

# City of Fort Lauderdale

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



## Meeting Minutes

**Tuesday, June 6, 2017**

**6:00 PM**

**City Commission Chambers**

### **City Commission Regular Meeting**

***FORT LAUDERDALE CITY COMMISSION***

***JOHN P. "JACK" SEILER Mayor - Commissioner  
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I  
DEAN J. TRANTALIS Commissioner - District II  
ROBERT L. McKINZIE Commissioner - District III  
ROMNEY ROGERS Commissioner - District IV***

***LEE R. FELDMAN, City Manager  
JOHN HERBST, City Auditor  
JEFFREY A. MODARELLI, City Clerk  
CYNTHIA A. EVERETT, City Attorney***

**Invocation**

Pastor Jean Charles, Emaus Baptist Church, Inc.

**Moment of Silence**

Mayor Seiler asked for a moment of silence in remembrance of the D Day Anniversary and all who sacrificed.

**Pledge of Allegiance**

Commissioner Romney Rogers

**ROLL CALL**

**Present:** 5 - Commissioner Robert L. McKinzie, Commissioner Romney Rogers, Vice Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor John P. "Jack" Seiler

**Quorum Established**

**Also Present:** City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett, City Auditor John Herbst, and Sergeant at Arms Jeff Brull

**No e-comments were submitted for this meeting.**

**Call to Order**

Mayor Seiler called the meeting to order at 6:09 p.m.

**Agenda Announcements**

Mayor Seiler announced PUR-1 is being removed at the request of City Manager Feldman and will come back at the next meeting.

Mayor Seiler announced the following revisions to the following agenda items:

PUR-3 - Additional Information provided regarding vendor software license agreements; and

PUR-11 - Revised Exhibit 1 Section 1 and Section BB.

**Approval of MINUTES and Agenda**

**PUR-1** [17-0426](#) Motion to Approve Contract for Lease of Citywide Payment Kiosks - Diversified Data Processing & Consulting, Inc. d/b/a DivDat - \$192,816 (estimated three-year total)

**REMOVED FROM AGENDA**

[17-0684](#) Minutes for May 2, 2017 Commission Conference Meeting and May 2, 2017 Regular Commission Meeting

Vice Mayor Roberts made a motion to approve the above-noted minutes and was seconded by Commissioner Trantalis.

**APPROVED**

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

**Not Present:** 1 - Commissioner McKinzie

**PRESENTATIONS**

**PRES-1** [17-0605](#) Welcome and Introduction of Ambassador Adalnio Senna Ganem, Consul General of Brazil in Miami

Mayor Seiler gave an overview of Ambassador Ganem's service, elaborating on trade between Brazil and the United States, its Sister Cities relationship with Fort Lauderdale, aspects of Brazil's culture, beauty, economy, and its eco-tourism.

Ambassador Adalnio Senna Ganem thanked Mayor Seiler and the Commission. Ambassador Ganem spoke about the strong relationship and Brazil's participation and contributions to the South Florida community and economy. He discussed the future potential to do more to develop the relationship, noting the many local activities and events celebrating Brazil that will take place during the month of September 2017. Mayor Seiler confirmed Staff will publish those upcoming events.

Mayor Seiler recognized Marianne Winfield who thanked him for welcoming Ambassador Ganem and for extending invitation for the upcoming celebrations of Brazil. Ms. Winfield passed out information on the upcoming events, confirming she will keep the Commission updated on the September events.

**PRESENTED**

**PRES-** [17-0736](#)  
**3**

Proclamation declaring the Month of June, 2017 as Alzheimer's and Brain Awareness Month in the City of Fort Lauderdale

Commissioner Rogers presented Michael M. Pearson, Vice President, Program Services and Public Policy Alzheimer's Association, Southeast Florida Chapter with a Proclamation declaring the Month of June, 2017 as Alzheimer's and Brain Awareness Month in the City of Fort Lauderdale. Commissioner Rogers read the Proclamation in its entirety.

Mr. Pearson thanked the Commission for the Proclamation expounding on the disease and its effect on the community. He encouraged the audience to become familiar with the ten signs of the disease.

**PRESENTED**

**PRES-** [17-0733](#)  
**2**

Presentation - Broward Education Foundation - Recognition of Teachers from Broward County Public Schools in Fort Lauderdale who are recipients of grants for innovative projects

Ash Benzo, City of Fort Lauderdale Treasurer and Broward Education Foundation Board Member presented the Broward Education Foundation's Recognition of Teachers from Broward County Public Schools in Fort Lauderdale who are the recipients of grants for their innovative projects. He gave a brief background of the Broward Education Foundation. Mr. Benzo stated they will be awarding over \$160,000 in grants to 22 of Broward County's most innovative teachers.

Coco Burns, Broward Education Foundation, read the names of the grant winners.

***A copy of the winners is attached to these minutes.***

**PRESENTED**

## **CONSENT AGENDA PUBLIC COMMENT**

Mayor Seiler announced the procedures for public comment on items on the Consent Agenda.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Drive, who discussed item CM-2, the Motion to Approve Payment to Broward County in Response to Housing and Urban Development Office of Inspector General Audit Findings of the Chronic Homeless Housing

Collaborative Program in the amount of \$16,372.29. Mr. King commented that these actions do not work and funding will cease for these types of programs when Federal level funding stops.

Mr. King also inquired about the Police Body Camera issue regarding Phase 2.

## CONSENT AGENDA

## CONSENT MOTION

### Approval of the Consent Agenda

Vice Mayor Roberts made a motion to approve the Consent Agenda and was seconded by Commissioner McKinzie.

#### Approve the Consent Agenda

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

#### CM-1 [17-0621](#)

Motion to Approve Event Agreements: 5 Star Peace in the Hood Super Sunday Event, Red Eye, Jesus Block Party, Equality Rally for Unity and Pride, Farmers Market at Whole Foods, and PawSup & Surf Competition

#### APPROVED

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

#### CM-2 [17-0674](#)

Motion to Approve Payment to Broward County in Response to Housing and Urban Development Office of Inspector General Audit Findings of the Chronic Homeless Housing Collaborative Program - \$16,372.29

#### APPROVED

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

#### CM-3 [17-0696](#)

Motion Authorizing Payment of Environmental Cleaning Costs and Settlement of All Potential Liability Claims of Mary Gilbertson, as Executor of the Estate of George W. Gilbertson, Jr., and Christopher Stachowski - \$31,917.00

#### APPROVED

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

- CM-4**    [17-0697](#)            Motion Authorizing Settlement of General Liability Claim of TECO Peoples Gas - \$28,528.46
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- CM-5**    [17-0673](#)            Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with Powerboat P1-USA, LLC for Grand Prix of the Seas
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- CM-6**    [17-0624](#)            Motion to Approve a Memorandum of Understanding with the Florida Small Business Development Center, Fort Lauderdale
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler

## CONSENT RESOLUTION

- CR-1**    [17-0634](#)            A Resolution of the City Commission of the City of Fort Lauderdale, Florida, appointing the law firms of J. Michael Haygood, P.A., and Mombach, Boyle, Hardin & Simmons, P.A., as Special Counsel for real estate and related development matters
- ADOPTED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- CR-2**    [17-0714](#)            Resolution Waiving the Provisions of Division 2, Purchasing, of Chapter 2, Article V of the Code of Ordinances of the City of Fort Lauderdale to Approve an Agreement for the Purchase of Air Conditioning Replacement Equipment for the Fort Lauderdale Police Station - Garrison Mechanical Service Corporation - \$32,476.29
- ADOPTED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- CR-3**    [17-0596](#)            Resolution Authorizing the Acceptance of a Grant from Broward County for Fiscal Year (FY) 2017 Emergency Medical Services (EMS) County Grant Program

**ADOPTED**

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

**CR-4** [17-0408](#)

Resolution Authorizing the Acceptance of Grant Funds and Execution of a Joint Participation Agreement with Florida Department of Transportation for Construction of the Airport Administration Building Expansion at Fort Lauderdale Executive Airport

**ADOPTED**

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

**CR-5** [17-0114](#)

Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2017 - Appropriation

**ADOPTED**

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

**PURCHASING AGENDA****PUR-2** [17-0473](#)

Motion to Approve Purchase of Enterprise Resource Planning Project Management Services - TEKsystems Government Services, LLC - \$262,912

**APPROVED**

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

**PUR-3** [17-0512](#)

Motion to Approve Assumption of Contract and Consent to Assignment of Enterprise Resource Planning System Implementer Agreement and to Approve Third Party Vendor Agreements with Emphasys Computer Solutions, Inc., MHC Software, Inc., and Finite Matters Ltd., Inc.

**APPROVED**

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

**PUR-4** [17-0527](#)

Motion to Approve Additional Expenditures for FireStorm 36 Fireboat - Metal Craft Marine, Inc. - \$31,223.38

**APPROVED**

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

- PUR-5** [17-0547](#) Motion to Approve Contract for Purchase of Private Contracted Pre-Employment Background Investigations - North American Security Investigations, Inc. - \$223,500 (estimated two-year total)
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- PUR-6** [17-0612](#) Motion to Approve Purchase of Replacement Playground Equipment - Playmore LLC - \$232,566.72
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- PUR-7** [17-0626](#) Motion to Approve Consent to Assignment of Contract for Liquid Oxygen to Airgas, USA, LLC
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- PUR-8** [17-0638](#) Motion to Approve Annual Contract for Chain Link and Picket Fences - Tropic Fence, Inc. - \$510,946
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- PUR-9** [17-0647](#) Motion to Approve Purchase of Two Emergency Generators - Tradewinds Power Corp. - \$145,996
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- PUR-1** [17-0667](#)  
**0** Motion to Approve Contract for Elevator Maintenance and Repairs - Maverick United Elevator LLC - \$253,748
- APPROVED**
- Aye:** 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
- PUR-1** [17-0639](#)  
**1** Motion to Approve Contracts for Pilot Program for Integrated Body Worn Cameras and Digital Evidence Management System - Motorola Solutions, Inc. and Axon Enterprise, Inc.



**APPROVED**

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

**MOTIONS**

**M-1**     [17-0677](#)     Ten Most Populous Cities; Seat on Florida League of Cities' Board of Directors

Commissioner Trantalis recommended nominating Mayor Seiler for the Florida League of Cities' Board of Directors Seat for the Ten Most Populous Cities. There was a consensus that Commissioner Trantalis would be the alternate.

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner Rogers.

**APPROVED - Mayor Seiler Primary and Commissioner Trantalis Alternate**

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

**M-2**     [17-0738](#)     Designation of Voting Delegate for the 2017 Florida League of Cities Annual Business Session

There was consensus to designation of Commissioner Trantalis as the Voting Delegate for the 2017 Florida League of Cities Annual Business Session and Mayor Seiler as the alternate.

Vice Mayor Roberts made a motion to approve this item and was seconded by Commissioner McKinzie.

**APPROVED Commissioner Trantalis Primary and Mayor Seiler Alternate**

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

**M-3**     [17-0622](#)     Motion to Approve an Event Agreement and Related Road Closings with 721 Las Olas Blvd, Inc. for American Social's Five Year Anniversary

In response to Commissioner Roger's inquiry, City Manager Feldman stated the road would be open to local traffic and ingress would not be blocked.

Commissioner Rogers made a motion to approve this item and was seconded by Vice Mayor Roberts.

**APPROVED**

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

**M-4**     [17-0618](#)

Motion to Authorize Rahn Bahia Mar, LLC. to Submit Development Permit Applications Relating to the Bahia Mar Property

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue, who spoke in support of this item and discussed the City receiving resort tax funds. He noted previous comments from Commissioner Trantalis regarding the need for a tourism office. Mr. Rosenthal suggested the possibility of Informa, a large Boat Show participant, funding tourism personnel and the possibility of the lessee donating rooms at the Bahia Mar Hotel for tourism activities and offices. Mr. Rosenthal also discussed the archaeological aspects of this area being part of the tourism experience.

Mayor Seiler recognized Charlie King, 105 N. Victoria Park Road, who spoke in opposition to this item, commenting on the developer's proposed design. He recommended the Commission vote "no" on the developer's proposal. Mr. King concurred with Mr. Rosenthal's comments about the archaeological aspects of the area being part of the tourism experience.

Mayor Seiler recognized Anne Hilmer, 621 Idlewyld Drive, who spoke in opposition to this item, commenting on the principal uses of the property stated in the lease as a hotel, resort and a marina, not apartments. Ms. Hilmer noted the purpose of the lease was intended to protect the public and public's use of this property, stating approving this item violates the public's trust and land use.

Mayor Seiler recognized Paul Chettle, 200 S. Birch Road, who spoke in opposition to this item, citing the numerous changes of the subject for this issue's motion. He requested the Commission vote "no" on this item, stating the primary use of this land is for a hotel, marina and resort, not multi-family units. He said this agenda item has changed significantly since March 7, 2017 and March 21, 2017. He commented on City Manager Feldman's previous explanations on the consequences of approving this agenda item. Mr. Chettle reiterated the importance of this decision, stating now is the time to renegotiate the lease.

Mayor Seiler recognized Stan Eichelbaum, 411 N. New River Drive East, who commented on his concerns about good economic development in order to sustain the highest valuation possible for the marina property. He noted the marina is one of the most primary pieces of public land with an active lease and is one of the top development sites in the world today. He commented on the Boat

Show's economic impact and the need for it to continue during any type of development, noting the need for performance guarantees and performance bonds. He stated the need for reappraisal and renegotiation of the current lease.

Mayor Seiler recognized Sherman Whitmore, 401 E. Las Olas, who spoke in opposition to this item, commenting on the history of developing the Swimming Hall of Fame. He noted his attempts to contact the developers of Bahia Mar to inquire about interfacing with the Swimming Hall of Fame Development. He discussed a meeting with the Central Beach Alliance on his Swimming Hall of Fame proposal to the Commission, stating the vote was 28 to 4 in favor.

Mayor Seiler recognized Bob Lovern, 629 Idlewyld Drive, who spoke in opposition to this item, stating the property is supposed to be used as a yachting facility and for marine businesses. The application is not congruent with this use and should not be considered. He stated the applicant is incorrect with their facts, giving examples. The application is contrary to the will of the City Commission when the lease was written and remains dissimilar.

Mayor Seiler recognized Geary Cotton, 615 Idlewyld Drive, who spoke in opposition to this item, reiterating the history of actions regarding this issue. He noted the previous position of the applicant withholding an agreement with The Boat Show. He gave his comments on the need for a reasonable solution that should involve the City advising what it desires for this location. Alternatively, the City should purchase the land back through a bond.

Mayor Seiler recognized Betty O'Connor, 730 Isle of Palms, who spoke in opposition to this item, requesting the Commission to preserve the area for the purpose the citizens' desire to have it developed as a boating center. Ms. O'Connor read comments into the record from previous Assistant City Attorney Bob Dunckel regarding development of the property. Ms. O'Connor asked the Commission to not consent to this proposal.

***A copy of Ms. O'Connor's statement is attached to these minutes.***

Mayor Seiler recognized Abbey Hand, 1201 River Beach Drive, who spoke in opposition to this item, commenting on the difficulty and importance of holding the lessee to the requirements of a lease. She recommended renegotiating the Bahia Mar lease or enforcing the lease to include its maintenance as a first rate property. Ms. Hand also discussed infrastructure issues in the area that may not be adequate to handle the increased demand, questioning who would

pay for those costs.

Mayor Seiler recognized Carol Ann Bartholomey, 300 Holiday Drive, who spoke in opposition to this item, stating the Commission should reject these plans due to the inconsistency with the lease terms and the proposed altering of the property usage. She commented on approval of the lease impacting other relevant issues.

Mayor Seiler recognized John Roth, 333 Sunset Drive, who spoke in opposition to this item commenting on the terms of the lease, stating the property should be used as a first class marina complex. Mr. Roth noted the current condition of the property, stating the plans being circulated do not address these issues. As such, the application should be rejected due to non-compliance. He cited current aspects of non-compliance with the lease, commenting on recommended solutions that are not in the current application.

***A copy of Mr. Roth's pictures are attached to these minutes.***

Mayor Seiler recognized Nancy Thomas, 1924 SE 24th Avenue, who spoke in opposition to this item, requesting the Commission reject the Bahia Mar Application Site Plan. Ms. Thomas reiterated the terms of lease that do not comply with the proposed application. She recommended the lease be renegotiated to reflect its value.

***A copy of Ms. Thomas's letter to the Commission is attached to these minutes.***

Mayor Seiler recognized Jack Malcolm, 1900 Admirals Way, who spoke in opposition to this item, stating his agreement at the May 2, 2017, about Commission deferment due to unanswered questions. Mr. Malcolm asked if any of those questions had been answered, such as a guarantee of a permanent home for The Boat Show over the next 30-40 years. Mayor Seiler confirmed a 30 year agreement for The Boat Show. Mr. Malcolm questioned the proposal's compatibility with the intent of the lease, citing Article 19 of the lease and the original intent of the lease. He stated the proposed development is not consistent with the intent of the beach. Mr. Malcolm also asked if this item is passed, will the City be in a position to get answers to critical questions. He questioned aspects of the legal opinion from the City Attorney's Office dated May 8, 2017, stating nothing relating to neighborhood compatibility was mentioned in the legal opinion. Mr. Malcolm questioned the neighborhood compatibility issue.

Mayor Seiler recognized Miranda Lopez, 3031 NE 21st Street, who spoke in opposition to this item. She discussed the need to address

the lease, noting the Bahia Mar property was purchased with a bond paid by residents. She commented on aspects of the lease and the consensus by citizens that they do not wish to have residential units on the property, expounding on Article 19 and Article 24.

Mayor Seiler recognized Kristen Maus, 1778 Marietta Drive, who spoke in opposition to this item, urging the Commission to not move forward. She stated the property has not been maintained as a first class resort and hotel by the lessee, citing this requirement in Article 19 of the lease. Ms. Maus reiterated aspects of the developer's position. She discussed the previous petitions submitted to the Commission, recommending mandating the lessee maintain the property.

***A copy of the pictures shown by Ms. Maus is attached to these minutes.***

Mayor Seiler recognized Mary Fertig, designated representative of Idlewyld Homeowners Association, who spoke in opposition to this item. She requested the Commission not approve this item, expounding on the history of the Idlewyld Neighborhood. She commented on revenue to the City, the effect of regional infrastructure upgrades, the best use of the land and how will the density and development impact the marina. She also commented on changing the principal use of the property, requiring the tenant to adhere to the principal uses in the existing lease and the effects on the Idlewyld residents, the 1995 lease renegotiated by Assistant City Attorney Bob Dunckel and discussed Article 19 and Article 26. She noted a consultant has not been hired to evaluate how the current lease works with the site plan coming before the Commission. Ms. Fertig recommended the Commission address Article 19 and Article 26 prior to taking any action, recommending this be deferred until this has been done.

***Copies of the memorandum from the City Attorney's Office and the 1995 Lease Agreement are attached to these minutes.***

Mayor Seiler recognized Craig Fisher, 200 S. Birch Road, who spoke in opposition to this item, commenting that the lessor should be contacting the lessee weekly until the lease deficiencies are remedied prior to entertaining any further construction on this property. Mr. Fisher and Mayor Seiler discussed the Boat Show's commitment and the Boat Show's Lease contingencies. Mr. Fisher recommended a thorough review of The Boat Show Lease prior to moving forward with the application.

Mayor Seiler recognized Barry Somerstein, representing the principal, who spoke in support of this item. Mr. Somerstein stated he had nothing further to say pertaining to the Commission's consideration about this item.

Mayor Seiler recognized St. George Guardabassi, 820 SE 5th Court and member of the Marine Advisory Board (MAB), who spoke in opposition to this item. He stated the MAB voted and sent a communication to the Commission requesting the Commission not approve a project until such time as a lease is secured with The Boat Show. He expressed his concerns that this project will lead to the end of The Boat Show, further expounding on his reasoning.

Mayor Seiler recognized former City Commissioner Charlotte Rodstrom, 66 Nurmi Drive, who spoke in opposition to this item. She reviewed the history of efforts and monetary offers from other developers for this property, stating the current developer is offering nothing at this time although they are requesting the same rights. Commissioner Rodstrom noted the repeated overwhelming opposition from the public on this project, questioning the Commission's resistance to voting with the public. She recommended Vice Mayor Roberts abstain from this vote.

Mayor Seiler requested City Attorney Cynthia Everett to state what is legally taking place tonight on voting for this item. Cynthia Everett referred to the legal memorandum issued on May 8, 2017, giving a review and summary. The motion before the Commission addresses the issue to authorize the tenant to submit a development application. It is not an approval of the application or whatever is contained in the application. It allows for submission to allow the development review process to start. She noted this memorandum addressed guidance with regard to the conditions of the lease about authorizations not being unreasonably withheld. City Attorney Everett continued to expound on the Memorandum, reviewing its conclusion. She recommended using the proposed language supplied to the Commission when voting on this item.

Mayor Seiler requested confirmation that the City Attorney's Office allow the applicant to submit development permit applications in accordance with the Unified Land Development Regulations (ULDR) relating to improvements to the Bahia Mar property are for the sole purpose of an application for review. Mayor Seiler asked City Attorney Everett to confirm the wording of this item's motion. City Attorney Everett confirmed stating this is the position of the City Attorney's Office.

***A copy of the proposed wording of the motion is attached to these minutes.***

Mayor Seiler recognized Robert Lochrie, Esq., representative of the applicant, who spoke in support of this item. Mr. Lochrie confirmed he did not disagree with the proposed wording of the motion, the written agreement by the applicant regarding the Commission's approach, confirming the City is not giving up any rights under the lease or under the Commission's regulator authority for the City.

In response to Mayor Seiler's question about the 30-year agreement with The Boat Show, Mr. Lochrie confirmed it is a 30-year extension and will run through 2050.

Commissioner Trantalis asked for clarification of the wording of the second page of Mr. Lochrie's Rahn Bahia Mar's letter to City Manager Feldman regarding the wording "pursuant to the lease" as it relates to Article 24 of the lease and community concerns. Mr. Lochrie confirmed that tonight they are not asking the City to give its consent through its regulatory body or through the City's landlord capacity. Further discussions continued on this issue and Article 24 of the lease, discussing objective standards of Commercial Reasonableness in the subsequent approval process.

Commissioner Trantalis expounded on the condition of the marina and the purposes for which the marina was intended to be developed pursuant to the lease. He noted the required first-class hotel and marina, asking what more can be done with the acreage to be a first-class hotel, marina and resort complex. He discussed possible ancillary uses of the acreage as noted in the lease, noting the relevance of the time in which the City prepared the lease. Commissioner Trantalis discussed his concern over neighborhood compatibility and the possibility of the process getting out of hand. He confirmed the importance of knowing the conditions prior to moving forward.

Commissioner Trantalis emphasized the need to know all the details involved in The Boat Show Agreement with Rahn Bahia Mar. He also emphasized the need to understand what is envisioned for the property, expounding on what he felt should not be built, other upland improvements, infrastructure issues, and the City owning the structures built at the expiration of the lease. Commissioner Trantalis questioned keeping the property commercially viable by making it a residential complex versus keeping as it has been over the last 30-40 years, a blighted section of the beach, as a result of the lack of exploring additional marine and hotel usage. He stated his agreement

that this property should be used for a public purpose, noting there have been no suggestions of alternative improvements for this public property. He emphasized based upon the terms of the lease, the City's ability to make changes is limited.

Mr. Lochrie discussed the work to develop The Boat Show Lease over the last 60 days, noting the Commission's contributions toward that end.

Mayor Seiler recognized Phil Purcell, CEO and President of the Marine Industries Association of South Florida (MIASF) who spoke about the long-term lease signed with Informa and Rahn Bahia Mar. He stated the Tates and their partners met The Boat Show's needs. Discussions continued on the space allotted to The Boat Show and other aspects of the lease currently and into the future. Mr. Purcell stated his comments tonight are unfettered and is speaking freely.

In response to Mayor Seiler's question, Mr. Purcell confirmed the lease works both economically and functionally and provides for the long-term sustainability of The Boat Show in Fort Lauderdale.

Commissioner Rogers stated his satisfaction with having an agreement between the lessee and The Boat Show. He noted the awkwardness of the negotiations due to the City's position as owner and lessor and commented on the history of prior proposed developers. He stated, as landlord, he did not have all the necessary information to make a decision on commercially reasonable terms, expounding on this aspect of his position and the need to know more information about the new leases and the amount of dollars it would generate. He recommended the Commission, as owners, be fully informed prior to proceeding.

Mayor Seiler confirmed his review of all documents involved in this matter, emphasizing his understanding of what this motion entails. He said this is this action allows the process to begin. Mayor Seiler discussed the positive reputation of the Tate Brothers and the economic impact of the Boat Show to both the marine industry and the local economy, expounding on the positive future impact of continuing the Boat Show. Mayor Seiler stated now he will focus on the functional details of how the Boat Show will work. He further commented on aspects of the forthcoming improvements to Bahia Mar. He confirmed he will support the submission of the application, discussing the next steps in the process.

Commissioner McKinzie confirmed that this vote only begins the process. A fair assessment of the plans for development will be made



based upon the information submitted. As a result of the Boat Show's agreement with the tenant, he supports the commencement of the process.

Commissioner Trantalis questioned if the developer has fulfilled their obligation towards infrastructure improvements and has illustrated that it is neighborhood compatible, would the Commission be able to require any other changes or improvements to the applicant's proposal. In response, City Attorney Everett stated that the project needs to be governed by the rules set by City. As such, there would be no reason not to approve the developer's proposal. Discussions continued on the proposed form of the motion, noting changes to the application will be limited if the proposed development complies with existing zoning.

Commissioner Rogers asked for clarification on page two of the memorandum in the second complete paragraph, citing case law related to changing the nature of the site plan, asking if the City has discretion in the guise of the facts of that case. City Attorney Everett stated there are two separate processes, development process approval guided by Code parameters and decisions relating to the City as the landlord. City Attorney Everett confirmed, as landlord, the City could determine that the proposed development was not commercially reasonable. City Attorney confirmed it would be legally upheld based on the referenced case law, assuming the facts fit the circumstances. Further discussions ensued on this issue.

Commissioner Trantalis discussed the tenant's property rights inhibiting the City to make changes. Mayor Seiler stated his reasoning, confirming this is why he requested the City Attorney's Office prepare a legal opinion and include statements from Mr. Lochrie and others for the record. He said this is a Site Plan Level IV that will come back to the Commission for an exhaustive review. Commissioner Rogers stated he is not comfortable until he has a full understanding of all aspects involved.

Commissioner Trantalis discussed the lease requirement in Article 19, Section 2 as to the tenant maintaining the character of Bahia Mar as a marina. City Attorney Everett stated the tenant must adhere to the requirements of the lease. Commissioner Rogers noted the need to research and investigate additional ancillary issues.

Commissioner Trantalis confirmed he would vote for this to allow him to work with members of Commission to ensure the final plan is consistent with the character of the development. He stated that if he votes "no", he cannot participate in that discussion.

Commissioner McKinzie made a motion that the City Commission authorize its tenant, Rahn Bahia Mar, LLC, to submit development permit applications in accordance with the Unified Land Development Regulations relating to improvements to the Bahia Mar Property for the sole purpose of submitting the application for review, except that such authorization shall not be considered consent by the City Commission to major alterations, changes or additions to the Leased Property as required under Article 24 of the Bahia Mar Lease nor shall it be considered approval by the City Commission of the underlying project nor proposed development or a grant to Rahn Bahia Mar, LLC of the City Commission's powers of approval over the proposed project. The motion was seconded by Commissioner Roberts.

**APPROVED**

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

**Nay:** 1 - Commissioner Rogers

**M-5**     [17-0681](#)

Motion to Terminate Lease Agreement with World Jet, Inc. - Parcel 11 ABC at Fort Lauderdale Executive Airport

City Manager Feldman stated items M-5 and M-6 are similar motions on the same topic and should be heard together. He clarified the differences between the Aviation Advisory Board's recommendation and his and Staff's recommendation. The Aviation Advisory Board is recommending the tenant, World Jet, Inc., (World Jet) be given 90 days to come into compliance and cure their defaults. Based on previous experiences with the tenant, both he and Staff recommended immediate termination of World Jet's lease.

Mayor Seiler recognized Rufus James, Executive Airport Manager, who gave an overview of the situation. He noted habitual offenses of World Jet not maintaining their property, late fees for delinquent rent, unpaid fines and the appearance of unkempt facilities. Mr. James confirmed the recommendation by Staff due to the above issues and non-compliance with the lease. He stated the Aviation Advisory Board recommended a 60-90 day extension allowing World Jet to come into compliance, expounding on World Jet's habitual behavior. In response to questions from the Vice Mayor Roberts's question, Mr. James expounded on the specific details regarding the non-compliance issues dating back to 1985.

Mayor Seiler recognized Donnie Whittinger, Secretary Treasurer of World Jet, who spoke in support of not terminating World Jet's leases. Mr. Whittinger asked that the Commission not terminate the lease and allow the Aviation Advisory Board's recommendation of a 60-90 day

extension to allow World Jet to complete work already in progress to come into compliance. He confirmed the ongoing efforts to remedy deficiencies and World Jet's commitment to working with the City to pay the outstanding fines, stating they are extremely close.

***A copy of Mr. Whittinger's statement is attached to these minutes.***

In responses to Commissioner Trantalis's question, Mr. Whittinger stated there are approximately 1,000 employees under World Jet's acreage at parcels 8 and 11 at Fort Lauderdale Executive Airport. He confirmed World Jet's parcel 10 is in compliance.

Commissioner Trantalis commented on World Jet's past non-compliance, its consequences to its employees and its future conduct. Mr. Whittinger discussed ways to give the Commission a comfort level going forward, confirming World Jet has not been in receivership for a long period of time. World Jet now has a new lender with new funding and the company is turning a profit.

Mayor Seiler gave his comments on this issue, recommending giving World Jet a 60-day extension although agreeing with Mr. James and Staff that World Jet must become a perfect tenant and become fully compliant. He stated he agreed with City Manager Feldman's decision for World Jet to pay 50 percent of the outstanding fines, stating all outstanding amounts due must be brought current.

Vice Mayor Roberts disagreed with Mayor Seiler's recommendation due to past history and Staff's recommendation. Discussions continued on the recommendations.

City Manager Feldman asked for confirmation from Mr. Whittinger that he is in agreement with the fifty percent reduction in fines. Mr. Whittinger confirmed.

Commissioner Trantalis made a motion to defer this item until August 22, 2017 and was seconded by Commissioner Rogers.

**DEFERRED to August 22, 2017**

**Aye:** 3 - Commissioner Rogers, Commissioner Trantalis and Mayor Seiler

**Nay:** 2 - Commissioner McKinzie and Vice Mayor Roberts

**M-6**     [17-0682](#)

Motion to Terminate Lease Agreement with World Jet, Inc. - Parcel 8 CE at Fort Lauderdale Executive Airport

Please see item M-5 discussions and comments.

Commissioner Trantalis made a motion to defer this item until August 22, 2017, and was seconded by Commissioner Rogers.

**DEFERRED to August 22, 2017**

**Aye:** 3 - Commissioner Rogers, Commissioner Trantalis and Mayor Seiler

**Nay:** 2 - Commissioner McKinzie and Vice Mayor Roberts

## NEIGHBOR PRESENTATIONS

NP-1 [17-0732](#) Charles King - Infrastructure

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who addressed the Commission about his infrastructure concerns. He quoted from *Sun Sentinel* articles on sewer problems and statements from the City's consultant's report on the status of infrastructure dated April 2017 .

**RECEIVED**

## RESOLUTIONS

R-1 [17-0670](#) Appointment of Board and Committee Members

Mayor Seiler said he would like to reappoint Brian Wilson as a Housing Opportunities for People With Aids (HOPWA) advocate to the Community Services Board. The Commission discussed other possible future appointments to the Board of Adjustment and the Planning and Zoning Board. Discussions ensued on moving alternates up to board vacancies versus appointing new members. Mayor Seiler asked City Attorney Everett for clarification on this issue. City Attorney Everett confirmed her previous request for the Commission to convene for a discussion on the preferred way to consistently manage Boards and Committees. The Commission discussed contacting Howard Nelson as an alternate. Commissioner Rogers also recommended John Baronco as a Planning Board member. City Clerk Modarelli confirmed William Walker would be appointed to the Marine Advisory Board at the next Regular Commission Meeting.

City Clerk Jeffrey Modarelli read the names of the appointees into the record.

***A copy of the Exhibit listing the Board and/or Committee appointments are attached to these minutes.***

Commissioner Rogers introduced the resolution that was read by title

only.

**ADOPTED**

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

**R-2**     [17-0443](#)

Resolution Approving the Notice of Intent to Transfer the City Owned Parcel located at 1504 Sistrunk Boulevard in the Northwest Progresso Flagler Heights Community Redevelopment Area to the Fort Lauderdale Community Redevelopment Agency and Setting a Public Hearing for July 11, 2017

Vice Mayor Roberts introduced this resolution that was read by title only.

**ADOPTED**

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

**R-3**     [17-0558](#)

Quasi-Judicial Resolution Approving Plat Known as "BW Cypress & Powerline Plat" located at 900 NW 62nd Street - BW Cypress Creek Powerline, LLC. - Case Number PL16007

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice Mayor Roberts. Roll call showed: AYES: Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis, and Mayor Seiler. NAYS: None.

Vice Mayor Roberts introduced the Resolution that was read by title only.

**ADOPTED**

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

**R-4**     [17-0614](#)

Quasi-Judicial Resolution Approving a Landmark Designation Commonly Known as the First Evangelical Lutheran Church of Fort

Lauderdale and the Property Listed in the Legal Description Located at 441 NE Third Avenue - HPB Case H16016

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Assistant City Attorney D'Wayne Spence confirmed for Mayor Seiler that the Public Hearing was closed at the last meeting.

Mayor Seiler confirmed, stating a decision must be now be made and this is the time for the Commission to ask questions regarding this matter.

Commissioner Trantalis asked Staff for a legal description and a footprint design of what area is being requested to be designated as historic. Anthony Fajardo, Director of Department of Sustainability, addressed the Commission confirming the developer has put together a legal description that follows the boundaries of the stone façade and includes a portion of the existing roof. The applicant for historic designation, Robin Merrill, submitted her recommendations for designation and included the original Chapel, the 1955 addition and additional land south of the property.

In response to Commissioner Trantalis's question, Mr. Fajardo explained the process for ensuring the designation of open space portions of the courtyard on the parcel as designated by the Historic Preservation Board (HPB). Mr. Fajardo confirmed the HPB meets the first Monday of every month.

In response to Mayor Seiler's question about preserving the historical façade of the building, Trisha Logan, Historic Preservation Officer and Planner with the Sustainable Development Department, stated only preserving the historical façade diminishes the integrity of the structure, recommending retaining some of the three dimensional aspects of the building rather than just the walls. Discussions continued on maintenance of the roof volume (shape). Ms. Logan gave examples, noting the building's history and maintenance. It would be the HPB's responsibility to have any intervention regarding integrating the roof volume into the historic design. Ms. Logan continued to explain how she would weigh in as a consultant with the HPB regarding assessing the project and proposal that will depend on many factors to ensure architectural integrity. Aspects of additional uses of the roof were also discussed. Mr. Fajardo explained the

process should changes be requested. Ms. Logan addressed Commissioner Rogers's questions on the stone façade pieces as noted on the Exhibits attached to the CAM, stating the stone façade is the most significant historic aspect of the building. Further discussions continued on the building's historical aspects including discussions about the stained glass windows. Ms. Logan stated the stained glass windows were not the Church's original windows. She stated the stone pieces of the Church date back farthest, to the original 1920's Saint Anthony Church that was relocated in addition to the original windows that are still intact.

In response to Commissioner Rogers's question if the appendage portion of the non-stone façade could be extracted and still maintain the integrity of the remaining portion of the structure. Commissioner McKinzie confirmed it could be in his opinion.

Mayor Seiler recognized Courtney Crush, Esq., on behalf of the Tahoe Group and designated representative of the developer, who responded to Commissioner Trantalis's question about confirming the ability to maintain open space. Ms. Crush confirmed plans to keep open space and this has been submitted as part of the formal approval process. It is on record with the City. Discussions continued on deed restrictions and agreement by the developer. Ms. Crush stated the preliminarily site plan submitted to the City has a DRC Case Number and verifies the area of open space. Discussions continued on deed restrictions for the required open space, active area and possible modifications to the windows of building in the "L" area of the current building. Ms. Crush stated she would speak with the architect on this issue to work towards giving the Commission a comfort level about the open space issue. Commissioner Rogers concurred with Commissioner Trantalis on this issue.

After conferring with the architect, Ms. Crush stated the developer could accommodate 3,000 feet, expounding on how this would be accomplished. In response to Commissioner Trantalis's question, Ms. Crush confirmed they would commit to 3,000 feet of open space south of the Sanctuary and to the north of the new structure.

Mayor Seiler recognized Jiro Yates, Architect for FSMY and on behalf of the Contract Purchaser, who explained what the 3,000 feet of open space is based upon. At the request of Commissioner Trantalis, Mr. Yates put the illustration of the site plan on the overhead projector. noting the areas for open space as lot areas 10, 11, 12 and 13. Further discussions continued on dimensions of the structure being removed in back of the stone façade on Third Avenue. Commissioner Rogers discussed designating the ground encompassing the building

without the additional structure, which would be consistent with historical designation. Further discussions continued on this issue with Bonnet House given as an example. Assistant City Attorney D'Wayne Spence clarified how the historic designation of the landmark or the landmark site will subject whatever is designated to require the issuance of a Certificate of Appropriateness for any alterations, demolition, or any new construction. Further explanations and discussions continued on the proper procedures to be followed. Mayor Seiler suggested designating the façade as historic with the requirement of 3,000 square feet of open space. Commissioner Trantalis concurred.

Mayor Seiler asked Assistant City Attorney D'Wayne Spence how this motion should be phrased. Assistant City Attorney D'Wayne Spence stated the façade should be designated as historic and the 3,000 feet of open space would be addressed in the site plan as part of the site plan review consideration. Further discussion continued on this issue. Ms. Crush stated they are in agreement on the 3,000 feet of open space. Discussions continued on the form of designation and conditions of the stained glass windows.

Commissioner Rogers introduced this resolution as amended designating of portions of the structure located at 441 Northeast 3rd Avenue, Fort Lauderdale, Florida, more particularly described in the attached Exhibit A, as a historic landmark pursuant to Section 47-24.11.B. of the ULDR of the City of Fort Lauderdale, Florida. The portions of the structure so designated are located on the property legally described as follows:

LOTS 1 THRU 7, LESS EAST 5 FEET,  
BLOCK 29, NORTH LAUDERDALE  
AMENDED PLAT, ACCORDING TO THE  
PLAT THEREOF, AS RECORDED IN PLAT  
BOOK 1, PAGE 182 OF THE PUBLIC  
RECORDS OF DADE COUNTY, FLORIDA.

Location: 441 Northeast 3rd Avenue, City of Fort Lauderdale,  
Florida

to include the following two conditions, which the developer has acknowledged:

the 3,000 square feet of open space and

the pre-1990 windows currently in possession will be returned and installed.



City Clerk Modarelli read the Resolution by title only.

**ADOPTED AS AMENDED - Adopted designation as amended**

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

## **PUBLIC HEARINGS**

**PH-1**    [17-0597](#)    Approving Proposed Annual Action Plan for Fiscal Year 2017-2018 Entitlement Grant Programs through the U.S. Department of Housing and Urban Development (HUD) - Request Deferment to June 20, 2017

City Manager Feldman requested this item be deferred to June 20, 2017.

Vice Mayor Roberts made a motion to defer this item until June 20, 2017 at 6:00 p.m. or soon thereafter. The Motion was seconded by Commissioner McKinzie.

**DEFERRED to June 20, 2017 6pm or soon thereafter**

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

**PH-2**    [17-0598](#)    Public Hearing - Community Development Block Grant (CDBG) Program Substantial Amendment

Mayor Seiler opened the public hearing.

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

Commissioner McKinzie made a motion to approve this item and was seconded by Vice Mayor Roberts.

**APPROVED**

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

## **ORDINANCE FIRST READING**

**OFR-1**    [17-0680](#)    An Ordinance Amending the Code of Ordinances by Repealing Sections Relating to the Engineering Division and Creating a Section Relating to the Appointment of the City Engineer by the City

## Manager

Mayor Seiler recognized Peter Partington, 1521 NE 53rd Street and retired former City Engineer, who spoke in opposition to this Ordinance. Mr. Partington stated he submitted an email to the Commission on this item, summarizing it for the Commission. He passed out copies to the Commission.

***A copy of Mr. Partington's email is attached to these minutes.***

Commissioner Rogers asked City Manager Feldman to reply to Mr. Partington's statements. City Manager Feldman explained how the City has been operating for the past five years and is currently operating, explaining those supervising the engineering division are professional engineers licensed in the State of Florida. He stated that this item is cleaning up the Code. A forthcoming budget amendment request will increase staff to have a professional public works engineer heading up water, wastewater, stormwater that will work together with the Department of Sustainable Development Staff to coordinate infrastructure needs. It will address the back-log as well as increased coordination between Public Works and the Department of Sustainable Development.

Commissioner Trantalis asked about the appropriateness of having an engineer under a director to allow for an independent viewpoint that may impede the legitimacy and credibility of decision making with City Staff. City Manager Feldman explained his actions in 2011 to realign and consolidate the departments from 15 down to 9.

Vice Mayor Roberts stated he would like this item deferred to address the issues raised by Mr. Partington and for a review by the City Attorney's Office.

Vice Mayor Roberts made a motion to defer this item until June 20, 2017 at 6:00 p.m. or soon thereafter. The Motion was seconded by Commissioner Rogers.

**DEFERRED to June 20, 2017 6pm or soon thereafter**

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

## **OFR-2** [17-0683](#)

Ordinance Amending Chapter 6, Animals, Article II, Dogs and Cats of the Code of Ordinances of the City of Fort Lauderdale

Mayor Seiler recognized Cathy Hartney, 1315 Park Avenue, Boca Raton, who spoke in support of this item. She discussed the issue of grandfathering in existing pet store sales of puppies, focusing on and emphasizing the problem of animal cruelty. She commented on the

need for a full ban to be enforceable and valid, requesting the Commission to pass a total prohibition.

Mayor Seiler recognized Betsey Graber, 1111 E Las Olas Boulevard, who spoke in support of this item as written and against the idea of grandfathering. She discussed pet stores not needing to sell puppy mill dogs to stay in business. She requested the Commission to do the right thing and pass this ordinance as is with no loopholes, no exceptions, and no grandfathering.

Mayor Seiler recognized Virginia Wargo, 5900 NE 14th Road, who volunteers her free time as Vice President of the Doberman Rescue League. Ms. Wargo spoke in opposition to this item. She commented on the existence, activities, and conditions at puppy mills as well as citizen's actions regarding animal cruelty. She stated grandfathering stores is a form of animal cruelty. She discussed volunteer efforts for abused and abandoned animals.

Mayor Seiler recognized Judith Werr, 91 NE 46th Street, who spoke in support of this item. She stated she supports a full ban, noting all the cities and counties in the State who have endorsed this ban, reading them for the Commission.

Mayor Seiler recognized Karen Rogger, 1121 NE 16th Terrace, who spoke in support of this ordinance as written and against allowing grandfathering in of existing stores defeats the purpose of the law. She discussed the existing successful stores that do not get their defective dogs from mass breeding farms. She requested the Commission to pass the ordinance as written with no grandfathering.

Mayor Seiler recognized Charlie King, 105 N. Victoria Park Road, who stated the Commission should not grandfather in one pet store as it would be bad public policy. There should be no loopholes in this ordinance.

Vice Mayor Roberts clarified that grandfathering in is not part of the proposed ordinance.

Mayor Seiler recognized Elizabeth Reed, 510 SE 5th Avenue and designated representative of Best Friends Animal Society, who stated they are in full support of the retail pet store sales ordinance in Fort Lauderdale as written with no exceptions. She discussed the goals of puppy and kitten mills versus responsible breeders. Ms. Reed commented on the existing USDA Federal Care Standards which do not provide for quality breeding or a high quality of life for animals, expounding on those conditions. She discussed the efforts and

benefits of adopting shelter dogs and cats to relieve the burden on pet shelters.

Mayor Seiler recognized Della Attisani, 8720 Shadow Wood Boulevard, who spoke in support of this item, confirming that in 2012 the Broward County Commission voted to become a no-kill shelter. She discussed not reaching that goal is due to the supply of ailing animals from puppy mills that are given up due to illness and the inability to afford veterinary services. She urged the Commission to support the legislation as written to achieve the goal of Broward County becoming a no-kill shelter.

Mayor Seiler recognized Milena Martinez, 915 E. Cypress Creek Road and owner of Snoopy Puppies, who spoke in opposition of this ordinance. She stated local bans have no impact on puppy mills in local jurisdictions, noting some pet stores provide families with warranty protection. Ms. Martinez discussed other ways to eliminate puppy mills, expounding on the complicated nature of the issue and regulations.

Mayor Seiler stated Cheyanna Ashley had to leave the meeting but left a copy of her correspondence with exhibits and a copy of the testimony of the Pet Industry Joint Advisory Council both dated May 2, 2017, for the record.

***A copy of Ms. Ashley's submissions to the Commission statement is attached to these minutes.***

Mayor Seiler recognized Melany Ulloa, 1731 SW 82nd Terrace, who spoke in support of this ordinance. She noted those in attendance in support of this ordinance are passionate about animals, stating this ordinance is part of the future due to the nature of puppy mills and the resulting harm to the animals and purchasers.

Mayor Seiler recognized Dawn Hanna, 2542 Whale Harbor Lane, and professional dog trainer. Ms. Hanna spoke in support of this ordinance, thanking Mayor Seiler for his responsiveness and Commissioner Rogers and Vice Mayor Roberts as well as former Commissioner Rodstrom to their efforts in her community. She discussed the County-wide need to act on this issue, stating the Commission passing this ordinance would be beneficial to residents of the City and the County. She discussed her first-hand knowledge of how the cruel and inhumane puppy mill business affects puppies and their behavior due to their inhumane business practices. She requested the Commission to support the ordinance.

Mayor Seiler recognized Roberto Stanziale, Esq., designated representative of Snoopy Puppies, who spoke on this item, confirming that Snoopy Puppies has a store in Fort Lauderdale. He expounded on the implementation of a ban that would affect his clients. He discussed bans on this issue that have been overturned in numerous locations, stating enforcing a ban would put the purchase of pedigree dogs underground and would take place on the internet, claiming the inability to regulate. He expounded on the litigation that has taken place on this issue, noting the strict monitoring that now exists in many venues. Mr. Stanziale continued his comments on his position regarding this ordinance, confirming this is a moral issue and the need for regulation. In response to Mayor Seiler's question, Mr. Stanziale discussed Snoopy Puppies date of opening, licensing, certificate of occupancy issues, and inspections. Further discussions continued on when the licensing took place. Anthony Fajardo, Director of Department of Sustainable Development, confirmed the date the license application was March 28, 2017. Mr. Stanziale stated the date of opening of Snoopy Puppies was May 7, 2017. Mayor Seiler noted the public hearing on this issue was on May 2, 2017.

Mayor Seiler recognized Fred Brodsky, 2855 NE 26th Place, who spoke in support of this ordinance. He said he was a long-term resident of Dallas, Texas, and on the Dallas Animal Shelter Commission for eight years, serving as Chairman for the last two years where the same issues existed. He discussed the insufficient number of homes for healthy companion animals despite efforts of rescue groups. Mr. Brodsky commented on the commendable job done by Broward County Animal Services with limited resources, commenting on irresponsible owners who do not spay and neuter their animals. He urged the Commission to support this ordinance.

Mayor Seiler recognized Catherine Romano, 2840 NE 37th Court, who spoke in support of this ordinance as written, noting her children are in attendance as an example and education.

Mayor Seiler recognized Marcela Zurita, 1471 SE 7th Terrace, who spoke in support of this item. She requested the Commission to support this ordinance, expounding on the many reasons to not justify animal breeding while millions of animals are euthanized annually in shelters. Ms. Zurita stated no one would oppose this ordinance if they knew the cruelty behind puppy mill breeding.

Mayor Seiler recognized Michael Tanguay, 1427 NW 5th Street, who spoke in support of this ordinance, discussing his rescues of stray animals. He noted a problem exists and the mass production of these animals adds to the problem and needs to be addressed. The

ordinance is reasonable and one of the many steps that need to be taken to address this ongoing problem in the County and across the nation.

Mayor Seiler recognized David Feldman, 1311 NW 2nd Street, who spoke in support of this item. Mr. Feldman stated he is opposed to the puppy mill stores, stating over 3,000,000 animals per year are destroyed in local shelters throughout the country, citing 50,000 -60,000 animals were killed in the tri-county area due to a lack of homes. He discussed veterinarians who earn significant amounts of money from treating sick animals produced by puppy mill stores. Mr. Feldman also commented on the puppy mill store claiming financial hardship, stating this type of business encourages impulse purchases, recommending they convert to offering adoptable animals from shelters.

Mayor Seiler recognized Pamela Robb, 1507 NE 18th Street and a Florida teacher for over 40 years, who spoke in support of this item, stating her appreciation of seeing the students present address this issue. She emphasized this is a critical issue and the attendees wearing red work hands-on with dogs. She said her organization had rescued 3,682 dogs over the last five years. Rescue organizations do not need additional dogs from puppy mills which do not practice ethical standards. Ms. Robb thanked the Commission for addressing this issue.

Mayor Seiler recognized Bob Lubarsky, 416 NE 28th Street, Wilton Manors, who spoke in support of this item. He stated his concern over a puppy store opened in Wilton Manors that lead to series of protests against that puppy store. Mr. Lubarsky expounded on his meeting with the owner regarding puppy mills, commercial breeders and other experiences he has had on this issue. He likened these types of businesses to the slave trade.

Mayor Seiler recognized Stacy Tollackson, 3343 NE 40th Street, who spoke in support of this item, stating she is also a rescues dogs from shelters and the streets. Her non-profit organization entitled Good Karma currently has over 50 dogs in its care, from small breed puppies to large breed adults both pure and mixed breed. She discussed details of their work to on get these dogs healthy and placing them in screened homes. Ms. Tollackson also commented on the impulse purchasing decisions of people who purchase from pet stores who do not consider the source of the puppies and their irresponsible care. Ms. Tollackson requested the Commission pass a full ban.

Mayor Seiler recognized Courtney Crush, 333 E. New River Drive, who spoke in support of this item, stating South Florida has an epidemic of stray, unwanted animals some of whom come from breeders and puppy mills. The lack of the ability of government to control and regulate puppy mills has unintended consequences. This ordinance stops a problem based on facts, stating the profit margins in puppy mills create abuse. Ms. Crush urged the Commission to support this ordinance as written.

Mayor Seiler recognized Sarah Silverlight, 398 E. Dania Beach Boulevard, who spoke in support of the ordinance, commenting on the puppy mill store trying to be grandfathered. She requested the Commission vote in favor of this ordinance.

Mayor Seiler recognized Courtney Grooms, 408 NE 6th Street, who spoke in support of this item, noting her extensive rescue group volunteering in many areas of the country. Ms. Grooms encouraged the Commission to support the ordinance as written.

Mayor Seiler recognized Candace Hillier, 1529 NE 17th Avenue, who stated she works with Labrador Rescue and is in support of this item. If there are people who want to have a particular breed dog, there are many breed-specific rescue organizations, ones for almost every existing breed. This negates the need to go to pet stores. The City would be much more progressive in voting for this ordinance.

Mayor Seiler recognized Summer Dombrowski, 408 NE 6th Street, who spoke in support of this item. In addition to those in attendance wearing red in support of this ordinance, thousands work behind the scenes. These people have dedicated their lives to these animals and to stop the cause of these issues. She urged the Commission to see for themselves those happy, healthy dogs which are put down due to lack of space. She urged the Commission to adopt this ordinance to and continue to assist those in the community working hard to help these animals

Mayor Seiler recognized Chelsea Krebs, 1548 SE 12th Court, who spoke in support of this ordinance with no exceptions. Requiring pet stores to adopt out local shelter dogs would not hurt businesses economically. Ms. Krebs stated local pet stores such as Pet Smart already use this method, giving shelter animals homes, reducing overcrowding and reducing euthanasia. This ordinance would lead to the elimination of the suffering of animals in puppy mills. She urged the Commission to support this ordinance as written.

Mayor Seiler recognized Sabrina Stark, 1501 Cayman Way, who

spoke in support of this ordinance, noting her experience with purchasing a dog from a pet store before knowing the history and background of puppy mill dogs sold at pet stores. Ms. Stark discussed profit being the motivator for pet stores selling puppy mill and breeder dogs, discussing the conditions endured before being sold. She asked the Commission to adopt the ordinance as written.

Mayor Seiler recognized Joan Stark, 1501 Cayman Way, who spoke in support of this item urging the Commission to adopt the ordinance as written. Ms. Stark reiterated and further described Sabrina Stark's comments regarding purchasing a defective dog from a pet store and its many health conditions. This experience opened her eyes to the ills surrounding the puppy mill business, stating there is no need for them in society.

Mayor Seiler recognized Kosh, 2180 NE 62nd Street, who spoke in support of the Commission adopting this item. She commented on the abuse of a dog and her puppies, discussing the consumers who spend large amounts of money to purchase puppy mill dogs and their emotional attachment to these animals. Kosh also discussed the veterinary bills incurred by purchasers of these unhealthy dogs. Kosh further described other abusive behavior.

Mayor Seiler recognized Stuart Dodd, 232 Imperial Lane and retired Commissioner from Lauderdale by the Sea, who spoke in support of this item, urging the Commission to vote to ban the sale of puppies in any pet shop. He commented on the research he has done on the deplorable conditions under which these puppies are raised. He requested the Commission to adopt this ordinance.

Mayor Seiler recognized Fran and Joe Badlotto, 11181 NW 46th Drive, who spoke in support of this item. Fran Badlotto showed information about the new pet store opened in the City, Snoopy Puppies. Ms. Badlotto showed slides of pictures taken on May 23, 2017. She expounded on the operations of the Puppy Travelers and the stores in Florida to which they deliver puppies. She also stated that Snoopy Puppies also sells on Craig's List, expounding on their other marketing activities.

***A copy of the pictures provided by Ms. Badlotto is attached to these minutes.***

Mayor Seiler recognized Lorraine Saunders, 1735 NW 7th Avenue, who spoke in support of this item, commenting on a previous a statement that not allowing retail operations will push the sale of puppy mill puppies underground, on the internet. Ms. Saunders also



commented on the puppy lemon law and an owner's inability to give up their puppy. She noted there is no need for a puppy store to sell puppy mill puppies due to the availability of dogs from shelters and rescue groups.

Mayor Seiler recognized Jeffrey Cummings, 3220 NW 66th Street, who spoke in support of this ordinance as written to ban the sale of puppies in the City.

Mayor Seiler recognized Don Anthony, 141 N. Federal Highway and Communications Director for the Animal Rights Foundation in Fort Lauderdale, who spoke in support of this ordinance as written. He stated the source of almost every animal in any pet shop is a forced breeding farm, confirming that Googling of "puppy mills" illustrates the inhumane conditions under which puppies are bred and endure. Mr. Anthony further expounded on the neglect and abuse of these animals that cause the purchasers/owners to incur thousands of dollars in veterinary bills. He expounded on ways to get breed specific animals without purchasing them from pet stores. Mr. Anthony stated adopting this ordinance would set a significant precedent due to the Fort Lauderdale being known all over the world, asking the Commission to pass this ordinance unanimously.

Mayor Seiler recognized Dr. Donna Watson, President of Dr. Donna's Pet Foundation, a non-profit organization dedicated to assuring animal rights and animal welfare. Dr. Watson spoke in support of the adoption of this ordinance, stating she initiated this ordinance by working with Commissioner Trantalis in December 2016, expounding on the details of her work with Commissioner Trantalis and thanking him for his efforts on behalf of human rights and animal rights. She thanked the Commission for taking the time to understand the issue. To date, over 230 localities have enacted ordinances banning pet stores from selling commercially raised puppies including 50 in the State of Florida. She requested the Commission vote for the full and total sales ban, with no grandfathering and recommending Snoopy Dogs pet store to encourage the adoption of healthy shelter animals and dogs from rescue organizations to have a successful business.

Mayor Seiler recognized Jamie Katz, 250 Harmon Avenue, who spoke in support of this ordinance as written. Ms. Katz discussed her first-hand experience of the behind the scenes horror stories as a result of her employment at a pet store, expounding on the conditions of the puppies.

Mayor Seiler recognized Ana Campos, 3908 NE 22nd Avenue, who spoke in support of this ordinance. Ms. Campos thanked Mayor Seiler

and the Commission for all their work with the community and their research on this issue.

Mayor Seiler recognized Michele Lazarow, 2621 NE 10th Street, who spoke in support of this item confirming her first communication on this issue to the Commission in 2014. Ms. Lazarow thanked the Commission for addressing this issue. The Commission's action on this ordinance will have an impact on the Second Reading vote in Miami and hopes this Commission will move forward with a unanimous vote to adopt this ordinance as written. Ms. Lazarow discussed actions in Palm Beach County on this issue and subsequent litigation, noting courts have ruled consistently in favor of animal advocates in both Federal and State Courts. She commented on the impact of these ordinances that resulted in the closing of puppy mill operations in Iowa. She encouraged pet stores to sell healthy animals and dogs that are not sourced from puppy mills to have a successful business. This ordinance is to protect consumers and puppies, not the businesses. Ms. Lazarow asked the Commission to adopt this ordinance.

Mayor Seiler recognized Debbie Dinna, 2609 NE14th Avenue, who spoke in support of this item.

Mayor Seiler recognized Karen Sand, 824 NE 16th Avenue, who spoke in support of this item, confirming her involvement with animal rescue shelter facilities since 1992 and is an animal advocate, expounding on her experiences and citing examples. Ms. Sand said she is in support of this ordinance as written, against grandfathering and stated it will make a difference. She encouraged the City to be part of the solution, encouraging the Commission to respond in the right manner.

Mayor Seiler recognized Gracie Mulligan, 8892 Sandy Crest Lane, who spoke in support of this item, stating when not working she dedicates all of her time to animal rescue. She stated pedigree dogs are available through rescue organizations, expounding on a recent experience of rescuing puppies from a breeder. Ms. Mulligan stated those who participate in animal rescue are the voices for abused animals. She also commented on her dog formerly used for breeding which she rescued. Ms. Mulligan requested the Commission to do the right thing.

Commissioner Trantalis introduced this Ordinance on First Reading and was read by title only.

**PASSED FIRST READING**

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

**OFR-3** [17-0713](#)

An Ordinance Amending Schedule I of the Pay Plan of the City of Fort Lauderdale by Deleting the City Engineer Class

Commissioner Trantalis made a motion to defer this item until June 20, 2017 at 6:00 p.m. or soon thereafter. The Motion was seconded by Commissioner McKinzie.

**DEFERRED to June 20, 2017 6pm or soon thereafter**

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

**OFR-4** [17-0669](#)

Ordinance Amending Section 28-209 of the Code of Ordinances Pertaining to Sewer Pretreatment Facility Requirements

Commissioner Trantalis introduced this Ordinance of First Reading and was read by title only.

**PASSED FIRST READING**

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

**ORDINANCE SECOND READING**

**OSR-1** [17-0676](#)

Ordinance amending Schedule VI, Special Employees, of the Pay Plan of the City of Fort Lauderdale, Florida, by replacing Schedules VI and VI(b) with a consolidated Schedule VI containing a pay range schedule, amending Schedule I of the Pay Plan of the City of Fort Lauderdale, Florida, by creating and adding one class and amending three classes, and amending Section 20-83 of the Code of Ordinances of the City of Fort Lauderdale, Florida, by designating one class as an Administrative Assistant to the City Manager and revising the titles of two classes that were previously designated as Administrative Assistants to the City Manager

Vice Mayor Roberts introduced this Ordinance on Second Reading that was read by title only.

**ADOPTED ON SECOND READING**

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

**OSR-2** [17-0675](#)

Quasi-Judicial - Ordinance - Rezone of 2.57 Acres from General Industrial (I) to General Business District (B-2) through the Use of the Commercial Flexibility Rule - "Wawa and Chick-fil-A" - BW

Cypress Creek Powerline, LLC. - 900 NW 62 Street - Case ZR16001

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Roberts made a motion to close the public hearing, which was seconded by Commissioner Trantalis. Roll call showed: AYES: Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis discussed Chick-Fil-A's employment practices with their representatives, noting his disappointment that they are not complying with his expectations on a national level. Commissioner Trantalis confirmed that although Chick-Fil-A would comply with local ordinances regarding employment practices, he would vote against this Ordinance due to their national policy on this issue.

Commissioner Rogers introduced this Ordinance on Second Reading and was read by title only.

**ADOPTED ON SECOND READING**

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

**Nay:** 1 - Commissioner Trantalis

## CITY MANAGER REPORTS

[17-0712](#)

Resolution Providing for a Merit Salary Increase for City Manager Lee R. Feldman, Effective June 13, 2017

City Manager Feldman stated this item is about his annual review to determine an adjustment to his compensation.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue, who commented City Manager Feldman has done an excellent job, expounding on his reasoning and noting issues relating to taxes. He noted the ease of communicating with City Manager Feldman and his Staff, commenting on City Manager Feldman's position as President of the International City/County Management Association (ICMA).

Mayor Seiler recognized, Charles King, 105 N. Victoria Park Road, who spoke in opposition to this item. Mr. King commented on recent actions by City Manager Feldman, noting the impact on the upcoming election. Mr. King expressed concern about the management of the City and communications to all Commissioners.

In response to Commissioner Trantalis's question, City Manager Feldman stated he is paid \$315,000 annually, including salary and all benefits. Commissioner Trantalis commented on City Manager's attendance this year and prior years, stating he did not feel the City is receiving full value for the amount that is being paid. Commissioner Trantalis commented on aspects of his view of City Manager Feldman's performance, giving examples.

Vice Mayor Roberts disagreed with Commissioner Trantalis's comments, noting the need for the Commission to present the City Manager with a consensus and a solid direction, citing examples. Vice Mayor Roberts also commented on City Manager Feldman's salary that is similar to or less than other municipalities in the area. He also commented the need for City Manager Feldman to delegate and his management of the City during the financial crisis of 2009, noting examples of his attributes. Further discussions and comments ensued. Vice Mayor Roberts gave City Manager Feldman a high grade for his performance.

Commissioner Rogers gave his comments on City Manager Feldman's performance, noting it is based on the Commission's direction, five bosses and other circumstances involved in running the City. Discussions continued on City Manager Feldman's participation with the ICMA. Further discussions continued on this topic.

Commissioner McKinzie stated his satisfaction with the direction District III has taken with the assistance of City Manager Feldman as well as the City overall.

Mayor Seiler commented on City Manager Feldman's leave, noting City Manager Feldman's reachability and immediate responsiveness when he is out of town. Mayor Seiler commented on City Manager Feldman's outstanding performance despite his participation in the ICMA.

Commissioner McKinzie introduced this Resolution that was read by title only.

**ADOPTED AS AMENDED - 3% salary increase**

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

**Nay:** 1 - Commissioner Trantalis

**ADJOURNMENT**

There being no further business before the City Commission at the Regular Meeting of June 6, 2017, Mayor Seiler adjourned the meeting at 11:59 p.m.

\_\_\_\_\_  
John P. "Jack" Seiler  
Mayor

ATTEST:

\_\_\_\_\_  
Jeffrey A. Modarelli  
City Clerk