

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, August 19, 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 6:08 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 Tom Capano and April Reddish (10 p.m.)

Vote Roll Call Order for this Meeting

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

Invocation

Pastor Stephen Reynolds, Shepherd of the Coast Lutheran Church

Pledge of Allegiance

Led by local youth

Approval of MINUTES and Agenda

14-0881 APPROVAL OF MINUTES for May 13, 2014 Joint Workshop with Beach Redevelopment Advisory Board, May 20, 2014, June 3, 2014 and June 17, 2014 Conference Meetings, June 2, 2014 Joint Workshop with the Beach Business Improvement District and June 3, 2014, June 17, 2014 and July 1, 2014 Regular Meetings

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

APPROVED

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

PRESENTATIONS

PRES-5 14-0942 36th ANNUAL COMMUNITY APPEARANCE AWARDS - SPONSORS OF WOW AWARD PROGRAM: Crush Law, P.A., Docent Photography, Fort Lauderdale Community Redevelopment Agency, Home Depot, Judith Stern Consulting, Inc., Kelly's Landing Seafood Restaurant, Lochrie & Chakras, P.A., Stiles Corporation, Water Brook Builders

Barbara Stern, chair of the Community Appearance Board and Business Assistance Coordinator Laura Gambino presented the awards.

PRES-3 14-1004 AMERICAN HERITAGE SCHOOL STUDENTS PRESENTATION - FREEDOM BEACH: A HISTORY OF THE FORT LAUDERDALE BEACH WADE-INS - Winning Entry of Junior Group Website Category in 2014 National History Day Competition

Commissioner DuBose recognized American Heritage School students Andrew Kolondra and Kishan Patel.

PRES-4 14-0943 COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT IV

Vice-Mayor Rogers presented the award to Paul and Katrina Brin for upgrades to their home in Tarpon River.

PRES-1 14-0989 POLICE OFFICER OF THE MONTH FOR AUGUST, 2014

The City Manager recognized Officer Anthony Windes as Police Officer of the Month for August 2014 and highlighted his efforts in reducing fraud.

PRES-2 14-1011 INAUGURAL GRADUATING CLASS OF COMMUNITY POLICE FORUM - PRESENTATION TO POLICE CHIEF FRANK ADDERLEY FOR CREATING THE PROGRAM

Jason Robertson, a member of the inaugural class of the Community Police Forum provided background information on the program and presented a plaque of recognition to Police Chief Frank Adderley. Chief Adderley thanked contributors to the program.

PRES-6 14-1005 COMMENDATION - ASSISTANT CITY ATTORNEY COLE COPERTINO NAMED HERO OF THE MONTH - by Greater Fort Lauderdale Chamber of Commerce

Commissioner Trantalis presented the commendation to Assistant City Attorney Cole Copertino. Copertino thanked the Commission, the City Attorney's Office and Angel's Pediatric Heart House, which nominated him for the award.

CONSENT AGENDA

CONSENT MOTION

CM-1 14-0922 EVENT AGREEMENTS: Spartan 300 Workout, Crew 4 Yachts Annual Captain & Crew Appreciation Party, Icarus Florida Ultrafest and Igloo Music & Food Festival

Raymond Cox, no address provided, criticized the expense related to this item and noted concerns of the homeless community who do not have constant access to public restrooms.

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

APPROVED

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

CM-2 14-0955

EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Tarpon Bend Anniversary Party, Downtown Himmarshee Labor Day Celebration, Tunnel to Towers, Glam-A-Thon, South Florida Walk for the Animals and Michelob Ultra 13.1 Fort Lauderdale Half Marathon & 5K.

Raymond Cox, no address provided, criticized the expense related to this item and noted concerns of the homeless community who do not have constant access to public restrooms.

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

APPROVED

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

CM-3 14-0919

CONTRACT RENEWALS - OCTOBER, NOVEMBER, DECEMBER 2014 - contingent upon each respective vendor agreeing to the Extension

Raymond Cox, no address provided, said he had difficulty accessing backup information. He would like to have contract renewal for portable restrooms for the homeless.

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

APPROVED

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

CM-4 14-0891

GRANT ACCEPTANCE - \$834,597 - ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM from United States Department of Homeland Security and Federal Emergency Management Agency (FEMA) for fiscal year 2013

Raymond Cox, no address provided, suggested a grant be secured for portable restrooms for the homeless.

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

APPROVED

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

CM-5 14-0952 GRANT ACCEPTANCE - \$163,920 - ENHANCED MARINE LAW ENFORCEMENT GRANT PROGRAM - Broward County and authorize City Manager to execute on behalf of City - fiscal year 2015

Raymond Cox, no address provided, expressed concerns about how federal funds are used.

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

APPROVED

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

CM-6 14-0959 SETTLEMENT OF GENERAL LIABILITY CLAIM GL 13-647C (Allen Stoffman) - \$25,000

Raymond Cox, no address provided, felt that the settlement was unconstitutional.

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

APPROVED

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

CM-7 14-0847 REVISED INSTALLATION AND MAINTENANCE OF LANDSCAPE AGREEMENT - BROWARD COUNTY - BROWARD BOULEVARD LIVABLE MOBILITY GRANT - Andrews Avenue and State Road 7 - Beautification Agreement with City of Plantation and Broward County for State Road 7 to NW 7 Avenue to remain in full force and effect

Raymond Cox, no address provided, noted concerns that the homeless are not allowed to access a park on Broward Boulevard.

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

APPROVED

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

CM-8 14-0898 AGREEMENT FOR NATURE PROGRAMMING AT SNYDER PARK - Partners in Action, Inc., d/b/a Kids Ecology Corp. - September 16, 2014 through September 14, 2017

Raymond Cox, no address provided, suggested that if the homeless are declared wildlife, funds could be secured to assist them.

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

APPROVED

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

CM-9 14-0982 LETTER SIGNED BY MAYOR - SUPPORTING RECOMMENDED USE OF EDWARD BYRNE JAG MEMORIAL COUNTYWIDE SOLICITATION GRANT FUNDS WITHIN BROWARD COUNTY - \$468,489 - fiscal year 2014

Raymond Cox, no address provided, criticized spending funds for this purpose.

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

APPROVED

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

CM-10 14-0903 TASK ORDER 3 - \$31,325 - EARTHWORK SERVICES - PARCELS B, C AND D AT EXECUTIVE AIRPORT - Miller, Legg & Associates, Inc. - \$31,325

Raymond Cox, no address provided, expressed concerns about the amount of funds approved for this item.

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

APPROVED

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

CM-11 14-0912 CHANGE ORDER 2 - ADDITIONAL WORK - SOUTHEAST 15 STREET BOAT LAUNCH AND MARINE COMPLEX IMPROVEMENTS - MBR Construction, Inc. - \$29,618.88 - additional 8 calendar days to contract period

Raymond Cox, no address provided, suggested there is no vision plan for the homeless.

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

APPROVED

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

CM-12 14-0934 SUPPLEMENT TO FINAL CHANGE ORDER 3 - COSTS AND EQUIPMENT RENTAL FOR RIVERLAND AREA SANITARY SEWER AND WATER MAIN IMPROVEMENTS - \$76,046.88 (cumulative) - Gonzalez & Sons Equipment, Inc.

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

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

APPROVED

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

CM-13 14-0949 REVOCABLE LICENSE - INFRASTRUCTURE IMPROVEMENTS FOR LAS OLAS BOULEVARD AND SE 3 AVENUE - Broward County

Raymond Cox, no address provided, said he had no opinion on this item.

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

APPROVED

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

CONSENT RESOLUTION

CR-1 14-0956 OPPOSING PERMANENT INTERNET TAX FREEDOM ACT - U.S. House of Representatives Bill 3086

One comment was submitted by email for this item, which is attached to these minutes.

Raymond Cox, no address provided, did not believe the City should oppose an Internet tax.

Charles King, 105 North Victoria Park Road, noted this is a non-binding resolution. He felt the Commission should target more pressing matters. It appears there are more important items before the Commission such as the “Docs v. Glocks” legislation. He wanted to see the Commission consider more issues where people generally agree on the topic.

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

ADOPTED

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

CR-2 14-0857 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2014 BUDGET – APPROPRIATION

Raymond Cox, no address provided, suggested the budget could be amended to address the needs of the homeless.

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

ADOPTED

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

CR-3 14-0783 RESCHEDULING SEPTEMBER 2, 2014 CITY COMMISSION CONFERENCE AND REGULAR MEETINGS TO WEDNESDAY, SEPTEMBER 3, 2014

Raymond Cox, no address provided, questioned why the meeting was being moved from Tuesday to Wednesday.

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

ADOPTED

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

CR-4 14-0575 SPECIAL ASSESSMENT LIENS FOR COST ASSOCIATED WITH LOT CLEARING AND CLEANING

Christine Timmon, 12 SE 20 Street, said special assessments are needed because the homeless do not clean up after themselves. She suggested that if Raymond Cox is going to advocate for the homeless, he should run for office so he can do something to help them. The homeless have a responsibility just as everyone else.

Raymond Cox, no address provided, spoke about humanitarian concepts.

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

ADOPTED

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

CR-5 14-0576 SPECIAL ASSESSMENT LIENS FOR COST ASSOCIATED WITH SECURING AND BOARDING UP BUILDINGS

Raymond Cox, no address provided, criticized the expense when there is no funding for the homeless and portable restrooms.

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

ADOPTED

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

CR-6 14-0431

ADOPTING CITYWIDE MULTIMODAL CONNECTIVITY PLAN
"CONNECTING THE BLOCKS: CREATING OPTIONS FOR MOVING PEOPLE"

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

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

ADOPTED

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

CR-7 14-0732

LICENSE AGREEMENT - IMPROVEMENTS TO U.S. 1 - GRANTING TEMPORARY ACCESS TO CITY PROPERTY - Florida Department of Transportation - Sunrise Boulevard and entryway to Holiday Park at NE 10 Avenue

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

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

ADOPTED

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

CR-8 14-0897

TITLE TRANSFER OF SEVEN TROLLEYS FROM BROWARD COUNTY TO CITY

Raymond Cox, no address provided, questioned the purpose of the trolleys. He advocated for the homeless.

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

ADOPTED

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

CR-9 14-0945

QUIET ZONE DESIGNATION ELIGIBILITY - supporting Broward Metropolitan Planning Organization's Tiger Grant Application for safety improvements along Florida East Coast Railroad Corridor and agreeing to fund additional maintenance and operating costs

Raymond Cox, no address provided, indicated that tragedies could occur if trains do not make noise in quiet zones.

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

ADOPTED

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

CR-10 14-1016 MERIT INCREASE FOR CITY AUDITOR - effective August 1, 2014

Robert Walsh, 401 East Las Olas Boulevard, wanted to ensure that the City Auditor is watching over expenditures, budget and making sure tax dollars are expended appropriately. He pointed out his discovery with respect to employee 401K deferred compensation and that it should have been found by the City Auditor.

Raymond Cox, no address provided, spoke in support of the item.

L.F. Rosenthal, 1237 NW 4 Avenue, spoke in support of the item and the quality of Mr. Herbst's work. He appreciated the open-minded approach.

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

Mayor Seiler commended Mr. Herbst's performance and the fact that he has taken on additional projects beyond the limited scope of the budget.

ADOPTED

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

PURCHASING AGENDA

PUR-1 14-0724 PROPRIETARY PURCHASE - REMOVAL AND REINSTALLATION SERVICES OF GEOTHERMAL POOL HEAT/COOL SYSTEMS - \$95,110 - Symbiont Service Corporation

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

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

APPROVED

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

PUR-2 14-0751 PURCHASE REPLACEMENT TRACTOR/MOWER - \$131,610.55 - Nortrax, Inc.

Raymond Cox, no address provided, questioned the expense.

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

APPROVED

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

PUR-3 14-0773

AWARD TWO ONE-YEAR CONTRACTS FOR WATER METER BOXES - Group I to HD Supply Waterworks, LTD - estimated annual cost of \$5,000 and Groups II, III and IV to Ferguson Enterprises, Inc. - estimated annual amount of \$349,000 - \$354,000 (total) and authorize City Manager to approve three, one-year renewal options, contingent upon appropriation of funds

Raymond Cox, no address provided, advocated for public restrooms.

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

APPROVED

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

PUR-4 14-0777

PURCHASE REPLACEMENT PLAYGROUND EQUIPMENT AND NEW SHADE STRUCTURE AT BRYANT PENEY PARK - \$90,999 - Playmore West, Inc.

Raymond Cox, no address provided, advocated for public restrooms.

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

APPROVED

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

PUR-5 14-0794

PROPRIETARY PURCHASE OF REPLACEMENT SEATING SYSTEM END RAILS AND REPAIR SERVICES AT WAR MEMORIAL AUDITORIUM - \$72,905 - Hussey Seating Company

Raymond Cox, no address provided, questioned proprietary purchases.

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

APPROVED

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

PUR-6 14-0812

CONSENT TO CONTRACT ASSIGNMENT AND THIRD RENEWAL OF CONTINUING CONTRACT FOR GENERAL ENVIRONMENTAL

ENGINEERING SERVICES - estimated total amount of \$40,000 -
Conestoga-Rovers & Associates, Inc. f/k/a Rare Earth Sciences Inc.
d/b/a HSA E & S, LLC

Raymond Cox, no address provided, advocated for public restrooms.

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

APPROVED

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

PUR-7 14-0831 PURCHASE OF VIDEO CONFERENCING AND INTERACTIVE COMMUNICATIONS EQUIPMENT AND SERVICES - not-to-exceed \$172,000 - Futron, Inc.

Raymond Cox, no address provided, questioned the purchase and opposed red-light cameras.

In response to Commissioner Trantalis, Chief Technology Officer Mike Maier noted that video conferencing has been used for several months in the City Manager's Office as well as Sustainable Development. The purchase will allow for expanding the service to the City Attorney's Office, some fire stations and other departments. Staff has determined it increases productivity.

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

APPROVED

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

PUR-8 14-0832 AWARD CONTRACT FOR CONSULTANT SERVICES - UPDATE AND FINALIZE CENTRAL BEACH MASTER PLAN - \$197,000 - Redevelopment Management Associates, LLC

Raymond Cox, no address provided, commented that the police bully the homeless on the beach. He advocated for public restrooms.

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

APPROVED

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

PUR-9 14-0833 PROPRIETARY PURCHASE OF POLYMER PUMP SKIDS AT LOHMEYER WASTEWATER TREATMENT PLANT - \$79,231 - Pulsafeeder Inc.

Raymond Cox, no address provided, questioned the expense and requested more information about the item.

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

APPROVED

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

PUR-10 14-0846 AWARD CONSTRUCTION CONTRACT FOR FLAGLER DRIVE GREENWAY AND BICYCLE FACILITY PHASE II - \$806,511 - MBR Construction, Inc. - northeast Flagler Drive between East Sunrise Boulevard and Andrews Avenue

Raymond Cox, no address provided, questioned the expense.

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

APPROVED

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

PUR-11 14-0850 FIRST ONE-YEAR CONTRACT EXTENSION FOR CONCRETE, STAMPED ASPHALT AND BRICK PAVER REPAIRS - \$236,946 - Staightline Engineering Group, LLC

Raymond Cox, no address provided, said he had no opinion on this item.

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

APPROVED

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

PUR-12 14-0851 PROPRIETARY PURCHASE OF PANOPTRA SOFTWARE AND CONFIGURATION SERVICES - \$43,600 - Enstoa, Inc. and authorize City Manager to approve renewal options, contingent upon appropriation of funds

Raymond Cox, no address provided, questioned the expense.

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

APPROVED

Aye: 5 – Commissioner Roberts, Commissioner Trantalis, Commissioner DuBose,

Vice-Mayor Rogers and Mayor Seiler

PUR-13 14-0853 ONE-YEAR CONTRACT FOR ANNUAL UTILITIES RESTORATION - estimated annual amount of \$699,745.50 - Molloy Bros. Inc. and Wrangler Construction Inc. and authorize City Manager to approve three, one-year renewal options, contingent upon appropriation of funds

Raymond Cox, no address provided, questioned the expense.

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

APPROVED

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

PUR-14 14-0868 PROPRIETARY PURCHASE OF LICENSE PLATE RECOGNITION SYSTEM - \$34,500 - Dana Safety Supply, Inc.

Raymond Cox, no address provided, questioned the expense. He felt this program would be spying on people.

Charles King, 105 North Victoria Park Road, suggested placing such systems at fixed locations to deter crime. Other cities are doing this, and if Fort Lauderdale does not, it will attract more criminal activity. The program appears to be aimed at people who do not pay their parking tickets; it should be aimed at criminals.

Commissioner Roberts noted that there is \$2 million in revenue due to unpaid traffic citations. The program is meant to identify those who have unpaid tickets.

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

APPROVED

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

PUR-15 14-0871 ONE-YEAR CONTRACT FOR CARTRIDGE FILTERS - estimated annual amount of \$55,982.40 - Waco Filters Corporation and authorize City Manager to approve three, one-year renewal options, contingent upon appropriation of funds

Raymond Cox, no address provided, supported the item.

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

APPROVED

Aye: 5 – Commissioner Roberts, Commissioner Trantalis, Commissioner DuBose,

Vice-Mayor Rogers and Mayor Seiler

PUR-16 14-0890 ONE-YEAR CONTRACT FOR GATE VALVES - estimated annual amount of \$240,196.56 - Northrock Enterprises, LLC and authorize City Manager to approve three one-year renewal options, contingent upon appropriation of funds

Raymond Cox, no address provided, supported the item.

Jeff Brouillette, representing HD Supply Waterworks, noted that HD Supply has done business with the City for more than 40 years. HD Supply was ranked second in this bidding process. If the winning bidder cannot deliver in a timely fashion, they would be able to do so. HD Supply submitted a letter of protest, which was included in the backup information for this matter (Exhibit 2 of Commission Agenda Memorandum 14-0890).

Bobby Briskie, representing Mueller Company, advised that Mueller manufactures the gate valves that HD Supply would be providing to the City. He reviewed Mueller's credentials. He noted the minimum requirements for a gate valve as specified by the American Water Works Association (AWWA). No testing or certification is required. Mueller and most manufacturers in South Florida have third-party certification as to meeting the AWWA specifications. He did not believe the winning bidder met these specifications. The National Sanitation Foundation (NSF) standard No. 61 required by Florida law provides that all potable water components shall conform to this standard. NSF requires a third party to verify that their valves meet specifications. The standard is to control the potential adverse human health effects from products in contact with drinking water. He asked that the City verify that the winning bidder meets this standard.

Briskie clarified for Commissioner Roberts that two standards exist: AWWA and NSF. The NSF standard No. 61 requires third-party testing.

In response to Mayor Seiler, Finance Director Kirk Buffington advised that a protest was filed; he responded but no intent to appeal was submitted. Commissioner Roberts suggested approving the item contingent on it meeting the State standard referenced earlier. Buffington said the Public Works Department has confirmed that the winning bidder meets specifications outlined in the bid. Public Works Director Hardeep Anand advised that the bidder meets the AWWA standard. The NSF certification is voluntary. AWWA does not require a NSF certification in their specifications. If the product is indeed superior, this is an evaluation that staff has not performed.

Brouillette also noted that the winning bidder furnished documentation about the valve paint manufacturer whereas NSF provides for whole goods. Mayor Seiler pointed out that the bid protest does not reference the state statute or the other issue just raised. Brouillette advised that the protest is about the valve not meeting the AWWA C509 contained in the City's specifications. Mayor Seiler indicated that City staff has indicated that it does. Briskie explained that the City's response to the bid protest did not address this point. The City Manager clarified that the reference is to the Florida Administrative Code, not state statute. He asked why the NSF certification was not raised in the original protest. Brouillette indicated that it was not listed as a requirement in the City's specifications. They wanted to make the City aware that it is a requirement from the State to all purveyors of drinking water. The City Manager indicated that is HD Supply's understanding. He could not answer why a protest was filed.

Commissioner Roberts felt the winning bidder fulfilled the specifications, however, this is a water quality issue being raised and he felt it is important enough to address it.

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to approve the item as subject to the bid meeting all applicable State standards.

APPROVED

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

PUR-17 14-0896 AWARD CONTINUING CONTRACTS FOR ARCHITECTURAL CONSULTANT SERVICES - ACAI Associates, Inc., Saltz Michelson Architects, Inc., Walters Zackria Associates, PLLC and Synalovski Romanik Saye, LLC

Raymond Cox, no address provided, suggested deferring the previous item. He questioned whether ACAI Associates Inc. is certified.

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

APPROVED

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

PUR-18 14-0901 PURCHASE 100 PICNIC TABLES - \$56,900 - Recycled Plastic Factory, LLC

Raymond Cox, no address provided, questioned what would happen to the existing picnic tables. Some are still usable.

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

APPROVED

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

PUR-19 14-0904 DREDGING SERVICES CONTRACT - AMENDING ARTICLE 10, BONDS AND INSURANCE AND FUNDING INCREASE OF \$549,185.99 - Waterfront Property Services, LLC d/b/a Gator Dredging

Raymond Cox, no address provided, questioned the expense.

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

APPROVED

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

PUR-20 14-0917 FINAL RANKING AND COMMENCEMENT OF CONTRACT NEGOTIATIONS FOR ENGINEERING SERVICES - COMPREHENSIVE UTILITY STRATEGIC MASTER PLAN - top ranked proposer Reiss Engineering, Inc.

Raymond Cox, no address provided, supported the item.

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

APPROVED

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

PUR-21 14-0923 CONTRACT FOR ARCHITECTURAL SERVICES - SOUTH SIDE SCHOOL RESTORATION PROJECT - Synalovski Romanik and Saye, LLC. and authorize City Manager to execute contract on behalf of the City and authorize proper City Officials to issue task orders - not-to-exceed \$205,000

Raymond Cox, no address provided, questioned the expense and anticipated the property would have a mold problem.

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

APPROVED

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

PUR-22 14-0924 CONTRACT FOR GENERAL ENGINEERING AVIATION CONSULTANT SERVICES AT EXECUTIVE AIRPORT - HDR Engineering, Inc.

Raymond Cox, no address provided, supported funding for aviation purposes. He questioned why the amount of the contract is not published.

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

APPROVED

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

PUR-23 14-0928 FINAL RANKING AND COMMENCEMENT OF CONTRACT NEGOTIATIONS FOR ARCHITECTURAL AND CONSTRUCTION ADMINISTRATION - FIRE STATION NO. 8 - 1022 West Las Olas

Boulevard - top ranked proposer CPZ Architects, Inc.

Raymond Cox, no address provided, questioned why a dollar amount is not specified. He indicated that problems could occur with access to the fire station on Las Olas Boulevard during peak traffic times and special events.

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

APPROVED

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

PUR-24 14-0929 FINAL RANKING AND COMMENCEMENT OF CONTRACT NEGOTIATIONS FOR ARCHITECTURAL AND CONSTRUCTION ADMINISTRATION FOR FIRE STATION NO. 13 - 2871 East Sunrise Boulevard - top ranked proposer ACAI Associates, Inc.

Raymond Cox, no address provided, supported the item.

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

APPROVED

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

PUR-25 14-0930 CONTRACT FOR MECHANICAL, ELECTRICAL AND PLUMBING ENGINEERING SERVICES - SGM Engineering, Inc.

Raymond Cox, no address provided, supported the item.

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

APPROVED

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

PUR-26 14-0933 CONTRACT FOR STRUCTURAL ENGINEERING SERVICES - Lakdas/Yohalem Engineering, Inc.

Raymond Cox, no address provided, supported the item.

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

APPROVED

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

PUR-27 14-0950 PURCHASE INFORMATION TECHNOLOGY TEMPORARY STAFFING SERVICES - not-to-exceed \$245,000 - Teksystems, Inc.

Raymond Cox, no address provided, questioned the expense and suggested temporary personnel could be hired instead.

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

APPROVED

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

PUR-28 14-0951 AGREEMENT FOR REPLACEMENT RESURFACING AT JOSEPH C. CARTER PARK PLAYGROUND - \$66,880 - Playmore West, Inc., contingent upon approval of consolidated budget amendment

Raymond Cox, no address provided, questioned the expense.

Charles King, 105 North Victoria Park Road, questioned why this could not be funded by the Community Redevelopment Agency. This is tied to the Orange Bowl partnership for improvements to the park. Apparently the funds were left over from that project. He advocated for more funding for Holiday Park.

In response to Commissioner Trantalis, the City Manager said a certain dollar amount was committed to match the Orange Bowl Committee's funding of Orange Bowl Field (Joseph C. Carter Park). There were some leftover dollars that were pledged to the facility which was then released for use at this playground at Carter Park. About \$100,000 remains. The Orange Bowl Committee can authorize the funds to be spent somewhere other than Carter Park but staff is trying to keep the funds in the same general area where it was intended to be used.

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

APPROVED

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

CITIZEN PRESENTATIONS

CIT-1 14-0869 CHRISTOPHER C. SHARP - Employee Concerns in Public Works Department

Attorney Christopher C. Sharp of Sharp Law Firm, P.A., said he was recently retained by about a dozen Public Works employees after an announcement made in May that 13 employees over the age of 40 were going to lose their jobs. The City did not go forward with the plan, but concerns remain that their jobs may be eliminated. They are also concerned about the working environment in the Public Works Department. They are concerned with hiring and promotion practices, discipline, evaluations and the whole gamut of civil service rules. He noted that Mayor Seiler was recently quoted in a *Sun-Sentinel* article stating that workplace bullying would not be tolerated. Sharp said the evidence thus far suggests there is a problem in Public Works, with how employees are being treated and how they perceive they are being treated.

He referenced the 2002 Elgin Jones lawsuit. A settlement was reached which cost the City a lot of money and created negative publicity. At that time the City agreed to beef up its policies on discrimination and retaliation. He indicated that similar litigation is a possibility if these issues are not addressed. He was pleased to learn that an assistant city manager has been meeting with the employees in an attempt to resolve the issues. He believed an outside investigator is conducting a review. After the investigator's report is released, he intends to release a response with recommendations. He noted that he met with an assistant city attorney who has an extensive background in labor and employment law. Communication is the key to resolving these issues. He had a meeting scheduled with the City Manager but there was a schedule conflict. He hoped it could be rescheduled. He thanked the City Manager and City Attorney for taking steps they have taken. There is still more work to be done. It will require a partnership between the employees and management for going forward solutions. His clients and the other employees want to be part of the partnership.

He expressed concern that the Office of Professional Standards (OPS) was virtually eliminated in 2012. His clients have made complaints to OPS but they say it is unresponsive. The Elgin Jones lawsuit was prompted by the lack of a complaint mechanism. He hoped that the City will restore it or establish an effective mechanism. He understood there was an attempt in 2012 to eliminate civil service protection. He hoped his clients will have the right to be judged on merit principles and to have a workplace free from discrimination, retaliation and workplace bullying. Resolving this will preclude spending another \$1 million on a lawsuit.

In response to Mayor Seiler, Sharp advised that he represents 12 clients at this time. Some 26 have signed the letter in the backup that is attached to these minutes. Mayor Seiler believed the City Manager has addressed most of the issues. Sharp agreed and said it appears the City is moving in the right direction.

CIT-2 14-0964 MARY LOU BARNER - Street Flooding

Mary Lou Barner was not present.

CIT-3 14-0877 CHRISTINE TIMMON - Immigration and Equality in Marriage

Christine Timmon referred to discussion on marriage equality and suggested that the Florida Constitution be taken into consideration. She read in part from the Florida Constitution concerning equal rights. It is not a City issue. She believed the 2008 amendment is invalid because it challenges the existing article. She submitted an excerpt of the constitution and various news articles that were made a part of the record. She went on to read another section of the constitution related to alimony. She believed that alimony is not legal in Florida.

CIT-4 14-0914 BENJAMIN PROWS - Permission to Break a World Record

Benjamin Prows discussed the need for bike lanes. He is a street performer and has gone to jail multiple times for allegedly trespassing while performing on the beach. He pointed out that although the City does not allow hammocks to be hung from trees on the beach, the City posts signage for special events and makes use of the trees for that purpose. The City breaks its own rules. He would like permission to break a world record. Mayor Seiler explained that the Commission cannot authorize Prows to break a world record doing an illegal activity. Police have to enforce the law. The City posts public service announcements on the beach that benefit the entire public whereas Prows is requesting something that would only benefit him.

CIT-5 14-0963 TIRA MISU - Human Trafficking

Tira Misu was not present.

RESOLUTIONS

R-1 14-0883 QUASI-JUDICIAL - VACATION OF 15-FOOT UTILITY EASEMENT - related to Pineapple House Multifamily Development - north side of NE 5 Street between NE 2 Avenue and NE 3 Avenue - Case E14001

Applicant: 511 Enterprises Inc.
Location: 501 NE 3 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 reviewed the procedure for the public hearing and opened the floor for public comment.

Attorney Courtney Crush of Crush Law, representing the Applicant, noted that items R-1, R-2 and PH-3 are all related to the same property. She reviewed slides related to this matter. A copy of the slides is attached to these minutes. She noted the location in Flagler Village neighborhood in the Downtown Regional Activity Center. She also discussed proposed sidewalk improvements. The Planning and Zoning Board voted 9-0 to recommend approval of the requested alleyway vacation. For conditional use, the Board restricted approval to assisted living only; 86 units, 30 memory care units. There will be 41,000 square feet of open space and green. She described the parking garage including egress and internal loading zone.

Crush replied to Commissioner Trantalis as follows: There are 178 units planned, 92 of which are residential, 56 units for assisted living and 30 for memory care. There are 134 parking spaces. The code requires 23 parking spaces for the 12,000 square feet of retail. This is 1/250 plus a 40 percent discount. If a development is within 100 feet of a lower intensity zoning district, that is the development's parking requirement. Based on market studies, about 80 percent of the residents are expected to have a vehicle. The site will be accessible to The Wave streetcar and Sun Trolley. The Applicant anticipates about 75 spaces for traditional residential units, 23 for retail with the remainder for guests and employees. There are a maximum of 17 employees on the property at any given time. In addition to public transportation, a shuttle service also will be available. If one of the retailers generates significant traffic, the garage can be converted to valet use.

Crush added that all utilities will be underground around the perimeter of the development.

Commissioner Roberts noted that the Social Service Residential Facility (SSRF) designation is only associated with the 56 assisted living units and 30 memory care units. Crush confirmed that no other type of SSRF would be permitted. The number of units cannot be increased. She believed that the Planning and Zoning Board requested a covenant. She read portions of their minutes, including a reference that "the property's uses are specific to what was presented at the meeting and could not be changed without formal action from the City ... further clarified that this referred only to the conditional use portion of the application."

Commissioner Roberts pointed out that at \$3,500 to \$8,000 per month, these are high-end units. Crush confirmed for Vice-Mayor Rogers that Pineapple House will not be a contractual life-care facility. In response to Commissioner DuBose, she elaborated on the community outreach that took place.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, noted a proposed café in the vicinity that has not yet been permitted and questioned whether there could be a conflict with retail planned at the Pineapple House.

Bob Eisenberg, president of Sole Condominium Association, said he represents 247 owners and 450 residents. Most of the owners are out of town during this time of year but more than 100 have voiced concerns. They feel as though they have not had their questions answered and have been shut out by the developer or the Planning and Zoning Board. There are about 200 dogs at Sole and many of the residents like to walk their dogs in the area where Pineapple House is proposed. Walkability and green space are important. Sole believes there is insufficient parking being planned. Consequently Pineapple House will use all of the on-street parking. Sole is also concerned about ambulances coming and going. Sole opposes vacating the right-of-way because there is limited public space and the right-of-way is used for that purpose.

Commissioner Trantalis raised the point that easements are for access for the party that was granted it. As it relates to this matter, the area is not open space for anyone to use. It is for utility access. If this item is approved, the Commission is not taking away something from the residents that they were entitled to use. Dog walkers have use of Peter Feldman Park. Crush responded to Commissioner Trantalis that the Pineapple House would not prohibit access to people walking dogs on 2 Avenue or 3 Avenue. In fact, once the development is constructed, the sidewalk will be wider.

Eisenberg reiterated concerns about insufficient parking that will cause the on-street parking to be consumed. He responded to Mayor Seiler's questions as follows: There are 340 to 350 parking spaces for 247 units and more than 400 residents. Some owners park on the street. About 70 percent of the 247 units are two-bedroom. When Sistrunk Boulevard was renovated, about 15 parking spaces were taken away from Sole. There is only on-street parking available on 2 Avenue.

Eisenberg expressed concern about ambulance noise and traffic impact. He questioned whether a traffic impact study has been conducted. Crush confirmed that the entrance to Pineapple House will be on SE 5 Street. The 2 Avenue access is a loading dock only and would not be used for ambulances. Commissioner Trantalis noted that access to the Pineapple House would be on the opposite end of the block from Sole and thus not a problem for Sole.

Crush confirmed for Mayor Seiler that an easement within the right-of-way occurred in 1997.

Dylan Lagi, president of Flagler Village Civic Association, noted that the development proposal was presented to the Association and there was consensus to formally vote on endorsement. Other than the issues being discussed this evening, the Association supports the project. He mentioned the Applicant's efforts in one-on-one meetings. The Association's sustainability committee is working to secure pocket parks and green space and believes this may be an opportunity in that regard. He confirmed for Commissioner Roberts that the Applicant's outreach included multiple family units along 2 Avenue.

Marlene Melendez, resident of Sole Condominium, expressed concern about parking. She is opposed to the project and use of the easement. Sistrunk Boulevard improvements have eliminated parking on Sistrunk and 3 Avenue, and there is limited parking on 2 Avenue. The Greater Fort Lauderdale Chamber of Commerce also expressed concerns about parking at the Planning and Zoning Board meeting.

Mayor Seiler advised he has received a letter of support from the Chamber. Melendez said the June Board meeting minutes should reflect the Chamber's concerns. She noted the surrounding businesses and church, where parking is also limited.

Melendez questioned how many of Pineapple House's residences are two-bedroom units. She questioned that the easement is being considered only for utilities and not also sidewalk public use. Increasing sidewalk space will not remove the parking issue. Mayor Seiler explained that the alley was previously vacated as a public right-of-way; it was changed to an easement for utilities.

Melendez said she was unhappy with the way Eisenberg was treated during the Planning and Zoning Board meeting. She noted that she is considering relocating because of parking concerns. She has one parking space at her residence, but needs two. In response to Mayor Seiler, Eisenberg elaborated on their efforts at Sole to address parking usage. There are about 50 Sole residents in need of parking. Each resident has one space and remaining available parking is allocated based on seniority. Commissioner Trantalis asked about use of public transportation. Melendez indicated that she works outside of Fort Lauderdale. Plans for The Wave streetcar and other public transportation do not help the average commuter. Commissioner Trantalis pointed out that some of the residents at Pineapple House would not have vehicles and will be relying on private shuttle service. Melendez did not think it is a pedestrian city because of the heat. Transition to public transportation will be a long time. In response to Vice-Mayor Rogers, she indicated that when she purchased at Sole she was aware there was only one space provided but her situation was different then.

Charles King, 105 North Victoria Park Road, felt that there are worse developments that could be proposed in this location. The developers have been operating another facility, Pineapple Point, near Victoria Park with no complaints. It is quiet.

L.F. Rosenthal, 1237 NW 4 Avenue, supported the item in principle but was concerned about parking. In the long run he hoped people would use public transportation. However, residents of today need to be considered. He felt the developers should alleviate parking concerns.

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: Commissioner Roberts, Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers and Mayor Seiler. NAYS: None.

Commissioner Trantalis noted discussion this evening is about vacating the utility easement. The Applicant intends to underground or relocate the utilities, so there will be an alternate use possible. If that is the standard, the other issues, while valid, are not appropriate for this discussion. Commissioner DuBose agreed but wanted to make sure parking is reviewed by staff.

Commissioner Roberts said his concern was related to the SSRF designation which has been resolved. He is satisfied that the community was properly notified. He agreed that discussion about the parking is not appropriate at this juncture.

Vice-Mayor Rogers noted that the criteria are simple when vacating an easement. He was confused by the Applicant's engineer, Craven Thompson & Associates letter of March 19, 2014 provided as Exhibit 2 to Commission Agenda Memorandum 14-0883 that states if the Commission determines the application meets criteria for vacation, the Commission shall approve the vacation. It goes on to state that if the Commission determines the proposed development or use does not meet criteria, the Commission shall deny the vacation. However, Vice-Mayor Rogers did not think the Commission is addressing the use.

Crush advised that the intent of Craven Thompson was to convey that he would follow the City's process. The Applicant is only concerned that the City determines whether the application meet the criteria for vacation.

Mayor Seiler had serious concerns about the SSRF. He wanted the motion to include restrictions on the SSRF as approved by the Planning and Zoning Board. Assistant City Attorney D'Wayne Spence advised that a conditional use permit was approved by the Planning and Zoning Board, and as a result, a development permit will be issued at that level. A condition of that approval was that the use shall be limited to the SSRF that is specifically outlined in the application. The verbatim language from the Board meeting is better articulated than the draft minutes. The Applicant agreed to a restrictive covenant which the City Attorney's Office can draft that would contain restrictions articulated by the Board and rearticulated by the Commission. Crush advised that the Applicant agrees to such a restrictive covenant and did so also at the Board meeting which will be recorded in the public record.

Commissioner Trantalis introduced the resolution which was read by title only including the restrictive covenant discussed above that will also be recorded in the official records of Broward County.

ADOPTED AS AMENDED TO INCLUDE A RESTRICTIVE COVENANT CONTAINING CONDITIONS ARTICULATED BY THE PLANNING AND ZONING BOARD AND RE-ARTICULATED BY THE CITY COMMISSION INCLUDING LIMITING THE SOCIAL SERVICES RESIDENTIAL FACILITY (SSRF) TO THAT SPECIFICALLY OUTLINED IN THE APPLICANT'S APPLICATION

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

R-2 14-0913

QUASI-JUDICIAL - VACATION OF 15-FOOT UTILITY EASEMENT - related to Pineapple House Multifamily Development - north side of NE 5 Street between NE 2 Avenue and NE 3 Avenue - Case E14002

Applicant: 511 Enterprises Inc.

Location: 501 NE 3 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.

Raymond Cox, no address provided, expressed concern about the proposed development's proximity to a Lutheran church where homeless are fed and alcoholic recovery programs are held. Residents of the high-end Pineapple House may object to the homeless activity. He questioned why the street between the church and the proposed development has already been repaved. He asked what is proposed across the street and expressed concern about the increased density in general.

In response to Mayor Seiler, Transportation and Mobility Director Diana Alarcon advised that consultant Jeff Speck's walkability study extended only to 4 Street, however, the study provided guidelines for expanding grid by grid. This development is consistent with those guidelines.

Vice-Mayor Rogers felt this makes sense because it dead ends to the other parcel. He drew attention to Block 5 which does not appear to have been vacated yet. There should be sensitivity to alleyway

vacations in view of the City's desire to encourage walkability especially in close proximity to The Wave streetcar route. Mayor Seiler said he is more concerned about the external perimeter. The City Manager advised he was not aware of anything inconsistent with Speck's walkability standards of wider sidewalks, shade trees and dedicated turn lanes. This is the typical urban block the City is trying to promote.

Vice-Mayor Rogers pointed out an open alley between 5th and 6th. He felt the City's position should be expressed in the future with respect to alleys. Mayor Seiler did not think they could vacate the alley on Block 5 because it appears that when Sole was built, the alley was vacated only halfway down the street so now it is a dead-end alley. The alley on Block 5 appears to be open. Vice-Mayor Rogers felt there should be a policy and design guidelines for alleys with respect to walkability. Commissioner Roberts felt it should be considered on a case-by-case basis because some may not be compatible with the walkability study. Vice-Mayor Rogers agreed.

Commissioner Trantalis explained that the alley was originally vacated because the City was focused on encouraging development in Flagler Village. Immediately thereafter staff was adamant that alleyways should not be vacated in order to maintain vehicular and pedestrian access. He agreed with Vice-Mayor Rogers that the alley to the south of Sole goes nowhere. Crush confirmed that a portion of the alley already has been vacated. Mayor Seiler said alleys were not vacated on the other side of Andrews Avenue where the developer of the Lofts did a nice job using the space for loading and access. Commissioner Trantalis felt that should be used as policy or pattern for future developments.

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: Commissioner Roberts, Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers and Mayor Seiler. NAYS: None.

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

ADOPTED

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

R-3 14-0968 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:

Affordable Housing Advisory Committee	Peter L. Cooper (Commissioner Roberts)
Community Appearance Board	Juan Jose Higuera (Commissioner Roberts)
Parks, Recreation and Beaches Board	Caleb Henry Gunter (Commissioner Roberts)

The City Clerk also noted categories of appointees from previous meetings as follows:

Historic Preservation Board	James Archer (Mayor Seiler) Timothy Mark Lyons (Commissioner Trantalis)
Northwest Progresso-Flagler Heights Redevelopment	Mickey Hinton (Mayor Seiler)
Central City Redevelopment Advisory Board	Katherine S. Barry (Consensus) Justin Greenbaum (Consensus)

Shannon C. Harmeling (Consensus)

Christine T. Jones (Consensus)

Randall Klett (Consensus)

Tim Smith (Consensus)

Ray Thrower (Consensus)

Ronald Weinbaum (Consensus)

Historic Preservation Board

Joyce Gardner (Mayor Seiler)

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

ADOPTED

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

PUBLIC HEARINGS

PH-1 14-0795

QUASI-JUDICIAL - AQUATIC CENTER - FIRST READING OF ORDINANCE APPROVING PUBLIC PURPOSE USE AND ISSUANCE OF SITE PLAN LEVEL IV DEVELOPMENT PERMIT - Case R14005

Applicant: City of Fort Lauderdale

Location: 501 Seabreeze Boulevard

Zoning: South Beach Marina and Hotel Area SBMHA

Future Land Use: Central Regional Activity Center (C-RAC)

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

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

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt that the current facility is underutilized. In the future it should be affordable to the general public. He questioned whether the Center would include the nearby park. He also asked about programming and impact from the loss of the International Swimming Hall of Fame.

Hugh Johnson, representing Recreation, Design & Construction (RDC), entered support of the item.

Mike Leonard, representing YMCA of USA Competitive Swimming and Diving Committee, indicated that Fort Lauderdale has been the home of YMCA's national championships, swimming, diving and master's nationals for 33 years and they hope to bring these events to the new facility which will generate \$6 million annually. He asked that the project proceed without delay.

Charles King, 105 North Victoria Park Road, suggested rebidding the project. He referenced a report from the Office of the Inspector General that criticized the process with there being only one bidder because the project scope was significantly altered. The City loses \$1 million per year to host swim meets. He thought the goal was to stop losing money. He did not think losing the International Swimming Hall of Fame has any impact. He pointed out the beach advisory board's opposition to the project. He questioned why the Historic Preservation Board does not object to these modifications. He suggested

simply repairing the bleachers and resurfacing the existing pool. The money could be best used elsewhere. Very few people go to the beach to swim in a pool. He questioned if an economic impact study on revenue generated by the swim teams has been conducted.

John Weaver, president of Central Beach Alliance (CBA), said that the CBA was somewhat opposed to this in 2011 but dropped their opposition once they realized the project was widely supported. They attended a meeting of the Beach Redevelopment Advisory Board (BRAB) and discovered that people are not satisfied with the proposal. In 2011, he determined that the Center generates about 15,000 hotel room nights per year which is not significant compared to the billions generated on the beach. The CBA is pleased with the pool and wants something to be there. However, they want to know the economic impact of the renovation and want more detail about the deed restrictions. He asked about using the money on something that would generate more tourism. It seems like the project should be very big or very little; that the same people will be attracted regardless unless there are significant improvements.

Fred Carlson, representing Central Beach Alliance, mentioned his involvement on this topic for years and that he has discussed this matter with pool authorities across the country. The City has not provided sufficient responses to their questions or suggestions. He also did not think the City has been listening to the Beach Redevelopment Advisory Board. He asked the Commission to change its attitude toward taking advice from those who have spent a lot of time on this matter.

Matthew Inglis, 1126 SE 6 Avenue, felt the International Swimming Hall of Fame has been out of control for years. Something needs to be done with the site. The City should be careful with its money and not demolish the whole thing for a grandiose facility. He suggested repairs as an alternative. He questioned the height of the diving boards and use by divers because of the wind when most tournaments are held during the winter. He pointed out that while the project is underway, there will be a revenue loss. This is a world-class city and it should have a world-class pool.

L.F. Rosenthal, 1237 NW 4 Avenue, discussed his thoughts on the International Swimming Hall of Fame leaving the city. The Office of the Inspector General's report did not find that the City was breaking laws; there were a few technical issues related to the contracts. The chosen vendor is a leader for these types of projects in South Florida. The idea that the leading vendor would take corrupt measures when they would have likely been awarded the contract anyway is preposterous. He did not want to continue talking about this project. A decision must be made.

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: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis commented that this issue has been controversial but stalling would put the project at risk. However the BRAB recently concluded that many issues have not been resolved. It seems the standard for the facility has changed from world-class to state-of-the-art. Perhaps it was too high of a standard and too high for the City's budget. The Commission has also been told the City is hemorrhaging \$1 million annually with current operations. He questioned whether a business plan was established to project whether the facility will generate revenue. He found it troublesome that according to the City Manager the City is not expecting to make a profit. Additionally there are unresolved issues related to the diving platform. He would like the chair of the BRAB to explain their views. He did not want to move forward until these issues are resolved.

Vice-Mayor Rogers said he is conflicted. He did not vote for it initially because he did not think the dollars were right. However, something has to be done. He wanted to re-engage the BRAB. He felt the

Commission should revisit the numbers. He felt the diving aspect is essential and that the City can take advantage of being a world-class diving center. If U.S. Diving is not concerned about the diving platform being on top of a parking garage, neither should the City. Officials will not allow diving if the wind is a hazard on a particular day. The diving aspect is a large enough attraction that it should be part of the business plan. He believed the City is budgeting the right amount of money. A parking analysis noted that if all of the spaces at all of the beach hotels are used, there would be enough; however, people do not use those spaces because they do not want to pay for them. It comes down to what is in the best interest of the beach and how to move people around. The best interest is to get people out of their vehicles. He referred to the goals of the beach's master plan and said he felt this project must be a part of that plan. With improvements to D.C. Alexander Park, he felt all of the items in the master plan will be addressed. Waiting 30 days is not a bad thing to do to ensure a thorough review.

Commissioner Roberts believed that the diving issues have been resolved. Based on the rate of wind, an event may be halted. He agreed with the amount being allocated to this project. He respects the BRAB members, however some former members may not have agreed with the current BRAB's vote. He would like to hear their concerns but would also like to move this forward at the same time. One of the BRAB's main concerns was whether having a pool is an appropriate use of the land and that decision has already been made. The city has been dealing with this issue some five years and it is time to move forward. There is still time to make changes with input from the BRAB. Vice-Mayor Rogers agreed that the project should continue to move forward. This is only one step in the process. Commissioner Roberts believed the Commission has agreed that a pool is an appropriate use of the land. If the BRAB has other facets to be included, he would like to hear that input once analyzed from a cost perspective. He went on to mention examples he would like to explore such as a therapy pool or accommodation for people with disabilities.

Commissioner DuBose said he does not want to start over. If they get caught up in a search for perfection, they will end up doing nothing. The makeup of the BRAB has changed. He is comfortable looking into the BRAB's recommendations and felt the Commission should seek clarity on their recommendations. There has to be a realistic view of the dollar amount set aside.

The City Manager explained that the BRAB's discussion centered around the original \$74 million project that was presented to the City that included restaurants, bars and an aerial walk to DC Alexander Park and commercialization of the park. If that use is the definition of world class, the City is not moving forward with that type of use. The Commission at the time felt that use would be too intense and would create increased traffic and insufficient parking. There were concerns about noise. This was a consideration in addition to the fact that there is no identifiable funding source beyond the Community Redevelopment Agency (CRA)'s \$25 million contribution. At that point the City moved forward with the goal of the best possible swimming pool for their budget. They looked at it from a staff standpoint and a developer standpoint.

The City Manager went on to say that there has been a lot of discussion on how a municipal swimming pool could generate revenue to break even. The simple answer is raising rates. He felt becoming the highest costing facility in southeast Florida would mean more exclusivity and less of a public facility. Simply raising rates is not the answer. Municipal swimming pools typically are not money-makers. The City has other pools and they are not profitable. Staff proposed a parking garage to generate revenue in order to minimize the financial impact. More funding would allow for different facades and architectural treatments, but he is not sure that is the BRAB's real concern as it is ultimate use of the land. This item is an ordinance that requires two readings; it will be on the September 3, 2014 agenda. There also will be change orders for the catering/banquet and dive training facilities.

The City Manager indicated that he met with officials from U.S. Diving following the July conference when this matter was discussed. They are leaders in the sport and develop the criteria. He discussed the issue of the divers' peripheral vision. U.S. Diving advised that divers are trained to focus on the water and not use their peripheral vision. They pointed out that that divers dive off cliffs that are much higher with lots of surrounding scenery and activity. Additionally, as it pertains to wind, the structural engineer has indicated that the difference between wind speed at grade and wind speed on a 10-meter platform on a parking garage is 2 mph. This study was acceptable to U.S. Diving. However, he also authorized an independent study from Florida International University (FIU) that would confirm this assessment and provide a 365-day model of wind conditions. Divers can dive in up to 25 mph winds therefore he wanted to know Fort Lauderdale's average wind miles per hour. U.S. Diving expressed concern about ensuring that the grandstands would be high enough that the view is not impaired by the judges' location. The City is looking into increasing the height. He expected the FIU study in about two weeks. If the FIU study does not support the structural engineer's claims, the City will have to go back to the drawing board, but he does not expect that it will be an issue. There is considerable interest in the dive tower by high-performance divers. He plans to have additional meetings with them to see if a taller tower could be built if sponsorship is secured. He would like to keep the project on schedule. There will be an opportunity to hear from BRAB members and others at the September 3 meeting.

In response to Commissioner Roberts, the City Manager noted that at the 90 percent design completion, the City is required to get a cost estimate from the contractor, which will be compared using an independent cost estimator. If the price is going to be less than the guaranteed maximum, there is an opportunity to make an adjustment. If staff and the contractor cannot agree on the price, the Commission will have to determine whether it wants to move forward with the project. Commissioner Roberts reiterated that this is another opportunity for re-evaluation.

Mayor Seiler said he met with the CBA president last week. There is a lot of support for the project. He would have loved to have ISHOF stay but it was a financial decision made by ISHOF. If they ever wanted to return, he would welcome them. The opposition is a contrast between too much and too little. BRAB members have said they want something that attracts more parking and business, but people on the beach want less of that. Others want it moved closer to the water but the Idlewyld neighborhood does not want it. He felt that the right amount is budgeted. Some opponents want to kill the project; some oppose it because they want it bigger. The opposition is not united around one issue. It is possible to spend years in search of perfection. He felt a compromise is the right approach, but he would like to follow up with the BRAB members he has not spoken with.

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

PASSED FIRST READING

Aye: 1 – Commissioner Roberts, Commissioner DuBose, Vice-Mayor Rogers and Mayor Seiler

Nay: 1 – Commissioner Trantalis

PH-3 14-0884

QUASI-JUDICIAL - FIRST READING OF ORDINANCE - VACATION OF 15-FOOT RIGHT-OF-WAY - related to Pineapple House Multifamily Development - north side of NE 5 Street between NE 2 Avenue and NE 3 Avenue - Case V14003

Applicant: Tropical American Properties LLC; Balmaseda; Denaro
Location: 501 NE 3 Avenue

Zoning: Regional Activity Center - City Center (RAC-CC)
Future Land Use: Downtown Regional Activity Center

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.

Attorney Courtney Crush of Crush Law, representing the Applicant, highlighted information in the City's master plan concerning alleys. This is a dead-end alley.

Raymond Cox, no address provided, questioned the size of the development on its site. Mayor Seiler explained that the easements are being vacated. The property will be taxable and the easements would be improved; therefore the taxable value of the easements will be higher. Cox was concerned about \$8,000 per month apartments whose residents would be looking down on homeless people who are fed in the area.

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

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

Commissioner Trantalis wanted to ensure that the dialogue about parking would continue before second reading to ensure it does not impose a burden on the neighborhood. The City Manager advised that staff believes the City needs to create some public parking alternatives in Flagler Village. The City would use its bonding capacity in the parking system to build parking infrastructure that will pay for itself through meter fees. Commissioner Trantalis questioned whether the City would be in a position to purchase property for parking. Mayor Seiler recommended a presentation be made on September 3 before this item.

PASSED FIRST READING

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

Not Present: 1 – Commissioner DuBose

PH-2 14-0875

QUASI-JUDICIAL - RESOLUTION - SITE PLAN LEVEL II
DEVELOPMENT PERMIT- RETAIL FURNITURE STORE - 105 North
Federal Highway - Case R14011

Applicant: HappyLand FL 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.

Mayor Seiler opened the floor for public comment.

Attorney Steve Tilbrook of Gray Robinson, P.A., representing the Applicant, noted that this property is a vacant and undeveloped former gas station site. The site is zoned RAC-CC and is in the parking-exempt portion of this district. The project is a three-story, 36,216-square-foot furniture store showroom. The item was approved by the Development Review Committee. The Commission requested a hearing on this item that occurred on July 1. He presented documents for the record and reviewed them. An Exhibit List of the documents is attached to these minutes along with Exhibits 1-9 that were visual aids in the presentation. The project meets criteria in the Unified Land Development Regulations; it is consistent with the Downtown Master Plan and meets the intent of the Master Plan Design Guidelines. There will be 5,000 square feet at the ground level along with six parking spaces and a loading area enclosed within the building. This project is recommended for approval by City staff.

He expanded on the Applicant's business plan which is to accommodate high net worth clients on an appointment-only basis. He noted the number of employees and hours of operation. Typically this business's peak hours are off-peak for the rest of the downtown. There are six parking spaces along with a valet parking agreement and plan for 18 vehicles on-site as well as additional spaces off-site as necessary. There is also a plan for employees to park off-site on a regular basis. The plan would involve monthly parking permits which could be a condition of approval. The Applicant is offering to design and construct seven off-street parking spaces in the right of way of 1 Street that would be under City ownership and available to the public. He elaborated on the Applicant's community outreach. He encouraged the Commission to follow the staff recommendation.

Vice-Mayor Rogers appreciated the comprehensive approach to addressing the parking issue and he stated his concerns have been addressed.

Mayor Seiler opened the floor for public comment.

Sam Poole, 702 North Rio Vista Boulevard, noted his positions with the Greater Fort Lauderdale Chamber of Commerce and Broward County Smart Growth Partnership, both of which were unable to vet this project. He believed this project is critical to the downtown area. Every great city in the world has a parking problem. A great city cannot be constructed with a suburban parking standard. If parking is to be revisited, it should be a serious conversation. He noted a practice in other communities where developers are taxed if they cannot provide the adequate number of onsite parking spaces and the City uses those funds to build a parking garage. Vice-Mayor Rogers commented that it is human nature to get nervous when a development pushes the boundaries. He agreed with Poole's comments but noted the challenge.

Charles King, 105 North Victoria Park Road, agreed that parking problems are a necessity of big cities. He recalled Vice-Mayor Rogers previously being concerned about compatibility and Commissioner Trantalis concerned about parking. This is a private sector building in a very heavily traveled area. He did not want this building to be compromised to a suburban model. There is a paid parking lot directly behind the building and this store will not have a warehouse on site. He elaborated on the goal of the regional activity center and the idea of an urban core. He urged approval.

Raymond Cox, no address provided, said it appears from the design plan that if it was rejected there is space for a parking garage. The nearby Salvation Army has a lot of high-end furniture available. There is

other undeveloped land that will need parking. This is a piecemeal approach. He was concerned about impact on the nearby church.

L.F. Rosenthal, 1237 NW 4 Avenue, felt Tilbrook gave a flawless presentation that answered everyone's questions. This item should be approved. However, he felt the City should revisit the idea of urban parking. He did not agree with the idea of transforming Fort Lauderdale into South Beach. People relocate to Fort Lauderdale because it is semi-suburban.

Charlie Ladd, 1201 SE 7 Street, noted that he owns the adjacent shopping center. He expressed concerns about parking. He met with Tilbrook and the owner's representative. He was pleased to see that the Applicant will be installing parking spaces on 1 Street. He would like to see additional on-street parking on 2 Street as well. He requested the Applicant impose a condition that if the site's use changed to something more intensive, it should be submitted for approval by the City. He resented the inference that his shopping center has inadequate parking. The shopping center has 90 parking spaces for 24,000 square feet versus the six spaces allotted for the 36,000 square feet in the proposed development. He referenced the Master Plan, and stressed there should be a differentiation between sites in the core where infrastructure has been built to support these types of buildings with minimal parking. There is a City-owned parking garage on 2 Street in addition to tens of thousands of spaces at the surrounding office buildings. This does not exist north of Broward Boulevard yet. The City should support development based on what will work in the area in the next ten years and not base their decision on some nirvana in the future.

Andrew Martin, 195 North Federal Highway, spoke in opposition to the item. As the property owner directly north of this site, he has concerns about parking. There may be enough spaces in the area but not on the Applicant's site. He agreed with Mr. Ladd that the Applicant should take advantage of all available on-street parking on 1 Street and 2 Street and it should be a condition for approval.

Inna Pallas, property owner representative for HappyLand FL LLC, explained that this is a furniture showroom which clients visit by appointment only. They will see just three to four clients per day. Six parking spaces will accommodate their clients. She elaborated on other aspects of their parking plan.

Dylan Lagi, representing Flagler Village Civic Association, noted the Association's letter of endorsement. They see both sides. There are concerns about parking, but they agree with the regional activity center requirements.

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: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the ordinance, which was read by title only. Mayor Seiler noted the conditions set forth will be incorporated.

ADOPTED WITH CONDITIONS SET FORTH BY APPLICANT AS DETAILED IN HIS LETTER OF AUGUST 18, 2014 CONCERNING PARKING, EXCEPT THE PROVISION OF SEVEN ON-STREET PARKING SPACES ON NE 1 STREET

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

PH-4 14-0886

QUASI-JUDICIAL - FIRST READING OF ORDINANCE - VACATION OF 50-FOOT RIGHT-OF-WAY - west side of NE 26 Avenue, Golf

Estates Subdivision - Case V14002

Applicant: Thomas Luken

Location: NE 54 Court

Zoning: Residential Single Family/Low Medium Density (RS-8)

Future Land Use: Low-Medium Residential

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.

Thomas Luken, 5301 NE 26 Avenue, advised that he and his neighbor are requesting the vacation of right-of-way that exists between their homes. When the plat was developed in 1963, it envisioned a street to run east-west between the two properties. In the 1970s, however, a condominium was built and part of the area was used. When the area was replatted, there is a house where the east half of the street would be. There is a 50 foot right-of-way starting at 26 Avenue and separates his house from his neighbor. It stops at a fence before the condominium development. It is an open space partially paved.

Mayor Seiler did not anticipate any opposition. Commissioner Roberts, the district commissioner, felt the vacation will improve the aesthetics. The basketball court is a nice fit.

Raymond Cox, no address provided, spoke in support of the item.

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: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

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

PASSED FIRST READING

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

PH-5 14-0860**MOTION - APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - ONE LIMOUSINE AND SHUTTLE VEHICLE**

Applicant: Shuttle Cab LLC

Vice-Mayor Rogers pointed out that Southport Shopping Center is frequented by people from cruise ships. The shuttle vehicles block the center's traffic lanes instead of parking. Law enforcement does not seem effective. There are constant complaints. Perhaps the certificate should be revoked if there are violations of the law. It can be a safety issue. It is a continuing problem. He would like to find a way to address it. The City Manager advised that this process is being reviewed and it could be addressed in the ordinance rewrite.

There being no 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: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Roberts requested that the certificate be reviewed by the Commission after a one-year period.

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to approve the item as amended to provide Commission review after one year.

APPROVED AS AMENDED TO PROVIDE FOR REVIEW BY THE CITY COMMISSION AFTER A PERIOD OF ONE YEAR

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

PH-6 14-0894

MOTION - APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - ONE COMPLIMENTARY GOLF CART SHUTTLE

Applicant: Sunrise Paddle LLC

Mayor Seiler opened the floor for public comment.

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

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

APPROVED

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

PH-7 14-0895

MOTION - MODIFICATION TO NON-MOTORIZED VEHICLE-FOR-HIRE LICENSE - modifying existing route and adding a route

Applicant: Cycle Party Fort Lauderdale, LLC

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, expressed concern about the safety of these vehicles.

Transportation and Mobility Director Diana Alarcon confirmed for Commissioner Roberts that staff would ensure the Applicant's insurance is current.

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: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

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

APPROVED

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

ORDINANCES

O-1 14-0782 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 2-26 - RESCHEDULING COMMISSION MEETINGS

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, was opposed to rescheduling the September meeting to the Wednesday after the Labor Day holiday.

There being no other individuals wishing to speak, Commissioner Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

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

O-2 14-1015 FIRST READING OF ORDINANCE IMPOSING TEMPORARY MORATORIUM ON INSTALLATION OR SITING OF TELECOMMUNICATIONS TOWERS OR DISTRIBUTED ANTENNA SYSTEMS

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, spoke in opposition to the item.

Melissa Anderson, government relations counsel for Crown Castle, indicated when a moratorium is imposed, the law generally states that there must be a goal. This proposed moratorium does not appear to establish a goal. She believed the City should state that at the end of six months, there will be a measure in place to solve the problem. Although the City has been aware of this problem for two years, it is just now enacting a moratorium. She was concerned that the City does not recognize the facilities proposed by Crown Castle to be communications services facilities. She provided a letter dated August 19, 2014 objecting to the moratorium that was made a part of the record. She understood the City's concerns because these facilities are new but did not want there to be a wall imposed against them. These facilities are the future of telecommunications infrastructure. The ordinance in place already

addresses what needs to be done. She asked for a progress report at a three-month point so that those who have been trying to get permits for two years would have some relief.

Vice-Mayor Rogers asked if Crown Castle has approached any private property owners to accomplish its goal. Anderson indicated that Crown Castle has many facilities on private property, but they are allowed by state law to place these types of facilities in the right-of-way. The reasoning has to do with them being connected by fiber-optic cable. She offered to show slides of them sometime during the moratorium. They are 35 to 40 feet high. Crown Castle typically matches existing poles in a right-of-way or would install poles that the City would prefer. She elaborated on their agreement with Miami Beach that generates revenue for the city.

Commissioner Trantalis asked about the purpose. The City Manager indicated that this is relatively new technology but he was unsure that the ordinance already in place covers it. If so, there will be an extreme proliferation of these facilities. There could be a pole every 500 feet with one of these boxes on top. Newer technology is coming out with shorter poles and includes the facility inside the pole. There are many different approaches. He disagreed that the City has known about this for two years. He went on to mention that there are other companies besides Crown Castle. He is requesting a moratorium to allow staff time to craft an ordinance that addresses this type of technology. Staff has some issues as to allowing one under a set of rules; the City would have to continue to allow others. The City disagrees with whether Crown Castle is a communications service provider in this instance. Hopefully staff can present an ordinance that resolves how these will be treated and then not have to make that determination.

Victor Beninate, regional director of AT&T, understood the City's need to protect its aesthetics. AT&T has worked with staff to identify eight locations that will go forward if this is accepted. AT&T is not planning to install in any location where there is good service. There are residents with bad service which this would rectify.

In response to Commissioner Trantalis, the City Manager advised that the moratorium only applies to facilities in the public right-of-way. Commissioner Trantalis asked what is being accomplished with the moratorium if the facilities can be installed on private property. The City Manager explained that the moratorium keeps the facilities out of the public right-of-way. Commissioner Trantalis felt by imposing a moratorium, the City is effectively pushing the facilities onto private property which still does not address the aesthetic issue. Assistant City Attorney Bob Dunckel said placing facilities on private property would have to be done in compliance with the Unified Land Development Regulations (ULDR). He has advocated that the City adopt a moratorium with respect to private property while an ordinance is being developed. The City Manager suggested considering a moratorium on private property at the September 3, 2014 meeting.

Attorney Hope Calhoun of Becker & Poliakoff, also representing Crown Castle, noted that Crown Castle's applications were denied yesterday. She requested clarification as to whether the moratorium would apply to those applications because they intend to appeal. Dunckel said he would prefer to consult with staff and provide an answer by Thursday. Calhoun said she would like to also receive by Thursday clarification as to why staff has advised that Crown Castle does not qualify as a communications service provider. The City Manager believed this was addressed in the denial letter. Calhoun wanted an explanation so that Crown Castle may respond. The City Attorney pointed out that developing the facilities does not constitute being a telecommunications service provider.

Mayor Seiler felt there should be an end result to the moratorium and asked for clarification at second reading. The purpose should be clearer. He does not want rights-of-way or private property littered. The City Manager and Dunckel advised that the end result would be adoption of a set of regulations for the public right-of-way. Dunckel pointed to specific language in the ordinance that indicates certain studies

are needed to develop those regulations. He felt that a progress report would be possible at three months. Mayor Seiler asked that amendment be added for the second reading.

In response to Mayor Seiler, the City Manager noted that AT&T and Crown Castle are currently interested, but others could come along as this is an evolving field.

There being no other individuals wishing to speak, Commissioner Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING WITH LANGUAGE ADDED FOR AN INTERIM REPORT FOR SECOND READING CONSIDERATION

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

O-3 14-0958 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 16-83, PROHIBITING OUTDOOR STORAGE ON PUBLIC PROPERTY

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt this is discriminatory and criminalizes the homeless. He questioned whether it would apply to tourists who leave items on the beach when swimming.

Charles King, 105 North Victoria Park Road, pointed out that this was already illegal. He asked about the status of ordinances concerning soliciting in the public right-of-way and public feedings.

David Bass, representing Involuntary American Minimalists, said this amendment would impact tourism. He was asked to leave a library today because he stopped outside for ten minutes to smoke a cigarette. He became homeless and has suffered difficulties stemming from a hit-and-run vehicle accident.

Cara Claar-Reaser, 1470 West Dixie Highway, viewed this as class warfare targeting the homeless. There is no other option for the homeless but public property. The ordinance masks the underlying cause of homelessness. Money could be better spent on rehabilitation.

L.F. Rosenthal, 1237 NW 4 Avenue, said sleeping in parks cannot be tolerated because of crime and maintenance issues. Storage on public property raises insurance and crime issues. There is a huge social network that provides services and shelter for the homeless.

There being no other individuals wishing to speak, Commissioner Roberts introduced the ordinance, which was read by title only.

Commissioner Trantalis commented that it is unfortunate this discussion is taking place at 1 a.m. because the public may not fully understand the City's intent. He felt that the City is walking a tightrope between personal rights and the rights of the public to have clean and proper right-of-way. He is concerned about selective enforcement. The homeless may use the fact that swimmers are allowed to leave items unattended on the beach to try to overturn this ordinance. In response to Commissioner Trantalis, the City Attorney confirmed that her office is satisfied that this ordinance is appropriate. The original ordinance was tweaked to correct a scrivener's error and provide a better definition of storage of public property. She believed this is consistent with what has been done in other cities that has been upheld.

PASSED FIRST READING

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

- O-4 14-1033** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 16-75, PUBLIC INDECENCY - (request to defer)

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to defer the item to September 3, 2014.

DEFERRED TO SEPTEMBER 3, 2014

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

- O-5 14-0961** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES - VACANT PROPERTY REGISTRATION - expanding definition of abandoned dwelling and the category of properties required to register under Section 18-12.1 (request to defer)

Motion made by Commissioner Roberts and seconded by Commissioner Trantalis to defer the item to September 3, 2014.

DEFERRED TO SEPTEMBER 3, 2014

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

- O-6 14-1034** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 25, USE OF STREETS AND SIDEWALKS FOR SOLICITATIONS, STORAGE, SALE AND EXHIBITION OF GOODS (request to defer)

Motion made by Commissioner Roberts and seconded by Commissioner Trantalis to defer the item to September 3, 2014.

DEFERRED TO SEPTEMBER 3, 2014

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

- O-7 14-1035** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 19-7, PROHIBITING UNAUTHORIZED CAMPING ON PUBLIC PROPERTY (request to defer)

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to defer the item to September 3, 2014.

DEFERRED TO SEPTEMBER 3, 2014

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

O-8 14-0676 SECOND READING ORDINANCE AMENDING SECTION 2-172, APPLICABILITY, PROCUREMENT OF SUPPLIES AND SERVICES

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, advocated for portable restrooms for the homeless. Mayor Seiler indicated that Cox had strayed off topic.

There being no other individuals wishing to speak, Commissioner Roberts introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

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

O-9 14-0957 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SUBSECTION 20-78(b) - modifying sick leave payout upon termination of employment for all employees in Management and Confidential Employee Groups

Commissioner DuBose requested this item be deferred so that he could discuss it with staff.

Motion made by Commissioner DuBose and seconded by Vice-Mayor Rogers to defer the item to September 3, 2014.

DEFERRED TO SEPTEMBER 3, 2014

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

O-10 14-0819 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTIONS 26-184 AND 25-190, APPLICATION; FEE; ISSUANCE OF BICYCLE REGISTRATION DECAL - eliminating \$1 registration fee

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, commented that 773 decals were issued last year. He believed that is because people do not want to register their bicycles with the City. He also felt there are discriminatory practices occurring with respect to bicycle registration.

There being no other individuals wishing to speak, Commissioner Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

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

The City Commission adjourned the regular meeting at 1:04 a.m. and returned to the conference meeting, Item BD-1.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk