

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, June 7, 2016

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney***

Mayor Seiler called the meeting to order at 6:10 p.m.

Invocation Pastor Tom Hendrikse
Rio Vista Community Church

Pledge of Allegiance Kerrick Wiggins, Jr.

ATTENDANCE ROLL CALL:

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

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk, Jeffrey A. Modarelli, City Attorney Cynthia Everett, and Sergeant At Arms Travis O'Neal

VOTING ORDER FOR MEETING: Commissioner McKinzie, Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, and Mayor Seiler

Approval of MINUTES and Agenda

16-0705 Minutes for May 3, 2016 Conference Meeting, May 3, 2016 Regular Meeting, May 10, 2016 Special Bahia Mar Meeting, and August 18, 2015 Regular Meeting

A motion to approve the Minutes for May 3, 2016 Conference Meeting, May 3, 2016 Regular Meeting, the May 10, 2016 Special Bahia Mar Meeting, and August 18, 2015 Regular Meeting and the agenda for tonight's meeting, was made by Vice Mayor Trantalis and was seconded by Commissioner Roberts.

APPROVED

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

PRESENTATIONS

PRES- 16-0707 Proclamation declaring June 20-26, 2016 as Fort Lauderdale Pollinator
1 Week in the City of Fort Lauderdale

Vice Mayor Trantalis requested Enrique Sanchez, Deputy Director of Parks and Recreation, and Ned Stone, Vice Chair of the Florida Wildlife Federation, to step to the podium for presentation of the Proclamation declaring June 20-26, 2016 as Fort Lauderdale Pollinator Week in the City of Fort Lauderdale.

Vice Mayor Trantalis presented a Proclamation declaring June 20-26, 2016 as Fort Lauderdale Pollinator Week in the City of Fort Lauderdale reading the proclamation in its entirety.

Enrique Sanchez, Deputy Director of Parks and Recreation, thanked the Mayor and the City Commission for the proclamation which brings awareness and attention to the Monarch Butterfly and other important pollinators in nature due to the significant decline of over 90 percent and noting the reliance on these creatures for our food supply and flowering plants. Mr. Sanchez also thanked Janet Townsend for her efforts in taking the lead on this important issue acknowledging her efforts on this project and ensuring the City of Fort Lauderdale is a Certified Natural Wildlife Habitat.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent agenda items and announced the following revisions to tonight's Consent Agenda: CM-5 has a revised date in the impact resource section; CM-11 has a revised date in the heading, CR-3 has the addition of Section D in the memo.

Mayor Seiler announced the requests for deferral on item OFR-1, amending Article X, Vacation Rentals, Chapter 15 of the Code of Ordinances, to be deferred until July 12, 2016; and on item OSR-1, amending ULDR Section 47-22.3J pertaining to message center signs to permit message center signs within the public right-of-way subject to specific criteria to be deferred until June 21, 2016.

Mayor Seiler also stated the following items had been pulled from the Consent Agenda for separate discussion: CM-2, CM-5, CM-7, CM-8, and CM-10.

Approval of the Consent Agenda

A motion was made by Vice Mayor Trantalis and seconded by Commissioner Rogers that Consent Agenda Items CM-2, CM-5, CM-7, CM-8, and CM-10 be pulled from the Consent Agenda and considered separately and all remaining Consent Agenda Items be approved as recommended.

Approval of the Consent Agenda

Vice Mayor Trantalis made a motion to pull Consent Agenda Items CM-2, CM-5, CM-7, CM-8, and CM-10 from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. This motion was seconded by Commissioner Rogers.

Approve the Consent Agenda

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

CM-1 16-0619 Motion to Approve Event Agreements for Friday Night Sound Waves and Sandz

APPROVED

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

CM-2 16-0656 Annual Funding for the Greater Fort Lauderdale Sister Cities International, Inc.

Mayor Seiler opened the floor for public comment.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue, who addressed the Commission in support of this item.

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

Mayor Seiler closed the public hearing.

Vice Mayor Trantalis commented on the Sister Cities Program noting the importance of the program being used as a goodwill mission for academic issues, cultural exchanges, and economic benefits. He recommended the City set up and Advisory Board for Sister Cities to find ways for the City to benefit from these relationships and to exchange opportunities. Comments and discussions ensued from the Commission on ways to increase the impact of the Sister Cities Program. Vice Mayor Trantalis stated he would work with the Sister Cities to brainstorm an improved path towards expanding the opportunities to foster better relationships to benefit the City.

Vice Mayor Trantalis made a motion to approve this item and was seconded by Commissioner Roberts.

APPROVED

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

CM-3 16-0628 Motion to Approve an Agreement with Barry University, Inc.

APPROVED

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

CM-4 16-0503 Motion to Approve an Amended and Restated Lease Agreement for Shop 104 - City Park Mall

APPROVED

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

- CM-5 16-0670** Motion to Approve Payment to Broward County in Response to Housing and Urban Development Office of Inspector General Audit Findings of the Chronic Homeless Housing Collaborative Program - \$42,669.99

Vice Mayor Trantalis made a motion to defer this item and was seconded by Commission McKinzie.

DEFERRED TO JUNE 21, 2016

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

- CM-6 16-0690** Motion Approving a Third Amendment to the Lease Agreement with Riverwalk Fort Lauderdale, Inc. for the Shippey House

APPROVED

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

- CM-7 16-0432** Motion Authorizing the Purchase of Automobile Liability Insurance-National Indemnity Company of South - \$35,620

Mayor Seiler opened the public hearing.

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

Mayor Seiler closed the public hearing.

Mayor Seiler recognized City Attorney Everett who stated this item did not state the need for a public purpose. She requested the Commission or City Manager to identify the public purpose of this item. Mayor Seiler addressed City Attorney Everett's concerns citing the numerous public purposes. Commissioners Rogers and Roberts also agreed a public purpose exist with regard to this item.

APPROVED

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

- CM-8 16-0561** Motion to Approve an Agreement with Alliance for Progress, Inc. for the Florida Juneteenth Festival

**APPROVED AS AMENDED TO PLAY AMPLIFIED MUSIC
UNTIL 11:30 P.M.**

City Manager Feldman stated this item should not have been on the Consent Agenda due to a procedural issue as the application requested an extension of hours for the event.

Mayor Seiler recognized Kevin Young-Eutsey, 1025 NW 5th Court, who addressed the Commission on behalf of the Alliance for Progress, Inc., in support of this item stating they were asking for an extension of hours to play music to clear the park after the event for getting everyone out safely. Mr. Young-Eutsey stated the purpose of Alliance for Progress, Inc. was to provide scholarships for two, three and four-year-old children from working class and low-income families through the Early Learning Coalition (ELC) of Broward County. It was confirmed that the amplified music would be until 11:30 p.m. for the Florida Juneteenth Festival in Mills Pond Park.

Vice Mayor Trantalis moved to close the public hearing and was seconded by Commissioner McKinzie.

Commissioner McKinzie moved to approve this item, as amended, and Commissioner Roberts seconded the motion.

Commissioner McKinzie moved to approve this item as amended and Commissioner Roberts seconded the motion.

APPROVED AS AMENDED

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

CM-9 16-0622 Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with Exclusive Sports Marketing, Inc. for a Volleyball Competition

APPROVED

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

CM-10 16-0644 Motion to Approve the Creation of a Citizen Police Review Board Sub-Committee

Mayor Seiler opened the public hearing.

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

Mayor Seiler recognized City Attorney Everett, who stated this item creates a subcommittee, and should include a defined period for the duration of the subcommittee. Comments and discussions ensued on the best way to address the subcommittee's intent and duration.

Commissioner McKinzie made a motion to defer this item until it can be discussed with the City Commission to address the subcommittee's intent, goals and duration. Commissioner Rogers seconded the motion.

DEFERRED FOLLOWING DISCUSSION AT A FUTURE MEETING

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

CM-11 16-0487 Motion to Authorize Professional Engineering Services for Pump Stations D-10 and D-11 Flow Analysis and Redesign - Tetra Tech, Inc. - \$163,699 Task Order

APPROVED

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

CONSENT RESOLUTION

CR-1 16-0711 Resolution Amending Resolution 16-60 Regarding the Appointment of Bond Counsel and Disclosure Counsel for the Issuance of Water and Sewer Revenue and Revenue Refunding Bonds, Series 2016

ADOPTED

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

CR-2 16-0531 Resolution Authorizing a Locally Funded Agreement with the Florida Department of Transportation for Post Design Services for a 30-Inch Watermain at the Broward Boulevard Bridge over the North Fork New River

ADOPTED

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

CR-3 16-0649 Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2016 - Appropriation

ADOPTED

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

CR-4 16-0338 Resolution in Support of Posting NO THRU TRUCKS Sign at Middle River Drive and Oakland Park Boulevard

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Rogers, Commissioner

Roberts, Vice-Mayor Trantalis and Mayor Seiler

PURCHASING AGENDA

PUR-1 16-0525 Motion to Approve Purchase of Medical Grade Oxygen and Nitrous Oxide - Airgas USA, LLC - \$17,670

APPROVED

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

PUR-2 16-0584 Motion to Approve Purchase of Entryway Signage - Signs USA, Inc. \$96,710

APPROVED

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

PUR-3 16-0605 Motion to Approve Purchase of Actuarial Services for Self-Funded Medical and Pharmacy Plans - Gallagher Benefit Services, Inc. - \$56,604

APPROVED

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

PUR-4 16-0616 Motion to Approve Purchase of Median Beautification on State Road A1A - Landscape Service Professionals Inc. - \$272,452.82

APPROVED

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

PUR-5 16-0626 Motion to Approve Renewals of Agreements for Architectural Consulting Services - ACAI Associates, Inc., Walters Zackria Associates, PLLC, and Synalovski Romanik Saye, LLC

APPROVED

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

MOTIONS

M-1 16-0621 Motion to Approve an Event Agreement with XBK Management, LLC for Uptown Block Party

Mayor Seiler noted the individual who signed up for this item waived their time to speak.

Commissioner Roberts made a motion to extend the time for the applicant's events until midnight on July 9, 2016, August 13, 2016 and September 10, 2016, for the Uptown Block Party event, and Commissioner McKinzie seconded the motion.

APPROVED

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

M-2 16-0672 Motion Recommending the Ten Most Populous City Seat Representative to Florida League of Cities Board of Directors

Discussions ensued among the Commission on this item. Mayor Seiler agreed to be the City's representative at the Ten Most Populous City Seat Representative of Florida League of Cities Board of Directors and Vice Mayor Trantalis agreed to be the City's alternate representative.

Commissioner Roberts moved to approve Mayor Seiler as the City's representative at the Ten Most Populous City Seat Representative of Florida League of Cities Board of Directors and to approve Vice Mayor Trantalis as the alternate representative.

Commissioner Roberts made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED MAYOR SEILER AS REPRESENTATIVE AND VICE MAYOR TRANTALIS AS ALTERNATE

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

M-3 16-0704 Motion Designating a Voting Delegate for the Florida League of Cities 2016 Annual Business Session

Discussions ensued among the Commission on this item. Vice Mayor Trantalis agreed to be the City's representative at the Florida League of Cities Annual Business Session, and Mayor Seiler agreed to be the City's alternate representative.

Commissioner Roberts moved to approve Vice Mayor Trantalis as the City's representative at the Florida League of Cities Annual Business Session and Mayor Seiler as the alternate representative.

Commissioner Roberts made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED VICE MAYOR TRANTALIS AS DELEGATE AND MAYOR SEILER AS ALTERNATE

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

NEIGHBOR PRESENTATIONS

NP-1 16-0681 Dennis Ulmer - Drain or Cover - We all need to help to control the spread of the Zika Virus

Dennis Ulmer, 1077 NW 11th Place, addressed the Commission on his concerns with the Zika Virus and what can be done to limit the possible spread of this disease in the neighborhoods of the City of Fort Lauderdale and Broward County. Mr. Ulmer noted the need to drain or cover open water sources to prevent the spread of the Zika Virus giving specific recommendations and examples that need to be addressed to prevent mosquito breeding. Mr. Ulmer noted the need for all residents to control the spread of the Zika Virus noting it is a devastating disease. Mr. Ulmer said more information could be found at the following website: www.browardchd.org

RECEIVED

NP-2 16-0708 John J. Zullo - Family of Five Moves to Fort Lauderdale

NOT PRESENT

RESOLUTIONS

R-1 16-0657 Appointment of Board and Committee Members

Discussions ensued among the Commission regarding additional appointments to the City's Advisory Boards.

City Clerk Jeffrey Modarelli noted tonight's appointment to the various City's Advisory Boards as noted below:

AFFORDABLE HOUSING ADVISORY COMMITTEE

Edward Parke is appointed to the Affordable Housing Advisory Committee, in the category of banking or mortgage industry in connection with affordable housing, for a three-year term beginning June 30, 2016 and ending June 29, 2019 or until his successor has been appointed.

Frances Epstein is appointed to the Affordable Housing Advisory Committee, in the category of a resident of the City, to complete an unexpired term ending June 29, 2016 or until her successor has been appointed.

Frances Epstein is appointed to the Affordable Housing Advisory Committee, in the category of a resident of the city, for a three-year term beginning June 30, 2016 and ending June 29, 2019 or until her successor has been appointed.

CIVIL SERVICE BOARD

Andrew Gordon is appointed to the Civil Service Board for a four-year term beginning April 8, 2016 and ending April 7, 2020 or until his successor has been appointed.

CODE ENFORCEMENT BOARD

Peter Cooper is appointed to the Code Enforcement Board for a three-year term beginning January 31, 2016 to January 30, 2019 or until his successor has been appointed.

EDUCATION ADVISORY BOARD

Betty Shelley is appointed to the Education Advisory Board for a one-year term beginning September 1, 2016 and ending August 31, 2017 or until her successor has been appointed.

FIRE-RESCUE FACILITIES BOND ISSUE BLUE RIBBON COMMITTEE

Mark Booth is appointed to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee for a three-year term beginning June 7, 2016 and ending June 6, 2019 or until his successor has been appointed.

HISTORIC PRESERVATION BOARD

Drew Melville is appointed to the Historic Preservation Board for a three-year term beginning June 7, 2016 and ending June 6, 2019 or until his successor has been appointed.

INSURANCE ADVISORY BOARD

Jonathan Perillo is appointed to the Insurance Advisory Board for a one-year term beginning June 7, 2016 and ending June 6, 2017 or until his successor has been appointed.

PARKS, RECREATION AND BEACHES BOARD

Caleb Gunter is appointed to the Parks, Recreation and Beaches Board for a one-year term beginning August 19, 2016 and ending August 18, 2017 or until his successor has been appointed.

PERFORMING ARTS CENTER AUTHORITY

Barbara Jones is appointed to the Performing Arts Center Authority for a four-year term beginning July 4, 2016 to July 3, 2020 or until her successor has been appointed.

SUSTAINABILITY ADVISORY BOARD

Elizabeth Adler is appointed to the Sustainability Advisory Board to complete an unexpired term expiring December 31, 2016 or until her successor has been appointed.

City Clerk Jeffrey Modarelli clarified for the Commission appointments that will be made in the June 21, 2016 resolution for appointments to the City's Advisory Boards as noted below:

BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY COMMITTEE

Tiffany Davis (primary member) representing the Bahia Mar- A Double Tree by Hilton, Fort Lauderdale Beach, is appointed to the Beach Business Improvement District Advisory Committee, in the category of seven of the ten highest assessed property owners or a representative of such property owners, to complete an unexpired term ending Sept 15, 2016 or until her successor has been appointed.

BUDGET ADVISORY BOARD

Josias Dewey is appointed to the Budget Advisory Board to complete an unexpired term ending September 30, 2016 or until his successor has been appointed.

CENTRAL CITY REDEVELOPMENT ADVISORY BOARD

Justin Greenbaum and Michael Vonder Meulen are appointed to the Central City Redevelopment Advisory Board for one-year terms beginning August 31, 2016 and ending August 30, 2017 or until their

successors have been appointed.

Andrew Segaloff and Jeff Sullivan are appointed to the Central City Redevelopment Advisory Board for one-year terms beginning September 1, 2016 and ending August 31, 2017 or until their successors have been appointed.

CODE ENFORCEMENT BOARD

Mark Booth is appointed to the Code Enforcement Board, in the category of business person, to complete an unexpired term ending January 30, 2017 or until his successor has been appointed.

SUSTAINABILITY ADVISORY BOARD

Carolann Mazza is appointed to the Sustainability Advisory Board to complete an unexpired term ending December 31, 2016 or until her successor has been appointed.

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

ADOPTED

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

R-2 16-0648 Resolution Approving an Extension of a Temporary Moratorium on the Installation of Wireless Personal Telecommunication Towers and Distributed Antenna Systems through September 7, 2016

Mayor Seiler requested confirmation that the Commission's requested meeting with the representatives of the telecommunication companies had been arranged and confirmed. City Manager Feldman stated that the date has not yet been set for this meeting. City Manager Feldman said his office would coordinate this meeting, and this item will come back to the Commission at the August 16, 2016 meeting.

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

ADOPTED

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

R-3 16-0685 Resolution Authorizing Execution by the City Manager of a Letter of Concurrence for a Setback Waiver for Rahn Bahia Mar, LLC

Mayor Seiler recognized Tyler Chappell, 714 E. McNab Road, and the designated representative of Bahia Mar, who addressed the Commission on this item. Mr. Chappell explained as required by the State of Florida's Department of Environmental Protection (DEP), the applicant is requesting the set back from the City so it can be allowed to dredge up to their riparian rights line to connect to the City's Intracoastal Waterway (ICW) and to be able to connect to the Bahia Mar Marina.

Vice Mayor Trantalis asked City Attorney Everett if this item should have gone before the Marine Advisory Board for their input before coming before the Commission. City Attorney Everett stated, "yes."

Discussions ensued between Mr. Chappell, Vice Mayor Trantalis and other members of the Commission regarding previous dredging waivers and other aspects of this item.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue, who addressed the Commission in support of this item and stating his thoughts about this item going before the Marine Advisory Board before approval.

Mayor Seiler recognized Mary Fertig, 511 Poinciana Drive and representing the Idlewyld Neighborhood Improvements Association, who addressed the Commission regarding the item in the back-up material's Letter of Concurrence for Setback Waiver that was unclear. Ms. Fertig said she was generally in support of the dredging.

Mayor Seiler recognized former Commissioner Charlotte Rodstrom, 66 Nurmi Drive, who addressed the Commission on this item stating that items in the Letter of Concurrence for Setback Waiver were unclear and did not refer to dredging. She stated she was in support of the dredging here and on all of the City's canals. Ms. Rodstrom asked who was the funding for this portion of the dredging. City Manager Feldman stated the lessee of the property was paying for the dredging. Vice Mayor Trantalis discussed the items stated in the letter.

Mayor Seiler recognized Assistant City Attorney Bob Dunckel, who confirmed for the Commission that the Letter of Concurrence for Setback Waiver only addresses dredging and does not address other types of construction. Further comments and discussions ensued from the Commission.

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

Vice Mayor Trantalis introduced the resolution that was read by title only.

ADOPTED

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

R-4 16-0689 Resolution Declaring Notice of Intent to Lease a Portion of the Property at 400 West Broward Boulevard to Project Discovery, Inc.

Mayor Seiler opened the floor for public comment.

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

Vice Mayor Trantalis introduced the resolution that was read by title only.

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Rogers, Commissioner

Roberts, Vice-Mayor Trantalis and Mayor Seiler

PUBLIC HEARINGS

PH-1 16-0611 Community Development Block Grant (CDBG) Program Substantial Amendment

Mayor Seiler recognized Jonathan Brown, Manager of Housing and Community Development, who gave an overview of this item stating it was a request to provide additional funding to the Homeless Assistance Center for paving and landscaping. He further stated the request is consistent with the Approved Annual Action Plan, the Approved Consolidated Plan, and that the project is located in an approved CDBG area. Mr. Brown confirmed the clients served at the Homeless Assistance Center meet all of the CDBG requirements.

Mayor Seiler recognized Pastor Luke Harrigan of Grace Community Development Corporation who addressed the Commission in support of this item. Pastor Harrigan thanked the Mayor and the Commission for their work in the City.

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

Commissioner McKinzie moved to approve this item, and Commissioner Roberts seconded the motion.

APPROVED

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

OFR-1 16-0687 Ordinance - Amending Article X, Vacation Rentals, Chapter 15 of the Code of Ordinances (Request Deferment to July 12, 2016)

Commissioner Roberts made a motion to defer the First Reading on this item to July 12, 2016 and was seconded by Commissioner McKinzie.

DEFERRED ON FIRST READING TO JULY 12, 2016

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

ORDINANCE SECOND READING

OSR-1 16-0528 Ordinance Amending ULDR Section 47-22.3.J - Message Center Signs to Permit Message Center Signs within the Public Right-of-Way Subject to Specific Criteria (Request Deferment to June 21, 2016)

Commissioner Roberts made a motion to defer the Second Reading of this item until June 21, 2016 and was seconded by Commissioner McKinzie.

DEFERRED ON SECOND READING TO JUNE 21, 2016

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

PUBLIC HEARINGS (continued)

PH-2 16-0612 Public Hearing - Approving Annual Action Plan for Fiscal Year 2016-2017 Entitlement Grant Programs through the U.S. Department of Housing and Urban Development

Mayor Seiler opened the public hearing on this item.

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

Mayor Seiler closed the public hearing.

Vice Mayor Trantalis clarified for the record that the \$120,000 going to the Grace Community Development Corporation was to bring the facility into compliance with FEMA regulations. Jonathan Brown, Manager of Housing and Community Development, confirmed this was correct. Vice Mayor Trantalis clarified that when the building was first built, the FEMA regulations were different. Mr. Brown stated that due to the change in use and the rehabilitation being done for the property, it is now required that this property meets the current FEMA regulations.

Vice Mayor Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

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

PH-3 16-0664 Resolution to Approve Award for Marina Management and Construction Services for Las Olas Marina (Re-Bid) - Suntex Marina Investors, LLC in Partnership with Edgewater Resources, LLC - \$1.6 Million (estimated annual revenue)

Mayor Seiler recognized City Auditor Herbst. City Auditor Herbst stated after his review of the primary Request for Proposal (RFP) and the financial analysis by CBRE, he concluded the primary, winning bidder, Suntex, was not responsive to the RFP. He came to this conclusion after comparing the two bid responses and after consultations with the City Attorney's Office, and the City's Procurement Office. This is due to the RFP's requirement that the rent increase every five years of the lease, and the response indicated a rent increase in year nine. It should have been in year six. There was also an issue with the projected revenue the City would receive on a percentage of rent. City Auditor Herbst

determined there was not enough relevant information included in the back-up information from the bidder to determine the reasonableness of the projected revenue.

City Attorney Everett commented on how this has historically been handled and referred to existing case law on how this decision should be handled by the Commission. She recommended they adhere to the criteria that have been established by the Commission. Questions ensued from Commissioner Roberts. In response, City Attorney Everett cautioned the Commission to make their decision based on the RFP and not what was recommended by CBRE. Further discussions and comments ensued on this item.

Mayor Seiler recognized Ryan Nunes, 1160 Hillsboro Mile, and speaking on behalf of CBRE, who addressed the Commission on this item. He provided an overview of CBRE's involvement and facilitation of the process to date. Vice Mayor Trantalis asked Mr. Nunes if the response to the RFP complied with the RFP as devised by CBRE. Mr. Nunes replied that CBRE believes it does comply with the RFP based on the checklist provided as to how the lease payments would be structured. Mr. Nunes further expounded on the compliance of the bidder. Mayor Seiler noted his concerns based on the comments of City Auditor Herbst.

Mayor Seiler recognized Jason Spalding, 200 East Las Olas Boulevard, and speaking on behalf of CBRE, who addressed the Commission regarding the Commission's concerns. Further discussions ensued on City Auditor Herbst's concerns. Further discussions and comments followed. City Auditor Herbst explained the specific items on the Suntex submission that the Commission was questioning. Commissioner Roberts noted this issue applied to both Suntex and IGY. Commissioner Roberts further stated the underlying documentation was required for further analysis to determine the accuracy of the submitted bids. City Auditor Herbst confirmed this. Commissioner Roberts also raised a concern regarding 50 percent of revenue going to the State as required by the current deed restriction. Further comments and discussion ensued from Vice Mayor Trantalis and the Commission. City Auditor Herbst noted in a similar scenario in Miami, the share of the revenue to the State was reduced to 15 percent noting there was no guarantee that a reduction of this amount would be granted by the State to the City regarding this deed restriction. Further comments and discussions ensued among the Commission. Commissioner Roberts stated he was not comfortable with the bids due to the items noted by City Auditor Herbst.

Mayor Seiler recognized Jonathan Luscomb, Supervisor of Marine Facilities, who addressed the Commission on this item. Mr. Luscomb noted in preliminary conversations with the State, and the State cited the closest example to the Las Olas Marina was a project done in Miami for the leasing out of deeded land known as Watson Island to be developed into what is known as Ocean Gardens. Mr. Luscomb stated both the developer and the City of Miami went to the State's Chief of the Bureau of the Internal Trust with a proposal of what exactly they proposed to do and were able to negotiate a reduction in a similar type of deed restriction from 50 percent down to 15 percent. Mr. Luscomb said the difference with the Miami scenario was that there was a residential component. Further discussions ensued about the need to go to the State with as much detail as possible for the State to make a decision on altering the deed restrictions. Further discussion ensued. Mr. Luscomb noted the State has currently deferred this item and recommended the City work with the Area Manager of the Bureau of the Internal Trust to help with the process.

Commissioner Rogers recited the history of the marina. He recommended rejecting both bids, requesting that the deed restriction be addressed with the State, requesting the inclusion of the necessary backup for financial analysis, and requesting an engineering analysis to ascertain if the proposal is feasible for the future. He stated all of these should be made part of the RFP. Mayor Seiler concurred with Commissioner Rogers.

Mayor Seiler stated his frustration with the submission being unresponsive to the RFP and for the City Auditor having to catch the shortcomings of both CBRE and City Staff. Discussions ensued regarding Mayor Seiler's comments focusing on the annual lease payments and annual rents, including the lease start date as referenced on page 71 of Exhibit 3 of Suntex's RFP submission (***a copy of page 71 of Exhibit 3 is attached to these minutes***). The City Auditor clarified the ambiguity of the lease payments relates to when the lease term begins and the City Attorney Office's interpretation of the date of the lease term's commencement. Mr. Luscomb responded to the comments from the Commission focusing on Vice Mayor Trantalis's comments and concerns regarding the landlord-tenant relationship between the City and the lessee or tenant.

Commissioner McKinzie noted that the facilitator did not do their job, and further discussions ensued.

Commissioner Roberts recommended rejecting these two bids and for the bidders to resubmit their bids to the City.

Mayor Seiler opened the public hearing solely on the issue of the Commission rejecting both bids.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue, who addressed the Commission in support of rejecting this item.

Mayor Seiler recognized Thomas Mukamal, 717 5th Avenue, New York, New York and on behalf of IGY, who addressed the Commission in support of rejecting the bids. He asked a question of the Commission noting there were highly problematic areas of the RFP, which would impact the ability to determine both the economic efficacy and quality of the infrastructure. Mr. Mukamal asked the Commission if there could be some interaction with the proponents and the City or CBRE and the proponents to properly refine the RFP to respond properly. Mayor Seiler agreed with Mr. Mukamal and stated there would be a representative from CBRE, the City Manager's Office, and the City Attorney's Office to have clarity in responding to the RFP. Mr. Mukamal stated the need for clarity relates to how the RFP's would be evaluated to be responsive.

Mayor Seiler recommended including a Marina Office in the revised RFP. City Attorney Everett requested meeting with the City Manager to discuss the parameters needed in the meeting with CBRE and the bidders to address the needs of a revised RFP.

Mayor Seiler recognized Chris Peltz of Suntex and head of Suntex operations. Mr. Peltz addressed the Commission on this item and was in support of rejecting both proposals. He addressed the Commission on specifics requirement in the RFP and Suntex's responsive bid. Discussions ensued among the Commission. Mr. Peltz clarified the rents in Suntex's bid proposal.

Mayor Seiler recognized Jack Newton, 420 Isle of Capri, who addressed the Commission in support of rejecting both bids.

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

Mayor Seiler closed the public hearing.

Commissioner Rogers made a motion to reject both bids from Suntex Marina Investors LLC in Partnership with Edgewater Resources, LLC for marina management and construction services for

Las Olas Marina and to defer this item until the remaining elements are addressed and Vice Mayor Trantalis seconded the motion.

APPROVED

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

PH-4 16-0676

Quasi-Judicial - Ordinance Rezoning from South Beach Marina and Hotel Area District to Innovative Development Zoning District including Approval of Associated Development Plan - Bahia Mar - TRR Bahia Mar LLC - Case Number 15001

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 members disclosed their site visits, communications and expert opinions received regarding this item making them part of the record.

Mayor Seiler stated that everything in the record from the previous City Commission meetings regarding this item remains on the record as well as all of the testimony taken from the applicant, the witnesses, individuals, and all groups.

Mayor Seiler recognized Robert Lochrie, Esq. on behalf of the applicant. Mr. Lochrie recited his previous submissions on this item to the City. Mr. Lochrie submitted for the record the petitions from the residents of the City of Fort Lauderdale in support of the applicant's proposed project stating there were over 400 petitions.

Mayor Seiler stated the time limits for those speaking tonight.

Mayor Seiler opened up the floor for public comments.

Mayor Seiler recognized Anne Hilmer, 621 Idlewyld Drive, who addressed the Commission in opposition to this item. Ms. Hilmer stated because those who sign up first are not necessarily called in the order they signed up, those speaking after Ms. Hilmer in opposition to this item will continue reading the script where the previous person left off. ***A copy of Ms. Hilmer's referenced script with comments in opposition to this item are to the Commission for the record are attached to these minutes.***

Mayor Seiler recognized Jack Abdo, 1 SE 17th Street, who addressed the Commission in support of this item.

Mayor Seiler recognized Judy Summers, no address given, who addressed the Commission in support of this item.

Mayor Seiler recognized Ina Lee, 2000 S. Ocean Drive, who addressed the Commission in support of this item.

Mayor Seiler recognized Betty O'Connor, 730 Isle of Palms, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Lisa Namour, 1107 SW 17th Street, Boynton Beach, who addressed the Commission in support of this item.

Mayor Seiler recognized Jerry Jordan, 1109 SE 4th Street, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Megan Lagasse, 835 SW 18th Street, who addressed the Commission in support of this item.

Mayor Seiler recognized Shirley Smith, One Las Olas Circle, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Efrem "Skip" Zimbalist of Show Management addressed the Commission in support to this item.

Mayor Seiler recognized Chuck Bortell, 1299 SE 13th Terrace, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Kerrick Wiggins, 1730 NW 3rd Court, who addressed the Commission in support of this item.

Mayor Seiler recognized Prabhuling Patel, 1997 Admirals Way, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Dan Lindblade of the Chamber of Commerce, who addressed the Commission in support of this item.

Mayor Seiler recognized Mary Fertig, 511 Poinciana Drive, who addressed the Commission in opposition to this item. ***A copy of Ms. Fertig's submission to the Commission for the record are attached to these minutes.***

Mayor Seiler recognized Al Fernandez, 1749 SE 10th Street, who addressed the Commission in support of this item.

Mayor Seiler recognized Joanne Robinson, 1997 Admirals Way, and on behalf of Harbor Inlet Homeowners Association, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Paul McGee, 801 Middle River Drive, who addressed the Commission on this item and noting on his speaker card his position was neutral.

Mayor Seiler recognized Barry Somerstein, 2555 Lucille Drive, who addressed the Commission in support of this item.

Mayor Seiler recognized Johanna Fields, 2081 SW 38th Avenue, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Bridgette Guerrero, 200 SW 11th Avenue, who addressed the Commission in support of this item.

Mayor Seiler recognized Liz Garvin, 1920 S. Ocean Drive, who addressed the Commission in opposition to this item. ***A copy of Ms. Garvin's PowerPoint Presentation is attached to these minutes.***

Mayor Seiler recognized Tiffany Davis, 8279 Sun Lake Drive, who addressed the Commission in support of this item.

Mayor Seiler recognized Keely Stahl, 2200 S. Ocean Lane, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Shaun David, 2521 Hollywood Boulevard, who addressed the Commission in support of this item.

Mayor Seiler recognized Mary Wood, 1619 Seabreeze Boulevard, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Nelson Fernandez, 2415 Delmar Place, who addressed the Commission in support of this item.

Mayor Seiler recognized former Commissioner Charlotte Rodstrom, 66 Nurmi Drive, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Christopher Brennan, 2721 NE 14 Street, addressed the Commission on this item and noting on his speaker card his position was neutral.

Mayor Seiler recognized Miranda Lopez, 3031 NE 21st Street, who addressed the Commission in opposition to this item. ***A copy of Ms. Lopez's submission to the Commission for the record are attached to these minutes.***

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue, who addressed the Commission in support of this item.

Mayor Seiler recognized Paul Chettle, who addressed the Commission in opposition to this item. ***A copy of Mr. Chettle's submission to the Commission for the record are attached to these minutes.***

Mayor Seiler recognized Trisha Holiday 50 Nurmi Drive, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Bryan Morjain, 19460 Ambassador Court, North Miami Beach, who addressed the Commission in support of this item.

Mayor Seiler recognized Nora Femenia, 3104 NE 27th Avenue, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Brent Wood, 1619 Seabreeze Boulevard, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Paul Daly, 40 Idlewyld Drive, who addressed the Commission in opposition to this item. ***A copy of Mr. Daly's submission to the Commission for the record are attached to these minutes.***

Mayor Seiler recognized Christine DeMarco, 1315 Miami Road, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Bill Cole, who addressed the Commission in opposition to this item. ***A copy of Mr. Cole's PowerPoint Presentation is attached to these minutes along with other materials submitted to the Commission for the record.***

Mayor Seiler recognized Nancy Thomas, 1924 SE 24th Avenue, who addressed the Commission in opposition to this item. ***A copy of Ms. Thomas's submission to the Commission for the record are attached to these minutes.***

Mayor Seiler recognized Jeff Katims, 3350 NW 53rd Avenue, who addressed the Commission in opposition to this item. ***A copy of Mr. Katims's submission to the Commission for the record are attached to these minutes.***

Mayor Seiler recognized Jack Malcolm, 1900 Admirals Way, who addressed the Commission in opposition to this item.

Mayor Seiler recognized, Lisa Malcolm, 1900 Admirals Way, who addressed the Commission in opposition to this item. ***A copy of Ms. Malcolm's submission to the Commission for the record is attached to these minutes.***

Mayor Seiler recognized Howard Steinholz, 2600 Barcelona Drive, and on behalf of the Seven Isles Homeowners Association, who addressed the Commission in opposition to this item. ***A copy of Mr. Steinholz's submission to the Commission for the record is attached to these minutes.***

Mayor Seiler recognized Bill James, 1823 Admirals Way, who addressed the Commission in opposition to this item. ***A copy of Mr. Steinholz's submission to the Commission for the record is attached to these minutes.***

Mayor Seiler recognized Craig Fisher, designated representative of Leisure Beach Condominiums who addressed the Commission in opposition to this item.

Mayor Seiler recognized James Brady, Esq. of Arnstein and Lehr representing Geary Cotton and Larry Burnette, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Steve Glassman, 2821 N. Ocean Boulevard, who addressed the Commission in opposition to this item. ***A copy of Mr. Glassman's presentation and submission to the Commission for the record is attached to these minutes.***

Mayor Seiler recognized Mike O'Leary, 2200 S. Ocean Lane, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Christian Maus, 1778 Marietta Drive, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Andrew Halliday, 50 Nurmi Drive, who addressed the Commission in opposition to this item. ***A copy of Mr. Halliday's submission to the Commission for the record is attached to these minutes.***

Mayor Seiler recognized Summer Halliday, 50 Nurmi Drive, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Evette McDonald, 50 Nurmi Drive, who addressed the Commission in opposition to this item. ***A copy of Ms. McDonald's submission to the Commission for the record is attached to these minutes.***

Mayor Seiler recognized Elizabeth Hopwood, 2008 SE 26th Terrace, who addressed the Commission in opposition to this item. ***A copy of Ms. Hopwood's submission to the Commission for the record is attached to these minutes.***

Mayor Seiler recognized Laura Colaner, 711, SE 10th Street, who addressed the Commission in opposition to this item.

Mayor Seiler recognized Robert Lochrie, Esq., on behalf of the applicant, who addressed the Commission in rebuttal to those who spoke in opposition to this item. Mr. Lochrie stated he had previously incorrectly stated that the 1953 Referendum was for saving the property on the east side of Seabreeze Boulevard for beach use and using the west side of Seabreeze Boulevard for economic development. Mr. Lochrie apologized if he had previously spoken in error. He commented on the project's graphics and noted corrections for Commission. Vice Mayor Trantalis asked several questions regarding aspects of the graphics and their elevations. Mr. Lochrie addressed Vice Mayor Trantalis's questions and concerns. Mr. Lochrie stated the traffic study was modified and updated as the applicant went through the process as a result of the concerns of public and comments made during the process. Commission Rogers and Vice Mayor Trantalis questioned Mr. Lochrie on the numbers in the traffic studies. Mr. Lochrie deferred to Ali Hanes of Kimley Horn, the traffic study consultant.

Mayor Seiler recognized Ali Hanes, Kimley Horn, 600 North Pine Island Drive, a registered transportation engineer in the State of Florida on behalf of the applicant. Ms. Hanes addressed the Commission on the traffic studies done on behalf of the applicant's project. Ms. Hanes explained the values of the studies for Mayor Trantalis as it relates to growth rates based on historical trends. Questions and discussions ensued between the Commission and Ms. Hanes on the traffic studies.

Mayor Seiler requested Mr. Lochrie stipulates for the record that a 30 year Boat Show Lease is a condition of the site plan approval and the applicant's lease with the City. Mr. Lochrie said he stipulates this. Assistant City Attorney D'Wayne Spence stated that this condition should be made as part of Exhibit A of the ordinance prepared by City Staff, and Mr. Lochrie should be amending Exhibit A that is referred to by the ordinance which is a precedent to site plan approval and the upcoming proposed lease between the applicant and the City.

Mayor Seiler stated his additional concern relating to the garage. Mr. Lochrie stated for the record that the applicant could build a garage in 6-8 months and confirmed the garage would include a foundation, walls, and a roof. Vice Mayor Trantalis raised the fact that the project will be done in phases, and the garage is one of the last phases of the project. Moreover, if the two towers are not built, there is no guarantee the garage will be built. Further discussions ensued on this topic.

Mayor Seiler recognized Al Fernandez, President of A&F Group, stating he has been in the construction business for 35 years and just completed the Center for Collaborative Research at Nova Southeastern University and is currently working on a garage at Memorial Regional Hospital West. Mr. Fernandez stated the garage would be a prefabricated garage where the walls, columns, and structures are built off site. Mr. Fernandez confirmed that the garage would be built in a six-month period.

Commissioner Rogers stated his strong feelings regarding the lease and the need for the Commission to now pivot towards the lease focusing on the essentials required in the lease and the need for transparency from the applicant for an enforceable lease to ensure that all parties are on a level playing field. Commissioner Rogers suggested deferring a vote on the site plan until the issues relating to the lease are addressed. Discussions and comments ensued. Commissioner Rogers stated his desire to have a voice in this process noting that approval of the site plan takes a four member/supermajority vote of the Commission, and approval of the lease takes only three votes.

City Attorney Everett stated this voting procedure could not be changed. Commissioner Rogers stated at this point addressing the lease issues is the best way to approach the negotiations with the applicant. Mr. Lochrie stated his client would agree to require a four member/supermajority vote for approval of the lease. Mr. Lochrie stated his concerns regarding Commissioner Rogers' desire for the Commission to pivot to addressing lease issues at this time. Commissioner Rogers stated that he did not want to set up the City for further problems noting the filing of a lawsuit against the City regarding this item. Further comments and discussions ensued among the Commission. Commissioner Rogers stated he needed to get to the lease before being comfortable with everything else. Mr. Lochrie stated a vote needed to take place tonight to move forward with negotiations for the lease with the Boat Show. Commissioner Rogers said the applicant has the consensus of four Commissioners for the site plan the applicant desires. Mr. Lochrie commented not if there is no vote tonight and if the Boat Show is a condition of the lease, this will not work as the applicant will not know what they will be allowed to build. Commissioner Rogers stated he already voted for this item once and wanted to address the lease issues before a final vote.

Mr. Lochrie stipulated for the record that the applicant agrees there must be a lease with the City, a Boat Show lease agreement in place and that the lease with the City will require a four member/supermajority vote to approve the lease with the City. He noted that if there is not a vote tonight, things may change, and the applicant cannot continue to go through the site plan approval process. Commissioner Rogers noted the nature of this deal being very awkward, and the I.D. Ordinance does not speak to this issue. Additionally, the applicant's stance puts the City on unequal negotiation footing. Further discussions ensued.

Vice Mayor Trantalis moved to close the public hearing, and Commission Roberts seconded the motion.

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

Mayor Seiler asked City Attorney Everett about the proper procedure for having a condition of approval be that the applicant must stipulate to the requirement that approval of the lease would require a four member/super majority vote approval by the Commission should the applicant concur. She stated she thought it would require more than just Mr. Lochrie's stipulation and should include the applicant's agreement with the stipulation which should be on the record.

Mayor Seiler asked City Attorney Everett why this would not be enforceable. City Attorney Everett as long as everyone is in agreement and stays in agreement, it will not be an issue. However, City Attorney Everett said if the vote is not a four member/supermajority vote, she presumes the applicant will be walking away. Mayor Seiler stated that was a condition. City Attorney Everett stated that is what is being represented to the Commission. If that is not the case, City Attorney Everett stated she did not know what the outcome will be. Commissioner Roberts stated the Commission is making this recommendation, and the applicant agrees to it, therefore, would not it be binding? City Attorney Everett said she could not predict the future.

Assistant City Attorney D'Wayne Spence stated from the land use perspective, and State law prohibits the City from making conditions that can be viewed as an exaction on the development. Therefore, the City's conditions need to be tied to conditions of approval for the actual development. He further stated there is a need for concern when the City starts to add conditions to a rezoning and a site plan approval that cannot be tied to the actual criteria for approval of those applications. He stated to put the City at ease, a proffer from the applicant is needed. The City Commission cannot exact further conditions that may impede the applicant's rights under the statute.

Commissioner Rogers stated the distinction in this situation is that there is a symbiotic relationship between the approval of the zoning ordinance and the lease, and one cannot go forward without the other which takes it out of the norm. Commissioner Rogers stated he would like City Attorney Everett to give a written legal opinion on this before he can agree to vote for it tonight along with a stipulation that the Commission can also require a four member/supermajority vote for the lease. Additionally, Commissioner Rogers stated that if City Attorney Everett cannot give an unqualified opinion on this issue tonight, then he suggests this hearing be continued and the parties address the issue of the lease and bring both back for approval when a deal is agreed to by both parties.

Vice Mayor Trantalis asked City Attorney Everett if this item could be continued. City Attorney Everett stated, "Yes." Mayor Seiler asked City Attorney Everett to give the Commission a written legal opinion and draft a written stipulation for the applicant's submission to the Commission saying the City agrees that a four-member/supermajority vote is required. Mayor Seiler requested City Attorney Everett's written legal opinion and stipulation include and reference the relevant case law, Florida State Statutes, and the Florida State Constitution. The stipulation should acknowledge the vote on the lease would require a four member/supermajority vote to approve the lease. Mayor Seiler made further comments noting the need for the Boat Show to have some resolution and the driving factor for him regarding the entire proposal was the City's marine industry as a whole.

Commissioner Rogers also said he would like to see a legal opinion in writing. He requested City Attorney Everett do the research and come up with a memo to the Commission and advise the Commission yes or no as to the viability of requiring the applicant to stipulate to the Commission the requirement for a four-member/supermajority vote to approve the lease.

Mayor Seiler asked City Attorney Everett if the Commission continues this item for two weeks, until receipt of the requested legal opinion, does the Commission need to reopen everything or can the Commission move for a continuance just a vote. City Attorney Everett stated, "Correct, assuming there are not changes or new information."

Mayor Seiler confirmed with Commissioner Rogers that for him to be comfortable with this item, it must be continued until the next City Commission Meeting when City Attorney Everett gives a legal opinion in writing to the Commission. Commissioner Rogers confirmed this.

City Attorney Everett clarified with the Commission that they want assurances that the City can reach an agreement requiring a four member/super majority vote on the lease that will be enforceable. City Attorney Everett confirmed a written stipulation would need to come from the applicant making it very clear that the Commission will require a four member/super majority vote.

Vice Mayor Trantalis asked City Attorney Everett that if she comes back to the Commission stating a written stipulation from the applicant *is* enforceable and would be binding, where does it leave the Commission regarding how the Commission will proceed forward, i.e., with a vote on the proposal. City Attorney Everett indicated confirmation by nodding her head.

Vice Mayor Trantalis asked City Attorney Everett that if she comes back to the Commission saying a written stipulation from the applicant **is not** enforceable and would not be binding, where it leaves the Commission regarding how they will proceed forward. Commissioner Rogers stated the Commission would continue to defer the vote on this item and negotiations would move forward on the lease if the applicant agrees.

Mr. Lochrie said the applicant would stipulate that the applicant will not sign the lease unless there was a four votes/supermajority for approval of the ordinance. Vice Mayor Trantalis reiterated that City Attorney Everett had suggested Mr. Lochrie's proposed stipulation may not be enforceable.

Mayor Seiler asked Assistant Attorney D'Wayne Spence if he concurred with the preceding statements. Assistant City Attorney Spence stated, "Yes" for the record.

Commissioner Rogers asked for clarification regarding the continuance of the meeting. Mayor Seiler stated that the continuance of this meeting was for the Second Reading of the applicant's Site Plan approval will be based on the legal opinion to be prepared by City Attorney Everett and submitted to the Commission. Should the legal opinion from City Attorney Everett give the Commissioners a comfort level that the lease will require a four member/supermajority vote, he suspects the Site Plan will be approved by the Commission. Mayor Seiler further stated should the legal opinion not give the Commission a comfort level that the lease will require a four member/super majority vote, he suspects the Site Plan will be in limbo indefinitely. He further stated this will necessitate the need for the parties to pivot and address the lease issue before the Site Plan approval and will require working on both matters simultaneously. Mayor Seiler stated after discussions with Mr. Zimbalist of Show Management, that if the Boat Show has to wait a year to sign another lease, it creates issues for both the Boat Show and the Marine Industry. He said the Boat Show needs a commitment and a reasonable deadline on finalizing the Boat Show's lease with the applicant, some financial relief, and the need to address square footage issues. Mayor Seiler stated for these reasons, this matter cannot go on indefinitely. Mayor Seiler asked for confirmation from the Commissioners that this was their understanding, and the Commissioners confirmed this was their understanding.

Vice Mayor Trantalis motioned to withdraw the previous motion to vote on The Second Reading, and Commissioner Roberts seconded the motion.

Commission Rogers motioned for a continuance of the Second Reading on this item for a final vote on June 21, 2016, and Vice Mayor Trantalis seconded the motion.

MOTION TO CONTINUE TO JUNE 21, 2016 - APPROVED

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

ORDINANCE SECOND READING

OFR-2 16-0602 Ordinance Amending Unified Land Development Regulations (ULDR), Section 47-19.3 Boat slips, docks, boat davits, hoists and similar mooring structures. Establishing construction standards for seawalls and similar structures. - Case T16001

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Trantalis made a motion to close the public hearing, which was seconded by Commissioner Roberts. Roll call showed: AYES: Vice

Mayor Dean J. Trantalis, Commissioner Robert L. McKinzie, Commissioner Romney Rogers, Commissioner Bruce G. Roberts, and Mayor Seiler. NAYS: None.

Commissioner Rogers commented he has continued to receive accolades for Dr. Nancy Gassman about the manner in which she handled this matter. Commissioner Rogers suggested Dr. Gassman write up the script whenever the City offers a new ordinance. Additionally, her public speaking ability is over the top, and he thanked Ms. Gassman for all her hard work. Mayor Seiler seconded Commissioner Rogers's statement saying he has repeatedly heard from people that Ms. Gassman is one of the best in the business, and she has exceeded all of the Commission's expectations doing an outstanding job.

Regarding this item, Assistant City Attorney Spence requested confirmation from Mayor Seiler that the Commission has read and is addressing the replacement ordinance dated June 7, 2016. Mayor Seiler and the Commission confirmed they were addressing the ordinance dated June 7, 2016.

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

ADOPTED

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

Request for Closed Door Session

Pursuant to Florida Statute, Section 286.011(8)(a), City Attorney Everett stated she will be seeking advice during the Executive Closed Door Session on June 21, 2016 at a time to be determined on the matters of:

Alex Pierre v. City of Fort Lauderdale, James Wells and Christopher Sousa

Federal Case No. 16-61053-Civ-Williams

State Court Case No. CACE 16-009110 (04)

Lynn H. Gilman v. Wellington Association, Inc., A Condominium, Wellington Association, Benchmark Property Management and City of Fort Lauderdale

CASE NO.: CACE 14-020943 (08)

Stephanie Thompson v. The City of Fort Lauderdale

CASE NO.: CACE 14-000895 (21)

ADJOURNMENT

There being no further business before the City Commission at this Regular Meeting, Mayor Seiler adjourned the meeting at 12:59 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jeffrey A. Modarelli
City Clerk