

# City of Fort Lauderdale

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



## Meeting Minutes - DRAFT

**Tuesday, April 21, 2015**

**6:00 PM**

**City Commission Chambers**

### **City Commission Regular Meeting**

***FORT LAUDERDALE CITY COMMISSION***

***JOHN P. "JACK" SEILER Mayor - Commissioner***  
***ROBERT L. McKINZIE Vice Mayor - Commissioner - District III***  
***BRUCE G. ROBERTS Commissioner - District I***  
***DEAN J. TRANTALIS Commissioner - District II***  
***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 6:03 p.m. by Mayor Seiler.

## ATTENDANCE ROLL CALL

**Present:** 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Robert L. McKinzie, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis 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 and Sergeant At Arms Sergeant Jaime Costas

## Vote Roll Call Order for this Meeting

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

## Invocation

Reverend Chris Reny, Church by the Sea

## Pledge of Allegiance

Led by local youth

## Approval of MINUTES and Agenda

A public comment was submitted by email for item OFR-3, which is attached to these minutes.

**15-0573** Minutes for February 3, 2015 Conference Meeting and February 17, 2015 Regular Meeting

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

**APPROVED**

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

## PRESENTATIONS

**PRES-1 15-0536** Police Officer of the Month for April, 2015

Police Chief Frank Adderley recognized Detective Leann Swisher as Police Officer of the Month for April due to her role in apprehending three suspects committing a burglary in progress.

**PRES-3 15-0576** C-SPAN Cities Tour Presentation

Coordinating Producer Deborah Lamb presented information about the C-SPAN Cities Tour.

**PRES-2 15-0575** Proclamation declaring May 2, 2015 as Color Run Shine Tour Day in

the City of Fort Lauderdale

Commissioner Trantalis presented the proclamation to Cristina Hudson, representing Riverwalk Fort Lauderdale Inc. Hudson thanked the Commission and provided information about the event.

**PRES-4 15-0577** Proclamation declaring April, 2015 as Landscape Architecture Month in the City of Fort Lauderdale

Vice-Mayor McKinzie presented the proclamation to Jose Alvarez, Broward representative for the Florida Chapter of American Society of Landscape Architects.

**PRES-5 15-0428** Smart Growth Partnership Overall Excellence Award to City of Fort Lauderdale for its Connecting the Blocks Plan

Vice-Mayor McKinzie accepted the Smart Growth Partnership Overall Excellence Award from Nadia Locke of Smart Growth America.

**PRES- 6 5-0539** Proclamation declaring April, 2015 as Water Conservation Month in the City of Fort Lauderdale

Commissioner Trantalis presented the proclamation to Laura Corry, intergovernmental representative for government and community affairs with the South Florida Water Management District. Corry thanked the Commission.

**PRES-7 15-0424** Proclamation declaring Fort Lauderdale a Purple Heart City

Commissioner Roberts presented the proclamation to Sergeant Monica Ferrer and Park Ranger Lewis Colon. Colon thanked the Commission for its support of veterans.

Continued on Page 8.

**PRES-8 15-0480** Proclamation declaring April 25, 2015 as Arbor Day in the City of Fort Lauderdale

Commissioner Rogers presented the proclamation to City Forester Gene Dempsey. Dempsey thanked the Commission and provided information on the Arbor Day program at Hardy Park. He recognized the late Dave McClayne. Penny McClayne accepted a painting and thanked the Commission on behalf of her late husband. Dempsey recognized tree advocate Tom Chancey, who thanked the Commission.

**WALK-ON PROCLAMATION DECLARING APRIL 3015 AS PARLIAMENTARY LAW MONTH**

Commissioner McKinzie presented the proclamation to Felicia Armstrong, parliamentarian for Delta Sigma Theta Sorority. Armstrong thanked the Commission and discussed the importance of parliamentary procedure.

## **CONSENT AGENDA**

Mayor Seiler announced the procedure for consent items, noting that CR-10 was removed from the agenda.

**Motion** made by Commissioner Roberts and seconded by Vice-Mayor McKinzie that Consent Agenda items CM-2, CM-6 and CR-2 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. The City Clerk announced revisions to CR-8.

**APPROVED**

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

**CONSENT MOTION**

**CM-1 15-0450** Event Agreements: Jesus Block Party, Paddle Up on the Himmarshee Canal, Gale Fort Lauderdale Block Party, Kappa Alpha Psi 65th Southern Province Cookout, B.Y.O.B and Central Park Saturday Market

**APPROVED**

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

**CM-2 15-0451** Event Agreements and Related Road Closings: Fort Lauderdale Mother's Day Run, Sixth Annual Covenant House Florida 5K on A1A, 5K for Voices for Children of Broward, Crawfish Fest, Indie Craft Bazaar, First Friday Block Party and City Wide Market

Katie Sherman, development coordinator for Covenant House, confirmed for Commissioner Trantalis that one northbound lane and one southbound lane of State Road A1A would be closed for the race. At least one lane will remain open for traffic.

**Motion** made by Commissioner Trantalis and seconded by Commissioner Roberts to approve the item as recommended.

**APPROVED**

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

**CM-3 15-0312** Contract Renewals - July, August, September 2015, one from May 2015 and one from June 2015, contingent upon each respective vendor agreeing to the extension

**APPROVED**

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

**CM-4 15-0420** Settlement of Workers' Compensation Claim of Bonnie Handsborough in the amount of \$55,750

**APPROVED**

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

- CM-5 15-0418** Revocable License with LOYCA, LLC, for Temporary Closure of the Public Right-of-Way for the Roadway along SE 5 Avenue and Installation of a Temporary Covered Pedestrian Canopy along Las Olas Boulevard in Association with Construction of ICON Las Olas Condominium

**APPROVED**

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

- CM-6 15-0507** Termination of Lease Agreement with D.H.S. Investments LLC - Parcel 8G - Executive Airport

**Motion** made by Commissioner Roberts and seconded by Commissioner Rogers to defer the item to May 5, 2015.

**DEFERRED to May 5, 2015**

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

**CONSENT RESOLUTION**

- CR-1 15-0531** Appointing Law Firm of Corbett, White, Davis and Ashton, P.A., as Special Counsel in Connection with Completion of the Right-of-Way Distributed Antenna System Ordinance

**ADOPTED**

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

- CR-2 15-0570** Accepting Conveyance of a Riverwalk Linear Park Easement Deed from LOYCA Property Owner, LLC to Extend Riverwalk Over and Across Property Commonly Known as the ICON Las Olas Condominium

In response to Commissioner Trantalis, Assistant City Attorney Bob Dunckel explained that easement rights are being granted to the City, not all of which is a strip of upland area. He referenced Exhibit E. Commissioner Trantalis noted that there is a seawall and an easement being granted to the City to extend the Riverwalk pathway onto the water. It was concerning because the waterway is being narrowed at a difficult point. He believed the plan had been shelved. Dunckel advised that this is an easement over the waterway-submerged bottomlands. That does not translate into where the bricks and mortar will go. The plans will fall under the purview of the U.S. Army Corps of Engineers and the U.S. Coast Guard.

There are arguments that it is an impediment to navigation.

Mayor Seiler commented that the Riverwalk still must be completed. They cannot complete it on the land behind Stranahan House. The goal is to try to complete the Riverwalk out over the submerged land. The issue has been analyzed by a working group that includes members of the City's Marine Advisory Board. Commissioner Trantalis said he has received some negative feedback from members of the Marine Advisory Board. Tonight's item is simply granting an easement to the City for submerged land. It is not for the purpose of authorizing a structure in that area.

Dunckel advised that the plans are being drafted by Tyler Chappell of the Chappell Group on behalf of the Downtown Development Authority. Permitting has been in process for nine months.

Commissioner Rogers said this was discussed during a conference meeting with Marine Advisory Board members and others. He understood there was some concern because they had not seen the plan and no one had requested exact measurements. As it went forward, there was some compromise on the size. It is now down to 20 feet at the east and 27 feet at the west. That is the largest section of New River. He did not want to delay it further. It has been vetted by all sides for more than a year. He felt that the Riverwalk must be completed and this is the best way to do it. Dunckel confirmed that he has not been made aware of major concerns. Mayor Seiler added that a vetting process will occur after this item is approved. If navigational concerns cannot be managed, the Army Corps will not go forward with it. An effort should be made to get it done.

Commissioner Trantalis recalled that originally the plan was to bring the Riverwalk to the dry side of Stranahan House. Dunckel said this plan was deemed to be superior to what was outlined in the development agreement. Commissioner Trantalis did not object to accepting the easements but wanted to tread lightly in the future with regard to bricks and mortar and the wood.

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

**ADOPTED**

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

**CR-3 15-0401**      Dedicating Portions of City-Owned Properties as Public Right of Way for Purposes of the Complete Streets Program - Lot 19, Block B

**ADOPTED**

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

**CR-4 15-0510**      Dedicating Portions of City-Owned Properties as Public Right of Way for Purposes of the Complete Streets Program - Lot 17, Block B

**ADOPTED**

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

**CR-5 15-0330**      Imposition of Special Assessment Liens for Costs Associated with Lot

Clearing and Cleaning for Multiple Properties in the City of Fort Lauderdale

**ADOPTED**

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

- CR-6 15-0331** Imposition of Special Assessment Liens for Costs Associated with the Securing of Multiple Properties in the City of Fort Lauderdale

**ADOPTED**

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

- CR-7 15-0495** Milton Jones Development Corporation Request to Amend Development Agreement and Authorize Conditional Site Control

**ADOPTED**

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

- CR-8 15-0504** Waiver of Conflict of Interests - Beach Business Improvement District (BID) Committee Members/Alternates and Food and Beverage Service on Fort Lauderdale Beach

**ADOPTED**

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

- CR-9 15-0390** Ninety Day Extension of a Temporary Moratorium on Applications for Vehicles for Hire

**ADOPTED**

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

- CR-10 15-0403** Rename Avenue of the Arts / NW 7th Avenue to Carlton B. Moore / NW 7th Avenue

**REMOVED FROM AGENDA**

- CR-11 15-0469** Extension of Lease Agreement with Aero Toy Store, LLC for Parcel 9 at Executive Airport

**ADOPTED**

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

**CR-12 15-0578**

Budget Amendment to Pay First Debt Service Payment for Community Redevelopment Agency Loan for Wave North Loop Project and Fund the Debt Service Sinking Fund Account in the amount of \$403,484.99

**ADOPTED**

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

**PURCHASING AGENDA****PUR-1 15-0223**

Emergency Equipment for Law Enforcement Vehicles - Strobes-R-Us, Inc. \$180,000 (one year cost)

**APPROVED**

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

**PUR-2 15-0311**

Emergency Asphalt Restoration - Southern Florida Paving Group, LLC d/b/a Charlie Frymyer Paving - \$ 124,900 (two-year cost)

**APPROVED**

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

**PUR-3 15-0548**

Prescription Drug Services for City Employees and Retirees

**APPROVED**

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

**PUR-4 15-0370**

Fleet Maintenance and Management Services - First Vehicle Services, Inc. - \$16,675,000 (three year estimated cost)

**APPROVED**

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

**PRES-7 15-0424**

Proclamation declaring Fort Lauderdale a Purple Heart City

Continued from Page 3.

Local veterans presented the Purple Heart flag to Commissioner Roberts and asked that it be flown on George Washington's birthday, Veterans Day and Memorial Day. Commissioner Roberts noted the Commission's support of veterans.



## MOTIONS

**M-1      15-0534      Quasi-Judicial Compliance Determination with Resolution 14-44  
Providing a Dock Waiver at 704 NE 20 Avenue**

All individuals wishing to speak on this matter were sworn in. The City Clerk announced communications that were provided by Commissioner Roberts prior to the meeting and made a part of the record.

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

The City Attorney noted that there have been numerous emails issued from both sides. When the matter of the dock waiver was approved, the Commission determined that violations would be handled by Code Enforcement, which was included in the original motion. She did not believe any process or procedure tonight would be a determination on whether violations have occurred. A discussion ensued regarding the Commission's role in the code enforcement process.

The City Attorney advised that there could be a point at which a decision may come before the Commission, but the first hearing would be in front of a special master or a board. That would be considered the forum of original jurisdiction. Depending on what occurs, there could be a role for the Commission to play or a court review.

Mayor Seiler was concerned about what has taken place and wanted to address it in the most effective and efficient manner. The City Attorney suggested going through the Code Enforcement process that they determined they would follow.

Commissioner Trantalis felt that something was falling between the cracks. Code compliance is about ensuring a condition no longer exists, and if it does, ensuring it is corrected. There are allegations that things have occurred at this property over the last several months which would have violated one or more conditions imposed by the Commission. He did not believe the code process has been created for such a situation. The City Attorney advised that there are alternatives available if this becomes an ongoing problem. The code can be changed for greater effectiveness in the future. If there is an ongoing problem that seems to fall through the cracks of the Code Enforcement system, there are legal alternatives for systematic violations.

Commissioner Roberts agreed with Commissioner Trantalis that items can get missed in the Code Enforcement process. He questioned how much merit should be given to code violations that are not necessarily observed by Code Enforcement.

Mayor Seiler pointed out that based on the March 4 Commission approval, there are 10 conditions. Not all are City code conditions. They required that buildings must be in compliance with any building and zoning regulations as well as federal and state laws. The City Attorney advised there are Code issues and general land issues that come together. She believed it starts as a Code Enforcement matter. Mayor Seiler felt that even though 10 conditions were imposed, Code may only pick up on six of them. The City Attorney maintained that Code can make a determination of certain violations.

Commissioner Trantalis felt that something was missing. Conditions were attached to a dock waiver that may not fall under the typical purview of the Code Enforcement process. He questioned whether there is a vehicle to enforce the conditions by taking testimony from third parties who are not involved in the code

compliance process. The City Attorney advised that any allegation must be proven.

Attorney Brady Cobb of Cobb Eddy PLLC, representing the Juranitch family, said violations are not currently occurring. While large-scale marine work was being done, Code Enforcement visited the site and found no violations. This is a contract entered into by the Commission and the landowners. They were provided an entitlement to do something they were not previously allowed to do. Cobb believed all 10 of the conditions were violated. Thirty-four neighbors have signed a petition to revoke the waiver. He read from the code, noting that precedent exists and the Commission is empowered to revoke the license if conditions are violated. There appears to be a transformation on that street due to all the dock waivers that includes traffic problems. Marina uses should occur at marinas and locations where it is properly zoned. When a contract with landowners is violated, there is ample authority within the law to remedy the situation. In this case, the landowners violated a privilege.

Commissioner Rogers questioned whether there is precedent to reverse a procedure that already was adopted and set in motion.

Cobb stated that such language is not included in the resolution, which is the governing document. However, the City Manager has authority to call before the Commission any violations or breaches of contract. Even if Code Enforcement does not identify a violation, he believed the Commission could subsequently do so. A recommendation could then be made to a special magistrate. Commissioner Rogers noted that this Commission and those previous have taken a position of compliance before imposing a penalty. Cobb felt that they have the ability to review Code Enforcement's decision and call it up before the Commission for a decision on compliance.

Attorney Walter Morgan of Morgan, Olsen & Olsen, representing the Applicant, said the matter was discussed during a March 4 hearing and the City Attorney is in agreement with the opinions expressed by an assistant city attorney at that time. There was discussion at the Commission meeting that the matter would be subject to Code Enforcement, but those words were not added to the resolution. The purpose of the Unified Land Development Regulations (ULDR) and Code Enforcement procedures is to ensure that the property owner has the right to comply before fines are issued. There was an unsatisfactory tenant at this property whose lease was terminated March 2. Any existing problems were fully corrected. He did not believe they were limited to looking at violations of an expressed code section; all other conditions are added to enforceability under the ULDR and Code Enforcement.

Mayor Seiler noted that he would like occupancy limited to no more than six adults who are unrelated. Morgan felt that they may have violated a condition. If that had occurred, they would be given notice and allowed 30 days to bring it into compliance. Once in compliance, it is over.

Mayor Seiler noted that the district commissioner should remain vigilant and monitor issues at this particular property. It would be an additional mechanism of enforcement. He noted that several conditions were imposed on this property in order to prevent it from becoming a marina. If someone agrees to 10 conditions and is granted an expansion, they should comply.

Morgan advised that the ULDR and Code Enforcement regulations address recurring violations. He confirmed for Mayor Seiler that one case is pending before the County involving the property owner's contractor. Mayor Seiler said violations were alleged related to fill and activity. Morgan said both matters were done incorrectly by the contractor and are therefore being addressed by him. He is subject to a penalty and fines from the County. The other matter is from the State, in which the contractor must prove the site is not being used as a commercial facility. Mayor Seiler reviewed the particulars of the County case regarding fill. A second count involves dredging; a third count involves screens; and a fourth count is

a “catch-all.” He suggested the four violations may also be violations of the City’s conditions. Mayor Seiler pointed out that the violations are not alleged under the ULDR but rather under Broward County.

Commissioner Trantalis pointed out that Morgan is stating his client was not the perpetrator; it was a tenant. Commissioner Roberts pointed out that violations have continued.

Commissioner Trantalis suggested that staff could review the enforcement process created by the Commission. Mayor Seiler did not believe that compliance is mutually exclusive. Commissioner Roberts expressed concerns about the current process.

Mayor Seiler reiterated that the matter was approved March 4 with 10 conditions, not all of which are City code conditions. A Code Enforcement officer may determine that a property is in compliance with code. The resolution required compliance with code as well as federal and state laws and permitting requirements. A Code Enforcement officer may not investigate those items in addition to City code and is not likely to check to see if the City’s supervisor of marine facilities receives a copy of the drawings. The City Attorney advised that Code Enforcement may wish to weigh in on what they can and cannot do. It starts off as a Code Enforcement matter. Mechanisms are in place to deal with this; they should be followed and exercised.

Mayor Seiler emphasized that 10 conditions were imposed but Code may only pick up six. He felt that they should be careful in following their own procedures and also to give everyone – including the property owner – proper notice and due process.

Commissioner Trantalis felt that they have taken a hybrid situation and attached conditions to a dock waiver. He questioned whether there is a vehicle in place to enforce the conditions. He was uncertain whether the Commission could take testimony from third parties not involved in the code compliance process. The City Attorney advised that they could but not everything would require eyewitness testimony.

Commissioner Roberts pointed out that it seems violations have continued throughout the entire process. Mayor Seiler did not believe that compliance was mutually exclusive. Code is not necessarily the final authority. Morgan explained that if the County is satisfied with the conditions met and the permit remains valid, the Commission should be satisfied. He did not know whether his client had responded to the County within the allotted 30 days.

The City Manager suggested that if the City has evidence that the property is not in compliance, then they can indicate through whatever mechanism that there was a violation of condition. That can then be heard by the Code Enforcement Board. They could not produce testimony of who made the violation but rather state that they have been cited. There are other conditions that are more problematic to enforce. It is difficult to prove how many occupants live at a property. Staff cannot determine how many people live on the property because they do not have that right without an administrative search warrant. Staff’s ability to provide specific evidence will be somewhat limited. They would have to rely on evidence from neighbors for prosecution. Mayor Seiler confirmed that such evidence can be used in the Code Enforcement process.

Cobb stated that the triple-pile clusters were not built as they were supposed to be. Although a waiver was granted, the property still is not in compliance.

Commissioner Trantalis felt that they should defer to legal staff to come up with a definitive mechanism by which to enforce the conditions, whether through Code Enforcement or an alternative quasi-judicial

process. It would set a precedent for future Commissions that there would not just be compliance but respect for the imposed conditions. The City Attorney confirmed for Mayor Seiler that an assistant city attorney is assigned to Code Enforcement cases. The City Manager clarified that the Code Enforcement Board could make a determination on whether a violation has occurred. The Board can rule on whether a violation has occurred in the past and impose a fine if it reoccurs.

Commissioner Roberts felt there is an ongoing pattern of violations. Commissioner Rogers felt that compliance is important and that reinforces the argument that it should be considered by Code Enforcement. Unless the Commission intends to change its philosophy that the primary issue is compliance, they must take the Code route. If that does not work, it goes to the next step. The penalty is revocation but that is not the starting point. Mayor Seiler felt that the matter has to go before Code Enforcement for fact finding. He confirmed for Commissioner Trantalis that the item was on tonight's agenda to determine whether the owner failed to comply with the imposed conditions and if so, whether to revoke the permit. The Commission generally has that authority with respect to waivers. The City Attorney advised that because of the uniqueness of the situation, the City Manager found it appropriate to bring before the Commission. Discussions occurred about the evidence related to allegations. A revocation of the permit would ultimately be the Commission's decision.

In response to Commissioner McKinzie, Director of Sustainable and Economic Development Jenni Morejon said there is a series of 11 building permits that have been applied for. Mayor Seiler noted that the City Attorney has advised that if they changed plans and are not in compliance with their permit, it falls under the ULDR as they agreed to be in full compliance. Such matters went before Code Compliance. He believed they installed triple clusters that were not discovered as a violation by the City's Code office.

Building Official John Travers said the original dock permit for triple clusters followed the guideline in Table One of the resolution. The only permits relevant to this conversation are those for the dock and the dock electric. The other permits, which are active or closed, predated this matter. The drawing submitted with the permit application showed triple clusters. The resolution allows for a total of nine triple clusters, which is not what they have observed on the property. Some of the clusters were not installed at the time inspections on the permit were conducted. It is still an active permit; the last passing inspection was on March 6. The clusters are in the water and beyond the scope of what inspectors can review. Mayor Seiler believed that the City has authority over mooring structures.

The City Manager advised that the building inspectors operate under Florida Building Code. Code Enforcement and Marine Services look at such matters from a standpoint of zoning and ULDR. Staff is not responsible for inspecting the dock pile as it goes in, but through the zoning process they can determine how many piles are being installed and so forth. In this case, it has been represented that the Applicant believes there is a right to install, not a requirement. The City Manager believed the property owner does, in fact, have an obligation.

Commissioner McKinzie noted that 10 conditions were stipulated. The triple pile application was included. The City Manager confirmed that if the installed piles are not triple piles, the homeowner would be in violation.

Morgan stated that his client was told by two different attorneys that there was no obligation. He was told later that others, including Jim Juranitch, had a different opinion and immediately attempted to install a center pile. The Applicant was stopped from completing what he agreed, due to the dispute over obligation. The City Manager believed that as a condition for the deferral in March it was agreed that no further work would be done in the backyard. The City did not stop him; it was a stipulation to the deferral. Morgan stated that prior to that, the permit application was delayed.

Mayor Seiler felt that the item should be referred to Code Enforcement for further review with the City Attorney's Office, specifically to determine whether they are in compliance with the 10 conditions, all of which go before Code.

Commissioner Trantalis suggested that if it is determined that the property is compliant, it can still be called up for further consideration by the Commission.

There being no one else wishing to speak, a motion was approved to close the public hearing.

**Motion** made by Commissioner Trantalis and seconded by Commissioner Roberts to defer the item with direction that the City Attorney pursue this as a Code case.

**DEFERRED to the code enforcement process with a report to the Commission upon final consideration by either body with the opportunity for the Commission to make further determination**

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

## RESOLUTIONS

### **R-1     15-0417     Appointment of City Board and Committee Members**

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

Board of Adjustment	Andrew Gordon (Consensus) E. Birch Willey (Consensus)
Central City Redevelopment Advisory Board	Chenara Anderson (Consensus)
Citizens Police Review Board	Christina Currie (Commissioner Rogers)
Education Advisory Board	Jonathan Schwartz (Commissioner Trantalis) Sam Mitchell (Commissioner Rogers)
Enterprise Zone Development Agency	Alfred Battle (Consensus) Blake Trueblood (Consensus)
Historic Preservation Board	Alexandria J. Scherer (Commissioner Roberts)
Northwest-Progresso-Flagler Heights Board	Steve Lucas (Mayor Seiler) Mark Mattern (Commissioner Roberts) Dylan M. Lagi (Commissioner Trantalis) John D. Hooper (Commissioner Rogers)
Planning and Zoning Board	Stephanie Jean (Commissioner McKinzie) Steve Glassman (Commissioner Trantalis)

Catherine Maus (Commissioner Trantalis)  
Richard C. Heidelberger (Commissioner Rogers)

2014 Walk of Fame Committee

Gale Butler, representing Jack Drury (Consensus)  
Louise Crocco (Consensus)  
Marcia Pinder (Consensus)  
Dan Santoro, representing the late Gregg  
Newell (Consensus)  
George Smith (Consensus)

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

**ADOPTED**

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

**R-2 15-0528** Resolution of Intent to Transfer City Parcel at 1801 SW 1 Avenue to South Florida Regional Transportation Authority for Wave Streetcar Project

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

**ADOPTED**

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

**ORDINANCE FIRST READING**

**OFR-1 15-0557** Ordinance Amending City Code, Sections 20-106, Plan Established, Purpose; Effective Date; 20-107, Definitions; 20-116, Additional Specific Provisions; and Creating a New Section 20-115, Maximum Pension - City's General Employees' Retirement System (Request to Defer to May 19, 2015)

**Motion** made by Commissioner Roberts and seconded by Vice-Mayor McKinzie to defer the item to May 19, 2015.

**DEFERRED TO MAY 19, 2015**

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

**OFR-2 15-0558** Ordinance Amending City Code, Sections 20-129, Retirement Dates and Benefits and 20-135, Miscellaneous Provisions - Police and Firefighters' Retirement System Benefits (Request to Defer to May 19, 2015)

**Motion** made by Commissioner Roberts and seconded by Vice-Mayor McKinzie to defer the item to May 19, 2015.

**DEFERRED TO MAY 19, 2015**

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

**OFR-3 15-0502** Ordinance Establishing a Program to Allow Food and Non-Alcoholic Beverage Service on the Beach

Dan Barnett, bid manager for the City of Fort Lauderdale, spoke on behalf of Wizard Entertainment. He supported the item.

There being no one else wishing to speak, a motion was approved to close the public hearing.

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

**PASSED FIRST READING**

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

**OFR-4 15-0564** Ordinances Amending Beach Definitions to Delete Therefrom Bonnet House Private Beach: A) Section 5-3, Consumption, Possession in Beach Area; B) Section 8-52, Fort Lauderdale Beach Designation; and C) Section 8-71(A) Public Beaches Defined

There being no one wishing to speak, a motion was approved to close the public hearing.

Commissioner Trantalis questioned whether a restaurant would be a permitted use on the Bonnet House property. Assistant City Attorney Bob Dunckel said it would have to meet the land use plan.

Attorney Stephanie Toothaker of Tripp Scott, representing the Bonnet House, said that when Mrs. Bartlett deeded the property to the Florida Trust for Historic Preservation, she reserved an area for a restaurant. There also is an area in reserve for a condominium, which Bonnet House has no intention of pursuing. The zoning permits a concession as a conditional use, which could be a restaurant. There is no site plan pending. Commissioner Trantalis wished to know what is being abdicated to the Bonnet House trustees.

Dunckel advised that the Bonnet House can serve alcohol on a 700-foot swath of land that is not encumbered by a public beach easement. There is a public easement to the north and to the south of the 700 feet. Because they own it in fee simple, they want alcohol consumption to be permitted. He believed that any concession with a restaurant would have to be built on an existing footprint or areas west of the Bonnet House that are not pristine lands. He believed they were satisfied with progress made through negotiations with staff. They wanted the ordinances amended to allow them use of their fee-simple property which was unencumbered by the public beach easement. They wanted to take their easement out of the definition of "public beach."

Toothaker advised that the City code is incorrect by labeling Bonnet House private beach as public beach. They wish to amend the ordinances to properly reflect ownership status of that beach. Bonnet House intends to use that swath of the beach for things like weddings or fundraisers. Part of the delay was due to the special entertainment agreement. Commissioner Trantalis expressed concern that they wanted to define their rights because they were making plans for change. Toothaker noted there is no site plan.

Commissioner Trantalis pointed out that this issue never arose previously. Commissioner Roberts pointed out that negotiations have been going on for years.

The City Manager explained that as they were reviewing the food and beverage ordinance, they determined that the area north of the Bonnet House is part of the public easement. The issue needed to be cleaned up in order to afford non-alcoholic beverage and food service to other properties in the area.

Mayor Seiler opened the floor for public comment.

.F. Rosenthal, 1237 NW 4 Avenue, said there is no way to permit limited alcohol use on the beach.

There was no one else wishing to speak.

Commissioner Roberts introduced the ordinances, which were read by title only.

**PASSED FIRST READING (Section 5-3)**

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

**PASSED FIRST READING (Section 8-52)**

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

**PASSED FIRST READING (Section 8-71(A))**

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

**ORDINANCE SECOND READING**

**OSR-1 15-0515** Ordinance Amending Schedule I of the Pay Plan of the City of Fort Lauderdale, Florida, by Modifying the Class Title of One Class, Modifying the Pay Range of Several Classes and Modifying the Management Category of Several Classes

There being no one wishing to speak, a motion was approved to close the public hearing.

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

**ADOPTED ON SECOND READING**

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

**OSR-2 15-0386** Amendment to the Backflow Ordinance

There being no one wishing to speak, a motion was approved to close the public hearing.



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

**ADOPTED ON SECOND READING**

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

**OSR-3 15-0527** Ordinance Amending the City Code to Provide Special Magistrates with the Authority to Settle Code Enforcement Fines, Penalties and Liens

There being no one wishing to speak, a motion was approved to close the public hearing.

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

**ADOPTED ON SECOND READING**

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

**CITY MANAGER REPORTS**

**15-0144** Review of Beach Place Security Plan

The City Manager provided introductory remarks.

Mayor Seiler opened the floor for public comment.

Attorney Stephanie Toothaker of Tripp Scott, representing Thor Equities, said she was pleased with the new security plan and property manager. A detective assigned to Beach Place has advised that nuisance-related incidents have been reduced. They agree with the City Manager's recommendation for one-year monitoring.

Commissioner Trantalis noted that the Commission received a report on incidents that have occurred since January. Toothaker advised that not all incidents in the report occurred at Beach Place; that was simply used as a reference point. From January through April, the assigned detective reported just two nuisance-related calls – which would involve beverage violations, narcotics or prostitution – at Beach Place. Commissioner Trantalis felt that the area has become a magnet for antisocial behavior and was concerned that Toothaker's client finds that acceptable. The type of retail activity allowed there seems to create a permissive culture. He questioned what measures the owner has taken to mitigate problems such as noise and alcohol abuse. Toothaker advised that no one is suggesting the behavior is acceptable. They believed the security plan was well-executed and is working. She did not think it was realistic to expect zero incidents. There is room for improvement but the property manager is relatively new and has been reaching out to the Police Department.

In response to Commissioner Trantalis, Toothaker said each bar and restaurant at Beach Place has its own sound monitor. There have been two noise incidents since the last time they went before the Commission. She agreed that Beach Place and all its tenants should be in compliance with noise ordinances. They have tried to self-enforce.

Fred Carlson, representing the Central Beach Alliance, said issues began about two years ago and he

presented the matter to the Nuisance Abatement Board. He personally observed alcohol violations and noise. He felt that Navarro Securities' behavior and staffing was inadequate. The new security team appears to be doing a good job. Underage drinking is a problem. Additionally the area has the only public bathroom in the vicinity. There has not been outreach to the locals and the Central Beach Alliance. The Fort Lauderdale Police Department has done a good job but more work should be done.

L.F. Rosenthal, 1237 NW 4 Avenue, said Miami Beach is following Fort Lauderdale's policy to stop liquor sales at 2 a.m. He expressed interest in cleaning the area up if the issues continue.

Greg Cook, general manager of the Ritz Carlton of Fort Lauderdale, said the property has 28 full-time residents, guests and employees, many of whom have complained about Beach Place and are uncomfortable there late at night. He felt that the 4 a.m. license causes a problem. It draws people there late at night. People are intoxicated and loud.

Dan Texera, president of Harbor House Condo East, spoke in opposition to the item on behalf of Harbor House, Ritz Carlton and Castillo Grande. There have been complaints of loud noise. All three associations approved the reading of a quote from the Unified Land Development Regulations (ULDR) stating that "Planned Resort Development (PRD) zoning is used for planned development and redevelopment immediately to the north of Las Olas Boulevard, generally between the Atlantic Ocean and Intracoastal Waterway as a high-quality public and private mixed-use area. The district is intended to permit and facilitate the redevelopment of the world-class resort commensurate with the character and values of the Atlantic Ocean and the City's long-term reputation as a tourist destination."

Karen Turner, representing the Central Beach Alliance (CBA), stated that when the tattoo parlor opened, it had to go before the Commission. The City Manager advised there was a conditional use. Turner noted that the CBA would like the area to return to what it was when there was no crime.

Charles King, 105 North Victoria Park Road, felt that this should not be allowed in the city. The Commission should be more proactive. He anticipated there would be a riot on the beach on Memorial Day; the police presence does not deter such activity. There should be counter-programming.

There being no one else wishing to speak, a motion was approved to close the public hearing.

Mayor Seiler felt that progress was being made but more is needed. He did not want to wait a year for another review. It should be kept on a very short leash.

The City Manager stated that he maintains the authority to put Beach Place on notice at any time and suspend their entertainment license. Revocation is a Commission action. Commissioner Roberts requested quarterly updated reports. He believed they have made headway on crime statistics. Beach Place was created in order to be an economic stimulus for the beach. He wanted to further study drinking times and liquor licenses on the beach. If other jurisdictions alter the 4 a.m. license, Fort Lauderdale will be absorbing their patrons. He wanted to ensure that the situation is monitored and solutions are explored. The City Manager suggested adding a quarterly report to the Conference agenda.

Commissioner Rogers agreed with Commissioner Roberts, and questioned whether the entertainment license could be suspended to 2 a.m. rather than 4 a.m. The City Manager believed he had the ability to modify the restrictions but advised he would need to review the ordinance. Mayor Seiler suggested running numbers to determine which percentage of incidents that occur between 2 a.m. and 4 a.m.

Toothaker requested that before a modification is made they be allowed to conduct a study to determine

whether Beach Place is the only location permitted to stay open until 4 a.m. Commissioner Roberts did not think the 4 a.m. license is appropriate for the beach. Mayor Seiler agreed.

The City Manager advised that the latest violation occurred at 1:54 a.m. Commissioner Trantalis explained that the issue does not so much involve noise complaints. He felt it would be beneficial to rethink the concept of an entertainment zone. They should not make changes abruptly but devise a plan to phase it out. A general discussion ensued about the evolution of the Beach Place area. Commissioner Trantalis suggested they be proactive in addressing the matter.

Mayor Seiler suggested there should be a summary of what occurred during particular time frames for discussion on a future conference agenda. Additionally he asked to see a history of the 4 a.m. license on this property.

There being no other matters to come before the Commission, the meeting adjourned at 9:43 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jeffrey A. Modarelli  
City Clerk