

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, November 4, 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 6:06 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 3 - 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, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Jaime Costas

Vote Roll Call Order for this Meeting

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

Invocation

Jim Moyer, Community Outreach Manager, The Salvation Army Adult Rehabilitation Center

Pledge of Allegiance

Led by Commissioner DuBose

Approval of MINUTES and Agenda

No public comments were submitted by email for the November 4, 2014 regular meeting.

14-1427 APPROVAL OF MINUTES for September 16, 2014 Regular and Conference Meetings

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

PRESENTATIONS

The Commission heard comments from the visiting Turkish Consul General to the South Florida region.

PRES-4 14-1444 PROCLAMATION RECOGNIZING 2015 AS THE 150th ANNIVERSARY YEAR OF THE SALVATION ARMY IN CITY OF FORT LAUDERDALE

Commissioner DuBose presented the proclamation to Jim Moyer of the Broward County Salvation Army. Moyer thanked the City and recognized Commissioner DuBose's service.

A video was displayed in recognition of Commissioner DuBose's service. Mayor Seiler noted his accomplishments during his tenure as a commissioner.

PRES-1 14-1362 COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT II

Commissioner Trantalis presented the District II WOW Award to Community Appearance Board member Ron Aloso on behalf of Bill Philby, recognizing beautification efforts at his home in Victoria Park.

PRES-3 14-1440 DONATION OF PAINTING OF THE BONNET HOUSE BY SANDRA HILL

Public Affairs Manager Chaz Adams explained the City's partnership with local artists, providing them an opportunity to display their work in the City Hall lobby. He introduced Sandy Hill, who donated an original oil painting of the historic Bonnet House.

PRES-5 14-1445 PROCLAMATION DECLARING NOVEMBER, 2014, AS NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH IN THE CITY OF FORT LAUDERDALE

Vice-Mayor Rogers presented the proclamation to Ann May, chief executive officer of the Alzheimer's Association, Southeast Florida Chapter.

PRES-2 14-1439 RECOGNITION OF CITY OF FORT LAUDERDALE - RECIPIENT OF CERTIFICATE OF DISTINCTION BY INTERNATIONAL CITY MANAGEMENT ASSOCIATION CENTER FOR PERFORMANCE ANALYTICS FOR CITY'S ACCOMPLISHMENTS IN PERFORMANCE MANAGEMENT

The City Manager recognized Structural Innovation Manager Amy Knowles, who introduced members of her team.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items, noting that CR-1 has been removed from the agenda.

R-2 14-1384 QUASI-JUDICIAL - RESOLUTION - REVIEW OF APPEAL OF CITY ENGINEER ACTION DENYING RIGHT-OF-WAY PERMIT APPLICATIONS TO INSTALL CABINETS AND UTILITY POLES AT EIGHT LOCATIONS AND SET DE NOVO HEARING

Applicant: Crown Castle NG East LLC

Mayor Seiler announced that all parties have agreed to continue this matter.

Vice-Mayor Rogers introduced the resolution to set a de novo hearing for December 17, 2014, which was read by title only.

RESOLUTION ADOPTED SETTING DE NOVO HEARING FOR DEC 17, 2014

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

WALK-ON

Resolution authorizing the City Manager to enter into an agreement with American Traffic Solutions Inc. (ATS) and its Counsel, Carlton Fields Jordan Burt, P.A., to undertake and completely fund the representation of the City in seeking and obtaining a judicial review of the Fourth District Court of Appeals decision in City of Fort Lauderdale v. June Dhar, Case No. 4D-13-1187, and appointing Carlton Fields Jordan Burt, P.A. as Special Counsel

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

ADOPTED

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

The City Clerk announced that CM-15, CR-1, CR-2, CR-5 and CR-8 have been revised.

Raymond Cox, no address provided, requested that all consent motion items be removed for discussion individually and was allotted time to comment on them. He expressed concern that not providing backup material for the public is a violation of the Sunshine Law. He noted the recent death of a radio program entertainer from Alzheimer's Disease. He went on to complain about his inability to access backup materials. Commissioner Trantalis pointed out that information for agenda items is available to the public in the lobby of City Hall. Cox was concerned about access to revisions as well as accessibility by people who are not computer literate. Cox expressed concern about expenditures on the agenda and advocated that funds be allotted for the homeless and that feeding programs not be prohibited. He also spoke in opposition to the City Manager's influence in the International City Management Association.

Motion made by Vice-Mayor Rogers and seconded by Commissioner Roberts that CM-1 through CM-16 be approved as recommended.

CONSENT MOTION

CM-1 14-1323 NOT-FOR-PROFIT GRANT PARTICIPATION AGREEMENT WITH FAMILY CENTRAL, INC. - \$41,249

APPROVED

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

CM-2 14-1372 NOT-FOR-PROFIT GRANT PARTICIPATION AGREEMENT WITH AGING & DISABILITY RESOURCE CENTER OF BROWARD, INC. - \$46,568

APPROVED

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

CM-3 14-1373 NOT-FOR-PROFIT GRANT PARTICIPATION AGREEMENT WITH FORT LAUDERDALE ST. PATRICK'S DAY PARADE & FESTIVAL,

INC. - \$20,000

APPROVED

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

CM-4 14-1374 NOT-FOR-PROFIT GRANT PARTICIPATION AGREEMENT WITH RIVERWALK FORT LAUDERDALE, INC. - \$95,000

APPROVED

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

CM-5 14-1375 NOT-FOR-PROFIT GRANT PARTICIPATION AGREEMENT WITH WINTERFEST, INC. - \$10,000

APPROVED

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

CM-6 14-1376 NOT-FOR-PROFIT GRANT PARTICIPATION AGREEMENT WITH FIRST CALL FOR HELP OF BROWARD, INC. - \$20,000

APPROVED

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

CM-7 14-1377 NOT-FOR-PROFIT GRANT PARTICIPATION AGREEMENT WITH SISTRUNK HISTORICAL FESTIVAL, INC. - \$70,000

APPROVED

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

CM-8 14-1378 NOT-FOR-PROFIT GRANT PARTICIPATION AGREEMENT WITH DOWNTOWN DEVELOPMENT AUTHORITY - \$100,000

APPROVED

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

CM-9 14-1176 EVENT AGREEMENTS: New Hope Fest, St. Jerome Fall Festival 2014 and Las Olas Outdoor Living & Home Expo

APPROVED

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

CM-10 14-1307

EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: First Friday Block Party, Light the Night Walk, Pints in the Park, Home for the Holidays and 3rd Annual Merrill Lynch Bull Run

APPROVED

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

CM-11 14-1306

AGREEMENT FOR 2015 RIVERWALK EVENTS - Riverwalk Fort Lauderdale, Inc.

APPROVED

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

CM-12 14-1317

ACQUISITION OF 2008 BMW 528I from Federal Bureau of Investigation

APPROVED

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

CM-13 14-1326

GRANT ACCEPTANCE - \$700,000 - INSTALLATION OF TIDAL VALVES AND ASSOCIATED STORMWATER IMPROVEMENTS - Las Olas Isles, Venice Isle and Rio Vista Isles - Florida Department of Environmental Protection Program

APPROVED

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

CM-14 14-1271

REVOCABLE LICENSE - BROWARD CENTER FOR THE PERFORMING ARTS - MAINTENANCE OF DRAINAGE CONTROL STRUCTURE AND EXPANSION OF AMPHITHEATER - Performing Arts Center Authority

APPROVED

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

CM-15 14-0728

WAVE STREETCAR PROJECT - SUPPLEMENTAL AGREEMENT -with South Florida Regional Transportation Authority

APPROVED

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

CM-16 14-1446

SISTRUNK BOULEVARD - STREETCAR FEASIBILITY STUDY -
authorizing City staff to negotiate and proper City Officials to execute
task order with Broward Metropolitan Planning Organization

APPROVED

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

CONSENT RESOLUTION

The City Clerk announced revisions to CR-2, CR-4, CR-5 and CR-8. The Commission received information concerning these items. Item CR-1 has been removed from the agenda.

Raymond Cox, no address provided, requested that all consent resolution items be removed for discussion individually and was allotted time to comment on them. He questioned the removal of Item CR-1. He questioned boarding up of buildings and elaborated on design flaws with restrooms at the beach. He questioned safety zones. He felt there should be more involvement of the elected officials. He discussed a hole on 3 Avenue and that lack of cooperation of Broward County. He expressed concern about the police in general.

Motion made by Vice-Mayor Rogers and seconded by Commissioner Roberts to adopt items CR-2, CR-3, CR-4, CR-5, CR-6, CR-7, CR-8 and CR-10 as recommended.

CR-1 14-1218 RENAMING LINCOLN PARK TO CARLTON BRADLEY MOORE PARK**REMOVED FROM AGENDA**

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

**CR-2 14-1218 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2015
BUDGET – APPROPRIATION****ADOPTED**

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

CR-3 14-1249 CITY'S 2015 LEGISLATIVE PRIORITIES AND FUNDING REQUESTS**ADOPTED**

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

CR-4 14-1330 AUTHORIZING ISSUANCE AND SALE OF WATER AND SEWER

REVENUE REFUNDING BONDS, SERIES 2014, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$110,000,000

ADOPTED

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

CR-5 14-1329

APPOINTING BOND AND DISCLOSURE COUNSEL - WATER AND SEWER REFUNDING REVENUE BONDS, SERIES 2014 - Albert Del Castillo of Greenberg Traurig LLP as Bond Counsel and Steven Bullock, P.A. as Disclosure Counsel

ADOPTED

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

CR-6 14-1413

FRATERNAL ORDER OF POLICE LODGE 31 - RATIFYING TENTATIVE AGREEMENT - police officers and sergeants, effective October 1, 2016 - September 30, 2017

ADOPTED

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

CR-7 14-1235

SPECIAL ASSESSMENT LIENS FOR COST ASSOCIATED WITH LOT CLEARING AND CLEANING

ADOPTED

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

CR-8 14-1285

SPECIAL ASSESSMENT LIENS FOR COST ASSOCIATED WITH SECURING AND BOARDING UP BUILDINGS

ADOPTED

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

CR-9 14-1294

QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - RECOMMENDING PROJECT BAMBOO as a qualified target industry business applicant and providing local support in the amount of \$49,000 contingent upon approval by State of Florida

Vice-Mayor Rogers indicated he has a conflict of interest and therefore would abstain from voting and discussion on this matter. A memorandum of voting conflict, dated November 4, 2014, is attached to these minutes.

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

ADOPTED

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

Abstain: 1 – Vice-Mayor Rogers

CR-10 14-1129

PEDESTRIAN LIGHTING IMPROVEMENTS ON STATE ROAD A1A BETWEEN OAKLAND PARK BOULEVARD AND FLAMINGO AVENUE - Maintenance Memorandum of Agreement - Florida Department of Transportation

ADOPTED

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

CR-11 14-1335

SAFETY ZONES AND CAPITAL IMPROVEMENTS - ALL ABOARD FLORIDA PASSENGER RAIL PROJECT - Letter of Agreement amending crossing agreements - Florida East Coast Railway, LLC and All Aboard Florida - Operations, LLC

In response to Commissioner Trantalis, the City Manager did not think there will be another round of Transportation Investment Generating Economic Recovery (TIGER) grants that could fund this project; none have been announced. He expected federal funds would not be available before the improvements are in place. The City would have the same maintenance obligations that it does now for railroad crossings. Regardless of how it is funded, the City is responsible for maintenance.

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

ADOPTED

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

PURCHASING AGENDA

Raymond Cox, no address provided, requested that all purchasing items be pulled for discussion individually and was allotted time to comment on them. He was concerned about the hat-racking of trees. He questioned whether ordinance violators at the City's soccer fields where there are no public restrooms will rightfully be charged. He expressed concern about the roles of the Commission and City Manager. He advocated for the homeless including those found without shelter due to hurricanes.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to approve PUR-1 through PUR-8.

APPROVED

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

Commissioner DuBose and Mayor Seiler

PUR-1 14-1253 FIRST ONE-YEAR CONTRACT EXTENSIONS FOR LANDSCAPE ARCHITECTURAL CONSULTANT SERVICES - Calvin, Giordano & Associates., Keith and Schnars, P.A., and EDSA, Inc. and authorize City Manager to execute on behalf of City

APPROVED

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

PUR-2 14-1263 DELINQUENT ACCOUNT COLLECTION SERVICES CONTRACT - \$103,500 estimated annual cost - NCSPlus Incorporated

APPROVED

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

PUR-3 14-1279 THREE-YEAR CONTRACT FOR SOCCER OFFICIATING SERVICES - estimated annual amount of \$28,460 - 3PS Soccer Pros LLC and authorize City Manager to approve one, one-year renewal option, contingent upon appropriation of funds

APPROVED

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

PUR-4 14-1282 PURCHASE OF POLICE RECRUIT TRAINING AND MANDATORY RETRAINING CLASSES - not- to-exceed \$127,214 - Broward College

APPROVED

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

PUR-5 14-1295 PEDESTRIAN GATE REPLACEMENTS AT EXECUTIVE AIRPORT - \$59,840 - Commercial Fence Contractors, Inc.

APPROVED

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

PUR-6 14-1324 ASSIGNMENT OF CONTRACT FOR LOCKBOX SERVICES - Intuition Systems, Inc., d/b/a Bill2Pay to Bill2Pay, LLC

APPROVED

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

Commissioner DuBose and Mayor Seiler

PUR-7 14-1367 PROPRIETARY PURCHASE OF SERVICES AND PARTS TO REPAIR HYDROTREATOR NUMBER ONE AT FIVEASH WATER TREATMENT PLANT - \$704,235 - Ovivo USA, LLC

APPROVED

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

PUR-8 14-1391 EXTENSION OF 2013 HOUSING OPPORTUNITES FOR PERSONS WITH HIV/AIDS (HOPWA) FOR SUSAN B. ANTHONY AND HOUSING AUTHORITY AGREEMENTS

APPROVED

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

CITIZEN PRESENTATIONS

CIT-2 14-1433 CLEATTE FRITZ - Concerns about the size of Aquablu Development on Intracoastal Drive

Cleatte Fritz was not present. Patrick M. Hughes, a resident of Corinthian Condominium, read from a prepared statement, which is attached to these minutes.

CIT-3 14-1434 ALMA MERRIWEATHER - First Mortgage Subordination Agreement Request

Alma Merriweather provided a prepared statement, which is attached to these minutes.

The City Manager explained that Merriweather does not meet the requirements of the subordination program in terms of reduction in the interest rate and an aspect involving the amount of the loan. He believed she is seeking to refinance.

Deputy Director of Economic and Sustainable Development Jenni Morejon explained that two criteria were not met: 1) interest rate reduction must be at least 2 percent, and 2) loan to value ratio must not exceed 95 percent. She clarified for Commissioner Trantalis that the new financing is not 2 percent lower than the current financing and the new loan to value ratio is 173 percent. The City Manager advised that the standards were adopted by resolution so staff cannot deviate. Mayor Seiler agreed to look into the matter and follow up with Merriweather.

CIT-4 14-1435 ROBERT KUNST - All Aboard Florida Passenger Rail Project

Robert Kunst identified himself as president of Shalom International and provided information titled "From All Aboard Auschwitz to All Aboard Florida – Why?" that is attached to these minutes. He has requested that All Aboard Florida not use French or German trains because they were responsible for transporting people to death camps in the Holocaust. Siemens has been chosen for this project. It was one of the worst in the Holocaust and has refused to discuss the matter with the survivors. He felt the All Aboard

project is a scam because there are economic and fast alternatives available. He asked the Commission take a position by recommending that a different company be selected. He questioned why any company that participated in the Holocaust is allowed to do business in the city or the United States. He will be making this position to other cities also.

CIT-5 14-1436 NATALIA BROWN AND GABRIELA BROWN - Ban Puppy Mills and Prohibit Retail Sale of Dogs in Broward County

Natalia Brown and Gabriela Brown were not present.

CIT-1 14-1432 ART SEITZ - Fort Lauderdale Beach – City

Art Seitz said the Wave streetcar should go east-west instead of north-south. It is a boondoggle. He referenced a *Sun-Sentinel* editorial that questioned the status of the Aquatic Center and the contractor, Recreation, Design & Construction. He felt a restaurant at the site would be profitable. He supported the City Manager's original proposal. Something is needed to draw people. He criticized the currently proposed design. He pointed out that the visioning survey of residents did not support water sports. He felt it is political and has to do with campaign contributions.

RESOLUTIONS

R-1 14-1407 APPOINTMENT OF CITY COMMISSIONER, DISTRICT III, TO FILL VACANCY AS A RESULT OF COMMISSIONER BOBBY B. DuBOSE'S RESIGNATION

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, advocated for the female candidate. He went on to discuss homeless issues.

Roosevelt Walters, 1207 NW 10 Place, thanked Commissioner DuBose for his service. He stressed the importance of this appointment. He supported Sam Morrison for the appointment.

Kathryn Smith, 1910 SW 36 Avenue, advocated for Sam Morrison to be appointed. Mayor Seiler confirmed for Smith that commissioners should reside in the area he or she represents.

Sonya Burrows, 1600 NW 4 Street, thanked Commissioner DuBose for his service. She did not think whether a candidate is seeking a full term should be any part of the Commission's consideration in that it is not mentioned in the charter. She supported Robert McKinzie and noted that he resides in the district.

Beauregard Cummings, 1710 NW 27 Avenue, thanked Commissioner DuBose for his service. He felt the Commission should heed his recommendation. He supported Robert McKinzie.

Jessie Adderley, 443 NW 19 Avenue, supported Robert McKinzie. He resides on her street.

Donna Guthrie, president of Melrose Park Homeowners Association, said she is a candidate for the District III seat. She noted that when previously speaking with Mayor Seiler, he told her she would not be considered for the interim position if she was a candidate for the full term or was intending to file such candidacy, therefore she did not apply. She supported Sam Morrison and noted that her entire neighborhood including the Association's board of directors supports him. She has spoken with Virgil Niedermeyer of Riverland neighborhood and he also indicated support for Sam Morrison. She also noted

that Ms. Smith in attendance this evening from Sunset also supports Sam Morrison. She believed that Commissioner DuBose has the pulse of the northwest, but not the entire district. Commissioner DuBose indicated there may be some 50 people in Melrose Park who speak the contrary.

Mickey Hinton, 713 NW 19 Avenue, felt it is not so much a priority whether a candidate for the interim position plans to seek the full term, but rather that the individual know the district's issues. The number one issue is an environmental problem.

Pamela Adams, 425 NW 23 Avenue, thanked Commissioner DuBose for his service. She supported Sam Morrison. She felt the Commission should select someone who is not pursuing a full term but has the acumen to do the job in the interim.

Gino Jamison, 1601 NW 15 Place, thanked Commissioner DuBose for his service. He did not think the Commission should consider an individual for the interim appointment that is pursuing the full term. He supported Sam Morrison.

Art Seitz, 1905 North Atlantic Boulevard, indicated that he had an opportunity to speak with Sam Morrison in his capacity with the Broward County Library System and was impressed by his response and his work in making the African-American Library in the northwest a reality. He liked that Morrison is not seeking a full term.

There was no one else wishing to speak.

Commissioner Trantalis said he was troubled over the matter of eligibility. The issue of whether the individual intends to pursue the full term is a personal choice of each member of the Commission. However, he was told one of the candidates had his homestead in another city until February of this year. He no longer has his homestead in that city but his wife has her homestead there. He indicates he resides in the district, but one would think he is not living away from his wife. Mayor Seiler did not think this is an issue. The charter sets out a time frame for residency. It is clear that the candidate removed his homestead by the appropriate date and established residency in Fort Lauderdale. He is in compliance with the charter. He is running for the seat. Commissioner DuBose felt it is obvious that Commissioner Trantalis has been digging into the issue. He believed that Commissioner Trantalis is getting information from a very small minority group that is agitated. It is out of bounds to bring up the candidate's family. In other elections people have decided to move and run for office. He felt things of this nature are only raised when it has to do with District III. He was offended. Commissioner Trantalis explained that he simply wants to do the right thing and to know that Mr. McKinzie is an eligible candidate. The City Attorney told him it was a Commission decision, which is why he brought the matter forward publicly today. Commissioner Trantalis explained it is nothing personal, but rather about residency. Mayor Seiler pointed out that no one else on the Commission has an issue with Mr. McKinzie's residency. He noted that he attended grade school with Mr. McKinzie in Fort Lauderdale and has no question about his residency. Commissioner Roberts did not fault Commissioner Trantalis for asking the question to the City Attorney. There is a charter residency requirement and that intent is to be decided by the Commission. With the move that took place and the City Attorney's opinion, he is comfortable with the residency issue.

Commissioner Trantalis indicated that it was not meant to be an affront to anyone. McKinzie's wife filed for homestead at their Plantation home. Commissioner DuBose pointed out that his wife is not applying for the position. He felt that bringing up a candidate's family is out of bounds with respect to anything and anyone.

Commissioner DuBose was pleased there would be no interruption in representation for District III. He disagrees with Mayor Seiler about whether the interim candidate should have an opportunity to seek the full term. Going forward, the Commission may wish to put some true policy in place. It is unfair when

people are transparent, with good intentions and are prohibited from running for the office. There is nothing to prohibit anyone from running. He has a problem with an individual babysitting the position for a short period of time when there is a learning curve and limited resources. He would rather have an interim candidate who intends to stay. He felt bullied out of the process the last time a vacancy occurred. Historically it has not given the interim candidate an advantage in the election. The last interim commissioner had indicated she had no intention to run for the seat, then decided to run and came in last. Anything can happen after an individual is seated on an interim basis. This gives the district an opportunity to preview a potential commissioner. Until a policy is put in place, no one has an advantage. All of the candidates are capable for this job. He looks at candidates to see if they have a love for the community and its people. It is not an easy job. He recommended Mr. McKinzie.

Commissioner Roberts supported a candidate who can ensure continuity and consistency. He met individually with three of the candidates. He was confident that all of the candidates are capable for this job. He supported Commissioner DuBose's recommendation in that he has worked so well for the district and the City.

Commissioner Trantalis indicated that he also met with all of the candidates individually. He supported the idea of the interim appointee seeking a full term. It is important for the district to be supported without any lapse. He advocated for Mr. McKinzie.

Vice-Mayor Rogers noted it is a testament to the community that there are four candidates of this quality. He preferred appointing a candidate that has indicated they will not run for the full term. He supported Mr. Morrison.

Mayor Seiler agreed that all four candidates are well-qualified. He did not want someone to have an advantage in the 2015 election and allow the district to elect their next commissioner. He supported appointing Mr. Morrison.

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

ADOPTED

Aye: 3 – Commissioner Roberts, Commissioner Trantalis and Commissioner DuBose

Nay: 2 – Vice-Mayor Rogers and Mayor Seiler

Arrangements will be made for the oath of office to be administered at the November 10 special workshop.

**R-3 14-1344 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS -
vacancy information provided under Conference Item BD-2**

Commissioner Trantalis recommended Noah Szugajew for appointment to the Community Services Board that will be presented for consideration on November 18, 2014.

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

Affordable Housing Advisory Committee
Category: Active in local community improvement activities

Roderick C. Kemp (Vice-Mayor Rogers)

Charter Revision Board

Desorae Giles Smith (Commissioner DuBose)

Citizens Committee of Recognition	Courtney Crush (Consensus) Gloria Katz (Consensus)
Citizens Police Review Board	Marc Dickerman (Mayor Seiler) Skeet Jernigan (Commissioner Trantalis) Roosevelt Walters (Commissioner DuBose) Kevin Borwick (Consensus)
Community Appearance Board	Marni Canavan (Mayor Seiler) Thomas Yianilos (Mayor Seiler) Leslie Fordham (Vice-Mayor Rogers)
Community Services Board	Joseph S. Van de Bogart (Vice-Mayor Rogers) Gwendolyn Haynes (Commissioner DuBose) Gabe Sheffield (Commissioner DuBose)
Downtown Development Authority	Jim Ellis (Consensus) Michael Weymouth (Consensus)
Economic Development Advisory Board	Jason Crush (Commissioner DuBose) Nikki Austin (Commissioner DuBose)
General Employees Retirement System	Paul Tanner (Mayor Seiler)
Insurance Advisory Board	Steve Botkin (Consensus) Ted Hess Sr. (Consensus)
Northwest Progresso-Flagler Heights	Rosalind Osgood (Commissioner DuBose)
Sustainability Advisory Board	Daniel Ayers (Mayor Seiler) Mate Thitisawat (Consensus)

As to the vetting process, the City Attorney explained once a name is submitted to the City Clerk, she needs the opportunity to make sure the qualifications for a position are met. The City Clerk indicated she vets individuals when they are brought forward by a member of the Commission. As to the nominee of Jim Ellis, Mayor Seiler noted that he has been a long-time resident and business owner in the Downtown Development Authority. He believed he has been sufficiently vetted.

Commissioner DuBose introduced the resolution, which was read by title only, subject to confirmation with respect to Ellis meeting requirements for service on the Downtown Development Authority.

ADOPTED

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

PUBLIC HEARINGS

PH-1 14-1305 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS - installation of three triple pile mooring clusters and nine mooring piles extending a maximum of 75 feet from upland property line into Intracoastal Waterway - 321 North Birch Road

Applicant Grand Birch, 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 reviewed the procedure for the public hearing and opened the floor for public comment.

Attorney Heidi Davis Knapik of Gunster law firm, representing the Applicant, advised that the item was deferred in order to meet with the Central Beach Alliance and representatives of Cormona Apartments. Central Beach Alliance opted out of a presentation. She spoke with David Berlin, representing Cormona Apartments, last week. She believed he has philosophical issues with the City's vision to be the yachting capital of the world rather than this application. He is generally against large boats docked on the waterways. The Applicant has worked extremely hard for the past nine plus months to obtain all permits and licenses for boat lifts. The docking facilities are safe, do not impact navigation or have any adverse impacts on environmental issues or the neighbors.

Commissioner Trantalis summarized points made by Berlin in his letter to the Commission. Knapik confirmed that the perpendicular view corridor will not be impact. With the Intracoastal Waterway being 560 feet in width and the extension being 75 feet, there is no interference with the channel pathway. Commissioner Trantalis felt the city should accommodate both large and small boats.

Commissioner Trantalis noted Berlin's concerns about environmental issues related to manatees. Knapik explained that the Department of Environmental Protection, U.S. Army Corps of Engineers and Broward County review issues related to manatees and seagrass to determine that there is no negative impact. Andrew Cuba, Marine Facilities Manager, advised that the regulatory agencies would be appropriate to weigh in on such issues. Knapik indicated the regulatory agencies have issued the permits

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

Commissioner Trantalis said he respects the opinion of Cormona residents but believed the Grand Birch has made great strides in attempting to accommodate the neighboring residents.

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

ADOPTED

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

Not Present: 1 – Commissioner DuBose

ORDINANCES**O-1 14-1085**

QUASI-JUDICIAL - SECOND READING OF ORDINANCE
REZONING TO GENERAL AVIATION AIRPORT - Fort Lauderdale
Stadium and Lockhart Stadium - Case Z14005

Applicant: City of Fort Lauderdale
Location: Executive Airport Parcels 19B, 25, 26, and 27 - Generally described as Stadium Property - Fort Lauderdale Stadium and Lockhart Stadium
Current Zoning: Recreation and Open Space (P) and Commerce Center (CC)
Future Land Use: Transportation

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

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

The City Manager explained the difference between Items O-1 and O-2.

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

Steve Klamm, 4611 NW 10 Terrance, questioned whether the development would be under the designation of the airport or the city. Commissioner Roberts explained that it remains part of the airport property, but the Federal Aviation Administration is requiring it be rezoned. The City Manager advised that it remains under the City's zoning and land use. Federal funding could be placed in jeopardy if the City is out of compliance with FAA requirements.

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

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

ADOPTED ON SECOND READING

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

O-2 14-1087 SECOND READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-14, GENERAL AVIATION DISTRICTS - revising list of permitted and conditional uses and updating terminology - Case T14009

Mayor Seiler opened the floor for public comment.

Tony Ficociello, 2622 NW 55 Street, Tamarac, expressed concern if this project would be serving the interests of the general public or the corporate few. The constitution speaks about promoting the general welfare which should be taken seriously. Schlitterbahn made promises when opening water parks in Cedar Park, Texas and Kansas City, Kansas. They were given tax incentives but they reneged on their promises. Occupational Safety and Health Administration cited Schlitterbahn for safety violations that led to the death of a lifeguard and serious injury to one of their employees.

Jay Arjoonsingh, representing Concerned Citizens of North Fort Lauderdale, explained that this group is composed of Fort Lauderdale residents and primarily from the north part of the city. He spoke in

opposition to the item. He submitted a binder of petitions and other documents. The table of contents is attached to these minutes. They recognize that uses on the property must be compliant with zoning laws and that the Federal Aviation Administration (FAA) as a condition of the lease has required the City to rezone the property. There are no assurances that future use would remain compatible and consistent with the current uses. This ordinance allows for future uses that may not be compatible with existing surrounding uses including but not limited to residential neighborhoods and airport use. There are currently no amusement parks on the property. Many people think that a water park would fly in the face of the security that the FAA sought to preserve.

John Barrett, president of Twin Lakes North Homeowners Association, was concerned that 15 Avenue would become a main access point for the water park that would disrupt and endanger residents. He felt the traffic impact will be significant. Schlitterbahn has claimed it will close at 5 p.m. which is rush hour and he felt it will worsen the situation. The area will be almost permanently congested. The airport will become more inconvenient to use. Airport uses will go elsewhere and that source of revenue will decrease. Rezoning the area to allow amusement parks is irresponsible. He asked that the City not amend the Unified Land Development Regulations or allow the water park.

Bonnie Dickey, 4550 NW 12 Avenue, expressed concern that Schlitterbahn allows tailgating and drinking in their parking lots. There will be broken glass and trash. It will require an increased police presence and cause traffic issues. She urged the Commission not to rezone the property or amend the Unified Land Development Regulations or allow the water park construction.

Maureen Woods, 1021 NW 49 Street, was concerned about the benefits that Schlitterbahn is being given in the lease. She questioned why other companies were not offered such benefits for competition in the process. She opposed the rezoning, amending the Unified Land Development Regulations or allowing this use.

Patricia McKewen, 1211 NW 46 Court, did not believe the water park is a good fit for the area. Some 70 acres of open space will be lost. The water park will have to shut down when there is rain or lightning. She was concerned about what would happen if the business fails and whether a letter of credit would be any good if Schlitterbahn goes into bankruptcy. The lease is deeply flawed. She opposed the rezoning, amending the Unified Land Development Regulations or allowing this use.

Mark Cucharale, 4511 NW 15 Avenue, expressed concern that traffic would be a problem. There is already overflow of traffic. He was skeptical of the numbers presented by Schlitterbahn. He was also concerned whether there is written guarantee on Schlitterbahn keeping their word. Until these issues are resolved, he opposes this item.

Alena Alberani, 4740 NE 29 Avenue, asked that the Commission consider the Florida endangered and threatened burrowing owl population of approximately 79 owls on the property. They have already been affected by development and a major water park would more devastating. There are photographs of their habitat on the property submitted by Mr. Arjoonsingh. She asked that some greenspace be preserved for the owls to live. Commissioner Roberts noted that the City is bound to protect the burrowing owl habitat. It has never been an issue in this particular area. There are designated areas around the airport for just that reason. The City Manager concurred and added that the property designated for water park includes the existing Fort Lauderdale and Lockhart stadiums and the associated parking lot. The burrowing owl and gopher tortoise that are both present on airport property are part of a conservation effort. The City effectively manages these species on the airport property and the adjoining area to the west where they are prevalent. The City is required to protect them. In response to Mayor Seiler, a member of the public offered to send digital copies of the photographs.

B.E. Johnson, 4560 NW 11 Terrace, expressed concern about child safety. Traffic is already a problem in

the area. He was opposed to the water park for this reason.

Charles King, 105 North Victoria Park Road, supported the concept. It seems like a way to bring people to Fort Lauderdale, particularly an area that is not frequented. It could spur economic development. There is nothing like this in the county. The location seems safe. Schlitterbahn is a world-class water park. He believed that most residents of the city would not object to it.

Steve Klamm, 4611 NW 10 Terrance, said that Schlitterbahn has a shoddy track record in terms of business practices. He cited problems that occurred with a park built by Schlitterbahn in Kansas City and questioned whether the City has looked into Kansas City's experience with Schlitterbahn. He opposed the rezoning, amending the Unified Land Development Regulations or allowing this use.

Commissioner Roberts pointed out that the City Manager visited the Kansas City park. He also plans to go to Texas. The City has reviewed their finances and operations. He believed some of the Kansas City issues were related to the recession. The City Manager clarified that he visited the original headquarters location in New Braunfels, Texas. The Kansas City park opened recently and has the tallest water slide in the world. He believed that park is on privately owned land. Commissioner DuBose said he visited the Kansas City park about two years ago. It was open to the public but not fully built. The City Auditor advised that it opened in the summer of 2009. Vice-Mayor Rogers said he visited their park in Texas and it was top notch. It is a family-run operation. It was in the middle of a neighborhood and did not appear to create any traffic problems. Klamm felt the roads in Texas are much different than those in Florida. Vice-Mayor Rogers noted the proximity to Interstate 95 and that people coming and going from a water park are not on the same schedule as daily business commuters. Klamm pointed out that the park is estimated to hold 10,000 people, which would equate to about 7,000 vehicles. Commissioner Roberts noted that Lockhart Stadium seats twice that number. There were also vehicles from the other stadium. Traffic has not been an issue. In this case, traffic will be dispersed over a 12-hour day and not from a specific event. Commercial Boulevard from NW 31 to Interstate 95 is a C-rated road. It becomes F-rated east of Interstate 95. It can accommodate additional traffic. For four years, \$3,000 has been set aside for traffic mitigation measures on 15 Avenue. He asked the neighborhood association to reach a conclusion as to what should be done.

Klamm felt the neighborhood will negatively impact property values. The area will become commercial. He does not believe there is enough parking.

There was no one else wishing to speak.

Mayor Seiler questioned the organizational particulars of the Concerned Citizens of North Fort Lauderdale. He saw that they have distributed campaign literature. There are disclosure rules for lobbyists.

Commissioner Roberts pointed out that has been studied for quite some time. It costs the City about \$500,000 per year to maintain the baseball stadium. The City has been unable to attract a baseball team. The Schlitterbahn agreement offers \$800,000 in revenue to the airport per year. This is the best arrangement the City has ever been able to negotiate. This did not go out for bid; Schlitterbahn stepped up and offered the investment. The City is not giving away property; it is a lease. There are vacant properties around the airport and space for business expansion. No roadway improvements are planned because the road can handle the anticipated traffic. Schlitterbahn has made an investment of roughly \$110 million. The City is not offering any incentives or tax breaks. They are developing the park in two phases. It will include youth soccer fields for public use, which is more greenspace than currently exists. The lease provides some control to the City on use of the fields. As to accidents and deaths, he pointed out that Schlitterbahn has operated parks for some 30 years. Every major amusement park will have a mishap. One incident does not mean there is a safety issue. He reiterated that he wants to work with the

neighborhood on traffic or noise issues. Schlitterbahn will be subject to City ordinances. The City will be able to control such activities as tailgating. If necessary, Schlitterbahn would be required to hire off-duty police officers. This is a family business that has operated for more than 30 to 35 years. He mentioned other parks owned and operated by Schlitterbahn. It will generate jobs. Their business plan does not specify operating the entire park 365 days a year. The City Manager indicated that the park would essentially shut down for maintenance during the colder weather months. As the weather changes, their schedule is modified and becomes fully operational in the summer. He concluded by reiterating his concerns about traffic and his willingness to work with the neighborhood association on mitigation.

Commissioner Trantalis noted that it has been difficult for the Commission to maximize use of this property. There are large vacant spaces. It behooves the City to try to find ways to enhance quality of life. There are many people in District I and throughout the city who have voiced support for a family-oriented theme park. This is a water park, and any tailgating would be done by families. There may be other amusement venues added. There will be an impact on the community. Other cities have entertainment venues surrounded by residential areas and there is no negative impact. It is important to realize that Fort Lauderdale is trying to attract tourists and entertain families that reside here and to do so in a way that is compatible with the environment in which they are located. The City Manager has worked extensively with Schlitterbahn. A provision is in place in the lease in case the business fails in a three-year period. He believed Schlitterbahn is reputable. He believed it is right for the community.

Commissioner Roberts added that the visioning discussion with the Urban Land Institute contemplated more residential in the airport area to complement Twin Lakes and Palm Aire. The goal is to make the area more walkable with more entertainment venues and to further business in the area north to 62 Street. There are companies looking at long-term leasing in the area of the park-and-ride lot that would be mixed-use.

Vice-Mayor Rogers felt that this venue has and should be used for recreational purposes. It is strategically located for traffic to utilize the interstate. Visitors to the park will not arrive and depart at the same time or during peak traffic hours. He would not be comfortable had he not met the owners and felt they represent the best in the industry. It is a second- or third-generation family business and they are committed to it. Moreover the City Manager has reviewed this and the City Auditor has reviewed their financials.

Klamm questioned whether other similar venues have succeeded locally. He pointed out that the Marlins and Panthers are not well supported. Mayor Seiler said the Rapids in Palm Beach County has been a long-time successful park. He felt that traffic to and from the park will be utilizing Interstate 95. He also believed this park will be a regional tourist attraction with people mostly coming from the south. There is discussion about establishing a park in the south because of the demand. Vice-Mayor Rogers agreed about the demand. There have been successful water parks in the past, but they were a land bank situation. Mayor Seiler was confident Schlitterbahn's marketing materials would not direct traffic through Twin Lakes. Klamm indicated that the speed humps in the area are not high enough to slow down traffic. Traffic is a major concern. Vehicles are cutting through the neighborhood. Commissioner Roberts emphasized that he is committed to working with the neighborhood once they reach a consensus on what they would like done. He has offered staff assistance to develop a solution. The City will then find a funding source.

Cucharale questioned whether Schlitterbahn could contribute financially to closing 15 Avenue. The City Manager replied that there still must be consensus in the neighborhood on a traffic solution. Once the solution is identified, staff will come up with a method to fund it. Commissioner Roberts responded to Barrett that the City has not requested a financial contribution from Schlitterbahn for a street closure. He went on to give assurance that the City will find a funding source. Because he understood there are residents opposed to closing 15 Avenue, therefore he needs a consensus to be reached by the

neighborhood. Barrett agreed to work on developing a consensus. Mayor Seiler gave assurances that Commissioner Roberts would keep his word.

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

ADOPTED ON SECOND READING

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

The City Commission recessed the regular meeting at 9:48 p.m. and returned to the conference meeting agenda, item BD-1, from 9:48 p.m. to 10:12 p.m., then returned to the regular meeting to discuss Beach Place Security Issues.

CITY MANAGER REPORTS

14-1371

BEACH PLACE SECURITY ISSUES

The City Manager advised that based on Commission feedback, he notified the Beach Place operators that the Commission has requested a revised security plan be put in place or at least be presented to the Commission. He imposed a deadline of November 4 and indicated that failure to do so would result in a suspension of their special entertainment district license on November 15 for an undetermined period of time. A letter from their representatives is requesting an extension to the December 2 Commission meeting.

Attorney Stephanie Toothaker of Tripp Scott, P.A., representing Beach Place, referred to her letter, dated October 29, 2014, provided the Commission (Exhibit 2 to Commission Agenda Memorandum 14-1371) indicating significant changes have been made. Beach Place has engaged security consultant John David Grossman, president and CEO of Cap Index, who is in the process of performing a security study of Beach Place and the surrounding area. Beach Place is requesting an additional 30 days to review the results of the study and work with the City Manager to develop a security plan agreeable to both parties. In response to the City Manager, Toothaker advised that Cap Index is in addition to Beach Place's current consultant that was previously hired. The City Manager clarified that the City does not have a proposed security plan. There is an approved plan from April 1, 2014.

Commissioner Roberts said he is agreeable to the extension. He was supportive of flexibility in the time period for off-duty police coverage however use of narcotics canine is critical to the plan. The City Manager advised that the narcotics canine coverage has never been implemented even though it was part of the April 1 plan. Commissioner Roberts advised that unless the narcotics canine is implemented, he would not agree to an extension. The City Manager advised that there was a requested amendment to the plan in August but it was not approved by the City. Toothaker explained that her client has concerns about the narcotics canine in particular and what their presence conveys to the public. This is one of the issues that Beach Place has asked the security consultant to review. She acknowledged it is ultimately the City's decision.

Vice-Mayor Rogers said he met with Beach Place representatives and let them know that he believes the City Manager's plan should be followed. He had hoped a representative from Beach Place would be present this evening. He felt it is unacceptable for a representative not to be present. He agreed with Commissioner Roberts.

Commissioner Trantalis noted he also met with Beach Place representatives. There have been complaints for years about Beach Place. It has deteriorated over time. The owners act like this is the first

they have heard of it. It is not just about security; it is about the mix of retail and commercial establishments. Beach Place representatives claim that they are making money and see no reason to make any change. He did not believe they are committed to the beach environment. Although people truly enjoy going to places like those in Beach Place, but unfortunately it dominates the area and detracts from the overall quality of experience. He did not want this to occur at the Schlitterbahn water park. With high-end investors looking at Fort Lauderdale beach, it is not the right direction to allow secondary and third-rate businesses. He asked the City Manager if the point will be made if an extension is granted. The City Manager believed the City has gotten Beach Place's attention. He is disappointed that representatives are not in attendance tonight. Toothaker indicated that it had been mentioned that they would not be able to attend due to a scheduling problem. The City Manager hoped that if the item is continued to another date they would attend. He believed they want to protect their investment but they are also concerned about dollars. If a suspension is exercised, everyone will be spending more time in court than addressing the security issue. The suspension would not only eliminate the extended hours of operation, but also the distance requirement. One establishment serving alcoholic beverages would be prohibited from being within 300 feet of another. In other words only one would be allowed to remain that will result in court challenges. If the Commission believes Beach Place is serious and will present a security plan in enough time for staff to analyze it, it is important. He was concerned that the approach of the security consultant will be to make a case that Beach Place is no different than anywhere else. There is a problem specifically with Beach Place. The plan was breached and it failed. Toothaker agreed with the City Manager's position on what the security consultant's approach should be. The City Manager discussed requests made since August and went on to comment that if a plan is effectively being performed, it is not necessary to have a security consultant to build a plan around a particular security company.

Commissioner Roberts supported an extension but wanted to implement random narcotics canine checks. Vice-Mayor Rogers and Mayor Seiler also agreed to an extension to December 17 with the added condition.

Commissioner Trantalis felt that this is about more than security; it is a commitment to upgrade the experience at Beach Place. He would also request an outline of how they plan to enhance the retail experience. Commissioner Roberts agreed but felt that in his conversations with them, he believed they understand that need. Commissioner Trantalis wanted something in writing. This is their business. They are acting like absentee landlords. Commissioner Roberts felt it is important to maintain their attention. He agreed in the long term, there should be a different business plan. First these issues must be addressed. He agreed with the City Manager that it should be specific to this location. Toothaker indicated that the Beach Place owners take this extremely seriously. She made a personal commitment to the City Manager to come back within a reasonable time frame to work on a plan. She was hopeful a partnership could be achieved. They inherited some of the leases and will be reviewing them as they come up for renewal. Commissioner Roberts emphasized the City's frustration in that it took a year for there to be attention to the issues at hand.

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to approve an extension to December 17, 2014 regular meeting subject to implementing use of narcotics canine checks with the number of hours specified in the April 1 plan.

APPROVED CONDITIONAL EXTENSION OF SPECIAL ENTERTAINMENT DISTRICT DESIGNATION TO DEC 17, 2014 SUBJECT TO PROVISION FOR A NARCOTICS DETECTION CANINE DELINEATED IN THE APR 1 SECURITY PLAN

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

Attorney Hope Calhoun of Becker & Poliakoff, P.A., representing Castillo Grand Residences, said that Castillo Grand is directly to the north of Beach Place, is supportive of the security measures being taken by the City. She planned to talk further with Toothaker and the Commission about their concerns. Castillo Grand is appreciative of the comments made this evening and that the City is serious about enforcement.

REQUEST FOR CLOSED DOOR SESSION

The City Attorney requested a closed door session for November 18, 2014, to discuss matters related to *Rolando and Gina Vasquez vs. City of Fort Lauderdale*.

There being no other matters to come before the Commission, the meeting was adjourned at 10:37 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk