manager. The City Manager recognized Deputy Director of Public Works Julie Leonard and Administrative Assistant Heather Steyn for their contributions to this effort.

PH-3 14-0188 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3.C for construction of nine triple-pile clusters extending a maximum of 166.9 feet from property line into Middle River - 704 NE 20 Avenue - REQUEST TO DEFER TO FEBRUARY 18, 2014

Applicant: Shawn and Jennifer Benyo

Motion made by Vice-Mayor Roberts and seconded by Commissioner Trantalis to defer the item to February 18, 2014.

DEFERRED TO FEBRUARY 18, 2014

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

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose that Consent Agenda Items M-4, M-6, M-8, M-9, CR-1, CR-2, CR-4, CR-5 and CR-6 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

APPROVED

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

M-1 14-0121 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: DHL Focus, MagnaCare, March for Cancer, 14th Annual Riverwalk Run, Take Steps Walk and 2575 Triathlon.

APPROVED

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

M-2 14-0120 CLUELESS ON LAS OLAS EVENT AGREEMENT**APPROVED**

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

M-3 14-0116 CITIZENS' COMMITTEE OF RECOGNITION NOMINATION RECOMMENDATIONS**APPROVED**

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

M-4 14-0210 LAND SWAP AGREEMENT - BOKAMPER'S SPORTS BAR AND GRILL - existing Fire Station 54 site at northeast corner of NE 32 Avenue and Oakland Park Boulevard being conveyed to P.D.K.N. P-4, LLC and property on northwest corner of NE 33 Avenue and NW 32 Street being conveyed to City

Assistant City Attorney Bob Dunckel advised the agreement has been modified. There was a provision requiring the agreement be executed and delivered four business days prior to the Commission meeting. The deadline was not met so it was removed. Additionally there was a request for a second agreement, leasing Parcel 2 (where the new fire station will be built) to Bokamper's so they can use it prior to construction for parking. This will be a condition precedent to the closing. It is a \$10 lease anticipated for a short duration.

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

APPROVED AS AMENDED

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

M-5 14-0042 EXTENDING POLICY FOR PROVIDING SUPPLEMENTAL PAY AND HEALTH AND DENTAL INSURANCE TO EMPLOYEES CALLED TO ACTIVE DUTY**APPROVED**

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

M-6 14-0181 SETTLEMENT OF WORKERS' COMPENSATION FILE WC-04-11945 (William McGarry) - \$489,622

Charles King, 105 North Victoria Park Road, claimed this item is in reference to a police officer who shot his partner. Control and discipline over the Police Department has been ceded to their union. He believed perhaps the union should be paying these costs. It likely affects the insurance rate if

employees are not terminated for such an action. He believed the individual is still employed by the City.

Mayor Seiler advised that this item relates to a workers' compensation claim for an officer who was shot in the line of duty. Vice-Mayor Roberts added that the response occurred during a hurricane and involved a domestic dispute where a weapon complaint was lodged. Mayor Seiler noted that the claim is being paid by a workers' compensation carrier. The City Manager noted that everything on the Internet is not factual. In response to Commissioner Trantalis, the City Manager confirmed the City is paying a total of \$2.5 million. He was unsure how much of that amount the insurance carrier is paying.

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

APPROVED

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

**M-7 14-0075 TASK ORDER W-5 - \$6,250 - AIR QUALITY STUDY - EE &G
Environmental Services, LLC**

APPROVED

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

**M-8 14-0110 COMPETITIVE SANCTIONED USA SWIMMING SWIM MEETS AT
AQUATIC COMPLEX - Memorandum of Understanding with Swim
Fort Lauderdale Booster Club, Inc.**

Art Seitz, 1905 North Atlantic Boulevard, noted that the Aquatic Complex encompasses about 5.5 acres. It holds two swim meets. About 60 to 80 percent of the Beach Redevelopment Advisory Board funds will apparently be spent for more swim meets. Only six out of 1,600 participants of the visioning process showed interest in water activities. He went on to say the facility does not have a kitchen and has a problematic dive tower. There is minimal use of the roof. It is not configured to accommodate bleachers for Winterfest viewing. He did not agree with the design. He believed campaign contributions are being made and the project is getting moved forward. Input has been ignored.

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

APPROVED

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

**M-9 14-0111 COMPETITIVE SANCTIONED U.S. MASTERS SWIM MEETS AT
AQUATIC COMPLEX - Memorandum of Understanding with Swim
Fort Lauderdale Masters Booster Club, Inc.**

Art Seitz, 1905 North Atlantic Boulevard, said these two groups will be staying at local hotels. The lead

lobbyist for Recreation, Design and Construction Incorporated is Jim Blosser, who managed Commissioner DuBose's campaign. Commissioner DuBose said that is not correct; in fact he and his family managed his campaign. Seitz contended that in his opinion Alain Jean ran the campaign.

Seitz went on to say that the Aquatic Complex does not have a restaurant and does not take advantage of being multi-purpose. The City is spending 50 times the amount being spent on the greenway and scenic highway, which was the top priority identified in almost every survey conducted. It makes no sense until one follows the campaign donations. He pointed out that the City Auditor suggested the project be re-bid. He questioned the developer's credibility.

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

APPROVED

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

M-10 14-0167 FIVE-YEAR CONTRACT FOR FITNESS AND WELLNESS CLASSES AT BEACH COMMUNITY CENTER - North Broward Hospital District d/b/a Broward Health - retroactive to February 1, 2014 through January 31, 2019

APPROVED

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

M-11 14-0097 CHANGE ORDER 1 - REPAIR OF WEST PIERS AT GEORGE ENGLISH PARK - Engineer Control Systems Corporation - \$16,815 - additional quantities associated with Work Order 1

APPROVED

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

M-12 14-0100 AMENDMENT TO SETTLEMENT AND REMEDIATION AGREEMENT WITH FORT LAUDERDALE COUNTRY CLUB AND ACCEPTING REMEDIAL ACTION PLAN ADDENDUM II

APPROVED

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

- M-13 14-0003** FUNDING REQUESTS OF BEACH BUSINESS IMPROVEMENT DISTRICT: EVP Fort Lauderdale Pro Volleyball Tour (\$6,000), Fort Lauderdale Beach "Watershed to the Reef" Beach Clean Up and Scavenger Hunt (\$11,000) and Tropic Magazine Mod Weekend 2014 (\$11,250), contingent upon approval of event agreements

APPROVED

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

- M-14 14-0008** CITY COMMISSION REQUEST FOR REVIEW - INSTALLATION OF ABOVE-GRADE COMMUNICATIONS CABINETS - schedule public hearing on February 18, 2014 for review of application for waiver or exemption- 1601 NE 56 Street and 1707 East Commercial Boulevard

APPROVED

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

- M-15 14-0219** REVOCABLE LICENSE - INSTALLATION AND PERPETUAL MAINTENANCE OF PRIVATE UTILITY LINES WITHIN PUBLIC ALLEY - CAMM Educational Enterprises, Inc. - improvements for NW 7 Avenue

APPROVED

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

OTHER BUSINESS

- OB 14-0242** DESIGNATION OF PARTICIPANT IN RESOURCE RECOVERY BOARD ASSET LITIGATION

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose to designate Commissioner Rogers as the lead participant and Mayor Seiler as the alternate.

APPROVED

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

- OB 14-0255** ONE STOP SHOP (OLD FTL HR BUILDING) – LICENSE AGREEMENT – 201 North Andrews Avenue

The City Manager explained this is an arrangement with the Department of Defense for specialized training. Use of the facility is limited to 72 hours. In response to Commissioner Trantalis, the City Manager said no compensation is involved. He provided the proposed license agreement.

Motion made by Vice-Mayor Roberts and seconded by Commissioner DuBose to approve the license

agreement as recommended.

APPROVED

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

Continued below.

CONSENT RESOLUTION

CR-1 14-0225 SUPPORTING "STOP THE ORGANIZED PILL PUSHERS" (STOPP) AND FLORIDA'S PRESCRIPTION DRUG MONITORING PROGRAM -and urging Broward County State Legislative Delegation to oppose Florida Senate Bills 7014 and 7016 that would impact the program

Vice-Mayor Roberts thanked those who have supported this resolution, particularly Police Chief Frank Adderley and Broward County Sheriff Scott Israel.

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

ADOPTED

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

OB 14-0255 ONE STOP SHOP (OLD FTL HR BUILDING) – LICENSE AGREEMENT – 201 North Andrews Avenue

In response to Commissioner Trantalis, the City Manager advised that use of the building is gratis. The Police Department will receive additional training.

CR-2 14-0222 APPOINTMENT OF BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC AS SPECIAL COUNSEL - administrative appeal of FEMA's de-obligation of disaster assistance - Hurricanes Katrina and Wilma

Mayor Seiler wanted to amend the threshold to \$25,000 without further approval by the City Commission.

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

ADOPTED AS AMENDED

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

**CR-3 14-0089 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2014
BUDGET – APPROPRIATION**

ADOPTED

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

**CR-4 14-0227 CHRONIC HOMELESS HOUSING COLLABORATIVE PROJECT -
PURCHASE OF GOODS OR SERVICES - waiving Division 2, Chapter
2, Article V, subject to final passage of Ordinance C-14-07**

The City Manager advised there is a substitute resolution because the City Auditor wanted to limit the waiver to specific provisions of the chapter.

Christine Timmon, 12 SE 20 Street, felt the chronic homeless do not actually want a home. She urged the City to close Stranahan Park because of the unsanitary conditions. She has addressed this issue with the Broward County Commission. It is unsafe. Housing should only be available for those who have a temporary problem. Children of the chronic homeless should be placed in foster homes.

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

ADOPTED AS AMENDED

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

**CR-5 14-0085 LOT CLEARING AND CLEANING - imposing special assessment liens
for associated costs**

Art Seitz, 1905 North Atlantic Boulevard, expressed concerns about the Ireland's Inn and Howard Johnson's properties. City employees and elected officials drive by these sites and do not do anything. The property owners should be fined. There are six parking spaces at Ireland's Inn. Fort Lauderdale residents are getting locked out of the beach. The City has the potential of building one of the greatest segments of greenway. State Road A1A between Sunrise Boulevard and 18 Street should be pedestrian-friendly. Commissioner Rogers and Vice-Mayor Roberts are on the board of the Metropolitan Planning Organization, whose long-range plan offers \$13 billion to \$15 billion by 2035. Someone should champion this.

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

ADOPTED

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

- CR-6 14-0147** BEACH EROSION CONTROL WALL AND PEDESTRIAN BEACH WALKWAY - STATE ROAD A1A BETWEEN SUNRISE BOULEVARD AND 18 STREET - Florida Department of Transportation 1) perpetual easement or easements and 2) license agreement

Revisions were made to Exhibits 2 and 4 of Commission Agenda Memorandum 14-0147.

Art Seitz, 1905 North Atlantic Boulevard, said the City has the potential to build a world-class iconic greenway, which would be part of an east coast greenway to Key West. In Broward County it is supposed to be 27 miles long. The County voted unanimously to build an A1A greenway, as did the City. It has been one of the top priorities of the Central Beach Alliance and Council of Fort Lauderdale Civic Associations. Beach Redevelopment Advisory Board funding will be spent and the result will be a 12.5-foot wide sidewalk. He compared it to the Riverwalk, which has 35-foot sidewalks, and Hollywood, which has 30-foot sidewalks.

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

ADOPTED

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

- CR-7 14-0160** NEW MAST ARMS AT NE 15 AVENUE AND NE 17 WAY ALONG SUNRISE BOULEVARD - DEED CONVEYING PORTIONS OF RIGHT-OF-WAY - Florida Department of Transportation

ADOPTED

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

- CR-8 14-0166** GRANT APPLICATIONS - TRANSPORTATION ALTERNATIVES PROGRAM - DIXIE HIGHWAY AND BAYVIEW DRIVE - Florida Department of Transportation through Broward Metropolitan Planning Organization

ADOPTED

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

PURCHASING AGENDA

- PUR-1 14-0119** STRUCTURAL BRIDGE ENGINEERING CONSULTING SERVICES - BRIDGE MASTER PLAN - negotiate pricing with TranSystems Corporation subject to Consultants Competitive Negotiations Act

APPROVED

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

- PUR-2 14-0144** STRANAHAN PARK FENCING - annul award to low bidder and award to second lowest bidder - \$86,904

APPROVED

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

- PUR-3 14-0161** LAS OLAS BOULEVARD CORRIDOR IMPROVEMENTS - consultant services- \$4,500,000 and Task Order 1 - \$2,011,900 - EDSA, Inc.

APPROVED

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

- PUR-4 14-0230** REVISED AGREEMENT FOR HOUSEHOLD HAZARDOUS WASTE SERVICES - Clean Harbors Environmental Services, Inc.

APPROVED

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

CITIZEN PRESENTATIONS

- CIT-1 14-0123** ART SEITZ - Fort Lauderdale's Greatest Asset -Its Barrier Island

Art Seitz believed there is an opportunity for the City to provide for trailheads, one of which could be the Aquatic Center or both sides of the Las Olas Marina parking lot. The City has missed out on tens of millions of available dollars because it is not shovel-ready. The Metropolitan Planning Organization will have \$13 billion to \$15 billion available through 2035. In the past, the money has gone west of Interstate 95 because those communities had better representation than Fort Lauderdale. The Aquatic Center has no kitchen or no restaurant. The dive tower is 75 feet above ground level. There is a poor view for Winterfest. The design virtually ignores the \$600,000 Sasaki study. There should be an Intracoastal Waterway loop hooked onto the A1A greenway with restaurants.

CIT-2 14-0124 MAURICE WALKER - Code Violations - 2308 NW 26 Street

Maurice Walker was not present.

CIT-3 14-0127 JOHN L. DOTTO - Proposed Passenger Rail Service by Florida East Coast Industries and All Aboard Florida - Negative Impact on Boat and Commercial Marine Traffic on New River

John Dotto referred to the All Aboard Florida (AAF) project and said he is speaking on behalf of many residents and boaters who are concerned about bridge closings that will block the view, impact quality of life and cause property values along the New River to decrease. The project also will impact the multi-billion-dollar marine industry. The AAF time table calls for the passenger train service to operate between 6 a.m. and 9 p.m. This is the same window during which 95 percent of marine traffic navigates the river. During that window, an average of six freight trains cross the Florida East Coast (FEC) bridge, each taking about 20 minutes to cross. The AAF proposal is for 32 train crossings. Documented in the minutes of an October meeting in Port St. Lucie, AAF concluded that a passenger train would take 12 minutes to cross the Roosevelt Royal Bridge, which is virtually identical to the FEC bridge in Fort Lauderdale. Thirty-two crossings translates to eight hours and 20 minutes of bridge down time. The AAF website makes no mention of the impact on the New River. The dramatic increase in rail traffic will severely hinder navigation along the New River and cause constant traffic jams. These times do not include the four container trains from Port Everglades and the Port of Miami that would bring the total to nine hours and 40 minutes. He is not against passenger rail but opposes use of current FEC infrastructure. The solution is to elevate the rail and bridge infrastructure for passenger rail service and relocate west of the city.

Mayor Seiler explained that the figures Dotto read are inaccurate. The Commission met with AAF representatives on this specific issue. They are planning to operate 16 trains, not 32 because two will pass at the same time. The trains only have about seven or eight cars. There will be a full-time tender at this location. Because of the tender, there will probably be less or the same impact as the current situation. Currently, when a train is approaching, the bridge closes about 15 minutes early, and there is at least a 10 minute delay after the train passes over the bridge. Once the tender is added, those times will be substantially reduced. The marine industry has been informed. Dotto did not believe the trains would be synchronized so there will only be 16 crossings instead of 32. He agreed the tender would improve the situation. He felt the marine industry is trying to understand this.

The City Manager explained that the federal government approved a grant which will divert freight south of the port. The Port of Miami freight trains will not be coming through Fort Lauderdale. There will be tremendous relief on the long, two-mile trains.

Commissioner Rogers noted the downtown bridges are already closed during rush hour. The Commission has studied this matter thoroughly. This is an opportunity to test whether this will work and whether commuter rail will function without more construction.

CIT-4 14-0128 ANGELA BROWN, CHRISTOPHER GATES AND MARC LA ROSE - Dillard Innovation Zone Strategic Plan: Black Male Task Force - School Board of Broward County Strategic Planning Initiative

Christopher Gates presented copies of the Black Male Task Force Strategic Plan which was made part of the record. Angela Brown, principal of Dillard Elementary School, said they are trying to decrease the dropout rate among black boys, decrease the suspension rate and decrease the crime rate. They

created several initiatives to address these challenges. A program has been developed to allow 4-year-old students in school for a half semester. She commented on its success since the August start date. Marc LaRose, assistant principal of William Dandy Middle School, described their school-based mentoring program.

Mayor Seiler thanked the administrators for their work. Commissioner DuBose said this is a major initiative from the School Board.

CIT-5 14-0142 BENJAMIN PROWS - Bicycle Safety and Awareness

Benjamin Prows said Fort Lauderdale is the third worst place to bicycle in the country. It is dangerous to bike through the tunnel. There should be better markings and a motorist awareness effort. He also did not think that bicycles should be taken away if they are not registered. Commissioner Trantalis felt everyone agrees the tunnel is not intended for bicycles. There are alternative safer routes available.

RESOLUTIONS

R-1 14-0048 QUASI JUDICIAL - VACATION OF 15 FOOT UTILITY EASEMENT-related to Wal-mart shopping center development on south side of West Broward Boulevard between SW 24 and 27 Avenues - Case 3M13

Applicant: GDC Broward RB LLC % Gatlin Development Co - Riverbend Marketplace
Location: East side of SW 27 Avenue, South of SW 2 Court -

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

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

ADOPTED

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

R-2 14-0182 AMENDMENTS TO CONSOLIDATED DOWNTOWN MASTER PLAN INCLUDING DESIGN GUIDELINES - Incorporating Transit Oriented Development Guidelines for Downtown Regional Activity Center - Case 11T13

Mayor Seiler opened the floor for public comment.

Larry Clemons, 725 Progresso Drive, said he has lived in the area for 30 years and operated three art galleries. He believed the Progresso area from Andrews Avenue to Sunrise Boulevard and 3 Avenue is a prime location for cafes, restaurants, coffee shops, art galleries and art studios. Currently about half of the area warehouses are wholesale car dealers. When the owners begin to realize the value of their properties, the area will transcend into an entertainment district. The reality of 2 Avenue is that it will eventually be home to high-rise riverfront development. The whole purpose of the greenway, The Wave, the new bus terminal and the Florida East Coast (FEC) terminal is to discourage people from

using their cars. With Fat Village on the west side and 3 Avenue arts district on the other side of the city, the only connector is Progresso. The Transit Oriented Development (TOD) Guidelines support connecting communities. Parking requirements should be exempt in the area.

In response to Commissioner Trantalis, Deputy Director of Sustainable Development Jenni Morejon displayed a map of the Downtown RAC. The area Clemons is referring to is in Northwest RAC. It is likely in the future that TOD guidelines could be applied to both RACs. However at this time, it is focused on the Downtown RAC because there is an existing adopted master plan that has been in effect since 2003 and is already utilized through code requirements for all new development. Commissioner Trantalis said the Progresso area discussed by Clemons has sat dormant for some time. This is an area that keeps expanding from the downtown and there is an attempt to make it more urban friendly. He questioned whether the City could expand the boundaries to include this Progresso area. Morejon said that could be done but it would require additional analysis because they are in different zoning districts and do not have the same applicability to the Downtown Master Plan code and guidelines in effect for the Downtown RAC. The City is looking at reduced parking standards downtown, in light of the work that has been done through the master plan. There is a transit radius that follows The Wave streetcar route and the anticipated All Aboard Florida station.

In response to Mayor Seiler, Morejon said in comparison to property northwest of the tracks, they are different zoning districts. The Downtown RAC has zoning categories that are much more flexible. The city center and urban village districts allow a greater mix of uses. There are different parking standards. There are areas of the Downtown RAC that are parking exempt. The suggestion is feasible moving forward.

In response to Commissioner DuBose, Morejon explained that staff was moving quickly to incorporate code updates and new design guidelines to support transit-oriented development. This is an incremental approach. Staff focused first on the Downtown RAC because it has an adopted master plan. The City is in the process of making code changes in the Northwest RAC, primarily along the Sistrunk corridor. As part of that effort, these guidelines could be incorporated. Commissioner DuBose said it comes across as though it is being done in a vacuum rather than comprehensively.

The City Manager explained that the Downtown RAC was addressed first because federal funding scorers for The Wave wanted to see a TOD in place in the downtown. The City has had no prior experience with TODs. Staff can certainly expand TODs to other parts of the city. Commissioner Trantalis felt the Downtown RAC boundary is not being used for its intended purpose. When the Commission discussed The Wave assessment, the consultant said the boundary lines would be used to qualify people who would most likely be using The Wave even though one block away people are not being assessed and several blocks away in another direction, people are being assessed. There is no rhyme or reason as it relates to The Wave assessment program. That seems to also be the case in this instance. It does not take into consideration that the city has grown and changed since the RAC was first designed. There is an opportunity to free up real estate that has been stifled because of restrictions that are no longer applicable. The Commission should consider expanding the TOD.

The City Manager agreed that more TODs are needed and the City should be strategic with their placement. Today's process involves amending an approved master plan. If the Commission wants to do a TOD overlay, they need to identify the areas. Additionally, because the City is subservient to the County, land use actions must be backed by the proper analysis. Commissioner Trantalis said this is not about land use, but rather permitted use. The City should not hold back and restrict with regard to artificial boundaries that were designed for other purposes in another time by other commissions whose intended purposes are no longer defined as they are today. The City Manager said the only thing

hindering the City is a lack of resources. There are several planning initiatives but not enough staff to manage them. It is a matter of prioritizing. He mentioned several other initiatives already underway.

Commissioner Trantalis pointed out that including Sistrunk Boulevard in the TOD would kick start opportunities for development. The City Manager explained that a separate planning effort is underway for the Northwest RAC, however there is some neighbor dissention. Commissioner Rogers said this is a perfect example of how the city has changed. The area has been a warehouse district. For a 10-block area from Sunrise Boulevard to Andrews Avenue there is an opportunity to really make a difference for future development. It is on the tracks so the mindset of transit-oriented development is already established. The property owners in this neighborhood want the TOD designation. He agreed with the previous comments. It should be an easy transition to the next step. There are affordable housing opportunities also. Mayor Seiler felt that if boundary lines were being drawn today for the Downtown RAC, this area could have very well been part of it. He did not want to see the item delayed, but he would like to see the TOD guidelines extended to include this area.

In response to Mayor Seiler, Commissioner DuBose said there is not necessarily pushback related to a TOD for Sistrunk Boulevard; it is rather a concern about compatibility and preserving the integrity of the neighborhood.

Terry McKay, 809 Progresso Drive, agreed with the discussion. He said he owns property on Progresso Drive. The Progresso neighborhood would like to be part of the TOD. This would boost the type of development the City is looking for. Mayor Seiler noted the Commission is supportive of including the Progresso area.

Ron Centamore, representing Progresso Village Civic Association, said he supports Clemons' comments. They need a comprehensive plan for the entire neighborhood. He would like residents and business owners to meet with staff. Mayor Seiler explained that the area Clemons referenced is clearly suited for the TOD whereas other parts of Progresso may require more discussion.

Centamore said the All Aboard Florida station will be in Progresso Village. He serves on some of the committees that meet with staff on zoning changes for Sistrunk Boulevard. There are several things they would like to see within Progresso Village. He supports including the area outlined by Clemons in the TOD. Mayor Seiler wanted to proceed with including the commercial district in the TOD, as a next step. He suggested Centamore get the neighborhood involved.

Charles King, 105 North Victoria Park Road, supported the area being added. This has been discussed at meetings of the Progresso Village and Flagler Village civic associations. There is a desire for the parking restrictions to be lifted. The private sector could regenerate this area without spending any Community Redevelopment Agency (CRA) funds. He questioned why it cannot simply be added tonight. It seems like the parking requirement is for people who are against development. This area is derelict. If crime is not coming from there, it is coming through there. There is no reason why it cannot be like Flagler Village on the other side of the tracks.

Angela Andreola, 700 North Andrews Avenue, said she owns ABS Exotic Repair at the corner of Andrews Avenue and Progresso. Progresso is a historic area. It appears everyone this evening wants the same thing. The map is dated. She urged the Commission to include the Progresso area in this TOD tonight.

Clemons explained the zoning is already in place for restaurants and retail. He drew attention to available parking already in place. The TOD guidelines are in direct conflict with the RAC layout. He drew attention to Windwood as a similar arts district.

There was no one else wishing to speak.

Mayor Seiler emphasized this should be moved forward as soon as possible. Morejon said this is a good time to consider this measure because staff is actively working on the Northwest RAC design guidelines. More public outreach is planned. Staff anticipates going before the Planning and Zoning Board within the next few months and then the Commission. The Northwest RAC extends and follows the boundary line of the Downtown RAC up to Sunrise Boulevard. They abut. Much of the zoning change being examined is for the Sistrunk corridor and an area along 7 Avenue and in proximity to the FEC (Florida East Coast). She agreed to make sure that Progresso is aware of the upcoming meetings. Mayor Seiler wanted to ensure completion this year.

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

ADOPTED

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

**R-3 14-0131 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 Redevelopment Board

Marvin Mitchell (Commissioner Rogers)

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

ADOPTED

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

PUBLIC HEARINGS

**PH-1 14-0108 MOTION - NEW UPTOWN LINK COMMUNITY BUS ROUTE - effective
March 1, 2014**

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

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

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

APPROVED

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

PH-2 13-1540 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3.C, D AND E for after the fact installation of T-dock extending a maximum of 61.5 feet and boatlift and two triple mooring piling clusters extending a maximum of 41.3 feet, all from property line into New River - 721 Idlewyld Drive

Applicant: Las Olas LLC

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.

The City Manager noted that Commissioner Rogers questioned the status of Las Olas LLC. Paul Maggiore of Las Olas LLC said the business is a Massachusetts active corporation. Commissioner Rogers noted that an attachment to the application states that it is a Florida LLC that was dissolved in 2008 for lack of payment. Maggiore claimed it has always been a Massachusetts LLC. The LLC has been consistently active since he purchased the property.

Commissioner Trantalis said it is difficult for the Commission to consider these requests when the work has already been completed without a permit. The work included installation of pilings and dredging. Maggiore introduced Kyle Martinez who did the work.

Kyle Martinez of Ray Qualmann Marine Construction, said this company has been in business since 1948. He has been employed by Ray Qualmann Marine since 1986 and has conducted this type of work on other properties. He was aware a permit was necessary. He installed pilings and conducted dredging. They had a permit and necessary approvals. They did not have approval from the Marine Advisory Board for the distance.

Commissioner Trantalis felt something needs to be done to prevent this from happening in the future. There is a reason the rules are in place. In this particular case, the contractor knew a waiver was needed. Martinez said they applied for the waiver but were not familiar with the waiver process. The first time they went before the Marine Advisory Board they were denied because of a procedural mistake, and they corrected the application.

Commissioner Trantalis reiterated that the contractor worked beyond the 25-foot permitted area and is now requesting the waiver. Something needs to be in place to ensure this does not happen again. If contractors go beyond what is considered a safe area, they are compromising the Commission's responsibility of maintaining safe waterways. Martinez assured that as long as he is employed with Ray Qualmann Marine, it will not happen again. There was a procedural mistake. Commissioner Trantalis believed it was more than procedural; it was a requirement. Martinez explained that most of the docks that are on this stretch are extended, and consequently, the thinking was that the waiver was a formality.

Commissioner Trantalis was concerned that this contractor has operated for 28 years and never knew about the limitations. He suggested the Commission should impose sanctions beyond the doubled permitting fee. The City should not continue to allow this. The City Manager said he would work with the City Attorney because they may be somewhat limited in the charge under the Florida Building Code. Mayor Seiler understood an after-the-fact permit application fee is usually doubled and this one does

not appear to have been doubled. Marine Facilities Manager Andrew Cuba said the \$300 is an application fee to the Marine Advisory Board. It is separate from the permitting fee. It is also his understanding that the permitting fee should be doubled. Mayor Seiler wanted to approve the item with a stipulation that the permit fee would be doubled. It requires additional staff time to process. Vice-Mayor Roberts said he would like to defer the item until there is more information. He thought there should be additional ramifications. Sustainable and Economic Development Director Greg Brewton was unsure whether the fee had been doubled in this case, but that is standard procedure.

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

Commissioner DuBose introduced the resolution subject to including a doubled permit application fee and specifying Las Olas, LLC is a Massachusetts domestic limited liability company, which was read by title only.

ADOPTED AS AMENDED

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

Nay: 2 – Vice-Mayor Roberts and Commissioner Trantalis

PH-4 14-0043 QUASI JUDICIAL - FIRST READING OF ORDINANCE - VACATION OF 2,415 SQUARE FOOT PORTION OF RIGHT-OF-WAY - related to Wal-mart shopping center development on south side of West Broward Boulevard between SW 24 and 27 Avenues - Case 15P13

Applicant: GDC Broward RB LLC % Gatlin Development Co, Les Wills Riverland Bait Tackle & Gun Shop - Riverbend Marketplace
Location: Southeast corner of SW 27 Avenue and SW 2 Court

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

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 DuBose, Commissioner Rogers, Vice-Mayor Roberts and Mayor Seiler. NAYS: None. NOT PRESENT: Commissioner Trantalis.

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

PASSED FIRST READING

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

Not Present: 1 – Commissioner Trantalis

PH-5 14-0044 QUASI JUDICIAL - FIRST READING OF ORDINANCE - VACATION OF 60 FOOT WIDE RIGHT OF WAY - related to Wal-mart shopping center development on south side of West Broward Boulevard between SW 24 and 27 Avenues - Case 25P13

Applicant: Riverbend South LLC, GDC Broward RB LLC % Gatlin Development Co, Sunmax LLC, Donald T Swinarski Jr., Brian Pattulo, Arco Property Management, Carl T. Waldron - Riverbend Marketplace
Location: East of SW 27 Avenue, North of SW 2 Court

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

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

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

PASSED FIRST READING

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

Not Present: 1 – Commissioner Trantalis

PH-6 14-0045 QUASI JUDICIAL - FIRST READING OF ORDINANCE - VACATION OF 30 FOOT RIGHT-OF-WAY - related to Wal-mart shopping center development on south side of West Broward Boulevard between SW 24 and 27 Avenues - Case 26P13
Applicant: Riverbend South LLC, GDC Broward RB LLC % Gatlin Development Co, Sunmax LLC, Donald T. Swinarski Jr., Brian Pattulo, City of Fort Lauderdale, George, Arlene Berger, Les Wills Riverland Bait Tackle & Gun Shop, Inc. - Riverbend Marketplace
Location: East of SW 27 Avenue and South of SW 2 Street

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

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

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

PASSED FIRST READING

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

PH-7 14-0046 QUASI JUDICIAL - FIRST READING OF ORDINANCE - VACATION OF 50 FOOT RIGHT-OF-WAY - related to Wal-mart shopping center development on south side of West Broward Boulevard between SW 24 and 27 Avenues - Case 27P13

Applicant: GDC Broward RB LLC % Gatlin Development Co, Carl T. Waldron, George and Arlene Berger - Riverbend Marketplace
Location: East side of SW 27 Avenue between SW 2 Street and SW 2 Court

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

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

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

PASSED FIRST READING

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

PH-8 14-0047 QUASI JUDICIAL - FIRST READING OF ORDINANCE REZONING TO EXCLUSIVE USE - PARKING (X-P) WITH COMMERCIAL FLEX ALLOCATION AND SITE PLAN FOR CHICK-FIL-A RESTAURANT - Case no 8ZR13

Applicant: North Federal 2650 LLC
Location: 2650 North Federal Highway
Current Zoning: Residential Mid Rise Multifamily/Medium Density (RMM-25)
Future Land Use: Commercial, Medium-High Residential

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

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

Commissioner Trantalis said he had initial concerns about this franchise locating in Fort Lauderdale because of political comments the company president made. He did not want such a culture to be continued into Fort Lauderdale. However, during discussions with company representatives and the franchisee he was assured there is a policy that is respectful of diversity in hiring practices. The local franchisee is protective of individuals based on their sexual orientation and gender identity. The parent company has expressed that it hires with respect to local, state and federal ordinances. He welcomed

the business.

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

PASSED FIRST READING

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

ORDINANCES

O-1 14-0180 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SUBSECTION 2-172(a) - APPLICABILITY, PROCUREMENT OF SUPPLIES AND SERVICES

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

ADOPTED ON SECOND READING

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

O-2 14-0157 SECOND READING OF ORDINANCE AMENDING PAY PLAN - changing Paralegal Assistant Job Classification from Section I to Schedule II

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

ADOPTED ON SECOND READING

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

The City Commission adjourned the regular meeting at 8:29 p.m. and returned to the conference meeting agenda, item BUS-2, from 8:29 p.m. to 9:14 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk