

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, May 20, 2014

1:30 PM

City Commission Conference Room

City Commission Conference 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 1:34 p.m. by Vice-Mayor Rogers.

ATTENDANCE ROLL CALL

Present: 3 - Mayor John P. "Jack" Seiler (arrived at approximately 3:57 p.m.), Vice-Mayor Romney Rogers, Commissioner Bruce G. Roberts and Commissioner Dean J. Trantalis

Not Present: 2 – Commissioner Bobby B. DuBose (excused)

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 Joel Winfrey

No public comments were submitted by email for this meeting.

Vice-Mayor Rogers announced that Mayor Seiler is attending a funeral and would be late.

CITY COMMISSION REPORTS

Events and Matters of Interest including Beach Renourishment

Members of the Commission announced recent and upcoming events and matters of interest including a report from Commissioner Roberts concerning a meeting with Broward County on beach renourishment that included deadlines and use of sand from hotel construction on the former Ireland's Inn.

Trash Receptacles on Roadways

Vice-Mayor Rogers referenced a resident suggestion that there be more trash receptacles on roadways. The resident mentioned 17 Street Causeway.

CONFERENCE REPORTS

CF-1 14-0660 EMERGENCY PURCHASE - SEWER REPAIRS AT INTERSECTION OF BAYVIEW DRIVE AND NE 17th STREET

An error in the total amount was corrected in a revised Commission Agenda Memorandum 14-0660. The total amount is \$33,930.05. Exhibit 1 was also revised (additional receipt was removed).

No discussion.

OLD/NEW BUSINESS

BUS-1 14-0677 BROWARD COUNTY CONVENTION CENTER MASTER PLAN STUDY

Yvonne Garth, president and CEO of Garth Solutions and a member of HKS architectural team that conducted the master plan study for expansion of the convention center and new headquarters hotel, reviewed slides related to this matter, which are attached to these minutes. She indicated that they have

tried to meet with as many stakeholders as possible. There have been two stakeholder meetings. Also, they have met with numerous homeowner associations as well as the Fort Lauderdale Council of Civic Associations.

Jim Griffin of HKS Inc. continued review of the slides, beginning with Slide 4 on concepts.

In response to Commissioner Trantalis, Griffin explained that “parking place sharing” refers to how one person may be using the convention center for multiple purposes, which allows for a reduction in the parking requirement. Cruise ship parking has been separately identified.

The City Manager clarified that the City has not reached an agreement with the County on how to move vehicular traffic in the area.

Griffin responded to Vice-Mayor Rogers that Terminal One (northernmost pier) will be demolished. The frequency of use is such that incorporating the use into the new design will not be necessary.

At the request of the City Manager, Griffin explained that the County is planning to leverage the fact that there will be commercial space available that fronts the identified green areas. They are anxious to build this all at once. Garth explained that the County has retained another consultant for the financial analysis relating to the project’s construction. The City Manager asked about funding with respect to the Wave streetcar and transportation plan. Garth said that HKS’ goal was to ensure that the plan accommodated the ability for the Wave streetcar to enter the site. The City Manager questioned whether there is a transit solution if the Wave does not extend to the site. Griffin mentioned the Sun Trolley. People could be brought in from Eisenhower Boulevard without the Wave. There are two entrances from 17 Street. The master plan indicates that vehicles, shuttles and buses can access the site via Spangler Boulevard. HKS believes the Wave is integral to the plan but has not seen the statistics of how many vehicles would be projected to be removed from the roadway. Garth said HKS looked at it from a multi-modal transportation aspect. The Wave would certainly be an integral component but it is just one aspect. Currently the Convention Center is losing business because it has no hotel. Many of the attendees are local, meaning they drive to the Convention Center and create more traffic congestion. The goal is to attract out-of-town conventions. Since the Convention Center will be surrounded by amenities, the need for attendees to rent a car is reduced. Ultimately, the Wave is important but the master plan will address other modes and ways to move traffic and mitigate congestion. HKS is considering both short and long term.

Vice-Mayor Rogers opened the floor for public comment.

Marilyn Mammano, president of Harbordale Civic Association, indicated that Harbordale and other surrounding neighborhoods are going to feel the impacts of this development. They hope to mitigate the negative impacts as much as possible. They are working closely with City and County staff as well as Florida Department of Transportation (FDOT). This will not work unless all three levels of government cooperate on a plan to mitigate traffic. Operational modifications are needed. There must be an ironclad rule that trucks enter on State Road 84, not 1 Street. Port, Convention Center and Fort Lauderdale Police Department must cooperate with respect to directing traffic in the area beyond the Convention Center itself when needed for events. There should be a dedicated shuttle system operated by the Convention Center or the Port and one at an acceptable level of service. She invited the HKS team to attend a Council of Fort Lauderdale Civic Associations meeting on June 10.

There was no one else wishing to speak.

Commissioner Roberts noticed that the mega-yacht industry does not appear to be addressed in the

plan. Griffin confirmed that docking does not have to wait for the jetty construction. There is space along the north side. Commissioner Roberts thought there would be space on the west side as well. He questioned how the Portside property issues would be reconciled. Griffin said it is outside their realm but they are encouraging the County to pursue it because of access and visibility advantages. Commissioner Roberts added that it would also help mitigate traffic flow issues. He felt that green space is important and wanted more to be added. Concept 2 provides the most greenspace. In addition to greenspace, he is looking for better ability to incorporate the multi-modal transportation feature and mega-yacht clientele.

Commissioner Trantalis agreed with Commissioner Roberts' comments. He referred to Mammano's comments. Many people have had bad experiences trying to access the Convention Center in its current state. This design appears to sever off a portion of the parking garage without compensating for those spaces elsewhere. He suggested that HKS improve the parking. Conventioneers should be encouraged not to rent a vehicle. They would have to arrive by taxi and use the trolley to access the beach, for example. There is a huge bottleneck in this area, especially when there is a cruise ship. If the traffic flow is a nightmare, people will not want to return. Commissioner Trantalis went on to say that he attended a convention in San Antonio adjacent to a shopping plaza where the businesses were failing and the restaurants were mediocre. There were thousands of people at the convention hotel but no one seemed to be shopping. While this concept sounds good, the reality is that not all conventioneers shop. The saving grace is probably the cruise ship.

Vice-Mayor Rogers felt the County should address the traffic situation before making it worse. The City's position is that this is part of the already-approved Development of Regional Impact (DRI). He complimented Mammano's comments. He believed that 20 percent of the traffic from the airport comes to 17th Street. He disputes the County's position that only 5 percent of traffic on 17 Street goes to the Convention Center. Even accepting 5 percent, there is then 25 percent to mitigate. The Wave is non-negotiable, as are other forms of transportation and other access points such as Spangler Boulevard. A scheduled transportation van, trolley or delivery truck should go through Spangler or perhaps 20 Street. Access points besides 17 Street should be seriously examined. He emphasized the important opportunity for public green space. He urged that something be done to work cooperatively with the Portside property owner.

In response to Commissioner Trantalis, Griffin confirmed that he is not aware of any plans to relocate the sewage treatment plant. The City Manager advised that he has been clear that the City should not be placed in a position where it is asked to do something with the plant because of the plant's impact on their product. Commissioner Trantalis believed it is something that will happen. The City Manager explained there are not many alternatives. Garth said they discussed how situating the hotel on the west side is probably not ideal. It was a consideration.

Vice-Mayor Rogers noted that the view corridor is important. He pointed out an area on the east side that he believed should remain vacant for a public space.

At the City Manager's request, Griffin noted that HKS will be submitting a draft of the master plan to the County on Friday, May 23. The goal is to have a final document by June 20. After that, Garth added, a Request for Qualifications (RFQ) will be drafted and proposals sought. No additional public meetings are planned. Vice-Mayor Rogers wanted to point out that Fort Lauderdale is the agency that issues the permit yet it was the last to see a full presentation. It should have happened sooner. He asked that his comment be passed along.

BUS-2 14-0600

SPEAK UP BROWARD "FUNDING THE FUTURE WE WANT - PART 1" DRAFT REPORT

Chris Ryan, public information officer for Broward Metropolitan Planning Organization (MPO), provided introductory remarks concerning Speak Up Broward.

Jill Quigley, project manager for Broward MPO, reviewed slides related to this matter, which are attached to these minutes.

Commissioner Trantalis pointed out that if fees are increased, they must be approved by the state legislature. The revenue may not necessarily come back to the City. Quigley noted that the County can impose some forms of fees.

The City Manager questioned whether the tourist development tax is at its maximum because he believed there was another penny remaining that the County can levy. Quigley said, even so, it is dedicated to other things and it would be challenging to redirect it. The City Manager added that a penny of the local transportation surtax would use up capacity for the City to have a penny sales tax for infrastructure. It is an either/or proposition. In response to the City Manager, Quigley said State approval would be required for payroll income tax to be permitted under the Florida Constitution. The City Auditor confirmed for Commissioner Roberts that if the benefit of an increased tax is spread among a larger group of users, it is easier to sell to the public. Commissioner Roberts felt that if the City was to go that route, it should focus on selling it. He inquired whether it could be structured such that each municipality would receive a percentage share of the penny sales tax. The City Manager noted it depends on the type. A local government infrastructure surtax can be up to a penny. It must be designated for infrastructure projects and there is a question of whether transportation qualifies. Another option is a charter county regional transportation system surtax, which is up to a penny that goes toward transportation. Fifty cents could go to local governments for infrastructure and 50 cents for transportation. Commissioner Roberts reiterated that it is best to develop a package that appeals to a wide variety of people in order for it to be successful because the City may be competing with the School Board, for example. Commissioner Trantalis pointed out that it would generate less if divided among various agencies. He felt a bond issue makes the most sense. The City Manager later advised that a 50 percent share would generate \$8.75 million for the City per year and about \$150 million per year for transit for the entire county. He elaborated on how the funds would be broken down.

Vice-Mayor Rogers noted that the idea is to get a pulse on what sells. Ryan advised that everyone needs to see a benefit. The MPO is educating, not advocating. At the end of this phase, they hope to share with decision-makers what they are hearing from the public. There is potentially another phase of Speak Up Broward. Vice-Mayor Rogers wanted the MPO to seek input on timing. Most people have a hard time visualizing as far into the future as 2040 (Florida Department of Transportation long-range plan) and have an easier time visualizing five years into the future. Ryan agreed. Vice-Mayor Rogers felt that it would be huge for this community if both the Wave streetcar and All-Aboard Florida come together within the next five years.

**BUS-3 14-0672 DREDGING COSTS - BAHIA MAR YACHT CENTER, AQUATIC
COMPLEX AND LAS OLAS MARINA**

The City Manager explained that there are four pending dredging projects, two of which are for City facilities. The City will have to make a financial commitment relatively soon and he is concerned that all of the funding is somewhat speculative. The scope of all four projects is about \$11 million. Out of that, staff expects to garner \$3 million per year for three years from the Florida Inland Navigation District (FIND). The City would need to compete for leftover monies which would amount to about \$500,000 per year for

three years. The total is a potential \$4.5 million from FIND against the \$11 million cost. The City should be prepared to contribute \$6.5 million in the near future.

He went on to expand upon the four projects. The Las Olas Marina has two parts: the Intracoastal Waterway access and the marina basin. There is the International Swimming Hall of Fame project, which is really a project of two marinas. There has been discussion about adding a couple of docking slips once the Aquatic Complex is complete but there are no definitive plans and no funding source has been identified. The fourth project is Bahia Mar. The City is in year 51 of a 100-year lease with Bahia Mar. This project would be done to benefit their property. The FIND project to dredge about 5,000 linear feet of the Intracoastal is justified by making certain connections to these facilities along the way. The City will need to reconcile the use of public dollars or seek participation from private entities. The City has received one unsolicited proposal. He wished to move forward with the connection to the Intracoastal and explore participation opportunities with Bahia Mar and the Hall of Fame Marina. The current source of funding is the Community Redevelopment Agency (CRA). As other projects arise, the City will be competing for the use of these dollars.

Commissioner Roberts pointed out the City's funding commitment thus far. He referred to the City's commitment to participate with FIND as they dredge the Intracoastal to the access points. Part of the ability to secure the FIND grant for the Intracoastal was leveraged by the City's participation in dredging to the access points. There is no dedicated funding at this point. The City could apply for grants in the future and be reimbursed. However, if the City does not remain committed to its previous resolutions, FIND could opt not to finalize the grant for the Intracoastal. It is too important to the marine industry to not remain committed.

In terms of FIND's requirements, Vice-Mayor Rogers indicated he had made a mental distinction between access and dredging the entire marina. He felt the City needs to do what is required. Commissioner Roberts clarified that the commitment was to provide access to the marinas.

The City Manager explained that the cost has been changing and the FIND commitment has been stagnant. The original arrangement was for FIND to pay 70 percent. Now with regard to the Bahia Mar piece, FIND has committed to 60 percent, so the City's share has increased. With regard to the remaining three projects, the split is now 50-50. He would like to look into the City's obligations and seek participation from private partners. Commissioner Roberts emphasized it should be made clear that the City remains committed to promises made in resolutions. Commissioner Trantalis asked about FIND's justification for the funding level changes. The City Manager believed that FIND has some limitations under their programs. The most FIND can provide is \$1 million per year for three years. The City can compete for whatever is left over from their competitive grant programs. He was unsure how FIND was able to change the split when there is a dollar amount cap. Commissioner Trantalis felt that the first step would be to reach out to the private partners to fill the gap.

Supervisor of Marine Facilities Jonathan Luscomb confirmed for Vice-Mayor Rogers that the northern terminus of the dredging project is about 5,000 feet north of the Las Olas Bridge. The project runs from 17 Street to about a mile north of the bridge. The entire project is 14,500-plus feet.

Commissioner Roberts referred to a November 2012 resolution which states that Phase II of the project will connect Bahia Mar Yachting Center to the Intracoastal with similar depths completed in the Intracoastal at 17 feet. The City committed to \$144,000 with not more than 70 percent out-of-pocket costs. Although the numbers have changed over the years, there is still a good base line. He emphasized that this project must be done. The City Manager explained that the previous resolutions deal with the cost share ratios of the permitting process. It has reached the point where the question of paying for the

construction needs to be considered which has not been contemplated. Vice-Mayor Rogers also said it has to be done. The problem is that it is a moving target in terms of cost. Commissioner Roberts pointed out a 2011 resolution cites \$1.4 million to fund dredging and construction costs. Although the numbers need to be vetted, the City is clearly on the record as being committed to dredging to the marinas. Vice-Mayor Rogers agreed that the costs should be vetted. For example, he questioned the distinction between an artery and a vein and the Bahia Mar amount of \$4.2 million in that Bahia Mar is in the Intracoastal. While the City committed to \$1.4 million, the City Manager was concerned that the project may cost \$4.2 million and FIND will only contribute their maximum. More discussion ensued about the FIND funding limitations. Luscomb said FIND gets \$3.5 million per year for Broward County and does not think it is fair to allocate it all in one community. Vice-Mayor Rogers felt the Intracoastal Waterway is like the beach; it belongs to everyone.

Vice-Mayor Rogers opened the floor for public comment.

Fred Carlson, government liaison for Central Beach Alliance (CBA), suggested raising the tax on boat fuel. Perhaps dredging needs could be lumped into a bond issue and the costs spread over time. He urged the City to work closely with the new owner of Bahia Mar so there is a true partnership and they understand the importance of the boat show.

There was no one else wishing to speak.

BUS-4 14-0547 ANNUAL ACTION PLAN FOR FISCAL YEAR 2014-2015
ENTITLEMENT GRANT PROGRAMS THROUGH U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The City Manager requested this item be deferred to June 3, 2104.

BOARDS AND COMMITTEES

BD-1 14-0621 COMMUNICATIONS TO CITY COMMISSION AND MINUTES
CIRCULATED - period ending May 15, 2014

Beach Redevelopment Advisory Board

Motion made by Mr. Yaari, seconded by Mr. Matchette, to strongly recommend that the DC Alexander Public Park space is not a residual space, but an asset that has the potential to become an attractive destination with multi-use capability with universal access, and to function as an entrance and an icon for the beach to enhance our public investment and private investments surrounding the Park. In a voice vote, the motion passed unanimously.

Motion made by Mr. Schiavone, seconded by Ms. Milroy, that the Board requests that City Commission give great consideration to our Board before having a Conference discussion on any matter that would be or could be or is presently presented to our Board before they make comment or decision, in the interest of the City's well-being. In a voice vote, the motion passed unanimously.

Vice-Mayor Rogers felt the first communication relating to D.C. Alexander Park was addressed at the joint workshop on May 13.

In regard to the second communication, Vice-Mayor Rogers felt that practice is in place.

Board of Adjustment

Motion made by Mr. Shallenberger, seconded by Mr. Madfis, to request that Board members and alternates be notified when the City Attorney will present her findings to the City Commission regarding whether other municipalities' staff make recommendations to their Boards of Adjustment so Board members can attend that meeting. The Board requests that this meeting take place prior to the City Commission's July recess. Motion passed 7-0.

The City Attorney said her office has started looking into this matter but has not formally compiled anything. Municipalities handle it in various ways.

Vice-Mayor Rogers opened the floor for public comment.

Board of Adjustment (BOA) Member Birch Willey explained that the Board is now receiving staff's position on the agenda for cases. They have requested to stop this practice because it would behoove the proponent, staff and the Board if it was not a printed matter before the case is heard. The Board was advised that the practice would continue. There was a 7-0 vote to bring the matter to the Commission. It generates negativity when the agenda includes an answer from staff to a question the Board is supposed to answer. If staff is to decide these matters, the Board is no longer needed. The Board has operated for years as a board of citizens who hear issues and represent the best interests of the city and the public. Staff's role is to ensure that rules and regulations are followed. He has been involved in serving on City boards for some 44 years and supports the Board's position. Vice-Mayor Rogers noted this matter was discussed at a previous meeting and the Commission asked the City Attorney to research how other cities handle it. He agreed that the Board of Adjustment is a board of last resort.

Mayor Seiler arrived at approximately 3:57 p.m.

Willey said the Board accepts staff input on a regular basis, but does not want it set forth prior to hearing what the proponent has to say. He wanted an answer today. Mayor Seiler added that this practice has been in place for some time. Vice-Mayor Rogers explained that the Commission gets a staff recommendation on everything, and they do not necessarily have to follow it. There is a different mindset with a volunteer board. Mayor Seiler confirmed that a decision will be made once all of the information is available.

In response to Commissioner Roberts, Willey said this practice has been in place for six or seven months. The City Manager noted that he directed staff about two years ago to implement the practice. It has been in place with the Planning and Zoning Board, Code Enforcement Board and special magistrate hearings. He was unsure why there was a delay in implementation with the BOA. Among neighboring communities, this practice is more prevalent than not. He would respect whatever decision the Commission makes. Vice-Mayor Rogers and Commissioner Roberts said they are ready to change the process. Mayor Seiler also did not like the current policy, but agreed to give the City Manager more time for additional backup to be provided if that is his preference.

Board of Adjustment Member Fred Stresau said that for more than 15 years that he has served on the board, there has been only one challenge on a zoning interpretation that the City won. Ten years prior to his appointment to the Board, there were two challenges, one of which the City won. He believed the Commission trusts and has confidence in the Board. The Board's record stands for itself. He confirmed that although this was started in November, meetings were canceled and the Board did not meet until March. He did not know how staff could make a recommendation under the premise that the Zoning Code

is correct, and the only reason people go before the Board is because they want to do something outside the code. The Board is receptive to conversations or suggestions, but takes issue with the term recommendation.

Board of Adjustment Member Roger Bond said the Board is concerned because the applicant seeking a variance is typically present at the meeting in which their item is considered. The meeting is open to the public. A printed form \ indicates whether or not an item is recommended. It should be clear that the Board respects staff's opinions and gets a lot of information from them.

There was no one else wishing to speak.

Mayor Seiler noted that he has served on two boards of adjustment and neither received staff recommendations. He would like to hear the City Manager's position and would like Commissioner DuBose to be present for the decision. The City Manager recommended waiting until June 3 when the research will be complete. Staff's intent is not to dictate or mandate anything; they want to make sure there is a proper record in place. He suggested changing the terminology of recommendation, to staff's opinion, staff's perspective or something else. He is more concerned that the record exists, that the required hardship is properly documented, which is the obligation of both the applicant and staff. He believed it is staff's responsibility to advise the Commission and its boards on such matters as code violations. Mayor Seiler noted that the Commission is the moving party on code cases, which is different for the Board of Adjustment. The City Manager said that staff makes recommendations on Planning and Zoning cases even though the City is not the party making the application. Vice-Mayor Rogers suggested perhaps information can be provided without specifying it is a recommendation. It serves the same purpose. The City Attorney agreed to provide more information for June 3, 2014.

Marine Advisory Board

Motion made by Vice Chair Harrison, seconded by Mr. Rassing, to send a communication to the City Commission that the Marine Advisory Board endorses the Marine Industries Association of South Florida's (MIASF's) recommendation that the New River FEC bridge stay open at least 40 minutes per hour after plans for All Aboard Florida are implemented. In a voice vote, the motion passed unanimously.

Mayor Seiler felt the request sounds reasonable. Vice-Mayor Rogers agreed but did not know if the math works. The City Manager advised that stipulation was included in the resolution that was adopted. Mayor Seiler felt the problem is when there is down time before and after the train passes through. Having a tender will make the operation much more efficient.

BD-2 14-0622 BOARD AND COMMITTEE VACANCIES

Mayor Seiler advised that he was contacted by Planning and Zoning Board Member Brad Cohen, who claimed he did not get to serve a full term. Mayor Seiler believed that legally he is correct. The matter is not about the individual; it is that terms are being referenced as unexpired but they are clearly expired and extended. He wanted to come up with a more honest approach. In this case, someone served and was term-limited but stayed on. The term of that person was expired and extended. When the successor, Cohen, was appointed, the resolution stated that he would be filling an unexpired term through May 31, 2014. However, there was no unexpired term. The City Clerk clarified that Planning and Zoning Board terms have been staggered for at least more than 10 years although there is no written justification.

Commissioner Trantalis noted that Cohen is his appointee, and his term appears to expire May 31, 2014.

He opted to appoint a different person in order to have more people involved at the advisory board level. It is not about the individuals. He did not want to change a rule just for one person. The previous appointee, Catherine Moss, served for several months after she reached her term limit; then she resigned. There was a time lapse, then former Commissioner Rodstrom appointed Cohen. Mayor Seiler pointed out that Moss' term was clearly expired. Commissioner Trantalis indicated if an appointee leaves during the middle of the term, the appointing commissioner is responsible for filling the vacancy. Moss resigned in the middle of the term. Cohen was appointed September 18, 2012, for an interim term expiring May 31, 2014 or until his successor has been appointed. There needs to be consistency. If Cohen is allowed to serve three years, then his term begins when he started in the middle of the previous member's term. He felt that would be a bad practice. Mayor Seiler suggested that perhaps future resolutions should not refer to an unexpired term, but rather a term to be completed on a certain date. Commissioner Trantalis referred to the backup that indicates a term expiring May 31, 2014. Discussion ensued on the situation of an expired term wherein Vic- Mayor Rogers said that the next appointed individual should get a full term. Commissioner Trantalis felt it would cause confusion in trying to determine terms and keeping memberships consistent. Mayor Seiler pointed out that if an individual resigns during their term, there is still a term remaining. In this case, there was no term remaining for Moss. Mayor Seiler felt it should be clear when a new person is appointed whether the individual is filling an unexpired term. Commissioner Trantalis posed the situation of an individual resigning on the day their term expired and no appointment is made for a few months. He asked if the new appointment has three years from the date that Moss resigned or three years from the date the appointment is made. Mayor Seiler thought the resolutions should be tied to the term. Commissioner Trantalis thought the policy should be to stick with the term if it is established for a particular position. The goal is to define the methodology for an individual who leaves following the conclusion of his or her term. If an individual leaves following the conclusion of his or her term and new appointment is not made until months afterward; regardless of when Moss left, it is really when Cohen was appointed by former Commissioner Rodstrom which was almost more than a year after Moss' term had expired. It was within that time period that she found a replacement, but only to complete the end of the next term.

The City Attorney advised that the code provision for the Planning and Zoning Board has very specific terms. The appointment resolutions have been following some of the more liberal code provisions. According to the code, Planning and Zoning Board terms begins June 1. Even though the appointment was made in September, the term began June 1. The discussion at the meeting was about it being a new term which would logically mean three years from June 1, 2012 and expire at the end of May, 2015. She felt this should be looked at holistically and all enabling legislation reviewed. Commissioner Trantalis noted that a consistent policy has been in place for a long time. Commissioner Roberts pointed out that, in this case, the code specifically identifies June 1. Each appointment will be different. Mayor Seiler explained that this is the only board that has a specific start date (June 1). The City Clerk confirmed that each board has specific language. It should be looked at holistically. Commissioner Trantalis questioned the code language that indicates "the term of office of each member shall be three years except for the filling of vacancies." The City Attorney explained that if an individual leaves early, their replacement will only finish that term. The resolution appointing Moss indicated until a replacement is appointed, but it should have indicated May 31. Mayor Seiler did not feel the resolution appointing Cohen was not accurate. Commissioner Trantalis did not object with waiting until May, but did not agree with the reasons for doing so.

Mayor Seiler indicated that the general resolution language should not be used for Planning and Zoning Board appointments. He agreed it would be best to look at other boards as well. He suggested Cohen serve on the Board of Adjustments where there are consensus openings, another quasi-judicial board, so Commissioner Trantalis could make another appointment to the Planning and Zoning Board. Commissioner Trantalis mentioned that he offered Cohen another appointment but he declined it.

Cohen said he was appointed September 18 to the Planning and Zoning Board. He enjoys serving on that particular board. When he was notified that his term was expiring, he found that Moss was term-limited and stayed on temporarily. He spoke with former City Attorney Stewart, who agreed that an appointee's three years should start on the date he or she is appointed. Moss could have stayed on indefinitely. Moss' term was already expired. He appreciated Mayor Seiler's attempt to reach a compromise, but he wanted to continue to serve on the Planning and Zoning Board. In response to Vice-Mayor Rogers, Cohen said he was just notified of the issue. After looking into it, he believes the dates in the resolution are in error and he is entitled to a three-year term starting from the day of his appointment or from June 1 forward.

Mayor Seiler pointed out that the approved resolution provides that Cohen's term expires May 31, 2014. It would be difficult to reword a resolution that was adopted two years ago. He wanted Cohen to serve on the Board of Adjustment and move to Planning and Zoning if a vacancy occurs. Cohen suggested a new resolution be adopted or void that portion of the resolution that was based on an error. The City Attorney recommended going forward with what is set forth in the code of a June 1 starting date, which would allow Cohen to serve until May, 2015. If Cohen is entitled to a three-year term, he should be entitled to serve until September 2015. Mayor Seiler explained that would violate the code. Discussion ensued about the clause in the code, except for the filling of vacancies. Mayor Seiler explained because he was appointed in September of 2012, his three-year term started June 1, 2012. He went on to suggest that Commissioner Trantalis' appointee serve on the Board of Adjustment, but Commissioner Trantalis declined.

The City Clerk agreed to look into the language for all board appointments and the process by which members are appointed. Mayor Seiler asked if the City Attorney reviews the resolutions before signature. The City Clerk explained that the body of the resolution does not change but the exhibit is the appointment detail which she drafts. It is not reviewed outside of her office. As to the nuances of the process and interim terms, she has worked with the City Attorney's Office, but not since the current City Attorney began her tenure. There was consensus that appointment resolutions should be reviewed by the City Attorney's Office.

Please see regular meeting item R-1.

Budget Advisory Board	Nadine Hankerson (Commissioner DuBose)
Community Appearance Board	Ronald Alose (Mayor Seiler)
Community Services Board	Fred Roccanti (Vice-Mayor Rogers)
Education Advisory Board	Towana Bonaparte (Mayor Seiler)
Enterprise Zone Development Agency	Blake Trueblood
Fire-Rescue Facilities Bond Issue	Douglas Meade (Commissioner Roberts) Frederick H. Nesbitt (Commissioner Roberts) Thornie Jarrett (Commissioner Trantalis) Steve Kirsch (Commissioner Trantalis) Nadine Hankerson (Commissioner DuBose) Bryson Ridgway (Commissioner DuBose)

Historic Preservation Board

Brenda Flowers (Commissioner DuBose)
Gustav Schmidt (Mayor Seiler)

Northwest-Progresso-Flagler Heights

Dylan M. Lagi (Commissioner Trantalis)

Sustainability Advisory Board

William Goetz (Commissioner Roberts)

CITY MANAGER REPORTS

The City Manager advised that the County is requesting a joint meeting for 4:30 p.m. Tuesday, June 3, regarding the Broward Addiction Recovery Center (BARC). There was consensus agreement.

The City Commission convened the Executive Closed Door Session at 5:02 p.m. and adjourned at the end of the session.

EXECUTIVE CLOSED DOOR SESSION

The City Commission met privately pursuant to Florida Statute 768.28 (16) concerning collective bargaining.