

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, April 16, 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
HARRY A. STEWART, City Attorney

Meeting was called to order at 6:05 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

Also Present: City Manager, Lee R. Feldman; City Auditor, John Herbst; City Clerk, Jonda K. Joseph; City Attorney, Harry A. Stewart; Sergeant At Arms, Sergeant Cecil Stone and Sergeant Jose Gonzalez (after 10:00 p.m.)

Vote Roll Call Order for this Meeting

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

OB

MOMENT OF SILENCE IN REMEMBRANCE OF BOSTON MARATHON BOMBING VICTIMS

Invocation

Reverend James C. Wills, First Christian Church of Fort Lauderdale

Pledge of Allegiance

Led by winners of the "What would you do to improve the world?" essay contest

Approval of MINUTES and Agenda

13-0530 APPROVAL OF MINUTES - March 5, 2013 Conference and Regular Meetings and March 14, 2013 Joint Workshop with Budget Advisory Board

Motion made by Vice Mayor Roberts and seconded by Commissioner Trantalis to approve the minutes of the March 5, 2013 Conference and Regular Meetings and the March 14, 2013 Joint Workshop with Budget Advisory Board.

APPROVED

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

PUBLIC HEARINGS

PH-1 13-0517 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTIONS 47-19.3D AND E - construction and maintenance after the fact of two triple-pile clusters extending a maximum of 45 feet from property line - 3012 NE 20 Court (Request to defer to May 21, 2013)

Applicant: Giles Blondeau; Multimo, LLC

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.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts to defer the item to June 4, 2013 (request of applicant).

DEFERRED TO JUN 4, 2013 AT REQUEST OF APPLICANT

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

PRESENTATIONS

PRES-5 13-0616 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL 23, 2013 AS INTERNATIONAL CHILDREN'S DAY IN THE CITY OF FORT LAUDERDALE AND PRESENTATION OF CERTIFICATES TO WINNERS OF SISTER CITIES AND FLORIDA TURKISH AMERICAN ASSOCIATION'S 2013 ANNUAL ESSAY CONTEST FOR 5TH GRADERS - "What would you do to improve the world?"

Commissioner Trantalis presented a proclamation designating April 23, 2013, as International Children's Day in the City to Tony Marcelli, President of Fort Lauderdale Sister Cities International. He awarded certificates of recognition to the 5th grade winners for the Sister Cities' and Florida Turkish American Association's 2013 annual "What would you do to improve the world?" essay contest.

PRES-1 13-0604 RESOLUTION PROCLAIMING APRIL 17, 2013 AS MILITARY FAMILY AND COMMUNITY COVENANT DAY

Commissioner DuBose presented a resolution proclaiming April 17, 2013, as Military Family and Community Covenant Day in the City to Captain Heather Deters, Commander, United States Army Recruiting Company Fort Lauderdale, and Harvey Spigler, Public Affairs Officer, United States Army Recruiting Battalion Miami. Captain Deters thanked the Commission. Commissioner DuBose expressed gratitude to members of the United States Armed Forces. He noted an upcoming community service event at the Urban League of Broward County that focuses on our military.

See page 16

PRES-2 13-0443 THE MAYOR AND CITY COMMISSION WILL RECOGNIZE STUDENT VOLUNTEERS AND DILLARD CULINARY ARTS PROGRAM FOR WALK THROUGH HISTORY

Commissioner DuBose recognized student volunteers in the Dillard Culinary Arts Program for their participation in the "Walk through History" event.

PRES-3 13-0614 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL 16, 2013 AS ARBOR DAY IN THE CITY OF FORT LAUDERDALE

Commissioner Rogers presented a proclamation designating April 16, 2013, as Arbor Day in the City to Gene Dempsey, City Forester. Mr. Dempsey thanked the Commission. He invited the public to attend upcoming Arbor Day and Earth Day events in the city.

PRES-4 13-0615 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL, 2013 AS ARBOR DAY IN THE CITY OF FORT LAUDERDALE

Commissioner DuBose presented a proclamation designating April, 2013, as Fair Housing Month in the City to Alyssa Arnell, Vice President of Housing Opportunities Project for Excellence, Inc. (HOPE). Ms. Arnell thanked the Commission.

PRES-6 13-0617 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL 14-20, 2013 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK IN THE CITY OF FORT LAUDERDALE

Vice Mayor Roberts presented a proclamation designating April 14-20, 2013, as National Public Safety Telecommunications Week in the City to William Findlan, Fire-Rescue Division Chief. Division Chief Findlan recognized Marisol DiBernardo, Fire-Rescue Communications Coordinator, and Sharon Andersen, Communications Project Manager, as well as all of the City's public safety telecommunicators for their daily efforts to ensure residents' safety. Ms. DiBernardo thanked the Commission. The City Manager acknowledged Scott Perrin of the Broward Sheriff's Office, for the telecommunications assistance his agency provides to the City. Mr. Perrin thanked the Commission and City residents.

PRES-7 13-0618 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL, 2013 AS FORT LAUDERDALE FIREFIGHTER APPRECIATION MONTH IN THE CITY OF FORT LAUDERDALE

Commissioner Rogers presented a proclamation designating April, 2013, as Fort Lauderdale Firefighter Appreciation Month in the City to Joanne Bowsman, Executive Director of the Muscular Dystrophy Association (MDA) Chapter in South Florida. Ms. Bowsman thanked the Commission as well as the City's firefighters and residents for their support. Fire-Rescue Division Chief William Findlan expressed desire to continue the fire-rescue department's long-standing relationship with MDA.

PRES-8 13-0571 RECOGNITION OF FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY - RECIPIENT OF SOUTHEAST FLORIDA EXCELLENCE AWARD FOR SMART GROWTH

On behalf of Gloria Katz, Former Commissioner and Founder of The Smart Growth Partnership, a Southeast Florida Initiative, Marianne Winfield, Executive Director of The Smart Growth Partnership, presented the Southeast Florida Excellence Award for the Sistrunk Boulevard Streetscape and Enhancement Project to Commissioner DuBose.

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Motion made by Vice Mayor Roberts and seconded by Commissioner Trantalis that Consent Agenda Items M-6, M-11, M-13, and M-15 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

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

M-1 13-0510 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Earth Day; Fourth Annual Covenant House Florida 5K on A1A; Viva 500 Hispanic Festival; Saturday Nite Alive; American Diabetes Association's Step Out: Mega Walk to Stop Diabetes; Corporate Sports Fest; 1st Annual Cinco de Mayo Street Festival; Best Buddies Friendship Walk 2013.

APPROVED

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

M-2 13-0244 CONTRACT RENEWALS - JULY, AUGUST AND SEPTEMBER 2013 - contingent upon respective vendor agreeing to extension

APPROVED

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

M-3 13-0502 AGREEMENT FOR SUMMER YOUTH EMPLOYMENT PROGRAM - Workforce One

APPROVED

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

M-4 13-0516 ADDITION OF NEW CLASS TO FEDERATION OF PUBLIC EMPLOYEES COLLECTIVE BARGAINING AGREEMENT (Professional) - GEOGRAPHIC INFORMATION SYSTEMS ANALYST

APPROVED

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

M-5 13-0550 USE OF NEGOTIATION METHOD TO OBTAIN INSURANCE PREMIUM QUOTES - CYBER AND POLICE LIABILITY APPROVED

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

M-6 13-0566 RETURN SECURITY FUND TO COMCAST OF FLORIDA, LLC - \$217,136.59 - previous cable franchise agreement

Commissioner Rogers indicated that in District IV there are double utility poles where one is non-functional. Florida Power and Light (FPL) will remove the non-functional pole, but first the cable and telephone companies must disconnect their equipment. He wanted to establish a streamlined system. The City Manager indicated that, once provided the locations, staff will coordinate any such requests through the City's Office of Neighbor Support. He elaborated upon difficulties that have resulted since the legislature removed cities' ability to regulate the customer service part of franchises. Comcast and AT&T have always been responsive to the City's requests. Commissioner Rogers indicated that there are a couple of non-functional poles in Croissant Park.

Derek Cooper, Vice President of Government and Regulatory Affairs and Community Investment, Comcast of Florida, LLC, explained the coordination that takes place with FPL and agreed to provide Commissioner Rogers with his contact information so the pole locations could be emailed to him. He pointed out that this item pertains to an expired performance bond, originally in the amount of \$175,000, that accrues interest and has been outstanding for about two years. Commissioner Rogers asked if Comcast's obligation to remove their cable from the non-functional poles is contractual or statutory. Mr. Cooper explained that it is contractual with the pole owner and that obligation would continue, regardless of this performance bond. So Comcast would continue to work on the non-functional pole issue with their construction team and FPL. He explained to Mayor Seiler that most poles are owned by FPL, and some by AT&T, Bell South, or Comcast. The proposed item is unrelated to the utility pole issue. Commissioner Rogers thought while this item is pending, the City is well positioned to get this issue resolved.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to defer the item to May 21, 2013.

Mayor Seiler asked Mr. Cooper to meet with Commissioner Rogers in the interim to provide clarification as to whether there is any relationship between this performance bond and the utility pole issue. If the matters are unrelated, he thought the performance bond requirements should be honored.

DEFERRED TO MAY 21, 2013

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

M-7 13-0602 HOME DESIGN AND REMODELING SHOW CO-SPONSORSHIP - BANNERS - May 15-28, 2013 and November 5-18, 2013 APPROVED

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

M-8 13-0420 AMENDMENT 1 TO TASK ORDER 21 - TAXIWAY ECHO PAVEMENT REHABILITATION AT EXECUTIVE AIRPORT - \$32,177.50 - Kimley-Horn and Associates, Inc.

APPROVED

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

M-9 13-0449 WORK ORDER 1 - CANAL DREDGING - SEVEN LOCATIONS - Annual Canal Dredging Contract with Cavache, Inc. - \$209,996 plus \$22,500 for engineering administration fees

APPROVED

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

M-10 13-0582 AMENDMENT TO AGREEMENT FOR SINGLE STREAM RECYCLING GRANT FUNDS - Broward County Resource Recovery Board - extending deadline beyond May 1, 2013 and authorizing City Manager to execute all necessary documents for time extension

APPROVED

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

M-11 13-0431 ACCEPTANCE OF THIRTY-SEVEN VACANT LOTS FROM NORTHWEST NEIGHBORHOOD IMPROVEMENT DISTRICT

Charles King, 105 N. Victoria Park Road, was concerned that the Community Redevelopment Agency is not concerned about property values. He contended that the City must reimburse about \$500,000 to the U.S Department of Housing and Urban Development (HUD) because of misspending and improper record keeping. But the City should not balance its budget at the expense of its poorest residents. The funds should instead be utilized to improve the northwest area. The properties should be listed on the MLS at their appraised value established by the Broward County Property Appraiser, rather than utilizing a process where purchases can be made below appraised value.

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

APPROVED

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

Mayor Seiler noted that the total Broward County Property Appraiser assessed value for all 37 properties is about \$800,000. Vice Mayor Roberts also noted that the reimbursement to HUD is a result of practices that occurred from 1995 to 2008, prior to this Commission.

M-12 13-0442 ARTSERVES BRUNCH ON THE BEACH EVENT - Request of Beach Business Improvement District Advisory Committee for funding - \$10,000

APPROVED

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

M-13 13-0447 FLAVORS OF FORT LAUDERDALE EVENT - Request of Beach Business Improvement District Advisory Committee for funding - \$60,000

Commissioner Rogers highlighted information in the financial summary shown on page 22, Exhibit 1 of Community Redevelopment Agency Commission Agenda Memorandum 13-0446. He was concerned about continued future losses for this event, given the \$251,553.46 loss in 2012. He estimated that only 2,100 people attended, yet approximately \$157,000 went toward start-up costs alone. Mayor Seiler and Commissioner Trantalis agreed. Commissioner Trantalis thought this is a good concept, but a different approach is needed. This item should not be approved in its current form. Vice Mayor Roberts agreed. He recalled that funding provided to events like this is supposed to be seed money. This is a nice idea, but not worth the requested investment. Commissioner Rogers added that it is not essential to draw beach visitors in November like it is during the summer. Commissioner DuBose agreed. He also questioned items in the financial summary as to startup costs and whether the same level would continue going forward. Further he wanted to know the overall impact to the local economy.

Chuck Martinez of Adelfi Group, Inc., event partner, the Beach Business Improvement District Advisory Committee's (BID) desire to utilize this event to promote the city as a culinary destination and to stimulate tourism during the lull that follows the boat show in November. He contended that some hotels reported a minimal uptake last year. This outdoor event is not suitable for summer. The objective is to showcase the best of Fort Lauderdale, including the weather. He elaborated upon four similar events that Adelfi produces in New York. Although a profit is not generally shown the first year, this event's significant loss was unexpected. The three-year plan estimated losses of \$150,000 and \$50,000 in the first and second years, respectively, and a profit in the third year and going forward. Although seeking a partnership with the City, Adelfi is financially committed to this event. The Greater Fort Lauderdale Chamber of Commerce and the Greater Fort Lauderdale Convention and Visitors Bureau (GFLCVB) have expressed enthusiasm, and vendors, sponsors, participating restaurants, and attendees were pleased. He expected the exhibitor and sponsorship revenue streams to increase this year to about \$15,000 and \$200,000, respectively. In response to Mayor Seiler, he explained that the GFLCVB did not provide any sponsorship funds, only in-kind assistance. In-kind value is not reflected in the financial summary.

In further response to Mayor Seiler, Mr. Martinez indicated that about 900 tickets were sold, and approximately 300 tickets were given to sponsors and partners in return for in-kind assistance. Both the costs and sales were underestimated. People were hesitant last year to purchase tickets because of unfamiliarity with the event. But this year sponsors are coming onboard like Southern Wine and Spirits, Royal Caribbean Cruise Lines, JM Lexus, Ritz-Carlton, Westin, and the Pelican Grand Beach Resort. Adelfi is working with a local bank and Sysco for in-kind assistance that he believed will dramatically reduce expenses. Creative design expenses were mostly start-up costs. The public relations cost will be dramatically less this year in that the event can be promoted through the sponsors. Given the significant funding request from two agencies (\$60,000 from BID and \$40,000 from the Community Redevelopment Agency), Mayor Seiler stressed that the 2013 event budget not being provided is problematic. Funding cannot be committed without a budget. Commissioner Trantalis shared Mayor Seiler's concern about not being provided a budget. As for the ratio of sales agent fees to the sponsorship amount shown in the

financial summary, Mr. Martinez explained to Mayor Seiler and Commissioner Trantalis that there were both monetary and in-kind sponsorships in the amounts of \$64,000 and about \$45,000, respectively. He recalled agreeing to the BID's request that expenses would go to operational expenses, and Adelfi would present invoices. A budget would have been provided if requested. Commissioner Trantalis wanted Mr. Martinez to provide a budget for the May 7 meeting.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts to defer the item to May 7, 2013.

Vice Mayor Roberts also wanted in-kind sponsorships reflected in the budget. Mayor Seiler thought costs set forth in the current financial summary are unusually high. He asked Mr. Martinez to meet with the Commission individually prior to May 7 to review the 2013 budget, and to provide supporting documentation for the 2012 financial summary. Commissioner DuBose asked Mr. Martinez to bring forward quantifying information regarding local economic benefit, and the projection for next year.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, elaborated upon neighboring south Florida cities that have incorporated restaurants as attractions. He recalled the City's LARC (Leisure and Recreation Concepts, Inc.) study recommendation for an aquarium-like restaurant and food facilities. The City is losing revenue because little is offered on the Intracoastal in terms of restaurants and various attractions. He expressed support of the proposed event, as well as the recently held Tortuga Music Festival.

There was no one else wishing to speak.

DEFERRED

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

M-14 13-0482 NO OBJECTION TO PLAT NOTE AMENDMENT - CROCKER TOWER PLAT - Case 9-P-00A

Applicant: Southeast Second Street, LLC - Camden Summit Partnership LP
 Location: North of SE 2 Street between SE 3 Avenue and SE 5 Avenue
 Zoning: Regional Activity Center - City Center RAC-CC
 Land Use: Downtown Regional Activity Center

APPROVED

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

M-15 13-0501 CODE ENFORCEMENT LIEN SETTLEMENT AGREEMENT - 744 NE 16 Avenue - Case CE11052402

Charles King, 105 North Victoria Park Road, noted his experience and credentials as a realtor and property owner in Victoria Park. He lives near the proposed abandoned property. It seems there is a pattern in Victoria Park as the City also recently provided a code enforcement lien settlement agreement for a similar property on 7th Place. Going forward, he wanted the City to require property owners with a

pending sale who are seeking a lien settlement to disclose the sale price in order to protect neighbors from below market deals. He elaborated upon some below market deals that occurred in Victoria Park, including the property on 7th Place.

In response to Commissioner Rogers, the City Manager explained that the City will be a party in the stipulated settlement at the time of closing. However this recommendation is based on the merits of the situation and not the transaction price. This will remedy a derelict house and recover the City's costs plus an additional \$14,000. Commissioner Trantalis stressed that this is not simply a handout. There are stipulations that must be met in addition to paying the settlement amount, or the balance of the fine will be imposed. Mayor Seiler emphasized that the proposed is beneficial for the City and the neighborhood.

Motion made by Commissioner Trantalis and seconded by Commissioner Rogers to approve the item as presented.

APPROVED

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

M-16 12-2525 DOWNTOWN TRANSIT CIRCULATOR - WAVE STREETCAR PROJECT - DESIGN, CONSTRUCTION AND OPERATION - Interlocal Partnership Agreement with Downtown Development Authority, South Florida Regional Transportation Authority, Broward Metropolitan Planning Organization and Broward County

APPROVED

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

CONSENT RESOLUTION

CR-1 13-0505 CITY CEMETERIES GENERAL PRICE LIST AND VETERANS SPECIAL PRICING LIST - effective June 1, 2013.

ADOPTED

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

CR-2 13-0430 AMENDMENT TO LEASE AGREEMENTS - FORMER FLORIDA ATLANTIC UNIVERSITY'S COMMERCIAL BOULEVARD CAMPUS - early termination - State of Florida Board of Regents on behalf of Florida Atlantic University - Parcel 23 and 23A at Executive Airport

ADOPTED

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

CR-3 13-0497 RAILROAD CROSSING IMPROVEMENTS AT SW 9 STREET - Reimbursement Agreement with Florida East Coast Railway, LLC and Florida Department of Transportation and authorizing City Manager to extend term upon mutual agreement

ADOPTED

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

PURCHASING AGENDA

PUR-1 13-0468 TWO-YEAR CONTRACT FOR PURCHASE OF SWIMMING POOL CHEMICALS in the amount of \$187,139.96 from Allied Universal Corp., Commercial Energy Specialists, Inc., Gomez Chemicals, Inc., Leslie's Poolmart, Inc. and Pro-Star Pool Supplies, Inc.

APPROVED

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

PUR-2 13-0507 CONTRACT FOR LAS OLAS BOULEVARD PEDESTRIAN RAILING IMPROVEMENTS in the amount of \$64,590 from Construct Group Corporation and authorize City Manager to execute on behalf of City

APPROVED

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

PUR-3 13-0508 ONE-YEAR CONTRACT FOR PURCHASE OF CHAIN LINK AND PICKET FENCES in estimated amount of \$100,000 from Tropic Fence, Inc. and authorize the City Manager to approve renewal options contingent upon approval and appropriation of funds

APPROVED

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

PUR-4 13-0509 CONTRACT TERMINATION WITH GLOBESPAN MEDICAL, INC. (d/b/a GLOBESPAN TRANSCRIPTION) AND APPROVE ONE-YEAR CONTRACT FOR LAW ENFORCEMENT TRANSCRIPT SERVICES to Net Transcripts, Inc. in the amount of \$175,000 and authorize City Manager to approve renewal options contingent upon approval and appropriation of funds

APPROVED

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

PUR-5 13-0533 PURCHASE OF CITY HALL LED LIGHT FIXTURE REPLACEMENT PACKAGES in the amount of \$231,346.98 from LED Are Us, LLC
APPROVED

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

PUR-6 13-0556 ONE-YEAR CONTRACT FOR A MOBILE DATA TECHNICIAN in the amount of \$66,560 from Control Communications, Inc. and authorize City Manager to approve renewal options contingent upon approval and appropriation of funds

APPROVED

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

PUR-7 13-0563 PURCHASE OF SOLAR LIGHTING in the amount of \$233,837 from Hunter-Knepshield Company

APPROVED

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

PUR-8 13-0601 MONTH TO MONTH CONTRACT EXTENSION FOR SINGLE FAMILY RESIDENTIAL HOUSEHOLD GARBAGE, TRASH AND YARD WASTE COLLECTION from Choice Environmental Services of Broward, Inc. - up to ninety days commencing on May 1, 2013 - estimated amount of \$412,197.31

APPROVED

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

RESOLUTIONS

R-1 13-0579 2035 VISION PLAN: *Fast Forward Fort Lauderdale*

Randall Vitale, chair of the Visioning Committee, indicated that the committee unanimously recommends the proposed plan.

Mayor Seiler opened the floor for public comment.

Dennis Ulmer, 1007 NW 11 Place, elaborated upon the information and planning that comprised the vision plan. He participated in the process as it was an open forum. He thanked staff and the Visioning Committee for their efforts. A scorecard is included in the plan to monitor progress and implementation. He urged the Commission to adopt the proposed plan.

Art Seitz, 1905 N. Atlantic Boulevard, remarked on the effort put forth to develop the proposed plan. He recalled a visioning process that took place in the city about 15 years ago where the top priority was pedestrian and bicycle enhancements. He elaborated upon the future A-1-A promenade. He expressed gratitude for the City utilizing walkability consultant and author, Jeff Speck, and encouraged the Commission to read his book.

There was no one else wishing to speak.

Mayor Seiler posed the concept perhaps of a blue ribbon committee to oversee the plan's implementation and provide citizen input. Mr. Vitale indicated that many aspects of the plan may fall under the City's current board/committee structure. The Visioning Committee saw the plan's implementation to be a fluid process. Personally, he felt confident in City staff's commitment to the plan. Mayor Seiler agreed that some aspects of the plan's implementation can be handled by existing boards/committees. But he was concerned about how to address elements that may not fall under one or those that apply to several. He wanted to assure ongoing involvement from citizens. Commissioner DuBose agreed that community involvement is needed over the life of the plan to ensure it remains on target. The only constant element of the plan is the residents. He raised an idea for the Committee meeting annually to review the plan and provide input. Commissioner Rogers referred to the vision scorecard set forth on page 76, Exhibit 1 of Commission Agenda Memorandum 13-0579. The key is accountability. Having the scorecard on the website as well as on the agenda monthly would be helpful. He questioned the feasibility of requesting the committee's involvement through 2035. Mr. Vitale indicated that the scorecard is a means for everyone to easily gauge the plan's outcomes. Vice Mayor Roberts felt all budget planning will relate to this long-range plan. Mayor Seiler wanted to find some role to ensure that this plan stays on track. He asked the City Manager to give this some thought in crafting some approach such as the chairs of all advisory boards taking part. Mr. Vitale asked the Commission to scrutinize every matter that comes forward in terms of whether it supports the City's vision.

The Commission thanked the committee for their service.

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

ADOPTED

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

R-2 13-0399 ADOPTING 2013-2016 LOCAL HOUSING ASSISTANCE PLAN and authorizing proper City Officials to execute all documents for receipt and administration of State Housing Initiatives Partnership Program

The City Manager highlighted information set forth in Commission Agenda Report 13-0399.

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

ADOPTED

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

R-3 13-0558 DECLARING CITY'S INTENT TO LEASE TWO PROPERTIES TO BROWARD COUNTY MINORITY BUILDERS COALITION, INC. - RENTAL TO LOW TO MODERATE INCOME FAMILIES and set a public hearing to consider lease terms

Location: 1145 NW 5 Avenue and 1200 NW 3 Street

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, indicated that he personally viewed the proposed duplex and triplex and elaborated upon his observations. He questioned the City's goal and purpose in owning these properties, utilizing general fund monies and entering into the proposed contract with the Broward County Minority Builders Coalition, Inc. (BCMBC). The City Manager advised that the City took ownership of these properties through Community Development Block Grant funds. The properties have been renovated. Under U.S. Department of Housing and Urban Development guidelines, the properties must be utilized for low to moderate-income families. As the City is not in the rental business, it sought this partnership with BCMBC. The City will lease the properties to BCMBC, and BCMBC will, in turn, rent the properties based on the HUD rental schedule as relates to affordable housing. Affordable housing is not limited to one area, rather the objective is to provide reasonable housing alternatives throughout the city. In further response, he explained that these homes could only be sold to a low to moderate-income housing provider, and the City would have to put any return back into similar projects as program income.

Commissioner Trantalis stressed that there is already plenty of low to moderate-income housing in South Middle River, and no more is needed. He did not feel it is beneficial for the City to own real estate. Although he supports low to moderate-income housing, he was uncertain whether it will benefit South Middle River. He did not want to continue purchasing properties for occupants that will not enhance the overall neighborhood. Commissioner DuBose noted that he lives near the proposed properties. He believes this definitely enhances the neighborhood. These federal programs are meeting their objective to enhance neighborhoods that have derelict properties. This is a benefit to the city, not a cost. Mr. King pointed out that these properties do not contribute to the property tax base which is a cost to the city and taxpayers. Commissioner DuBose reasoned that derelict properties can be more costly in terms of draining the City's resources due to crime-related issues, so he preferred the properties to be occupied. He noted that low-income residents can still be productive citizens.

At the City Manager's request, Jonathan Brown, Housing and Community Development Program Manager, explained that the City has owned the duplex at 1145 NW 5 Avenue since 2005 and the triplex at 1200 NW 3 Street since 1997. The properties were used to support the City's Substantial Rehabilitation – Replacement Housing Program by providing temporary housing for individuals undergoing a home rehabilitation. Upkeep of the properties became unsustainable. This approach is an alternative means to house eligible clients according to HUD guidelines. BCMBC completed a similar project in the Carter Park area, and has a good track record. In response to Mayor Seiler, he indicated that the duplex was acquired through lien foreclosure and the triplex was acquired via a quit claim deed. He confirmed that the City can sell properties acquired through lien foreclosure if no element of HUD funding is involved. Mayor Seiler agreed with Commissioner Trantalis that such properties should be sold.

The City Manager advised that these properties are the only two residential structures to which the City holds title, other than one recently escheated property that will be sold as surplus. The City is not seeking to acquire and rehabilitate homes. He confirmed for Commissioner Trantalis that grant funds were only acquired for rehabilitation, not for acquisition. Commissioner Trantalis asked whether only the rehabilitation grant funds would have to be paid back if the properties were sold. In response to his and

Mayor Seiler’s inquiries, Mr. Brown clarified that the sale proceeds would not have to be reimbursed to HUD, but rather would go back into other eligible programs but not be added to the City’s general revenue. The proposed properties were rented to low-income families because of HUD restrictions. He confirmed that the Commission’s goal to sell, rather than hold, any new property acquired through lien foreclosure, continues to be respected.

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

ADOPTED

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

R-4 13-0521 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 Advisory Committee	Thomas Hastings (Consensus)
Board of Adjustment	Michael Madfis (Consensus) E. Birch Willey (Consensus/Alternate)
Budget Advisory Board	Bob Oelke (Commissioner Trantalis – effective 60-days from date of resignation from Budget Advisory Board) Chuck Black (Commissioner Rogers)
Cemetery System Board of Trustees	Myrna Pototsky (Commissioner Trantalis) Michael Ruddy (Commissioner Trantalis)
Charter Revision Board	Rochelle Golub (Vice Mayor Roberts)
Education Advisory Board	Shelby G. Smith, III (Commissioner Rogers)
Historic Preservation Board	Philip Morgan (Mayor Seiler)
Housing Authority, Board of Commissioners	Nicholas Tranakas (Mayor Seiler)
Northwest-Progresso-Flagler Heights Redevelopment Board	Alan Gabriel (Vice Mayor Roberts) Scott Strawbridge (Vice Mayor Roberts)
Planning and Zoning Board	Patrick McTigue (Mayor Seiler)
Sustainability Advisory Board	Barbara Walker (Commissioner Trantalis)

Commissioner Trantalis asked about appointments made by a previous commissioner. The City Attorney advised that the Planning and Zoning Board is quasi-judicial and, once appointed, members serve a term of office and can only be removed for cause. However, non-quasi-judicial appointees could be removed without having to show cause.

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

ADOPTED

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

PRES-1 13-0604 RESOLUTION PROCLAIMING APRIL 17, 2013 AS MILITARY FAMILY AND COMMUNITY COVENANT DAY

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

ADOPTED

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

R-5 13-0438 QUASI-JUDICIAL - SITE PLAN LEVEL IV DEVELOPMENT PERMIT - GRAND BIRCH CONDOMINIUM - Case 53-R-12

Applicant: Grand Birch, LLC
Location: 321 North Birch Road
Zoning: Intracoastal Overlook Area IOA
Land Use: Central Beach Regional Activity Center C-RAC

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.

Keith Poliakoff of Becker & Poliakoff, P.A., representing Residents for Responsible Growth, LLC (RRG), advised that this is a group of ten neighboring condominium and co-op associations and hotels joined to oppose this project. RRG was recognized as a party intervenor by the Planning and Zoning Board (PZ) and given equal time. This request was also filed at the Commission level. In response to Mayor Seiler, the City Attorney advised that there is no party intervenor status.

Heidi Davis Knapik of Gunster, Yoakley & Stewart, P.A., representing the Applicant, presented slides concerning this matter. A copy of the slides is attached to these minutes. She submitted the following documents from the November 28, 2012 Planning and Zoning Board meeting record which were made part of the record. She also submitted 257 additional letters of support that were made part of the record. She noted that some letters of support were provided by residents of central beach area that are represented by Mr. Poliakoff. The property is .63 acre, and almost 50 percent will be open space and landscaping. The proposed would be the only building in the central beach area with 30 foot side yard setbacks to create view corridors from the street to the Intracoastal. Further, 70 percent of the first floor is transparent to allow for water views from Birch Road through the building. The design will activate the public realm. The Applicant chose to come before the Commission because it did not want to create a site plan level III "wedding cake" design. She went on to explain other features of such a design and why it was not chosen by the Applicant. She stressed that this item is not a variance; rather, a Development of Significant Impact Site Plan Level IV review is a mechanism set forth in the ULDR for buildings with significant features. Also, no parking reductions are being requested. The proposed project meets or

exceeds all applicable zoning and land use provisions, Central Beach Revitalization Plan and the vision of the beach. It received a favorable PZ staff report and was approved by the PZ by a vote of 7-2.

Ms. Knapik went on to define neighborhood compatibility as being consistent with the overall plan of development contemplated by the Central Beach Revitalization Plan. Staff has indicated that the surrounding buildings range from two to fifteen stories, and the proposed project is similar to the mass and scale of the surrounding vicinity. The IOA (Intracoastal Overlook Area) zoning district allows buildings to be up to 120 feet high, and the proposed is 115 feet. Further, the area across the street is zoned ABA (A-1-A Beachfront/Area District) which allows buildings to be up to 240 feet high. The entire neighborhood, central beach area and proposed redevelopment contained in the Revitalization Plan must be considered when discussing neighborhood compatibility. She contended that the proposed project is compatible, and complies with all parking requirements set forth in the ULDR. Further, a 20 foot landscape yard is not required because ULDR waterway use provisions do not apply to central beach area projects. The ULDR sets forth unique provisions for central beach area projects in Section 47-12 that differ from other ULDR stipulations; and if any provision in the ULDR is in conflict, the central beach area provisions prevail. The accessory uses section of the ULDR provides that multi-family pools are subject to zoning district's minimum yard requirements. She quoted the definitions of yard and setbacks in the IOA District. Staff has confirmed that pools are below ground level and not considered a structure, therefore not being subject to setback or yard requirements in the IOA District. PZ agreed with staff on this issue. She submitted a list of streetscape improvements proposed for the intersection of Granada Street and Birch Road. A copy of the list is attached to these minutes. The improvements are in accordance with the EDSA Master Streetscape Plan. They are not required by code, but being offered by the Applicant at its sole expense.

George Fletcher, president of Adache Group Architects, representing the Applicant, read a prepared statement and presented slides concerning this matter. Copies of the slides and prepared statement are attached to these minutes.

Cecelia Ward, president of JC Consulting Enterprises, Inc., representing the Applicant, noted her experience and credentials as a certified planner, reflected in her curriculum vitae. She highlighted points in a prepared statement which is attached to these minutes. A copy of her memorandum, dated March 21, 2013, containing her review of the project was also made a part of the record. She also referred to Ms. Knapik's comments concerning the pool and agreed that the pool and its location are compliant with the ULDR.

Molly Hughes, president of Hughes Hughes, Inc., representing the Applicant, noted her experience and credentials as a traffic consultant, reflected in her curriculum vitae which was submitted by the Applicant and made part of the record. She highlighted points in a prepared statement concerning parking related issues that have been raised by neighboring property owners. A copy of the statement is attached to these minutes. A copy of her letter, dated October 31, 2012, concerning these issues was also made a part of the record.

Ms. Knapik also submitted documents listed on the Applicant's Index of Record (attached) which were made part of the record.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, opposed the item.

Charles King, 105 North Victoria Park Road, expressed a neutral position. This was approved by the PZ, and a property owner should be able to develop their property. He urged the Commission to consider the future, the economy, and the whole city when making this decision.

Lawrence E. Blacke, representing CCR Realty Investments, Inc. and Blue Skies Realty Investments Inc., owners of 3000, 3003, 3010, and 3011 Granada Street, opposed the item due to concern about its impact. His clients have endeavored to maintain consistency with the neighborhood's character in terms of smaller, quainter development.

Keith Poliakoff of Becker & Poliakoff, P.A., representing Residents for Responsible Growth, LLC (RRG), requested the November 28, 2012 Planning and Zoning Board meeting be made a part of the record. He submitted the following documents which were, either, attached to these minutes or made part of the record: 50 letters of opposition; Section 47-23.8 Waterway use of the ULDR and a letter from Mr. Poliakoff to Mayor Seiler, expressing the Residents for Responsible Growth's position, dated April 15, 2013, were made a part of the record; and an email response from City Zoning Administrator, Anthony Fajardo, sent April 16, 2013 is attached to these minutes. He also presented slides concerning this matter. A copy of the slides is attached to these minutes. Although the ULDR indicates that Section 47-23.8 does not apply to the central beach area, he noted Mr. Fajardo's email response to the contrary. He contended that City staff has not been analyzing this project according to the proper ULDR requirements which indicate that the pool cannot be placed at the present location. Hence, this project must be denied.

Michele Mellgren of Mellgren Planning Group, Inc., representing RRG, elaborated upon her experience and credentials as a certified planner and continued reviewing the slides introduced by Mr. Poliakoff. She pointed out that meaning cannot be imputed into a code requirement if the language is otherwise clear on the face of it. She believed the swimming pool at its proposed location does not meet ULDR requirements. As defined in Section 47-12.3, paragraph 23, a setback is measured from the property line to the structure above the grade. However, a yard is the distance between the boundary line of a lot and a structure measured at ground level. The ULDR defines a structure as anything built or constructed or erected, the use of which requires more or less permanent location on the land. So, according to the ULDR, the proposed pool is a structure and it is currently in violation as it should be set back 20 feet.

Mr. Poliakoff continued to review the slides beginning with neighborhood compatibility. He agreed with Ms. Knapik that Section 47-23.8.B is not applicable as the question is whether the proposed pool is a structure. However, City staff utilized Section 47-23.8.B as the standard to allow the pool in the proposed project. He pointed out that the pool of the adjacent building, Birch Pointe, complies with the ULDR's setback requirements, although the building was completed in 1996, and Section 47-23.8.B was adopted in 1997. The Applicant needs a variance to place a structure like the pool within the setback. Without a variance, the Applicant must redesign the building to meet ULDR requirements. Staff relied upon an inappropriate code provision to approve the project; he referred to the email previously submitted that proves this. The project must be denied.

Mike Kelly, resident of Birch Pointe Condominium, advised that Birch Pointe is eleven-stories, sixty units to the south of the proposed project. It is a level four development approved in 1994. He submitted a photograph of the building that previously existed on the Birch Pointe site. The photograph was made a part of the record. He thought Birch Pointe is too large. In a meeting with Birch Pointe last year, the Applicant claimed the project would be eleven stories, totally compliant with the ULDR, including a 60-foot side setback. He assumed the Applicant was conforming to a level III site plan. The Applicant subsequently told the Central Beach Alliance that Birch Pointe was in favor of the project. But, the Applicant later indicated that the 60-foot figure was the distance between the buildings, and they were not willing to make changes. He did not think the project is compatible with the neighborhood.

Ina Lee, 2200 South Ocean Lane, noted her experience and credentials as a 25-year beach area activist and resident. She expressed support of the proposed project which she believes is world-class, and symbolizes a transition out of the economic downturn.

Joe Hessman, former 50-year beach area resident, opposed the item. Placing a building like this at the proposed location will be problematic.

John Spear, 3309 NE 16 Court, supported the item. He thought the proposed building suits the variety of architecture found in the central beach area, and that it will stimulate the local economy.

Tim Goligoski, co-op owner at Cormona Apartments, located just north of the proposed project, noted his experience and credentials as, both, an urban planner and developer. He thought placing a massive building like the proposed on a small lot next to much smaller structures reflects poor planning. The Applicant should compromise with adjoining property owners and make reasonable concessions. He urged the Commission to advise the Applicant to redraft this project according to compromises with neighbors.

Walter Morgan, 1617 SE 11 Street, supported the item. He wanted to move forward with beach area redevelopment, and the proposed unique design is needed in the central beach area.

John Weaver, president of Central Beach Alliance, thought local real estate investor, Par Sanda, supports the proposed because he owns a similar lot nearby where two projects were not approved prior to his taking ownership. He believed references to wedding cake design associated with a level III site plan have made the assumption that is the only design possible. If that design had been proposed, it still would have been called up for review. He questioned testimony validity of experts of the Applicant. He believed their prior evaluations of other local projects were inaccurate. He went on to read a prepared statement. A copy of the prepared statement is attached to these minutes. He also noted that Alhambra Place Condominium and Versailles Co-op are also 60 feet apart, but Versailles is separated by a road which creates a natural setback. The proposed will not be separated by a road.

Kathy Koch, 2621 Castillo Isle, thought the proposed building design is well-suited for the location, and compatible with the surroundings. This is consistent with the beach area revitalization's objectives to draw tourists and new residents. She encouraged the Commission to approve this item.

Al Katz, president of Birch Pointe Condominium Association, agreed with Mr. Goligoski. He wanted to address this matter with the developer and reach a mutually acceptable resolution.

Randall Hudson, representing Harbor House East, Inc., supported the proposed project which he felt signifies a modern Fort Lauderdale.

Rian Thomas, 3015 Granada Street, noted that the proposed building would create a significant shadow impact for the entire street, including his pool area and pools at nearby hotels. Another issue would be inadequate parking. However, he felt a building of about five stories would be compatible.

Howard Elfman, 1631 East Broward Boulevard, noted his experience and credentials as a 24-year resident of the city and real estate broker. He supported the item.

Eric Bona, 3016 Seville Street, indicated that he owns two small buildings on this street. He emphasized that inadequate parking is currently an issue in the neighborhood. The proposed project is beautiful, but

only two parking spaces per unit is not enough. The City must take measures to resolve inadequate beach area parking.

Midge Bachewicz, read a prepared statement from Eileen Helfer, president of Harbor Haven Inc. A copy of the prepared statement is attached to these minutes.

Dave Berlin, president of Cormona Apartments, Inc., noted his credentials as an engineer. He believed the historic Cormona buildings are in jeopardy, and these residents will be most affected by the proposed. He expressed support of responsible progress in the beach area. Cormona's south building is only eight feet from the proposed building's property line, and three large air conditioning units take out an additional ten feet. The small remaining space will be the only access for construction equipment on their north side, so equipment may be only about 12 feet from Cormona residents' windows. Hence, residents would not likely be able to live here during construction which could last up to two years. He believed there is a high risk of structural damage as the 70-year old Cormona is made of non-reinforced concrete blocks sitting on shallow footers. The 30-foot setback is inadequate. He called into question the Applicant's claim that the requirements for shadow effect were met as their own study showed a shadow on the Cormona and the next several buildings. The Applicant has indicated to him that there are no issues, but other matters like landscaping and wind studies need to be addressed. He questioned whether the Applicant can meet their objective using a modified level III site plan, or if the level IV can be restricted. He urged the Commission to advise the Applicant to redraft the project with consideration for neighbor concerns.

James Mathieu, 155 Isle of Venice, noted his experience and credentials as a local resident and real estate broker for 27 years. He expressed support of the proposed project which is desirable and signifies progress. This will contribute to the City's tax base. Traffic issues are simply a part of life in this area.

Jeff Snook, Cormona Apartments resident, read a prepared statement from him and his wife, Lee Anne Snook. A copy of the prepared statement is attached to these minutes.

Patricia Robinson, 309 Bontona Avenue, recently invested in eight beach area condominiums, and wanted to continue making investments in the area. She supported the item.

Fred Carlson, government liaison for Central Beach Alliance (CBA) and 20 year resident, thought consideration should be given to placement of buildings in the beach area in terms of whether there will be crowding or open space. Given the limited space of the beach in general, it is necessary to go upscale in terms of beauty and appeal, not size. He was concerned about the Applicant's refusal to discuss or negotiate. The proposed is not compatible with the neighborhood. He urged the Commission not to approve this item, so that perhaps this can be recrafted to a more suitable project.

Michelle Farber Ross, read a prepared statement submitted by Dan and Claire Marino, in favor of the proposed project. A copy of the prepared statement is attached to these minutes.

Karen Turner, member of Central Beach Alliance, referred to the Aquatania condominium which was not approved on the basis of neighborhood compatibility. She urged the Commission not to approve this item.

Maritza Adams, 1688 South Ocean Lane, noted her experience and credentials as a local real estate agent and 22-year resident of the city. She supported the item as it will enhance the beach area.

Abby Laughlin, president of Fort Lauderdale Surf Club, Inc., read a prepared statement, urging deferral so that a compromise could be reached. A copy of the prepared statement is attached to these minutes.

Carol Schmidt, 3233 NE 34 Street, noted her credentials as a residential manager at Residences at il Lugano, located next door to her personal residence at Coral Ridge Towers. Many residents opposed development of the il Lugano, but property values have not decreased since its completion five years ago. She supported the item as it will benefit the city.

Kathy Haines, 818 SE 4 Street, presented a district map of the city that reflected locations of individuals who submitted letters of support. A copy of the map was made part of the record. She noted that many letters of support were from beach area residents. She also read a prepared statement from Kristine L. and James C. Wilkes. A copy of the prepared statement is attached to these minutes.

Paul Engel, 77 South Birch Road, supported the item, but sympathized with those in opposition. He elaborated upon prior beach area developments that he actively opposed. Those set a precedent for large buildings. However, some high-rises have improved the beach area by drawing higher-level tourists, and property values have increased. The proposed project will add to the beach area's value.

Robert Saugstad, president of Rivercrest Apartments Inc., supported the item. The proposed project represents progress.

In response to Ms. Knapik, Mr. Weaver explained that the number of votes the CBA allows a condominium association is significantly less than the actual number of units in their building. For example, his condominium has 153 units, but only is allowed ten votes. CBA represents over 4,000 residents. Ms. Knapik referred to the 170 to 11 CBA vote opposing the proposed project, and asked if 170 people were at that meeting. Mr. Weaver indicated that 170 people were not in attendance, usually about 80 to 100 people attend CBA meetings. Ms. Knapik inquired whether a condominium association representative has to obtain approval from their association in order to cast a vote. Mr. Weaver explained that would be a decision of the condominium association. Associations furnish the CBA with a list of their representatives. Mayor Seiler inquired about the CBA voting procedure for a split vote by a condominium. Mr. Weaver did not believe a vote is taken by each condominium; rather, residents utilize their own method of communication to express their wishes to the representative. If the representative does something wrong, he hears about it. As for a breakdown of the 170 votes, he thought it was 14 block and 30 individual votes. The 11 votes in support were comprised of one block vote and one individual vote cast by the same person. At Mayor Seiler's request, Mike Kelly provided copies of the May 3, 2012 and September 6, 2012 CBA meeting minutes which were made part of the record.

Ms. Knapik believed the ULDR clearly states that a pool is not a structure because it is below ground, and therefore does not need to be within a setback. As for the Cormona Apartments, Mr. Berlin was contacted in September, and the site plan was provided to him. The Applicant is willing to move the three air conditioning units that are in the north setback. The proposed is 38 feet from the Cormona. The Carmona is not a designated historic building. She read a prepared statement submitted by Susan T. Rockelman, concerning occupancy of the Cormona as well as shadowing and in support of the item. A copy of the prepared statement is attached to these minutes. As for community outreach, she explained for Vice Mayor Roberts that the Applicant has been performing due diligence and meeting with surrounding property owners and the CBA since last April. As a result, this project has been revised three times. But the Applicant was told the only acceptable concession would be a reduction to seven stories because that is the CBA's policy. The Applicant analyzed all of the issues raised, including the shadow impact, FAR (Floor Area Ratio), setback, and parking; and confirmed with City staff that the analyses showed no adverse impacts, so no further concessions were made. The project meets neighborhood compatibility.

Michael Bedzow, Applicant, contended that he recently met with John Weaver who told him that a 70-foot (seven-story) building is the standard policy, but that he had no authority and did not know how this matter could be worked on. In response to Vice Mayor Roberts, Mr. Weaver clarified that his statement to Mr. Bedzow simply meant that he does not have authority to negotiate for the CBA. He confirmed that he told Mr. Bedzow that the rule is 70 feet, but added that he personally felt that would not stand a chance. In response to Mayor Seiler, he confirmed that the May 3, 2012 CBA meeting minutes were approved at their September 6, 2012 meeting.

In response to Mayor Seiler, Anthony Fajardo, Zoning Administrator, indicated that his email response to Mr. Poliakoff was taken out of context as Mr. Poliakoff's inquiry was about Section 47-23.8 of the ULDR and how a pool can be set into that yard requirement. If the proposed building were located anywhere else in the city, approval could be sought from the Planning and Zoning Board for modification of the landscape yard set forth in Section 47-23.8. But the central beach area is not subject to that section of the ULDR. He confirmed that Section 47-23.8 is irrelevant and does not apply to this project. In further response, he explained that there is no landscape buffer yard requirement for the central beach. The section of the ULDR that does apply is Section 47-19 which states that pools and spas must meet the yard requirements, and this is consistent with City staff's interpretation for the central beach area. The central beach zoning district, Section 47-12, has a different definition of setback and yard than other sections of the ULDR; it states that structures are measured at the ground level. Hence the pool is not a structure as defined in Section 47-35 of the ULDR. He confirmed that, if the pool were elevated, it would be a structure.

In response to questions raised by Vice Mayor Roberts and Commissioner Trantalis, the City Attorney concurred with staff's interpretation of the ULDR that the pool is not a structure. Historically, it has been the City's position that there is no setback requirement for a built-in pool in the central beach. In response to Mayor Seiler, Ella Parker, Urban Design and Development Manager, confirmed that the proposed project's height is 115 feet, so the side yard setback requirement is 30 feet and the rear yard setback requirement is 20 feet. Mr. Fajardo confirmed for Mayor Seiler that the proposed project's setbacks of 30 feet for the side yard and 20 feet for the rear yard are ULDR-compliant because the pool is not considered a structure. Further, he confirmed that no structure can exceed 120 feet in the IOA district.

In further response to Mayor Seiler, Mr. Fajardo reviewed the process for both site plan level III and IV and what would prompt a level IV. Hence, a site plan level IV review is prompted by the Applicant's request to seek approval for reduced requirements. In response to Commissioner Rogers, Mr. Fajardo explained that a development of significant impact is actually a site plan level IV review. In response to Mayor Seiler, he indicated that the height limitation for the proposed building would be 120 feet under a level III review, but the Applicant would have to provide half the height of the building for the setbacks, so the building height would depend upon the available width of the site. An analysis has not been done to determine the maximum height that could fit on the site. The site dimensions are 150 feet by 200 feet. He confirmed for Vice Mayor Roberts that, if the Applicant had created a wedding cake design under level III, it would have a more massive base and been closer to the property line. In response to Mayor Seiler, he believed that, if the proposed was a wedding cake design under level III, it could have had a 10 foot setback from each property line with a two-story base. He agreed with Commissioner Trantalis that a design under level III, the maximum height would be 75 feet with 37.5 foot setbacks on each side. Mr. Fajardo confirmed that, under a level III review, the Applicant would have to reduce the height if he wanted to reduce the setbacks. The City Manager explained that the site is not rectangular, but rather it is a trapezoid. Mr. Fajardo confirmed for Mayor Seiler that, with the site being 200 foot wide lot toward the street, a 180 foot wide building could be developed under level III with no review and only 10 foot sideyard setbacks that would block all Intracoastal views for the first two stories. Commissioner Trantalis pointed out there the site plan could be called up for review for considerations other than height and setback.

Some debate ensued between Mayor Seiler and Commissioner Trantalis as to the potential for a height of 120 feet under a wedding cake design.

In response to Commissioner Trantalis, Mr. Fajardo was not aware of any request made by the Applicant to reduce the landscape requirement. The City standard for a parking space is eight feet, eight inches wide by eighteen feet long. The Applicant has proposed a slightly wider dimension. Mayor Seiler referred information in Mr. Poliakoff's presentation indicating that the parking spaces are only eight feet wide. Mr. Fajardo explained that the engineering division's review determined that the project complies with dimensional requirements for parking spaces. Further, he has confirmed the height of 115 feet which is allowed under a level IV review. In further response to Mayor Seiler, Ms. Knapik was uncertain why the proposed design had incorporated the air conditioning units in the side yard. However, they will be removed and likely placed on the roof with screening.

In response to Mayor Seiler, Ms. Parker indicated that the development to the south, Birch Pointe, is 11 stories and approximately the same height as the proposed and the rear yard setback is a little greater (20 feet). Birch Pointe's swimming pool is at about the same distance as the proposed building's setback. In further response, Ms. Hughes explained that the project does not have any parking reserved specifically for residents, guests or service providers. There are 46 parking spaces and two disabled parking spaces. In response to Commissioner Trantalis, she indicated that there are 22, two and three bedroom units. The parking spaces are not assigned. Donald R. Hall of Gunster, Yoakley & Stewart, P.A., representing the Applicant, indicated that, to his knowledge, the condominium documents have not yet been drafted. He was uncertain whether a unit owner would receive an assigned parking space. Mr. Bedzow was also uncertain whether parking spaces will be allocated to unit owners. A valet system has been contemplated so parking would always be available. The project has about sixty bedrooms. He maintained that the project has more than enough parking according to the ULDR requirement and Ms. Hughes confirmed that 48 spaces will be sufficient for residents, guests and service providers.

In response to Commissioner Rogers, Ms. Parker confirmed that the project must meet the criteria in each of the following: Central Beach Revitalization Plan (Revitalization Plan); Fort Lauderdale Beach Community (Redevelopment) Plan; Central Beach RAC (Regional Activity Center); and the City's (ULDR) design criteria. The Revitalization Plan also references neighborhood compatibility and the Central Beach Master Plan (Master Plan). The proposed meets several intents of the Master Plan in terms of preserving waterway views. She further verified that the proposed building is located in the Central Beach RAC. As to whether the Central Beach RAC supports the proposed high-density intensive mixed-use, she noted that 48 units to an acre are permitted. So 34 units would be allowed on this .6 acre parcel, but the Applicant is only proposing 22 units. She confirmed that high-density mixed-use was an original goal of the Central Beach RAC as relates to revitalization. The compatibility issue crosses all four of the above referenced plans. Commissioner Rogers thought the proposed seems to have met all of the compatibility criteria, but inquired as to the best planning tool for transition in an area and compatibility. He specifically asked about height. Ms. Parker indicated that design elements would address Commissioner Rogers' question to some extent. Staff looked at a possible impact and determined whether the property deals with that impact.

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: Vice Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

The Commission announced receipt of letters and emails pertaining to this matter, as well as with whom he had spoken with and/or site visits made concerning this matter.

Commissioner Trantalis remarked on the scarce amount of development in the beach area since 2005 due to the economic downturn. He wanted to return to investing in the barrier island. In the 1980's and 1990's rules were established with the objective to attract business and redevelopment, but many of those rules were regretted. Some oversized buildings are still unoccupied due to overdevelopment during the first decade of this century. He thought the CBA's Goals of the Central Beach Alliance of Fort Lauderdale created in 2008 is a contemplative reflection of beach area objectives. Since there is still significant blight and open space in the beach area, the City should position itself to welcome investors but be certain of compatibility. The components of design and placement for this project must be separated as the issue is related to placement, not design. He reiterated that a level IV site plan review charges the Commission to determine whether the proposed is a development of significant impact and whether it is compatible with the neighborhood. But determining neighborhood compatibility in the central beach area is difficult, given the mishmash of styles. Rather than the neighborhood's current state, trending should be examined as well as the desired progress. The goal is to obtain the ideal.

Commissioner Trantalis went on to emphasize the precedent setting nature of this matter which could have negative repercussions if not done correctly. He referred to a goal of the Central Beach Alliance that all future construction in this area should not exceed 70 feet. He questioned considering the 1988 Revitalization Plan because the mindset was different in that time. It seems there is a trend toward smaller. This is an opportunity to make certain the integrity of the central beach is not compromised. There are many low-rise, low-density buildings with larger setbacks like the Cormona in the central beach area that contribute to a pedestrian friendly environment which he believed is the most appropriate for this area. The proposed project is tastefully designed, but significant impact relates to how it interfaces with existing buildings. Based on the proposed setbacks, height and lack of mitigation in and around it, he believed the significant impact is inappropriate to the environment. He felt insulted by the Applicant's offer to only include crosswalks and some palm trees as a means to soften the building's impact. Those elements will not mitigate this building's size and intensity. He wanted the Applicant to bring back a scaled-down version that allows more interaction with the street.

Commissioner DuBose was unclear about whether the Applicant had sufficiently reached out to the community. But, based on the information presented tonight, he was comfortable with staff's recommendation as it appears the City's requirements have been met.

Commissioner Rogers reiterated the four different levels of review: Central Beach Revitalization Plan; Fort Lauderdale Beach Community (Redevelopment) Plan; Central Beach Regional Activity Center; and the City's review. He thought consideration should be given to where the central beach area is going, and the City's role. It was determined in 1988 that the area should be zoned for high-density, intensive mixed-use, and that has not been modified. But times have changed. He believed this neighborhood is in transition. He noted that the Applicant met with staff which resulted in a better design. He elaborated upon the chronology in the approval process. He believed the Applicant should have communicated more with area residents.

Vice Mayor Roberts agreed with Commissioners Rogers and DuBose. He noted positive changes like reduced crime in the beach area since the 1980's, and that such a trend should continue. It appears the Applicant has met all requirements set out in the plans already mentioned, although community outreach has been a bit of an issue. All of the development to the south of the proposed are about the same height as Grand Birch. Moving forward, he thought the beach will continue to be a mix in terms of height. He believed the Grand Birch height is compatible. Further, central beach area developer, Par Sanda, supports this project which could serve as an adjunct to spur his redevelopment of low-rise buildings in the area. He pointed out that the 2008 Central Beach Alliance's recommendations have not been formally adopted by the Commission. Although the Commission could advocate for those recommendations, he suggested they be brought forward for consideration. He believed the proposed is

compatible with the neighborhood and will spur further economic development in the area.

Mayor Seiler agreed with Vice Mayor Roberts that the project appears totally compatible with development to the south, but not to the north. This is a neighborhood in transition. He thought the Applicant should have met with residents sooner and more frequently. But it seems there is not a solution that will satisfy everyone. If residents cannot compromise, it creates a predicament. He was pleased with the clarification this evening that the ULDR section discussed is not applicable to the proposed project. He was most concerned with the ground-level aspect. This is a visually pleasing project at ground-level. Further, the Applicant has likely taken all possible measures to deal with ground-level impact. He expressed intent to approve this item, subject to the following conditions:

Air conditioning units are to be moved from side yard setbacks to the roof or within the building without impact to the property to the south or to the visibility transparency element. There is to be a seventy percent visibility transparency element at ground level and the remaining thirty percent a water element. Streetscape improvements to Granada Street at its intersection with Birch Road (previously submitted by Ms. Knapik) as depicted on Sheet 9 of the EDSA Fort Lauderdale Beach Streetscape Plan (2004 Edition). The developer is to construct improvements after approval of site plan is final and non-appealable and at its sole cost and expense: 1) Three stamped crosswalks and four ADA curb cuts as depicted on the EDSA Plan, which will require milling the underlying pavement and creation of ramps to create ADA compliant slopes. 2) Bulb Outs of Granada Street at its intersection with Birch Road. 3) Submit a conceptual off-site plan for construction of the improvements prior to final Development Review Committee site plan sign-off. 4) Substantially complete construction of the improvements prior to and as a condition of the issuance of a certificate of occupancy for the project.

Mr. Hall agreed to these noted conditions.

Mayor Seiler encouraged Commissioner Trantalis to bring forward the Central Beach Alliance's 70-foot height recommendation.

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

ADOPTED AS AMENDED

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

Nay: 1 - Commissioner Trantalis

ORDINANCES

O-1 13-0611 FIRST READING OF ORDINANCE CONSENTING TO BE INCLUDED
IN A MUNICIPAL SERVICE TAXING UNIT FOR A CONSOLIDATED
REGIONAL E911 COMMUNICATIONS SYSTEM CREATED BY
BROWARD COUNTY ORDINANCE

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

Mayor Seiler indicated that he does not support this Municipal Service Taxing Unit (MSTU) in its current form. He questioned whether it should be approved and moved to second reading as the City is currently

in negotiations with Broward County. Vice Mayor Roberts also did not support this item. He commented that the City Attorney felt first reading approval could have an impact on any future litigation. Commissioners DuBose and Trantalis agreed, as did Commissioner Rogers, though he did not want to sever any options. Mayor Seiler agreed with Commissioner Rogers and as such, asked whether this item could be brought back for reconsideration if it fails this evening and the County brings forward a different MSTU proposal. The City Attorney was uncomfortable with that course. The item would have to be readvertised if it is reconsidered and another first and second reading would be required. Hence, this could not be adopted in a timely fashion. The better course of action would be to simply defer it to the second reading without taking a vote on first reading.

In response to Vice Mayor Roberts, the City Attorney explained that in the City's dispute with Broward County, the City's position is that E911 is a County function. Adopting this ordinance would be making a legislative finding that it is a municipal function which would be providing an admission against interest in any future lawsuit.

Motion made by Commissioner Rogers and seconded by Commissioner Trantalis to defer the item to May 7, 2013 for second reading.

In response to Commissioner Trantalis, the City Attorney advised that two votes are not required to adopt an ordinance; rather, two readings and one vote are required. So a vote could be taken at second reading on May 7 which would meet the County's May 10, 2013 deadline. Mayor Seiler elaborated on positions taken by other municipalities.

DEFERRED FOR SECOND READING ON MAY 7, 2013

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

Nay: 2 - Vice-Mayor Roberts and Commissioner DuBose

O-2 13-0128 FIRST READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS - PARKING CALCULATIONS FOR SPECIFIC USES AND SHARED PARKING, SECTION 47-20

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

Mayor Seiler recalled an email from advisory board member, Bob Oelke, on this matter with whom he somewhat agreed. Diana Alarcon, Transportation and Mobility Director, indicated that she responded to Mr. Oelke's email. She noted staff's recommendation will be to only move forward with the shared use analysis portion. Anthony Fajardo, Zoning Administrator, suggested the Commission vote only on the shared use option as recommended. Mayor Seiler wanted the other aspect to be addressed. Ms. Alarcon pointed out that staff intends to bring back the Parking and Loading Zone Requirements. However, it would require a comprehensive study including how the Wave Streetcar will impact.

In response to Commissioner Trantalis, the City Manager explained the shared parking concept using an example of a strip mall shopping center with stores that operate between 9:00 a.m. and 5:00 p.m. that share parking with more intense uses that operate from 5:00 p.m. to 10:00 p.m. Fort Lauderdale is one of the few cities that does not have a shared parking code provision. Commissioner Trantalis asked how it is regulated from tenant to tenant. The City Manager advised that it addressed as part of the business tax receipt application.

Vice Mayor Roberts introduced the ordinance which was read by title only.

PASSED FIRST READING AS AMENDED

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

**O-3 13-0484 FIRST READING OF ORDINANCE ESTABLISHING PROCEDURES
AND STANDARDS FOR IMPOSITION OF ASSESSMENTS TO FUND
MASS TRANSPORTATION SYSTEMS**

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

Commissioner Rogers introduced the ordinance which was read by title only.

Commissioner Rogers thought 501(c)(3) not-for-profit organizations should be exempt from these assessments, and that this matter should be addressed by the Commission. He believed the related impact of about \$45,000 could be absorbed by the City. Mayor Seiler agreed it should be debated. However, he believed that a substantial part of the ridership will likely be because of those not-for-profits. He cautioned against creating a scenario where the downtown area is flooded with not-for-profits because of excessive exemptions. There must be a tax-paying base. In response to Commissioner Rogers, he and Commissioner Trantalis listed a number of not-for-profits in the area other than houses of worship.

Commissioner Trantalis pointed out that these assessments are based more on redevelopment opportunities than on ridership. However, if the standard is based on ridership, not-for-profits should be assessed, and the scope of the taxing area should be expanded because large nearby areas were omitted even though those residents may participate in the ridership. A standard for the assessments must be determined. The City Attorney advised that clarification is needed about whether government-owned property. There is an issue related to the fire assessment fee from which not-for-profits and government-owned property are exempt, but some of the government-owned property is used for private purposes, like office space. Commissioner Rogers indicated that he and the City Manager interpreted the ordinance language as merely being contemplative of assessing government property and not necessarily setting something in stone. The City Attorney referred to the hospital district and noted case law that states a special district cannot be specially assessed when it owns property used for district purposes. However, he thought the hospital district could be assessed for properties that are not used for district purposes. He and Mayor Seiler elaborated upon hospital property that is used for private enterprise. Mayor Seiler agreed that this point could be addressed at a future time. He did not believe that \$45,000 accurately reflects the impact of exempting downtown-area not-for-profits. Commissioner Trantalis agreed. Commissioner Rogers reasoned that a lot of information is needed to determine how broad the tax base should be. All options should be examined, and the matter be well-vetted.

PASSED FIRST READING

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

Note: The City Commission adjourned the regular meeting at 12:51 a.m. and returned to the conference meeting agenda, item BUS-3.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk