

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, December 15, 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
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney

Invocation

Rabbi Schneur Kaplan, Downtown Jewish Center Chabad

Pledge of Allegiance

Led by Mayor Seiler

Meeting was called to order at 6:02 p.m. by Mayor Seiler on Tuesday, December 15, 2015 in the City Commission Conference Chambers.

Moment of Silence in Recognition of Frank Herhold

ROLL CALL VOTE ORDER:

Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

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 Jeffrey A. Modarelli, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Mike Siekierski

Vice-Mayor Robert L. McKinzie arrived at 6:14 pm.

No public comments were submitted by email for the December 15, 2015, Regular City Commission Meeting

Approval of MINUTES and Agenda

Motion to approve made by Commissioner Bruce Roberts and seconded by Vice-Mayor Robert McKinzie.

15-1625 Minutes for June 30, 2015, Joint Workshop with Central City Redevelopment Advisory Board

APPROVED

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

PRESENTATIONS

PRES- 15-1626
1

Signing Ceremony - Memorandum of Understanding between Greater Fort Lauderdale Sister Cities and World Trade Center Fort Lauderdale

Mayor Seiler participated in a signing ceremony for the Memorandum of Understanding between the Greater Fort Lauderdale Sister Cities and World Trade Center Fort Lauderdale recognizing the value of the institutional linkage across international boundaries to further the goal of creating responsible citizens in an increasingly interdependent world.

PRESENTED

PRES- 15-1627
2

Proclamation declaring December 15, 2015, as Rick Case Bikes for Kids Day in the City of Fort Lauderdale

Commissioner Roberts presented a Proclamation declaring December 15, 2015, as Rick Case Bikes for Kids Day in the City of Fort Lauderdale to the Rick Case representative, Mr. Stan Bostic, National Director of Communications.

PRESENTED

PRES- 15-1624
3

Police Officer of the Month for December 2015

Chief of Police Frank Adderley, presented Police Officers of the Month for November, 2015 to Detective Anthony Windes, Officer Eric Perez, Officer Darius Raz, Canine Officer Craig Sheehan noting their positions, previous dates of recognition for outstanding work product as well as commending them for a job well done citing a specific incident involving their coordinated efforts which lead to the recovery of 48 watches with a retail value \$250,000 from Mayors Jewelry Store at Galleria Mall and the apprehension of two dangerous felons.

PRESENTED

PRES- 15-1593
4

Community Appearance Board WOW Award for District I and WOW Awards for District IV

Commissioner Roberts recognized the December 2015 District I WOW Award recipients, **Gilmar Gomes and Joao Morais, Imperial Point Homeowners Association.**

Commissioner Rogers recognized District IV July 2015 WOW Award recipients, **Rob Gordon and Colee Hammock Homeowners Association.**

Commissioner Rogers recognized District IV November 2015 WOW Award recipients, **Gloria and Tom Reese, Tarpon River Homeowners Association.**

PRESENTED

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items as noted in the meeting agenda. Mayor Seiler announced the following updates and changes to the Consent Items on this Agenda: CM-6 - revisions were made to the (i) Addendum to the Purchase and Sale Contract and (ii) to the Declaration of Restrictive Covenants; CR 1 – Resource Impact Section revised; CR- 5 – Changes to rates in Exhibit and Memo; CR-6 – Revision in Memo and exhibit; PUR - 2 – changes to Memo in the background detail – product brands. Mayor Seiler noted that there were no WALK-ONS for this meeting and OFR-1 had a request to be deferred until January 5, 2016 Meeting Agenda and will be addressed after the approval of the Consent Agenda. Mayor Seiler noted PUR-4 was removed from the agenda by the City Manager and is being deferred to the January 5, 2016 City Commission Meeting. Consent Agenda items CM-2, CM-6, CM-8, CR-2, CR-3, CR-6, CR-8, and PUR-11, and PUR-12 are removed from the Consent Agenda and will be considered separately

CONSENT MOTION

Motion made by Commissioner McKinzie and seconded by Commissioner Trantalis that Consent Agenda items that CM-2, CM-6, CM-8, CR-2, CR-3, CR-6, CR-8, and PUR-11, and PUR-12 be removed from the Consent Agenda and considered separately, and that the remaining Consent Agenda items be approved as recommended.

Approval of the Consent Motion.

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

APPROVAL OF THE CONSENT AGENDA

Motion made by Commissioner Rogers and seconded by Commissioner Roberts that remaining items on the Consent Agenda be approved.

Approval of Remaining Consent Agenda Items

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

ORDINANCE FIRST READING

OFR-1 15-1559 Ordinance Amending the City of Fort Lauderdale General Employees' Retirement System (Request Deferment to January 5, 2016)

Commissioner Trantalis moved to defer this item until January 5, 2016 City Commission Meeting and was seconded by Commissioner Roberts.

DEFERRED to January 5, 2016

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

Mayor Seiler announced that the Tuesday, January 19, 2016 City Commission Meeting had been moved to Wednesday, January 20, 2016, to accommodate the Martin Luther King holiday.

CONSENT MOTIONS

CM-1 15-1531 Motion to Approve Event Agreements: Senior Sunrise Mass, PIIK & Queen Community Wish List Christmas Wonderland, Las Olas Sunday Market, and Inaugural South Florida Chillounge Night

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CM-2 15-1552 Renewal of the Chronic Homeless Housing Collaborative Grant (CHHC) Agreement with Broward County for \$446,929 for FY 2016

Mayor Seiler opened the floor for a public hearing. Charles King, 105 North Victoria Park Road, expressed his concerns and opinion regarding this expense.

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

City Attorney Cynthia Everett asked for clarification for the Commission with the outstanding issues on this item. City Manager Feldman explained the costs and ineligible expenses regarding this item and his recommendation that the City move forward with this program for one remaining year. City Manager Feldman answered additional questions and concerns from Commissioner Trantalis and Vice-Mayor McKinzie. Commissioner Roberts noted costs for an outside contractor to manage the program incurred last year will not reoccur. City Manager Feldman also noted the City is pursuing reimbursement for those outside vendor costs.

Assistant City Manager Stanley Hawthorne explained in detail what the renewal represents, noting

CM-2 takes an affirmative stance and that if the City can work everything out with the County, the City would continue for the final year of the two-year program. Commissioner Roberts stated how he understood items CM-2 and CM-3 relate to each other so as to address the needs of the homeless without interruption. Further discussions ensued on this item.

Commissioner Roberts motioned to approve CM-2 and was seconded by Commissioner Trantalis. The motion was read by title only.

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CM-3 15-1554 Grant application in Conjunction with Broward County's Continuum of Care Homeless Initiative Partnership (HIP) Division for Continuance of The Chronic Homeless Housing Collaborative (CHHC) Program for FY 2017 and 2018

APPROVED

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

CM-4 15-1588 Motion Approving Assignment and Assumption of a Revocable License between GS Exchange Lofts, LLC and BRE Silver MF Exchange FL, LLC

APPROVED

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

CM-5 15-1589 Motion Approving Lease Amendment for Shop 104 - City Park Mall

APPROVED

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

CM-6 15-1615 Motion Approving Contract for Purchase and Sale of Park Parcel known as Mangurian Park from Coral Ridge Golf Course to City of Fort Lauderdale

Mayor Seiler opened the floor up for a public hearing.

Mr. Art Seitz, 1905 North Atlantic Boulevard, expressed his opposition. Mr. Charles King, 105 North Victoria Park Road, expressed his opposition to this item concurring with some of Mr. Seitz' sentiments.

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

Commissioner Rogers noted that the property was private property. He also wanted assurances regarding the final version of the plan that the closing time for the park will be 9:00 p.m. and further clarification of the restrictive covenants. Assistant City Attorney Bob Dunkel confirmed the closing hour of the park would be 9:00 pm. Commissioner Trantalis wanted confirmation that this transaction is a donation rather than a purchase. Assistant City Attorney Dunkel confirmed the land was a donation and clarified other items for the Commission.

Mayor Seiler thanked all those involved for their efforts. Commissioner Roberts motioned to approve CM-2 and was seconded by Commissioner Trantalis, which was read by title only.

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CM-7 15-1521 Motion Authorizing Purchase of Reinsurance for Self-Funded Medical Plan - Cigna Health and Life Insurance Company - \$783,509.

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CM-8 15-1527 Motion Approving Endorsement of Levitt Pavilion, an Outdoor Performance Venue, at Esplanade Park

Mayor Seiler opened the floor up for a public hearing. Mr. Ralph Stone, 401 SW Fourth Avenue, expressed his concern regarding this item and possible noise issues. He made note this it is already an extremely active area and requested the Commission to direct staff to find out more about the acoustic engineering and other specifics regarding this project.

Ms. Janet Scaper, 401 SW Fourth Avenue, spoke in opposition stating it was premature to put this item on the agenda for endorsement at this time. She requested more details and public comment. She voice concerns over existing noise issues from adjacent venues on the Riverwalk impacting nearby residential properties. *A copy of Ms. Scaper's comments, æ made part of the record and is attached to these minutes.*

Ms. Genã Ellis, President, and CEO of Riverwalk spoke for this item noting Levitt Foundation's possible grant to the City required a great deal of research before encouraging the Levitt Foundation to consider the City for an opportunity to activate the park. She noted that Espande Park is part of an entertainment district blighted in some areas. Commissioner Trantalis asked questions relating to the specific number of events and Ms. Ellis answered his inquires. The goal is the importance of keeping the quality of life in place for residential residents while improving the overall infrastructure of the City.

Ms. Courtney Crush, Crush-Law, P.A., spoke in support of this item. After having conversations with a group of stakeholders in the City who are interested in forming a Friends of Leavitt, she suggested they

work with the City and surrounding neighborhoods work together and come back to the City Commission with a program plan, a physical plan, and a capital improvement plan for Esplanade Park. Ms. Crush distributed preliminary concept plans to improve Esplanade Park to the Commission. *A copy is attached to these minutes.* She requested the Commission express its intention to allow a not-for-profit corporation to have a dialogue working with residential neighbors, stakeholders, and downtown neighborhoods ultimately returning to the Commission with the site plan, a proposed programming plan, and a proposed noise mitigation plan for the Commission's consideration.

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

Commissioner Rogers commented that the objection is not to music, it is to noise and the need to determine the appropriate wording of a noise ordinance to ensure it is enforceable. Based on his understanding, the Leavitt Foundation funds quality programming along with a City match. He noted that when moving forward with this item, it is important to determine if this opportunity is the right fit after input from of all involved.

Commissioner Trantalis moved to approve this item and was seconded by Commissioner Rogers. The resolution was read by title only.

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CM-9 15-1440 Motion Authorizing Design Services for Fort Lauderdale Executive Airport Taxiway Intersection Improvements - HDR Engineering, Inc. - \$156,482 Task Order

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CONSENT RESOLUTION

CR-1 15-1587 Resolution Approving Sale of City-Owned Property Located at 3110 SW 21st Street to Mahmood Rashid and Uneeza Mahmood

ADOPTED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CR-2 15-1535 Resolution Accepting the 2015 Unified Regional Sea Level Rise Projection of the Southeast Florida Regional Climate Change Compact

Mayor Seiler opened the floor up for a public hearing. Mr. Charles King, 105 North Victoria Park Road, expressed his concern over salt water on Las Olas Boulevard pouring over seawalls. He suggested a coordinated plan to put a minimum height for seawalls and requiring owners so upgrade their seawalls to a minimum height.

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

Commissioner Trantalis noted that the Commission is working on this issue and that consultants have been hired consultants and are moving forward to create minimum height standards on the City's seawalls noting it is a complicated issue in a built up community.

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

ADOPTED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CR-3 15-1553 Resolution Encouraging Neighbors and Visitors Not to Smoke in Certain City Parks and Acceptance of \$1,000 from the American Lung Association

Mayor Seiler opened the floor for a public hearing. Mayor Seiler recognized Ms. Laura Croscenco, Middle River Terrace Neighborhood Association (MRTNA), and Mr. Matthew Competiello, Manager of Health Promotions for the American Lung Association. Ms. Crosenceo spoke regarding the resolution and handed out a study done by the Department of Health and Human Services. *A copy of the study is attached to these minutes.* She expressed her thanks to the Commission for recognizing the need for this resolution, and she hopes to see one beach in the City designated as a non-smoking area away from second-hand smoke.

Mr. Competiello cited the American Lung Association and the Broward Regional Health Planning Council's Partnerships entitled Transforming Our Communities' health initiative. He noted the partnership's work with the City's Sustainability Advisory Board as well as Council of Civic Associations to provide information to the City Council on the benefits and opportunities of posting signs at the City's Parks and Playgrounds. These sign read "Young Lungs at Play – Thank You For Not Smoking" noting that these signs are posted voluntarily and remind everyone that smoking where children play is not a healthy choice. The \$1,000.00 funding to the City for these signs comes through the Broward Regional Health Planning Council.

Ms. Joanne Richter was recognized by Mayor Seiler. She thanked the Commission for their support on this item as well as the Healthy Community Zones now along the Sistrunk corridor.

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

Commissioner Trantalis asked who was purchasing and installing the signs. City Manager Feldman stated the City will be purchasing and installing the signs with funds from the initiative.

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

ADOPTED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CR-415-1513 Resolution Rejecting Offers to Dedicate Public Rights-of-way - Holiday Inn Express - Sage Hospitality, LLC - 1500 SE 17th Street - Case Number E15006

ADOPTED

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

CR-5 15-1621 Resolution authorizing execution of an Order amending contract for online legal research services and an Order for legal publications - \$2,988 monthly with 5% increases in years two and three.

ADOPTED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CR-6 15-1570 Resolution Accepting the Analysis of Impediments to Fair Housing Choice

Mayor Seiler opened the floor up for a public hearing. Charles King, 105 North Victoria Park Road, spoke regarding this item and agreeing with the analysis was valid except the shortage/barriers to affordable housing and homeownership (item number 3 in the analysis). He further expressed his opinion on this item.

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

Commissioner Rogers asked City Manager Feldman if the City consulted with the Housing Authority on this item regarding the data. Mr. Feldman answered the City did not consult with the Housing Authority and that Mr. English sent a memo late this afternoon with some corrections but they were not material enough to remove the item from the agenda. Mr. Feldman addressed questions from Commissioner Rogers on this issue.

Commissioner Rogers moved to defer this item until January 5, 2016 City Commission Meeting and was seconded by Vice-Mayor McKinzie. The resolution was read by title only.

DEFERRED to January 5, 2016

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CR-7 15-1534 Resolution Authorizing the Execution of Tennis Instructor Agreements.

ADOPTED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CR-8 15-1573 Resolution to Approve an Amendment to the Boys & Girls Club of Broward County to provide Advertising Bus Benches

Mayor Seiler opened the floor up for a public hearing. Charles King, 105 North Victoria Park Road, expressed his opposition to this resolution. He feels there are too many bus benches with advertising in the City that are not near actual bus stops

Art Seitz spoke in opposition to this resolution citing visual pollution in the City.

Vickie Eckels, 917 SE 14th Street, questioned whether these mini billboard benches are blight or public asset. She asked that a mechanism to allow recognized neighborhood associations to remove of any mini billboard bench that members have determined is not serving a public purpose. She further expounded on her opinion regarding this issue.

Count Rosenthal, 1237 NW 4th Avenue, spoke in support of the bus benches and expressed his opinion regarding others' comments.

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

Commissioner Trantalis asked City Manager Feldman the amount of money the City gets from the advertising on bus benches. City Manager Feldman answered it was around \$200,000.00. Commissioner Trantalis asked for a breakdown of the amount of money going to the Boys & Girls Club. Jim Cane, representing the Boys & Girls Club and the contractor, Gold Coast Bench, answered Commissioner Trantalis' questions. Commissioners Rogers noted that the vendor agreed to keep the benches clean as well as the City's bus shelters. Commissioner Trantalis noted that there is sign pollution in the City and bus benches where there are no bus stops are unnecessary.

Commissioner Rogers introduced this resolution that was read by title only.

ADOPTED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

CR-9 15-1598 Resolution Approving Consolidated Budget Amendment to Fiscal Year 2016 - Appropriation

ADOPTED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

PURCHASING AGENDA

PUR-1 15-1264 Motion to Approve Second Renewal and Additional Funds to Existing Contract with GPE Engineering & General Contractor Corp. - \$600,000

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

PUR-2 15-1369 Motion to Approve Progresso Neighborhood Improvement Project - Enco, LLC - \$1,850,908

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

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

PUR-3 15-1423 Motion to Approve Purchase of Paint - The Sherwin-Williams Company - \$64,300

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

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

PUR-4 15-1444 Motion to Approve Emergency Medical Billing and Electronic Patient Care Reporting Services - Advanced Data Processing d/b/a Intermedix - \$321,000

REMOVED FROM AGENDA

PUR-5 15-1452 Motion to Approve Purchase of a Portable Wheelchair Lift - AGM
Container Controls, Inc. - \$28,600.50

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie,
Commissioner Roger, Mayor Seiler.

PUR-6 15-1491 Motion to Approve to Continue Janitorial Maintenance Services with
Sunshine Cleaning Systems, Inc. - \$45,000

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie,
Commissioner Roger, Mayor Seiler.

PUR-7 15-1499 Motion to Approve Arboricultural Services - All Florida Tree &
Landscape, Inc. - \$675,000 (27-month cost)

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie,
Commissioner Roger, Mayor Seiler.

PUR-8 15-1523 Motion to Approve Purchase of 18 Police Motorcycles - Rossmeyer
Daytona Motorcycles, Inc. - \$375,930

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie,
Commissioner Roger, Mayor Seiler.

PUR-9- 15-1536 Motion to Approve Police Recruit Training and Mandatory Retraining
Classes at Broward College - \$136,490

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

PUR- 10- 15-1543 Motion to Reject All Bids for Trash and Recycling Collection Services for Public Spaces and Special Events

APPROVED

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

PUR-11 - 15-1556 Motion to Approve Utilization of Federal Law Enforcement Trust Fund to Purchase Tasers, Holsters, Training Cartridges and Assurance Plan - Taser International, Inc. - \$1,007,142.49 (five-year cost)

Mayor Seiler opened the floor up for a public hearing. Charles King, 105 North Victoria Park Road, expressed his opposition to this item, his opinion regarding this resolution and encouraged the Commission to get police body cameras.

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

Commissioner Roberts asked the Chief Adderley to certify the cost/expense of this equipment complies with equitable sharing for State and local law enforcement agencies. Chief Adderley certified the cost/expense for these items. Commissioner Roberts commended the Fort Lauderdale Police Department for their efforts and also pointing out that police body camera will be further discussed at the City Commission Meeting during the second week of February 2016 after a review of possible implications from the City Attorney's Office and the City Manager's Office.

Commissioner Roberts moved to vote on this item that was seconded by Commissioner Trantalis, which was read by title only.

APPROVED

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

PUR-12 15-1608 Motion to Approve Additional Expenditures for Inspection and Plan Examination Services - \$269,567

Vice-Mayor McKenzie pulled this item from the Consent Agenda stating he was not comfortable moving forward. He spoke regarding the Commission's previous award of a one-year contract to Carlos A. Penin Government, Inc. (CAP) based on the contingency of filling job vacancies within the Department of Sustainable Development. He requested a current assessment of where CAP is on hiring for those positions. Mayor Seiler expressed his concern with the delays allowing residents to move forward with building permits. Commissioner Trantalis expressed his concern that a year has passed, and the no vacancies have been filled. Commissioner Roberts gave his comments regarding City vacancies and

the need for a complete hiring assessment. Commissioner Rogers raised the issue as to whether the current contractor is doing an adequate job. Building Official John Travers with the Department of Sustainable Development discussed the challenges of staffing up for the increased development growth. Discussion ensued among the Commission on this item. City Manager Feldman committed to getting the City Commission a monthly status report as it relates to vacancies throughout the City.

Commissioner Trantalis moved to vote on this item that was seconded by Commissioner Roberts, which was read by title only.

APPROVED

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

Nay: 1 - Vice-Mayor McKinzie

RESOLUTIONS

R-1 15-1597 Appointment of Board and Committee Members

Resolution R-1 appoints the following individuals to the referenced boards:

BOARD OF ADJUSTMENT

Genia Ellis is appointed to the Board of Adjustment to complete an unexpired term ending May 20, 2016 or until her successor has been appointed.

Stacey Giuliani is appointed to the Board of Adjustment as an Alternate to complete an unexpired term ending May 20, 2017 or until her successor has been appointed.

CEMETERY SYSTEM BOARD OF TRUSTEES

Dennis Ulmer is appointed to the Cemetery System Board of Trustees for a one-year term beginning February 17, 2016 to February 16, 2017 or until his successor has been appointed.

CHARTER REVISION BOARD

Judith Stern is appointed to the Charter Revision Board for a one-year term beginning January 21, 2016 to January 20, 2017 or until her successor has been appointed.

CODE ENFORCEMENT BOARD

Rob Smith is appointed to the Code Enforcement Board as an Alternate for a three-year term beginning January 31, 2016 and ending January 30, 2019 or until his successor has been appointed.

COMMUNITY APPEARANCE BOARD

Barbra Stern is appointed to the Community Appearance Board for a one year term beginning January 2, 2016 and ending January 1, 2017 or until her

successor has been appointed.

ECONOMIC DEVELOPMENT ADVISORY BOARD

Cary Goldberg (category: represents small business interests) and Nikki Austin (category: broad business experience and knowledge, either in local economy or in the area of international business) are appointed to the Economic Development Advisory Board for two-year terms beginning January 6, 2016 and ending January 5, 2018 or until their successors have been appointed.

NORTHWEST PROGRESSO FLAGLER HEIGHTS REDEVELOPMENT BOARD

Steffen Lue is appointed to the Northwest Progresso Flagler Heights Redevelopment Board completes an unexpired term ending May 21, 2016 or until his successor has been appointed.

PARKS, RECREATION AND BEACHES BOARD

Matt Walters is appointed to the Parks, Recreation and Beaches Board for a one-year term beginning December 17, 2015 and ending December 16, 2016.

UNSAFE STRUCTURES BOARD

Stephen Williams is appointed to the Unsafe Structures Board (category: Registered Engineer) for a three-year term beginning October 18, 2015 and ending October 17, 2017 or until his successor has been appointed.

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

ADOPTED

Aye: 5 - Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

Not Present: 1 - Commissioner Roberts

R-3 15-1582 Quasi-Judicial - Resolution Adopting a Port Everglades Development District Conditional Use Permit for a 200,000 Barrel Capacity Fuel Storage Tank at Port Everglades - Case Number A15014

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Mayor Seiler noted his site visits, communications, and expert opinions disclosed previously disclosed. Commissioner Trantalis and Vice-Mayor McKinzie had no disclosures. Commissioner Rogers cited his previous disclosures about site visits, communications, and expert opinions.

Commissioner Rogers motioned to defer this item as there are still unresolved issues involved, and Vice-Mayor McKinzie seconded the motion.

DEFERRED until January 5, 2016

Aye: 5 - Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

Not Present:1 - Commissioner Roberts

PUBLIC HEARINGS

PH-1 15-1571 Motion Approving a Substantial Amendment to 2014-2015 Annual Action Plan of the 2010-2015 Consolidated Plan for the Community Development Block Grant Program

Mayor Seiler opened up the floor for a public comment.

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

Commissioner Trantalis moved to approve the motion was seconded by Vice-Mayor McKinzie.

ADOPTED

Aye: 5 - Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

Not Present:1 - Commissioner Roberts

ORDINANCE FIRST READING

OFR-2 15-1504 Ordinance Amending the Unified Land Development Regulations to Permit Residential Units in the ABA Zoning District

Mayor Seiler opened up the floor for a public comment. There was no one wishing to speak. Mayor Seiler disclosed a site visit. Commissioner Trantalis disclosed a site visit. Commissioner Rogers and Vice-Mayor McKinzie had no disclosures.

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

Commissioner Rogers introduced the ordinance for first reading that was read by title only.

PASSED FIRST READING

Aye: 5 - Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner

Roger, Mayor Seiler.

Not Present:1 - Commissioner Roberts

ORDINANCE SECOND READING

OSR-1 15-1464 Quasi-Judicial - Ordinance Amending the Official Zoning Map - 2990 West State Road 84 - Florida Marine Propulsion Corporation - Case Number ZR15005

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and made them part of the record.

Mayor Seiler opened up the floor for a public comment. There was no one wishing to speak. Mayor Seiler disclosed several site visits. Commissioner Trantalis, Commissioner Rogers, and Vice-Mayor McKinzie had no disclosures.

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

Commissioner Trantalis introduced the Ordinance for a second reading, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 - Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

Not Present:1 - Commissioner Roberts

RESOLUTIONS - Continued

R-2 15-1565 Resolution Approving Lease Agreement with Rahn Bahia Mar, LLC for the Property at 801 Seabreeze Boulevard

City Manager Feldman gave an overview of the background leading up to this resolution to renegotiate the terms of the lease to accommodate future use of the property. City Manager Feldman outlined the concepts of the term sheet for the proposed renegotiated lease agreement. *A copy of this term sheet is attached to these minutes.*

City Manager Feldman noted that the proposed lease is contingent upon having a new long-term Boat Show Lease of a minimum of twenty (20) years in place and the effective date of the lease would not occur until the Boat Show Lease is in place between the lessee and the Boat Show owner, the Marine Industries of South Florida or their operator/show management. Additionally, there is also a provision that if the lessee should default on any provision of the Boat Show lease, and the lender does not cure the default, then the City would have the right to step in and cure the default and bill the lessee as

additional rent. If that rent is not paid, then the lessee would be in monetary default on the lease, and there would be acceleration in the lease if the lender does not step in and repay the City.

City Auditor John Herbst gave his comments on the City Auditor Office's detailed analysis of the lessee's spreadsheet for the Commission noting it is a much better deal for the City regarding increased revenue than is currently in place. City Manager Feldman outlined the specific increase in revenue for the City based on a fifty (50) year horizon noting the net increase over the present value would be approximate \$144,000,000.

City Attorney Cynthia Everett deferred to the City's Special Counsel on this matter, Donald Lunny of Brinkley Morgan. Mr. Lunny gave his comments regarding this item as outlined in his December 11, 2015 memo to the City including the following legal considerations during the extensive negotiation process from both a business and legal standpoint.

Mr. Lunny noted an important structural difference in the existing lease and the new lease is the property is no longer subject to one lease. There will be four principal, independent leases for Bahia Mar. The Master Lease is the first lease. Should any of the four leases default, the City will only get a portion of the property back noting this is one of the legal concerns that was negotiated. He stated, it is also important to realize that there is a monetary penalty if the development gets delayed, i.e., after a specific amount of time, the rent will go back up to its preconstruction level. However, the property will not come back to the City. He also noted should for some reason there would be extensive delays and the lessee put the property into inventory, the development could be delayed beyond the zoning entitlements. He also said the second 50-year renewal would not take place until the condominiums and promenade are built. He reiterated the City's condition that the Boat Show 20 year lease must be in place prior the start of the lease and the City's option (in their sole and absolute discretion) to relieve the lessee of this requirement. Mr. Lunny addressed questions from Commissioner Roberts and Mayor Seiler regarding the Boat Show lease. City Manager Feldman clarified a point about the rent during the construction period.

Mr. Lunny noted a heavily negotiated item on behalf of the lessee was updating the quality provisions of the existing lease going forward. The City proposed that the new standard for the development would be that of a Four-Star Standard and AAA Four-Diamond Standard. However, the developer said they were unable to do that and the most they could do was a Forbes Three-Star or AAA Triple Diamond Standard.

Mr. Lunny noted the City has far greater landlord control over this asset because once the City approves the proposed concept plan, the City has the right to approve or disapprove of any proposed changes allowing far greater and detailed control over this asset. Mr. Lunny noted the City can act in both a landlord capacity and regulatory capacity. All required development approvals will require approval by the City Commission. All subsequent requests for modifications resulting in a new site plan will require the City Manager's approval as the landlord, or the matter can be returned to the Commission for approval. Additionally, the proposed new lease states all hazardous material cleanup provisions are now the responsibility of the lessee. City Manager Feldman noted that the Phase I Environmental Study confirmed that the work in that was done in the Phase I Environmental Study has been completed.

Mr. Lunny stated the City also added a requirement to the capital reserve requirement the development's structures on the site have an ongoing inspection report requiring a structural examination every five (5) years by a qualified, licensed engineer. Should anything from a structural standpoint need to be reinforced or replaced, there will be a plan for addressing this issue by the developer.

Mr. Lunny and City Manager Feldman addressed questions and concerns from the Commission about residential condominiums on the property and the duration of the lease. Two outstanding issues exist about two items: 1) the Boat Show, which is now adequately addressed by the lease provisions; and, 2) business and legal issues with the residential condominiums.

Mr. Lunny recommended the City receive a third party's professional business opinion to review and document the transaction to confirm the City is receiving a reasonable rate of return within industry standards. City Manager stated the City did not engage anyone to provide independent business advice.

Mayor Seiler opened up the floor for public comment and the following members of the public spoke regarding this item.

Valerie Vines, Harbor Drive resident and Secretary of Mar Vista Co-Op, spoke in opposition to this item raising numerous concerns.

Paul Daly, 401 Idlewyld Drive, spoke in opposition to this item raising the issue of the complicated nature of this transaction.

Count Rosenthal spoke in support of this item endorsing the developers, the Tates, and the Rocks.

Jim Thomas, Idlewyld Association, spoke in opposition to this item noting traffic concerns and other issues.

Mr. R.W. Lovern, 629 Idlewyld Drive, spoke in opposition to this item suggesting it is a good idea to get business advice rather than moving forward at this time.

Ann Hilmer, 621 Idlewyld Drive, and Idlewyld Improvement Association, spoke in opposition to this item noting a rush to sign and asked this item be deferred until February 2016.

Jim Hilmer, 621 Idlewyld Drive, and Idlewyld Improvement Association, spoke in opposition and suggested outside experts be consulted to review the transaction in order. He requested deferment of until such time a complete analysis is done and is fully understood by the Commission. He also raised the point that it would not be in the interests of City to be a landlord.

Helen Surovek, 608 Poinciana Drive, spoke in opposition requesting more community input and requesting postponement

Don Ginsburg, 208 SE 9th Street, spoke in support of this item noting more of the public will have access to more of the amenities in this area.

Joe Piechura, 5780 NE 18th Terrace, spoke in opposition to this item requesting the Commission "drill down" into the specifics to get a real picture and suggesting the Boat Show issue be addressed to the complete satisfaction of the City.

Ron Centamore, Fort Lauderdale Council of Civic Associations, gave his comments on this item regarding the process and the need for this item to be delayed and not rushed to ensure this is for the best benefit of the City.

Philip Purcell, Executive Director, Marine Industries Association owner of the Fort Lauderdale Boat

Show, spoke in support of this item noting their executive committee's correspondence submitted to the Commission, to Mayor Seiler, and the City Manager on its behalf of Bahia Mar in support of this item.

Efram (Skip) Zimbalist, President, and CEO of Show Management, spoke in support of this item pointing out the cooperation from the developers in providing the logistical needs of the Boat Show. Additionally, he noted that signing a 30-year lease is complicated and they have been in good faith negotiations for a while but have not come to an agreement as of this time. Mayor Seiler noted there will be no deal with the developer until there is a deal with the Boat Show. Mr. Zimbalist stated, the duration of the lease being negotiated is twenty (20) years with two five (5) year extensions. He stated Show Management is in support of the developer.

Brucie Cummings, 830 SW 9th Street, spoke in opposition to this item as it relates to the regional sea level rise and the fact that the property is on a barrier island that was never meant to be built upon. She requested more community input and how the City would be built out if it was built to capacity.

Shirley Smith, Secretary of the Venetian Condominium Association, spoke in opposition to this item.

Joseph Colaner, 711 SE 11th Court, and a City resident for 50 years, spoke in opposition encouraging postponement until the deal is thoroughly understood in order to get a better return. He also recommended having a citizen vote on this matter.

Geary Cotton, 615 Idlewyld Drive, spoke in opposition noting the 80 story condominiums being proposed and is not making sense financially.

Art Seitz, 1905 N. Atlantic Boulevard, spoke in opposition regarding a concern with pedestrian-bicycle safety and having an A1A greenway. He suggested the development should have 20 feet that are impediment-free for a pedestrians and bicycles.

Mary Fertig, Idlewyld Improvement Association, spoke in opposition requesting time for the community to have meaningful dialogue. She also commented on specific requests from the City to be included in the lease that were not and other items addressed by Mr. Lunny.

Betty O'Connor, 730 Isle of Palms Drive, spoke in opposition. She encouraged the City to hold a City-wide discussion such as a Town Hall Meeting where the citizens can give their input. She requested this happened prior to the City Commission making a decision.

Charlotte Rodstrom, 66 Nurmi Drive, spoke in opposition and requesting deferment. She noted this is in District II issue, and all members of District II are concerned about getting the most "bang for the buck" out of any proposed lease. She recommended a first-class business person is needed give the City the best advice regarding this as it is the largest and most crucial decision in the history of the City of Fort Lauderdale.

Charles King, 105 North Victoria Park Road, spoke in opposition to this item noting it is a bad deal for the City.

Barry Sommerstein, Esq., 2555 Lucille Drive, and a member of the Harbor Beach Property Owners Association, stated his association has unanimously approved and endorsed the project. He spoke in support of this item noting it will redevelop the entire South Beach Area creating a different image for the City. He stated it also provides amenities to the public not currently available.

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

Mayor Seiler recognized Robert Lochrie on behalf of the applicant.

Mr. Lochrie stated there was public outreach that done over the past year. Additionally, the current ownership group purchased the lease in 2014, it was agreed that the property would remain the home of the annual Boat Show. He noted that this presentation of the lease is just the beginning of a long process and that the general terms of a business deal are in place prior moving forward to obtain a site plan.

Commissioner Roberts commented on Mr. Lochrie's statements desiring to clarify for the public the process and noting the lease is just one aspect of the process that is followed by other City approvals, i.e., the Planning and Zoning Board.

Commissioner Roberts requested an amendment to the language of the lease to clarify that the promenade areas are for access by both the residents and can only be closed for special events that will require the permits from the City.

Mayor Seiler requested clarity on the Boat Show. Mayor Seiler also stated his concern with the issues of public access, the promenade and open space, additional parking, beach access walkway/cross-way recognizing that all but a few acres of the land are to be used by the public for the public benefit. Representatives of the applicant and Mr. Lunny addressed the issues and additional questions from the Commission regarding the public use of the promenade, parking, assurances that nothing will impede the Boat Show, and other specific items in the lease. Further discussions and questions ensued among the Commission, Mr. Lunny, and representatives of the applicant.

Commissioner Trantalis raised the issue of the Boat Show revenue and the amount the lessee is charging the Boat Show going forward with the goal of keeping the price reasonable, so the Boat Show does not choose another venue. He also requested verification by an independent third party of the value of the proposed leases. Commissioner Trantalis also had concerns about the integrity of each of the three additional leases noting the true value of this parcel is for the entire parcel not just portions of it. He also stated the need for the property to have a Four-Star Hotel rating rather than the proposed 3 Star Hotel rating. Commissioner Trantalis also wants the opportunity for more community input. Commissioner Roberts addressed some of the issues raised by Commissioner Trantalis.

Commissioner Rogers requested the City Manager get an economic advisor to do a financial analysis to decide whether we should lease or sell the property focusing on the value of this transaction. The Commission requested a business review of the proposed lease and modifications to the lease before a final review and deferment of this item to the February 20, 2016 City Commission Meeting.

Commissioner Trantalis moved to defer this issue to the second meeting of January, 2016 and was seconded by Commissioner Roberts.

DEFERRED to January 20, 2016

Aye: 5 - Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Roger, Mayor Seiler.

REQUEST FOR CLOSED DOOR

The City Attorney Cynthia Everett requested under Florida Statute Section 286.011 8(a) a closed-door session on January 5, 2016 to discuss matters about the following cases:

- *Antonio Grant vs. the City of Fort Lauderdale, Case No. 15-61128 Civ. (Gales) Federal Court Southern District of Florida*
- *Judith Donato vs. the City of Fort Lauderdale, Case No. 14-024440 in Broward County Circuit Court*

ADJOURNMENT

There being no further business before the Commission at this time, Mayor Seiler adjourned the meeting at 11:59 p.m.

John P. "Jack" Seiler Mayor

ATTEST:

Jeffrey A. Modarelli
City Clerk