

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, July 7, 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 6:09 p.m. by Mayor Seiler.

Invocation Jim Moyer, Community Outreach Manager
The Salvation Army Adult Rehabilitation Center

ROLL CALL

Present: 5 - Vice-Mayor Robert L. McKinzie, Commissioner Bruce G. Roberts,
Commissioner Dean J. Trantalis and Commissioner Romney Rogers

Quorum Established

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 Thomas Capano and Sergeant
At Arms Sergeant William Auguste (10:00 p.m.)

Mayor Seiler noted for the audience that July 2015 is the 150th Anniversary of the Salvation Army and was honored to make a presentation to the Salvation Army in recognition of this anniversary on Saturday, July 4, 2015.

Pledge of Allegiance: State Representative Bobby DuBose

Mayor Seiler asked for a moment of silence for the family in remembrance of the loss of Pete Witschen.

VOTE ROLL CALL ORDER: Commissioner Romney Rogers, Commissioner Bruce Roberts,
Commissioner Dean Trantalis, Vice-Mayor Robert L. McKinzie,
and Mayor Seiler.

Approval of MINUTES and Agenda

15-0879 Minutes for February 25, 2015 Special Meeting (Aquatic Center and Marina), April 7, 2015 Regular and Conference Meetings

Vice-Mayor McKinzie moved to approve the noted minutes and was seconded by Commissioner Roberts.

APPROVED

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

PRESENTATIONS

PRES- 15-0846 Police Officer of the Month for July 2015**1**

Major Michael Gregory awarded Detective Richard Rivera with a Certificate as Police Officer of the Month for July 2015. Major Michael Gregory noted the following regarding Detective Rivera: Detective Richard Rivera has worked with the City's Police Department for many years in the patrol unit, street narcotics unit, and violent crimes unit. Detective Rivera is currently in the Department's recruiting unit. On April 5, 2015, Detective Rivera was working an off-duty detail in America's Back Yard, 100 SW 3rd Avenue, when he observed the two suspects attempting to steal cellular phones from several females in the downtown entertainment district. With the assistance of Officers Zachary Baro, Michael Muccino, and Roy Goderstad, Detective Rivera continued surveillance of the suspects. The suspects noted they were being followed by the police and attempted to flee. They were detained and charged with theft. Due to Detective Rivera's keen observations, skills, two prolific thieves were removed from the streets of the City and four cellular cell phones were returned to their owners. The City commends Detective Rivera for a job well done.

PRES- 15-0740 37th Annual Community Appearance Awards - Sponsors of
2 WOW Award Program

Mayor Seiler recognized Barbara Stern, Chair of the Community Appearance Board, and Thomas Yianilos, incoming Chair of the Community Appearance Board. Mr. Yianilos stated their mission is to recognize excellence in community appearance in both residential and commercial properties in the City. The Community Appearance Board's year-long work culminates in the WOW Awards Program 37th Annual Program that occurred on May 14, 2015 at the Riverside Hotel where they recognized each of the properties that one in each of the award categories. Mr. Yianilos stated without the participation of the sponsors, none of this would have been possible. The sponsors included the Stiles Corporation, Patterson Project Development, Tuthill Architecture, Falkanger Snyder Martineau & Yates Architecture (FSMY Architecture), Judy Stern Consulting, McCalla Raymer, P.A., Barron Development, EDSA, Ron Alose Design Group, and One Sotheby's International Realty, Lochrie and Chakas, Tim Singer and Associates, and The Fraternal Order of Police, and Waterbrook Builders. Mr. Yianilos also acknowledged Friends of the Community Appearance Board, David Bowles and Leslie Fordham, Judy Sarzenda, and Larry Wallenstein.

Commissioner Trantalis, Mayor Seiler, and the entire Commission recognized and thanked the outgoing Chair of the Community Appearance Board, Barbara Stern, noting that through her efforts, the Annual WOW Award Program has been forever changed. Ms. Stern addressed the Commission thanking them for the opportunity.

PRES- 15-0920 Proclamation declaring July 2015 as Parks and Recreation
3 Month in the City of Fort Lauderdale

Commissioner Roberts presented a proclamation declaring July 2015 as Parks and Recreation Month in the City to Bruce Quaily, Chair of the Parks and Recreation Board. Commissioner Roberts thanked Mr. Quaily and congratulated him for his outstanding efforts for the City throughout the year. Commissioner Roberts read the proclamation in its entirety.

PRES- 15-0919 Recognition of City Staff for Adopt-A-Neighbor Program
4 Awarded Best Neighborhood Program in the United States by
Neighborhoods, USA

Commissioner Trantalis gave a brief background on the recognition of City Staff for their outstanding efforts resulting in the City's Adopt-A-Neighbor Program being recognized as the best in the country. Commissioner Trantalis presented the proclamation declaring July 7, 2015, as Adopt-A-Neighbor Program Day in the City to the City's Neighbor Support Staff within the Department of Sustainable Development's Staff and the volunteers. Commissioner Trantalis read the proclamation in its entirety.

Jorg Hruschka, Chief Service Officer Division of Neighbor Support, addressed the Commission and the audience wishing also to recognize and thank all those organizations for their passion and commitment working with City Staff in the Adopt-A-Neighbor Program. Over the last eighteen months, each of these organizations assisted with the City Staff's Adopt-A-Neighbor Program efforts. They include The Rotary Club, Rebuilding Together Broward, International Cremations, NOVA Southeastern University, Real Life Church, Memorial Health, Southwest Airlines, Toastmasters, Keller Williams, ACM Group, the community organizations of South Middle River, Middle River Terrace, Poinsettia Park, and the Sailboat Bend and others.

PRES- 15-0650 City Manager's Office - 31st Consecutive Year Recipient of
5 Distinguished Budget Presentation Award for Fiscal Year 2015
Operating Budget Document from Government Finance
Officers Association

Mayor Seiler recognized Laurette Jean of the Government Finance Officers Association of the United States. Ms. Jean made a presentation recognizing the City for the 31st Consecutive Year Recipient of Distinguished Budget Presentation Award for Fiscal Year 2015 Operating Budget Document from Government Finance Officers Association.

Emily Metz, Senior Staff Accountant, and her talented and dedicated staff accepted the award from Ms. Jean. Ms. Metz acknowledged her staff for their outstanding efforts and thanked the City Manager, City Auditor and the Assistant City Manager for the support and guidance, and their outstanding leadership.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent agenda items and stating the updates to the Consent Agenda including CM-4, CM-9, CM-11, CM-16, CM-17, CR-2, PUR-1, and PUR-7 had been pulled and will be heard separately. Additionally, item CM-7 has been removed from the Consent Agenda; and CR-2 has been revised and redistributed.

CONSENT MOTION

Commissioner Roberts motioned for the pulling of Consent Agenda items CM-4, CM-9, CM-11, CM-16, CM-17, CR-2, PUR-1, and PUR-7; and for the removal of CM-7 from the Consent Agenda, and for the remaining Consent Agenda items to be approved as recommended. Commissioner Trantalis seconded the motion.

Approval of the Consent Agenda

Approve the Consent Agenda

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

CM-1 15-0813 Motion Approving Event Agreements: The Salvation Army's Summer Classic Wiffle Ball Tournament, Red Eye, PIK Back to School Shoe & Backpack Giveaway, Taste of Paradise, Stride For Fun, Annual Back To School Giveaway & Family Affair 2015 and Las Olas Sunday Market

APPROVED

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

CM-2 15-0814 Motion Approving Event Agreements and Related Road Closings: Tarpon Bend 16th Anniversary Party, The Stephen Siller Tunnel to Towers 5K Run & Walk, 5th Annual Fort Lauderdale Turkey Trot & Paddle and Wake Up Processional Rally

APPROVED

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

CM-3 15-0905 Motion Approving Second Amendment to Participation Agreement with Riverwalk Fort Lauderdale, Inc. for the Shippey House renovation - \$30,000

APPROVED

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

CM-4 15-0937 Motion Approving a Partnership with Live the Life.org in Support of their Healthy Marriage and Relationship Education Grant and authorize City Manager to Execute Associated Third Party Agreement

Commissioner Trantalis asked City Manager Feldman the purpose of this item. City Manager Feldman

stated it was in support of a grant application for an organization that is seeking to get Federal dollars to provide counseling opportunities for individuals who want healthy relationships in a non-secular fashion. City Manager Feldman gave additional background on this item. Commissioner Trantalis stated it has been brought to his attention that this is anything but secular noting the organization's core values are Christian oriented. Additionally, he stated for a government agency to be supportive of the non-secular organization is concerning to him as it is beyond the City's bounds.

City Manager Feldman explained the City has partnered with other faith-based organizations to provide secular service. Commissioner Rogers stated the organization applied for a Federal grant, and they must show who would participate in this life skills program that has been very effective throughout the State. Additionally, to comply the programming, it has to be secular and their goal is to help with family relationships, and life skills. Commissioner Rogers also stated he is familiar with this organization and gave additional background on this item. City Manager Feldman noted that this was not an endorsement of this organization or their practices only the concept of the program.

Further questions and discussions ensued on this topic noting that the Commission and the City are not endorsing this organization's core values only life skills.

Commissioner Rogers motioned to approve this item and was seconded by Commissioner Roberts.

APPROVED

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

Nay: 1 - Commissioner Trantalis

CM-5 15-0829 Motion Approving Settlement of Auto Liability Claim in the Matter of Vincent Hall v. City of Fort Lauderdale Case No. 13-018465 (18) - \$50,000

APPROVED

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

CM-6 15-0830 Motion Approving Settlement of Auto Liability Claim by Allstate Fire and Casualty Insurance Company for Octavio Aguiar - \$27,224.43

APPROVED

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

CM-7 15-0252 Motion Authorizing 1) Landlord's Consent to Termination of Lease with Stephanick G., Inc. and 2) Lease with Joe's Old School Pizza 2, Inc. for Central Business District Parking Garage Shops 108 and 112

REMOVED FROM AGENDA

CM-8 15-0707 Motion Approving Amendment and Restated Shop Lease for Shop 128

at the City Park Mall with Representative DuBose

APPROVED

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

CM-9 15-0851 Motion Granting a Water Taxi License for Riverfront Cruises and Anticipation Yacht Charters LLC.

Mayor Seiler recognized Courtney Crush, on behalf of the applicants, Riverfront Cruises and Anticipation Yacht Charters, LLC addressed the Commission on this application for a water taxi license. Ms. Crush stated there was a 13 to 1 recommendation from the Marine Advisory Board to approve this item after reviewing the application. Ms. Crush outlined the proposal for the Commission stating it will be referred to as a "water bus" and gave additional background on the background of the owner and the opportunity that exists in the City's downtown area for this service, the routing, etc.

William Walker, one of the principals with the Fort Lauderdale Water Taxi, addressed the Commission giving his credentials and qualifications. Mr. Walker requested the Commission to deny the approval of the applicant's water taxi license stating his reasoning as to why the application should be denied.

The Commission had no questions for Mr. Walker at that time. Mayor Seiler requested Mr. Walker provide a copy to the applicant.

Ms. Maggie Naylor, resident of Fort Lauderdale, addressed the Commission stating her opinion on this item noting this is about competition and the threat of having another water transportation vendor improving the community. Ms. Naylor stated it would improve the City giving both residents and tourists more transportation options. Ms. Naylor stated having competition is good and necessary. The Commission had no questions for Ms. Naylor.

Sandy Pierce, 2390 SW 27th Terrace, addressed the Commission waiving her right to speak in opposition to this item.

Chris Wren, 305 S. Andrews Avenue and Executive Director of the Downtown Development Authority, addressed the Commission regarding the application stating he asked the staff at the Marine Advisory Board if the application was complete and they confirmed it was a complete application. He requested the Commission confirm it was a complete application stating the Marine Advisory Board had approved the application. Mr. Wren spoke in support of the application stating mobility is important and gave additional reasoning in support of approval of this item.

Ron Klein, Esq., of Holland and Knight and on behalf of Water Taxi, LLC, addressed the Commission stating they respectfully believe the application should be rejected for numerous reasons. Mr. Klein expounded on his reasoning for the Commission and encouraged the Commission to reject this application. The Commission had no questions for Mr. Klein.

Steven Tilbrook, 401 E. Las Olas Blvd., and former Project Manager of the Riverwalk, and former member of the Broward County Marine Advisory Committee and the Fort Lauderdale Marine Advisory Board, addressed the Commission in support of this item and giving his opinion on this item. Mr. Tilbrook endorsed Mr. Campbell and encouraged the Commission to approve this item giving the public access to the City's waterways.

Captain Nelson Tetreault, 1521 SW 15th Avenue an employee of the Water Taxi, addressed the Commission in opposition to this item and giving the Commission a brief history of the Water Taxi. Captain Tetreault encouraged the Commission not to approve this item citing it will create confusion by adding new schedules and prices in the marketplace, and the proposed names and vessel colors are almost identical.

Bob Swindell, 1317 Tangelo Isle and an active boater, addressed the Commission giving his viewpoint on this item. Mr. Swindell voiced his concern over protecting an existing business's intellectual property rights. Mr. Swindell also raised an occurrence of a water trolley not operating in a safe manner on the river. He requested the Commission to address the applicant's inconsistencies and approve the application if it is a good provider of safe services.

Courtney Crush, Esq., on behalf of the applicant, addressed the Commission in response to those in opposition to approval of this item. Ms. Crush stated Mr. Campbell's application was and is a complete application. Due to the passage of time, however, the application needed to be updated. Ms. Crush further stated Mr. Campbell is willing to change the names on his boats and will find a distinctive color other than yellow and green. Ms. Campbell also expounded on other issues raised relating trademark issues noting the words "water taxi" are generic and cannot be protected.

Mayor Seiler opened the floor for questions.

Commissioner Trantalis stated that competition in the City encourages quality and drives down costs in the transportation arena. However, the competition must live up to the level of expectations the City has a community regarding quality and service.

Commissioner Trantalis asked Ms. Crush to reconcile the dockage fees in arrears for Anticipation Yachts. Ms. Crush clarified this for the Commission noting Mr. Campbell was requesting to receive the off-season discount that other boat owners receive at all the City's public docks. Ms. Crush confirmed there were no liens put in place regarding the arrearages, and there is no longer any arrearage. Andrew Cuba, Manager of Marine Facilities, confirmed Anticipation Yachts was current regarding dockage fees, and they were seeking a discount for dockage fees at that location from the Commission. Mr. Cuba stated that several years ago a lien was filed for one of their boats for nonpayment. Further discussions ensued on this topic.

Ms. Crush committed to her client not using the color yellow at all and will be sensitive to the Riverwalk Shuttle as well to distinguish it from any other transportation water vessels.

Commissioner Trantalis stated he could not agree to this approving this item until he knows there would be a differentiation between the color schemes of the two companies to enable a clear distinction when riders purchase tickets. City Attorney Everett did not concur with Commissioner Trantalis that the City should prohibit the applicant's use of the same color scheme as the current vendor, Water Taxi, as there are other remedies available. City Manager Feldman suggested Ms. Crush globally amend the application to indicate there will be no display of yellow color on the applicants boats.

The issue of the Water Taxi's stops was also discussed. Ms. Crush stated the only private stop her client has permission to stop is at the Riverside Hotel, and her client would only stop at the public stops and the one private stop of the Riverside Hotel.

Additional discussions and questions ensued among the Commission members, Ms. Crush, and Mr. Klein, and City Staff on the topics of liens, establishing standards for this type of application and running this type of business, ownership of the boats, ownership of the business operation and licensee, business tax paperwork, use of independent subcontractors, licensures of crew personnel,

insurance, the application, a 2015 water taxi license application denied due to the previous vessels' size, and other issues pertinent to this topic.

Clarity was the primary concern of Mayor Seiler to alleviate any customer confusion especially concerning visitors whose primary language is not English. The concern relates primarily to the color of the vessels and naming of the vessels to prevent confusion over the current water taxi and the applicant's vessels.

Commissioner Rogers disclosed his law partner represents Water Taxi. Therefore, Commissioner Rogers stated he will abstain from this vote and has filed the proper form with the City Clerk.

Commissioner Trantalis motioned to move the item as amended and was seconded by Vice-Mayor McKinzie.

APPROVED AS AMENDED to impose conditions of no yellow or green colors to be used or the term, taxi, in the name

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

Abstain: 1 - Commissioner Rogers

CM-10 15-0890 Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with Elevate Training & Fitness, LLC - Elevate Beach Workout

APPROVED

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

CM-11 15-0825 Motion Approving Donation to the Fort Lauderdale Black Police Officers Association Utilizing State Law Enforcement Trust Fund - \$6,000

Charles King, 105 N. Victoria Park Road, addressed the Commission raising his concerns, questions and comments regarding this item noting this may encourage division within the police department.

Commissioner Roberts moved the item and was seconded by Vice-Mayor McKinzie.

APPROVED

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

CM-12 15-0779 Motion Authorizing Professional Services for Coconut Isle Bridge Replacement - Hardesty & Hanover, LLC - \$213,247 Task Order

APPROVED

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

CM-13 15-0841 Motion Authorizing Professional Services for New Pump Station Sewer Redirection - Craven Thompson & Associates, Inc. - \$181,470 Task Order

APPROVED

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

CM-14 15-0842 Motion Authorizing Professional Services for Central Beach Alliance Pump Station Replacement and Sewer Redirection - Calvin, Giordano & Associates, Inc. - \$179,992 Task Order

APPROVED

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

CM-15 15-0847 Motion Authorizing Professional Services for the 777 Bayshore Drive Stormwater Improvements Project (including Vistamar and Terramar Streets) - Calvin, Giordano & Associates, Inc. - \$153,229 Task Order

APPROVED

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

CM-16 15-0742 Motion Authorizing First Amendment to Revocable License with Belmar Development Associates, LLC, in association with the construction of Paramount Condominium

Commissioner Roberts moved the item and was seconded by Vice-Mayor McKinzie.

APPROVED

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

CM-17 15-0594 Motion Authorizing Termination of Lease Agreement with D.H.S. Investments LLC - Parcel 8G - Executive Airport

Rod Feiner, Esq., 1404 S. Andrews Avenue and on behalf of DHS Investments, Inc., addressed the Commission in opposition to this item. Mr. Feiner gave a history and background of this item. Questions and discussions ensued regarding fire safety and building code violations, lapses in rent and taxes, ongoing negotiations with a potential assignee, obligations, and other pertinent facts relating to this item.

Mayor Seiler cited the entire procedural history/timeline of events since 2013 for the record noting the extensive amount of time spent by City Staff and the City Attorney in extensions and negotiations on

this item. City Manager Feldman noted for the Commission additional defaults in the lease that have not been met as well as Code Enforcement fines and open violations currently existing on the property. Mr. Feiner stated improvements were done to the property and will be documented. Commissioner Rogers asked if the City was getting market rate for the rent. Julie Leonard confirmed the City is receiving approximately \$46,000 rent per year, and the market rate is \$84,000.

City Manager Feldman confirmed if the City terminates the lease, there are interested parties. Further discussions ensued on issues of noncompliance, the City's right to terminate, depositing the check for late payments, determining if improvements have been made, and allowing them to prove their case. Commissioner Roberts urged the Commission to terminate the lease and move forward with a new tenant who will meet their obligations paying market value for the property. Further discussions ensued on this topic among Commission members.

Commissioner Roberts moved the item and was seconded by Vice-Mayor McKinzie.

APPROVED

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

Nay: 1 - Commissioner Trantalis

CM-18 15-0861

Motion Approving a Third Amendment to Lease Agreement with Tower 101 Associates, LLC for Off-Street Parking and the Lease of Parking Permits at the City Hall Parking Garage

APPROVED

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

CM-19 15-0889

Motion Approving a Lease Agreement with Uniforms Direct for Off-Street Parking and the Lease of Parking Permits at the City Park Garage]

APPROVED

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

CM-20 15-0901

Motion Accepting a Grant from the Community Foundation of Broward and Execute an Agreement to Accept the Funds - \$42,000

APPROVED

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

CM-21 15-0903

Motion Approving an Interlocal Agreement with the Broward County Metropolitan Planning Organization for Administrative Services for the City's Transportation Initiatives

APPROVED

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

CM-22 15-0934 Motion Authorizing Assignment of Parking Agreement between the City and FTL Investments, LLC to the Downtown Transportation Management Association, Inc. and FTL Investments, LLC

APPROVED

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

CM-23 15-0942 Motion Ratifying Assignment of Real Estate Purchase and Exchange Agreement by and between All Aboard Operations Florida LLC, Florida East Coast Railway LLC and the City of Fort Lauderdale

APPROVED

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

CONSENT RESOLUTION

CR-1 15-0925 Resolution Providing for a Three Percent (3%) Merit Salary Increase effective July 1, 2015 and Amending Employment Contract for City Attorney Cynthia A. Everett

Mayor Seiler stated for the record this item is for a 3% merit increase only as he and City Attorney Everett are still in negotiations about amending the Employment Contract for Ms. Everett.

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

ADOPTED AS AMENDED to provide for 3% merit increase only

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

CR-2 15-0766 Resolution Approving Consolidated Budget Amendment to Fiscal Year 2015 – Appropriation

City Manager Feldman addressed the Commission stating the FAA had approved the agreement to surplus the property to the City so the City can facilitate the Schlitterbahn deal. City Manager Feldman said the first payment to the Airport Fund of \$1,208,500 was due on August 1, 2015.

Commissioner Trantalis requested clarification which was given by City Auditor Herbst stating the fund balance be the same as the reserve fund within the general fund. Commissioner said his concern related to depleting the City's reserve fund. Emily Metz, Senior City Accountant confirmed the City's reserve fund amount is currently \$56,900,000 as of September 1, 2015, and the City's policy is to have \$47,000,000 in reserve funds noting the City is \$9,000,000 above what the City sets as policy for its

reserve amount. Further discussions ensued on this topic.

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

ADOPTED AS AMENDED relating to purchase of land from Airport Fund - \$1,208,500 (see revised Commission Agenda Memorandum 15-0766)

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

Nay: 1 - Commissioner Trantalis

CR-3 15-0900 Resolution Approving Ninety-Day Extension of Temporary Moratorium on Installation of Wireless Personal Telecommunication Towers and Distributed Antenna Systems

ADOPTED

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

CR-4 15-0543 Resolution Imposing Special Assessment Liens for Costs Associated with Lot Clearing and Cleaning on Multiple Properties in the City of Fort Lauderdale

ADOPTED

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

CR-5 15-0797 Resolution Approving the Third Amendment to the Amended and Restated Lease Agreement with Zeley Aviation, Inc. - Parcel 2 at Fort Lauderdale Executive Airport

ADOPTED

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

CR-6 15-0904 Resolution Approving a Third Amendment to the Amended and Restated Lease Agreement with Aero Toy Store Providing for an Additional 90-Day Lease Extension for Parcel 9 at Executive Airport

ADOPTED

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

PURCHASING AGENDA

PUR-1 15-0668 Motion Rejecting the Single Bid Received to Operate a Motorized Watercraft Concession

City Manager Feldman recommended the Commission the City go back out to market for bids to ensure the revenue is at the correct level. City Manager Feldman confirmed the drop in revenue was approximately 50 percent.

Adam Vaughn, owner of Atlantic Beach Clubs Two, Inc., the motorized beach craft concession since 2012, addressed the Commission. Mr. Vaughn requested clarification regarding the drop in revenue as the City had minimum bids set which they met but exceeded.

Mayor Seiler stated Mr. Vaughn bid half the amount of what his business paid to the City last year. The City believes there are other competitors who will pay the City more revenue. Mr. Vaughn noted that Birch State Park now does watercraft rentals also and is one reason their bid had dropped. Commissioner Trantalis noted that another vendor had declined to participate. City Manager Feldman stated unless vendors are registered with Bidsync.com, the opportunity to bid is not available to other vendors and he would like to use other avenues to make sure the City is giving the entire market an opportunity to participate in the bidding process.

Further comments and discussions ensued from the Commission including City Manager Feldman's agreement to extend the current contract for an additional three months under current terms and conditions.

Vice-Mayor McKinzie moved to reject the single bid received but to extend the current contract for 90 days under the current terms and conditions and was seconded by Commission Roberts.

APPROVED AS AMENDED to extend the current contract for three months under current terms and conditions

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

PUR-2 15-0731 Motion Approving a Proprietary Purchase - Rotary Lobe Pumps - Tom Evans Environmental, Inc. - \$99,129

APPROVED

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

PUR-3 15-0741 Motion Approving State Legislative Lobbyist Services - Ericks Consultants, Inc. and Ronald L. Book, P.A. - \$80,000

APPROVED

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

- PUR-4 15-0806** Motion Approving Laserfiche Enterprise Content Management System Hardware and Software Purchases - Computer Systems Support, Inc.; SHI International Corp.; Datalink Corporation - \$241,215.40
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor McKinzie, Commissioner Roberts, Commissioner Trantalis and Commissioner Rogers
- PUR-5 15-0812** Motion Approving Contract Renewals - October, November, December 2015
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor McKinzie, Commissioner Roberts, Commissioner Trantalis and Commissioner Rogers
- PUR-6 15-0815** Motion Approving Contract for Palm Frond Collection - Las Olas Isles - MCT Service, LLC - \$22,656 (annual cost)
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor McKinzie, Commissioner Roberts, Commissioner Trantalis and Commissioner Rogers
- PUR-7 15-0836** Motion Approving Contract for Citywide Security Cameras - WildFire Connections, LLC - \$550,000

Jeff Weinberger, a resident of the City, addressed the Commission in opposition to this item. Mr. Weinberger's first concern is this is a no-bid contract awarding the contract to a company based on its claim that its product or service was proprietary. After researching other contractors and legal counsel, Mr. Weinberger believed this is not a proprietary vendor and this should have been an open bid. He also stated this camera and surveillance system is targeting the Sistrunk corridor. Mr. Weinberger continued his comments in opposition to this item.

Commissioner Rogers asked City Manager Feldman if he felt the vendor was proprietary. City Manager Feldman stated there were several aspects of the camera and surveillance system that are unique and have not been seen with any other vendors.

Commissioner Trantalis motioned to approve the item and was seconded by Commissioner Roberts.

APPROVED

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

- PUR-8 15-0840** Motion Approving Architectural Design and Construction Administration of Fire Station No. 8 - CPZ Architects, Inc. - \$578,729
APPROVED

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

PUR-9 15-0849 Motion Approving Emergency Medical Services Ambulance Billing and Electronic Reporting Services - Advanced Data Processing, Inc. - \$227,000

APPROVED

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

PUR- 15-0872 Motion Approving Contract for Las Olas Median Improvements - Green
10 Construction Technologies Inc. - \$104,945

APPROVED

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

PUR- 15-0897 Motion Approving Contract for Construction Manager at Risk Services
11 for Las Olas Improvements Phase I - Skanska USA Building Inc. - \$362,282

APPROVED

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

PUR- 15-0898 Motion Authorizing Purchase of Knuckle Boom Loader Bulk Trash
12 Trucks from BCSS, LTD. d/b/a Lou Bachrodt Freightliner - \$404,210

APPROVED

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

PUR- 15-0927 Motion Approving Continuation of Banking Services - Wells Fargo
13 Bank, N.A.

APPROVED

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

MOTIONS

M-1 15-0881 Motion Recommending Ten Most Populous City Seat Representative to Florida League of Cities Board of Directors

Commissioner Roberts moved the item appointing Mayor Seiler as a Seat Representatives of the Florida League of Cities' Board of Directors for the Ten Most Populous Cities and was seconded by Commissioner Trantalis.

APPROVED appointing Mayor Seiler

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

M-2 15-0574 Motion Approving a Revocable License Agreement among the County, City and The Lofts at Tarpon River, LLC, d/b/a Pinnacle at Tarpon River and an Agreement Ancillary to Revocable License Agreement for Improvements in the County Right of Way

Commissioner Trantalis moved the item and was seconded by Commissioner Roberts.

APPROVED

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

NEIGHBOR PRESENTATIONS

NP-1 15-0882 Jay Bruce Bartz - State of Affairs in Fort Lauderdale

NOT PRESENT

NP-2 15-0883 Jay King - Unfair Trade Practices - Gun Show at War Memorial Auditorium

Jay King as a representative of the Gun Show Team, Inc., who hosts a gun show at the National Guard Armory in the City, addressed the Commission. Mr. King stated he represents multiple business owners who have been affected by the illegal business practices by Florida Gun Shows, Inc. The topic of his presentation addressed what some view as unfair trade practices.

A copy of Mr. King's comments and other documents relating to this topic and submitted by Mr. King for the record are attached to these minutes.

NP-3 15-0884 Andrew Cuddihy, American Lung Association - Smoke-Free Parks, Beaches and Playgrounds

Marilyn Mammano, representing Council of Fort Lauderdale Civic Associations, spoke on behalf of Mr. Cuddihy.

Marilyn Mammano, Council of Fort Lauderdale Civic Associations, addressed the Commission on behalf of Mr. Cuddihy. Ms. Mammano stated due to an emergency, Mr. Cuddihy was unable to attend the meeting. Ms. Mammano said at their May 2015 Meeting, the Council of Fort Lauderdale Civic Associations passed a resolution supporting a voluntary pilot project recommending the City support a smoke-free playground in the play area across from Birch State Park. Ms. Mammano stated many municipalities in the County had been experimenting with this voluntary program requesting people not

to smoke in playgrounds, parks, and play areas. The American Lung Association is on record stating they are anxious to work with the City to work on this pilot project, provide the funds for the signs, and do the post and pre-data collection to determine the program's success. Ms. Mammano asked the City Commission to support this and requested the City Manager to ask the City's Park Department to work with American Lung Association representatives to bring forward this pilot project.

Discussions, questions and recommendations ensued between the Commissioners, Ms. Mammano, and Mayor Seiler on this topic.

RESOLUTIONS

15-0965 WALK-ON RESOLUTION - Urging School Board of Broward County, Florida to appropriately Fund and Complete the Rehabilitation and Repair of Stranahan High School

The City Clerk read this Walk-On Resolution by title only.

Commissioner Trantalis stated he was in support of this resolution. Commissioner Trantalis gave his comments regarding the City's credibility when approaching the Broward County School Board concerning the wording of the resolution. He was specifically requested deleting the language about the repairs being completed "before the school year starts" as this timeline was too short to accomplish the required repairs.

Comments and discussions ensued from the Commission.

Commissioner Rogers introduced this resolution.

ADOPTED AS AMENDED to delete language about the repairs being completed before the school year starts

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

R-1 15-0821 Resolution Appointing City Board and Committee Members

CENTRAL CITY REDEVELOPMENT ADVISORY BOARD

Caldwell Cooper is appointed to the Central Redevelopment Advisory Board, in the category of business owner or member of the business community, for a one-year term beginning on August 31, 2015, and ending August 30, 2016, or until his successor has been appointed.

Justin Greenbaum is appointed to the Central Redevelopment Advisory Board, in the category of Real Estate Professional, for a one-year term beginning on August 31, 2015, and ending August 30, 2016, or until his successor has been appointed.

Michael J. Vonder Meulen is appointed to the Central Redevelopment Advisory Board, in the category of Poinsettia Heights Neighborhood resident for a one-year term beginning on August 31, 2015 and ending August 30, 2016 or until his successor has been appointed.

Andrew Segaloff is appointed to the Central City Redevelopment Board to complete an unexpired term

ending on August 30, 2015.

ENTERPRISE ZONE DEVELOPMENT AGENCY

Jeremy Earle is appointed to the Enterprise Zone Development Agency for a four-year term beginning on July 07, 2015 and ending July 06, 2019 or until his successor has been appointed.

MARINE ADVISORY BOARD

William Walker is appointed to the Marine Advisory Board for a one-year term beginning on July 7, 2015 and ending July 6, 2016.

PARKS, RECREATIONS AND BEACHES BOARD

Caleb Henry Gunter is appointed to the Parks, Recreation and Beaches Board for a one-year term beginning on August 19, 2015 and expires August 18, 2016.

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

ADOPTED

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

R-2 15-0929 Resolution Authorizing the Issuance of General Obligation Refunding Bonds, Series 2015 in an Amount Not to Exceed \$16,000,000

Commission Trantalis introduced the resolution which was read in its entirety.

ADOPTED

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

Not Present: 1 - Commissioner Roberts

R-3 15-0826 Resolution Selecting Successful Bidder and Authorizing Preparation of the Lease of the "Historic Bryan Homes" Property at 301 SW 3rd Avenue

Mayor Seiler opened the public hearing.

Darius Lelutiu, Best Realty and Property Management and on behalf of RSVP Restaurant and Lounge, addressed the Commission in opposition to this resolution due to the fact the bidder is being selected solely on meeting the minimum requirements of the Request for Proposal (RFP). He requested the Commission grant his request to throw out the bids or extend the bids so his client can submit a bid package that exceeds The Anticipation Group's submission. Mr. Lelutiu expounded on the reasons for this request including the fact that this developer was requesting a \$2,000,000 cash contribution from the City to redevelop this property.

Commissioner Trantalis commented on Mr. Lelutiu's request and issues such as parking. Mr. Lelutiu stated they would move forward with their proposal with or without the \$2,000,000 cash contribution

from the City to redevelop this property.

Courtney Crush, Esq., on behalf of Anticipation Yachts, addressed the Commission to answer any questions about the proposal submitted and recommended by CBRE for Bryant Homes. Ms. Crush expounded on the Anticipation Yacht's concept and ideas for this property to benefit the Riverwalk and the City as a whole.

City Manager Feldman stated this is a three-step process, and this resolution is only the first step in order to enter into lease negotiations.

Questions and comments ensued from the Commission on Anticipation Yacht's concept and ideas for this property, the use of outside space, etc. Ms. Crush addressed the Commission's questions and concerns.

Further comments ensued from the Commission regarding the bidding process, CBRE, and the history of the bidding process. City Manager Feldman addressed the Commission's concerns on the bidding process and the marketing efforts.

Mayor Seiler stated now is the time to move forward on this item to get the Riverwalk where it needs to be rather than wait for perfection from a bidder's submission. Further discussions ensued on this item among the Commission.

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

ADOPTED

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

R-4 15-0762 Quasi-Judicial - Resolution Approving SC 1413 FED, LLC Plat - Case No. PL15001 - West Side of Federal Highway between NE 14 Street and NE 16 Street

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.

The Commission disclosed their site visits, communications, and expert opinions. Mayor Seiler disclosed that his son works as a summer intern for the former owners of the property.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice-Mayor McKinzie. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

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

ADOPTED approving plat.

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

PUBLIC HEARINGS

PH-1 15-0902 Quasi-Judicial - Consideration of a Resolution Relating to the Landmark Designation of Villa Torino (formerly known as Willis Apartments), 3017 Alhambra Street - HPB Case H15010

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.

The Commission disclosed their site visits, communications, and expert opinions and made them part of the record.

It was noted the Central Beach Advisory Board did not vote on this item.

Ralph Brooks, Esq., on behalf of the applicant, Broward Trust for Historic Preservation, spoke in support of this item giving his background and qualifications. He requested his expert witness be given five minutes time and Mayor Seiler agreed to this request. Mr. Brooks noted the process involved for historic building designation, private property rights as it relates to historic building designations, outlined the City's ordinance relating to this process, and aspects of the qualifications of those individuals determining a building meets the criteria for designation as a historic building.

Mr. Brooks discussed the architectural survey of the City as referenced in the City's Comprehensive Plan. Mr. Brooks emphasized the time to address economic hardship was later in the process. The only issue currently to be determined is whether the structure located at 3017 Alhambra Street qualifies under the criteria to be designated as a historic building. Mr. Brooks stated the time to address economic hardship when the owner wants to develop or do improvements or demolish the property, and there is a provision in the City's Code that allows for a finding of economic hardship and presentations on that issue. Mr. Brooks cited case law regarding changes to the interior and exterior of building over the course of time due to practical necessities that should not affect the designation as a historic building.

Marla Dumas, on behalf of David Baber – Historic Preservation, LLC and a collaborator on this report, addressed the Commission. Ms. Dumas outlined why the structure located at 3017 Alhambra Street qualifies under the criteria to be designated as a historic building stating that as Certified Local Government, the City has a responsibility to protect the City's historic resources. Ms. Dumas stated the structure located at 3017 Alhambra Street has been on the Florida Master Site File since 1988 as well as being identified in the City's Resource Survey done in August of 2008 and identified as a historic resource. Additionally, the Sasaki Central Beach Master Plan completed in November 2009 also addressed the Lauder del Mar area and the important historic resources needing to be preserved in which 3017 Alhambra Street was named. Ms. Dumas went on to give a timeline of the applicant's proactive initiation of the application process and the history of the process. Ms. Dumas stated the reasons this structure qualified as an important Art Moderne building and the reasons it meets the necessary criteria.

Ms. Dumas submitted for the record a letter from David Baber explaining that Ms. Dumas is taking his place at this meeting. A copy of this letter is attached to these minutes.

A copy of Ms. Dumas' resume as it pertains to her qualifications are attached to these minutes.

Charles Esposito, 3009 Seville Street and the applicant, addressed the Commission noting the reasons he wants the structure at 3017 Alhambra Street designated as a historic building.

A copy of his testimony is attached to these minutes.

Steve Glassman, a resident of the City and President and on behalf of the Broward Trust for Historic Preservation, addressed the Commission.

A copy of Mr. Glassman's testimony from tonight and the June 1, 2015, Historic Preservation Board Meeting, support letters from the Florida Department of State and the Florida Trust for Historic Preservation, the Lauder del Mar Architectural Resources Survey, and the brochure from Broward County showing this neighborhood are attached to these minutes.

Commissioner Trantalis commented he felt this building is one worth saving. Commissioner Trantalis voiced his concern and questions over dispossessing the owner of their financial gain, and the City should have codified a transfer of development rights which has not yet been done, but City Staff has stated they are working on this. Commissioner Trantalis expounded on these questions.

Mr. Brooks addressed Commissioner Trantalis's concerns and questions.

Stephen Tilbrook, Esq., Gray-Robinson and on behalf of the property owner James Ostryniec a resident of 3017 Alhambra Street, addressed the Commission regarding the evidence in this matter. Mr. Tilbrook described the properties location and described its history and as it exists today as a residence that Mr. Ostryniec resides in and takes meticulous care of and maintains during the past 12 years. Mr. Tilbrook gave an overview of the application from the non-owner of the property, Charles Esposito, stating when someone other than the applicant seeks to declare a property as a historic landmark, there should be extra scrutiny of that application to determine the motivation for declaring someone else's property historic. Mr. Tilbrook requested the Commission use that extra scrutiny in this matter stating his client, Mr. Ostryniec, is opposed to the designation of his home against his will. Mr. Tilbrook expounded on the reasons for Mr. Ostryniec's opposition and his desire to control the future and the fate of his private property and the other motivations behind the applicant's request. Mr. Tilbrook addressed the Commission on the topics of the criteria and the Quasi-Judicial evidence, specifically the quality and significance of the building's architecture. Mr. Tilbrook stated the Code only references quality and significance of the architecture not the architectural style. Mr. Tilbrook continued his comments on these issues.

A copy of Mr. Tilbrook's documents submitted as evidence is attached to these minutes.

Arthur Marcus, 1800 N. Andrews Avenue, Arthur J. Marcus Architect, P.A., and expert witness for the owner on historic preservation, addressed the Commission giving his background and experience. Mr. Marcus stated upon his review and examination of the relevant documentation and in his professional opinion, this application does not rise to the standard of architectural excellence for historic designation for the value of its architecture, nor does it contain the detail elements attesting to this value. He elaborated on his reasoning and the facts behind his opinion.

Mayor Seiler and the Commission members questioned Mr. Marcus on the original architect, Charles Paul Neider's other buildings in the South Florida area. Mr. Marcus explained the reason there are not many Art Deco and Art Moderne buildings in the City is there was not much building going on in the City in the 1930's. Mr. Marcus stated what makes an architect significant is their body of work. Mr. Marcus said Charles Neider's body of work did not rise to the level of significance. Mr. Marcus also

noted his own credentials in the area of historic designation in the City of Miami. Questions and discussions ensued from the Commission.

Anthony Abbate addressed the Commission regarding the property not meeting the criteria for designation, specifically Criterion E and noting it is an important decision. He expounded on the additional reasoning this is not an exemplary building and the examples of good and great architecture.

Commissioner Rogers requested clarification that this building is not exemplary. Mr. Abbate addressed his question and gave his explanation. Further questions and comments ensued from the Commission.

Mayor Seiler asked if there is an architect who has said this property is of historic architectural significance. Mr. Brooks stated two architectural historians have endorsed this property under Federal guidelines.

Stephanie Toothaker, Tripp Scott and on behalf of OTO Development the contract purchaser of the property, spoke in opposition to this item stating she has worked with the property owner as their interests are aligned and have coordinated their presentations in the interest of saving time.

Ms. Toothaker stated the history of OTO's work with the stakeholders and those people from the Central Beach Alliance prior to submitting a site plan application to the City on February 13, 2015. Ms. Toothaker agreed with the applicant's attorney that the only criterion to look at regarding this item at this time is the value of the building be recognized for its quality of architecture and sufficient design elements showing it had architectural significance. Moreover, the applicant's original submittal lacked any substantial, competent evidence to support the designation of the property as historic; it had an unsigned justification narrative; unknown professional qualifications of the applicant (though they had tried to supplement it after the original hearing with subsequent testimony from individuals who are not in attendance), it contained generalizations, opinions and irrelevant statements; it had no citations to proper authority or reports, and it contained no evidence to support the conclusions it had drawn in the application. Ms. Toothaker expounded on the legal standard that must be relied upon.

Jordana Jarjura, Tripp Scott and on behalf of OTO Development the contract purchaser of the property, spoke in opposition to this item stating the minimum qualifications for historic architecture. Ms. Jarjura raised the issue of the 2008 City Survey noting there are five properties listed which are Art Moderne and not one of them is the property at 3017 Alhambra.

Henry Castro, 209 North Fort Lauderdale Beach Boulevard, addressed the Commission and spoke in support of this item.

A copy of Mr. Castro's submission of a letter from the Florida Department of State for the record is attached to these minutes.

Nivea Cordova-Berrios, 209 North Fort Lauderdale Beach Boulevard, addressed the Commission and spoke in support of this item. Ms. Berrios stated her concern over large scale development in the City and is not compatible with her neighborhood.

A copy of Ms. Cordova-Berrios' statement is attached to these minutes.

Mayor Seiler addressed a discrepancy regarding the Florida Master Site File's website and in the correspondence provided by Mr. Castro from the Florida Department of State regarding designation of historic buildings. Mayor Seiler addressed this discrepancy question to Merrillyn Rathbun, City Historical Consultant, who clarified this for the Commission. Ms. Rathbun stated the Florida Master

Site File is basically a database of the State's historic resources and required survey forms being completed for buildings 50 years or older and must list all of the historic characteristics in the building along with a written historic context. All of this material is put in the Florida Master Site File and is what comprises the database of all the historic resources in the State of Florida. Ms. Rathbun said the Florida Master Site File is not a Designation Report for the buildings in the database. Further discussions ensued on this topic.

Amy Van De Riet, 180 Isle of Venice Drive, addressed the Commission in opposition to this item stating she worked with Anthony Abbate on his report. Ms. Van De Riet stated her background and qualifications as a preservation architect.

Mayor Seiler requested Ms. Dumas to address the Commission on the Statement of Significance filed with the State's Master Site File. Ms. Dumas answered the Mayor's questions regarding the inaccuracies in the Statement of Significance document regarding this property and filed in the State's Master Site File noting the City has not resurveyed and updated their Master Site File information. Further discussions ensued.

Merrilyn Rathbun addressed the Commission on the 1988 survey giving the Commission background on how the survey was completed.

Fred Carlson, past President of the Central Beach Alliance, addressed the Commission on this item. Mr. Carlson read correspondence from the Central Beach Alliance noting they look to the City Commission to make the appropriate determination regarding the historic designation determination. Mr. Carlson expounded on his thoughts regarding this matter.

A copy of this correspondence is attached to these minutes.

Mayor Seiler asked Merrilyn Rathbun about the qualifications of Stephen A. Olausen, the individual who did the City's 1988 survey for the Florida Master Site File. Ms. Rathbun stated her impression at the time was Mr. Olausen was very inexperienced, and he was working for the company hired to do the survey but was not the lead person on the project. Mayor Seiler noted articles from the Sebring Newspaper, the *Sebring News-Sun* and the Melbourne Newspaper, *Florida Today* regarding Mr. Olausen.

Dr. John Gaeta, 209 Fort Lauderdale Beach Boulevard, addressed the Commission regarding his concern about the proposed Marriott on Alhambra Street in consideration of the historic significance of the Villa Torino property. He expressed his outrage at the demolition of the Casa Alhambra on Alhambra Street prior to the Historic Preservation Board Meeting to consider the property a historic building. He suggested that once an application has been submitted, it should be illegal to demolish any property which has the potential to be an historic building until the Historic Preservation Board meets and the City Commission votes on the determination.

Dr. Gaeta also expressed his views on the proposed Marriott who aids in such actions. Dr. Gaeta recited what occurred at the Central Beach Alliance Board (CBAB) Meeting regarding the proposed Marriott and the appearance of collusion between the developer of the Marriott and the CBAB. He asked the City Commission to take this into consideration reading any letters from the CBAB or hearing testimony from the CBAB. Dr. Gaeta further expressed his feelings regarding his hopes the City Commission will be honest and unbiased and will make their decision based upon what the Historic Preservation Board decided with regard to this matter.

A copy of Dr. Gaeta's statement is attached to these minutes.

Terry Bean, Secretary of the Fort Lauderdale Jr. Women's Club, addressed the Commission reading a letter written to the City Commission on July 7, 2015, in support of approving this structure's historic designation.

A copy of the letter Ms. Bean read is attached to these minutes.

Ms. Erika Klee, 209 North Fort Lauderdale Beach Boulevard, addressed the Commission in support of approving this structure's historic designation.

A copy of Ms. Klee's statement is attached to these minutes.

Mr. Eric Bona, 3016 Seville Street, addressed the Commission in opposition to this item stating he owns the property directly behind this property, and the current owner is the third owner of the subject property since he moved into his property. Additionally there have been numerous modifications to the building. Moreover, Mr. Bona felt designating a property is unfair to the homeowner. He also discussed the property tax rate of 80 percent on the land and 20 percent on the building. Additionally, when a building is designated as historic, the owners are penalized which is not fair. He recommended moving historically designated buildings to other areas so as to allow the best use of the land for future development.

Marc Karmatz, 209 N. Fort Lauderdale Beach Boulevard, addressed the Commission in support of this item urging the Commission to support the recommendation of the City's Historic Preservation Board. He raised the issue of this item being tied to the proposed Marriott as both attorneys from the property owner, and the developer had joined forces. Mr. Karmatz also reiterated the demolition of the Casa Alhambra on Alhambra Street took place before the Historic Preservation Board Meeting to consider the property a historic building and there were no consequences to this action.

Dr. Dawn Bearden, 209 N. Fort Lauderdale Beach Boulevard, addressed the Commission in support of this item urging the Commission to support the recommendation of the City's Historic Preservation Board. Dr. Bearden questioned the City Commission having a Historical Preservation Board if they are not going to listen to their recommendations. Dr. Bearden stated she would like to see this property preserved.

Dr. Dawn Bearden, speaking on behalf of Maura Amato, 209 N. Fort Lauderdale Beach Boulevard, addressed the Commission in support of this item urging the Commission to support the recommendation of the City's Historic Preservation Board to preserve the Villa Torino.

Abbey Laughlin, 425 Bayshore Drive, addressed the Commission in opposition to this item stating there is not enough money to support historic preservation and the concept of perpetuity and results in property rights being destroyed, preservation activists fighting in untenable ways, neighbors fighting neighbors, and stating this is not preservation. Additionally, preservation is an unfunded public mandate and has been since 1996, and no one has figured how to pay for these buildings or compensate owners for his or her stewardship. Saving these buildings means buying them, and there is not enough funding to care for them in perpetuity. Ms. Laughlin gave examples such as Shippey House, Southside School, Bryant Homes, and Bonnet House that wants to build a restaurant, all of which are short on funding. Ms. Laughlin also cited the fact that none of the CRA funding tasked with revitalizing the beach is allocated towards historic preservation. Moreover, she stated you cannot fund preservation on the backs of private owners who happen to live in an old building, even an important one, in the name of the public good when it causes private harm. Preservation needs to look towards the future to form partnerships not wars of morality whereby a private property owner is publicly shamed and cast as greedy or insensitive because they will not contribute their single largest asset in their lifetime to the case – that is not preservation. Preservation needs new solutions and needs to

adapt and evolve. One cannot make the property owner responsible for an unfunded public mandate without a fiscal solution.

Michaela Conca, Lake Ridge resident, and President of the Fort Lauderdale Jr. Women's Club addressed the Commission in support of this item.

Charles King, 105 N. Victoria Park Road, expressed his concerns, questions and ideas regarding this item noting an article in the Sun Sentinel about property rights of owners of historic buildings and this process harms property owners at the discretion of the City's Historic Preservation Board's decisions. Mr. King recommended the City removing this ordinance from the City's Code of Ordinances.

Comments and discussions ensued from the Commission regarding the weight of the evidence regarding the historical significance aspect and the feasibility of property rights and the Commission's role in maintaining the integrity of property rights.

There being no one else wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice-Mayor McKinzie. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Rogers introduced the resolution to deny designation of the building located at 3017 Alhambra Street, Fort Lauderdale, Florida, under Section 47-2411 of the Unified Land Development Regulations which was read by title only.

ADOPTED denying the designation

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

PH-2 15-0438 Motion Approving the Consolidated Plan for Fiscal Years 2015-2020 Entitlement Grant Programs through the U.S. Department of Housing and Urban Development

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice-Mayor McKinzie. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis moved to approve the item which was seconded by Commissioner Roberts.

APPROVED

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

PH-3 15-0437 Motion Approving Annual Action Plan for Fiscal Year 2015-2016 Entitlement Grant Programs through the U.S. Department of Housing and Urban Development

Tam English, City of Fort Lauderdale Housing Authority and on behalf of Step-Up, stated Step Up has traditionally received funding every year. However, it is not on the list for funding this year. Mr.

English discussed his efforts working with City Staff to change the funding parameters to receive funding rather than having it tied up due to regulations. Mr. English urged the Commission to ensure Step Up receives funding.

Commissioner Roberts noted the City's has funded Step-Up over the previous three years noting not all of those funds were not expended because the rules related to spending of funds had changed. City Manager Feldman commented on the previous years' awards and the funds spent.

City Manager Feldman's concern regarding CDBG is the City's requirement by the Federal Government to spend no more than one and one-half time the annual allotment allocated on a certain date. When the City has agencies that do not spend at that rate, it causes a hardship on the City and its grant administration. Commissioner Roberts asked if there is a change in the rules on how these funds are spent and if it gives them credit for spending or not spending. Mr. English stated that historically, from the Housing Authority's standpoint they have spent all of the money until the last few years. In the last few years, the guideline for what they were allowed to spend has changed. They have only been paid \$16,000 for the current budget year although they have submitted invoices for far more than this amount. A large amount of those invoices are being disqualified for various reasons. Going forward, they have worked with staff to shift the funding parameter to an area where it would not be prorated down to a number that would make the bookkeeping fruitless to collect \$16,000 for this program. Further discussion ensued on a new parameter that would be much more beneficial where they could collect the full amount that was given.

Jonathon Brown, Housing and Community Development, stated there has not been a change. The discussions going on with Step-Up have been about the difficulty in income certifying the clients they are presenting and further stating the expenditures must be on eligible clients that can be documented noting this has not changed. Mr. Brown stated there were still dollars left over, approximately \$83,000-\$84,000. Commissioner Roberts encouraged Mr. English to get back on track and spend these funds.

Commissioner Roberts also asked Mr. Brown if Legal Aid has also been spending their funding as he wishes to ensure the City is being fair with all of these organizations. Mr. Brown stated Legal Aid has spent approximately one-half of their dollars, and he anticipates they will spend all of their dollars. Additionally, Mr. Brown stated the Step-Up Program is not trending to spend all of their dollars. He confirmed the unspent dollars are worked out with the Manager's office, and a recommendation will be brought back to the Commission to make a substantial amendment to the Annual Action Plan recommending additional projects. Mr. Brown stated this typically occurs in the November-December of every year.

There being no one wishing to speak on this item, Commissioner Roberts made a motion to close the public hearing, which was seconded by Commissioner Trantalis. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis moved to approve this item and was seconded by Commissioner Roberts.

APPROVED

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

PH-4 15-0567 Motion Approving Substantial Amendment to the Annual Action and Consolidated Plans of the Community Development Block Grant (CDBG) Program

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner Roberts. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis moved to approve this item and was seconded by Commissioner Roberts.

APPROVED

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

PH-5 15-0712 Motion Approving Substantial Amendment to Annual Action Plan - Reallocation of Unspent Housing Opportunities for Persons with HIV/AIDS (HOPWA) Funds for Renovation of HOPWA Units

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner Roberts. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis moved to approve this item and was seconded by Commissioner Roberts.

APPROVED

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

ORDINANCE FIRST READING

OFR-1 15-0834 1) Ordinance Amending Code of Ordinances Relating to Terms of Boards and Committees and 2) Resolution Approving an Appointment Process Policy

Commissioner Trantalis introduced the ordinance for the First Reading, which was read in its entirety.

PASSED FIRST READING

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

Commissioner Trantalis introduced the resolution which was read in its entirety.

and ADOPTED Resolution Approving an Appointment Process

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

OFR-2 15-0915 Ordinance Amending Code of Ordinances, Chapter 4, Alarm Systems, to Provide the City Manager with Settlement Authority for Unpaid False Alarm Response Fees

Commissioner Trantalis introduced the ordinance for the First Reading, which was read in its entirety.

PASSED FIRST READING

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

OFR-3 15-0896 Ordinance Approving Amendments to the Police and Firefighters' Retirement System Resulting from Collective Bargaining with International Association of Firefighters

Commissioner Roberts introduced the ordinance for the First Reading, which was read in its entirety.

PASSED FIRST READING

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

OFR-4 15-0926 Ordinance Creating Article X, Vacation Rentals, of Chapter 15 of the Code of Ordinances to provide for the regulation of Vacation Rentals

Bill Bowler, a Las Olas Isles resident and a member of the Board of Directors of Las Olas Isles Homeowners Association, stated many residents of Las Olas Isles asked him to address the Commission to emphasize how important this ordinance is to their neighborhood and many of the single family residential neighborhoods in the City. He stated it is a well-written ordinance and gave his comments regarding this ordinance. He strongly encouraged the Commission to adopt this ordinance when it comes up for the Second Reading.

There being no one else wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner Roberts. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the ordinance for the First Reading, which was read in its entirety.

PASSED FIRST READING

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

ORDINANCE SECOND READING

OSR-1 15-0912 Ordinance Amending Sections 20-129 and 20-135 of the Code of Ordinances Relating to the City of Fort Lauderdale Police and Firefighters' Retirement System - IRS Tax Qualification of the Plan

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner Roberts. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the ordinance for the Second Reading which was read in its entirety.

ADOPTED ON SECOND READING

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

OSR-2 15-0886 Ordinance Amending Section 2-199 of the Code of Ordinances Relating to the Procedure for the Purchase of Insurance and Insurance-Related Services

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Commissioner Roberts. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the ordinance for the Second Reading which was read in its entirety.

ADOPTED ON SECOND READING

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

BUDGET ITEMS

1 15-0863 Resolution Setting the Fiscal Year 2016 Proposed Millage Rate for the City of Fort Lauderdale and for the Sunrise Key Neighborhood Improvement District

Commissioner Trantalis requested clarification that this item was only to set the maximum rate and at the next meeting in September 2015 there will be a determination if the millage rate should be adjusted.

City Manager Feldman confirmed this was correct.

Commissioner Roberts introduced the ordinance for the Second Reading which was read by title only.

ADOPTED

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

- 2 15-0684** Motion Setting the Public Hearing Dates to Consider the Proposed Fiscal Year 2016 Millage Rate and Budget for the City of Fort Lauderdale and Sunrise Key Neighborhood Improvement District

Commissioner Roberts moved to approve the motion and was seconded by Commissioner Rogers.

APPROVED

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

- 3 15-0685** Motion Setting the Proposed Fiscal Year 2016 Non-Ad Valorem Assessment Rate, Proposed Budget, and Public Hearing Date for the Lauderdale Isles Water Management District - Setting Tentative Budget and Setting Public Hearing for September 8, 2015

Commissioner Rogers moved to approve the motion and was seconded by Commissioner Roberts.

APPROVED

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

- 4 15-0686** Motion to Establish a Public Hearing Date for the Proposed Fiscal Year 2016 Non-Ad Valorem Assessment - Wave Streetcar Assessment - Directing Preparation of Non-Ad Valorem Assessment Roll and Setting Public Hearing for September 8, 2015

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

APPROVED

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

- 5 15-0687** Resolution to Approve Fire-Rescue Assessment - Fiscal Year 2016 Non-Ad Valorem Assessment - Fee and Public Hearing Date - Setting Rate of \$225 Per Single Family Residential Household and Setting

Public Hearing for September 8, 2015

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

ADOPTED

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

- 6 15-0688** Resolution to Approve Beach Business Improvement District Fiscal Year 2016 Non-Ad Valorem Assessment Rate and Budget and Public Hearing Date - Establishing Non-Ad Valorem Assessment Rate of \$0.8525 and Setting Public Hearing for September 8, 2015

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

ADOPTED

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

REQUEST FOR EXECUTIVE CLOSED DOOR SESSION

Pursuant to F.S. 2860.11, City Attorney Cynthia Everett requested an Executive Closed Door Session for on Tuesday, August 18, 2015 for advice on the following Cases:

Shadia Traish v. City of Fort Lauderdale Case No.: 14-00093 (12)

Annette Mancuso-Wieland v. City of Fort Lauderdale Case No.: 11-23086 (21)

ADJOURNMENT

There being no further business before the Commission, Mayor Seiler adjourned the Commission Meeting at 1:20 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk