

# City of Fort Lauderdale

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



## Meeting Minutes - APPROVED

Tuesday, January 7, 2014

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 6:06 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, Cynthia A. Everett; Sergeant At Arms, Sergeant Cecil Stone

## Vote Roll Call Order for this Meeting

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

## Invocation

Rabbi Schneur Kaplan, Downtown Jewish Center Chabad

## Pledge of Allegiance

Led by Hadley and Delaney Robertson

## Approval of MINUTES and Agenda

**13-1660**                      APPROVAL OF MINUTES for November 19, 2013, Regular Meeting

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

**APPROVED**

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

## PRESENTATIONS

**PRES-1 14-0084**      PROCLAMATION DECLARING JANUARY 7, 2014 AS PEYTON ROBERTSON DAY IN THE CITY OF FORT LAUDERDALE

Commissioner Rogers presented the proclamation to Peyton Robertson. Peyton, who was named America's Top Young Scientist in the Discovery Education 3M Young Scientist Challenge, was brought to the City's attention by resident Dennis Ulmer.

**PRES-2 13-1688**      PROCLAMATION DECLARING JANUARY 11, 2014 AS MANGROVE AWARENESS DAY IN THE CITY OF FORT LAUDERDALE

Commissioner Rogers presented the proclamation to Kristen Hoss, executive director of the Youth Environmental Alliance. Hoss said the Alliance is extremely proud to partner with the City of Fort Lauderdale.

**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-18, CR-3 and PUR-3 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

**APPROVED**

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

- M-1      13-1673      EVENT AGREEMENTS: Where the Cars Are, St. Demetrios Greek Orthodox Church and South Florida Scottish Festival & Games.**

**APPROVED**

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

- M-2      13-1674      EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Fort Lauderdale A1A Marathon/Half Marathon, 5K For a Better Day, 2014 Fort Lauderdale MS Walk and Mankind**

**APPROVED**

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

- M-3      13-1653      CONTRACT RENEWALS - APRIL, MAY JUNE 2014 - contingent upon each respective vendor agreeing to the extension**

**APPROVED**

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

- M-4      14-0077      PURCHASE PROPERTY INSURANCE POLICY - \$2,102,327**

**APPROVED**

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

- M-5      13-1654      CHRONIC HOMELESS HOUSING COLLABORATIVE PROJECT - MEMORANDUMS OF UNDERSTANDING AND PARTNERSHIP AGREEMENT - Task Force For Ending Homelessness, Salvation Army, United Way of Broward, Inc. and Broward Partnership for Homelessness, Inc.**

**APPROVED**

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

- M-6     13-1670     GRANT APPLICATION - \$455,000 - CHRONIC HOMELESS HOUSING COLLABORATIVE PROJECT - Broward County**

**APPROVED**

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

- M-7     13-1650     GRANT ACCEPTANCE - \$49,496 - OPERATION TREND BUSTER - 2013 Edward Byrne Memorial Justice Assistance Countywide Solicitation**

**APPROVED**

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

- M-8     13-1666     GRANT ACCEPTANCE - \$92,507 - 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM - and authorize City Manager to execute on behalf of City**

**APPROVED**

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

- M-9     13-1667     GRANT APPLICATION - \$130,200 - ENHANCED MARINE LAW ENFORCEMENT GRANT PROGRAM - Broward County - additional waterway law enforcement patrols**

**APPROVED**

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

- M-10    14-0079     USE OF FEDERAL LAW ENFORCEMENT TRUST FUNDS TO STAFF POLICE DEPARTMENT'S PREDICTIVE POLICING INITIATIVE - \$200,000**

**APPROVED**

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

- M-11 13-1277** CHANGE ORDER 3 (FINAL) - NW 2 AVENUE PUMP STATION IMPROVEMENTS - Gonzalez & Sons Equipment, Inc. - credit of \$500 and additional 159 days to contract period

**APPROVED**

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

- M-12 13-1683** WORK ORDER 5 - \$103,560 AND WORK ORDER 6 - \$74,500 under Annual Utilities Restoration Contract with Molloy Bros. Inc. - utility system repairs including replacements at various locations

**APPROVED**

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

- M-13 14-0067** TASK ORDER 2 - \$147,409 - ENGINEERING SERVICES TO CREATE SIDEWALK MANAGEMENT SYSTEM with Atkins North America, Inc.

**APPROVED**

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

- M-14 13-1632** ADDING THREE B-CYCLE STATIONS - SECOND ADDENDUM TO REVOCABLE LICENSE - B-Cycle, LLC - 3157 Bayshore Drive, Oceanside Parking Lot, Fort Lauderdale Beach Parking Lot and authorizing City Manager to execute on behalf of City

**APPROVED**

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

- M-15 13-1651** CIVIL RIGHTS COMPLIANCE REVIEW OF CITY'S U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FUNDED PROGRAMS - Voluntary Compliance Agreement

**APPROVED**

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

- M-16 14-0081** CITY COMMISSION REQUEST FOR REVIEW - INSTALLATION OF ABOVE-GRADE COMMUNICATIONS CABINETS - schedule public hearing on January 22, 2014 to review applications - Commission District 1

Mayor Seiler referenced correspondence from AT&T submitted for the record on January 7, 2014, indicating that if this item is approved, AT&T officials would like the hearing to be set for February 4, 2014, rather than January 22, 2014. At the City Manager's request, the hearing was set based on the representation that the City will receive requested information no later than January 22, 2014.

**APPROVED AS AMENDED**

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

**M-17 14-0017** DONATION OF PARKING FEES FOR RETURN OF THE STREET  
DANCE EVENT - SW 2 Street between SW 4 Avenue and SW 5  
Avenue

**REMOVED FROM AGENDA**

**M-18 14-0056** UTILITY EASEMENT AND FUTURE RELOCATION LETTER TO THE  
FLORIDA EAST COAST INDUSTRIES, INC. AS PART OF THE ALL  
ABOARD FLORIDA PROJECT

Commissioner DuBose noted it appears there is a recommendation for approval from the City Manager's Office but he is uncertain about the language and response from the City Attorney's Office. The City Manager explained that All Aboard Florida is in the process of purchasing a piece of property from Florida Power & Light (FPL). The property is adjacent to railroad tracks just north of 2 Street. The property will ultimately have a right-of-way dedicated to the City, which would facilitate a bypass road from 2 Street to 4 Street. FPL is placing a condition on the property that if there are utilities in the way of the road, they will be removed and the cost will be part of the project. Also in the future if there are any utilities that ultimately will be placed in this easement, it becomes the City's responsibility to remove them. Staff has examined the property and does not see any FPL lines and therefore does not view this condition as a concern. He referenced Exhibit 2, Memorandum 13-331 from the City Attorney's Office, which recognizes utility relocation costs would ultimately be the City's responsibility.

Assistant City Attorney Bob Dunckel said the agreement between All Aboard Florida and FPL does not indicate exactly where the easements will go. It appears, however, that one easement will go along NE 2 Street. If this parcel of land is to be used as a bypass from 2 Street to 4 Street, it seems there will be a conflict between the roadway and the easement. Additionally, if the City countersigns and there is a conflict in the future, the cost of relocation falls to the City, not FPL. The general rule is if they have utilities that unreasonably interfere with roadway rights, the burden of relocation is placed on FPL. This agreement reverses that rule.

Commissioner DuBose asked whether the City has tried to negotiate with FPL. He was concerned about putting the City in a position where it has to bear the costs and liability. Dunckel and the City Manager confirmed there have not been negotiations related to utility relocation. The City Manager explained that All Aboard Florida wants to close on the property and this is a condition of their closing. The City is not involved in All Aboard Florida's negotiations with FPL but he agreed to reach out to All Aboard Florida and raise this issue as a concern. However it is his understanding this is a deal-breaker for FPL.

The City Manager was not sure he agrees with Dunckel's assessment that FPL may at some point install utilities that would conflict with the roadway. He believes the wording in the document relates to utilities that currently exist. Mayor Seiler asked that language be added if possible to address the City Attorney's point about the future. Dunckel pointed out that All Aboard Florida's letter (Exhibit 1 to Commission

Agenda Memorandum 14-0056) states that "... if such relocation or adjustment is caused by present or future uses ..." He interprets that to mean FPL could do something in the future that might prompt the City to request relocation. He agreed to follow up with the City Manager on the language.

**Motion** made by Commissioner DuBose and seconded by Vice-Mayor Roberts to defer the item to January 22, 2014.

**DEFERRED TO JANUARY 22, 2014**

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

**CONSENT RESOLUTION**

**CR-1 13-1628 RESCHEDULING JANUARY 21, 2014 CITY COMMISSION MEETINGS TO JANUARY 22, 2014**

**ADOPTED**

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

**CR-2 13-1623 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2014 BUDGET – APPROPRIATION**

**ADOPTED**

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

**CR-3 14-0080 LEASE OF BRYAN HOMES RIVER HOUSE - REJECT ALL BIDS AND OFFER LEASE UTILIZING SERVICES OF CBRE, INC. - 301 SW 3 Avenue**

The City Manager explained that the City's request for proposals (RFP) process is set up as a procedure to buy items rather than generate revenue. This particular case is not suited to that process. The Commission has awarded a contract to CBRE Inc. for real estate brokerage services. When the lease of Bryan Homes discussion began, the option of using CBRE's services was not available, as the contract was incomplete. The City Manager recommended using CBRE and starting this process anew.

Commissioner Trantalis understood that the RFP process may not be appropriate for this type of endeavor but wanted to keep in mind that this is more than just leasing space. It is asking a potential tenant to make a capital investment. He questioned how CBRE will know the desires of this Commission and capital improvement parameters. The City Manager explained that staff will meet with CBRE and review information from the Commission including a facility analysis that details the types of improvements necessary to make the building operational.

Commissioner Trantalis pointed out that two proposals considered at the December 17, 2013, meeting were completely different. One bidder wanted to complete the minimum requirement with added embellishments. Another was planning new construction. The Commission never had an opportunity to discuss which proposal was more desirable. He was concerned about how a real estate agent would

market the property when the only information they have is minimum standards.

The City Manager explained that the Commission can give authority to CBRE in the same way it does to staff. Ultimately CBRE will bring back proposed leases for the Commission's review. CBRE's role is threefold. CBRE has a larger, more extensive, nationwide network of potentially interested parties than the City. CBRE's real estate staff is skilled in analyzing the effects and quality of a proposal, including the financial plan and potential viability. CBRE has a better understanding of what the real estate market will support and can specifically market the property. In response to Commissioner Trantalis, the City Manager said staff's intent is to charge CBRE with comprehensively analyzing the proposals.

Assistant City Attorney Bob Dunckel explained that there is a process contained in the Charter. Commissioner Trantalis explained that his concern is that staff has compiled a checklist of items to bring the property into compliance. The Commission wants more than compliance. He is uncertain how to build those expectations into the proposal. Dunckel reiterated that the Commission will be able to comment and fine-tune the proposal before the resolution is adopted. Commissioner Trantalis pointed out that the Commission is not in the design, architectural or hotel professions.

In response to Commissioner DuBose, the City Manager explained that CBRE would receive a percentage of the lease as their payment. Deputy Director of Finance Kirk Buffington believed it is 4 or 5 percent. The City Manager noted that as long as the lease is successful, CBRE would receive its fee on an annual basis based on their performance during the duration of the lease. CBRE would also be expected to collect rent on the City's behalf and serve as a liaison with the tenant. Buffington advised that the contract is one year with the opportunity for three one-year extensions.

Commissioner Rogers revisited the history of this item as to why he was not comfortable making a decision previously. Because CBRE is a national real estate firm with resources above and beyond that of the City, he is comfortable going forward with this recommendation. The City Manager clarified that CBRE may not be able to provide expertise on architecture or engineering but they can provide a qualified opinion on whether a particular use is appropriate for the site. However CBRE has representatives who can evaluate cost estimates for things like architecture and engineering.

In response to Commissioner DuBose, the City Manager explained the process used before was consistent with but not required by the Charter.

In response to Commissioner DuBose, Dunckel said it is the opinion of the City Attorney's Office that this recommendation is 100 percent consistent with the Charter. The adoption of an ordinance or an RFP cannot trump the Charter. The Charter is the supreme document. Rejecting all bids is a power reserved in the RFP but more importantly, it is a power reserved in the Charter.

In response to Vice-Mayor Roberts, the City Manager said staff is meeting with CBRE tomorrow. He was hesitant to set a timeline but hopes to proceed as quickly as possible. Commissioner Rogers agreed with the Vice-Mayor that this matter needs to be handled quickly.

Mayor Seiler opened the floor for public comment.

Attorney Courtney Crush of Crush Law, representing Kathleen Robinson of Stirlings LLC (one of the proposers in the RFP), said she understands the City's discretion to reject all bids but it would be helpful to future bidders and the City if the Commission simplified what it wants. She went on to outline the history of this matter. Instead of focusing on questions that arose, it appears the City is going a completely different way by marketing the property on a broader basis and bringing in additional input. Given the time each proposer has put into their proposal, it would be ideal if the Commission would direct



the consultant or staff to resolve how the rent credit should be addressed. She would like the three proposals that have already been submitted to be considered before the Commission decides there may be a broader national base of potential bidders.

Don Patterson of Historic Hospitality Group (one of the proposers in the RFP), said that as the winning bidder, he is disappointed with the direction the Commission is going. They spent a great deal of time evaluating this opportunity. CBRE is a property management company. In the case of a restaurant, if a lessor is given the cost per square foot and associated terms, it is expected that the tenant would make build-out improvements. Historic Hospitality's proposal mirrors what CBRE will be charged to do. They understand exactly what the City is looking for and are willing to make a contribution in terms of percentage of gross similar to what CBRE is likely to produce. They also offered \$1.7 million in build-out. The difference between Stirlings' proposal and Historic Hospitality's proposal is that Historic Hospitality was making an initial investment of \$1.7 million. Because the City is allowing forgiveness of rent in the amount of \$3.6 million for 20 years, the initial investment of the other proposer is actually going to be coming from the City. In year 20, it is proposed that the percentage of revenue to the City would amount to \$1.2 million, but therein lies a deficit of roughly \$2.6 million. The City essentially becomes the initial investor. He noted the other proposer's percentage of revenues also was ranked third. The life expectancy of a restaurant is approximately 10 years. The City is expected to take a gamble with the thought that by year 20 it will be able to recoup the investment; however in reality it does not exist.

There was no one else wishing to speak.

Mayor Seiler said his concern is there was a flawed process. He thought that either proposal would have been acceptable. It is imperative that the City move quickly, that this property be activated and that the Riverwalk be activated.

Vice-Mayor Roberts agreed with the recommendation and believed that it ties into Commissioner Rogers' point about assessing the appropriate use. He apologized to the bidders who expended time and effort to try to do something good for the City. However, he is concerned with the flawed process.

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

**ADOPTED**

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

**CR-4 13-1378** AUTHORIZING PARKS AND RECREATION DIRECTOR TO EXECUTE AGREEMENTS FOR PROGRAMS AND SERVICES NOT DIRECTLY PROVIDED BY CITY STAFF: 1) memorandum of understanding for permit groups, 2) program service contracts 3) facility use applications, 4) memorandum of understanding for community partnerships, 5) local performance agreements and 6) swim instructor agreements

**ADOPTED**

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

- CR-5 14-0041** CHRONIC HOMELESS HOUSING COLLABORATIVE PROJECT - INTERLOCAL AGREEMENT FOR HOMELESS ASSISTANCE SERVICES - Housing Authority of the City of Fort Lauderdale

**ADOPTED**

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

- CR-6 14-0018** NEW FREEDOM GRANTS FROM THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, AND APPROPRIATING THE GRANT FUNDS FOR THE SUNTROLLEY COMMUNITY BUS SERVICE IN THE AMOUNT OF \$564,841 TOTAL FOR TWO YEARS

**ADOPTED**

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

- CR-7 14-0022** FIFTH AMENDMENT TO LEASE AGREEMENT FOR PARCEL 21-A AT EXECUTIVE AIRPORT with Airport Executive Center Partners, LLC - reinstate 5% cap on annual rental adjustments and correct scrivener's error in Fourth Amendment and authorizing City Manager to execute on behalf of City

**ADOPTED**

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

**PURCHASING AGENDA**

- PUR-1 13-1577** CONTRACT FOR SWITCHGEAR PROTECTION UPGRADE SERVICES in the amount of \$65,319 from CE Power Solutions, LLC

**APPROVED**

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

- PUR-2 13-1655** ONE-YEAR CONTRACT FOR TREE TRIMMING, SITE CLEARING AND MAINTENANCE in estimated amount of \$91,437.50 with All Florida Tree & Landscape, Inc.

**APPROVED**

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

- PUR-3 13-1662** CONTRACTS ASSOCIATED WITH PURCHASE OF PROJECT AND

ASSET MANAGEMENT SOFTWARE - Enstoa, Inc. and Oracle America, Inc.

The City Manager noted that he is working with the City Attorney to make this contract consistent with Florida law as it pertains to public records. He asked that approval be subject to the City Attorney's satisfaction that the contract is consistent with Florida law.

**Motion** made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to approve the item subject to the City Attorney's satisfaction that it is consistent with Florida law.

**APPROVED AS AMENDED**

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

**PUR-4 13-1641**              CORRECTIVE AGREEMENT FOR RECYCLABLES PROCESSING SERVICES – Piggyback Deerfield Beach Contract 2012-13/22 – Bergeron Environmental and Recycling, LLC d/b/a Sun-Bergeron, JV

**APPROVED**

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

**PUR-5 13-1687**              PURCHASE OF PINPOINT MODEMS AND HARDWARE in the amount of \$100,226.90 from CDW Government - National IPA Tech Solutions Contract

**APPROVED**

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

**PUR-6 13-1697**              SOUTH MIDDLE RIVER NEIGHBORHOOD IMPROVEMENTS - NW 14 STREET in the amount of \$724,595.71 - pavement, storm drainage, signage, landscaping and lighting

**APPROVED**

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

**PUR-7 14-0076**              PURCHASE OF QSCEND CALL CENTER SOFTWARE in the amount of \$104,600 from QScend Technologies, Inc.

**APPROVED**

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

**CITIZEN PRESENTATIONS****CIT-1 14-0034 ART SEITZ - Fort Lauderdale Beach - Family Oriented Destination**

Art Seitz recognized the late local activist Bunny Brenneman. He wished to discuss a bicycle accident that occurred last week near the Oakland Park Bridge. This happens because of conditions over the Intracoastal Waterway. Florida Department of Transportation (FDOT) is well aware of this. The accidents that have happened on Las Olas Boulevard are appalling. The turtles are causing an inconvenience that can lead to serious accidents and fatalities. There is a need for proper lighting. There is no sidewalk going northbound on A1A. He expressed concern about a 5-foot sidewalk near the South Beach parking lot. It would be better at 30 feet or 40 feet. The public is getting locked out of the beach because of the lack of public parking.

**CIT-2 14-0035 VIRGIL E. NIEDERRITER - City Expansion**

Virgil E. Niederriter asked on behalf of Riverland Neighborhood Association if it would be possible to close the park near his home at SW 21 Way at sundown. There is a drug problem and homeless people are living in the bathrooms. The park currently closes at 9 p.m. He complimented the Commission on new commercial developments that are occurring. However, there is still a need for shopping in the downtown vicinity. Mayor Seiler noted one problem is difficulty assembling parcels.

Parks and Recreation Director Phil Thornburg said conservation areas are open from dawn to dusk and all active parks are open until 9 p.m. with the exception of a couple that stay open later because of athletic fields. The City tries to keep hours consistent and work with the Police Department and park rangers on issues such as the one Niederriter has brought forward. A closing time of 9 p.m. allows people to utilize the parks after the regular work hour day. He is aware of this particular challenge and will work to get more enforcement in the area.

**CIT-3 14-0036 CHERYL GRACE - Economic Development Relating to "Emerge Conference" and South Florida's Growth as "Tech Hub of the Americas"**

Cheryl Grace noted that in 2010, the Navy issued a grant to a California nonprofit agency for a study assessing the economy's need for 400,000 robotics engineers in a 10-year period. A recent MIT study concluded that in 10 years, 50 percent of jobs would be duplicated or replaced by automation. The economy is changing, and the cities have to be prepared. She questioned whether South Florida is prepared for what could be severe unemployment. Those involved in urban planning and city administration have to plan ahead. She stressed the importance of developing a culture of being tech-minded and made various suggestions along these lines. In 2010, Google offered to build a network for local communities to answer questions online. She suggested Google be pursued for such a project in this area because South Florida communities are in close proximity to NASA. She concluded by encouraging the City to push toward making South Florida the tech hub of the Americas. She went on to discuss that some countries want to create their own internet and how it could benefit South Florida.

**CIT-4 14-0037 CHRISTINE TIMMON - Gay Rights, U.S. Constitution, Science and the Bible**

Christine Timmon provided a news article concerning the root cause of AIDS that was made a part of the record. She said the state does not have power over people and their personal liberties as it relates to gay rights. There are several clauses in the U.S. Constitution that provide for personal liberties. Amendment 1

provides for freedom of association and religion and for people to mind their own business. Amendment 9 says there is nothing in the U.S. Constitution to discourage, disparage or deny rights of the people. Amendment 14 references privileges and immunities and equal protection for everyone. Everybody who is born in this country has the right to do what they want to do and marry who they want to marry. Additionally, science tells us to let people be their own judge. The root cause of AIDS has been discovered. There is a pre-programmed self-destruct sequence intended to alert the body's immune cells but it does not work. The Bible tells us, "Judge ye not." The only free people in this country are people who are not married. If you are married you are a ward of the court.

**CIT-5 14-0038****VICKIE MACHADO - Labeling of Genetically Engineered Food -  
House Bill 1**

Vickie Machado introduced Maura Schlackman and Adrienne Bolton, who represent Food and Water Watch, a national consumer advocacy organization working locally to ensure that food and water is safe, accessible and sustainable. They have 30,000 supporters in the state and roughly 1,000 in Fort Lauderdale, more than 600 of which have signed a petition in support of labeling genetically-engineered (GE) food. She presented a fact sheet titled "The Case for GE Labeling," a sample resolution and the referenced petition for the record. Everyone should have the right to decide what to feed their families. There are GE food labeling bills in both the Florida House of Representatives and Senate. She requested that the Commission adopt a resolution supporting House Bill 1 and Senate Bill 558.

Schlackman said she took an interest in this matter because she grew up on an avocado farm. Genetically modified organisms (GMOs) encourage greater pesticide use and monocultures, harming the environment and endangering the food supply by making people dependent on a small-number of crops. GMO labeling laws are a step toward a more sustainable, transparent and accountable food system. She noted the countries and states that support GMO labeling laws. Florida is a major agricultural state and has a chance to be a leader by adopting this resolution.

Bolton, local coordinator for Food and Water Watch and a registered dietitian, said people have a right to know what is in their food. A labeling law helps establish that right to know. She believes that is what Fort Lauderdale residents want. She urged the Commission to support this matter.

In response to Commissioner Rogers, Bolton said this is a national, state and local issue. In response to Mayor Seiler, Machado said Connecticut, Maine and Hawaii have passed labeling laws. GE foods would not be prohibited; they just have to be labeled. Vice-Mayor Roberts said he believes this is a matter of transparency. Many European countries have been doing this for a long time. It is about truth in labeling. Commissioner DuBose noted that generally when resolutions are presented, the City Attorney's Office is allowed to first review them. He recommended that they reach out to the Broward League of Cities, which serves as an umbrella agency for all the cities in Broward County.

Mayor Seiler said he does not oppose the transparency but was unsure whether this is a city issue or something that would be better handled with individual letters of support from the Commission. He suggested the City Attorney's Office review the proposal and asked Machado to follow up with the City in about 30 days.

**RESOLUTIONS****R-1 13-1678 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 Redevelopment Advisory Board	Judith Scher (Commissioner Trantalis) Shirley G. Smith (Commissioner Trantalis)
Citizens Police Review Board	Kevin Borwick (Consensus/Vice-Mayor Roberts)
Community Appearance Board	Deniece Jones (Commissioner DuBose)
Nuisance Abatement Board	Leah Manzo (Consensus/Commissioner Trantalis)
Parks, Recreation and Beaches Board	Steven Buckingham (Commissioner Rogers)

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

**ADOPTED**

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

**PUBLIC HEARINGS****PH-1 13-1649 FIRST READING OF ORDINANCE - REAPPORTIONMENT OF CITY  
COMMISSION DISTRICTS - amending Ordinance C-13-47 that  
established geographical boundaries**

Mayor Seiler opened the floor for public comment.

Christine Timmon, 12 SE 20 Street, said she hopes the City does not redistrict as badly as the Republicans did for the Florida House of Representatives. She suggested the districts be more personal. She would like to have a nice peaceful district of people who live and think like she does. Commissioner DuBose explained that there is no party affiliation at the local level.

Raymond Cox said he is a member of the homeless community in Fort Lauderdale. The homeless have no representation because there are no at-large commissioners. They should have full government protection and representation. He hopes the Commission will go through this process fairly with some thought given to how it will affect the residents. The total population of Fort Lauderdale should be considered.

Mayor Seiler explained that as mayor, he is an at-large representative. Any registered voter in Fort Lauderdale has the opportunity to vote for the position of mayor. Cox was concerned that the City is not actively attempting to register its homeless population to vote.

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

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

**PASSED FIRST READING**

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

**PH-2 13-1518 QUASI-JUDICIAL - FIRST READING OF ORDINANCE REZONING TO BOULEVARD BUSINESS (B-1) - Case 4Z13**

Applicant: Gatlin Development  
Zoning: Residential Mid Rise Multifamily/Medium High Density (RMM-25), Mobile Home Park (MHP), General Business (B-2) and Community Business (CB)  
Future Land Use: Medium-High Residential (existing)/Commercial (pending)

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

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

The City Manager noted the City owns one mobile home lot within this boundary. There are ongoing discussions with the property owner about a land swap for the corner of NW 27 Street and Broward Boulevard. In response to Mayor Seiler, the City Manager said staff looked into the possibility of selling the lot. The process under the Charter is convoluted. He felt this process should be followed in the alternative. This lot will be landlocked by everything Gatlin Development owns. Another entity purchasing it could hinder development of the property.

In response to Commissioner Trantalis, the City Manager explained that the property is at the corner of Gatlin's property, which will be turned into a water feature for the city that will be maintained in perpetuity. The basic structure of the land swap has been worked out. Mayor Seiler agreed with Commissioner Trantalis that the land swap terms should be resolved before second reading. The City Manager explained that the terms have been agreed upon. The contract is under review in the City Attorney's Office.

Assistant City Attorney D'Wayne Spence said the individual parcels of the swap have not been discussed with him during the rezoning process. However, Assistant City Attorney Dunckel is aware of the land swap.

Attorney Nectaria Chakas of Lochrie & Chakas P.A., representing the Applicant, said she has been in discussions with staff about the land swap. The appraisals have been transmitted. She believed it is in the works. In response to the idea of not approving the rezoning until the land swap contract is in place, she said the Applicant has contractual obligations and needs the rezoning to occur. The single lot owned by the City is zoned MHP which requires 10 acres and is consequently unbuildable. Rezoning actually adds value and is consistent with the commercial land use designation approved by the Commission last month.

In response to Mayor Seiler and Commissioner Rogers, the City Attorney confirmed that a contract could be finalized within two weeks.

Mayor Seiler opened the floor for public comment.

Raymond Cox, a member of the homeless community in Fort Lauderdale, believed this item has not been addressed in the sunshine. He just heard about it and does not know anything about it. It might not hold up to legal scrutiny. Mayor Seiler clarified that the City-owned property is at Broward Boulevard and 27 Street.

Art Seitz, 1905 North Atlantic Boulevard, said Delray Beach has an impressive art-oriented gateway. He agreed with Mr. Cox that a lot of things get done in this city in a very sneaky manner. The Fort Lauderdale Aquatic Center is an example. Major motions are made late at night. Elderly people want to speak but get placed on the agenda at the end of the night. There ought to be consideration given to public access and public notification. Everyone should be given the same amount of time.

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

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

**PASSED FIRST READING**

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

**PH-3 13-1611 QUASI-JUDICIAL - FIRST READING OF ORDINANCE REZONING TO GENERAL BUSINESS (B-2) - Case 5Z13**

Applicant: Harbor Park Warehouse, LLC c/o John T. Loos  
From: Heavy Commercial/Light Industrial (B-3)  
Location: 981 SE 20 Street  
Future Land Use: General Business Employment Center

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

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

Mayor Seiler opened the floor for public comment.

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

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

**PASSED FIRST READING**



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

**PH-4 13-1656 QUASI-JUDICIAL - FIRST READING OF ORDINANCE - VACATION OF 55 FOOT RIGHT-OF-WAY - SE 10 Avenue - Case 17P13**

Applicant: Harbor Park Warehouse, LLC

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

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

The City Manager provided information that the City Attorney would like to submit for the record, titled "Description SE 10<sup>th</sup> Avenue Abandonment." It indicates the City Attorney's objection to the application, indicating that it fails to meet criteria set forth in the Unified Land Development Regulations, Section 47-24.6.4.a.

The City Attorney explained that the objection is being introduced now because it was not included in the original backup and the Commission should be provided with all comments from the Development Review Committee (DRC) meeting. When considering whether to vacate a right-of-way, criteria are set forth to be considered by the DRC and Planning and Zoning Board. At the DRC level, it was the City Attorney's opinion that one of the criteria was not met.

In response to Mayor Seiler, Leigh Kerr of Leigh Robinson Kerr & Associates Inc., representing the Applicant, said the vacation of right-of-way was discussed with the neighborhood and residents supported it. Commissioner Rogers clarified residents wanted this because it provides one-way access.

Applicant Jack Loos, representing Harbor Park Warehouse LLC, said the issue raised by the City Attorney's Office has to do with public purpose. It will improve circulation. Additional right-of-way is being donated and City right-of-way is being used to build a cul-de-sac before it goes into the adjoining property. It clearly meets the public purpose. Mayor Seiler agreed that it benefits circulation in the area. Loos said he respectfully disagrees with the City Attorney's opinion.

Assistant City Attorney D'Wayne Spence noted that the criterion is not whether it meets a public purpose but whether the right-of-way is no longer needed for a public purpose. Assistant City Attorney Dunckel's comment was that the Applicant has not demonstrated it is no longer needed but he may do so now. Loos explained the property is being rededicated as a public right-of-way. It is not going away. Mayor Seiler said he believes the City Attorney's Office wanted the Applicant to state on the record that the right-of-way is no longer needed. Kerr advised that there was testimony at the Planning and Zoning Board level. The Applicant does not agree with the City Attorney's position. Mayor Seiler believed if it has now been sufficiently placed in the record, the Commission may move forward with the item.

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

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

**PASSED FIRST READING**

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

## ORDINANCES

**O-1     13-1689**        SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 8, ARTICLE V, DIVISION 3 - BEACH BOATING RESTRICTED AREA - to permit launching and watercraft concession operations at Birch State Park

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

### ADOPTED ON SECOND READING

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

**O-2     13-1486**        QUASI-JUDICIAL - SECOND READING OF ORDINANCE - VACATION OF 10 FOOT RIGHT-OF-WAY - 424 North Federal Highway - Case 16P13

Applicant: Gaddis Capital Corporation

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

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

Mayor Seiler opened the floor for public comment.

Raymond Cox, a member of the homeless community in Fort Lauderdale, questioned whether the City can require the phrase "so help me God" when swearing in members of the public to speak in a quasi-judicial hearing. Mayor Seiler advised that he may affirm that he will tell the truth. He also confirmed for Mr. Cox the property in question is at 424 North Federal Highway. It is a vacant property.

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

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

Commissioner Trantalis raised a discrepancy between reference to a 20-foot right-of-way in the staff memorandum and 10 feet in the ordinance title. Attorney Nectaria Chakas of Lochrie & Chakas P.A., representing the Applicant, confirmed that it is a 10-foot alley.

### ADOPTED ON SECOND READING

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

**O-3     13-1580     FIRST READING OF ORDINANCE – AMENDING SCHEDULE I OF  
PAY PLAN – ELIMINATING RETIREE HEALTH INSURANCE BENEFIT  
– Police Managers and Supervisors hired on or after April 1, 2014**

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

**PASSED FIRST READING**

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

The City Commission adjourned the regular meeting at 8:32 p.m. and returned to the conference meeting agenda, item BD-1.

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John P. “Jack” Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk