

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, December 5, 2017

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

***JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
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***

Invocation

Reverend Charles Snead - Chaplain for the City of Fort Lauderdale

Pledge of Allegiance

Sergeant at Arms Jaime Costas

ROLL CALL

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

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett, City Auditor John Herbst, and Sergeant at Arms Jaime Costas

No e-comments were submitted for this meeting.

CALL TO ORDER

Mayor Seiler called the meeting to order at 6:06 p.m.

ANNOUNCEMENTS

Mayor Seiler announced the following updates to the Agenda:

Walk-On - Motion to Approve Contract for East Las Olas 12-Inch Force Main Replacement Project - Murphy Pipeline Contractors, Inc.

A revision to PUR- 3 - Revised Exhibit 4 - Map

[17-1467](#)

WALK-ON - Motion to Approve Contract for East Las Olas 12-Inch Force Main Replacement Project

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

APPROVED

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

Not Present: 1 - Commissioner McKinzie

Approval of MINUTES and Agenda[17-1489](#)

Minutes for November 7, 2017 Commission Conference Meeting and November 7, 2017 Commission Regular Meeting

Commissioner Trantalis made a motion to approve the noted minutes and was seconded by Vice Mayor Roberts.

APPROVED

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

Not Present: 1 - Commissioner McKinzie

PRESENTATIONS

PRES- [17-1494](#)
1

Presentation - Business, Engagement, Assistance, and Mentorships (BEAMs) Graduation

Vice Mayor Roberts requested Michael Chen, Community Investment Division Manager, join him at the podium. He also requested that Business Engagement, Assistance and Mentorships Program (BEAMs) graduates and the BEAMs Program partners come to the front of the dais for the presentation. Vice Mayor Roberts read the mission, goals and history of the BEAMs Academy Program.

Mr. Chen expounded on the efforts, goals and details of the BEAMs Program, recognizing representatives of the BEAM's collaborative partners. Vice Mayor Roberts read the names of graduates of the BEAMs Program, thanking and congratulating each graduate.

Mr. Chen thanked Staff involved with aspects of the BEAMs Program. He also thanked the Commission, Mayor Seiler and the Senior Staff Administrators in the Department of Sustainable Development for making the BEAMs Program possible.

PRESENTED

PRES- [17-1495](#)
2

Community Appearance Board WOW Award for District IV

Commissioner Rogers presented District IV WOW Award to Chris and Evelyn Griffiths, 3471 S.W. 20 Street, giving a brief history of the Griffiths' purchase. He expounded on their landscaping efforts, as illustrated in the slide presentation's before and after pictures. The Griffiths' home is a Certified Wildlife Habitat.

A copy of the District IV WOW Award presentation is attached to these minutes.

PRESENTED

Commissioner McKinzie arrived at 6:28 p.m.

**PRES- [17-1496](#)
3****Recognition of Participants in the City of Fort Lauderdale's Second Neighbor Leadership Academy**

Luisa Agathon, Senior Management Fellow, Division of Neighbor Support, recognized participants of the City of Fort Lauderdale's Second Neighbor Leadership Academy (Academy). She announced the assistance of Marsha Noel, Senior Management Fellow, Division of Neighbor Support, who joined her at the podium. Ms. Agathon recognized Academy participants, requesting the participating community leaders from all four districts come to the front of the dais. She reviewed details relating to the Academy's goals, objectives, and leadership skills. Participants from the Second Neighbor Leadership Academy will take on a community landscaping project in early 2018. Each participant will receive a pin and certificate acknowledging their contribution. Ms. Agathon also acknowledged the presence of participants from the First Neighbor Leadership Academy.

Academy participant Amy Ellowitz thanked the Commission, Mayor Seiler and Staff for the opportunity to participate and learn many things including how the City functions. She encouraged anyone who has an opportunity to participate, commenting on all she learned making her feel a part of the City.

PRESENTED**CONSENT AGENDA PUBLIC COMMENT**

Mayor Seiler announced the following items had been pulled from the Consent Agenda:

Item CR-6 - Commissioner Trantalis

CONSENT AGENDA**CONSENT MOTION****Approval of the Consent Agenda**

Commissioner Trantalis made a motion to approve the Consent Agenda

and was seconded by Commissioner McKinzie.

Approve the Consent Agenda

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

CM-1 [17-1383](#)

Motion to Approve Event Agreements: Potential Church Christmas Baptism, Florida Flow Fest, Chanukah Fair on Las Olas, Farmers Market at Whole Foods, and Dive Bar Christmas Party

APPROVED

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

CM-2 [17-1384](#)

Motion to Approve Event Agreements and Related Road Closings: Winterfest at HTRM, Holiday in Sistrunk and MASS District Events

APPROVED

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

CM-3 [17-1483](#)

Motion Approving a Grant Agreement with the Performing Arts Center Authority for the Parker Theatre Capital Replacement and Renewal Project and Approve the Parker Playhouse Conceptual Plan

APPROVED

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

CM-4 [17-1419](#)

Motion Authorizing Purchase of Reinsurance for Self-Funded Medical Plan - Cigna Health and Life Insurance Company - \$1,019,972.00

APPROVED

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

CM-5 [17-1375](#)

Motion to Accept a Grant of up to \$400,000 from the Florida Inland Navigation District (FIND) for George English Park Boat Ramp Renovation P-II Replacement (BR-FL-17-124)

APPROVED

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

CM-6 [17-1376](#)

Motion to Accept a Grant of up to \$40,000 from the Florida Inland Navigation District (FIND) for Sweeting Park Dock Replacement

(BR-FL-17-125)

APPROVED

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

CM-7 [17-1377](#)

Motion to Accept a Grant of up to \$60,000 from the Florida Inland Navigation District (FIND) for Shoreline Stabilization Design and Permitting at the Bill Keith Preserve (BR-FL-17-126)

APPROVED

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

CM-8 [17-1379](#)

Motion to Accept a Grant of up to \$65,000 from the Florida Inland Navigation District (FIND) for Riverwalk Floating Docks Phase I Design and Permitting (BR-FL-17-127)

APPROVED

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

CM-9 [17-1392](#)

Motion Authorizing a Revocable License Agreement among the County, City of Fort Lauderdale and GUGV 790 Broward Property Owning LLC, and an Agreement Ancillary to Revocable License Agreement for Improvements in the County Right of Way

APPROVED

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

CM-10 [17-1450](#)

Motion Authorizing the Execution of an Agreement with the Greater Fort Lauderdale Chamber of Commerce Inc. and the City of Fort Lauderdale for the BusinessFirst Program

APPROVED

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

CONSENT RESOLUTION

CR-1 [17-0619](#)

A Resolution of the City Commission of the City of Fort Lauderdale, Florida, Appointing Mimi V. Turin, Esquire, as Special Counsel to the City of Fort Lauderdale Civil Service Board, Prescribing an Hourly Rate of Pay for Such Legal Services, Rescinding Resolution No. 78-331, and Providing for an Effective Date

ADOPTED

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

CR-2 [17-1329](#)

Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2018 - Appropriation

ADOPTED

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

CR-3 [17-1437](#)

Resolution Approving a Dock Use Agreement with Atlantic Beach Clubs-Two, Inc., from November 1, 2017 to October 31, 2018 and Authorize the City Manager to execute on behalf of the City

ADOPTED

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

CR-4 [17-1299](#)

Resolution Authorizing the Acceptance of Additional Grant Funds and Execution of a Supplemental Joint Participation Agreement with Florida Department of Transportation for the Downtown Link Route

ADOPTED

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

CR-5 [17-1332](#)

Resolution Authorizing a Consent to Assignment of Lease Agreement - Rising Tide Development Corporation, LLC to TMT Properties, Inc. for Parcel 8F-1 and Lot 3 Leases at Fort Lauderdale Executive Airport

ADOPTED

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

CR-6 [17-1445](#)

Resolution Rescinding Resolution 17-244 Authorizing the Submittal of Applications to the Broward Metropolitan Planning Organization Complete Streets and Local Initiatives Program Grant with Prioritization

Commissioner Trantalis asked Diana Alarcon, Director of Transportation and Mobility, to explain this item. Ms. Alarcon discussed pertinent issues relating to this item, stating the prior resolution did not prioritize this project as required by the Metropolitan Planning Organization's (MPO) grant application. This resolution rescinds the former resolution, adopts

the replacement resolution and prioritizes the project. In response to Commissioner Trantalis's question, Ms. Alarcon confirmed there will be an opportunity to amend the project after the adoption of this resolution. She expounded on the process should the grant application be approved.

Mayor Seiler recognized Janet Scraper, 401 SW 4th Avenue and President of the Tarpon River Civic Association. Ms. Scraper asked about the future timeline. Ms. Alarcon confirmed grant applications had been submitted to the MPO, explaining the next steps in the process. Public safety concerns and the need to prioritize issues in the Lake Ridge area were noted. Ms. Alarcon commented on receiving two grant applications, one for Lake Ridge and one for the Tarpon River area. Ms. Scraper noted that funding is five years out. Ms. Alarcon concurred.

In response to Vice Mayor Roberts, Ms. Alarcon further expounded on details about the MPO grant application process.

Vice Mayor Roberts introduced this item which was read by title only.

ADOPTED

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

PURCHASING AGENDA

PUR-1 [17-1042](#) Motion to Approve Purchase of Data Center Uninterruptible Power Supply Battery Replacement - U.S. Power Group LLC - \$151,813

APPROVED

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

PUR-2 [17-1317](#) Motion to Approve Contract for Oxygen Plant Scheduled Maintenance at the George T. Lohmeyer Wastewater Treatment Plant - Solutionwerks, Inc. - \$449,000

APPROVED

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

PUR-3 [17-1338](#) Motion to Approve Contract for Micro Surfacing Project - Asphalt Paving Systems, Inc. - \$1,000,000 (estimated two-year total)

APPROVED

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

PUR-4 [17-1364](#)

Motion to Approve the Acceptance of a Donation in the Total Amount of \$63,562.06 from the G. Harold and Margery Martin Fund of the Community Foundation of Broward and Approve a Contract for the Purchase and Installation of Fitness Equipment Station - Greenfields Outdoor Fitness, Inc. - \$63,562.06

APPROVED

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

PUR-5 [17-1365](#)

Motion to Approve Revenue Contract for Auctioneer Services with Royal Auction Group, Inc.

APPROVED

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

PUR-6 [17-1366](#)

Motion to Approve Additional Vendors and Redistribution of Funds between Awarded Vendors for Fertilizer

APPROVED

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

PUR-7 [17-1396](#)

Motion to Approve Purchase of Citywide Computer Hardware Additions and Replacements - Dell Marketing L.P. - \$947,905

APPROVED

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

PUR-8 [17-1405](#)

Motion to Approve Contract for Purchase of Janitorial Supplies - Interline Brands, Inc. - \$1,188,012 (estimated three-year total)

APPROVED

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

PUR-9 [17-1422](#)

Motion to Approve Contract for Asphalt Resurfacing at Bayview Drive - M & M Asphalt Maintenance Inc. - \$980,455

APPROVED

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

PUR-1 [17-1469](#)**0**

Motion to Approve the Ranking of Firms, Negotiated Fee Schedule and Award Contract for a Program Manager for the Florida Department of Environmental Protection's Consent Order Agreement with the City - Hazen and Sawyer, P.C.

APPROVED

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

MOTIONS**M-1** [17-1439](#)

Motion to Approve an Event Agreement with Loyca Property Owner, LLC for Icon Las Olas Boat Parade Gathering

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

APPROVED

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

NEIGHBOR PRESENTATIONS**NP-1** [17-1471](#)

John M. Carr - Water Trolley hours of operation

Mr. Carr, Fort Lauderdale Ghost Tour, reviewed statistics for the City and Vision Zero. Mr. Carr commented on the benefits of visitors using the Water Trolley service, commenting on restrictions and encouraging expansion of service.

In response to Commissioner Trantalis, City Manager Feldman clarified that the City is not restricting water trolley service. The City contributes to the Transportation Management Association (TMA) for management of the Water Trolley service. Diana Alarcon, Director of Transportation and Mobility, confirmed that water trolley hours of operation are being shifted to allow all day service, stating there is no funding to run the water trolley an additional two hours until 11:00 p.m

RECEIVED**NP-2** [17-1472](#)

Dennis Ulmer - Honoring Alexander R. "Sandy" Nininger - Medal of Honor Recipient

Mayor Seiler recognized Dennis Ulmer. Mr. Ulmer clarified the history and background of the Sandy Nininger Statue located on Riverwalk, on the north side of the New River. It is an important landmark celebrated during military service holidays. Mr. Ulmer clarified Mr. Nininger's

background and service history. He stated Lieutenant Alexander R. "Sandy" Nininger was the first World War II Medal of Honor Recipient and he grew up in Fort Lauderdale. Mr. Ulmer read from the Medal of Honor Citation. Lieutenant Nininger's Medal of Honor was awarded posthumously after his death in Abucay Bataan, Philippines on January 12, 1942 while heroically serving his country.

In response to Mr. Ulmer's request, Mayor Seiler requested all military service members and law enforcement in attendance stand and be recognized.

RECEIVED

NP-3 [17-1473](#) Brian L. McSweeney - Galt Link Sun Trolley service issues

NOT PRESENT

NP-4 [17-1475](#) Charles King - Regime Change

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road. Mr. King commented on his view of current management and Commission policies. Specific issues Mr. King discussed included the contract with Florida Power and Light, infrastructure issues, law enforcement, and other items. Mr. King encouraged the community to vote in the upcoming election.

RECEIVED

RESOLUTIONS

R-1 [17-1464](#) Appointment of Board and Committee Members

City Clerk Jeffrey Modarelli read the Resolution's Board and Committee appointments into the record.

A copy of the Board and Committee appointments is attached to these minutes.

Commissioner Trantalis introduced this Resolution which was read by title only.

ADOPTED

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

R-2 [17-1294](#)

Quasi-Judicial Resolution to Approve a Utility Easement Vacation - Circle K Convenience Store Located at 901 W. Sunrise Boulevard - Crown Liquors Broward Inc., Marvin F Poer & Co. - Case E17003

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.

Each City Commission member disclosed their verbal and written communications, site visits and expert opinions received.

Mayor Seiler opened the public hearing.

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 Roberts. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced this Resolution which was read by title only.

ADOPTED

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

R-3 [17-1337](#)

Quasi-Judicial Resolution to Approve a Utility Easement Vacation - Gproulx Building Products Located at 3125 South Andrews Avenue - Florida East Coast Railway, LLC. - Case E17004

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.

Each City Commission member disclosed their verbal and written communications, site visits and expert opinions received.

Mayor Seiler opened the public hearing.

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 Roberts. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced this Resolution which was read by

title only.

ADOPTED

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

R-4 [17-1330](#)

Quasi-Judicial - Resolution Approving a Site Plan Level IV Development Permit - Bahia Mar - Rahn Bahia Mar, LLC. - 801 Seabreeze Blvd. - Case R17040

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.

Each City Commission member disclosed their verbal and written communications, site visits and expert opinions received.

Mayor Seiler stated there are letters regarding this subject submitted for the record. He also announced the procedure for speakers submitting exhibits and additional material for the record.

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Robert Lochrie, Esq., on behalf of the applicant. In response to Mr. Lochrie's question, Mayor Seiler confirmed there are two items on the Agenda addressing Bahia Mar, the Site Plan and the 1995 lease (Lease). Each Agenda item will be addressed separately. Mr. Lochrie introduced his co-counsel, John Shubin, Esq., and others presenting on behalf of the applicant, including Scott Lamont, Greg Brewton, and Koby Karpe.

Mr. Lochrie gave a brief historical review and overview of the Site Plan and past applications, expounding on differences contained in the current application. The current application does not require rezoning, conditional use or a variance. There are no requests regarding density or modifications. He discussed plans for the upland portion of the property. The marina portion of the property will remain a marina.

Mr. Lochrie confirmed the application meets all Land Development Code requirements and was approved by the Development Review Committee (DRC). The Planning and Zoning Board determined the application met the requirements of the Comprehensive Plan and the B-3 Level Development application. Mr. Lochrie reviewed the parameters of the Site Plan in a slide presentation.

A copy of Mr. Lochrie's slide presentation is attached to these

minutes.

Mr. Lochrie reviewed zoning for the South Beach Marina and Hotel Area (SBMHA), its location and unique aspects. He also reviewed the permitted uses for this area, confirming permitted uses are consistent with zoning requirements. The hotel, residential, commercial retail, and dock master facilities are components of the marina and the parking facility.

Mr. Lochrie continued his presentation focusing on the residential and density portion of the Site Plan. He reviewed the allowable zoning density under Code. It equates to just over 16 units per acre for the entire site, including the water and upland areas. Should the water area not be used in the calculation, the density would be 40 residential units per acre. Further comments ensued on the residential buildings and other Building Code calculations as illustrated in the slide presentation.

Mr. Lochrie discussed zoning requirements and parking. He confirmed the Site Plan will provide 2,442 parking spaces which exceeds the 2,234 requirement. There is no parking reduction being requested.

Mr. Lochrie discussed the landscaping, confirming and expounding on the Site Plan's amount of open space and green space over the garage. He discussed year round public access from 6:00 a.m. to 9:00 p.m. and the Site Plan's proposed Public Access Management Plan Agreement (Agreement).

Mayor Seiler recognized Koby Karpe, Site Plan Architect on behalf of the applicant. Mr. Karpe discussed the design of the buildings in the slide presentation. He focused on specific areas of the Site Plan, including a small park and other open space areas for public access and vehicular traffic.

Mr. Karpe reviewed his work with Staff, confirming the Site Plan's public amenities and green space and their relationship to the marina, yachting and water experiences as illustrated in the slide presentation.

Mr. Karpe discussed other proposed uses of the Site Plan, including a grocery store and marine services. He reviewed the design of the buildings, and pedestrian and vehicular circulation, commenting on the increased ground level height to address sea level rise. Mr. Karpe continued the presentation focusing on the Site Plan's relationship with The Boat Show and public access to the neighborhood.

Mr. Karpe reviewed aspects of the hotel and bridge design that connects

the Site Plan to the beach. He also reviewed the design's multi-level areas, including retail lobby areas, restaurants, other food and beverage amenities and nearby greenspace.

Mayor Seiler recognized Scott Lamont, 1512 East Broward Boulevard, on behalf of the applicant. Mr. Lamont commented on his history with the Site Plan and community and stakeholder involvement. He reviewed aspects of how the Site Plan will function, including a perimeter road with two-way traffic adjacent to the marina allowing year-round marina access. Mr. Lamont also reviewed each quadrant and Site Plan phase as illustrated in the slide presentation.

Mr. Lamont stated the Site Plan provides a dynamic platform for The Boat Show, expounding on the improved design and experience. He commented on transportation aspects of the Site Plan and public access including trolley, water taxi stops and bike racks. Improvements to transportation were discussed, providing wider turn widths and increased traffic flow at intersections along with the possible inclusion of bike boulevards.

Mayor Seiler recognized Greg Brewton, former Director of Sustainable Development and consultant on behalf of the applicant. Mr. Brewton confirmed the Site Plan meets all Code requirements, commenting on the thoroughness of the DRC process. Mr. Brewton reviewed the history of the area's zoning and subsequent changes, reconfirming the Site Plan meet all required criteria.

Mayor Seiler confirmed a Fire and Emergency Response Study had been done. A copy of the Fire Chief's letter was presented to Staff, indicating that the Site Plan meets required response times.

A copy of this letter was made part of the record and is attached to these minutes.

Mr. Lochrie stated in addition to the impact fees and the additional revenues from the lease, the Site Plan will provide funding for infrastructure and seawall improvements. He discussed letters of support from the community and representatives of The Boat Show that were submitted for the record. It included the Public Access Management Plan (Plan). Mayor Seiler reviewed documents submitted for the record that were handed to City Clerk Jeffrey Modarelli.

A copy of each of these documents is attached to these minutes.

Mayor Seiler recognized Jim Brady, Esq., on behalf of Larry Barnett, a

nearby condo resident. Mr. Brady requested to be the last speaker on this item.

Mayor Seiler discussed correspondence from Mary Fertig, requesting six individuals speak in order. He also confirmed submission of the certified copies of documents submitted for the record by Ms. Fertig.

A copy of these documents is attached to these minutes.

Mayor Seiler recognized Jeff Katims, 3350 NW 53rd Street. Mr. Katims confirmed that he is presenting testimony on the proposed Site Plan to create a record. He stated his qualifications, accreditations and experience in planning, zoning and land use matters. Mr. Katims provided a copy of his C.V. and his full report (Report).

A copy of each of these documents is attached to these minutes.

Mr. Katims summarized his Report, presenting it to the Commission. He discussed three issues regarding the Site Plan application cited in his Report. The first was the application of the Beach Shadow Restriction (ULDR 47.23.6 A) (Restriction). Mr. Katims expounded on his opinion regarding this issue, stating the Site Plan is in violation of the Restriction.

Mr. Katims confirmed the second issue is that the application is not consistent with the intent of the SBMHA Zoning District as listed in Section 47-12.2 a 6. He discussed the zoning's intent to promote destination resort uses and to preserve the resort character of the area. He stated, the predominance of residential units is not in compliance and is not consistent with the stated purpose of the SBMHA, and any development program must maintain a balance of use and development that favors high-quality destination resort usage.

Mr. Katims' third concern related to the Site Plan's height. He stated ULDR SECTION 4712.5 F 2 establishes the maximum allowable height in the SBMHA Zoning District. It states that no structure shall be constructed, remodeled or redeveloped so that any part of the structure exceeds 120 feet. The mechanical equipment and rooftop design base elements on more than half the buildings exceed 120 feet. Mr. Katims commented on Staff's interpretation of ULDR 47-2.2 taking precedence over the height limitation language. He noted that the parapet walls, elevator towers and the like are not included in the overall measurement of a building.

Mr. Katims expounded on his professional opinion regarding these three issues. In response to Mayor Seiler's question, Mr. Katims confirmed he

is a consultant retained and compensated by Jim Brady.

Mayor Seiler recognized Ann Hilmer, 621 Idlewyld Drive. Ms. Hilmer addressed the Commission in opposition to this item. Ms. Hilmer discussed the history of this site from inception, referencing previous Commission Meeting Minutes and Ordinances. She commented on the use and intent of this SBMHA site. It was established for the purpose of promoting high-quality destination resort uses, reflecting the character and quality of the Fort Lauderdale Beach, the Intracoastal Waterway and nearby marinas.

A copy of the documents Ms. Hilmer entered into the record is attached to these minutes.

Mayor Seiler recognized Maxine Streeter, 705 SW 13th Street. Ms. Streeter questioned the uses of the apartments planned for the Site Plan, commenting that the Site Plan did not go before the Marine Advisory Board. Ms. Streeter pointed out there were no discussions concerning the Site Plan's grocery store, its traffic impact and the need to define and ensure public access to the Project, commenting on traffic and the Reiss Report about infrastructure.

Mayor Seiler recognized Tricia Halliday, 55 Nurmi Drive, discussed issues concerning underfunding of the water system and the 2007 Water Master Plan recommendations about investment in the Five Ash Water Treatment Plant (Five Ash). She questioned whether infrastructure between the Site Plan and Five Ash can support the Site Plan's increased density, commenting on the impact on existing traffic issues.

Mayor Seiler recognized Kathleen Ginestra, 1201 River Reach Drive. Ms. Ginestra discussed reimbursing the City for The Boat Show's use of the South Beach Parking Lot. She commented on the Site Plan's density impact on public safety for residents living on the Intracoastal and the barrier island regarding evacuations, emergency response times, infrastructure and traffic.

Mayor Seiler recognized Mary Fertig, 511 Poinciana Drive, on behalf of the Idlewyld Neighborhood. Ms. Fertig discussed a recent differing legal opinion from the City Attorney's Office and the legal opinion of former Assistant City Attorney Robert Dunckel. Ms. Fertig commented on alterations to the Lease which had not received public input. Ms. Fertig also discussed the legal opinion from a member of the Planning and Zoning Board.

A copy of each of these documents is attached to these minutes.

Mayor Seiler recognized Joanne Robinson, President of the Harbour Inlet Association (Association). Ms. Robinson confirmed the Association is unanimously opposed to the revised Site Plan. She defined the reasons as public use of private land, the impact of the density on traffic and infrastructure, and its inconsistency with the intended use of the SBHHA.

Mayor Seiler recognized Edwina Eichner, 1308 SE 11th Street. Ms. Eichner discussed issues relating to transportation, citing recent experiences with public transportation and accommodation of the disabled.

Mayor Seiler recognized Bob Meagher, 808 SW 16th Court. Mr. Meagher discussed his concerns about the Site Plan impacting current issues relating to traffic. He also expressed his concern about the Site Plan impacting accessibility to the marina for boat servicing.

Mayor Seiler recognized Michael Sperling, 801 Sea Breeze Boulevard, who announced he was deferring his time to Richard Finkelstein.

Mayor Seiler recognized Miranda Lopez, 3031 NE 21st Street. Ms. Lopez commented that the Site Plan is a disservice to the community, asking the Commission to reconsider. She cited the need for more public space for the benefit of residents and issues regarding beach shadowing.

Mayor Seiler recognized Richard Finkelstein, 2520 Laguna Terrace, who spoke in support of this item. Mr. Finkelstein commented on the number of improvements to the Las Olas area, commenting on the evolution of the City. He noted that the Site Plan will provide job and additional revenue for services.

Mayor Seiler recognized Abbey Hand, 1201 River Reach. Ms. Hand spoke in opposition to this item. She discussed issues including private use of public land, historical aspects of the site and ongoing infrastructure concerns. She requested the Commission slow down and carefully examine the project.

Mayor Seiler recognized Phil Purcell, President and CEO of Marine Industries Association of South Florida (MIASF). Mr. Purcell spoke in support of this item. He confirmed the developer worked to accommodate the needs of The Boat Show. The Site Plan does not alter the marina; it enhances the marina. Mr. Purcell confirmed the 30-year contract in place for The Boat Show, stating the Site Plan takes The Boat Show to the next level.

In response to Commissioner Rogers' question, Mr. Purcell confirmed MIAASF's present ownership as well as the former and current promoters of The Boat Show.

Mayor Seiler recognized Shirley Smith, One Las Olas Circle, who spoke in opposition to this item. Ms. Smith commented on the current amount of lease revenue. She discussed concerns about the high-volume of traffic in the area and infrastructure issues, recommending addressing the Lease before approving the Site Plan.

Mayor Seiler recognized Dan Lindblade, 512 NE 3rd Avenue and President of the Greater Fort Lauderdale Chamber of Commerce. Mr. Lindblade commented on discussions with the Commission involving visioning, planning and making the City *"the place you never wanted to leave"*. He cited the numerous reasons for approving the Site Plan.

Mayor Seiler recognized Joel Slotnick, 703 SW 4th Street, who spoke in opposition to this item, acknowledging the need to improve Bahia Mar. He recommended the citizens make this decision and place it on the ballot for a vote.

Mayor Seiler recognized Karen Turner, President of the Central Beach Alliance (CBA). Ms. Turner commented on the presentation of the Site Plan to the CBA. She confirmed there was no official CBA position on this item because a vote on this matter was not taken.

Mayor Seiler recognized Barbara Mallatt-Overman, 2500 E. Las Olas Boulevard and designated representative of the Marine Tower Condominium. She voiced her concern that the residential units would contribute to infrastructure, traffic, emergency response time, evacuation, and environmental issues. She recommended the number of residential units not exceed the number of boat slip in the marina, requesting the Commission defer a decision and allow this matter to be considered by the incoming Commission.

A copy of the items Ms. Mallatt-Overman submitted for the record is attached to these minutes.

Mayor Seiler recognized Abby Laughlin, 425 Bay Shore Drive, who spoke in support of this item. Ms. Laughlin discussed the need to have a first-class destination on the beach. She encouraged the approval of this item, stating it will improve the barrier island.

Mayor Seiler recognized Albert Miniaci, 375 Idlewyld Drive. Mr. Miniaci

commented on the Site Plan's apartment buildings and the impression it would give to first-time visitors to the beach area. He urged the Commission not support the Site Plan as designed, warning of future flooding of the underground garage and the financial responsibility of the City should the Site Plan not succeed.

Mayor Seiler recognized Captain Brucie Cummings, 830 SW 9th Street. Captain Cummings spoke in opposition to this item, discussing her 36 years in the marine industry and commenting on her concern about servicing vessels and the limited parking surrounding the Site Plan. She requested the Commission consider the needs of those who depend on the marine industry for their livelihood by ensuring the Site Plan's ability to maintain existing marine jobs.

A copy of the documents submitted for the record by Captain Cummings is attached to these minutes.

Mayor Seiler recognized Sherman Whitmore, 401 East Las Olas Boulevard. Mr. Whitmore recommended the Commission continue this matter until after the upcoming election. He also inquired about the neighborhood compatibility component to the approval process.

Mayor Seiler recognized Bernie Steffle, 3000 Holiday Drive. Mr. Steffle spoke in opposition to this item, stating there is too much development on this small area of land. There should be more open land for visitors.

Mayor Seiler recognized Nancy Thomas, 1924 SE 24th Avenue, who spoke in opposition to this item. Ms. Thomas discussed the Lease's consistent characterization of the use of the Bahia Mar as a hotel and marina. Ms. Thomas pointed out the Site Plan's 1,163,000 square feet allocated to residential use as compared to the 265,000 square feet allocated for a hotel.

Mayor Seiler recognized Michael Antinelli, Vice President of Brizaga, Inc. Mr. Antinelli reviewed his company's expertise on sea level rise projections and its impact, expounding on aspects involved in this study and analysis of the Site Plan. After working with the architects and designers, he confirmed the study done on the Site Plan takes into consideration the Site Plan's adaptation and longevity, including sea level rise. He stated the property will remain a viable part of the community for future decades.

Mayor Seiler recognized Thomas Isele, 625 Orton Avenue, who spoke in opposition to this item. Mr. Orton commented on the topography of the barrier island, his residence being lower than sea level and the parking

garage impact on surrounding properties. Mr. Isele urged that the Commission not approve this item.

Mayor Seiler recognized Peter Wieschenberg, One Las Olas Circle. Mr. Wieschenberg spoke in opposition to this item and issues raised by earlier speakers. He voiced his concern about a vote on this issue taking place at the end Commission member terms, recommending the incoming Commission make a decision on this matter.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue. Mr. Rosenthal commented on the Site Plan's Mediterranean design. He discussed his support of this item and his family's business history with the area.

Mayor Seiler recognized Paul Daly, 401 Idlewyld Drive. Mr. Daly spoke in opposition to this item, citing his concerns regarding the Lease and its return on its appraised value. Mr. Daly also discussed issues related to infrastructure needs and funding.

Mayor Seiler recognized Megan Lagasse, 835 SW 18th Street. Ms. Lagasse spoke in support of this item, commenting on her support of the marine industry and the need to address the beach area. She also acknowledged traffic and infrastructure issues.

Mayor Seiler recognized Dr. Warren Sturman, 801 Ponce DeLeon. In response to Mayor Seiler, he confirmed he was asked by Ms. Fertig to speak on this item. Dr. Sturman discussed emergency response times.

Mayor Seiler recognized Trudy Jermanovich, 1220 SW 13th Circle. Ms. Jermanovich commented on the design of the Site Plan, stating it does not address the physical beauty of the area, i.e., natural habitats. It has too much cement and does not provide adequate trees.

Mayor Seiler recognized Mary Wood, 1619 Sea Breeze Boulevard. Ms. Wood said this Site Plan turns the beach into a residential community, discussing her position about the use of public land for a public purpose and commenting on the large amount of residential units compared to boat slips. She also discussed issues relating to the former Blackstone plan, deed restrictions, infrastructure and other aspects of the Lease.

Mayor Seiler recognized Al Fernandez, 1749 SE 10th Street. He spoke in support of this item, citing Staff's work with the developer's team. Mr. Fernandez recommended the Commission approve the Site Plan.

Mayor Seiler recognized Joe Piechura, 5780 NE 19th Terrace. Mr.

Piechura recommended the Commission vote against this item due to the lack of adequate public transportation, infrastructure, traffic concerns, density issues and flooding concerns. He recommended having a feasibility study done on the project.

Mayor Seiler recognized Ina Lee, 2000 S. Ocean and member of the Beach Redevelopment Advisory Board. Ms. Lee commented on the importance of The Boat Show, stating the Site Plan creates an Urban Village on the barrier island. She commented on its economic impact, numerous amenities and contribution as a destination resort.

Mayor Seiler recognized Geary Cotton, 615 Idlewyld Drive. Mr. Cotton's comments focused on the Lease and the importance of the management of the property being in the best interests of the community, i.e., adequate funds for capital reserves, repairs and maintenance. He stated that he has not received requested information about annual audited reports of the lessee's net income and capital reserves, noting the need for surety bonds for all improvements.

Mayor Seiler recognized Andrew Doole, 2709 NE 21st Street and designated representative of Show Management, who spoke in support of this item. He said Show Management is not contractually obligated to support the Site Plan, confirming for the record that Show Management is in support of the project.

Mayor Seiler recognized Brett Wood, 1619 Sea Breeze Boulevard. He spoke in opposition to this item, questioning the large amount of apartments contributes to a destination resort, noting people go to the barrier island to enjoy the beach. He said there is not enough greenspace in the Site Plan and the site is not large enough for a residential development.

Mayor Seiler recognized, Patxi Pastor, 1600 E. Sunrise and designated representative of Celebration of the Sea Foundation, who spoke in support of this item. Mr. Pastor cited his civic work and experience with the City, commenting that all stakeholders involved will need to work together to address issues including sea level rise, seawalls, infrastructure and the economic well-being of the City.

Mayor Seiler recognized Elizabeth O'Connor, 730 Isle of Palms. Ms. O'Conner requested the Commission table this for a full citizen review, commenting on the legal opinion of former Assistant City Attorney Robert Dunckel. She said public property should not be used for the private benefit and commented on the lack of financial return to the citizens.

Mayor Seiler recognized Shawn Williams, 904 W. Broward Boulevard. Mr. Williams commented on his Urban Planner blog, discussing the walkability aspects of the beach. He discussed his support of the Site Plan, including the architectural detail, walkability and connectivity.

Mayor Seiler recognized Vicki Mowry, One Las Olas Boulevard. Ms. Mowry spoke in opposition to this item due to its residential component. She commented that revenue needs to come from those visiting the beach, including those on yachts and vessels.

Mayor Seiler recognized Barry Somerstein, 2555 Lucille Drive, who spoke in support of this item. In response to Mr. Somerstein's question, Mayor Seiler confirmed this item addresses the Site Plan and M-2 addresses issues relating to the associated Lease. Mr. Somerstein confirmed he is a principal with the developer, commenting that the Site Plan should be approved because it complies with all Codes, requirements and provides for sustainability.

Mayor Seiler recognized Stan Eichelbaum, 411 N. New River Drive. Mr. Eichelbaum noted his experience and qualifications, stating this land is prime property. Due to it being public land, the Commission has a fiduciary duty to protect the financial concerns of the citizenry, citing the rate of current return, the need for an updated appraisal and further vetting.

Mayor Seiler recognized Nelson Fernandez, 2415 Del Mar Place and on behalf of Bob Swindell of the Greater Fort Lauderdale Alliance. Mr. Fernandez commented on his support of aspects of the Site Plan, including tax benefits to the City and contribution to the local economy. Mr. Fernandez read from Mr. Swindell's letter of support.

A copy of this letter is attached to these minutes.

Mayor Seiler recognized Doug Coolman, 1911 Bayview Drive. Mr. Coolman discussed Site Plan, The Boat Show, permitting and the process. The Site Plan provides greenspace and accessibility which currently does not exist, commenting on the need for something to be done at this location and Lease negotiations.

Mayor Seiler recognized Steve Ginestra, 1201 River Reach Drive. Mr. Ginestra spoke in opposition to this item, commenting on his experience as a real estate attorney. He concurred with former Assistant City Attorney Robert Dunckel's opinion on this matter.

Mayor Seiler noted for the record, the email received today at 3:45 p.m.

from Joe Maus.

A copy of this is attached to these minutes.

Mayor Seiler recognized Marilyn Mammano, 1819 SE 17th Street. Ms. Mammano commented on a recent newspaper article, public ownership aspects of the property, differing viewpoints, neighborhood compatibility concerns and the recent receipt of the Public Access Management Plan (Plan). She recommended a full review of the Plan and its details.

Mayor Seiler recognized Bill Cole, 1942 SE 24th Avenue. Mr. Cole spoke in opposition to this item, citing the impact of increased density on existing traffic, the infrastructure system and the need to protect the beach area. He said mass transit is decreasing and traffic is increasing, commenting on the need to separate bike lanes from vehicular traffic.

Mayor Seiler recognized John Roth, 333 Sunset Drive. Mr. Roth commented on the drawing he submitted for the record and placed on the overhead projector, illustrating traffic concerns on the southbound portion of A1A, the Site Plan's impact on traffic, bicyclists and public safety concerns. Mr. Roth encouraged the Commission address these issues before approving the project.

A copy of this document is attached to these minutes.

Mayor Seiler recognized former Commissioner Charlotte Rodstrom, 66 Nurmi Drive. Former Commissioner Rodstrom discussed the Commission's actions involved in development approvals and infrastructure. She commented on the need to maintain public use of public land, encouraging the Commission to vote against this item.

Mayor Seiler recognized Peter Partington P.E., 1521 NE 53rd Street and former City Engineer. Mr. Partington discussed the history of the A1A beach roadway area, work with the Urban Land Institute and the Broward County Traffic Ways Plan (Plan). He submitted the Plan into the record focusing on the area along A1A on the barrier island, commenting on an aspect of the Site Plan that does not comply with the Plan.

A copy of this Plan is attached to these minutes.

Mayor Seiler recognized Janet Scraper, 401 SW 4th Avenue. Ms. Scraper stated the primary issue is the large number of residential units that use public land for private purposes in addition to the resulting problems relating to traffic and infrastructure. Ms. Scraper commented on the intention of the Lease, recommending an additional hotel instead

of residential apartment units and requesting the current Commission allow the new Commission to address this issue.

Mayor Seiler recognized Steve Glassman, 2821 N. Ocean Boulevard. Mr. Glassman stated the Site Plan does not comport with the Lease. This area has a fragile environment that requires sustainability, including addressing aging infrastructure, slow emergency response times, sea level rise and beach erosion. Mr. Glassman urged the Commission to vote against this item.

Mayor Seiler recognized Craig Fisher, 725 Poinciana Drive. Mr. Fisher spoke in opposition to this item, stating the public desires transparency for the improvement of Bahia Mar. He encouraged them to represent the interests of the people and pursue Lease negotiations first.

Mayor Seiler recognized Tim Smith, 1720 NE 9th Avenue. Mr. Smith spoke in opposition to the Site Plan due to the rental apartment component, discussing the need to maintain the area for tourism and issues that arise between full-time residents and tourists. Mr. Smith recommended replacing the apartment component with hotels.

Mayor Seiler recognized Paul Chettle, 200 S. Birch Road. Mr. Chettle commented on his opposition due to public land being used for private development, noting previous Commission actions about the application submittal and a 2011 article regarding apartments being utilized the transient boating community. He also discussed legal opinions from the City Attorney's Office and additional statements on this topic.

Mayor Seiler recognized Kristen Maus, 1778 Marietta Drive. Ms. Maus spoke in opposition to this item due to the developer's revenue projections that are based on assumptions that will impact revenue to the City. Ms. Maus also commented on issues related to the Site Plan rendering concerning the Fishing Village and setbacks.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road. He commented on the need for the Commission to listen to public concerns, recommending the Site Plan contain resort and hotel accommodations. He noted there are too many apartments, commenting on the impact of residents' cars on barrier island traffic.

Mayor Seiler recognized James Morlock, 3037 Harbor Drive and on behalf of Bahia Vista Club. Mr. Morlock commented on documentation regarding petitions in opposition submitted to [Change.org](https://www.change.org). He discussed aspects of the Site Plan concerning the hotel's location, boat slips and restaurants. In response to Mayor Seiler, Mr. Morlock

confirmed he would like his comments submitted for the record made applicable to items R-4 and M-2.

A copy of all documentation submitted by Mr. Morlock is attached to these minutes.

Mayor Seiler recognized Jim Brady, Esq., on behalf of Larry Burnett. Mayor Seiler stated for the record the submission of a Motion to Intervene by Party on behalf of Larry Burnett and a previous email from Mr. Brady. Mr. Brady confirmed. Mr. Brady stated there is competent evidence in the record indicating the Site Plan does not comport with regulations, recommending the Lease be addressed before the Site Plan. The Lease should drive decisions regarding the Site Plan. Mr. Brady commented on the need for the Commission to review items submitted tonight prior to voting, suggesting the Commission take the next three months to deliberate and bring the public into the conversation with the developer.

Mayor Seiler recognized Mr. Lochrie who began his rebuttal to public comments. He agreed on the appropriateness for bike lanes on the west side of A1A, confirming the applicant is proffering this tonight. Mr. Lochrie also confirmed that Sea Breeze Boulevard is part of the Broward County Traffic Ways Map, commenting on the location of those specifications and FDOT approval. He reviewed previous comments and memos on zoning and other concerns, clarifying these issues.

Mr. Lochrie confirmed the lessee would be the responsible party should flooding occur on the Site Plan. He also discussed the issue of neighborhood compatibility, submitting a Neighborhood Compatibility Study for the record.

A copy of the Neighborhood Compatibility Study is attached to these minutes.

Mr. Lochrie discussed the density of the Site Plan as compared to other buildings in the area, the greenspace in the Site Plan, circulation around the site and other issues raised during the public comment portion of this hearing, including the gross revenue that will be received by the City.

City Auditor Herbst discussed issues relating to projected revenue at the end of the ten-year build out and other factors related to projected revenues. In response to Vice Mayor Roberts, City Auditor Herbst confirmed the projected revenue does not include ad valorem tax revenue, expounding on the approximate amount received.

Mr. Lochrie discussed the public promenade and infrastructure improvements that will be paid for by the applicant. He also commented on the Reiss Report's discussion on infrastructure between the site and the water treatment plant based on current use and the Public Works Department analysis of the implications of the Site Plan on the infrastructure system. Further comments and discussion ensued on this topic.

A copy of this information is attached to these minutes.

Mayor Seiler recognized, Alan Dodd, Deputy Public Works Director. He commented on the Public Works Department's analysis under current conditions and the Reiss Report addressing the impact of future development. Mr. Dodd expounded on details regarding this topic.

Mr. Lochrie reviewed the information he submitted for the record.

A copy of this information is attached to these minutes.

Mayor Seiler recognized Greg Brewton who reviewed his qualifications as an expert witness. He discussed aspects of Beach Shadow Restriction, explaining how the measurement is determined. He addressed Commission questions and concerns regarding permitted uses in zoning districts.

Commissioner Trantalis discussed public meetings held in 2013 regarding the vision for the beach area and recommendations in the Evaluation and Appraisal Report (EAR) prepared as part of the Comprehensive Plan. Further comments and discussions ensued on this topic.

Mr. Lochrie discussed aspects of the Site Plan's density relating to the SBMHA. Mr. Brewton continued his comments, expounded on the purpose, intent and permitted uses in the Beach Zoning Districts for the redevelopment of the beach area.

In response to Commissioner Rogers' question, Mr. Brewton confirmed this rezoning occurred during his employment with the City, in approximately 1997. Mr. Brewton also responded to Commissioner Trantalis' question regarding the introductory wording of the SBMHA as it relates to residential units. Further discussions on this issue continued.

Mr. Lochrie commented on other marinas around the country that have apartment complexes. Commissioner Trantalis noted the need to keep the Site Plan in the context of its location on a barrier island and public input about the character of the community.

Mayor Seiler raised issues concerning the submission of [Change.org](https://www.change.org) petitions for the record. Further comments and discussions ensued on accepting these petitions as evidence in a Quasi-Judicial Hearing. The signatures came from residents and non-residents of the City. Mr. Lochrie commented, challenged and responded to issues in the [Change.org](https://www.change.org) petition, submitting an item for the record about this issue.

A copy of the item submitted for the record is attached to these minutes.

Mayor Seiler discussed the Public Access Management Plan (Plan). In response to Mayor Seiler's question about when the Plan was first presented, Mr. Lochrie said it needs to be approved prior to final DRC approval and was presented to the City today.

Mr. Lochrie expounded on the Plan. Any closing of the public space under normal conditions would require a Special Permit and Commission approval or City Manager.

A copy of this Plan was submitted for the record and is attached to these minutes.

Commissioner Rogers commented on the importance of determining the number days and duration of the closing of the public space. Mr. Lochrie discussed the open public space areas. Discussions ensued on the number of times and duration that the public space areas and the plaza area could be closed during a calendar month and its impact on the surrounding neighborhoods.

Mr. Lochrie addressed questions regarding the dock walkways and the boardwalk area around the perimeter of the Site Plan. Commissioner Rogers commented on the need to determine how to program the public access areas to allow clarity and guidelines. Further comments and discussions ensued on this topic. Mr. Lochrie confirmed the applicant would entertain amendments to the current proposed Plan for the Plaza area.

Commissioner Rogers asked City Attorney Everett to have the City Attorney's Office review the Plan. It was confirmed that the public areas of the Boardwalk and the Promenade would be referred to as the

Promenade.

In response to Commission questions, Mr. Lochrie clarified and explained details illustrated in the Site Plan rendering for Phase I and Phase II. The Dock Master Building will stay in place during Phase I and Phase II. Additional details of the Site Plan were also discussed.

In response to Commissioner Rogers' questions regarding ULDR Section 47.236A. - Beach Shadow Requirements (Requirements) issues, Anthony Fajardo, Director Sustainable Development, confirmed these Requirements had not been applied previously in this area. Mr. Fajardo expounded on this topic, explaining the details of this issue. He also commented on the Beach Shadow Study done by the applicant. Mr. Fajardo confirmed multi-family uses are permitted, subject to approval of the Commission. He also discussed the concern of maximum allowable height measurements, stating the towers meet the requirements.

In response to Commissioner Rogers' question, Mr. Brady confirmed he hired Mr. Katims as an expert witness. Mr. Brady confirmed Mr. Katims' opinions on the issues of multi-family use, requirements concerning shadowing and maximum height allowances. Mr. Brady confirmed there are no other variances presented. He expounded on issues relating beach shadowing, Mr. Katims' analysis of the zoning district and its original intent regarding the maximum height allowance.

Mr. Brady confirmed Mr. Katims' opinion is based on his professional opinion. Mr. Brady discussed aspects in the Lease that do not permit condominiums or multi-family uses as principal independent uses. Commissioner Rogers noted zoning changes that permit multi-family uses in the Site Plan. Mr. Brady discussed prior, consistent legal opinions regarding the need to amend the Lease to allow for multi-family uses. He encouraged the Commission to take the necessary time to make an informed, considered decision on this matter. In response to Commissioner Rogers' question, Mr. Brady confirmed that should the Commission defer this item, he would bring back relevant case law regarding this matter.

Mayor Seiler asked Mr. Lochrie to distribute the notes made on the Plan to Mary Fertig. Mayor Seiler confirmed this information was distributed to the media, Mr. Shubin and Ms. Fertig.

In response to Mayor Seiler's question, Assistant City Attorney Lynn Solomon commented on her legal opinion submitted today. She commented on issues relating to the length of time for condominiums that would require an amendment to the Lease.

Ms. Solomon confirmed her legal opinion that the Commission could determine apartments are a permitted use under the Lease and other uses addressed under Article 19 of the Lease. She acknowledged other aspects of the Lease regarding the property being primarily considered as a hotel, marina or resort and additional language allowing the Commission to change the character of its usage. Discussions ensued on language in Article 19 of the Lease. Ms. Solomon reiterated the Commission's discretion to make decisions regarding usage.

Mayor Seiler confirmed that documents submitted for the record, including The Boat Show's ingress/egress document and the Beach Community Redevelopment Plan approved by the Beach Redevelopment Advisory Board. Mr. Lochrie confirmed.

Don Morris, Beach Community Redevelopment Area Manager, commented on Mr. Lochrie's review and presentation of the Beach Community Redevelopment Plan (BCR Plan). He confirmed the BCR Plan was approved by the Beach Redevelopment Advisory Board in an 8-1 vote.

In response to Commissioner Trantalis's question, City Manager Feldman confirmed this item was not presented to the Marine Advisory Board. Further comments ensued.

Commissioner Trantalis discussed his position on this matter, commenting on the agreement that there is a need for change at Bahia Mar. He discussed his past voting record relating to this issue, including the lessee reaching an agreement with The Boat Show.

Commissioner Trantalis commented on his position regarding using public land for a private enterprise, the vision plan for the site, public input on this issue, the impact of a large amount of housing on the barrier island, traffic and the environment. He discussed his vision to have more entertainment, tourist, marine experiences and a first-class resort at this location.

Commissioner Trantalis discussed issues regarding The Boat Show as illustrated in an overhead rendering of the Bahia Mar's event tent/exhibition area. He placed a plastic overlay on the rendering, illustrating the Site Plan's apartments displacing this exhibition area. He recommended changes to the design of the Site Plan.

A copy of this rendering and plastic overlay is attached to these minutes.

Commissioner Trantalis discussed projected revenue to the City. He commented on the need for the developer to contribute to infrastructure funding both on and off the site due to its impact on the entire system. Commissioner Trantalis asked that the development be revised, recommending postponement.

Commissioner Rogers discussed the context of this matter, acknowledging the nature of the process and being frustrating due to the Commission being both in a fiduciary position as lessor and arbiter of ordinances regarding the property. The Site Plan meets all Code requirements. He commented on the position of those in opposition.

Vice Mayor Roberts concurred with Commissioner Rogers' comments. He also addressed issues relating to Article 19 and Article 24 of the lease. Vice Mayor Roberts noted his confidence in Staff's confirmation of meeting Code requirements, Advisory Board approvals, increased revenue and The Boat Show's position on the Site Plan. He confirmed his agreement with changes discussed by Mayor Seiler regarding the Plan to be incorporated into the approval of this item.

Commissioner McKinzie concurred with Vice Mayor Roberts' comments, the points made by Commissioner Trantalis and Commissioner Rogers. He stated that The Boat Show's agreement with the Site Plan was an important aspect of his decision to approve this item.

Vice Mayor Roberts acknowledged the Site Plan meets Code requirements, including greenspace. He commented on the issue of public access and the lower height of the buildings in the current Site Plan.

Mayor Seiler discussed the importance of finding a permanent home for The Boat Show and the marine industries. Both of these have been achieved, noting their economic impact. He concurred with comments made by Commissioner Rogers about the difficulty of the process, confirming his hope for achieving increased revenue to the City through the success of the Site Plan and receipt of gross revenue dollars. Mayor Seiler also reiterated his position about ensuring public use of the property, acknowledging and discussing the public's position both for and against this issue.

City Manager Feldman stated that the amended motion includes the Planning and Zoning Board and Staff recommendations, and the amended Plan.

Mayor Seiler responded to Marilyn Mammano's questions, stating the Plan had been amended to allow a maximum of six calendar days per month for closure of the Plaza for private events. Any closure of the Promenade would require approval by the Commission. Discussions and debate ensued on this topic.

Mayor Seiler asked about the incorporation of the goals and objectives of the Beach Community Redevelopment Agency. Don Morris, Manager, Beach Redevelopment Agency confirmed.

In response to Commissioner Rogers' question regarding the bond issuance, City Attorney Everett stated that issue relates to Article 29 of the Lease. She confirmed that the bond issuance would be discussed as part of item M-2. Mr. Lochrie confirmed the Lease provides for both payment and performance bonds, agreeing this is also a condition of the Site 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 Vice Mayor Roberts. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Commissioner McKinzie introduced this Resolution as amended which was read by title only.

ADOPTED AS AMENDED - Approving the issuance of a Site Plan Level IV Development Permit

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

Nay: 1 - Commissioner Trantalis

MOTIONS CONTINUED

M-2 [17-1482](#)

Motion for the City Commission to Consider Consent of Major Alterations to Bahia Mar

Mayor Seiler recognized John Shubin, Esq., Shubin and Bass, on behalf of the applicant. Mr. Shubin discussed the Site Plan's compliance with the plain language of the Lease, stating that the Commission cannot unreasonably withhold consent. There was no evidence presented that the Site Plan will diminish the marina. The Site Plan enhances the marina. The Site Plan meets all Code requirements. Mr. Shubin expounded on issues discussed during the approval of item R-4 relating to the site plan.

Mayor Seiler recognized Peter Partington, 1521 NE 53rd Street, and retired City Engineer. Mr. Partington submitted a page from the applicant's Site Plan application that he said did not list the 85 feet of dedicated rights-of-way required in the Broward County Traffic Ways Plan. He recommended including this requirement in the Lease.

A copy of the item submitted for the record is attached to these minutes.

Mayor Seiler recognized Craig Fisher, 725 Poinciana Drive. Mr. Fisher commented on the need for transparency, additional details regarding The Boat Show lease and information on the project's construction co-existing with The Boat Show. He discussed the need for a clear understanding of financial issues contained in the Lease. He noted the need to ask the right questions.

Mayor Seiler recognized Marilyn Mammano, 1817 SE 17th Street. Ms. Mammano encouraged the Commission to act as stewards of this public land, commenting on the differing legal opinions. She requested that the intent and purpose of the Lease, to maintain the site as a marina resort complex, be followed. Ms. Mammano noted that the Commission is not obligated to approve this item tonight.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue. Mr. Rosenthal commented on the Lease and the project, stating it is similar to others marinas in Europe that have luxury housing. He also discussed improved future revenue.

Mayor Seiler recognized James Morlock, 3037 Harbor Drive, and on behalf of the Bahia Vista Club. Mr. Morlock discussed real estate market statistics on the barrier island between SE 17th Street and Sunrise Boulevard. He said the demand for condominium and rental units has been declining, commenting this project is on public property and its impact housing competition.

Mayor Seiler recognized, Patxi Pastor, 1600 E. Sunrise Boulevard. Mr. Pastor commented on the need to set an example and incentivize community collaboration to address infrastructure needs and seawall concerns. This project presents the opportunity to showcase the community as an example of sustainability and resiliency.

Mayor Seiler recognized Barbara Mallat Overman, 2500 East Las Olas Boulevard, and on behalf of Marine Tower. Ms. Overman commented on the need for more financial information before approving this item.

Mayor Seiler recognized Paul Chettle, 200 S. Birch Road. Mr. Chettle commented on a 2015 legal opinion regarding the Lease, the intended use of the property and other legal views. He concurred with Ms. Overman on the need for more detailed financials.

Mayor Seiler recognized Ann Hilmer, 621 Idlewyld Drive. Ms. Hilmer commented on future financial returns, saying there are no adjustments for the loss of revenue during construction. She urged the Commission not to give their consent on this item.

Mayor Seiler recognized former Commissioner Charlotte Rodstrom, 66 Nurmi Drive. Commissioner Rodstrom discussed the impact of these decisions. She urged the Commission to deny consent and allow the new Commission to make decisions regarding the Lease.

Mayor Seiler recognized Kristin Maus, 1778 Marietta Drive. Ms. Maus commented on the need to address the Lease prior to approving the Site Plan. She commented that the marina would be diminished, citing specific aspects of the project, urging the Commission to not vote on this tonight.

A copy of the photograph Ms. Maus showed is attached to these minutes.

Mayor Seiler recognized Mary Fertig on behalf the Idlewyld Neighborhood Association. Ms. Fertig commented that this is the most critical item on the Agenda. She urged the Commission to have the property reappraised to include approved entitlements. Ms. Fertig discussed the need to determine a fair return and her concerns about changes in the character of the property. She discussed former City Attorney Robert Dunkel's legal opinion, suggesting a deferment of this vote until an updated appraisal is received.

A copy of Mr. Dunkel's legal opinion is attached to these minutes.

Mayor Seiler recognized Edwina Eichner, 1308 SE 11th Street. Ms. Eichner discussed the impact of construction on yacht maintenance and other marina businesses. She recommended reducing the number of buildings and the duration of construction.

Mayor Seiler recognized Charles King, 405 N. Victoria Park Drive. Mr. King commented on an article in the *Sun Sentinel* regarding the duration of Commission meetings. He also commented on the upcoming election.

Mayor Seiler recognized Barry Somerstein, 2555 Lucille Drive. Mr. Somerstein acknowledged the concern about the use of this public land for a public purpose. He also discussed terms of the Lease.

Mr. Shubin gave an overview of the developer's legal position on numerous aspects of the Lease and points raised in opposition. He stated apartments are a permitted use under the Lease, commenting on other areas of the Site Plan that conform to the terms of the lease. Mr. Shubin discussed the Commission unreasonably withholding consent, acknowledging Site Plan approval. He discussed the Lease provisions, citing case law and the mutual implied covenants involved in all Florida contracts.

Commissioner Rogers discussed discretionary aspects of the Lease, noting it is broad. He commented on the Commission's duty to determine what is reasonable and how this decision differs from approving the Site Plan. Mr. Shubin responded, citing language in the lease. Further comments and discussions ensued.

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 Roberts. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Mayor Seiler commented on the attorneys involved in drafting the 1995 Lease. Robert Dunckel was involved in aspects of the 1995 Lease. Discussions ensued on other attorneys involved in drafting the Lease. Mr. Somerstein confirmed that he was not involved in writing the Lease.

Commissioner Rogers discussed his position regarding the Lease and the process involved in his decision. He stated there are more residential units on the site than boat slips in the marina and hotel rooms. This does not maintain the character of the facility. Commission Rogers said he was not in favor of approval, further expounding on his position and reasoning.

Commissioner Trantalis reiterated his comments made during the discussions on item R-4, stating they also apply to item M-2. The proposed project is not consistent with the requirements of the Lease, concurring with Commissioner Rogers that the project is not within the parameters of the Lease.

In response to Mayor Seiler, Assistant City Attorney Lynn Solomon

confirmed the language in Article 19 of the Lease. Further discussions ensued on additional language in the Lease. Commissioner Trantalis noted the consistency of the Lease clauses and the need to read them together to understand intent of the Lease. Further discussions ensued on the character of Bahia Mar as a marina and the language of the Lease. Assistant City Attorney Lynn Solomon commented on the Lease and Mr. Dunkel's interpretation.

In response to Mayor Seiler's question, it was confirmed that no dock space is changing. Discussions ensued on the dominant use of the site, the character of the marina and language contained in the Lease. Commissioner Rogers stated it was not the intent of the 1995 Lease to make Bahia Mar a residential community. This will not result in significant revenue.

Commissioner Rogers made a motion to defeat this item and was seconded by Commissioner Trantalis.

DEFEATED - Motion to Deny

Aye: 2 - Commissioner Trantalis and Commissioner Rogers

Nay: 3 - Vice Mayor Roberts, Commissioner McKinzie and Mayor Seiler

In response to Vice Mayor Roberts question, Assistant City Attorney Lynn Solomon confirmed that under condominium laws, the developer must have a minimum 50-year lease in order to sell condominiums. There is only 45 years left under the current Lease. Further discussions ensued on utilizing the property for residential use.

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

APPROVED - Motion to Approve

Aye: 3 - Vice Mayor Roberts, Commissioner McKinzie and Mayor Seiler

Nay: 2 - Commissioner Trantalis and Commissioner Rogers

ORDINANCE FIRST READING

OFR-1 [17-1277](#)

Ordinance Amending Unified Land Development Regulations (ULDR) to Clarify Residential Uses through Revisions and Additions to Existing Definitions throughout the ULDR - Case T17007

Vice Mayor Roberts made a motion to defer this item to December 19, 2017 at 6:00 p.m. or as soon thereafter as can be heard and was seconded by Commissioner Rogers.

DEFERRED to December 19, 2017

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

ADJOURNMENT

Mayor Seiler adjourned the Regular Commission Meeting of December 5, 2017 at 3:22 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jeffrey A. Modarelli
City Clerk