

# City of Fort Lauderdale

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



## Meeting Minutes - APPROVED

**Tuesday, December 2, 2014**

**6:00 PM**

**City Commission Chambers**

## **City Commission Regular Meeting**

***FORT LAUDERDALE CITY COMMISSION***

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

***LEE R. FELDMAN, City Manager***  
***JOHN HERBST, City Auditor***  
***JONDA K. JOSEPH, City Clerk***  
***CYNTHIA A. EVERETT, City Attorney***

Meeting was called to order at 6:06 p.m. by Mayor Seiler.

## ATTENDANCE ROLL CALL

**Present:** 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Romney Rogers, Commissioner Bruce G. Roberts and Commissioner Robert L. McKinzie

**Not Present:** 1 – Commissioner Trantalis (excused)

**Also Present:** City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Ivan Doobrow

## Vote Roll Call Order for this Meeting

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

## Invocation

Chaplain Ron Perkins, Fort Lauderdale Police Department and Seafarers House at Port Everglades

## Pledge of Allegiance

Led by Margery Anderson in character as "Ivy Stranahan"

## Approval of MINUTES and Agenda

No public comments were submitted by email for the December 2, 2014 regular meeting.

**14-1555**      APPROVAL OF MINUTES for October 7, 2014 Conference Meeting

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

**APPROVED**

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

## PRESENTATIONS

**PRES-1 14-1571**      PROCLAMATION DECLARING DECEMBER 2, 2014 AS RICK CASE BIKES FOR KIDS DAY IN THE CITY OF FORT LAUDERDALE AND RECOGNIZING 2014 MARKS THE 33rd ANNIVERSARY FOR THIS CHARITABLE PROGRAM

Commissioner McKinzie presented the proclamation to Rick Case. Case thanked the Commission and citizens of Fort Lauderdale for making the program successful.

**PRES-2 14-1513**      PROCLAMATION DECLARING DECEMBER 13, 2014 AS MANGROVE AWARENESS DAY IN THE CITY OF FORT LAUDERDALE

Vice-Mayor Rogers presented the proclamation to Kristen Hoss, executive director of Youth Environmental Alliance. Hoss thanked the City and noted some of the programs her agency facilitates.

**PRES-3 14-1568**      COMMUNITY APPEARANCE BOARD WOW AWARD FOR  
DISTRICTS I AND IV

Commissioner Roberts presented the WOW Award for District I to George Catzavelos for beautification efforts at his home in the Coral Ridge neighborhood. Catzavelos thanked his builder and the Commission.

Vice-Mayor Rogers presented the WOW Award for District IV to Lissette and Norman Rolon for beautification efforts at their home on SW 9 Avenue. Lissette Rolon said she loved her home and Fort Lauderdale, and they plan to retire locally.

**PRES-4 14-1534**      "I DID THE RIGHT THING" EMPLOYEE RECOGNITION

The City Manager recognized Raymond Scott of the Public Works Department, who safely returned a bag containing a large amount of cash to its rightful owner. Scott thanked the Commission for the honor and thanked his family.

**PRES-5 14-1546**      PRESENTATION OF FLORIDA CITY GOVERNMENT WEEK  
ARTWORK

Community Program Supervisor Barbara Barber presented artwork on behalf of Florida City Government Week. She introduced Lorraine Maxwell and Willie Brown who work with local youth at Carter Park. The youth displayed their City Government Week art project.

**PRES-6 14-1506**      PRESENTATION OF ALL-AMERICA CITY QUILT - 2014  
ALL-AMERICA CITY AWARD PROGRAM

The City Manager explained that Fort Lauderdale was a finalist and winner of the All-America City contest. City employees and local youth presented a quilt that will hang in the lobby for a week before it is transferred to another winning city.

## **CONSENT AGENDA**

Mayor Seiler announced that ordinances relating to registration of abandoned dwellings and code enforcement were advertised and are being deferred to December 17, 2014 and another ordinance relating to Schedule I of the Pay Plan for non-classified service to January 6, 2015. He then announced the procedure for consent items.

**Motion** made by Commissioner McKinzie and seconded by Commissioner Roberts that all Consent Agenda items be approved as recommended.

**APPROVED**

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

## **CONSENT MOTION**

- CM-1 14-1336** EVENT AGREEMENTS: Rio Vista Holiday Party, Old Heidelberg Deli Winterfest, Christmas Boat Parade Festival, Coral Ridge Association Holiday Party, Skate Las Olas, Chanukah Fair on Las Olas, Farmers Market at Whole Foods Market Fort Lauderdale, Farmers Market at Broward Health and Winterfest Boat Parade Viewing Party

**APPROVED**

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

- CM-2 14-1472** EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Inaugural Fort Lauderdale Jingle Bell Jog, 5K for 5K and Himmarshee Public House Charity Event

**APPROVED**

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

- CM-3 14-1417** GRANT APPLICATION - MOBILE COMMAND VEHICLE - Assistance to Firefighters Grant Program - Federal Emergency Management Agency

**APPROVED**

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

- CM-4 14-1473** PURCHASE SELF-FUNDED MEDICAL REINSURANCE - Cigna Health and Life Insurance Company - estimated amount of \$808,866

**APPROVED**

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

- CM-5 14-1303** JM LEXUS SUNDAY JAZZ BRUNCH 2015 SPONSORSHIP AGREEMENT- JM Auto, Inc.

**APPROVED**

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

- CM-6 14-1314** LEASE AGREEMENT FOR SHOP 128 AT CITY PARK MALL - Florida Representative Bobby B. DuBose - \$8,847.66 annually

**APPROVED**

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

- CM-7 14-1476** DONATION TO BROWARD COUNTY CRIME STOPPERS - Utilizing State Law Enforcement Trust Fund - \$10,000

**APPROVED**

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

**CONSENT RESOLUTION**

- CR-1 14-1219** CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2015  
BUDGET – APPROPRIATION

**ADOPTED**

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

- CR-2 14-1464** SALE OF CITY-OWNED PROPERTY TO HOUSING AUTHORITY  
AND SCHEDULING PUBLIC HEARING FOR JANUARY 21, 2015 -  
726 NW 12 AVENUE

**ADOPTED**

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

- CR-3 14-1144** INSTALLATION OF ON-STREET PARKING ON ANDREWS AVENUE  
BETWEEN NE 5 AND 6 STREETS

**ADOPTED**

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

- CR-4 14-1349** SUPPORTING TARPON RIVER CIVIC ASSOCIATION  
SPONSORSHIP OF BEAUTIFICATION PROJECT FOR SW 4  
AVENUE BRIDGE OVER TARPON RIVER

**ADOPTED**

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

- CR-5 14-1403** GRANT ACCEPTANCE AND SUPPLEMENTAL JOINT  
PARTICIPATION AGREEMENT FOR SUN TROLLEY DOWNTOWN  
ROUTE - \$182,680 - Florida Department of Transportation

**ADOPTED**

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

- CR-6 14-1404** GRANT ACCEPTANCE AND SUPPLEMENTAL JOINT  
PARTICIPATION AGREEMENT FOR SUN TROLLEY UPTOWN LINK  
ROUTE - \$181,773 - Florida Department of Transportation

**ADOPTED**

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

- CR-7 14-1405** GRANT ACCEPTANCE AND SUPPLEMENTAL JOINT  
PARTICIPATION AGREEMENT FOR SUN TROLLEY BEACH LINK  
ROUTE - \$165,560 - Florida Department of Transportation

**ADOPTED**

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

## **PURCHASING AGENDA**

**PUR-1 14-1348** CONTRACT FOR LIQUID CHLORINE - estimated annual amount of \$207,000 - Allied Universal Corporation

**APPROVED**

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

**PUR-2 14-1408** CONTRACT FOR HYDROGEN PEROXIDE AND ODOR CONTROL SERVICES - estimated annual amount of \$510,750 - Evoqua Water Technologies LLC

**APPROVED**

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

**PUR-3 14-1441** TERMINATE CONTRACT FOR EXECUTIVE AIRPORT OBSERVATION AREA PARKING EXPANSION

**APPROVED**

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

**PUR-4 14-1451** UNDERGROUNDING UTILITY LINES - CONTINUING CIVIL ENGINEERING SERVICES - second extension and amendment to agreement - Keith and Schnars, P.A.

**APPROVED**

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

**PUR-5 14-1455** PROPRIETARY CONTRACT FOR NEW MARKET TAX CREDIT AND RENEWABLE ENERGY TAX CREDIT PROGRAMS - Brian Wishneff & Associates, L.L.C.

**APPROVED**

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

**PUR-6 14-1460** PURCHASE TWO CHEVROLET PICKUP TRUCKS - \$53,236 - AutoNation, Inc.

**APPROVED**

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

**PUR-7 14-1462** PURCHASE VACUUM SWEEPER - \$240,645 - Pat's Pump & Blower, L.L.C.

**APPROVED**

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

**PUR-8 14-1518**      AGREEMENT TO JOIN HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE GROUP AND PURCHASE TWO TROLLEYS - SVI, Inc., d/b/a Specialty Vehicles - (\$600 and \$486,991 respectively) combined total \$487,591

**APPROVED**

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

**PUR-9 14-1536**      AGREEMENT FOR MAINTENANCE OF DEFIBRILLATOR/MONITOR AND CHEST COMPRESSION DEVICE UNITS - \$233,274 (three year total)

**APPROVED**

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

## **CITIZEN PRESENTATIONS**

**CIT-4 14-1481**      DENNIS ULMER - Honoring our Veteran's Day

Dennis Ulmer read from a prepared statement, which is attached to these minutes.

**CIT-3 14-1480**      CHERYL WHITFIELD - ADA Access to Beach, Water and Sand on Fort Lauderdale Beach

Cheryl Whitfield noted that there was an armed carjacker in her neighborhood this morning and thanked police for keeping the citizens safe. She noted that Azul Airlines launched its first flight from Sao Paulo to Fort Lauderdale and commended the City for being the first in the United States to receive that honor. She thanked the Commission for welcoming the Brazilian community and advocated for an exchange program between City staff and staff of a Brazilian city such as Sao Paulo or Curitiba. She suggested that people with wheelchairs and walkers should be able to access the beach. She felt design changes should be made to the A1A construction project currently underway to accommodate the handicapped, i.e. cutout of the wave wall.

**CIT-1 14-1478**      ART SEITZ - Fort Lauderdale Beach

Art Seitz criticized the news coverage and follow-up of the *Sun-Sentinel*. Fort Lauderdale voted to construct an A1A greenway. The County contributed funds for conceptual drawings. If the City had been shovel ready when federal funds became available, perhaps the project could have gone forward and safety would be improved. He questioned the Commission's intent with respect to public parking on the beach. He suggested issuing a request for proposals for the Las Olas Marina.

**CIT-2 14-1479**      MATT HABIBI, ESQUIRE - Mitigation of Sewer Lien for Joseph Batalini - 1600 SW 17 Avenue

Matt Habibi said he represents the property owners of 1600 SW 17 Avenue. There are code violations regarding the sewer and the pool. The property was owned by Joseph Batalini, who resides there. In 2006 he had a first mortgage and started a business, for which he took out a loan. The loan resulted in a

second mortgage. The business failed, and Wachovia, under a Broward County case, began a foreclosure action. At that time he fell out of compliance and a lien was placed on the property assessing a daily \$100 fine beginning in January 2008. The business loan should not have been a lien on the property. He fought the foreclosure that took a number of years. When the foreclosure matter was resolved in September of this year, he immediately brought the property into compliance. The fine is now at \$244,000. The City's matrix brings it down to \$34,000. The pool issue is similar but was not reduced to a lien. It is about \$40,000. He understood it could possibly be reduced by about 25 percent. Batalini would pay the City's administrative or hard costs.

In response to the City Manager, Habibi confirmed that he represents Joseph Batalini and Trinity Homes, which now owns the property. When the lien was placed on the property it was Batalini's homestead. There is case law supporting that subsequent transfer of the property does not affect the homestead shield. Mayor Seiler felt that the responsibility falls on Trinity Homes because the prior owner is not responsible for the lien. He wanted to know if Trinity purchased the property at a discount because of the lien. Habibi did not know. The City Manager advised that staff believes the property is valued at about \$285,000 and Trinity purchased it for about \$100,000.

Mayor Seiler explained that for the Commission to make a decision, they need to know more about the underlying transaction and review the U.S. Department of Housing and Urban Development (HUD) statements. Often someone makes a low offer on a property then asks the City to eliminate the lien. The City Manager believed the property is now in compliance.

Mayor Seiler advised there is a lien reduction process that comes before the Commission on their afternoon agenda. The City Manager advised that the Commission's position is to not mitigate WaterWorks liens beyond the amount determined by the matrix.

Mayor Seiler noted there has already been a discount of \$185,000 and did not think there would be a lot the Commission could do, but he suggested Habibi submit the information in written form and follow the process.

**CIT-5 14-1482**      ALBERT BORER - Objecting to Security Lighting on Abutting Property  
- 746 NE 3 Avenue

Albert Borer was not present.

## RESOLUTIONS

**R-1 14-1302**      QUASI-JUDICIAL - RESOLUTION - EXTENSION OF TIME FOR SITE  
PLAN EXPIRATION - PARK PLACE A/K/A SECURE STORAGE AT  
84

Applicant Name: Secure Store at 84 LLC  
Location: 2021 State Road 84  
Zoning: Planned Unit Development  
Future Land Use: Commercial

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

Attorney Jason Crush of Crush Law, representing the Applicant, noted the location and described the business. Park Place is requesting a 36-month extension to the development order approved in 2008 to secure financing and complete the build out.

In response to Mayor Seiler, Crush said grass is currently on the part of the site where there will be buildings when all phases are completed. The driveways have been built out but slabs have not been poured. Buildings will take up 40 percent of the site. The perimeter landscaping for future buildings will be completed once construction is complete.

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

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

Mayor Seiler noted that the developer, Kevin Buckley, has a reputation for maintaining his properties and he encouraged him to do so with this property as well.

#### **ADOPTED**

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

#### **R-2    14-1489            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:

Affordable Housing Advisory Committee	Kenneth Walton (Commissioner McKinzie) (Category: represents employees in the City of Fort Lauderdale)
Citizens Police Review Board	Maxine Streeter (Vice-Mayor Rogers)
Community Appearance Board	Anthony Quackenbush (Vice-Mayor Rogers) Duane E. Sinclair (Vice-Mayor Rogers) Barbara Stern (Vice-Mayor Rogers)
Economic Development Advisory Board	Gary Farmer (Mayor Seiler) (Category: Represents international business interests) Keith Costello (Vice-Mayor Rogers) (Category: Represents small business interests) Dev Motwani (Vice-Mayor Rogers) (Category: Represents international business interests)
Education Advisory Board	W. Jason Dunne (Mayor Seiler)
Historic Preservation Board	Ginger Coffey (Mayor Seiler)
Nuisance Abatement Board	Douglas Meade (Alternate/Consensus)
Sustainability Advisory Board	Jason Liechty (Vice-Mayor Rogers) Enrique Vadiveloo (Vice-Mayor Rogers) Ronald Goff (Mayor Seiler)

With respect to the nomination of Matt Walters, the City Clerk advised that this nomination will be presented once an application has been received and qualifications verified.

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

**ADOPTED**

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

**WALK-ON**                      **RESOLUTION URGING THE SCHOOL BOARD OF BROWARD COUNTY TO INCREASE BY FIFTY ADDITIONAL STUDENTS THE TOTAL ENROLLMENT AT VIRGINIA SHUMAN YOUNG ELEMENTARY SCHOOL FROM THE PRIORITY AREA THAT INCLUDES VICTORIA PARK, FLAGLER VILLAGE, COLEE HAMMOCK, BEVERLY HEIGHTS AND DOWNTOWN FORT LAUDERDALE, FLORIDA**

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

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

**PUBLIC HEARINGS**

**PH-1 14-1483**                      **QUASI-JUDICIAL - RESOLUTION - WAIVER OF UNIFIED LAND DEVELOPMENT REGULATIONS - construct and maintain one single-mooring pile and two triple-mooring pile clusters extending 60 feet from property line into Middle River - 773 Middle River Drive**

Applicant: Steven M. Chess and Karen Chess

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.

Applicant Steven Chess, 773 Middle River Drive, said he wishes to install two dolphin poles on his property. He has moved them in 25 feet from each property line so as not to impact other properties. They are needed for hurricane protection. All documentation has been provided to the Marine Advisory Board. He was unable to attend the Board meeting. The application was denied. False allegations were made at the time about his character and intentions with the property. He is not operating a marine facility or renting out dock space. There is 685 feet between his property and the adjacent property. Across the canal are major vessels that have been permitted. The area was examined by the marine patrol and he was told there is no safety issue as it relates to the community using the waterway. The existing dolphin poles would be insufficient in the event of a bad storm.

Jim Concannon, president of Sunrise Intracoastal Homeowners Association, said that the Board of Directors voted unanimously to deny the request based on the Marine Advisory Board report of 2012 and their current report. There are a number of yachts in this area; it is a designated water-skiing area and there are commercial vessels across the way that altogether present a challenge to navigation safety. The Board does not see any hardship being presented in this request.

Donald Goldberg, 765 Middle River Drive, said he resides immediately to the east of Dr. Chess. The character of the Middle River has changed substantially recently. Safety is a concern. Chess' property is adjacent to the no-wake zone, where large boats come through and make turns that would present a challenge for a boat extending 85 feet into the area. He and his wife have spoken to Chess' tenants, who have said they are renting slips and residing in a private rental unit inside his home. He believed Chess is misrepresenting renters as family members. Chess has attached wooden beams to the current dock out to the existing dolphin poles. He submitted a photograph of the beams that is attached to these minutes. He believed Chess' presentation is not accurate. In response to Mayor Seiler, Goldberg confirmed that Chess resides in the house.

In response to Commissioner Roberts, the City Manager explained that this application was heard in 2012 at which time the Marine Advisory Board voted to deny it. There is no clear process for an application with a denial recommendation. Chess requested the application be presented. It could return to the Marine Advisory Board if that is the desire of the Commission. Commissioner Roberts explained he brought the item forward because it has been ongoing for some time. He went on to detail some particulars relating to this being a water recreational area. He is concerned about safety relating to all of the activities that are occurring in the area and questioned at what point is there too much. Commissioner Roberts wanted to know the outcome of a notice to appear for Chess operating an illegal marina a couple of years ago. Assistant City Attorney Brad Weissman said it appears the matter was designated as "no information" by the City Prosecutor's Office in early 2011. Commissioner Roberts explained there were two people renting dock space and the area was referred to as a marina in the lease. Mayor Seiler said it appears the case was dropped in 2011. Chess said there is no restriction for docking a 126-foot boat at his home. He has corrected anything found to be a code violation. Goldberg is making false allegations and has had code violations. There was a safety inspection a long while ago and determined that there is no safety issue. There is a no-wake sign about 60 feet out which is where he would like to place his poles to secure his boat in the event of a hurricane. He is not running a marina. He has three homes and frequently changes locations. He shares his home with a caretaker. If the caretaker has a boat, he also watches his vessels. There is no lease arrangement for the dock. He uses the term "marina" in the lease for legal protection. The extensions are temporary and can be removed. There was no permit for them. An after-the-fact dolphin pole waiver was granted for his neighbor in a much more narrow part of the canal. The safety issue is a red herring. He has a pending legal case against the homeowners association for defamation of character. He is not a member of the homeowners association. He chose to reside in this area because it is not a gated community and not regulated by the homeowners association. Mayor Seiler pointed out that the Marine Advisory Board minutes reflect that area of the waterway is 580 feet. Chess indicated he was told by the engineer who prepared the survey that it is 640 feet. There is plenty of navigable waterway.

In response to Mayor Seiler, the City Attorney advised that the standard for the waiver is extraordinary circumstances. Chess said he has need of mooring in a storm which would not be possible without Commission authorization. He was not able to attend the 2012 Marine Advisory Board meeting. He was unable to indicate for Mayor Seiler the extraordinary circumstances under which the application was filed. Marine Facilities Manager Andrew Cuba advised that an individual purchased a nearby home and received an after-the-fact permit about two years ago. He did not recall the exact extraordinary circumstances. Mayor Seiler questioned why his application was denied by a unanimous vote of the Board. Commissioner Roberts was concerned that the Marine Advisory Board did not approve the application. This is the first one he can recall that has not been approved. He wanted more information to understand why Chess was able to secure approval for something more substantial in the past and as such why was this not granted.

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

**Motion** made by Commissioner Roberts and seconded by Vice-Mayor Rogers to defer the item to January 21, 2015.

**DEFERRED TO JANUARY 21, 2015**

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

Mayor Seiler suggested Chess try to find the records for the prior approval of a 65-foot dolphin piling. Commissioner Roberts asked Chess to work with staff to secure these records along with anything from the City Prosecutor and records from the homeowners association.

**PH-2 14-1274 QUASI-JUDICIAL – FIRST READING OF ORDINANCE – VACATION OF RIGHT-OF-WAY (Alley Reservation) – Case V14004**

Applicant: Pacific National Bank; John Hart; Alan Jay Braverman  
Location: South side of NE 7 Street between NE 2 Avenue and NE 3 Avenue  
Zoning: Regional Activity Center – Urban Village RAC-UV  
Future Land Use: Downtown Regional Activity 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 Roberts and seconded by Vice-Mayor Rogers to close the public hearing. Roll call showed: AYES: Commissioner Roberts, Commissioner McKinzie, Vice-Mayor Rogers and Mayor Seiler. NAYS: None.

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

**PASSED FIRST READING**

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

**PH-3 14-1360 QUASI-JUDICIAL – FIRST READING OF ORDINANCE REZONING TO BOULEVARD BUSINESS – Case Z14003**

Applicant: Holman Automotive, Inc.  
Location: West of Federal Highway between SE 14 Court and SE 15 Street  
Current Zoning: Residential Office (RO), Planned Residential Office (ROC) and Residential Mid Rise Multifamily/Medium High Density (RMM-25)  
Future Land Use: South Regional Activity 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 and noted the following entered support of the item: Facilities Development Manager Bob Bamonte, representing Holman Automotive Inc., Attorney Steven Wherry of Greenspoon Marder Law, representing Holman Automotive Inc., Architect Douglas Snyder, representing Holman Automotive Inc. and D.J. Parker, 209 SE 21 Street.

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

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

#### **PASSED FIRST READING**

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

**PH-4 14-1411 SUBSTANTIAL AMENDMENT TO 2013-2014 AND 2014-2015  
ANNUAL ACTION PLANS OF 2010-2015 CONSOLIDATED PLANS  
FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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

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

#### **APPROVED**

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

### **ORDINANCES**

**O-1 14-1244 QUASI-JUDICIAL - SECOND READING OF ORDINANCE -  
VACATION OF RIGHT-OF-WAY - NW 2 AVENUE - Case V14005**

Applicant: All Aboard Florida - Operations, LLC  
Location: North of Broward Boulevard, west of F.E.C. Railroad  
right-of-way, east of NW 3 Avenue and south of NW 2 Street  
Zoning: Regional Activity Center Transitional West Mixed-Use  
(RAC-WMU)  
Future Land Use: Downtown Regional Activity 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 Roberts and seconded by Commissioner McKinzie to close the public hearing. Roll call showed: AYES: Commissioner Roberts, Commissioner McKinzie, Vice-Mayor Rogers and Mayor Seiler. NAYS: None.

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

**ADOPTED ON SECOND READING**

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

**O-2 14-1245 QUASI-JUDICIAL - SECOND READING OF ORDINANCE -  
VACATION OF SEGMENT OF NW 2 AVENUE - Case V14006**

Applicant: All Aboard Florida - Operations, LLC  
Location: North of Broward Boulevard, west of F.E.C. Railroad  
right-of-way, east of NW 3 Avenue and south of NW 2 Street  
Current Zoning: Regional Activity Center - Transitional West  
Mixed-Use (RAC-WMU)  
Future Land Use: Downtown Regional Activity Center

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

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

Mayor Seiler opened the floor for public comment.

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

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

**ADOPTED ON SECOND READING**

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

**O-3 14-1496 FIRST READING OF ORDINANCE AMENDING CODE OF  
ORDINANCES RELATING TO TRANSFERRING RESPONSIBILITY  
OF CONSTRUCTION OF SEWER LATERALS TO PROPERTY  
OWNERS**

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

Commissioner Roberts asked whether it would be possible to create a loan procedure similar to what is available for sidewalk repairs. The City Manager explained that for large construction projects, for example, the City was incurring expenses through a private contractor for more than \$17,000 but only

collecting \$3,500. Additionally, the City did not have the capacity to do the work. This would turn the work over to the contractor. The City would no longer collect the \$3,500. It is not a burden on the homeowner.

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

**PASSED FIRST READING**

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

**O-4 14-0910 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES RELATING TO TRAFFIC AND PARKING**

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

Commissioner Roberts was concerned about the language prohibiting back-in parking. The City Manager advised that the biggest problem is with people who back in to avoid their license plate being exposed. Commissioner Roberts suggested an amendment to delete this provision.

**PASSED FIRST READING AS AMENDED**

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

**REQUEST FOR CLOSED DOOR**

The City Attorney requested a closed door meeting for December 17, 2014 to discuss matters related to *Arnold P. Abbott and Love Thy Neighbor Fund, Inc. v. City of Fort Lauderdale - Case 99-03583(05)*.

There being no other matters to come before the Commission, the meeting adjourned at 8:14 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk