

# City of Fort Lauderdale

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



## Meeting Minutes - DRAFT

Tuesday, October 21, 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 6:07 p.m. by Mayor Seiler.

## ATTENDANCE - ROLL CALL

Mayor Seiler announced that Vice-Mayor Rogers will be arriving late this evening as he is attending a funeral.

**Present:** 4 - Mayor John P. "Jack" Seiler, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Bobby B. DuBose

**Absent:** 1 - Vice-Mayor Romney Rogers (arrived at approximately 7:31 p.m.)

**Also Present:** City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, Assistant City Attorney Cynthia A. Everett, Sergeant At Arms Sergeant Ivan Doobrow and Sergeant At Arms Sergeant Andy Pallen (10:50 p.m.)

## Vote Roll Call Order for this Meeting

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

## Invocation

Pastor Dwayne Black, The Sanctuary Church

## Pledge of Allegiance

Led by Commissioner Trantalis

## Approval of MINUTES and Agenda

No public comments were submitted by email for the October 21, 2014 regular meeting.

**14-1327** APPROVAL OF MINUTES for September 3, 2014 Conference and Regular Meetings

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

**APPROVED**

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

## PRESENTATIONS

**PRES-1 14-1310** POLICE OFFICER OF THE MONTH FOR OCTOBER, 2014

Assistant Chief Michael Gregory recognized Detective Robert Morrow as Officer of the Month for October 2014 and noted his efforts in apprehending a child pornography suspect. Morrow provided brief comments and thanked the Police Department and his family.

**PRES-2 14-1345** PROCLAMATION DECLARING NOVEMBER 2014 AS FIREFIGHTER APPRECIATION MONTH IN THE CITY OF FORT LAUDERDALE

Vice-Mayor Rogers presented the proclamation to MDA Fundraising Coordinator Ashley Nursery and Fill the Boot Coordinator Ralph Edo. Nursery thanked the City and Edo for their participation.

**PRES-3 14-1346** PROCLAMATION DECLARING NOVEMBER 1, 2014, AS THE 11TH ANNUAL STEPPING OUT TO CURE SCLERODERMA WALK DAY IN THE CITY OF FORT LAUDERDALE

Commissioner DuBose provided background information on scleroderma and spoke of his personal connection to the disease. He presented the proclamation to Feme Robin, executive director of the Scleroderma Foundation, Southeast Florida Chapter. Robin commented on the importance of raising awareness for scleroderma.

## CONSENT AGENDA

Mayor Seiler announced the procedure for consent items. **Motion** made by Commissioner Trantalis and seconded by Commissioner Roberts that Consent Agenda items CR-1, CR-2, CR-4, PUR-8 and PUR-9 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

## CONSENT MOTION

**CM-1 14-1339** POLLWORKER SERVICES; Agreement with Broward County Supervisor of Elections to select, assign and train all pollworkers for February 10, 2015 and March 10, 2015 elections

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-2 14-1254** FIRST AMENDMENT TO AGREEMENT FOR ENHANCED EMPLOYEE ASSISTANCE PROGRAM - estimated amount of \$10,752 - Connecticut General Life Insurance Company (Cigna) and authorize continuation of this service during any renewal period of underlying agreement, contingent upon appropriation of funds

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-3 14-1293** TITLE AND PAY RANGE CHANGE OF ONE CLASS IN TEAMSTERS LOCAL 769 COLLECTIVE BARGAINING AGREEMENT - Teletype Operator

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-4 14-1179** EVENT AGREEMENTS: Halloween Rod Run, Healthy Living Better Health Fair, Orchid, Garden & Gourmet Food Festival at Bonnet House, JetBlue Pigeon Race and Alliance for Innovation Big Ideas Beach Dinner.

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-5 14-1216** EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Halloween Party, Halloween Block Party, Victoria Park Halloween Block Party, Day of the Dead, Souls to the Polls, NovemberFest 2014, 21st Century MODS Gala, Lunch Force Walk, The 6th Annual King of Ribs BBQ Fest, Tap-N-Run 4K, YMCA Fall Festival and Hunters Beach Bar Halloween Costume Contest

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-6 14-1234** ELEVATE BEACH WORKOUT - Temporary Beach License and Outdoor Event Agreement with Elevate Training & Fitness LLC

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-7 14-1225** NORTHWEST NEIGHBORHOODS STREET AND STREETScape IMPROVEMENTS - Locally Funded Agreement with Florida Department of Transportation and authorize City Manager to execute on behalf of City

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-8 14-1226** NORTHWEST NEIGHBORHOODS STREET AND STREETSCAPE IMPROVEMENTS - Memorandum of Agreement with Florida Department of Transportation - establishing escrow account and authorize City Manager to execute on behalf of City

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-9 14-1227** NORTHWEST NEIGHBORHOODS STREET AND STREETSCAPE IMPROVEMENTS - Highway Maintenance Memorandum of Agreement with Florida Department of Transportation and authorize City Manager to execute on behalf of City

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-10 14-1264** TASK ORDER 4 - \$18,130 - ENVIRONMENTAL FEASIBILITY STUDY TO EVALUATE EXPANSION OF LAS OLAS MARINA - Miller Legg & Associates

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-11 14-1006** LANDSCAPE IMPROVEMENTS ALONG BROWARD BOULEVARD - 1) Maintenance Memorandum of Agreement with Florida Department of Transportation and 2) Assumption of Liability and Hold Harmless Agreement with GDC Broward RB LLC - Riverbend Marketplace Project

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CM-12 14-1028** USE OF CITY RESIDENT BEACH PARKING PASSES IN HUGH TAYLOR BIRCH STATE PARK - \$20,000 - Agreement with Florida State Parks System - access for up to 4,000 residents for period of twelve months during State Road A1A improvements project

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CONSENT RESOLUTION****CR-1 14-1337 REQUESTING BROWARD COUNTY RENAME AVENUE OF THE ARTS TO CARLTON BRADLEY MOORE AVENUE OF THE ARTS**

Commissioner DuBose advised that this is one of the requests from the family of the late former Commissioner Carlton Moore. The Commission has also discussed a park naming which is still in the works. It is unfortunate Carlton Moore was not honored while he was living, but legacy is important. No one fought harder for the northwest and contributed to the city as a whole. He acknowledged family members in attendance.

Forrest Moore, 1761 NW 28 Avenue, spoke in support of the item. He thanked the Commission for honoring his father.

Roosevelt Walters, 1207 NW 10 Place, advocated for renaming the street for the entire length in the City's boundaries. He also suggested naming City Hall or another building after Carlton Moore.

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

**ADOPTED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CR-2 14-1333 SPECIAL COUNSEL IN TOXIC TORT MATTERS - COMPENSATION AND HOURLY RATES - amending Resolution 10-223 to provide compensation for paralegals and establish new hourly rates - Troutman Sanders LLP - Lincoln Park/Durrs litigation and related Lincoln Park site and environment**

Mayor Seiler said he has no opposition to the compensation structure or hourly rates, but agreed with the City Auditor's recommendation for tracking expenditures. He asked if the City Attorney has a recommendation as to a dollar amount or threshold. The City Attorney advised that her recommendation is consistent with what the Commission did when this matter was presented in 2010 and what the Commission has done in many other litigation matters. The funding comes from the Risk Management Fund. There is an entire department responsible for tracking those expenses. Risk Management could provide regular reports to the Commission. She did not have an opportunity to speak with counsel about a dollar figure. If a dollar amount is set, she may have to come back on a regular basis and request additional amounts. Historically there have not been caps on risk management cases. Mayor Seiler did not view it as a cap but rather an opportunity to monitor expenses. He has not seen reports from Risk Management. The City Attorney advised she has seen such reports and believes they are available. Mayor Seiler did not want to have to request but rather simply wanted them provided regularly. The City Auditor advised there has been inconsistent practice. With some attorneys, a not-to-exceed amount has been established but by and large that is not the practice. He believed it is an oversight. There is a procedure for creating an amount authorized by the Commission for all other purchasing items and contracts. He did not see legal services being any different. He suggested setting a threshold for the case underway, and increasing it if necessary. He was not in favor of what he considers to be a blank check, where legal counsel is authorized and there is never any subsequent review. He is not familiar with the reports mentioned by the City Attorney. The City Attorney emphasized that such reports exist and it is the City Auditor's decision as to whether he reviews them. She offered to request that such reports be provided to the Commission monthly. No one is hiding anything. The City Auditor stated that there is an

internal check and balance system for other procurement items, which is not in place for this type of item. Commissioner Roberts agreed that some type of accounting procedure should be established so that the Commission knows what is being spent, either monthly or quarterly. A threshold should be set. If there is an emergency and the threshold is exceeded, the Commission could be apprised after the fact. In response to Mayor Seiler, the City Manager advised that there is not a report produced regularly but rather on demand, however, costs are tracked for every litigation case that goes through the Risk Management Division. A report could be produced on an ongoing basis. It would only identify a vendor and dollar amount. It probably should include more information for a full picture.

In response to Mayor Seiler, Risk Manager Guy Hine advised that over the past four years about \$2 million has been expended on this case or about \$500,000 annually.

In response to Commissioner Trantalis, the City Attorney commented that this case has been ongoing for some time. Discovery is still in progress. A trial date was set for September but it has been continued because new expert witnesses were introduced. Trial is now set for February. There has been one mediation session. Mayor Seiler wanted to impose a cap of \$500,000. Commissioner Trantalis questioned that a cap is realistic; he suggested a quarterly review. The City Attorney agreed to include financial aspects in the quarterly litigation reporting process which does not require a closed door session.

Commissioner Trantalis introduced the resolution, which was read by title only, including direction for financial aspects to be included in the quarterly litigation reports described above.

**ADOPTED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CR-3 14-1298 CITY REPRESENTATIVE ON BROWARD COUNTY TOURIST DEVELOPMENT COUNCIL - MAYOR JOHN P. "JACK" SEILER**

**ADOPTED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CR-4 14-1255 FRATERNAL ORDER OF POLICE LODGE 31 - RATIFYING TENTATIVE AGREEMENTS - 1) police officers and sergeants and 2) police lieutenants and captains, both effective October 1, 2016 - September 30, 2017**

Charles King, 105 North Victoria Park Road, spoke in opposition to the item. Major conflicts are occurring between city commissions and police unions across South Florida, except in Fort Lauderdale. He noted that the Fraternal Order of Police (FOP) made changes to this contract on four topics which he highlighted. He wanted more information on the changes. The City Manager advised that the information is provided in the backup materials.

In response to Commissioner Trantalis, the City Manager said this is consistent with the agreement originally adopted by the Commission. This adds one more year to the existing three-year agreement, sets up a wage increase as it does in the existing agreement for a CPI (consumer price index) for fiscal year 2017, removes redundant language in terms of pension because of changes made to the pension

and makes a minor change with respect to drug-free workplace. He could not recall a change made related to the alphabetical indexing but offered to follow up. Mayor Seiler indicated that the changes are consistent with the pension reform that has been accomplished.

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

**ADOPTED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**CR-5 14-0636** UTILITY BOX WRAPS - DESIGN, INSTALLATION AND MAINTENANCE OF COMMUNITY AESTHETIC FEATURES AND RELATED AGREEMENT - Florida Department of Transportation - Broward Boulevard, Federal Highway and State Road A1A

**ADOPTED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PURCHASING AGENDA**

**PUR-1 14-1066** FIRST ONE-YEAR CONTRACT EXTENSION FOR CIVIL ENGINEERING CONSULTANT SERVICES - Atkins North America Inc., The Corradino Group, Inc., Craven Thompson & Associates, Inc., Calvin, Gordano & Associates, Inc., Keith and Schnars Group, P.A., Miller-Legg & Associates, Inc. and Tetra Tech, Inc.

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUR-2 14-1138** AWARD CONTRACT FOR DORSEY RIVERBEND SIDEWALK, CURBING AND SWALE INSTALLATION - \$61,104 - Pioneer Construction Management Services, Inc.

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUR-3 14-1187** PURCHASE OF AGGREGATES - \$152,885 - Austin Tupler Trucking, Inc., Florida Superior Sand, Inc. and Soil Tech Distributors Inc. and authorize City Manager to approve two, one-year renewal options, contingent upon appropriation of funds

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUR-4 14-1192** ONE-YEAR CONTRACT FOR EVENT AND VALET SERVICES - \$225,900 - Accurate Event Group, Inc. and authorize City Manager to approve three, one-year renewal options, contingent upon appropriation of funds

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUR-5 14-1206** PROPRIETARY PURCHASE OF SOFTWARE/HARDWARE MAINTENANCE RENEWALS from Periscope Holdings, Inc. (BuySpeed - \$26,015), Cogsdale Corporation (FAMIS and BPREP - \$213,043) and Environmental Systems Research Incorporated (GIS - \$63,835) in the total amount of \$302,893.

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUR-6 14-1215** PURCHASE EMERGENCY MEDICAL SUPPLIES - \$330,000 - Broward Sheriff's Office - \$330,000

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUR-7 14-1222** BUSINESS ASSOCIATE AGREEMENT with Advanced Data Processing, Inc. d/b/a Intermedix - Department of Health and Human Services rule implementing changes under Health Insurance Portability and Accountability Act

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUR-8 14-1247** ONE-YEAR CONTRACT FOR NOISE ABATEMENT CONSULTANT SERVICES - \$49,450 - Harris Miller Miller & Hanson, Inc. and authorize City Manager to approve three, one-year renewal options

Commissioner Trantalis said a lot of people are concerned about noise and relevance of the City's noise ordinance. Currently the ordinance covers 10 minutes of sustained noise at a certain decibel level. However a lot of annoying noises can be in spurts for a couple of seconds over a period of up to an hour,

which is not addressed in the ordinance. The City Manager commented that staff reviewed the noise ordinance a couple of years ago with the assistance of a consultant, but would be willing to revisit it. Commissioner Trantalis felt that it should be revisited because he receives weekly requests, particularly from residents on the beach.

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

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUR-9 14-1331** PURCHASE SELF-CONTAINED BREATHING APPARATUS AND ASSOCIATED EQUIPMENT FOR FIRE-RESCUE DEPARTMENT - \$1,160,315.91 - Fisher Scientific Company, L.L.C.

The City Clerk announced that a revision to this item was provided to the Commission in memorandum form (14-1331).

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

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

## RESOLUTIONS

**R-1 14-1260** APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

Vice-Mayor Rogers recommended the following individuals for consideration: Roderick Kemp for Affordable Housing Advisory Committee; Skeet Jernigan for Citizens Police Review Board; Leslie Fordham for Community Appearance Board; Joseph Van De Bogart for Community Services Board. Mayor Seiler recommended Collette Keno be reappointed to the Parks, Recreation and Beaches Advisory Board. If qualified, a resolution appointing these individuals will be presented on November 4, 2014.

The City Clerk announced the following re-appointee who is the subject of this resolution:

Unsafe Structures Board B. George Walker (Consensus/Mayor Seiler and Vice-Mayor Rogers)

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

**ADOPTED**

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

**Not Present:** 1 - Vice-Mayor Rogers

WALK-ON RESOLUTION IN SUPPORT FOR THE NOVEMBER 4, 2014, BROWARD COUNTY PUBLIC SCHOOLS CAPITAL BOND REFERENDUM FOR IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES OF THE DISTRICT, INCLUDING SAFETY ENHANCEMENTS AND INSTRUCTIONAL TECHNOLOGY UPGRADES

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

**ADOPTED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PUBLIC HEARINGS**

**PH-1 14-1086** FIRST 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 reviewed the procedure for the public hearing and opened the public hearing.

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

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

**PASSED FIRST READING**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PH-2 14-1217** MOTION - COMMUNITY BUS NEIGHBORHOOD LINK ROUTE EXPANSION - effective November 1, 2014

Mayor Seiler opened the public hearing.

Andrew Meltzer, 665 SW 27 Avenue, spoke in support of the item. He said he manages a shopping center on the 27 Avenue corridor between Davie and Broward boulevards. There are no bus routes on this corridor and no traffic signals. There are lots of schools, churches and parks and people walk along a busy corridor. Businesses are having trouble surviving. There is not enough walk-up traffic. Safety is a major factor.

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

In response to Commissioner DuBose, Director of Transportation and Mobility Diana Alarcon said staff is looking into expanding this route farther south. This particular addition is providing for a service level that is missing from the current route. Staff will continue to look into ways to expand the route. Commissioner DuBose wished to expand the route farther southwest and address concerns along 27 Avenue. Alarcon agreed to see what opportunities are available, looking at the route as a whole.

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

**APPROVED**

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

**Not Present:** 1 - Vice-Mayor Rogers

**PH-3 14-1084** QUASI-JUDICIAL- FIRST 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: Parks, 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.

Mayor Seiler opened the public hearing.

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

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

**PASSED FIRST READING**

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

**Not Present:** 1 - Vice-Mayor Rogers

**ORDINANCES**

**O-1 14-1178** FIRST READING OF ORDINANCE ADDING ARTICLE X, FILMING REGULATIONS AND CREATING SECTIONS IN CHAPTER 15 - FILM PERMITTING

**DEFERRED TO DATE UNCERTAIN**

- O-2 14-1297** SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES - SECTION 2-127 - APPROVAL OF CHANGE ORDERS AND TASK ORDERS

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

**ADOPTED ON SECOND READING**

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

**Not Present:** 1 - Vice-Mayor Rogers

- O-3 14-0735** SECOND READING OF ORDINANCE AMENDING ELEMENTS OF COMPREHENSIVE PLAN TO INCORPORATE ADAPTATION ACTION AREAS (AAAs) and authorizing transmittal to Florida Department of Economic Opportunity and other applicable reviewing agencies - Case T14003

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

Mayor Seiler noted a revised exhibit was provided to the Commission. In response to Commissioner Roberts, the City Manager advised that this is a pilot program between the City and County through a grant from the Florida Department of Economic Opportunity.

**ADOPTED ON SECOND READING**

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

**Not Present:** 1 - Vice-Mayor Rogers

The City Commission recessed at 7:13 p.m. and reconvened the conference meeting with item BUS-7 and Community Redevelopment Agency meeting. The Commission returned to the regular meeting at 8:07 p.m. to address item PH-4.

**PUBLIC HEARINGS**

- PH-4 14-1318** QUASI-JUDICIAL - DE NOVO HEARING - AQUABLU PROJECT - SITE PLAN LEVEL III DEVELOPMENT PERMIT - AQUABLU - 920 Intracoastal Drive - Case R14033

Applicant: 920 Intracoastal Inc.

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 Attorney indicated that she received an email yesterday from Steven Tilbrook asking for a letter to be made a part of the record. Also, there have been emails to the Commission. She said it is the responsibility of the applicant or any speaker to request that any information he or she would like to be considered to be placed in the record. If it has already been provided to the City Clerk, she asked that individual describe or reference it this evening so that it becomes part of the record.

In response to a request from Commissioner Trantalis, Assistant City Attorney D'Wayne Spence referenced a letter sent to the Commission by Attorney Steve Tilbrook. In the letter Tilbrook alleges that the Commission's decision on October 7 to set this de novo hearing was done improperly because it should have been a quasi-judicial hearing. The City Attorney's Office disagrees because the process of approving the motion is more analogous to a decision of the Commission determining whether to file information or seek an indictment. He cited and discussed case law substantiating their opinion relating to quasi-judicial versus quasi-executive. The City's Unified Land Development Regulations do not have a notice requirement for consideration of the motion. The Commission considered a request from a commissioner to set the matter for a de novo hearing. The vote did not affect the Applicant's property rights; they have an opportunity at this hearing to defend those rights. Approval of the motion (October 7) was not quasi-judicial.

Attorney Steven Tilbrook of GrayRobinson, P.A., representing Aquablu LLC, provided documents for the record about the application. A table of contents of those documents is attached to these minutes.

Attorney Dennis Eisinger of Eisinger, Brown, Lewis, Frankel & Chaiet, P.A., a principal of OceanLand Investments, Inc., the parent company of Aquablu LLC, reviewed the credentials of the Applicant team and made some introductory remarks about their other projects completed in the area and underway now. He acknowledged the sensitivity of those who have lived next to this lot for many years. However, he pointed out that property owners also have vested rights. Aquablu is trying to be good neighbors and did communicate with the neighboring residents after approval of the 201-foot building by the Planning and Zoning Board. He believed they would demonstrate the density is in conformance with applicable law; the setbacks are much more onerous than those used in the neighboring Corinthian building. Additionally traffic studies show no impact to the neighborhood. Shadow studies show nothing detrimental to the neighbors. The building is on a smaller percentage of land than the Corinthian and has much more open space. It is neighborhood compatible. They have been flexible throughout the process. The project has been approved by staff, Development Review Committee, Historic Preservation Board and the Planning and Zoning Board.

Tilbrook noted the location and surrounding zoning and development. He noted the property zoning and other areas of the city with this zoning. He indicated that the presentation will demonstrate that Aquablu is consistent with the purpose and intent of RMH-60 zoning and consistent with urban scale of the Intracoastal Drive community. Aquablu lot coverage is 43.39 percent and the code permits up to 80 percent in this zoning district. The Corinthian has 72 percent, 2800 Sunrise East has 67.7 percent and Sunrise Harbor has 54 percent. In fact, Aquablu has less density and lot coverage, greater setbacks and comparable building height to all of the other multi-family projects. It is uniquely positioned and will not set a precedent for other RMH-60 projects. A copy of the slides used throughout the presentation is attached to these minutes.

Landscape Architect Gage Couch of Cadence, representing Aquablu LLC, advised that the area is currently not very pedestrian-friendly with no street trees or sidewalks. There is an over-abundance of pavement and encroachment of rights-of-way. He described the landscaping proposed, service drive on the south side, undergrounding of utility lines and overall organizing of the site including sidewalks.

Architect Reinaldo Borges of Borges Architects & Associates, representing Aquablu LLC, discussed the setbacks and design including that the building will be LEED Silver.

Tilbrook continued review of the slides, starting with community outreach. There is considerable support for the project, but also concern about density and community context. Community context for this project is established by its zoning district and surrounding properties. The most appropriate way to measure size and scale is through density, lot coverage, setback and building heights. The design elements

include wide setbacks, generous step backs and ground floor transparency, which results in a taller, more slender building. Consequently height must be addressed. It is in the center of the zoning district; it is not the biggest project in the area. The design is to be narrow, mitigating impacts on view as well as light and air. It is not precedent-setting. There are significant views not impacted by Aquablu. Aquablu is less dense than other projects in the area. It provides a transformative public realm. The property currently brings in \$33,000 in ad valorem taxes and will bring in \$2 million annually upon completion. He summarized the height adjustment agreed upon at the Planning and Zoning Board meeting, bringing the building to 201 feet which is also the height of the Corinthian. This resulted in the number of units being reduced from 45 to 41. The pedestal was also reduced from 50 feet to 44 feet. Both staff and the Planning and Zoning Board recommend approval of this project.

In response to Commissioner Trantalis, Urban Design and Development Manager Ella Parker referenced Exhibit 3 of Commission Agenda Memorandum 14-1318 and said the code for this zoning district allows applicants to apply for heights above 150 feet and up to 300 feet through the conditional use process. Staff reviewed the yard modification request, neighborhood compatibility and waterway use. As to coming to a recommendation of the dimensions, staff looks at the overall context, compare it to existing zoning regulations, underlying land use, pattern and the general setback line of existing development. A 20-foot setback is somewhat standard for this area which means a four-story building, following the half the height requirement. Increasing the setback begins to reduce the buildable area.

If the zoning was designed for only such smaller buildings, Commissioner Trantalis asked what justifies the staff agreeing to a much larger building. Parker explained initially the plans called for a shorter, bulkier structure with 10-foot setbacks on the sides. Staff considered the broader public realm and impact on the overall community, such things as preservation of views to the waterway, light and air between the buildings, and creating a comfortable pedestrian environment at the street level such as how close the buildings are to the front of the street while still accommodating the parking and being sure it functions in terms of circulation within the parking garage. The zoning district is defined as high-rise, high-density, permitting 60 units to the acre. Commissioner Trantalis felt with all of the other requirements, 60 units to the acre is only one possibility. He wanted to know the basis for the Commission to approve something beyond what is permissible as a matter of right. Parker explained it would be the criteria articulated earlier. Applicants may request a change in height or yard modification. This applicant is requesting a yard modification and is subject to criteria as defined in the code. If more height is added, there is additional scrutiny because of the conditional use process. Director of Sustainable and Economic Development Greg Brewton commented that the code was created with the conditional use process to allow for an applicant to request something that would not necessarily meet the strict rules of the code. Generally speaking, an applicant would need to go to the Board of Adjustment if requesting something that extends beyond code requirements and demonstrate a hardship. Neighborhood compatibility would not be applied to a Board of Adjustment case because it is not a criterion used for hardship. When one is allowed by the code to request something more than the general requirements, this is what staff and the Commission examines. The project would be reviewed independently. Commissioner Trantalis said there is occasionally a complex formula when it comes to neighborhood compatibility and the Commission looks at what it may want to be developed, not what already exists. Brewton explained that there are very few properties in the city zoned RMH-60, which was designed to permit higher-density residential development. It is unfair to compare RMH-60 to other zoning around it. The Commission should look at the RMH-60 area and see how this project is compatible with other RMH-60 developments to a degree. It could have been a bulkier structure that would have been a greater impact in terms of light and visibility. Commissioner Trantalis questioned the setbacks being sufficient. Brewton did not disagree, but noted that the building is compatible with surrounding development such as the Corinthian. The yard (or setback) is 10 feet in the adjacent development, therefore Aquablu is doubling the distance. Parker explained that staff is attempting to offer reasonable redevelopment options. For example the Corinthian did not have to provide the same amount of parking as a project would today. In response to Mayor Seiler, she advised that the Corinthian would not be approved if submitted today. Commissioner Trantalis

concluded that the Corinthian is not a good standard. This decision will be embedded in the city's landscape. The City is aware of what is occurring in the area but should look at this building on its own merits. Although there are conditional use requirements, he concluded the Commission should hear a compelling argument to exceed the 150-foot height and one-half of the setback requirements.

Tilbrook raised questions specific to the staff report. The responses are as follows. As defined in the staff report for those RMH-60 criteria, Parker advised that it is staff's opinion that this project is compatible with the purpose and intent of the RMH-60 zoning. She further advised that the project scale is consistent with the urban context and appropriate for the size of the lot where it is located, as defined in the staff report and subject to the same criteria as analyzed by staff. She went on to clarify a point made earlier by Tilbrook and advised that there is no lot coverage percentage specified in the code. Commissioner Roberts noted that staff's approval recommendation is based on the Applicant's compliance with ordinances and regulations; not subjective criteria. The height can be altered up to 300 feet under the conditional use process. There are offsets that allowed staff to conclude with a positive recommendation. Parker confirmed for Tilbrook that staff found this project will not result in adverse impacts to the neighborhood character as it relates to the criteria they evaluated. As relates to precedent, he asked if a site plan approval is a fact-specific and site-specific determination particularly if a conditional use is required. She advised that each project is evaluated on its own merits in the context of its particular area. The City Manager advised that is a planning definition and not necessarily a legal definition but rather an understanding. Commissioner Roberts added that policy decision would also be included in that decision-making process. He did not think it is appropriate for staff to comment on that question. Based on findings and conclusions in the staff report, Tibrook asked if it is staff's recommendation that the Commission approve the site plan development permit as approved by the Planning and Zoning Board, which is a height of 201 feet. Parker advised that staff recommends approval based on the criteria they evaluated which is part of the staff report.

Mayor Seiler opened the public hearing.

Ralph C. Meola, 936 Intracoastal Drive, spoke of the attributes of Fort Lauderdale that were his reasons for moving here. He believed his particular area is a gem. Development should be encouraged, however he believed that Aquablu is too large and the Applicant received all additional allowances requested. In response to Commissioner Roberts, Meola said he would prefer it be half the size but that may not be practical.

Niliana Garcia, 2017 Bayview Drive, spoke in support of the item. It will help everything in the area. It is absolutely beautiful.

Tony Schifano, 936 Intracoastal Drive, asked the Commission to preserve the charm of this area and vote in favor of a building whose scale and placement reflects its surroundings so this does not become a precedent for large, shoulder-to-shoulder buildings with little open space. The developer is requesting every possible modification. The proposed building has no relation to the existing, well-maintained two-story buildings on the west side of the street. Large and small units seem to be viable in the real estate market. In response to Commissioner Roberts, Schifano said a 150-foot height would be acceptable but did not think it is practical. He favored some sort of compromise in between the two.

Nelson Fernandez, 2415 Delmar Place, spoke in support of the item. This is a much-needed project. The developer has done a wonderful job with other projects. This does not have a heavy impact on the surrounding area. In order to encourage redevelopment, a project has to be feasible from an economic standpoint. The Applicant has conceded on setbacks and height. The pushback from the Corinthian he believed is from a selfish point of view and does not take into account what the city needs as a whole. He believed this project would be beneficial to the community and add higher property values.

Commissioner Roberts clarified the application is for a 227-foot height at this time by virtue of there being a de novo hearing. Fernandez advised he would still be in support at that height.

Ralph Campanella, 936 Intracoastal Drive, explained that his view will not be affected whatsoever. However, he is opposed because it is completely overpowering. It is a mixed neighborhood and he would like it to stay mixed. This adds another monster. The Corinthian would not be there if it was proposed today. Something should be built that adds to the Intracoastal. He does not want an environment like Bal Harbor or Aventura.

Leslee Kirk, 501 San Marco Drive, said she represents her husband as well. She and her husband plan to live at Aquablu. She elaborated on the reasons for choosing this area and why she favors this project.

Paul McGee, 801 Middle River Drive, resident of Sunrise Intracoastal neighborhood, requested denial of this application. He did not think it meets criteria in the City's comprehensive plan or conditional use permit requirements in the Unified Land Development Regulations which he listed in his concluding remarks. The 20-story project is not compatible with the Sunrise Intracoastal neighborhood. Anything more than 150 feet in height will set a dangerous precedent for future development. He believed the Applicant felt the conditional use permit process would be helpful to the development and prompted them to negotiate an extremely high purchase price for the land. The price of almost \$8.5 million is more than four times the current market value. Commissioner Roberts agreed with tapering down toward Sunrise Intracoastal neighborhood. Just to the north there is a 130-foot building. McGee responded to Commissioner Roberts, indicating that a tapering down in height would be more palatable. He suggested the Commission suggest to the developer to renegotiate a lower property price based on a height of 150 feet. Commissioner Roberts did not know if it would be reduced to 150 feet but he agreed with scaling down toward the neighborhood. McGee expressed concern about the precedent setting potential with respect to the upcoming project referred to as the Galleria. Commissioner Roberts advised that the Galleria project is totally different.

Mark Gilman, 2870 NE 26 Court, resident of Coral Ridge neighborhood, spoke in support of the item. The developer put a lot of thought into designing a beautiful building that is compatible with the site. This is a win-win for everyone. The developer has tried to work with the neighborhood. He felt it is great for the future progress of the city and this area.

Jerry Laskey, 936 Intracoastal Drive, agreed with Commissioner Trantalis that the developer put all the emphasis on the zoning, which only represents only one criterion. The, expression less is more applies to this. It will set a precedent. Many small properties across the street have the same zoning. He would prefer an eight to 10-story building modeled after the Adagio.

Debby Eisinger, 25 Hendricks Isle, spoke in support of the item. She moved to Fort Lauderdale to enjoy the lifestyle it offers. With the economic rebound, there is a window of opportunity to invest in the city. The market supports this project. The City is making great strides but has a long way to go in investing in its infrastructure, recreation amenities and cultural arts opportunities. Aquablu, which is compatible with the surrounding development and represents no traffic impact, is an ideal project and will add \$2 million to the tax rolls.

Abby Laughlin, 425 Bayshore Drive, read from a prepared statement, which is attached to these minutes.

Jay Schafer, representing 920 Intracoastal Inc., located at 920 Intracoastal Drive, spoke in support of the item. It boils down to residents of the Corinthian not wanting their view impaired. It will be an asset to Fort Lauderdale and Broward County. It will generate a great deal more revenue than the current \$35,000. The 16 owners at 920 Intracoastal Drive are unanimous to sell the property. The current building is old

and needs a lot of repairs. It has become cost prohibitive. This is a life-changing event for these 16 owners.

Torry Watson, 152 Isle of Venice, spoke in support of the item. Fort Lauderdale is founded on hospitality, the marine industry and construction. The city suffered during the recession. There are only a few brave investors coming to this community. He did not think the developer has asked for the limits in terms of concessions. His experience with this developer has been fair. It will create more than 200 jobs for the next 18 months.

Diana Marchand, 936 Intracoastal Drive, felt the proposed building is too big for the site. Residents have objected both verbally and in writing over the past months. She believed the objections have been stated clearly and with knowledge. Other developments by this developer mentioned in the Las Olas area are beautiful but they are only four, five or six stories. Development is expected in this area. This decision will set a precedent that will allow construction of multiple buildings at this height or greater in this small area. Forty years from now, residents of Fort Lauderdale will wonder how the high-density was allowed. Oceanland Investments Inc. has a social mission on its website, stating that each project must be beneficial to the neighborhood. She questioned how this massive building would be beneficial to this neighborhood. She urged the Commission to vote no on this project.

Peter Barkin, 217 NE 14 Avenue, resident of Victoria Park, spoke in support of the item. People are moving to Fort Lauderdale for the downtown. The city is beginning to be recognized in the world. This project will be beautiful. It will provide its residents walkability to businesses and restaurants. The developer put thought into it. It brings a new image to the city.

Jack Almeleh, 936 Intracoastal Drive, said he chose this area over the downtown for its tranquility. The Aquablu proposal is too tall for the area and too close to other buildings. This project will bring the downtown to his neighborhood. The building is too high and too close to adjacent buildings. It is not consistent with the mostly low-rise residential neighborhood. He questioned the sacrifice having to be made by allowing 10- foot high ceilings. The developer was not open to compromise on this point. The Corinthian simply wants reasonable development that is in harmony with its surroundings. He asked the Commission to reduce the height.

Mari Bennell-Bell, 1524 Bayview Drive, was concerned about precedent-setting and the area being fragile. The building is too large for the site. She suggested a height in the vicinity of 130 feet and that there be buffering and tapering the building height down. She urged the Commission to have courage to stand up for what would be appropriate for this area.

Allan Detert, 97 Isle of Venice, spoke in support of the item. He said he has been a developer in Florida for some 40 years and has resided in this area for 10 years. He felt this project is extremely conservative. A development such as this will increase property values. He did not think anything less would be feasible for the developer.

Cleatze Fritz, 936 Intracoastal Drive, said her view would not be affected by the proposed development. Planners, urban experts and architects have worked for a long time to create a master plan for Fort Lauderdale. She did not understand why the philosophy of the master plan is not being applied. This residential neighborhood is not a target for development or redevelopment. It is not in the downtown or a regional activity center. The neighborhood is not a focus point slated for development in the Future Land Use Element. Zoning should not be the only factor to determine whether a development of significant impact is appropriate. Aquablu is sited in an evacuation area. The City's ordinances and requirements are to limit, if not stop, density in evacuation areas. Aquablu is also in a floodplain and abuts a potentially-rising waterway. When tall buildings are placed perpendicular to each other, wind tunnels are created. Damage would be imposed to the west side of the street. The terms and conditions for development and

redevelopment are stated in the code. Residents depend on the code to protect them and they invest based on it.

Dennis Beauleieu, 3740 Canterbury Court, Boca Raton, said he is a prospective buyer in Aquablu. There are not many options of new developments.

Theo Folz, president of Corinthian Condominium Association, read from a prepared statement, which is attached to these minutes.

Ina Lee, 2200 South Ocean Drive, spoke in support of the item. She noted that the Greater Fort Lauderdale Chamber of Commerce supports the project. The development went through a process and was approved by the Planning and Zoning Board and Historic Preservation Board. The City needs to be cautious of the message sent to developers. She recently sold her apartment and had difficulty finding another home that she loved. She is impressed with this developer. She believed the proposal is beautiful, green and high quality. It enhances the pedestrian experience and the look of the area. The City should try to upscale development as projects come forward.

Commissioner Trantalis asked about this project going before the Historic Preservation Board (HPB). Zoning Administrator Anthony Fajardo said there is a requirement in the Comprehensive Plan that projects which may be impactful to locally designated properties go to HPB for review and comment only. His understanding was that the HPB found this development did not have a negative impact on the Bonnet House. Because the building itself is not designated, there was no consideration as to preservation. In further response to Commissioner Trantalis, Tilbrook provided the City staff report and the Historic Preservation Board minutes, dated August 4, 2014 (stamped draft), which were made a part of the record.

David Damerou, 1241 Middle River Drive, spoke in support of the item. He identified himself as a developer. He felt Aquablu is well planned. Staff did a great job of assessing the property and maximizing the opportunity. The conditional use process allows developers to do something better than what would normally be permitted. Height gives flexibility and creativity provided the conditional use process is followed. With several floors removed, it is no longer the same project. If there is confidence in the conditional use process, developers can bring resources and money to the table that will not result in a big box building.

Patrick Hughes, 936 Intracoastal Drive, said that in addition to his unit at the Corinthian, he also owns two units at 900 Intracoastal Drive that were purchased for their sons. The proposed building is too big and incompatible with the neighborhood. They have received much in-precise and changing information and therefore uncertain what the proposal entails. If it is to be a 227-foot building, he and his wife are against it. It should be 150 feet or so with greater setbacks. They are concerned that approval will forever change the ambiance and charm of this neighborhood.

Transportation consultant Cathy Sweetapple, representing Aquablu, noted that a traffic impact statement was submitted. With 41 or 45 units, this project does not trigger the threshold for a detailed traffic impact study. The adjacent roadways are currently operating at acceptable levels of service. They have reviewed counts for Sunrise Boulevard collected by Florida Department of Transportation. As a Victoria Park resident, she is committed to projects in Fort Lauderdale. She believes the proposal is beautiful and elegant.

Dominick Miniaci, 936 Intracoastal Drive, believed the building is too large for the site, but wanted to state that he is not against development. Residents should be able to depend on a construction code that includes height requirements. The rendering is misleading; it is much closer to the Corinthian. It will

create a wind tunnel. He asked the Commission to require what is provided in the code so that residents can rely on it.

Robert Nestor, 25 Hendricks Isle, expressed support in the project.

John Kondheim, president of 900 Intracoastal Drive Corp., said the 900 Intracoastal Drive building is 16 units and two stories in height. The Applicant is looking for exceptions to the code to increase their property value. They want the City to transfer value from the neighboring residents to them. The proposed setback places a four-story garage and Dumpster less than 20 feet from his bedroom window. His co-op casts a 25-foot shadow. This proposed building casts a shadow that will reach to 26 Avenue. The Applicant wants special treatment to make a bigger profit. The Applicant does not own the property. The Applicant is able to get their deposit back on the property. In real terms, he will get less for his property. This will create more noise, greater density, pollution, parking problems and construction. This building should be required to abide by the code. If reduced setbacks are allowed, that precedent will be set.

Marianne Nestor, 25 Hendricks Isle, spoke in support of the item. Aquablu will have a strong appeal to retirees. Besides the perfect setting, the refined, clean airy look of this building will attract individuals who would typically engage in the community to make a positive impact. This building will enhance this overlooked area.

Steven Auerbacher, representing Americas on the Park Condominium Association, said Americas on the Park is situated diagonally across the Intracoastal opposite the proposed development. Americas on the Park will be most directly affected by this project; two-thirds of the 82 unit owners look at the site across the Intracoastal. It is surprising, frustrating and galling that they did not receive any notice of the proposal or any communication from the Applicant. It seems that no one is taking into account the impact that such a large building will have on residents on the other side of the Intracoastal. The site plan does not show Americas on the Park, Le Club or Sunrise East Towers on the beach side, which is not the case. If this development is allowed and another building is built at 900 Intracoastal, which he understood is the intention, a condo canyon will have been created on both sides of the Intracoastal. It will block light and echo noise. Americas on the Park residents are not against the development but do not have enough information about it. Americas on the Park would like the developer to meet with their association and explain their intentions for both 920 and 900 Intracoastal Drive. In the meantime, without such an explanation, Americas on the Park opposes this item.

In response to Mayor Seiler, Parker said there is no notice requirement because this is not a rezoning or an application that requires a mail notice. Notice is posted as part of the agenda which also goes out in an email to all neighborhood association presidents throughout the city and a sign is also posted on the site. Mayor Seiler felt that notice should be sent to adjoining property owners if the matter goes to the Planning and Zoning Board. John Weaver, representing Central Beach Alliance (CBA), did not believe the CBA received a notice from the developer. He did receive notification of the Planning and Zoning Board (P&Z) meeting. He typically does not forward to the CBA members. He did not recall this item being called to his attention as something that would affect the area. Folz, representing the Corinthian, said he was contacted by telephone on May 20 and a meeting was held with the developer on May 28. For some reason the Corinthian does not receive any automatic distributions from the City. Americas on the Park is directly across the water next to the Bonnet House, and it seems unusual they would not receive notice because sound travels over the water. Sunrise Intracoastal was notified and they are more than 300 feet away. It is a hit-or-miss thing. Weaver added that by the time the P&Z notice is received, it is too late to meet with the developer.

Haim Benjamin, 1515 East Broward Boulevard, spoke in support of the item. Property rights are important. It is the type of project that young professionals want. He supported increased density and the tax dollars the project will generate.

Peter Genovese, president of Sunrise Villa Condominium Association, noted he is a resident of the Corinthian, but is also representing Sunrise Villa at 915 Intracoastal Drive, across the street from the project. The people who live in this area are common, working people and they consider the area to be pleasant. This is an active, interactive neighborhood, a place that people consider to be their home. There are only six parcels on the block. There is only one high-rise. They do not want to see a massive wall of cement. They deserve the right to see the Intracoastal through the buildings. It is unfair to have a building of such height directly across the street. He is opposed to the excessive height.

John Weaver, representing the Central Beach Alliance, noted that the CBA does not have a position on the development because the project has not been presented to the CBA. This is a request for a variation, and not a right. He believed staff is recommending what could go in this location, not what should go there. The Commission is elected to determine what should go there. The Applicant is allowed to have a building that is 150 feet in height and 10-foot setbacks but not both. He felt the proposal is not a bad one. As opposed to height, he believed that setbacks and view corridors are bigger issues. This should be viewed from the perspective of the entire neighborhood. Currently there is about 50 feet between this property and the Corinthian which is a little too tight. There could be a compromise in purchasing the adjacent property and increasing setbacks. Even though the Corinthian has 10-foot setbacks, the developer was aware of those setbacks when the property was purchased.

Jim Concannon, president of Sunrise Intracoastal Park, provided a map titled "Site and Context, Aerial View" and read from a prepared statement, which are both attached to these minutes.

In response to Commissioner Roberts, Concannon said the idea of making a modification, that is, a step down to the existing single-family residence is more compatible and appropriate for the general perspective on the other side of the Intracoastal and other areas of the city. They have not discussed the extent of a step down.

Ana Carina Mascarenhas, 936 Intracoastal Drive, was concerned about traffic congestion and potential delay of emergency medical vehicles.

Rochelle Golub, 920 Intracoastal Drive, said the developer is seeking to maximize his profit and to that end has painted a rosy picture of what is envisioned. It impacts the neighborhood when there is self-parking and more than 80 motorists who may not be familiar with a pedestal concept. There will be no one on the premises to assist and no guest parking. The developer recognizes that the pedestal parking as designed might not be optimal. She pointed out that there has been 150-foot development on both sides of the Intracoastal.

Attorney W. Tucker Gibbs of W. Tucker Gibbs, P.A., representing Corinthian Condominium Association, said that the Applicant has failed to show that he is compliant with the applicable Unified Land Development Regulations (ULDR) provisions to obtain required deviations from RMH-60 zoning requirements. Specifically the proposal does not meet requirements to increase building height from the 150-foot base and it does not meet requirements to reduce setbacks. To go above 150 feet in height, the developer must obtain a conditional use, for which he must meet neighborhood compatibility requirements. The requested conditional use must be compatible with and preserve the character and integrity of adjacent neighborhoods. While high-rises are permitted in this district, it is not a high-rise neighborhood. It includes two-, four- and five-story residential developments, small-scale office buildings and two high-rise residential developments. The Applicant claims the project follows the neighborhood's identity in terms of scale and proportion. However, the Applicant references only The Corinthian in the

project narrative as the adjacent building. This is not about the Corinthian; it is about whether Aquablu meets code requirements. There is no reference to small buildings on relatively small lots across the street. There is no explanation of how this building follows the neighborhood's identity in terms of scale and proportion. Because the building is not compatible or preserves the character and integrity of the adjacent neighborhood, Gibbs urged denial and a requirement that the developer return with a project more compatible. The RMH-60 establishes a clear setback policy. Tall buildings require large setbacks, which encourages the placement of tall buildings on large parcels of land and the aggregation of smaller parcels. The project is too big for the site. He indicated three critical issues: compatibility with adjacent structures, continuity of scale with adjacent structures and the extent to which a shadow falls over the adjacent waterway. He provided introductory remarks for Mark Alvarez of Integrated Urban Planning, also representing Corinthian Condominium Association.

Alvarez discussed slides related to this matter. A copy of the slides is attached to these minutes. He indicated that the Commission's action on this matter will set a trend. Commissioner Roberts questioned the difference in the shadow study described by Alvarez and that of staff. Alvarez advised the study he discussed was provided by the Applicant. Parker said a development shall not cast a shadow that exceeds 50 percent of the waterway at any time between 9 a.m. and 5 p.m. on the vernal equinox, March 21. The Applicant provided information as such. Staff's assessment considered wider setbacks above the podium. Commissioner Trantalis pointed out that the shadow was based on a building at 227 feet in height. If it is reduced to 197 feet, it could be anticipated the shadow would be reduced below the 50 percent line. Tilbrook advised that the code speaks to about 50 percent of the waterway. The 201-foot building meets the width requirement. Alvarez indicated that 227 feet is before the Commission this evening. There is no shadow study in the record for 201 feet.

Fred Carlson, representing the Central Beach of Alliance (CBA), emphasized the impact to the Sunrise business district and traffic coming onto the beach. There is a concern at the CBA about traffic because of development anticipated near the Galleria Mall. Mayor Seiler clarified this project is 40 units. Carlson emphasized that walkability and enhancing the area are important. A 50-foot high podium so close to the sidewalk will block the view of the water. He felt that the project should be reassessed.

Charles King, 105 North Victoria Park Road, spoke in support of the item. He felt this project would add a lot of money to the City and the tax base. The occupants will come from all over the world, possibly only reside in the building half the year and will have a lot of money. Tall buildings along the Intracoastal are not a big deal. He liked the idea of glass and metal instead of concrete. He did not anticipate a traffic problem. He suggested heights along the Intracoastal be varied. He did not think the height matters.

Zoning Administrator Anthony Fajardo advised that the code concerning shadow involves more than 50 percent of the width of the waterway. It also involves the sides of the building and encroachments along that edge. Staff's interpretation is consistent with that of the Applicant. In response to Mayor Seiler, Fajardo believed such interpretation has been previously made by staff. He confirmed for Commissioner Trantalis that it is based on when the sun travels through the sky and the area that is left exposed as opposed to what is left in shadow. Commissioner Trantalis did not think that interpretation makes sense. Fajardo explained it is also exposure of the sun on the sides of the building, that is, 50 percent of the area of the waterway. Director of Sustainable and Economic Development Greg Brewton explained that staff is required to interpret the code as it is written. It can always be questioned and that question could always be raised to the Board of Adjustment. Mayor Seiler was concerned about consistency. It appears that if the Applicant reduces the height to 197 feet, it becomes a non-issue. Brewton concurred.

Commissioner Trantalis further argued that sunshine, air and water are the reasons people come to Fort Lauderdale. He did not want to create a curtain that would obliterate the sun. The rule's intent is to minimize the impact of new housing developments on the city's natural resources. The Commission is confronted with an opportunity to compromise. The City Manager pointed out that staff is challenged to

interpret code as it has been interpreted in the past. The shadow issue has been interpreted this way before, therefore staff wanted to remain consistent.

Tilbrook displayed the shadow study slide for the building at 201 feet, showing that it meets the criteria regardless of how the code is interpreted. The City Manager felt the Applicant should be clear as to the height it is requesting, in that the Commission is now looking at 227 feet. Tilbrook commented that the Applicant would be comfortable amending the application to a height of 201 feet, as agreed upon during the Planning and Zoning Board meeting. Commissioner Trantalis felt it is still too big.

Tilbrook emphasized that this property meets the code's criteria for modification of yards, conditional use and site plan approval. There is substantial competent evidence in the record as a basis for such approval. The market for this luxury product is for 10-foot ceiling height units. If the City does not permit this, the Applicant will have to revisit the numbers to see if they work. This project is far less dense than any other multi-family residential projects similarly situated. It has far less lot coverage; larger setbacks and comparable building height. The Comprehensive Plan provides for and encourages redevelopment of this form. This project is compliant with the Unified Land Development Regulations and Comprehensive Plan. With the height of 201 feet, there would be 41 units which is only an increase of 25 units. The garbage facilities are fully enclosed. He recommended the Commission follow direction of staff and Planning and Zoning Board and approve the project.

Commissioner Roberts was concerned about compliance and how the setbacks should be applied based on height. Tilbrook said in the RMH-60 zoning, setbacks are half the building height but not less than 10 feet on the sides, 20 feet in the rear and 25 feet in the front. The zoning allows up to 300 feet of height. In strict compliance, the code creates non-developable sites. In other words, every site that is similarly situated requires discretionary approval from the Commission or Planning and Zoning Board. The question is really whether the project meets the criteria for the setback modification. When this project was originally conceived, it did not comply with setback modification criteria. The Applicant worked with staff and the community to make it workable. He went on to elaborate on the design and criticism from Planning and Zoning Board members and residents for reducing the height from 227 feet. Several felt that height improved the city's skyline by providing enough of a difference for there to be a variation. Perhaps this could be accomplished with a little less than the height of the Corinthian. The proposal now is the same height as the Corinthian, 201 feet. Commissioner Roberts felt the height should be scaled down more.

In further discussion concerning setbacks at Commissioner Roberts' request, Parker said staff assessed whether there was sufficient separation for light and air, provision for views to the waterway and sufficient setbacks that the pedestrian area provides a good public realm experience. They reviewed the general continuity of the yards between adjacent properties. In looking back three years, most developments along the Intracoastal applied for yard modifications. She listed them: 151 Isle of Venice, 161 Isle of Venice, Aquavita Las Olas, 1800 Las Olas, Echo at Las Olas, 309 Hendricks Isle, Aquamar and Royal Atlantic.

The modification requests have not been more significant. Generally the numbers have been similar but not in terms of the height comparison to the yard. As to height, it is a mix.

Commissioner Roberts thought there are concerns from the community even at 150 feet with 10-foot setbacks. He agreed it needs to be less than 201 feet. Discussion ensued about the setback requirement wherein Parker clarified that in this zoning district, a 150-foot building would require setbacks at half the height. Commissioner Roberts said he would like to go to a range of 150 to 200 feet but the community does not appear to be comfortable with that. He is trying to reach some form of consensus.

Discussion turned to the design. Commissioner Trantalis pointed out all of the design is on the water side. Mayor Seiler disagreed; he felt it is a well-designed building. He did not think traffic is an issue. There is an issue of height and how it transitions to the property next to it. He felt the height should be less than the Corinthian. He was somewhat concerned about the shadow. This developer has worked hard to develop something with a minimal impact, but the questions of height and number of units remain. The Sunrise Intracoastal neighborhood has been extremely easy to work with on most issues, so their opposition causes concern. Commissioner Roberts agreed. Mayor Seiler suggested allowing the neighborhood leaders an opportunity to work on a compromise with the Applicant.

The Commission recessed and convened the conference meeting with agenda item BUS-8 at 12:35 a.m. The Commission returned to the regular meeting at 1:44 a.m. to continue with item PH-4.

Tilbrook advised the Applicant is willing to reduce the building height from 227 feet to 189 feet, 8 inches. Gibbs, representing the Corinthian, rejected the offer. Tilbrook said that he did not meet with the Sunrise Intracoastal neighborhood. Gibbs confirmed that Sunrise Intracoastal residents are part of the Corinthian group. They would agree to a height of 170 feet, step down and three levels of the pedestal, keeping the pedestal at the same setbacks. Commissioner Roberts clarified his reference to step down was with regard to heights of buildings toward Sunrise Intracoastal so that there would not be anything more than 130 feet in height adjacent to Sunrise Intracoastal. Gibbs acknowledged the misunderstanding.

Tilbrook advised that they have been talking with the Corinthian and Sunrise Intracoastal for months however the height issue did not come up until August, when the residents said they would not accept anything higher than 150 feet with setbacks pursuant to the code. The midpoint between the originally-proposed 227 feet and 150 feet is 189 feet. This is the best offer the Applicant can make. It is a stepping down from the Corinthian, which is 201 feet but with their mechanical, the height is 220 feet. With 130 or 140 feet for Sunrise Tower, there is a stepping down. Gibbs advised the residents would like 170 feet flat, not a wedding cake design.

Mayor Seiler felt it has reached a point of two stories of parking. Commissioner Roberts could not support the project until the height issue is resolved.

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

The City Attorney clarified that the original proposal of a 227-foot building is the item before the Commission. Mayor Seiler felt the question is whether time is needed for a compromise to be made between the 189 feet and the 170 feet. The Applicant should work with the neighborhood to find a compromise they all support. With the item being scheduled this evening, there has not been enough time for the issues to get resolved. He drew attention to the height reduction at the Planning and Zoning Board and the fact that it was a 5-3 vote, which means three members had serious concerns about the revision. Commissioner Roberts explained it was scheduled this evening because that is when all of the parties could attend. There have been several meetings at which both sides have attempted to reach a compromise. He agreed that something should be built on the property. Commissioner DuBose questioned whether there were productive discussions about height because he did not get a sense of that point during this evening's public hearing. Tilbrook advised that until this evening, the residents have stayed at 150 feet, but the Applicant has been coming down steadily. The residents have now agreed to 170 feet. The Applicant started at 227 feet and is now at 189 feet. Commissioner DuBose noted that there were P&Z members who felt the building should remain at 227 feet. Commissioner Trantalis suggested reducing the ceiling height. Tilbrook said they are reducing the ceilings to 9 feet, 4 inches, in order to get to the 189-foot height. Commissioner Roberts explained that if the design changes too much, they will

not be able to market to the targeted clientele. In response to Commissioner Trantalis, Tilbrook said the deal would not work with less floors. Commissioner Trantalis indicated it may be necessary to have further discussions with the landowner. Commissioner Roberts pointed out that the type of clientele would be important to Sunrise Intracoastal residents. It is frustrating to accommodate the needs of the neighborhood and the city as a whole. Mayor Seiler did not think the value of the property is as high as the landowner thinks. He supported a high-end development with a height in the 170 to 175 foot range.

Commissioner Trantalis suggested approval at 175 feet and allowing the Applicant to work with the landowner. On behalf of the Corinthian, Gibbs indicated their agreement.

**Motion** made by Commissioner Roberts and seconded by Commissioner Trantalis to approve the item as amended with the condition of a maximum height of 175 feet with setbacks remaining the same as recommended.

#### **APPROVED**

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

#### **ORDINANCES**

**O-4 14-0889** SECOND READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-18.31, SOCIAL SERVICE FACILITY - add definitions, create criteria for approval, amend the permitted zoning districts and adjust the level of review

Mayor Seiler opened the floor for public comment.

Keturah Campbell, 934 NW 1 Street, read Bible a verse about the least and urged that feedings for the homeless not be stopped. Other than trash, she did not see any point to the prohibition. She felt people will continue regardless. Mayor Seiler explained that feedings are not being stopped; the City is regulating where they can take place. Ron Book, leader of the Homeless Trust for Miami-Dade County, has said this is the proper approach.

Jimmie Singleton, 924 NW 1 Street, spoke of comments made by Thomas Payne relating to poverty. He felt there are constitutional considerations to such a prohibition. Thomas Jefferson said if a law is unjust, man is obligated to disobey it. The rest of the country is watching this. He questioned the position of "I've got mine, so the heck with you."

Gretchen Cassini, representing Broward County, expressed concern about the consequences to a wide array of social services, should these changes be adopted. She asked if the Broward Addiction and Recovery Center (BARC) would be classified as an addiction treatment center or a social services residential facility. The City Manager said he has issued a response to the County Administrator. He believed the only issue remaining is the hours of operation at the potential Nancy J. Cotterman site (old BARC facility). Cassini expressed concern about the 7 a.m. to 7 p.m. restrictions at the Nancy J. Cotterman Center and any other social services facility. The City Manager explained that the process would be to place one's questions and concerns on the record; there is no question-and-answer format. Cassini added that the hour restrictions would impact social services within the city and funding for the Nancy J. Cotterman Center, where they are required to accept clients in crisis 24 hours a day, seven days a week. Mayor Seiler asked the City Attorney to follow up with the County on these questions. If there is a legal opinion from the County Attorney on this, he asked Cassini to provide it.

Mary Cowell, representing Calvary Chapel, elaborated on teachings of Christianity and pointed out that Jesus was homeless and if living today, he would be negatively impacted by this ordinance.

Scott Kuehne, 400 NE 9 Avenue, felt rights in the Constitution are being jeopardized by the regulations in this ordinance similar to what was done in Russia. Driving people out of downtown is not going to solve the problem of homelessness. Many social services are concentrated downtown. The homeless will move into the surrounding neighborhoods. He was opposed to fines or arresting people for doing what they feel they are commissioned to do to serve God. There will be expensive litigation.

Irene Smith, representing Love Thy Neighbor, spoke in opposition to the item. She provided the flyer for The Maureen A. Abbott's Love Thy Neighbor 501(c)3 organization and spoke about the charitable opportunities it and other agencies offer. A copy of the flyer was made a part of the record. She went on to express appreciation for the young spirit of the Food Not Bombs individuals protesting this evening.

Dylan Lagi, representing Flagler Village Civic Association, expressed concern about the boundary part of the ordinance and asked that they be allowed to work through this concern with staff.

Casey Cooper, 61 Moss Street, San Francisco, found it disrespectful to ban people from eating. He felt there is an excessive number of police officers at this meeting which is a cost to the taxpayers. He did not feel the ordinance will be helpful.

Roberto Hernandez, no address provided, spoke in opposition to the item. People have a right to eat. He was not in favor of criminalizing homelessness. Many homeless people, if given the opportunity, could make great contributions to society, but that should not be a requirement to eat or be treated with dignity. Those who do not allow feeding the hungry are complicit in letting them starve and die.

Joseph Anthony Jones, 101 NE 3 Street, spoke about the constitution, equal treatment and the Bible. He was opposed to the item.

Kara Harrison, 2145 Discovery Circle West, Deerfield Beach, spoke of the tragedies in her life. Food is essential in giving people hope. She felt the ordinance seems more like beautifying the city rather than helping people. Helping people is more beautiful than having a physically beautiful city.

Erika Medel, 546 West Tree Lane, Plantation, said she is a producer for Local 10. She is a homeless advocate. She elaborated on how organizations help the homeless. They go beyond feeding. She opposed the ordinance.

Matthew Holbrook, 1720 North 17 Avenue, Hollywood, advocated for taking care of the homeless and poor, explaining it has to do with being commanded by Jesus and a sin not to do so. He suggested the City encourage all churches and humanitarian service agencies in the county to join together and allow homeless to come to their properties for a meal, counseling, etc.

Perry Canan, 280 SE 6 Court, Pompano Beach, said that his pastor of Christ Church, along with members of Love in Action and Shared Meals are present this evening. There are meals being served inside at local churches which has been the case for the past 22 years. Meals should be hosted in a dignified way that fosters community and breaks down barriers. He was aware of discussions with HOPE South Florida for a solution to this community problem. He asked the Commission to allow them to work with the City to find a solution. Their goal is to continue serving indoors and expand to more nights, but their resources are tight. Commissioner Roberts indicated that City has been working with HOPE South Florida. The ordinance was changed since the first reading so such activities can continue. Mayor Seiler said there has been a lot of misinformation on this topic, but the City has been working closely with HOPE South Florida.

Didier Ortiz, 2400 West Broward Boulevard, did not believe his comments would make a difference with what is happening tonight, but there is power in the churches, organizations, individuals and in speech. The issue will not end today. He urged the public to wake up and take action.

William Toole, representing Food Not Bombs, expressed opposition to the item. Basic human rights are being violated. The Commission has demonstrated that basic needs for human survival are only to be attained by those with money. This ordinance will effectively take food from the mouths of the hungry and persecute those who wish to help them. He felt the Commission has shown a complete disregard for the needs of the community as a whole and is unfit to be in charge of any local municipality. He elaborated on the help that Food Not Bombs has provided to the homeless in several ways. The City has responded by having them arrested. He does not believe that the City has ever had any other intentions. Food Not Bombs does not serve food rather they share it in a place best for the community.

Frank Pontillo, 1350 NW 48 Place, Deerfield Beach, thanked the Commission for changing the ordinance to include the faith-based community. There is a lot of friction in the community. He suggested the City take a step back, not vote on the item tonight and find solutions in an organized manner without putting people in jail. It will not solve the problem. He remarked that other cities that adopted similar ordinances have subsequently changed course. This is giving Fort Lauderdale a bad stigma in the world.

Reverend Gail Tapscott, representing Unitarian Universalist Church, commented on how Utah and Los Angeles provided housing for the homeless and pointed out that empty buildings are available in Fort Lauderdale. She noted she has a facility where an indoor program would be possible, but questioned whether it would be illegal to serve food outside on the grounds of her property. She also asked if it would be possible to serve food in her backyard. She understood that there must be laws for a civilized society but not what is being proposed.

Haylee Becker, representing Food Not Bombs, felt that the homeless should have access to public spaces and be permitted to eat outdoors as well. She questioned the police presence at this evening's meeting. She was concerned that this ordinance is being considered at such a late order. Regardless of the ordinance, there will continue to be homeless, people will continue to share food, law enforcement costs and the same problems.

John Kipling Guyton, 11211 NW 22 Street, Pembroke Pines, said the homeless will continue to eat, whether on the street or in jail regardless of what happens with this ordinance.

Dean Bairaktaris, 64 Hendricks Isle, spoke about the Commission granting waterfront access at the last meeting when the cost of a boat slip is between \$700 and \$3,500. Yet the City is taking away food from the poor. He questioned such a mindset.

Jana Gray-Williams, representing Serenity Family and Children Services, said Christians have a responsibility to take care of others. She wanted to ensure there is equality. She spoke about the challenges of homeless families with children in school. She urged the Commission to take this into consideration.

Ray Delpapa, 765 NE 125 Street, North Miami Beach, spoke about the Catholic Worker Movement that was started during the Great Depression and was very much like Food Not Bombs. He felt that this ordinance is against God's law.

Charles King, 105 North Victoria Park Road, said that Florida is a welfare state. The City and County are working hard to feed and clothe the homeless, who want to do whatever they want in public parks. This ordinance simply provides for indoor feeding so a skid row is not created. There are long lines of people in feedings occurring on the weekends in the parks which detract people from Fort Lauderdale. The people of Fort Lauderdale want rules and regulations. It seems that everything in terms of social services is being concentrated in Flagler Village. Social services should be spread throughout the city. The center

of the city should have art and parks and things that attract people. He felt that Food Not Bombs and The Homeless Voice are anarchist groups contributing to the problem.

There being no one else wishing to speak, public comment was closed.

Commissioner Trantalis noted that he had concerns during the first reading, particularly concentrating social services in a redevelopment area. He had hoped that he would be informed of the justification for such concentration. Flagler Village was once a slum and blighted area, and in many respects it is still today, but it is coming out of that state. If social services are concentrated in an area that has not fully realized its potential, it is a step backward. The area will lose momentum. Currently social service agencies are spread across the city. It is clear that residents do not want a concentrated area of social services and there is merit to that argument. He questioned whether this feeding ordinance could be detached from the social service facility issue. He supported the feeding ordinance because public spaces should be shared by everyone. He did not think the Commission is insensitive and he took issue with comments directed at the mayor. The full Commission is responsible for decisions that are made. There are a lot of homeless people not in attendance because the City has been helping them by finding them homes and feeding them. The City has collaborated with the County and other cities in helping the homeless. This ordinance is an attempt to assist the community in working with social service agencies and the faith-based community. He understood that there are not enough indoor facilities on the weekends. The City needs to make more of an effort to find indoor facilities on weekends even if it is a monetary contribution. He could not support the ordinance as written due to the concentration of social services in Flagler Village. Vice-Mayor Rogers agreed that there should be a comprehensive approach. He agreed that the indoor component needs to be addressed in a meaningful way. Commissioner Roberts wanted to pass the ordinance tonight and then refine it. He acknowledged that Flagler Village is concerned about the concentration of social services. Mayor Seiler agreed but noted that in fairness to staff, this recommendation was made by the Planning and Zoning Board (P&Z). It would need to go back to P&Z. He agreed that it should be passed and then the concentration issue for Flagler Village should be addressed with P&Z in that Commissioner Trantalis raises a good point. Commissioner DuBose also felt it should be further examined because there are neighborhoods in addition to Flagler Village with similar issues.

The City Manager advised that the zoning issue could be discussed with P&Z. Zoning category and distance from residential are the two major factors. He referenced Exhibit 1, "Proposed Social Service Facility Permitted Locations" map and noted that several of the pink areas are no longer social service facilities because of a buffer designating 500 feet from residential properties. He responded to Commissioners Roberts and Trantalis that this matter could go back to P&Z within 90 days. Commissioner DuBose wanted to be certain that another problem is not subsequently created in other areas.

Commissioner Roberts introduced the ordinance, which was read by title only, with the caveat that it would be revisited within 90 days. Commissioner DuBose wanted to make sure that all surrounding areas are addressed.

Mayor Seiler elaborated on the progress made by the City. Regardless of what is done there is a perception by some that this is anti-homeless. HOPE South Florida is making great progress with respect to the homeless. The City is working with some additional 24 other agencies that assist the homeless including veterans. He believed there is a radical element of the homeless population is spreading false information.

Vice-Mayor Rogers noted that in looking at the map (Exhibit 1), there are as many social service facilities south of Broward Boulevard as there are to the north. He emphasized that it should be equitable. Commissioner Trantalis felt staff should take charge of this issue and work to come up with a better solution.

**ADOPTED ON SECOND READING**

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

**Nay:** 1 – Commissioner Trantalis

**ANNOUNCEMENT ON LIEN SETTLEMENT**

Vice-Mayor Rogers advised that there is a closing scheduled on October 30 for 2650 Riverland Drive (Conference Agenda Item CF-1, Case CE100420820 which was approved at the conference meeting. The Commission has a 15-day call-up period. There was consensus agreement that this item would not be called up.

**REQUEST FOR CLOSED DOOR**

The City Attorney requested a closed door sessions for October 21, 2014 to discuss the matter of *Brandi Lynch and Sean Borden vs. City of Fort Lauderdale* [Case 13-014310(08)].

There being no other matters to come before the Commission, the meeting was adjourned at 3:37 a.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk