

# City of Fort Lauderdale

*City Hall*  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)



## Meeting Minutes - APPROVED

**Tuesday, July 1, 2014**

**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***  
***BOBBY B. DuBOSE 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 6:02 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 and Commissioner Bobby B. DuBose

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

## Vote Roll Call Order for this Meeting

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

## Invocation

Pastor Fidel Gomez, Calvary Chapel Fort Lauderdale

## Pledge of Allegiance

Led by local youth

## Approval of MINUTES and Agenda

**14-0849** APPROVAL OF MINUTES for April 28 Joint Workshop with Budget Advisory Board and May 6, 2014 and May 20, 2014 Regular Meetings

No public comments were submitted by email for the May 6, 2014 regular meeting.

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

**APPROVED**

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

## PRESENTATIONS

**PRES-1 14-0817** PROCLAMATION DECLARING JULY, 2014 AS PARKS AND RECREATION MONTH IN THE CITY OF FORT LAUDERDALE

Commissioner Roberts presented the proclamation to Angela Ward, vice-chair of the Parks, Recreation and Beaches Advisory Board. Ward thanked the Commission and the Parks and Recreation Department.

**PRES-2 14-0836** COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT III

Commissioner DuBose presented the award to Daisy and Robert Hayes for improvements to their property in Lauderdale Manors. Community Appearance Board Member Kathryn Glenewinkel assisted in the presentation.

**WALK-ON** Recognition of Fort Lauderdale High School Step Team – boys won 3<sup>rd</sup> place overall and highest scoring team throughout the year; girls were highest scoring team

Mayor Seiler recognized Coach Charles Livingston, a Fort Lauderdale police officer and coach of the Fort Lauderdale High School Step Team. The boys and girls teams performed brief routines.

**WALK-ON** Distinguished Budget Presentation Award for Fiscal Year 2014 Operating Budget document received from Government Finance Officers Association – 30<sup>th</sup> consecutive year

Government Finance Officers Association representative Laurette Jean presented the award and recognized Budget Manager Emilie Smith.

**CONSENT AGENDA**

Mayor Seiler announced the procedure for consent items.

**Motion** made by Commissioner Roberts and seconded by Trantalis that Consent Agenda items CM-3, CM-4, CM-8, CM-12, CR-1, CR-2, CR-5, CR-6, CR-7, PUR-5 and PUR-8 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

**APPROVED**

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

**CONSENT MOTION**

**CM-1 14-0793** EVENT AGREEMENTS: Red Eye, Florida Beach Volleyball Tour, PIIK Back to School Shoe & Back Pack Give Away, Kayak Against Cancer and Annual Back to School Give Away and College Fair.

**APPROVED**

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

- CM-2 14-0792** EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Mad Decent Block Party, New Times 17th Annual Beerfest, American Diabetes Association's Step Out: Mega Walk to Stop Diabetes, 4th Annual Fort Lauderdale Turkey Trot & Paddle and 5K Hero Run/Walk.

**APPROVED**

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

- CM-3 14-0842** LETTER OF SUPPORT FOR SUNNYREACH ACRES IMPROVEMENT PROJECT - located on New River south of Broward Boulevard - request of Housing Authority

Charles King, 105 North Victoria Park Road, said there is little information in the backup materials about this development. He questioned whether the City has spoken to the Sailboat Bend Civic Association. He wanted more information before granting approval.

In response to Commissioner Trantalis, the City Manager advised this is a request from the Housing Authority of Fort Lauderdale. Scott Strawbridge, director of development and facilities for the Housing Authority, explained that the request is to change their funding stream from Section 9 to Section 8. There are no units being added; they will be rehabilitating existing units. The letter is required in order to get approval from the U.S. Department of Housing and Urban Development.

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

**APPROVED**

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

- CM-4 14-0843** LETTER OF SUPPORT FOR THREE PHASES OF NEW RIVER VILLAGE - located on New River - request of American Land Ventures

This item was removed from the consent agenda at the request of Vice-Mayor Rogers. Mayor Seiler explained that American Land Ventures requested a letter of reference from him and he was more comfortable with the matter going before the entire Commission.

Vice-Mayor Rogers and Commissioner Trantalis expressed concern about endorsing a project. Vice-Mayor Rogers pointed out that this has never been done.

Jason Robertson of American Land Ventures said that American Land Ventures is committed to its work in Fort Lauderdale and has worked closely with staff. New River Village is in its third phase. A letter of recognition would go a long way in their efforts to work with other cities. Vice-Mayor Rogers and Commissioner Trantalis both questioned the need for the City to issue this type of letter to developers. Commissioner Trantalis felt such an endorsement is beyond the City's role. Commissioner Roberts noted that the request is for an endorsement of a specific project, not of all the developer's work. Robertson confirmed for Commissioner DuBose that they are working closely with several other cities, community redevelopment agencies and downtown development authorities, and it would be helpful to demonstrate how well they have worked with the City. Vice-Mayor Rogers noted that an endorsement would be outside the Commission's parlance. Some of the phases were approved prior to this Commission being

seated. One should not get extra credit for simply doing the right thing. Additionally, there is some controversy related to the project. Mayor Seiler felt the letter is tailored specifically to this project and speaks about the developer working well with the City on this project. The development is successful and they assisted the City along the river in the downtown.

Commissioner DuBose asked if this is time-sensitive. Robertson said American Land Ventures is in the process of responding to a request for proposals (RFP). Fort Lauderdale spends a great deal of time encouraging economic development within the city. American Land Ventures has developed more units in the downtown than any other developer and has demonstrated a public-private partnership. Commissioner DuBose suggested tailoring the letter to those points more specifically. Vice-Mayor Rogers pointed out there is a lawsuit related to this development. He would support a factual letter but an endorsement could be used in a way that may not be factual. Commissioner DuBose noted that it sends a message to the business community when the Commission endorses economic development. There was consensus to delete the second paragraph, using the first and last paragraph, and to remove the word “support” from the last paragraph.

**Motion** made by Commissioner Roberts and seconded by Commissioner DuBose to approve the item as amended. Mayor Seiler asked the City Attorney’s Office to modify the letter.

**APPROVED AS AMENDED. SECOND PARAGRAPH WAS DELETED AS WELL AS “SUPPORT” FROM THE LAST PARAGRAPH.**

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

**CM-5 14-0854 FISCAL YEAR 2015 CITY COMMISSION ANNUAL ACTION PLAN**

**APPROVED**

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

**CM-6 14-0841 EMPLOYMENT PRACTICES LIABILITY AND WORKERS' COMPENSATION INSURANCE - use of the negotiation method to obtain insurance premium quotes**

**APPROVED**

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

**CM-7 14-0835 LEASE AGREEMENT - OFFICE SPACE - September 1, 2014 - August 31, 2019 - \$9,093 monthly first year rate**

**APPROVED**

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

**CM-8 14-0654 CHANGE ORDERS 2 AND 3 - LAS OLAS BOULEVARD AND SE 13 AVENUE CROSSWALK IMPROVEMENTS - aggregate amount of \$51,081.80 - Sun-Up Enterprises, Inc.**

Commissioner Trantalis questioned why there are no crosswalks planned for Dixie Highway. The City

Manager said Las Olas Boulevard and 13 Street were selected as a pilot location following discussions with Broward County. This type of lighted crosswalk has not been implemented elsewhere. Commissioner Trantalis did not think that Dixie Highway crosswalks were not intended to be lighted. There are areas where students cross the street going to and from school.

Transportation and Mobility Director Diana Alarcon referenced Exhibit 4 of Commission Agenda Memorandum 14-0654, which includes Dixie Highway. They expect to start construction within two to three weeks.

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

**APPROVED**

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

**Not Present:** 1 – Commissioner DuBose

**CM-9 14-0771** TASK ORDER 5 - SITE ASSESSMENT REPORT ADDENDUM AND GROUNDWATER NATURAL ATTENUATION MONITORING ONLY PLAN - 2101 NW 6 STREET - EE&G Environmental Services, LLC

**APPROVED**

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

**CM-10 14-0729** ACCEPTANCE OF 2014-2015 STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) FUNDS - \$776,453 and authorize City Manager to execute all documents related to acceptance of this Allocation

**APPROVED**

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

**CM-11 14-0821** REVOCABLE LICENSE - TEMPORARY CLOSURE OF SIDEWALKS - THE CONRAD HOTEL - 551 North Fort Lauderdale Beach Boulevard - north side of Windamar Street, east side of Breakers Avenue and south side of Terramar Street - CFLB Partnership, LLC

**APPROVED**

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

**CM-12 14-0823** REVOCABLE LICENSE - TEMPORARY CLOSURE OF RIGHT OF WAY - THE WATERWAY SENIOR LIVING FACILITY - NE 30 Avenue immediately west of 3001 East Oakland Park Boulevard - CHH-GD Fort Lauderdale Realty, LLC

Commissioner Roberts pointed out that there are condominiums surrounding this area. There are already

quality of life issues in the area and this will also impact quality of life. He wanted assurance that there would be sufficient communication to the condominium associations so they would not be inconvenienced.

Mayor Seiler opened the floor for public comment.

Attorney Robert Lochrie of Lochrie & Chakas P.A., representing the Applicant, said they understand those concerns and have reached out to the condominium to the north, but will reach out to them on this specific issue. The intent of the closures during the day is to keep the area safe while equipment is moving back and forth. It is for a four-month time period. The City Manager added that there is a mail notice requirement to property owners reflected on the Property Appraiser's website within a certain radius, plus notice to registered homeowner associations and business groups. Lochrie assured that additionally the Applicant would reach out to the condominium association presidents. Mayor Seiler suggested adding that provision to the motion.

**Motion** made by Commissioner Roberts and seconded by Commissioner Trantalis to approve the item as amended to provide that the Applicant notify the affected area condominium association presidents in addition to the City's notification requirement.

Raymond Cox, a homeless resident, questioned whether the general public would be impacted by the closures. Commissioner Roberts felt that the impact would be minimal. The area is about one-fifth of a city block. Cox went on to discuss the need for public portable restroom facilities and that the City does not address such a need.

There was no one else wishing to speak.

**APPROVED AS AMENDED TO PROVIDE FOR THE APPLICANT TO NOTIFY THE AFFECTED AREA CONDOMINIUM ASSOCIATION PRESIDENTS IN ADDITION TO THE CITY'S NOTIFICATION REQUIREMENT**

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

## **CONSENT RESOLUTION**

**CR-1 14-0848** SPECIAL COUNSEL FOR LIEN FORECLOSURE MATTERS - Earnest / Tighe Law Firm, P.A. - increasing fixed fee for each foreclosure action

Raymond Cox, a homeless resident, surmised that this could contribute to homelessness. He felt that something should be done to prevent unscrupulous actions. The City has an obligation to all of its residents including provision for public restrooms.

Vice-Mayor Rogers advised he spoke with the City Attorney and learned that there have not been any in-house foreclosures of code liens and there is not available staff to manage them. This firm was previously working on such matters and has opted not to continue providing the service unless their fee is doubled. It requires due diligence to determine whether it is worth filing a lien. There are considerable costs just to get the process in motion. He preferred that the City Attorney's Office first develop a plan and determine whether it is appropriate to proceed rather than going forward now in response to pressure from the Commission. Commissioner Trantalis questioned if perhaps the City Attorney's Office could manage the cases in house. The City Attorney explained that more general litigation is being done in house. They may be able to incorporate some plaintiff cases over time. However, they are unable to handle the current volume. The Earnest/Tighe Law Firm, P.A. was retained seven years ago, and their

fee was established then. Commissioner Roberts said he has been pressuring the City Attorney because this is a major issue in District I. Some of these properties are decreasing the value of surrounding homes. There is no reason to wait several years to deal with them. He wanted to find a workable solution without further delay. Vice-Mayor Rogers noted that only non-homestead properties can be addressed. He shared Commissioner Roberts' frustration. He wanted to move it forward but did not think anything could be accomplished unless a plan is in place.

The City Attorney clarified that pursuant to the resolution, the firm would incur costs related to filing fees and title search fees. Filing fees have increased. In general the costs are fairly determinative. Vice-Mayor Rogers pointed out that the resolution is the only written agreement the City has with this firm. He did not agree with the cost structure. Mayor Seiler questioned out-of-pocket expenses and language in the resolution on the wording. The City Attorney advised this matter is not time-sensitive. She could seek clarification. She elaborated on the current workload and indicated that her office cannot take on prosecution of foreclosure cases at this time. She went on to confirm compensation to the firm would be a flat \$1,500 covering all out-of-pocket expenses, plus 15 percent of anything recovered in excess of \$1,000. Mayor Seiler was concerned that the "whereas language" is contradictory. The City Attorney confirmed for Commissioner DuBose that the proposal is the same as the City's agreement from seven years ago. She also indicated that the firm has been paid for previous work based on the current resolution which has the same language as proposed. Vice-Mayor Rogers wanted clarification on the fee. Commissioner DuBose thought further discussion could result in a higher cost.

**Motion** made by Commissioner DuBose and seconded by Commissioner Rogers to defer the item to August 19, 2014.

**DEFERRED TO AUGUST 19, 2014**

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

**CR-2 14-0711 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2014  
BUDGET – APPROPRIATION**

Charles King, 105 North Victoria Park Road, referred to a news article about property values increasing 6.7 percent, equating to an additional \$5.5 million in revenue. He questioned why the City would hire 64 more employees instead of decreasing the millage rate. Mayor Seiler advised that only three of the new employees would have pensions. King was opposed to expanding the law enforcement horse patrol and the program in general. He suggested bicycles. He felt that more park rangers could be beneficial. He wanted police officers to enforce laws rather than advocate for the homeless.

Raymond Cox, a homeless resident, discussed activity in a local park but did not indicate its name. He went on to discuss measures taken concerning use of the park system in general. He felt the City is spending money on personnel when it should be upgrading its infrastructure.

L.F. Rosenthal, 1237 NW 4 Avenue, believed that mounted police officers are a good investment because they have a greater line of sight. He also supported the question raised by the Commission concerning the previous agenda item. Real estate values have increased, which means the city is growing and government must also grow. In order to get work done, people must be hired and paid competitive salaries. He believed that residents are getting service for the taxes paid. He did not believe residents are being overtaxed. He supported the government in general.



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

**ADOPTED**

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

- CR-3 14-0844** QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - RECOMMENDING PROJECT VCF as a qualified target industry business applicant and providing local support in the amount of \$24,000 contingent upon approval by State of Florida

**ADOPTED**

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

- CR-4 14-0718** ACCEPTANCE OF ADDITIONAL GRANT FUNDS - \$460,950 - CONSTRUCTION OF U.S. CUSTOMS AND BORDER PROTECTION FACILITY AT EXECUTIVE AIRPORT - Supplemental Joint Participation Agreement with Florida Department of Transportation - local match of \$115,238 and authorize City Manager to execute on behalf of City

**ADOPTED**

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

- CR-5 14-0744** SCHLITTERBAHN WATER PARK - THIRTY-YEAR LEASE AGREEMENT FOR EXECUTIVE AIRPORT PARCELS 25, 26, 27 AND 19B - FTL Waterresort, LLC - \$810,000 per year - two, five year options

Raymond Cox, a homeless resident, questioned the length of the lease term. He questioned if a contingency plan is in place that will allow the City to opt out early and whether the City is protecting itself.

In response to Commissioner Trantalis, Gary Henry, president of Schlitterbahn Water Park, acknowledged there was a question about the timing for producing demolition bonds. Schlitterbahn is looking into the cost and if one is available for removal of an asset at the end of a lease term. Typically demolition bonds cover removal of a building when seeking a permit. It is difficult to speculate costs for removing something that has not yet been designed. Schlitterbahn also has not yet established parameters for a bond during the construction process. It will be part of due diligence work ahead. He understood from the City Manager that a demolition bond is a significant issue to the Commission. Commissioner Trantalis believed that they wanted it to be on an annual basis. Failure to secure it would be considered a default of the lease. It is common for new construction projects to secure demolition bonds that can be carried over from year to year. If Schlitterbahn chooses to leave Fort Lauderdale, the City is not left with a facility that cannot be used for anything else. Henry noted that Schlitterbahn has water parks on county land in South Padre, Texas and on Federal Aviation Administration land in Galveston, Texas on which demolition bonds were not required. If, for example, the demolition cost is \$2 million and it would go into effect over a three- or four-year period, a bonding company would want to amortize it. Commissioner Trantalis said that is not how it works. He asked that Henry come back before

the Commission with solid numbers. Henry said they discussed putting an agreeable number into the lease as part of the due diligence process and later determine the true cost. Mayor Seiler said this issue must be resolved. Vice-Mayor Rogers felt that a demolition bond would be more meaningful for a half-built project. He was not concerned about the bond covering a specific period of time, but at the minimum it should cover a year after the certificate of occupancy (CO) is granted. It would be a matter of factoring in cost to determine if it would work on a pro forma basis. The bond from his perspective is two-part: completion and how far into the future on a tear-down walk away scenario. Henry noted that the lease is drafted in that manner so that if the project is not completed, the property will be returned to its current state. Once the property is complete, the CO is issued and a year of operating history has occurred, the property will have a sizable lien. The equity is typically 30 to 40 percent and the debt is typically the balance. A leasehold mortgagee is contemplated. If Schlitterbahn fails, the leasehold mortgagee will step in and not want to tear down the asset. He confirmed for Vice-Mayor Rogers that financing typically would be 20 years with a seven-year term. Vice-Mayor Rogers felt there is some protection because the lender has a stake in it.

Commissioner DuBose was uncomfortable with the short period of time in which to review this item. There has only been a day or so for such a large project with a lengthy term. Commissioner Roberts was fairly comfortable with the project but has concerns about the demolition bond. He would like to defer the item to allow for a little more review time. There is a rush because of the Federal Aviation Administration. There have been issues with other water parks. However, he noted the Henry family has successfully developed these parks for 30 years. He is comfortable with the homework done by staff. Mayor Seiler agreed that he is generally comfortable with the project but also has concerns about the demolition bond. With consensus agreement, he called a special meeting for 2 p.m. on July 10 in the Commission Chambers.

**Motion** made by Commissioner Roberts and seconded by Commissioner DuBose to defer the item to a special meeting on July 10, 2014 between 2 p.m. and 4 p.m.

**SPECIAL CITY COMMISSION MEETING CALLED FOR JULY 10, 2014, 2 P.M.; ITEM DEFERRED TO THIS DATE.**

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

**CR-6 14-0845 CLOSURE OF NW 2 STREET RAILROAD HIGHWAY GRADE CROSSING - Stipulation with Florida Department of Transportation and Florida East Coast, LLC and authorize City Manager to execute on behalf of City**

Raymond Cox, a homeless resident, questioned whether this will be a permanent closure. He also discussed the All-America City designation and anti-homeless ordinances. He questioned providing this closure but not public portable toilet facilities.

W. Frank Sessions, 1020 Citrus Isle, read a prepared statement, which is attached to these minutes.

Kevin Phillips, vice president of City View Townhomes, said he is concerned about the signage location related to the 2 Street closing. It is at the entrance to City View, thus creating a traffic problem. He also has concerns about the closure locations and the construction route. All Aboard Florida has been considerate but the Transportation and Mobility Department has not conducted any public outreach. He wanted City staff to meet with City View concerning rerouting. Providing 72 hours' notice is not sufficient. He questioned whether a contingency plan is in place if the project is not successful.

Transportation and Mobility Director Diana Alarcon said staff has not been involved in the public meetings. The City Manager explained that this is a Florida Department of Transportation (FDOT) and All Aboard Florida procedure. Staff has worked with All Aboard Florida on siting the location, but has not engaged in outreach related to the closure process. Commissioner DuBose felt that the City is all about community building and although the City does not have to take the lead role, it has a responsibility to respond to residents because this project will have a huge impact. He questioned if this is time-sensitive. Commissioner Trantalis agreed it should be a priority to talk to the residents. The City Manager was unaware that Phillips requested to meet with staff. Phillips advised he was told by Transportation and Mobility staff member Elizabeth Van Zandt that City View would be kept up to date which has not occurred. In response to Commissioner Roberts, the City Manager explained that this agreement acknowledges that the City will not participate in a Chapter 120 hearing during the FDOT process. It is ultimately an FDOT decision.

In response to question about timing, Mayor Seiler noted that the earliest would be September. He agreed that staff should confer with City View residents. Henry emphasized City View's concerns, but now recognized the availability of time. He explained his schedule has not allowed him time to speak in advance with his district commissioner.

Ramola Motwani, 2600 Castilla Isle, noted that All Aboard Florida will be a real asset to the downtown and residents. It will improve quality of life and increase tourism opportunities.

John Ropes, chairman of the Downtown Development Authority, spoke in support of the item. The City is fortunate to have a stop on All Aboard Florida's route. It will connect with the Wave Streetcar. It will allow for north-south mobility.

L.F. Rosenthal, 1237 NW 4 Avenue, advocated for the All Aboard Florida project and elaborated on how it is an opportunity for the city. It could ultimately generate money from economic growth for social services.

Vice-Mayor Rogers asked that the All Aboard Florida project representative provide an update on the environmental impact statement (EIS) and the closure.

Jose Gonzales of Florida East Coast LLC, said the EIS is the Federal Railroad Administration's document for the West Palm Beach to Orlando segment, which also includes operational bridges in the south segment or Phase 1 from Miami to West Palm Beach. The Railroad Administration will decide on the timeline for public meetings. They are anticipated in July or August but have been previously been delayed. A careful analysis is being conducted before the document is published. A public meeting will be held in Fort Lauderdale and feedback will be accepted on the document at the meeting and some 75 days following. They have had several meetings with the marine industry and have made a formal commitment to install a bridge tender and upgrade the bridge mechanisms. Additionally they are working with the marine industry on signage, announcing when the train is coming and how long the bridge will be down. They are working with the Coast Guard on developing a (smartphone) application. Gonzales explained that the item before the Commission sets out that all parties agree to there being an administrative process. A Maintenance of Traffic (MOT) plan will be provided to the City for its review and items such as signage will be submitted. Nothing will be closed without notice well in advance. There will be ample public notice in the newspaper and mailers to residents. Advance infrastructure work is needed. He confirmed for Vice-Mayor Rogers that Phase I has been approved by the Federal Railroad Administration, but approval of the EIS is needed in order to complete the Miami to Orlando segment.

Mayor Seiler elaborated on how closings will be improved overall as a result of All Aboard. Gonzales offered to meet with City View and City staff. The MOT has just recently been provided to the City. Florida East Coast will meet with City View and City staff to make sure access is not impeded.

Commissioner DuBose felt that All Aboard Florida is a great project but he expressed concern about closing 2 Street. Street closures such as this are typically presented in a way where the Commission is not given an alternative. He wanted to know if there are any other options available. The City Manager indicated that he is unaware of any other options. If not executed, a Chapter 120 hearing in Tallahassee would be required. The City has received permission from FDOT and Florida East Coast Railway to put a road over their railroad crossing. The City does not own the right-of-way. The railroad is superior to local government. The City Attorney also explained that there is a procedure with respect to concerns; there will be a hearing and a decision will be made. By executing the stipulation, the City is agreeing to the road closure but it is not contingent on the project going forward. Commissioner DuBose wanted the City to reserve all of its rights in case the project does not move forward as projected.

Commissioner Roberts remarked on All Aboard's cooperation thus far and said he is confident that City View concerns could be resolved. Gonzales confirmed for Commissioner Roberts that Florida East Coast remains committed to quiet zones.

Mayor Seiler understood that the Commission is giving the City Manager authority to execute the stipulation but he will not do so if All Aboard is not where it needs to be. The process is being changed. The City Attorney advised that the resolution does not contain any contingency in terms of steps that must be completed. Commissioner Roberts drew attention to the other reviews and public hearings shown in the agenda backup. In response to the City Manager, Gonzales explained that the actual execution of the stipulation would be some time in August. However, the resolution is needed to show support of the closure. If the closure is not approved by the City, FDOT would take action but it would mean a six month delay of the construction start. It is not the City's right-of-way. FDOT has full authority. Matters such as access by fire-rescue would be the only reasons FDOT would not authorize the closure. The platform is 1,000 feet long. There is no other choice but removal of the grade crossing. Gonzales could not confirm for Commissioner DuBose whether All Aboard representatives have met with the Dorsey-Riverbend Civic Association. Some homeowner associations have declined. They would be happy to make a presentation to Dorsey-Riverbend.

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

**ADOPTED**

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

**Nay:** 1 – Commissioner DuBose

**CR-7 14-0830 MERIT INCREASE FOR CITY ATTORNEY - effective July 1, 2014**

Christine Timmon, 12 SE 20 Street, felt the Commission should not rush to approve a merit increase for the recently hired City Attorney. She announced her intention to run for lieutenant governor.

Raymond Cox, a homeless resident, believed the City Attorney is worthy of a raise. He went on to speak about public restrooms and the City Attorney's advice on legislation that would impact the homeless.

L. F. Rosenthal, 1237 NW 4 Avenue, pointed out that the City Attorney was hired based on merit and he supported a merit increase for her. He elaborated on the importance of having a solid legal staff. Fort Lauderdale pay level generally is less than most prosperous cities in the county and the disparity is even more pronounced for Palm Beach and Miami-Dade counties. He advocated for merit increases in general.

Charles King, 105 North Victoria Park Road, said he believes City employees are motivated by pensions

not money. He wanted to know the dollar amount represented by a 3 percent increase.

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

**ADOPTED**

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

**PURCHASING AGENDA**

**PUR-1 14-0629** PURCHASE THREE REPLACEMENT BACKHOE LOADERS -  
\$280,282.08 - Nortrax, Inc.

**APPROVED**

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

**PUR-2 14-0635** PROPRIETARY PURCHASE FOR SERVICES AND PARTS TO  
REPAIR FOUR CLARIFIER DRIVE UNITS AND ONE SERVICE  
PLATFORM AT LOHMEYER WASTEWATER TREATMENT PLANT -  
\$397,648 - Ovivio USA, LLC.

**APPROVED**

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

**PUR-3 14-0694** FINAL RANKING AND AUTHORIZATION TO COMMENCE  
CONTRACT NEGOTIATIONS FOR GENERAL ENGINEERING -  
ENERGY PERFORMANCE CONTRACTING - four top ranked  
proposers: Chevron Environmental Management Company,  
Honeywell Building Solutions SES Corporation, Siemens Industry Inc.  
and Con Edison Corporation

**APPROVED**

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

**PUR-4 14-0706** FINAL RANKING AND AUTHORIZATION TO COMMENCE  
CONTRACT NEGOTIATIONS FOR EXECUTIVE AIRPORT  
SUSTAINABILITY MASTER PLAN - top ranked proposer Bureau  
Veritas North America, Inc.

**APPROVED**

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

**PUR-5 14-0786** FINAL RANKING AND COMMENCEMENT OF CONTRACT  
NEGOTIATIONS FOR PROCUREMENT CARD SERVICES - top

ranked proposer SunTrust Banks, Inc.

Vice-Mayor Rogers described his conflict of interest for this item. Therefore he would abstain from voting and discussion on this matter.

**Motion** made by Commissioner Trantalis and seconded by Commissioner Roberts to approve the item as presented. A memorandum of voting conflict, dated July 1, 2014, is attached to these minutes.

**APPROVED**

**Aye:** 4 – Commissioner Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

**Abstain:** 1 – Vice-Mayor Rogers

**PUR-6 14-0776** FINAL RANKING AND COMMENCEMENT OF CONTRACT NEGOTIATIONS - ENGINEERING SERVICES FOR RIVER OAKS NEIGHBORHOOD AND STORMWATER PRESERVE PARK - top ranked proposer Craven, Thompson & Associates, Inc.

**APPROVED**

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

**PUR-7 14-0809** FINAL RANKING AND COMMENCEMENT OF CONTRACT NEGOTIATIONS FOR ARCHITECTURAL SERVICES - SOUTH SIDE SCHOOL RESTORATION - top ranked proposer Synalovski, Romanik and Saye

**APPROVED**

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

**PUR-8 14-0723** AWARD THREE-YEAR CONTRACT FOR GASOLINE AND DIESEL FUEL - estimated annual amount of \$4,457,964 and three-year cost of \$13,373,892 - MacMillan Oil Company of Florida, Inc. and authorize City Manager to approve two, two-year renewal options, contingent upon appropriation of funds

Charles King, 105 North Victoria Park Road, expressed concern about fuel costs. He elaborated on the Police Department's take-home vehicle program and the cost impact. He believed there should be full cost recovery paid by the employee which may also encourage officers to reside in the city. He questioned whether there are any price controls built into the contract.

Raymond Cox, a homeless resident, said vehicles are left running while employees do their jobs outside of their vehicles. He suggested conservation of fuel. He went on to discuss the inefficiency of police officers attending court hearings for prosecution of public urination and defecation. He urged that public restroom facilities be provided.

Christine Timmon, 12 SE 20 Street, discussed fuel-alternative technology and its inventor. She suggested looking into ways to eliminate gasoline dependency.

L. F. Rosenthal, 1237 NW 4 Avenue, did not want the police force to be disrespected. He did not think there should be nitpicking over fuel costs for the take-home program. There are studies showing that such a program results in reduced crime. An intelligent, financially responsible idea would be to consider the futures market to achieve a savings.

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

The City Auditor indicated that the City does take advantage of the futures market to achieve savings and the City Manager advised that much of the police fleet is being converted to energy-efficient vehicles.

**APPROVED**

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

**PUR-9 14-0766**      AWARD CONTRACT FOR LOHMEYER WASTEWATER  
TREATMENT PLANT DEEP INJECTION WELLS MECHANICAL  
INTEGRITY TEST - \$1,082,000 - All Webbs Enterprise, Inc.

**APPROVED**

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

**PUR-10 14-0768**      AWARD CONTRACT FOR PARKING AND DRAINAGE  
IMPROVEMENTS - \$67,301 - Florida Bridge Builders, Inc.

**APPROVED**

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

**PUR-11 14-0736**      ONE-YEAR RENEWALS TO AGREEMENTS FOR PROFESSIONAL  
TRAFFIC AND TRANSPORTATION ENGINEERING CONSULTANT  
SERVICES - \$233,858 (\$58,464.50 each) - 1) Kimley-Horn and  
Associates, Inc., 2) Kittleson & Associates, Inc., 3) Miller, Legg and  
Associates, Inc. and 4) T.Y. Lin International. \

**APPROVED**

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

**PUR-12 14-0785**      PROPRIETARY PURCHASE OF WAVE STREETCAR  
ASSESSMENT SERVICES - \$39,600 - Government Services Group,  
Inc.

**APPROVED**

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

**PUR-13 14-0787**      PURCHASE OF ELEVEN FIRE RESCUE VEHICLES - \$3,051,569.84

- Ten-8 Fire Equipment, Inc.

**APPROVED**

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

**PUR-14 14-0804** AMENDMENT NO. 1 TO AGREEMENT FOR SCHOOL CROSSING GUARD SERVICES - ADDING TEN SCHOOL CROSSING GUARD POSTS annual cost of \$111,283.20 - The Butler Group of South Florida, LLC d/b/a Nextaff and authorize City Manager to approve the same amendment for the same dates during such renewal periods, contingent upon appropriation of funds, if the agreement is renewed

**APPROVED**

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

**PUR-15 14-0810** REPLACEMENT EXHIBIT "A" TO AGREEMENT FOR STRUCTURAL BRIDGE ENGINEERING CONSULTING SERVICES - TranSystems Corporation a/k/a TranSystems Corporation Consultants

**APPROVED**

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

**MOTIONS**

**M-1 14-0838** CITY COMMISSION REQUEST FOR REVIEW - 105 NORTH - RETAIL FURNITURE STORE SITE PLAN - 105 North Federal Highway - Happy Land FL LLC - Case R14011 - schedule public hearing for August 19, 2014

Mayor Seiler announced that Vice-Mayor Rogers filed a request for the Commission to set a hearing to review the development permit application for this project.

Vice-Mayor Rogers expressed concern that this property is on the edge of a Regional Activity Center (RAC) on Federal Highway where there are no parking requirements. With only six parking spaces for a furniture store, he was concerned about compatibility and traffic congestion.

Attorney Steve Tilbrook of Gray Robinson, P.A., representing the Applicant, noted that the project was submitted and reviewed in March. It would be a hardship if delayed to August for a public hearing. The project is designed in accordance with the Downtown Master Plan and Design Guidelines. It is a small site that will not have a large impact. It is a luxury furniture store whose customers are primarily on an appointment basis. There are six parking spaces and loading areas enclosed within the building. Up to 15 vehicles can be parked by valet. There are six employees. Some will park onsite and others in public parking areas. The Downtown RAC is intended to be a walkable environment. He asked that questions be addressed this evening so that permits could be issued tomorrow.

Tilbrook responded to questions posed by Vice-Mayor Rogers as follows: This is a three-story building of about 36,000 square feet. It is primarily a display and sales center. They will not sell furniture from this location. The owner is the landlord. The tenant is an established luxury furniture dealer in Miami Beach



and New York. Valet parking is offered at other locations on a limited basis, which is the intent for this site as well. The peak hours are typically off-peak for the rest of the downtown, that being evenings and weekends. While this building will comply with the Downtown Master Plan and Design Guidelines, unfortunately the other buildings do not.

Architect George Fletcher of Adache Group Architects, representing the Applicant, explained that one of the Downtown Master Plan Design Guidelines is to engage the pedestrian zone along Federal Highway. The building is just 100 feet from east to west. Only 50 percent of the building footprint is retail area on the ground floor. The other 50 percent encases the parking and loading zone area. Loading will occur during off-peak hours. There are limitations as to when loading can occur. When the loading zone is not being utilized, parking spaces are doubled. The design keeps the building as transparent as possible and embraces the pedestrian zone along Federal Highway including both the residential and commercial zones. He noted the parking requirement based on square footage of a furniture store and the square footage of the proposed building including vertical circulation, storage and so forth.

Commissioner Trantalis appreciated the Applicant following the City's guidelines and creating a unique, potentially iconic building. Unfortunately it will create a nightmare for the community. A valet services contract needs to be a requirement. People expect to be able to park at the store. He questioned staff's position on this item. The City Manager explained that the code dictates requirements regarding the Downtown RAC. Commissioner Trantalis felt that just because it is allowed in the City's guidelines does not make it a good decision. People will park in another property's parking lot and walk across a busy intersection. The City Manager explained it is a matter of the staff not having discretion. Commissioner Trantalis questioned whether this may be calling attention to the need to amend the Master Plan.

Urban Design and Development Manager Ella Parker explained that the RAC and especially the city center district is anticipated to accommodate multi-modal transportation. With the additional density occurring, it is anticipated that people will start walking, biking and taking advantage of transit. Parking is driven by demand based on the proposed uses. A large part of the business is online service. Because parking requirements are exempt in this district, it furthers the idea of a walkable urban environment. By having the presence directly on the street and taking away the vehicular area gives pedestrians the opportunity to feel connected to this glass building. It is an active building façade. Commissioner Trantalis did not think Federal Highway is a pedestrian district or pedestrian-friendly. Parker felt Federal Highway is for both vehicles and pedestrians. Also, there are connecting streets. Commissioner Trantalis pointed out that people from outside of the city will also likely patronize this business, besides those who live within walking distance. This may be an example of the rules not working; they do not yet apply to the current culture of how people shop and travel. If the furniture store is not successful, future uses are limited. Parker explained that this district is the least restrictive with respect to redevelopment. The intent behind having the parking requirement be market driven is associated with attracting redevelopment and creating connectivity. Staff is comfortable with the proposal. She felt that parking should be market-driven. She did not believe it is necessary for the Applicant to purchase more property for parking.

Commissioner Roberts acknowledged that this is allowed by code but it sets a precedent and impacts can occur throughout the corridor over time and create more of a negative impact. He did not know the real answer. With the sidewalk projected to be 7 feet wide, this feature will enhance walkability. However, the architecture precludes having trees along the sidewalk. He was also primarily concerned with parking.

**Motion** made by Commissioner Trantalis and seconded by Vice-Mayor Rogers to set a public hearing for August 19, 2014.

**APPROVED**

**Aye:** 4 – Vice-Mayor Rogers, Commissioner Roberts, Commissioner Trantalis and Commissioner DuBose

**Nay:** 1 – Mayor Seiler

Mayor Seiler suggested that, in the interim, thought be given to the types of stores that do not require parking. He felt there needs to be some parking for a furniture store.

**CITIZEN PRESENTATIONS**

**CIT-1 14-0820 JIM MOYER - Clothing Receptacles**

Jim Moyer, representing the Salvation Army, noted that the State has adopted a law making it illegal to have a clothing receptacle without disclosure of the agency's name, address, phone number and whether it is a for-profit business. Broward County has also adopted an ordinance making the law applicable to charities only for unincorporated areas. He outlined how other cities have addressed this matter. He asked that the City conduct a study to gather all perspectives and adopt a charities-only policy.

Commissioner Roberts supported the idea of a study. The City Manager explained what would be required in terms of a study in order to enact a law that would allow receptacles for charities. The City Attorney advised that she issued a memorandum on this matter. Commissioner Roberts wanted to proceed with at least a cursory examination and noted that other cities have come up with some type of solution. The Salvation Army is an important service provider and has a good homeless outreach program. They survive on donations. The City Manager agreed to re-circulate the memorandum mentioned by the City Attorney that provides information about policies from other cities. Mayor Seiler noted that the Salvation Army is a City partner. The desire to eliminate the boxes has to do with for-profit agencies. He also would like to look into options available under the new law to assist a few organizations. Vice-Mayor Rogers agreed it should be looked into. The City should work with its partners whenever possible. At Mayor Seiler's request, the City Attorney agreed to research the new state law.

**CIT-2 14-0761 W. FRANK SESSIONS - All Aboard Florida Project**

W. Frank Sessions was not present. He spoke under Item CR-6.

**CIT-3 14-0829 CRISTOBAL PADRON AND CESAR BALBIN - City of Fort Lauderdale Housing Authority**

Cristobal Padron and Cesar Balbin were not present.

**RESOLUTIONS**

**R-1 14-0716 QUASI-JUDICIAL - Sarria Plat - Case PL14004**

Applicant: Sarria Holdings II, Inc.  
Location: 3300 Davie Boulevard  
Zoning: Boulevard Business B-1  
Future Land Use: Commercial

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

Architect Jerry McLaughlin of McLaughlin Engineering, representing the Applicant, said the Applicant has worked with staff and addressed all issues. The site was previously used as a restaurant which has been demolished. The parking lot remains. The owner intends to build commercial development. It will be compatible with the nearby shopping center. There is no prospective tenant at this time.

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

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

**ADOPTED**

**Aye:** 4 – Vice-Mayor Rogers, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

**Not Present:** 1 – Commissioner Roberts

**R-2     14-0755     QUASI-JUDICIAL - VACATION OF 40-FOOT PORTION OF 60-FOOT  
STORM DRAINAGE EASEMENT - Regal Trace Apartments - Case  
E14003**

Applicant: Regal Trace, Ltd.  
Location: 540 NW 4 Avenue

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.

Milton Jones, representing the Applicant, advised that this is a remaining item in the development agreement. They relocated a sewer line more than 20 years ago as required for the development but vacation never occurred. Documentation from utilities has been provided, indicating no objection.

The City Manager advised that staff recommends approval with two conditions ensuring that all infrastructure is removed at the Applicant's expense.

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 DuBose and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the resolution subject to additional conditions described above, which

was read by title only.

**ADOPTED AS RECOMMENDED**

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

**R-3      14-0757      QUASI-JUDICIAL - VACATION OF 10-FOOT UTILITY EASEMENT - related to The Queue multi-family development - southwest corner of of SE 8 Street and SE 2 Avenue - Case 12M12**

Applicant: D. Fredrico Fazio

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.

There being no 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 DuBose and Mayor Seiler. NAYS: None.

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

**ADOPTED AS RECOMMENDED**

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

**R-4      14-0802      APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2**

The categories of board appointments made at the March, April and May, 2014 meetings were read into the record and are attached to these minutes.

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

Board of Adjustment

Matthew Scott (Consensus)

Parks, Recreation and Beaches Board

Jo Ann Smith (Mayor Seiler)

Idan Eckstein (Commissioner Trantalis)

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

**ADOPTED**

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

**PUBLIC HEARINGS**

**PH-1 14-0775** MOTION - ANNUAL ACTION PLAN FOR FISCAL YEAR 2014-2015 ENTITLEMENT GRANT PROGRAMS THROUGH U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT and authorize City Manager to execute all necessary documents

Mayor Seiler opened the floor for public comment.

Housing and Community Development Program Manager Jonathan Brown advised that the Commission held a preliminary discussion (Conference meeting of June 3, 2014) and is now providing final direction. There is approximately \$766,450.60 remaining in the Community Development Block Grant (CDBG) fund for allocation. Total requests amount to \$1,506,277.20. He confirmed for Mayor Seiler that the City has always allocated approximately \$500,000 to the Community Investment Program (CIP); sometimes more and sometimes less. He delineated a three-year history. The City Manager added that last year \$475,000 was requested but the Commission approved a reduction of \$50,000 in order to fund another project.

In response to Commissioner Trantalis, Brown said the Community Services Board makes recommendations on the public services category. The Commission has already provided consensus on that category.

Mayor Seiler opened the floor for public comment.

Frank Jean-Mary, representing Grace Community Development Corporation, provided detail on Grace's services. He later confirmed for Mayor Seiler that their total request is for \$257,000, which will cover 50 percent of the purchase price for a building and 50 percent of rehabilitation costs. The property is zoned for the appropriate use and they have secured funds to cover the other half of the mortgage.

Reverend Luke Harrigan, representing Grace Community Development Corporation, emphasized that there are a number of people in attendance this evening because they support this request.

Pastor Derrick Hughes, representing Cradle Nursery (First Baptist Church), outlined the church's partnership with Cradle Nursery. The total request is \$105,000, which will be used for building upgrades and modifications. The church has invested more than \$100,000 into the building. In response to Vice-Mayor Rogers, Hughes explained that the church is located on 4 Street in the Sistrunk area, around the corner from Cradle Nursery.

Beauregard Cummings, representing Cradle Nursery, spoke in support of Cradle Nursery.

Marcia Barry-Smith, representing the Housing Foundation of America, noted that the Foundation's H2H Program (from homeless to homeowner; from hopeless to hope-filled) was the only housing education and financial literacy program selected for presentation in the process. She provided details of the program and explained that the Fort Lauderdale Housing Authority is one of their largest partners. They were surprised to learn their application was declined even though they scored highest in this category. A lack of affordable and sustainable housing should not continue to haunt this county. They have been one of the highest producers of affordable housing buyers in the City's programs. Their request is for \$50,000 under the public services and education category. They have matching funds of \$28,000. Brown explained that the Housing Foundation submitted an application through the competitive process and was the highest-ranked – the only submission in that category. Their score did not meet the minimum threshold and therefore a recommendation from the Community Services Board was not presented to the Commission.

Chester Bishop, representing the Housing Foundation of America, agreed with Barry-Smith's comments and noted the Housing Foundation's accomplishments.

Melissa McQuilkin, representing Broward Children's Center, noted that in April the Center was notified that it was below its expected expenditures so they worked with the City and expanded their contract to include a respite and recreation program for children with special needs. She provided program information for June that was made a part of the record. Their original request is for \$50,000 and recommended for \$26,000. She went on to delineate service statistics and some examples of the care they provide. Brown confirmed for Commissioner DuBose that the Community Services Board recommended \$26,000 in funding for the Center. However, staff did not recommend funding in that the Center was not contractually compliant at the time of the competitive application process. He also highlighted previous discussion of this matter including a recommendation for funding to Broward Partnership for the Homeless.

Patrice Paladino, representing Legal Aid of Broward County, advocated for Legal Aid to continue providing legal services for Housing Opportunities for Persons with AIDS (HOPWA) Program. She provided detail of service statistics. In anticipation of award cuts, she indicated that Legal Aid believes it can continue its current level of service for \$220,000 and explained how this would be possible.

Roland Foulkes, representing Cradle Nursery, said he is a 1962 graduate of Cradle Nursery. He was born, raised and resides in Fort Lauderdale at the 33311 zip code, and is a lifetime member of the First Baptist Church. He spoke positively about how it helped shape his education and career path. Cradle Nursery will be part of a historic black district in Fort Lauderdale. He urged funding Cradle Nursery's request for \$105,000 and more if possible. He provided a handout on his education, career and community involvement since graduating from Cradle Nursery that was made a part of the record.

Katherine Barry, representing Homes Inc., provided details of Homes' services in the category of neighborhood revitalization strategy. She believed they are the only program in the Central City Community Redevelopment Agency area. They have an unblemished track record of project completion with the City and Broward County. Their staff has the capacity and expertise to meet all city and U.S. Housing and Urban Development requirements. They are requesting approximately \$174,000.

Natasha Markman, representing Broward Regional Planning Council, supported the Community Services Board's recommendation. She provided details of their programs and service statistics. Their total request is for \$2,542,138.

L.F. Rosenthal, 1237 NW 4 Avenue, said business and real estate in Fort Lauderdale is doing well. To vote against these worthwhile funding requests would be immoral and bad economic policy.

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

Commissioner DuBose felt that there may be some flexibility in the Public Works Department Capital Improvement Program item. The City Manager advised there is more capacity for capital programs. They have already been programmed into the General Fund with those excess revenues. This year the General Fund will support almost \$6.9 million in capital projects. This is based on a 6.3 percent increase in property values that will generate about \$500,000. There is one major unmet capital need, self-contained breathing apparatus (SCBA) gear for the Fire-Rescue Department that will cost about \$1.2 million. Fire-Rescue Chief Robert Hoecherl advised that the department has applied for a \$1.7 million grant. He was not sure when or if it will be awarded. The City Manager went on to say that the

communications service tax numbers are not yet available. Last year almost \$600,000 was lost through those fees. Budget Manager Emilie Smith advised that the City received \$13 million in 2013 and is expected to receive \$12.6 million this year, a reduction of about \$400,000. The same decline is expected this year.

The Commission discussed at length adjustments including the Public Works capital improvement program projects at \$500,000. The City Manager noted that there will be CDBG programming that will become available.

Brown responded to Commissioner DuBose's question about Melrose Park not being included. He explained the CDBG process uses a mapping tool in conjunction with the American Community Survey to frame eligible areas. The map has been approved by the U.S. Department of Housing and Urban Development. There have been examples where only one side of a street is eligible. Commissioner Trantalis did not think Melrose Park should be disqualified while a prosperous area of downtown is suddenly qualified.

Discussion ensued about prioritizing agencies for funding. Mayor Seiler felt that if these allocations are the only ones these agencies ever get from the City, they should be for purposes that have value and sustainability. For example, funding for Grace Community Development gets the organization into a building and stimulates a long-term solution. The City cannot provide the same amount to each agency every year because federal funding will continue to decrease. He also supported the Esplanade Park project as it helps to address homeless issues. The City Manager explained the project is to redesign the park for it to be more conducive for active use. Commissioner Roberts was willing to use the CIP funding (\$500,000) to help most of the programs with the commitment that revenue generated over the year would be dedicated to replace the CIP funding. The City Manager confirmed that he expects at least \$200,000 in additional revenue. Commissioner Roberts referred to previous discussions during the joint workshop with the Budget Advisory Board concerning CIP funding to point out the flexibility that exists whereas these projects need to be addressed this evening. Commissioner Trantalis agreed.

Discussion ensued about the Cradle Nursery project wherein Brown advised that \$105,000 will complete the renovation and rehabilitation. Mayor Seiler felt this project, like Grace Community Development, makes sense. Commissioner Roberts agreed, but the others will come up a little bit shorter.

In response to Mayor Seiler, Scott Strawbridge, representing Step-Up Apprenticeship Program, indicated with less funding, the program would be reduced; however \$100,000 would make a big difference.

Brown confirmed for Mayor Seiler that \$75,000 of the \$500,000 CIP funding is for projects other than Esplanade Park. The Commission concluded that \$425,000 would be reallocated. Additionally, \$100,000 would be allocated to Cradle Nursery; \$250,000 to Grace Community Development; \$100,000 to Step-Up; \$100,000 to Homes; and \$100,000 to Mount Bethel. The remaining approximate \$41,000 would be allocated for the CIP.

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

#### **APPROVED WITH REVISED FUNDING ALLOCATIONS**

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

Mayor Seiler emphasized to CDBG program recipients in the audience that there be compliance with all rules.

**PH-2 14-0815** MOTION - HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS (HOPWA) PROGRAM AMENDMENT TO 2012-2013 ANNUAL ACTION PLAN - reallocation of HOPWA funds from 2012-2013

Housing and Community Development Program Manager Jonathan Brown noted that Housing Opportunities for Persons with AIDS (HOPWA)'s funding was reduced by \$930,000. There are unspent funds from 2012-2013. Each agency has taken a cut if necessary. Staff is requesting to move some of the unspent funds to Broward House for next year so every agency will be made whole for 2014-2015.

In response to Commissioner Roberts, Patrice Paladino, representing Legal Aid of Broward County, explained that their original request was \$250,000. It was reduced to \$187,000. Current expenditures are around \$180,000 or \$190,000 separate from other factors mentioned earlier (Item PH-1). In response to Commissioner Roberts, Brown said this is what was recommended by the Community Services Board. If an agency has spending issues, it is brought to the Commission's attention. There is no carry-forward for any of the agencies.

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 DuBose and Mayor Seiler. NAYS: None.

Mayor Seiler emphasized that every allocated dollar is spent.

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

**APPROVED**

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

**ORDINANCES**

**O-1 14-0701** SECOND READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19, ACCESSORY USES to add Subsection 47-19.12, Bus Shelters, to permit and provide criteria for placement of bus shelters on private property

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

**ADOPTED ON SECOND READING**

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

**BUDGET ITEMS**

**1 14-0753** FISCAL YEAR 2015 MILLAGE RATE - setting fiscal year 2015 proposed millage rate for the City of Fort Lauderdale (4.1193) and Sunrise Key Neighborhood Improvement District (1.0000)



In response to Mayor Seiler, the City Attorney explained that her proposed budget was not presented as it was submitted to the City Manager, therefore she provided a correction. A copy of the City Attorney's Memorandum No. 14-051 is attached to these minutes.

Mayor Seiler announced that there is no increase in the millage rate. This is the maximum rate and it can be lowered later in the year if the Commission desires.

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

**ADOPTED**

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

- 2      14-0752      FISCAL YEAR 2015 MILLAGE RATE AND BUDGET - Setting public hearing dates for City of Fort Lauderdale and Sunrise Key Neighborhood Improvement District - September 3, 2014 and September 10, 2014**

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

**APPROVED**

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

- 3      14-0796      LAUDERDALE ISLES WATER MANAGEMENT DISTRICT FISCAL YEAR 2015 NON AD VALOREM ASSESSMENT RATE AND BUDGET AND PUBLIC HEARING DATE - accepting non-ad valorem assessment rate and tentative budget and setting public hearing for September 10, 2014**

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

**APPROVED**

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

- 4      14-0799      WAVE STREETCAR ASSESSMENT - FISCAL YEAR 2015 NON AD VALOREM ASSESSMENT ROLL AND PUBLIC HEARING DATE - directing preparation of non ad valorem assessment roll and setting public hearing for September 10, 2014**

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

**APPROVED**

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

- 5      14-0797      FISCAL YEAR 2015 NON-AD VALOREM ASSESSMENT - FIRE RESCUE ASSESSMENT FEE AND PUBLIC HEARING DATE - setting rate of \$225 per single family residential household and setting public hearing for September 10, 2014**

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

Charles King, 105 North Victoria Park Road, commented that the fire assessment fee was raised 67 percent last year, which was drastic. He considers it a tax. There are non-profit organizations such as colleges, churches and hospitals that are not assessed this fee and the Commission does not wish to make any change in the assessment structure. This would be a way to lower the assessment for others.

L.F. Rosenthal, 1237 NW 4 Avenue, advised that if non-profit organizations are taxed, they will have to raise more money and the cost of social services they render will increase. Non-profits exist to provide social services at a lower cost.

Vice-Mayor Rogers clarified that non-profit organizations are assessed this fee based on square footage.

**ADOPTED**

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

**Nay:** 1 – Commissioner DuBose

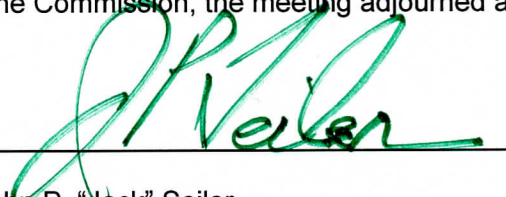
- 6      14-0798      BEACH BUSINESS IMPROVEMENT DISTRICT FISCAL YEAR 2015 NON-AD VALOREM ASSESSMENT RATE AND PUBLIC HEARING DATE - establishing non-ad valorem assessment rate of \$0.8525 and setting public hearing for September 10, 2014**

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

**ADOPTED**

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

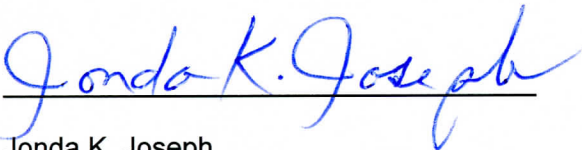
There being no other matters to come before the Commission, the meeting adjourned at 11:21 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk

- Mr Mayor, Commissioners I would like to thank you for letting me speak tonight . JUL 1, 2014
- My name , I have lived in FTL for 15 years and I live in the Citrus Isles section of the City.
- As a result of our investigation, all information put forth here tonight, is from printed, digital, and video sources conveyed by AAF. My opinions are formed from these facts.
- To start all artist depictions of the proposed train station in Miami, have the trains on elevated tracks. To date this idea is not being considered in the plans for the FLT train station.
- A close friend, Mr. John Dotto was abc chan 10 Sunday with Michael Putney and AAF pres Reininger who stated that phase one of the AAF project is approved. As yet, we have found no public documents to support this claim. Do you know what Phase One he is referring to? What is phase two?
- Why is the closure of NW 2 street now before the Commission before EIS has been submitted and approved by the Federal Railroad Administration and with no public discussion?
- We agree that the All Aboard Florida project will generate employment and businesses for our city. It is the lack of attention to the New River Bridge issue and our Marine Industry that concerns us.
- Another concern is the potential loss of property values due to the increase in rail, passenger and freight traffic.
- Also, we have concerns about the highway gridlock and the marine congestion on the New River.
- We understand that the EA and FONSI were published by the Federal Railroad Administration in 2013. We have information from the US Coast Guard that the EA did not include the impact this project will have on the New River marine traffic.
- The FRA has advised us that the impact of the New River Bridge issue will be addressed by the US. Coast Guard in the pending EIS.
- Concerning the proposed stipulation that describes the procedure of the closing of 2nd street. In the document is a NW 2nd street DETOUR MAP, ENTITLED PHASE ONE TRAFFIC CONTROL PLAN. Again, what phase two.
- Exhibit 2 has the proposed FTL rail station on the westside of tracks. But the most important aspect is that the tracks are labeled "PROPOSED TRI RAIL TRACK". We have told that Tri rail will never be relocated to the FEC track but it appears now that this is in the long range rail plans.
- Therefore, at this time we feel that the commission should withhold any action on this stipulation.

Thank you



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Rogers, Romney C</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Commission</i>
MAILING ADDRESS <i>100 North Andrews Ave</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Fort Lauderdale</i> COUNTY <i>Broward</i>	NAME OF POLITICAL SUBDIVISION: <i>Fort Lauderdale</i>
DATE ON WHICH VOTE OCCURRED <i>July 1, 2014</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Romney Rogers, hereby disclose that on July 1, 20 14:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☒ inured to the special gain or loss of SunTrust Bank, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Commission item 14-0786 - "Approve Final Ranking and Commencement of Contract Negotiations for Procurement Card Services - Request for Qualifications - I serve on an advisory Board of the Bank for which I am compensated."

July 1, 2014  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



PROVIDED BY  
CITY ATTORNEY

CR-5  
JUL 1, 2014

provisions of Article 34 shall apply. This section specifically excludes environmental concerns, which are governed by the provisions of Article 34 of this Lease Agreement.

**2.05 Authority.** All steps, acts and conditions required by the Charter of the Lessor to be done as a condition precedent to the execution of the Lease have been done, and the Lessor has full authority to enter into this Lease.

**2.06 Lessee's Ability.** The Lessee represents and warrants to the Lessor that it is authorized to transact business within the State of Florida. The Lessee further represents and warrants that it has or will obtain adequate financial resources and has the business skill and ability to perform all obligations imposed by this Lease Agreement upon the Lessee to diligently, skillfully and successfully operate the Premises for the purposes intended.

**2.07 Subordination.** This Lease and all provisions hereof are subject and subordinate to the terms and conditions of the instruments and documents under which Lessor acquired the subject property from the United States of America, including the Deed, and shall be given only such effect as will not conflict or be inconsistent with the terms and conditions contained in the Lease of said lands from Lessor, and any existing or subsequent amendments thereto. This Lease and all provisions hereof, are subject and subordinate to any ordinances, rules or regulations, which have been adopted by the Lessor pertaining to the Airport. This Lease and all provisions hereof is subject and subordinate to the provisions of any existing agreement between Lessor and the United States of America relative to the operation or maintenance of the Airport, or the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for development of the Airport, including without limitation the expenditure of federal funds for the development of the Airport under the provisions of the Federal Aviation Act of 1958, as amended from time to time. Any encumbrance created by or through Lessor arising from and after the Effective Date shall be subordinate to this Lease.

### ARTICLE 3. TERM

**3.01** The term of this Lease shall commence on the date 270 days following the Effective Date ("**Commencement Date**"), provided, however, if the "Rezoning," as hereinafter defined, has not yet occurred by such 270<sup>th</sup> day following the Effective Date, the Commencement Date shall be extended until the thirtieth (30<sup>th</sup>) day after the Rezoning has occurred. This Lease shall expire 30 years after the Commencement Date ("**Term**"), unless sooner terminated as provided in this Lease. Provided the Lessee is not currently in default under this Lease beyond any applicable notice and cure period and that during the Term of this Lease Lessee has not failed to cure any material defaults during the time period given to cure after notice by the Lessor as set forth in this Lease, This Lease may be extended for up to two (2) additional five (5) year terms upon request by Lessee at least six (6) months prior to the expiration of the then current term. As a condition precedent to the Commencement Date, Lessee shall provide Lessor with evidence that it has secured sufficient financing to construct the Project on the Premises and provide Lessor with the Master Plan referenced in Section 12.01 of this Lease.



installments, then Lessee shall only be required to pay those installments which shall become due and payable during the Term.

It is the intent of both parties that the Public Assets portion of the Premises will continue to be used for public purposes, however, both parties recognize that the Broward County Property Appraiser, in its sole discretion, determines whether any portion of the Premises will be exempt from ad valorem taxation. The Lessee shall, within the applicable time periods as set forth by the Broward County Property Appraiser or Tax Collector, have the right to review or protest, or cause to be reviewed or protested, by legal proceedings, any such taxes, assessments, or other charges imposed upon or against the Premises or buildings, other structures or improvements on them and in case any such taxes, assessments, or other charges shall, as a result of such proceedings or otherwise, be reduced, canceled, set aside or to any extent discharged, the Lessee shall pay the amount that shall be finally assessed or imposed against the Premises or buildings, other structures or Improvements which are finally determined to be due and payable on any such disputed or contested items. Lessor, through the City Manager, shall cooperate with Lessee's efforts to contest Taxes, at no cost to Lessor. If requested in writing by Lessor, Lessee shall deposit any disputed sum, including any applicable penalty fee, with an escrow agent mutually selected by the parties, for the protest period. All expenses of such litigation, including court costs, shall be paid by Lessee free of all expense to Lessor. If, as a result of any legal proceeding pursuant to the provisions of this section, there is any reduction, cancellation, setting aside or discharge of any such tax or assessment or other charges, the applicable refund shall be payable to the Lessee, and if such refund be made to the Lessor, then the Lessor shall hold such refund in trust and shall immediately pay over the same to the Lessee. The term "legal proceeding," as used above, shall be construed as including appropriate appeals from any judgments, decrees or orders and certiorari proceedings and appeals from orders entered in them.

7.07 Quiet Enjoyment. Lessor agrees that Lessee shall be entitled peacefully to enjoy, to occupy and to possess the Premises throughout the Lease term without interference, hindrance or molestation.

7.08 Surrender. At the Lessor's option but subject to the rights of any Leasehold Mortgagee, At the expiration or termination of this Lease, Lessee shall, at its expense, remove all Lessee-installed Improvements, personal property, furniture, fixtures and equipment (except the Public Assets), and deliver the Premises to the Lessor in a good state of repair. Unless otherwise set forth in this Lease, all Improvements and all fixtures, structures, facilities and other leasehold improvements and any additions and alterations made to the Premises (including those that are nailed, bolted, stapled or otherwise affixed to the Premises) by Lessee, or at Lessee's direction, shall be and remain Lessee's property until the expiration or termination of this Lease. Lessee may remove all or any such fixtures, structures, facilities and other leasehold improvements at any time and from time to time. The Lessee shall at its expense take all actions required by federal, state, local and City laws, rules and regulations to remove or have removed from the Premises all hazardous substances (other than those introduced to the Premises by Lessor, or Lessor's employees, contractors and agents, or which existed prior to the Commencement Date), however stored, and whether or not such hazardous substances or materials have been discharged into the ground. All such hazardous substances and materials shall be removed by the Lessee in a manner that complies with all applicable federal, state, local and City laws, rules and regulations and the provisions of Article 34 shall be applicable. Commencing upon construction



## Categories of Members appointed at the following meetings

Mar 4<sup>th</sup>, Mar 18<sup>th</sup>, Apr 1<sup>st</sup>, Apr 15<sup>th</sup> May 6<sup>th</sup> and May 20<sup>th</sup>

### **MARCH 4<sup>TH</sup>**

#### **HISTORIC PRESERVATION BOARD**

George Figler (Trantalis).....CATEGORY: Real Estate Agent

Timothy Mark Lyons (Trantalis).....CATEGORY: Other segments of the community

#### **SUSTAINABILITY ADVISORY BOARD**

Jim Wood (Trantalis)..... CATEGORY: NON-SPECIFIED

### **MARCH 18<sup>TH</sup>**

#### **BEACH REDEVELOPMENT BOARD**

Tim Schiavone (DuBose)..... CATEGORY: Engaged in business in the central beach area

### **APRIL 1<sup>ST</sup>**

#### **BEACH REDEVELOPMENT BOARD**

Thomas McManus (Roberts) ..... CATEGORY: Financier or banker

### **APRIL 15<sup>TH</sup>**

#### **HISTORIC PRESERVATION BOARD**

David Kyner (Rogers)..... CATEGORY: Historian

Marilyn Mammano (Rogers)..... CATEGORY: Planner

#### **NORTHWEST-PROGRESSO-FLAGLER HEIGHTS REDEVELOPMENT BOARD**

Yvonne Sanandres (Rogers) ..... CATEGORY: Real Estate Sales & Development

Alan L. Gabriel (Roberts)..... CATEGORY: NON-SPECIFIED

Jessie Adderley (Trantalis) ..... CATEGORY: Educator

Sonya Burrows (DuBose)CATEGORY: Resides and engaged in business within the northwest area

**Categories of Members appointed at the following meetings**

**Mar 4<sup>th</sup>, Mar 18<sup>th</sup>, Apr 1<sup>st</sup>, Apr 15<sup>th</sup> May 6<sup>th</sup> and May 20<sup>th</sup>**

**MAY 6<sup>TH</sup>**

**HISTORIC PRESERVATION BOARD**

Christopher McDonald (Roberts)..... CATEGORY: Other segments of the community

**MAY 20<sup>TH</sup>**

**HISTORIC PRESERVATION BOARD**

Brenda Flowers (DuBose)..... CATEGORY: Other segments of the community

**NORTHWEST-PROGRESSO-FLAGLER HEIGHTS REDEVELOPMENT BOARD**

Dylan M. Lagi (Trantalis)..... CATEGORY: NON-SPECIFIED

**SUSTAINABILITY ADVISORY BOARD**

William Goetz (Roberts)..... CATEGORY: NON-SPECIFIED