

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, November 19, 2013

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
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

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 6:04 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Romney Rogers

Absent: 1 – Commissioner Bobby B. DuBose

Also Present: City Manager, Lee R. Feldman; City Auditor, John Herbst; City Clerk, Jonda K. Joseph; City Attorney, Cynthia A. Everett; Sergeant At Arms, Sergeant Tim McCarthy (6:00 p.m.), Acting Sergeant Karl Robertson (10:30 p.m.) and Sergeant Jose Gonzales (1:50 a.m.)

Vote Roll Call Order for this Meeting

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

Invocation

Chaplain Luke Harrigan, Fort Lauderdale Police Chaplain Corps

Pledge of Allegiance

Led by Brian Leary

Approval of MINUTES and Agenda

13-1541 APPROVAL OF MINUTES for August 26, 2013 Joint Workshop with Budget Advisory Board, September 17, 2013 Conference Meeting, October 1, 2013 and October 15, 2013 Regular Meetings

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

APPROVED

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

PRESENTATIONS

13-1578 WALK-ON PRESENTATION – SHIRLEY STONE

Commissioner Rogers presented a proclamation to Shirley Stone in honor of her 95th birthday. She received a standing ovation. Stone thanked the Commission for the tribute.

PRES-1 13-1429 2013 GREEN YOUR ROUTINE GRANT AWARDS

Assistant Public Works Director Julie Leonard presented the 2013 Green Your Routine Awards, which recognize neighborhood association volunteers who are committed to protecting the environment. They participated in recycling education, urban forestry and sustainable living practices. Volunteers from 24 Fort Lauderdale neighborhoods earned grant funding totaling \$18,083.75. Representatives from Poinciana Park, Galt Mile, Melrose Park, Rock Island, Dorsey Riverbend, The Landings, Lauderdale Manors, South Middle River, Lauderdale Harbours, River Oaks, Riverside Park, Tarpon River, Lake Ridge, Poinsettia Heights, Middle River Terrace, Croissant Park, Harbordale, Shady Banks, Imperial Point and Coral Ridge neighborhoods were recognized and presented with checks.

PRES-2 13-1475 COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT II

Commissioner Trantalis presented a WOW Award to Michael and Marjorie Wilson for beautification efforts at their home in the Seven Isles neighborhood. Michael Wilson thanked the Commission for the honor.

PRES-3 13-1538 RECOGNITION OF SHEVAUGH VEZNON, JOHN CACCIATO, DONALD CLARKE, LENS LUBIN AND RAKEEM JOHNSON - GOING BEYOND THEIR CIVIC DUTY BY PLACING THE WELL-BEING OF ANOTHER AHEAD OF THEIR OWN PERSONAL SAFETY

RESCHEDULED TO DECEMBER 3, 2013

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

Motion made by Vice-Mayor Roberts and seconded by Commissioner Trantalis that Consent Agenda Items M-7, M-13 and PUR-11 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

APPROVED

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

M-1 13-1451 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Home for the Holidays and 2nd Annual Gospel Explosion.

APPROVED

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

M-2 13-1450 EVENT AGREEMENTS: 1) North Beach Village Winterfest Boat Parade Event, 2) A Toast to Your Health, 3) Rio Vista Holiday Party and 4) Chanukah on Las Olas.

APPROVED

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

M-3 13-1398 AGREEMENT WITH GREATER FORT LAUDERDALE SISTER CITIES INTERNATIONAL, INC. - 2014 annual funding allocation

APPROVED

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

M-4 13-1387 CRIME (EMPLOYEE FIDELITY) INSURANCE - use of the negotiation method to obtain insurance premium quotes

APPROVED

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

M-5 13-1376 AGREEMENT FOR 2014 RIVERWALK EVENTS -Riverwalk Fort Lauderdale, Inc.

APPROVED

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

M-6 13-1397 AGREEMENT FOR USE OF DOCKAGE ALONG SOUTH SIDE OF NEW RIVER AND WEST OF ANDREWS AVENUE BRIDGE - Apex Marine, LLC - December 1, 2013 through November 30, 2014 and authorize City Manager to execute on behalf of City

APPROVED

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

M-7 13-1558 BROWARD COUNTY COLLABORATIVE AGREEMENT ON SCHOOL DISCIPLINE

Vice-Mayor Roberts said he supports this program but has concerns about liability that may arise from police actions. The intent is to allow police discretion when responding to incidents, but a step-by-step process is outlined on how to avoid making arrests in the case of a misdemeanor offense. If, for example, a large fight broke out at an event, an officer could have to respond swiftly, separate people and handcuff them to control the situation. That could create a misunderstanding and give the appearance of a false arrest. Just because someone is handcuffed does not mean they will not later be released. Assistant City Attorney Brad Weissman explained that Section 2.05 of the agreement (Exhibit 1 to Commission Agenda Memorandum 13-1558) outlines that no part of the policy should interfere with an officer being able to exercise discretion. In the event that individuals are detained and released, the officer and the City would be protected from any liability as long as the officer had probable cause to detain the individual at that time. The City Attorney later agreed with Weissman concerning officer discretion and that it would not increase the City's liability.

In response to Commissioner Trantalis, Police Chief Frank Adderley said the School Board will make the determination whether rehabilitation, counseling or punishment is warranted for an offense. The program includes counseling sessions with the parents and students. Although the agreement calls for

the school to be responsible for record-keeping, the City will also keep a record of its responses to school offenses.

It was confirmed for Mayor Seiler that the Public Defender's Office was involved in negotiating this agreement.

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

APPROVED

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

- M-8 13-1384** WORK AUTHORIZATION 4 – NEW SANITARY SEWER LATERAL AND POINT REPAIR TO GRAVITY MAIN - \$67,862 – Annual Utilities Restoration Contract with Molloy

APPROVED

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

- M-9 13-1400** WORK ORDERS FOR SIDEWALK, ASPHALT AND PAVER BRICK RESTORATION, CONCRETE REPLACEMENT, CONCRETE BORDER AND ROADWAY WIDENING - \$69,124 - Nos. 18, 22, 24, 25, 26, 27, 28 and 29 under Annual Concrete and Brick Pavers Contract with Straightline Engineering Group, LLC - City Park Garage, South Middle River, NE 26 Terrace, Guthrie Blake Park, Walker Elementary School, Stranahan Park and other locations citywide

APPROVED

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

- M-10 13-1428** WORK ORDER 1 - BUOY INSTALLATION AND IMPROVEMENTS IN ATLANTIC OCEAN - American Underwater Contractors, Inc. under Annual Ocean Regulatory Buoys Contract - \$42,996.61

APPROVED

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

- M-11 13-1457** WORK ORDERS 4, 5, 6, 7 and 8 - MARINE FACILITIES MAINTENANCE - Engineer Control Systems Corporation under annual contract for repair to seawalls, walkways, dolphin piles, fixed and floating docks - \$394,960.12

REMOVED FROM AGENDA

- M-12 13-1525** WORK ORDER 1 - \$45,179.20 AND WORK ORDER 2 - \$21,805.70 under American with Disabilities Act (ADA) Modifications and General

Right-of-Way Improvements Contract with Sun-Up Enterprises, Inc. - Crossroads Shopping Center and Las Olas Boulevard and SE 13 Avenue - contingent upon approval of related change order (CAM 13-1526)

APPROVED

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

M-13 13-1526 Change Order 1 - AMERICANS WITH DISABILITIES ACT MODIFICATIONS AND GENERAL RIGHT OF WAY IMPROVEMENTS - Sun-Up Enterprises, Inc. - \$24,636 - Las Olas Boulevard and SE 13 Avenue Crosswalk Improvements

Mary Fertig, 511 Poinciana Drive, wanted to make sure the City will continue to engage the public on this topic generally. There is concern that the study was conducted over the summer when there is less traffic and that it did not use countywide traffic counts or involve the public.

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

APPROVED

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

M-14 13-1488 CHANGE ORDER 3 (FINAL) - RIVERLAND AREA SANITARY SEWER AND WATER MAIN IMPROVEMENTS - Gonzalez & Sons Equipment, Inc. - credit of \$209,578.39

APPROVED

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

M-15 13-1427 CHANGE ORDER 1 - FLORENCE C. HARDY PARK - MBR Construction, Inc., - \$35,204.30 and 0 work days - LED lighting upgrades as a result of grant award

APPROVED

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

CONSENT RESOLUTION

CR-113-1418 FINAL CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2013 BUDGET – APPROPRIATION

ADOPTED

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

CR-2 13-0996 GRANT ACCEPTANCE AND AGREEMENTS FOR TRANSIT

CORRIDOR PROGRAM - EXPANSION OF COMMUNITY BUS
SERVICE SUN TROLLEY DOWNTOWN LINK ROUTE - Florida
Department of Transportation - \$432,680

ADOPTED

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

CR-3 13-1007 GRANT APPLICATION, ACCEPTANCE AND AGREEMENT FOR
EXPANSION OF COMMUNITY BUS SERVICE SUN TROLLEY
BEACH LINK ROUTE - Florida Department of Transportation -
\$165,560 - local match of \$165,560 annually for two years to be
funded by Downtown Fort Lauderdale Transportation Management
Association

ADOPTED

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

CR-4 13-1448 GRANT ACCEPTANCE AND AGREEMENT FOR TRANSIT
CORRIDOR PROGRAM - CREATION OF NEW COMMUNITY BUS
SERVICE UPTOWN LINK ROUTE - Florida Department of
Transportation - \$181,773 - contingent upon agreement with South
Florida Regional Transportation Authority relating to route vehicles

ADOPTED

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

PURCHASING AGENDA

PUR-1 13-1319 PROPRIETARY PURCHASE - ANNUAL MAINTENANCE AND
SUPPORT CONTRACT FOR 800 MHz PUBLIC SAFETY RADIO
SYSTEM in estimated not to exceed amount of \$408,780 from
Motorola Solutions, Inc.

APPROVED

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

PUR-2 13-1430 PROPRIETARY PURCHASE - CONSULTING SERVICES FOR
FIRE-RESCUE DEPARTMENT ACCREDITATION in the amount of
\$59,500 from Center for Public Safety Excellence, Inc.

APPROVED

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

PUR-3 13-1442 PROPRIETARY PURCHASE - WATER DISTRIBUTION AND

WASTEWATER COLLECTION SYSTEM INFRASTRUCTURE AND TREATMENT FACILITIES on an as-needed basis from Eastern Elevator Service, Inc. and Pantropic Power, Inc.

REMOVED FROM AGENDA

PUR-4 13-1325 ONE-YEAR CONTRACT FOR HOUSEHOLD HAZARDOUS WASTE SERVICES in estimated not to exceed amount of \$100,000 from Clean Harbors Environmental Services, Inc. - Co-Op Contract 07-31-13-10 and interlocal agreement with participating communities

APPROVED

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

PUR-5 13-1368 ONE-YEAR CONTRACT FOR DISPOSAL OF CONSTRUCTION DEBRIS in estimated amount of \$194,640 from Southern Waste Systems

APPROVED

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

PUR-6 13-1375 CONTRACT FOR EXECUTIVE AIRPORT TAXIWAY GOLF RELOCATION PHASE 1 - in the amount of \$1,464,648.40 from MBR Construction, Inc.

APPROVED

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

PUR-7 13-1402 PURCHASE OF CITYWIDE HIGH SPEED WIRELESS DATA SERVICES in the amount of \$418,555 from Verizon Wireless Personal Communications LP

APPROVED

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

PUR-8 13-1403 PURCHASE OF COMPUTER HARDWARE, SOFTWARE ADDITIONS AND REPLACEMENTS AND SOFTWARE LICENSES in estimated not to exceed amount of \$1,448,480 from Dell Marketing Corporation and SHI International Corporation

APPROVED

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

PUR-9 13-1513 PURCHASE OF COMPUTER SOFTWARE, HARDWARE AND SERVICES FOR BROWARD COUNTY REGIONAL CONSOLIDATED

DISPATCH AND RECORDS MANAGEMENT SYSTEMS in estimated amount of \$1,950,371 from SunGard Public Sector, Inc. (proprietary), Motorola Solutions, Inc. (proprietary), Computer Systems Support, Inc., SHI International Corporation, Syscom Technologies, Inc., CDW Government, LLC and Control Communications

APPROVED

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

PUR-10 13-1441 TWO-YEAR CONTRACT FOR SLUDGE DISPOSAL SERVICES in estimated amount of \$5,112,000 from Biosolids Distribution Services, LLC and authorize City Manager to approve two, one-year renewal options contingent upon appropriation of funds

APPROVED

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

PUR-11 13-1449 FIVE-YEAR CONTRACT FOR SOLID WASTE COLLECTION SERVICES in estimated total amount of \$23,521,209.60 (\$4,704,241.92 annually) from Red RiverWaste Solutions, L.P. and authorize City Manager to approve two, five-year renewal options contingent upon appropriation of funds

The City Manager noted that a difference of opinion has surfaced regarding the methodology of a calculation in staff's analysis, specifically, the franchise fee. The Commission Agenda Memorandum (13-1449) calculated the franchise fee on the gross amount of the invoice and then charging 23 percent. That is a critical factor in determining the net cost to the City, which is the cost of providing the sanitation service less certain savings such as rebates. Staff learned yesterday that the recommended vendor, Red River Waste Solutions calculated the franchise fee in a different way. When calculated using Red River's methodology, the net cost changes. The second bidder, Republic Services, used the same methodology as staff. The question is therefore who is the ultimate low bidder based upon net cost. Under City code, the City collects a franchise fee of 23 percent. The code states that the franchise fee should be collected based on gross receipts. When the franchise fee is delineated as a separate line item, it is not to be included in the calculation. When drafting the bid specifications and during the pre-bid meeting, it was staff's clear intent that this would be a gross, non-delineated figure, in which 23 percent of the franchise fee would be applied.

Attorney Hope Calhoun of Becker & Poliakoff Legal and Business Strategists, representing Red River Waste Solutions, said Red River became aware of this matter on Friday afternoon and contacted the City with their concern on Monday. The City Manager requested clarification that it is the intent of Red River to delineate the franchise fee as a separate line item on the invoice and therefore not pay the franchise fee on top of the gross. David Cooper, vice-president of business development for R&R, said the franchise fee is not a separate cost. It was blended into the unit price as called for in the bid documents. They are planning to invoice one general number.

Attorney Matt Morrall of Matthew E. Morrall P.A., representing Republic Services, said Republic's interpretation matches that of the City. It is a gross franchise fee. It was set forth in the pre-bid meeting and the response to Question 29.

The City Manager explained that the net cost to the City is different than what was presented in Commission Agenda Memorandum 13-1449. The net cost to the City for Red River would be \$3,731,918.18 based on their calculation of the franchise fee. Republic Services' net cost is a lower figure of \$3,617,843.65. Staff's recommendation was based on net cost to the City, and the calculation dispute puts the staff recommendation in a different position. The recommendation is still to award to the party with the lowest net cost, which now appears to be Republic Services. He confirmed for Mayor Seiler that the original recommendation was to award to the low bidder, Red River, with a net cost of \$3.513 million. The dispute brought to light the fact that Red River's net cost is actually \$3.731 million.

The City Auditor explained that the City's code permits two methodologies for the calculation: it can be a lump sum billing. If specific charges are delineated and the franchise fee is delineated as one of those charges, it is not part of the gross invoice. If it is lumped together, it is included as a cost of doing business. It is up to the vendor to determine their billing method. The City Manager advised R&R's methodology is on the gross amount and therefore 23 percent on the gross. The City Auditor indicated it would be 23 percent on the gross inclusive of the franchise fee.

Mayor Seiler opened the floor for public comment.

Cooper said he believes Red River abided by the bid requirements. He provided some background on Red River's history. Red River feels confident that it is still the lowest bidder, the most responsive, qualified and ready to perform. Red River will be ready to provide the service beginning on February 1, 2014. He felt the City Attorney's Office should weigh in to make sure the decision made is a good one. The franchise fee in their bid is a reduced cost to the taxpayers compared to Republic's \$1 million. Red River is confident that their interpretation is fair and based upon the City ordinance. In response to City Manager, Cooper said if the award is made tonight or on December 17, the service can be provided beginning February 1, 2014.

Attorney William Cea of Becker & Poliakoff Legal and Business Strategists, representing Red River Waste Solutions, said Red River has a strong concern about the procedure and the need to follow the process as it has been outlined. More than a month ago, the City posted its recommended award to Red River. The other vendors had five days to challenge it. Pricing was set forth in the bid tabulation, and it followed the answer to the question that bidders posed in October. The bid should be awarded to Red River. If the City is inclined to make a change, Red River requests that the process be followed and there be a new recommendation. The other bidders had a chance to review the recommended award and protest it. Within the last 24 hours or so, Red River has attempted to assess facts that are different than their original understanding of the bid and the recommended award. The question posed to City staff was, "Should franchise fees of 23 percent be added to the unit price quotes on Page 2 of the bid?" The answer was for bidders to "consider all expenses, including franchise fees, in their calculations used to arrive at the proposed unit rate. The City franchise fee should be viewed as an expected cost and incorporated into that unit rate. Any invoicing received by the City from the awarded contractor must not include the franchise fee as a line item. The City will calculate franchise fees owed and payable by the contractor as 23 percent of the total invoice amount billed by the City."

Cea went on to say that bidders were told to provide unit pricing with the franchise fee included which Red River did. Red River's annual price was \$4.704 million, and Republic Services' annual price was \$4.842 million. When the City Manager's memorandum was released, they learned that instead of the franchise fee being part of the defined unit price, it was in addition to that \$4.7 million which is not what was instructed in Question 29. Red River was the lowest and responsive bidder. Red River understood that they would bill for the service based upon the cost, and then pay the 23 percent addition to that

cost and it would be separated out during implementation of the project. There was an apples-to-apples analysis of \$4.7 (million) versus \$4.8 (million). Red River has been the recommended awardee for the past month. Now by virtue of raising the question, they are concerned that the other bidder is now providing new or different numbers. It appears that as recent as yesterday Republic submitted \$1.1 million which is actually about 29 percent of their cost. Republic should not be permitted to change pricing or be positioned to become the recommended awardee by not following the process, that is, a different type of analysis is being applied, and information is being submitted after Red River pricing was known. Red River has not had any procedural opportunity to challenge any change in the recommendation.

In response to the City Manager, Cooper said Red River did not attend the pre-bid meeting and did not question the response to Question 29. They were aware they had the ability to ask questions and that there was a deadline for questions. They submitted questions. Cea interjected that Red River followed the instructions on calculations in the answer to Question 29 and consequently did not believe they needed further clarification. They do not intend to delineate the franchise fee as a separate line item on the invoice.

Commissioner Rogers understood from the bid documents that a contractor could pay a franchise fee on a franchise fee. As such, he did not understand why Red River did not seek clarification. Cea explained that the award recommendation documentation only contained gross amounts. Red River did not know until they saw the City Manager's memo on Friday afternoon that 23 percent should be added to the gross number and therefore be a tax on a tax. Commissioner Rogers felt it is clear in the answer to Question 29 that this is what the City would do. The City Auditor did not believe there is such a prohibition in the City's code. It is not a tax, but rather a franchise fee. City code permits charging a franchise fee on all costs inclusive of a franchise fee or to specifically delineate the cost. Cooper discussed the City's commercial hauler billing where there is a separate line item for a franchise fee. In this case, however, the City wants it blended into the expense and unit price. He felt this is where the confusion occurred.

Morrall provided some background on Republic Services' history in Florida. The calculation methodology was discussed in the pre-bid meeting. He pointed out that the language says that franchise fees should not be included as a line item. Republic was aware of the City's ordinance that changed the percentage from 17 to 23. The next line in the language says to calculate the franchise fee owed and payable by the contractor as 23 percent of the total invoice amount billed to the City. Red River contends that this is an added cost. Calculating it either way, Republic's bid is still lower than Red River's. Red River is a Texas-based company that misinterpreted how the service was to be provided. Republic, which has been in Fort Lauderdale and provided the service, interpreted the language the same way the City did. That is why Republic did not protest. Republic is the lowest responsive and qualified bidder. In response to the City Manager, Morrall said Republic could provide the service if the bid is awarded on December 3 or December 17. He attended the pre-bid conference. Republic submitted questions. They did not believe clarification was warranted on the answer to Question 29.

There was no one else wishing to speak.

Mayor Seiler said he is prepared to support staff's recommendation, regardless of which company it recommends. The protest period has expired, however, it appears there was confusion as to whether a protest was necessary. Commissioner Rogers believed it was incumbent upon the bidders to ask questions and be clear as to their understanding. On the other hand, if staff's recommendation did not include the franchise fee add-on language interpretation until Monday, he would question the timing.

The City Manager noted that from the day bids were opened, the franchise fee was calculated the same way it was presented tonight. It has always been a factor in determining the net cost for staff's ultimate recommendation. The information was available to the bidders three weeks ago. In response to Commissioner Rogers, the City Manager advised that information on the calculation has been available for some three weeks. If Red River will pay a franchise fee of \$1,081,975.64, staff believes they would have the lowest net cost. However, when it is reduced to \$863,942.71, they are no longer the lowest net cost.

Commissioner Rogers understood that Red River is contending that Republic's bid contains a 29 percent franchise fee. The City Manager indicated if it is calculated the same way that Red River calculated their franchise fee, that is correct. However, if the City's calculation methodology is used, it is 23 percent and Red River's number is in the range of 17 to 19 percent. He referred to the City Manager's handout on the current contracts, initial comparison and Red River franchise fee interpretation that is attached to these minutes.

In response to Commissioner Trantalis, the City Manager indicated until Red River answered the question that they were not delineating the franchise fee, he better understood their position. The City's code provides if the franchise fee is not broken out, it is in essence a franchise fee on the franchise fee as characterized by Red River. Based on what he knows at this time, the low bidder is Republic. He explained for Commissioner Rogers why he asked about the contractors being able to provide the service if an award was not made until December 17, having to do with anticipating the potential for a subsequent bid protest; it not coming back to the Commission before December 17, and the need to make the switch over by February 1.

In response to Commissioner Rogers, Deputy Director of Finance Kirk Buffington referred to the bid tabulation and said the notice of intent that was posted referred only to the total annual cost. The bid tabulations were made public a day after the bids were opened. Commissioner Rogers reiterated his only concern on the process is that Red River did not ask follow-up questions. He supports staff's recommendation. The City Manager explained that regardless of the process and timing, the numbers do not change. When Red River's franchise fee amount is put into the analysis, they are no longer the lowest bidder.

Cea said the only numbers published by the City to the bidders were the gross figures. Until the past 24 hours, there was no reason to ask any questions because Red River was the intended awardee and listed as the lowest price. There has not been any time before this evening's meeting to determine whether Red River agrees with the numbers or the math. He believes the Commission is not following the intent of its code if the bid is awarded to Republic because there is a five-day protest period. He first became aware of the discrepancy on Friday afternoon. Commissioner Rogers disagreed based on the conflict in the answer to Question 29. The recommendation is inconsistent with the numbers because Red River is not the lowest. He has not seen the handout being discussed this evening.

Mayor Seiler questioned whether the protest process would have to be reopened if the award is changed. The City Attorney said that would be entering uncharted territory. She would ask the City Manager to defer a decision to allow both sides to review the calculations and attempt to resolve the issue. The City Manager said he could support that if both parties would agree there is not going to be a subsequent protest after a decision is made on December 3. Morrall agreed on behalf of Republic. He pointed out that when looking at gross receipts, Republic Services' bid is about \$30,000 less. The simplest, most straightforward argument is that Republic Services provided a lower bid based on the dollars collected. He provided a copy of the answer to Question 29 from the history in the City's BidSync System that is attached to these minutes. The City Manager noted that this document was

provided by Red River and was part of a public records request by Republic.

The City Attorney noted that tonight's decision should not be made based on new documents submitted this evening. The Commission should only consider what was submitted through the initial bid process.

In response to the City Manager's previous question, Cea agreed with the City Attorney that this is uncharted territory. Normally there would be a recommended award and a bidder would have an opportunity to challenge it. If the City intends to issue a new recommendation, he felt it could be done within a couple of weeks. Mayor Seiler explained that his intent is simply to award to the lowest bidder. He believes both companies are capable and qualified. He would like an apples-to-apples analysis in which the numbers are provided in direct comparison, identifying the lowest bid. There appears to be a \$200,000 annual difference. He read from information provided by staff that says "Any invoice received by the City from the awarded contractor must **NOT** include franchise fees as a line item. The City will calculate the franchise fees owed and payable by the contractor as 23 percent of the total invoice amount billed to the City." This appears inconsistent with what Red River is saying, however, he understands some of the confusion. He did not think it is possible to defer past December 3.

Vice-Mayor Roberts suggested postponing a decision for two weeks. He is not ready to make a decision until more information can be provided. He agreed with Commissioner Rogers concerning the language in the response to Question 29, however, he did not think it is a model of clarity. Commissioner Rogers did not want to delay the award in a way that would jeopardize the February 1, 2014, start date. Therefore, he felt it is fair to ask Red River to waive their right to a bid protest. He felt the best approach is to defer for two weeks and come to an understanding.

Commissioner Trantalis offered to make a motion postponing this item to the December 3 Commission meeting. In response to the City Manager, Cea said he cannot waive legal rights on behalf of Red River and therefore, he could not promise there would not be a forthcoming bid protest. It was noted that a protest could delay the City being able to have a franchisee in place in a timely manner.

Motion made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to approve the item with the revised recommendation of Republic Services of a net amount of \$3,617,843.65.

During discussion of the motion, the City Manager indicated that this is with the understanding that Red River's franchise fee would be \$863,942.71.

Cea believed that if staff is changing its recommendation, the City should allow an opportunity for a protest. Any challenge would have to be raised before the next meeting. Mayor Seiler felt there is an opportunity now. Commissioner Trantalis explained that if the City Manager is concerned that the service could be delayed beyond February 1 because of the protest period, it behooves the Commission to proceed tonight based on the revised recommendation, showing that Republic is actually the lowest bidder.

APPROVED AS AMENDED

Aye: 3 - Commissioner Rogers, Vice-Mayor Roberts and Commissioner Trantalis

Nay: 1 – Mayor Seiler

PUR-12 13-1460 ONE-YEAR CONTRACT FOR REAL ESTATE BROKERAGE SERVICES in estimated amount of \$58,459 from CBRE, Inc. and authorize City Manager to approve three, one-year renewal options

contingent upon appropriation of funds

APPROVED

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

PUR-13 13-1459 INCREASED EXPENDITURE FOR FLEET MANAGEMENT SERVICES - NON-TARGETED SERVICES in the amount of \$600,000 from First Vehicle Services, Inc.

APPROVED

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

PUR-14 13-1471 REVISED FORM OF AGREEMENT FOR AUCTIONEER SERVICES with PropertyRoom.Com, Inc.

APPROVED

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

RESOLUTIONS

R-1 13-1383 ACCEPTANCE OF REQUEST FOR PROPOSAL FOR REHABILITATION AND OPERATION OF BRYAN HOMES RIVER HOUSE - STIRLINGS, LLC and authorize preparation of lease pursuant to Section 8.09 of City Charter

REMOVED FROM AGENDA

R-2 13-0761 QUASI-JUDICIAL - VINTRO HOTEL - Site Plan Level IV Development Permit - Case 70-R-12

Applicant: Vintro Fort Lauderdale LLC

Location: 3029 Alhambra Street

Future Land Use: Central Regional Activity Center

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.

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

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

Attorney William Scherer of Conrad & Scherer LLP, representing the Applicant, presented a copy of an ethics complaint filed against Commissioner Trantalis, a chronology of events, timeline and evidence of contacts that were made and slides outlining the statement of facts as to why Commissioner Trantalis has a voting conflict that he did not declare. Scherer began to review the information. Mayor Seiler cautioned Scherer to not make accusations using the terms "unlawful" and "unethical." Scherer said he believes Commissioner Trantalis' former domestic partner, Richard Smith, has been trying to purchase

this property for a client.

Commissioner Trantalis believed that Scherer is of order. There is another forum to make this type of claim. This is not the time or place.

Mayor Seiler requested that Scherer summarize what he is presenting. Scherer said the information outlines communications that the Applicant has had with Commissioner Trantalis and his registered partner, Richard Smith, before and after their divorce, with respect to egregious misconduct on behalf of Commissioner Trantalis and Smith. A copy of all of the documents presented was made a part of the record. The chronology and power point presentation that Scherer reviewed are attached to these minutes.

Mayor Seiler noted that the submitted documents are now a matter of public record. He along with Scherer summarized that this complaint alleges that Richard Smith attempted to purchase the subject property on behalf of a client. A letter of intent indicates that the escrow was to be held in Dean Trantalis' trust account and he was to be the registered agent.

Commissioner Trantalis reiterated that this is totally inappropriate. He was willing to respond in the proper forum. This item is related to the Vintro Hotel, not the actions of an individual.

In response to Mayor Seiler, the City Attorney advised that the Commission polices itself with respect to disclosures. Each member of the Commission decides whether to recuse himself. Commissioner Trantalis said he believes the whole purpose of Scherer's presentation is to undermine the integrity of the Commission's review process. The City Attorney agreed with Mayor Seiler that recusing should occur before discussion of the item. Scherer pointed out that Commissioner Trantalis made no disclosure at the beginning of this item.

Mayor Seiler wanted to give Commissioner Trantalis an opportunity to review the documents that have been submitted and determine whether he needs to recuse himself. Scherer stated that if Commissioner Trantalis had made the disclosure, he would not have proceeded at this point in time. Commissioner Trantalis began to explain his recollection of his connection with this project. Commissioner Trantalis said he broke up with Smith three years ago. Mayor Seiler reiterated that the issue is whether Commissioner Trantalis should abstain on this matter and that it should be done at the beginning of the item. Commissioner Trantalis is often approached by residents who have concerns or questions about a project. It is not the policy of the Commission to disclose such discussions. He has discussed with several people that the property in question has problems. He referred to a letter of intent by Smith provided by Scherer that included his name, and said it was done without his permission. If he needs to recuse himself to avoid the appearance of impropriety, he is prepared to do so.

Commissioner Rogers suggested deferring the matter. Commissioner Trantalis believed that the people who attended the meeting to speak on the project this evening deserve an opportunity to be heard.

Note: The Commission recessed at 8:26 p.m. and reconvened at 8:52 p.m.

Commissioner Trantalis explained this project has been controversial and has been postponed many times. He described the process for projects coming before the Commission. In this case it seems the Applicant received mixed results. Tonight there are only four members of the Commission in attendance. It appears that the Applicant believed he was going to vote against the item and felt

compelled to state that he has a conflict of interest. This did not happen at the last minute. Disclosures this evening were not out of the ordinary. In this particular case there is an allegation that he failed to disclose communications that he had with parties about the outcome of this vote. He is concerned about the lengths that this developer would go to get his way.

Commissioner Trantalis went on to mention a recent meeting of stakeholders concerning the future of the central beach area. No one from the Applicant's team attended this meeting. When a developer comes before this community, it is important for that developer to share in the vision of the community. By not attending, he felt the Applicant is not interested in that shared vision. Instead of making modifications, the Applicant is attempting to undermine a commissioner's credibility and ethical conduct. This is not the first time Scherer has sued him. He elaborated on the subject of that lawsuit, the Palazzo project. The law reads that a member of the Commission is not to participate in a discussion about a matter that would provide a financial gain or loss based on the outcome of the vote. His former partner, Smith, had a client interested in purchasing this property. Commissioner Trantalis referred Smith to Scott Backman. There is circumstantial evidence and an attempt to conjure up a case that he is attempting to steer a vote and defeat the Applicant's project. He does not want to stifle the process from going forward. He will recuse himself from discussion in order to allow the item to be considered this evening. He wanted to ask the Commission to consider deferring the item so more than three members of the Commission would have an opportunity to vote but felt it would be unethical to make such a request since he is not to participate in the discussion.

The Applicant's team reviewed slides concerning the application as follows that are attached to these minutes.

Attorney Scott Backman of Dunay, Miskey, Backman and Blattner, representing the Applicant, made introductory overview remarks and began review of the slides. He noted the artist renderings of Vintro hotels slated to open in 2014 in Miami Beach and New York City (Slide titled Vintro Brand). The Applicant is looking at other opportunities in the Caribbean and the country. The project was denied by the Planning and Zoning Board in a 4-3 vote. There was concern about the increased floor area ratio (FAR) with regard to design incentives and operational concerns relating to parking. Changes have been made and the project now fully complies with all design standards within the ABA Zoning District. All parking is provided onsite (48 spaces). A 2-foot sidewalk easement has been dedicated for an overall 7-foot sidewalk. An overflow plaza has been added that could accommodate excess vehicles. He presented letters of support to be made a part of the record, indicating there are more than 750. A table of contents for the documents submitted by Backman on behalf of the Applicant that has been made a part of the record is attached to these minutes.

Architect Jose Gomez of Beilinson Gomez Architects, representing the Applicant, noted his experience and credentials and continued review of the slides wherein he noted that a selection of locally architecturally significant mid-century modern buildings were studied at the onset.

Cecelia Ward, president of JC Consulting Enterprises, Inc., representing the Applicant, noted her experience and credentials as a certified planner, and continued review of the slides.

Backman reviewed the Myths vs. Facts slide, which was also included in the binder of documents provided by the Applicant for the record. This project is the first under the 2009 Master Plan that meets all of the City's requested design criteria. He also noted that representatives of the Applicant were in attendance at last Saturday's stakeholder's meeting.

Attorney Dwayne Dickerson of Dunay, Miskey, Backman and Blattner, representing the Applicant,

submitted a letter of support from the Florida Restaurant and Lodging Association Broward Chapter that was made a part of the record.

Mayor Seiler opened the floor for public comment.

Jim Matthieu, 155 Isle of Venice Drive, spoke in support of the project. Projects like this are the future of Fort Lauderdale.

Holly Bona, 3016 Seville Street, spoke in opposition to the project. She called attention to setbacks, compatibility and height. This developer has a four-story project of 60 rooms in Miami Beach and seems to be able to work his business model with that height. She also was concerned that the City could be faced with liability issues if lighting requirements for endangered sea turtles are not enforced.

Eric Bona, owner of Alto Brisa Apartments, indicated that he owns two properties on Seville Street. This project is adjacent to his property. The building is too big for the site. There is insufficient parking.

Attorney Steven Wernick of Akerman LLP, representing Casablanca Café, spoke in opposition to the project. He submitted an aerial outline of neighborhood hotels for the record. The project is too large for its intended site. He referenced Ward's presentation relating to setbacks. Other hotels are surrounded by three or even four street frontages and buffer themselves and can control the impacts they have on their neighbors. The Vintro only have one street frontage; it is misleading. Reliance on valet parking only will have an impact on the entire area. He was concerned about what would happen if the single elevator breaks down. It appears that staff has not given much thought to a report submitted by Tom Hall in May (see below). He emphasized the importance of neighborhood compatibility. This particular project is not compatible with the existing uses and the neighborhood. The Commission clearly has discretion as set forth in the regulations.

David Townsend, general manager of Casablanca Café, spoke in opposition to the project. Alhambra is a small street. If the proposed hotel is developed, there are concerns that other similar size hotels will be developed in the vacant lots to the west. He was concerned about parking. He found it odd that the developer, through the Ritz Carlton, arranged a party at the Casablanca and did not make the arrangements directly.

Jeff Snook, 329 North Birch Road, noted that the Planning and Zoning Board, Historic Preservation Board and Central Beach Alliance have all voted against this project. He urged the Commission to deny approval.

Vicki Mowrey, 1 Las Olas Circle, spoke in opposition to the project. It is a beautiful building, but does not work on this particular site.

Abby Laughlin, a Central Beach Alliance board member, submitted copies of portions of Exhibits 1, 4 and 7 to the Commission Agenda Memorandum for this item along with notes for her comments that were all made a part of the record. She spoke in opposition to the project. It is poor site selection. Selective interpretation of the City's Unified Land Development Regulations is the only reason this project is before the Commission. She referenced Vintro's Exhibit 7 and said the findings of the transportation engineer are inaccurate and misleading. The report fails to mention that neighboring properties on both side are only two stories. The exhibit indicates that Alhambra Street is a low volume street. Vintro will substantially impact traffic volume on Alhambra. She criticized the requested parking requirement reduction in exchange for the concept of a food coupon offered to employees who bicycle to work. She claimed there is only anecdotal evidence offered to justify parking reductions. She

questioned the Applicant's "green" justification for the parking elevator. Comparison of this project to The Pillars is only one-story with surface parking. Their primary backup solution for parking is the not-yet-built Sebastian Street parking lot as well as use of street-metered parking. She referred to the Chamber of Commerce president's statement in a recent editorial that residents are against virtually everything and commented that such a statement is divisive and unprofessional.

Ray Tucker, 3021 Alhambra Street, said he owns property next to the subject property and it is the same size. He mentioned his professional experience in business and finance. He spoke in opposition to the project. Beach residents have supported at least 90 percent of development on the beach. He was appalled at the tactics used earlier in attacking an elected official. The project is too large for the site. The neighborhood association voted 196 to 0 against this project. He urged the Commission not to second-guess the Planning and Zoning Board's recommendation. If the Commission approves this project, it would be setting the precedent that buildings like this can be constructed all over the beach. Taxes generated by the new development will be offset by the other beach businesses loss in property value and associated tax revenue. There will be an impact on City service calls.

Steve Glassman, representing Broward Trust for Historic Preservation, submitted a copy of the Historic Preservation Board meeting minutes from January 7, 2013 that were made a part of the record. He noted his experience and spoke in opposition to the project, particularly emphasizing the parking deficiency. This is excellent architecture, but it needs more land. All proposed impacts to historic resources should be reported to the Historic Preservation Board for review and comment according to the Historic Preservation Element of the City's Comprehensive Plan. Casa Alhambra is currently situated on this site. It was included on the 2009 Central Beach Historic Resource Survey and the Florida Master Site File included it in 1988. He provided a copy of this information for the record. The Historic Preservation Board voted unanimously on January 7, 2013, that the project be submitted to them. Two historic resources of Casa Alhambra and Casablanca Café are greatly impacted yet backup for this matter is silent on this. The Planning and Zoning Board's denial of the project should be a red flag alerting the Commission to problems associated with this development. The 1925 restored house on the site should remain there and the developer should find a suitably sized site for this proposal.

Nivea Cordova, 209 North Fort Lauderdale Beach Boulevard, spoke in opposition to the project. She read a prepared statement that is attached to these minutes.

Lester Zalewski, 545 South Fort Lauderdale Beach Boulevard, spoke in support of the project. The concept of a community redevelopment area is to redevelop and increase the tax base. Jobs will be created. This area was designated as an economic driver. The City needs more iconic construction. The project meets the zoning criteria.

Erika Klee, 209 North Fort Lauderdale Beach Boulevard, indicated she is retired from the restaurant and property management business. She spoke in opposition to the project. She elaborated on the impact employees will have on parking and traffic flow. Conservatively, there will be some 60 employees. The project is too big for the site. Deliveries are generally made for each type of food and those deliveries will also have an impact. She questioned the logistics of access to Casablanca Café.

Tom Godart, 330 Isle of Capri, spoke in support of the project. He is a resident and neighbor of Fort Lauderdale beach. He is very concerned about late-night visitors to the beach and crimes that are not reported in the newspaper. The beach needs change. Fort Lauderdale has an opportunity to become the pre-eminent luxury destination in the country and the only way to do that is by encouraging high-quality development. With density, there will be better retail and better restaurants. The result is a vibrant beach.

Kelsey Ragsdale, 2896 East Sunrise Boulevard, read a letter on behalf of Richard Smith, vice-president of Castillo Grand Condominium Association, in support of the project. It is attached to these minutes.

Valerie Garazi, 2896 East Sunrise Boulevard, read a letter from the Board of Directors of the Fort Lauderdale Restaurant and Lodging Association Broward Chapter, in support of the project. It is attached to these minutes.

Michelle Ross, 2896 East Sunrise Boulevard, read a letter from Dan and Claire Marino of MMD Realty, in support of the project. It is attached to these minutes.

Jessica Conrad, 2896 East Sunrise Boulevard, read a letter from John T. O'Connor, editor in chief of *Tropic Magazine*, in support of the project. It is attached to these minutes.

Dan Teixeira, president of Harbor House Condominium Association, read from a letter in support of the project. It is attached to these minutes.

Midge Clarke of Realty Marketing in the Ritz Carlton, 1 North Fort Lauderdale Beach Boulevard, spoke in support of the project. She believes the development is in keeping with the City's vision for the area. Everything the community wants for the beach is going to cost money. The way to generate money is through development, tax dollars and tourism.

Kathy Haines, 818 SE 4 Street, read a letter from Dominick F. Miniaci of Miniaci Enterprises, in support of the project. It is attached to these minutes.

Robert Saugstad, president of Rivercrest Condominium Association, spoke in support of the project. The downtown beach area needs development.

Patricia Robinson, 1 North Fort Lauderdale Beach Boulevard, spoke in support of the project. She encouraged the Commission to welcome developers like this one.

Ken Scheard, 209 North Fort Lauderdale Beach Boulevard (Seasons Condominium) indicated that while the proposed project's architecture is unique, it is not necessarily in tune with Fort Lauderdale beach. He was concerned about the setback distances. It is too large for the site. This project will be 20 feet away from the Seasons Condominium. He spoke in opposition to it and presented a rendering of what impact such a precedent could have on future development. A copy of the rendering is attached to these minutes.

James Trunzo of JT Architects Inc., spoke in support of the project. The developer has done an outstanding job. This is the kind of quality architecture Fort Lauderdale has long been denied, and it is time to change that.

Michael Gordon Sr., 871 NW 16 Terrace, spoke in support of the project. He is unemployed and spoke in favor of job creation that this project will provide.

Kristopher Cross, 832 NW 17 Avenue, spoke in support of the project because he believes it will bring more job opportunities to the area.

Christina Krezmien, 1516 SW 29 Avenue, spoke in support of the project. She believes it is time for Fort Lauderdale to evolve and bring the right demographics to the beach.

Kristin Bianculli, 304 NE 17 Avenue, spoke in support of the project. She believes it will bring a new demographic and a new attitude to the beach.

Sophia Mylona, 1525 North Fort Lauderdale Beach Boulevard, spoke in support of the project. She believes the Applicant has made a considerable investment in Fort Lauderdale and a long-term commitment. In order for their business to flourish, the Applicant will have to promote Fort Lauderdale throughout the world.

Ted Butler, MMD Realty at 2896 East Sunrise Boulevard, spoke in support of the project.

Art Seitz, 1905 North Atlantic Boulevard, spoke in opposition to the project. He listed his credentials in serving on various local advisory boards and organizations. He expressed concern about sidewalk width and a lack of bicycle racks. Sidewalk width is important for safety. He discussed other development projects with respect to building height and sidewalk width.

Jim Stoycheff, 624 Orton Avenue, spoke in opposition to the project. He was disappointed with the dirty tactics by Vintro toward Commissioner Trantalis. He believed it was a mistake to allow the W Hotel. He was concerned about oversized development, height and heavy traffic. He stressed the importance of quality of life.

Neil Strickland, 615 Bayshore Drive, spoke in support of the project. Exponential growth is coming to South Florida. The City needs to prepare for it.

Paul Finizio, 106 SE 9 Street, spoke in support of the project. Change always comes with resistance. This project is compliant with the City's codes. The Vintro proposal is world-class and will be a benefit to Fort Lauderdale.

Note: The Commission recessed at 11:20 p.m. and reconvened at 11:29 p.m.

Fred Carlson, Central Beach Alliance, spoke in opposition to the project. The more that the project details have been revealed, the more disingenuous answers have been provided. The project does not fit on the site.

Robert Poprawski of Ocean Holiday Hotel at 205 North Fort Lauderdale Beach Boulevard, spoke in opposition to the project. He explained his background in the hotel industry. He loves how the building looks but is concerned about how it will function on this particular property. It is difficult to manage large numbers of tourists on a small property in addition to delivery trucks coming and going. Fort Lauderdale is the Venice of America. He did not want it to be like New York City.

Mari Mennel-Bell, 1524 Bayview Drive, spoke in opposition to the project. This is a time of fragile environmental changes that will only get worse. She requested a moratorium on large buildings, particularly on small lots, on the barrier island. She urged the City to heed the lessons of mother nature.

Kelly Byrne, 2013 NE 33 Avenue, spoke in opposition to the project. She is an employee of Casablanca Café. Traffic conditions already are dangerous. Her manager has seen two people killed in the area because of the dangerous conditions. There were more than seven delivery trucks this morning at the Casablanca Café. There are already 15 to 20 boutique hotels on the beach that are three to four stories in height. Adding an 11-story building will cause real estate values for the Seasons

Condominium owners to plummet because of the impact to their view. Resistance is a means of checks and balances. Every time this project has come to a vote, it has been rejected. There is a responsibility to show concern for the sea turtles.

Karen Turner, a member of the Central Beach Alliance (CBA), spoke in opposition to the project. She believes the project is too big for the site. The developer has brought supporters to this meeting who do not appear to have researched the project. When the developer addressed the CBA, Commissioner Trantalis suggested that he might try looking for a larger piece of property or adding another parcel to the site, but the developer responded by saying he was going to build this project or he would not build anything at all. Site Plan Level IV is a privilege, not a right.

Charles King, 105 North Victoria Park Road, spoke in support of the project. It is a branding issue. If denied, the developer could sue the City. There has been some bad publicity for beach area businesses. It will attract high-end clientele to the beach who may want to purchase a second home in Fort Lauderdale or relocate here. It will bring jobs.

Jim Novick on behalf of Central Beach Alliance, noted that he is also president of Alhambra Condominium Association. He presented photographs for the record. He submitted 259 petitions in opposition to the project and noted that they come from residents who reside in the immediate area where the project is proposed. The petitions were made a part of the record. The project does not make sense. He noticed that a lot of the information did not seem to have applied science and math. Therefore, he hired a traffic expert. He has concerns about the size of the building in correlation to the site for which it was planned. He concluded by saying that he does not agree with the heavy-handed tactics against a member of the Commission. He felt it is best to solidify existing development before going forward with new development that in some way is a bit of an experiment. He introduced traffic expert Tom Hall.

Tom Hall of Thomas A. Hall, Inc. indicated that he was asked to review the traffic analysis prepared by Hughes Hughes Inc. He did not believe that the analysis is supported by a lot of data. He noted that the daily trip generation rate is inaccurate. The parking queue analysis was not an analysis but a description of how vehicles would enter the site, maneuver through it and exit. He described how he demonstrated that during peak hours, there would be a queue in excess of the five or six parking spaces available and in fact it would be six or seven. The Hughes analysis also drew comparisons to a nearby boutique hotel with just 18 rooms and one or two stories as opposed to the 61 rooms and 13 stories proposed for the Vintro. It varies quite a bit to what is proposed by the Applicant. It is not statistically valid to look at a single point of information and draw comparisons. At least three similar sites are needed to draw conclusions about a trend. He recommended studying three similar sites. Hall believes the Applicant has had his report since May. The only thing from his study that was addressed by the Applicant's report was a conclusion that the first floor was so low that trucks would not have clearance and therefore the first floor was raised a foot. He provided his report, dated May 23, 2013, and made it a part of the record. The site, because of a constrained property, is forced to rely on techniques that may present difficulties, such as having only one elevator. It is odd that the Applicant has touted the fact that the proposal shows only 85 feet of frontage, when in reality, there is only 100 feet available. He concluded that the report has a number of deficiencies that have not been addressed and seem to be consistent with what is contained in the staff report.

John Weaver, president of the Central Beach Alliance (CBA), encouraged the Commission to consider how the letters of support were gathered by the Applicant with respect to where those who signed the letters reside. He noted that staff's recommendation was overturned by the Planning and Zoning Board. The CBA favors development on the beach. He noted projects that the CBA supported. The CBA

approves of the Vintro, but the location is wrong. He elaborated on how some other area development sites accommodate view corridors and space that is not the case for the Vintro. After two presentations, the CBA denied the project by a vote of 196 to 0 on March 14. There is concern about the setbacks. He elaborated on the loss of property values that will occur to nearby condominiums and businesses. What is good for the neighborhood should be considered. From his review of the regulations, he did not believe that the Applicant has a right to Site Plan Level IV approval by meeting the criteria. He urged denial. He submitted his notes for the record.

Molly Hughes of Hughes Hughes Inc., a traffic consultant representing the Applicant, reviewed to slides submitted on behalf of the Applicant previously noted and attached to these minutes. Although not bound by code to complete a traffic analysis, residents raised good questions and for that reason the analysis was commissioned by the Applicant. As to the valet queue backup onto Alhambra Street, she said that typically there will be a queue of two to five vehicles that can be accommodated onsite. Her analysis concluded there could be a possibility of a queue of up to seven vehicles. Therefore, alternative ways to manage the volume were developed. None of these alternatives were considered in the analysis, therefore she noted that the analysis was very conservative. She elaborated on the alternatives. An area for trucks is proposed to the west of the project, and the Applicant is willing to share it with Casablanca Café. A management program will be instituted to ensure that deliveries for both businesses will not conflict. Tom Hall's traffic analysis is included in the Applicant's document submittal in addition to her response and that of City staff. In a memorandum dated August 19 staff concluded that there was no need to adjust the analysis for the concerns raised in Hall's report. She concluded by saying that nearly all of the conditions the Applicant has proposed solidify their commitment to the operational analysis and operational system. As a result of implementing those conditions, she was confident there will be no concerns about the project.

Applicant Enrique Colmenares, president of Vintro Hotels, elaborated on his many years of vacationing at Fort Lauderdale beach and enjoying Pier 66. The hospitality industry is changing toward smaller buildings. His intent is to have a family business, integrating and working with the community. He would like the essence of Pier 66 years ago to return to Fort Lauderdale and improve on the hospitality business.

Backman clarified that the ABA zoning district requires hotels to be reviewed at Site Plan Level IV. The City's code regulations require that side and rear setbacks be a minimum of 10 feet and 20 feet respectively, unless otherwise approved as a development of significant impact which is Site Plan Level IV review. Essentially if a project is subject to Site Plan Level IV review, it is not subject to a setback that equals half the height of the building, if all of the other criteria of the ABA zoning district are met. Site Plan Level IV review is a right in this case. Additionally, the project meets the City's new parking requirements for the beach. He noted staff's memorandum finding that Hughes' traffic analysis is correct and that Hall's is incorrect. There has been only one vote on this project by the Planning and Zoning Board. The Applicant addressed all of the Board's concerns. The Historic Preservation Board never considered this project. The property is not designated historic on the City's historic resources map. The Sebastian parking lot currently exists immediately across the street. It has 75 parking spaces. No variances or waivers are being requested. Elevator lifts are common in the industry; more than 600 are currently in operation in Fort Lauderdale. The loading issues that exist on Alhambra Street are the result of Casablanca Café. The Applicant is accommodating all loading onsite and has been more than willing to accommodate some of Casablanca's loading if possible and have in fact designed this into their plan. The master plan on the Sebastian parking lot encourages development of a 350-room mixed-use high-rise large-scale development on Alhambra. The mid-beach character area discourages large-scale massive developments to the north of Alhambra and encourages smaller developments such as the Vintro which comply with the ABA zoning district. As the City encourages

people to locate here and invest, there is now a developer who has a great project. He concluded by calling attention to the substantial support for the project in the immediate vicinity of the property.

In response to Vice-Mayor Roberts, Deputy Director of Sustainable Development Jenni Morejon advised that code, Section 47-12 lists the ABA zoning district with varying levels of review based on type of use. Hotels are always reviewed at Site Plan Level IV, which means approval by the City Commission is required. A development of significant impact would involve an application which seeks to have setbacks less than half the building height or do not meet the minimum, which is 10 feet on the side and 20 feet in the rear. In this case, the project is before the City Commission as required. Part of Vintro's request is for setbacks less than half the height of the building. The criteria, whether they had setbacks at 10 feet and 20 feet or less than half the height, would still be the same: to comply with community compatibility criteria in Section 47-25, Neighborhood Compatibility. These requirements are based on the Revitalization Plan. Staff reviewed the overall character of the ABA and Central Beach District as well as the Mid-Beach District as outlined in the Central Beach Master Plan. Staff believes the proposed use, scale of development and changes made to address concerns of the Planning and Zoning Board are consistent with code. The Applicant made several adjustments, decreasing the number of hotel rooms (which decreased the number of required parking spaces) and building square footage (which lowered the floor area ratio from 4.2 to 4, the maximum allowed). They agreed to increase sidewalk width, widen the truck loading area and increase height of the ground floor to provide better vehicular clearance in the loading area. This was discussed by the Historic Preservation Board and was brought forward as a communication to the Commission at the February 13, 2013, conference meeting that it was not the intent of the Comprehensive Plan to consider historic resources as those listed in the Florida Master Site File. The discussion was geared toward the upcoming joint workshop of the Commission and Historic Preservation Board with respect to the historic preservation ordinance rewrite.

In response to a question from Vice-Mayor Roberts, Assistant City Engineer Dennis Girisgen said Public Works staff reviewed the traffic study and find it to be based on reasonable assumptions. Staff corroborates what Hughes read into the record.

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

Commissioner Rogers believed there is really no consensus on the future of the neighborhood. He appreciated that residents who live in the area came forward and expressed their opinions. In a vacuum, it would be easy to move forward with this project. It meets the vision for the beach and is great for the tourist economy and for generating jobs. However, it is significant that every immediate neighbor is opposed to the project. These are people who see what goes on daily. If it all boils down to neighborhood compatibility, he gives a lot of weight to the opinions of those who are most impacted by it. There is an issue with the scale of the building on this site. Setbacks are a concern. For a development of significant impact, minimum setbacks are permissible, but then the neighborhood compatibility criteria must be met. He does not feel that the project is compatible with the neighborhood.

Vice-Mayor Roberts was disturbed by the comments toward Commissioner Trantalis. He felt the commissioner should have been given the courtesy of reviewing the documents prior to the meeting. He did not like the way it was handled and did not believe that is an appropriate way to do business. He appreciated the opinions of the community and recognizes the negative impact to beach residents. However, he is considering the citywide impact in terms of tourism and economic development. In that vein, he wanted to continue the move away from the spring break atmosphere of the past. If this is

denied, it could have a negative impact on future development. He is uncertain how to vote.

Mayor Seiler said he has had concerns with the size and scale of the development, as well as issues with setbacks, traffic and parking. He credited the Applicant team for spending many hours trying to address the issues. He believes they have come a long way, but it is not far enough to ensure neighborhood compatibility. He spoke of the Grand Birch development and the compromises they made at the ground level. His concern with this project is that, in addition to compatibility, the project is too big in size and scale at the ground level. He has tried to promote development and redevelopment in the city but believes the parcel needs to be larger.

The City Attorney noted that if there is a motion to deny, the reason for denial should be specified. In this case the reason for denial would be failure to comply with standards set out in the City's code.

Commissioner Rogers introduced a resolution denying the site plan because of a failure to comply with the standards set out in the Unified Land Development Regulations, Section 47-25.3, Neighborhood Compatibility Requirements (compatibility with and preservation of character and integrity of the adjacent neighborhoods).

DENIED

Aye: 3 - Commissioner Rogers, Vice-Mayor Roberts and Mayor Seiler

Abstain: 1 – Commissioner Trantalis

A memorandum of voting conflict filed by Commissioner Trantalis is attached to these minutes.

R-3 13-1204 QUASI-JUDICIAL - HISTORIC LANDMARK
DESIGNATION - CORMONA APARTMENTS - 329 AND 333 NORTH
BIRCH ROAD - Case 8-H-13

Applicant: David Berlin, Cormona Apts. Co-op

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.

Mayor Seiler opened the floor for public comment.

Applicant David Berlin, president of Cormona Apartments Co-op Association, said the information from the Historic Preservation Board speaks for itself. In response to a question from Vice-Mayor Roberts, he indicated that neither he nor the Co-op is involved in litigation with the City. This property is located to the north of the Grand Birch.

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

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

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

ADOPTED

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

R-4 13-1206 QUASI-JUDICIAL - PRECONSTRUCTION APPLICATION OF AD VALOREM TAX CREDIT - HISTORIC PROPERTY IN SAILBOAT BEND HISTORIC DISTRICT - Phase I - Case 6-H-13

Applicant: Bernard Petreccia

Owner: 11SW11, LLC.

Location: 11 SW 11 Avenue (Palm Avenue)

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

Mayor Seiler opened the floor for public comment.

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

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

ADOPTED

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

R-5 13-1220 LOT CLEARING AND CLEANING - Special Assessment Liens for Associated Cost Process

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

ADOPTED

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

R-6 13-1478 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

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

Beach Business Improvement District

Jill Munas (Consensus)

Jackie Foster (Consensus)

Beach Redevelopment Board

Tim Schiavone (Commissioner DuBose)

Central City Redevelopment Advisory Board

Justin Greenbaum (Consensus)

Community Appearance Board

Kenneth Green (Commissioner DuBose)

Community Services Board

Andrew L. Jimenez (Commissioner Trantalis)

Education Advisory Board

Catherine Pliess (Commissioner Rogers)

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

ADOPTED

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

13-1575

**WALK-ON RESOLUTION – PERFORMANCE REVIEW AND MERIT
ADJUSTMENT FOR CITY MANAGER**

Please see conference meeting item BUS-4.

Vice-Mayor Roberts introduced the resolution, which was read by title only.

ADOPTED

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

13-1576

**WALK-ON RESOLUTION – PERFORMANCE REVIEW AND MERIT
ADJUSTMENT FOR CITY AUDITOR**

Please see conference meeting item BUS-4.

Vice-Mayor Roberts introduced the resolution, which was read by title only.

ADOPTED

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

PUBLIC HEARINGS

PH-1 13-1401

**FIRST READING OF ORDINANCE - REAPPORTIONMENT OF CITY
COMMISSION DISTRICTS - establishing geographical boundaries to
be approximately equal in population as is practicable pursuant to
Section 7.12 of City Charter**

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, said he does not like the way East Point Towers is being removed from District II. East Point would like to remain in District II. This proposal is dividing neighborhood associations. In response to a question from Mayor Seiler, King said he did not share his concerns with the Reapportionment Committee and was not aware he was allowed to attend their meetings.

Dave Parker, 801 Middle Street, identified himself as a civic advocate from Sailboat Bend. He made presentations before the Reapportionment Committee and the Commission. The Sailboat Bend

neighborhood voted to remain in District IV. In reviewing the backup documents, he was concerned that he did not see a letter from Steve Dolgin. Mayor Seiler clarified that he received the letter but it was not in the backup for the Reapportionment Committee. Sailboat Bend is concerned about being separated from Riverside and Tarpon River. Mayor Seiler explained that if Sailboat Bend has a good relationship with those neighboring communities, it would make sense to have two commissioners looking out for those areas. Parker said there is new leadership on the Sailboat Bend board and there are still strong feelings that they do not want to leave District IV.

Shannon Harmeling, president of Lake Ridge Civic Association, did not appreciate the attack earlier on the District II commissioner and appreciated members of the Commission for speaking up. She went on to say that the board recently voted to expand its boundaries to the Middle River, which now includes Area 18 on Exhibit 2 in Commission Agenda Memorandum 13-1401 - East Point Towers. She requested that Lake Ridge be allowed to remain intact inclusive of East Point Towers if such a modification is feasible. The area includes 301 residents.

Steve Dolgin, 1170 North Federal Highway, provided a document for the record detailing current commission districts, the realignment provided by the Reapportionment Committee and four alternative reapportionment scenarios. He is a resident of East Point Towers and a member of their association board of directors. Legalities aside, he suggested that, if confronted with two proposals, wouldn't it make more sense to choose the one with smaller deviations from the ideal population which is the only truly objective measure in redistricting. He referred to Alternative B, which is attached to these minutes. Each district should have its own character. In this scenario, Colee Hammock, Beverly Heights and the downtown area are assigned to District II. This accomplishes the stated goal of the committee to unify the Las Olas corridor and to unite it with downtown. This proposal also allows Flagler Village, as well as Progresso Village, to be part of a single district. The City and the committee promised to never split a neighborhood through redistricting. However, the committee's proposal splits Progresso Village and Lake Ridge. Simply stated, the Commission could keep its promise to voters that it is not splitting neighborhoods if it chooses Alternative B. The option also unifies the Sistrunk corridor, another stated goal of the committee. Area 18 stays intact with Lake Ridge, East Point, the church and businesses. This option is the objective choice and the best from a legal standpoint.

Greg Brintlinger, president of East Point Towers Association, advised that East Point residents have worked hard since the Gateway designation in 2008 to make their neighborhood part of the Gateway area. They have never belonged to a neighborhood, but are now proud to belong to the Lake Ridge neighborhood. He agrees that Alternative B is the best possible plan from a statistical standpoint. However, Brintlinger recommended Alternative D, which he provided and is attached to these minutes, because it allows the Commission to make a simple change that not only allows better balance in terms of statistics but would also leave the neighborhood intact. The Commission made it clear it did not want to see neighborhoods broken up by reapportionment. Even though the committee's proposal splits Progresso Village and Lake Ridge, the split in Progresso Village is a commercial district which involves no voters. This is a small, digestible change. If switched with Dolphin Isles, it would actually improve the statistics. Districts III and IV would stay the same.

In response to a question from Mayor Seiler, Brintlinger said he has not discussed the proposal with residents of Dolphin Isles, which would be the next step. In response to Vice-Mayor Roberts, Brintlinger indicated that specific concerns of other neighborhoods are addressed in Alternative B. Both Vice-Mayor Roberts and Mayor Seiler were concerned that other neighborhoods are under the impression that the Reapportionment Committee's proposal is what will be going forward. Brintlinger indicated he would speak with the other neighborhoods before second reading.

Dave Marshall, 1223 SW 5 Court, president of Riverside Park Residents Association, said his neighborhood is adjacent to Sailboat Bend. He believes neighborhoods should have the right of self-determination. He supports their desire to remain in District IV. He confirmed for Mayor Seiler that the committee proposal does not suggest that his neighborhood be moved to another district.

Ed Smoker, a member of the Reapportionment Committee, noted the committee agonized over several maps. Meetings were posted, and residents were invited to attend. Sailboat Bend residents attended the meetings. It was very difficult to meet all the criteria and keep neighborhoods intact. If a neighborhood votes to become part of another neighborhood after the map lines are drawn, it cannot be addressed by the committee, which is no longer intact. If this is postponed any longer, there could be another request of this nature. There is strength in assigning this to an independent committee. He provided for the record a letter from Joe Fellmeth, president of Beverly Heights Association, stating that neighborhood does not want to be moved out of District IV. He explained how the committee studied the cohesiveness of neighborhoods and attempted to keep those with a consistent theme in the same district. Beverly Heights and Colee Hammock were examined because they are part of downtown and the Las Olas corridor.

In response to Commissioner Trantalis, Smoker explained that the Sailboat Bend decision was very difficult and based on the fact that the neighborhood was large enough to resolve issues in maintaining balance between Districts II and IV. Not everyone is going to be happy. He asked the Commission to honor the recommendation of the committee.

Ryan Saunders, chair of the Reapportionment Committee, highlighted the purpose of the committee and how it went about its assignment, striving for natural boundaries. In response to a question from Commissioner Trantalis concerning Area 18, Saunders explained how the committee decided to use U.S. 1 as a boundary and noted that compatibility was another consideration. He believes Lake Ridge would be better suited with two commissioners and more representation. This is a process that has gone on for more than two years and started with more than 30 maps submitted by residents. The recommendation resulted from that starting point. The recommendation is essentially Richard Mancuso's proposal with minor tweaking. He urged the Commission to support the staff recommendation for approval.

In response to Mayor Seiler, Saunders said Flagler Village and Progresso Village were actually more whole rather than split. The only area that was left out of the change was the commercial area at the corner of 7th and 6th. He explained what changes were made. Roadways were used as natural boundaries. There was a request from one committee member to keep the commercial area within District III, and that request was honored. Progresso and Flagler residential areas were fully added to District II. City View was kept in District II, in addition to an area just west of City View.

Harmeling wished to reiterate that her request has to do with Lake Ridge residents. It is only a population of 301 to keep East Point Towers with Lake Ridge. That many more residents in District II will not significantly offset the other districts.

Saunders explained that the 301 residents is a negligible alteration but the recommendation does not divide a neighborhood, rather an area would have representation from two commissioners.

Mayor Seiler said his concern is about the process. He believes it needs to be drawn by an independent panel. Elected officials should not select their voters. This looks harmless but it could lead to more requests. Commissioner Trantalis agreed that revamping is not the answer, but felt that making a minor tweak would not be inappropriate. He suggested adding Area 18 to District II. Bal Harbor and

Lauderdale Isles would be in District I. Commissioner Rogers agreed with Mayor Seiler with respect to the process. Mayor Seiler agreed that the Commission determined not to reconvene the committee. He acknowledged asking for input from the public, but he asked that those recommendations be shared with the committee in order to follow the process. He has a problem with undoing the work of the committee and ignoring a two-year process.

In response to Mayor Seiler's question as to why recommendations were not submitted to the committee, Dolgin acknowledged he was unaware of the existence of the committee. He understands the concern if one change is allowed, other requests will come forward. However Lake Ridge is the only neighborhood with a populated area that is split off. Mayor Seiler believed there was a discussion that this would not be done in order to change the redistricting map. In response Dolgin said the reason East Point wants to join Lake Ridge is to have greater influence. He specifically pointed out the recent development of Galleria Landings. There is a lot of development in the area. Mayor Seiler questioned why Dolgin's plight should differ from that of Sailboat Bend resident Dave Parker, who has been involved in submitting analyses to the committee from the beginning. It is different, Dolgin said, because Sailboat Bend is not being split. Mayor Seiler acknowledged that East Point Towers is being split from Lake Ridge, but it became part of that neighborhood (association) after the map was drawn. Dolgin pointed out that East Point is split and the only neighborhood in this situation. Vice-Mayor Roberts noted that East Point would still have the representation of two commissioners as proposed by the committee and would still accomplish the kind of representation East Point is looking for. Dolgin questioned why the Commission objected to Commissioner Trantalis' suggestion to split the downtown area at a natural boundary but apparently it is acceptable in this case. Vice-Mayor Roberts responded that downtown is not a neighborhood. Mayor Seiler reiterated his point that East Point Towers was only added to Lake Ridge last month, following a two-year reapportionment process. Commissioner Trantalis pointed out that this is about leaving the area in District II, not moving to another district. In response to Mayor Seiler, Dolgin said he did not see the committee's maps until he reviewed video of the August 20 City Commission Conference meeting.

Discussion turned to the chronology of the committee and the process. Saunders explained that meetings were advertised on the City website and television station. The president of the Fort Lauderdale Council of Civic Associations served on the committee. Moreover, the Commission requested proposals to be submitted to the City Attorney's Office and more than 30 maps were submitted. In response to Mayor Seiler, Dolgin was not aware of anyone from East Point attending meetings of the Council of Civic Associations. He thought it was for neighborhoods. When development started in the Gateway area, East Point wanted to have more influence and unite with a neighborhood. Because East Point is not a neighborhood, he understood they were not entitled to be notified of the Galleria Landings development. He mentioned a recent ordinance providing for developers to notify civic associations, but it does not provide for notice to condominium associations. This is another reason that East Point felt they needed to join a civic association.

Commissioner Trantalis suggested accepting the committee's proposal with the exception of keeping East Point Towers in District II as it exists today. Some discussion ensued concerning the district population numbers and the potential impact of approving Commissioner Trantalis' suggestion. GIS Manager Ian Wint (Reapportionment Committee's staff liaison) noted that in anticipation of this question, staff recalculated the district population numbers. District I would move to a population of 40,207 and a variance of -2.8 percent. District II would move to a population of 41,978 and a variance of 1.4 percent. The question of percentage of standard deviation should be answered by the City Attorney's Office.

Vice-Mayor Roberts introduced the ordinance on first reading, as recommended, after it was read by

title. Staff was requested to recalculate the district population numbers concerning Commissioner Trantalis' suggestion for the second reading. It should include standard deviation and percentage variances.

Commissioner Trantalis noted that he just heard from his Commission Assistant, who confirmed that the committee met over a three-month period between November 2012 and February 2013, not over two years. Mayor Seiler explained that the process was advertised over a period of two years. The Council of Civic Associations knew it was going to be addressed by a committee and a representative of the Council served on the committee. Commissioner Trantalis pointed out that East Point was not represented on the Council of Civic Associations. Genia Ellis, a member of the committee and council provided more insight about the history of the committee.

PASSED FIRST READING

Aye: 3 - Commissioner Rogers, Vice-Mayor Roberts and Mayor Seiler

Nay: 1 – Commissioner Trantalis

PH-2 13-0913 MOTION - TRANSIT FARE POLICY FOR COMMUNITY BUS SERVICE AND FARE INCREASE FOR THREE ROUTES - Beach, Las Olas and Galt links (Request to defer to December 17, 2013)

The City Auditor explained that a question arose about how the fare revenue is being accounted for, therefore deferral is requested. In response to Commissioner Rogers, the City Auditor said the City, as the operators of the service, contracts with a vendor. The City has agreements with Florida Department of Transportation (FDOT) as the agency that operates the service. In response to Commissioner Rogers, he explained that while the City has contracted with the Downtown Fort Lauderdale Transportation Management Association (TMA) to perform the function on the City's behalf, it does not make the TMA the recipient of the revenue. The revenue belongs to the City. It is a contracted revenue and expenditure. Commissioner Rogers did not understand why it is necessary to delay this item. The City Auditor explained that it is illegal to contract for something without a legal appropriation. It needs to be an appropriation. It is appropriate before receipt of the funds. It is a theory of constructive receipt. The City is allowing them to retain the City's revenue and utilize it to offset the expense that they would otherwise be charging the City for. Commissioner Rogers reiterated his desire not to delay the item. Mayor Seiler wanted to continue the Commission's practice of honoring the Auditor's requests for deferral, but suggested the December 3 meeting. Vice-Mayor Roberts and Commissioner Rogers noted that the fares are being collected and this is simply an increase in the fares. The City Manager advised that it has to be deferred to December 17 notification notice purposes. In response to the idea of moving forward tonight subject to a review, the City Attorney expressed a concern that residents who may have wished to speak during the public hearing did not attend the meeting because the item was published with a note that there was a request to defer to December 17. Discussion ensued about how the item was publicized. Her opinion is that it should be deferred to December 17. In response to Mayor Seiler, the City Manager indicated there is an impact on the TMA. Business Manager Darlene Pfeiffer expanded on that impact.

Motion made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to defer the item to December 17, 2013.

DEFERRED TO DECEMBER 17, 2013

Aye: 3 – Vice-Mayor Roberts, Commissioner Trantalis, Mayor Seiler

Nay: 1 – Commissioner Rogers

There being no other matters to come before the Commission, the meeting adjourned at 2:07 a.m.

John P. “Jack” Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk