

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, June 4, 2013

1:30 PM

City Commission Conference Room

City Commission Conference 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
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
HARRY A. STEWART, City Attorney

Meeting was called to order at 1:37 P.M. by Mayor Seiler.

ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean Trantalis, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

Also Present: 5 – City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Harry A. Stewart, and Sergeant At Arms Sergeant Edgar Cruz

CITY COMMISSION REPORTS

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest including an update from Commissioner DuBose concerning the Success Opportunity Schools (Arthur Ashe, Dillard and Lauderdale Manors and planning of a community meeting concerning turtle compliant lighting discussed by Vice Mayor Roberts.

Disaster Warnings

Commissioner DuBose requested information on whether the City has the ability to sound a disaster warning/siren for disasters like tornadoes.

Lauderdale Manors, Walker and Guthrie-Blake Parks

Commissioner DuBose requested an update on work being done at these parks.

Consent Decree; Fire-Rescue Department Employees

Commissioner DuBose asked that he be kept informed on the status of this matter.

Florida League of Cities; Legislative Committees

Commissioner DuBose would like to serve on growth management, economic development.

Sistrunk Boulevard; Street Name Addition to Federal Highway

Commissioner DuBose felt the City needs to move forward with this naming to Federal Highway. Commissioner Trantalis mentioned that it has been suggested it be named Alcee Hastings Street because it recognizes an African American figure, people know the individual and it would be more universally recognized. Commissioner DuBose explained that it is not about an African American, but rather it is about Dr. Sistrunk's accomplishments and what it signifies to this city. He went on to point out how Broward County has already recognized Dr. Sistrunk in the mural on Broward Boulevard. Mayor Seiler agreed with co-naming from Federal Highway westward. Commissioner Trantalis agreed with Commissioner DuBose, but wanted to first present the Commission's intention to Progresso and Flagler neighborhood associations in District II. In response to Commissioner Trantalis, Alfred Battle, Economic and Community Reinvestment Manager, advised that the original signage referred to Sistrunk Boulevard as well as NW and NE 6 Street.

Fort Lauderdale Stadium – Redevelopment Proposal – Schlitterbahn Waterpark Fort Lauderdale

At Vice Mayor Roberts request, the City Manager advised that the City has worked out a solution with the Federal Aviation Administration (FAA) on how to determine fair market value of the subject stadium property. This has been communicated to Schlitterbahn that is now determining whether it is workable in their business plan. If it does, a term sheet will be forthcoming to the Commission.

Beach Crowd Control; Memorial Day

Commissioner Trantalis was concerned that the City may not have been prepared for crowd control at the beach on Memorial Day. Mayor Seiler agreed it was unacceptable. The City seemed to be caught off guard. He was concerned that the Commission was not apprised when it occurred. He believed people who would have ordinarily gone to Miami Beach came to Fort Lauderdale because law enforcement presence was increased by Miami Beach and social media was urging people to come to Fort Lauderdale beach. Beach Place was not prepared. Security in and around Beach Place needs to be addressed. Lighting needs to be addressed. Noise should be internalized. There needs to also be consideration toward the potential for beach establishments to change their marketing campaigns on the spur of the moment. Commissioner Trantalis elaborated upon how the original upscale businesses in the area were not able to survive until there was more of a population base to support them. It is the nature of the entertainment that now exists at Beach Place. He wanted to make sure the City is not going in the direction that was present on Memorial Day.

Commissioner Rogers pointed out that an open container does not allow for control or encourage economic development. Mayor Seiler noted there was no open container exception on Memorial Day. The City Manager noted that some establishments have a license for such activity onto the sidewalk. Commissioner Rogers understood that was a raucous crowd at 2 p.m. in the afternoon and he also received comments about the amount of broken glass. He was concerned about the impression this gives to families. Vice Mayor Roberts felt it is a combination of things, but the private businesses also have a huge responsibility to help regulate. The fact that a certain crowd was called to the beach is indicative of irresponsibility. Preparations have to be made for appropriate levels of security. It appears that the City was unprepared. He felt there should be a close look at the entertainment district ordinance and it be reinforced with respect to open containers. He wanted to see whatever portions of the after-action report are available for public consumption. There should not be glass and the trash should be picked up more frequently. The City Manager advised that there were increased numbers from the previous Memorial Day. It was not expected. Also, restricted traffic flow on Las Olas Bridge was not helpful. Although there were police officers directing traffic, Commissioners Trantalis and Rogers indicated there were not enough.

Fred Carlson, 625 Orton Avenue, cautioned against over-reacting. He observed a police presence about the six o'clock hour. However, he agreed the City should attend to the marketing issue. Vice Mayor Roberts remarked that the downside was being surprised, but the police did a good job. Mayor Seiler agreed and added that the Commission should have been informed more timely. Commissioner Trantalis pointed out that the lifeguard shift ended at 5 p.m. and the next shift had trouble getting into position because of the traffic. He did not think the lifeguards should have left until their replacements have arrived.

Dixie Highway Streetscape Improvement Project

Commissioner Trantalis wanted staff to invite residents to review plans for this project and conduct a straw poll of the entire Middle River Terrace neighborhood. Mayor Seiler raised the question of cost for a straw poll and how it would be conducted. He did not want to create a pattern for future issues. The City Manager did not know the cost at this point. It would be a mail ballot that would be returned to the City. Discussion ensued about using the postal service versus online and the question of

property owner versus occupant. The City Manager advised that there is not a good data base of property owner contact information. Mayor Seiler noted a Supreme Court decision that struck down limiting a vote to property owners. The City Attorney explained if it is a special assessment, the vote could be limited to the freeholders, otherwise he did not think it could be limited to freeholders. He confirmed that any registered voter within the geographical area of Middle River Terrace. In response to Commissioner Trantalis, the City Manager advised that the intention was to seek more grants or other Metropolitan Planning Organization (MPO) funding sources for the project. Vice Mayor Roberts understood that it turned to the City for funding because residents wanted more enhancements than the original MPO project scope.

Commissioner Trantalis elaborated upon the history of this project for Commissioner DuBose. Mayor Seiler noted his concern about the MPO plan from a bicyclist's perspective. As to the desire to discourage truck traffic, he did not think that driving patterns would be changed by merely narrowing the roadway especially considering where the road leads to. Vice Mayor Roberts commented that traffic from 13th to almost 26th Street is more residential in nature and not as heavily traveled. He commented that narrowing sometimes does slow down the traffic. As to funding, he felt without some MPO and Florida Department of Transportation approval, the project will not get done.

Small Business Week

Commissioner Rogers asked that a proclamation be prepared and presented at the June 18 meeting.

Memorial Day Ceremonial Event

Mayor Seiler asked the City Manager to ensure that there is a timeline established for future events. He felt it should span about sixty minutes. Care will have to be taken concerning people crossing the road.

CITY MANAGER REPORTS

Independence Day Festival

The City Manager advised the goal is to keep A-1-A open and shift the event toward the sand.

CONFERENCE REPORTS

CF-1 13-0697 PROPOSED LIEN SETTLEMENTS - SPECIAL MAGISTRATE AND
CODE ENFORCEMENT BOARD CASES

No objection.

OLD/NEW BUSINESS

BUS-1 13-0475 PUBLIC PARTICIPATION AS PART OF DEVELOPMENT REVIEW
PROCESS - AMENDMENT TO UNIFIED LAND DEVELOPMENT
REGULATIONS

Ella Parker, Sustainable Development, reviewed chronology on this topic and the proposed public participation notice ordinance detailed in Commission Agenda Memorandum 13-0475. The proposal was presented to the Fort Lauderdale Council of Civic Associations and their president provided feedback as to outreach which is Exhibit 2 to the commission agenda memorandum.

Mayor Seiler opened the floor for public comment.

Marilyn Mammano, president of Fort Lauderdale Council of Civic Associations, indicated that the Council formed a committee of members ranging from Flagler Village, a community actively seeking development, to Sailboat Bend, a historic community with concerns about over-development. The Council is concerned about the amount of time needed. The proposal provides that twenty-one days before the Development Review Committee (DRC) meeting, there must be a meeting with the community. The meeting is called by the developer. The developer then writes a report about the meeting including concerns. The Council did not feel the developer can be objective and believe a City staff member should attend and be responsible for the information. Also, there is concern that the process set forth in the proposal will become the maximum asked of a developer whereas many community groups can do better in terms of their interaction with developers. In conclusion, there is more work on the proposal that needs to be done. The Council would like to continue the discussion.

Rochelle Golub, member of the Council of Civic Associations and former member of the Planning and Zoning Board, pointed out the proposal is silent as to whether the developer meets with the neighborhood associations directly affected by the development prior to the developer's appearance before the Planning and Zoning Board (Board), although that is in fact the practice. She hoped the ordinance does not become a substitute for that final meeting between the association and the developer. In response to Mayor Seiler, Mr. Golub indicated she is referring to the meeting prior to the developer coming before the Planning and Zoning Board. The proposal is speaking about a meeting before the developer goes before the DRC. The City Manager noted that currently there is no meeting requirement between the developer and the community at any stage. Ms. Golub believed that the Board has a right to not hear an application until it is confident that the developer has met with the community.

Fred Carlson, representing the Central Beach Alliance, believed there needs to be something binding the developer with respect to community involvement. He was opposed to giving the developer the right to choose the date and time of meeting with the community. The public should be first in the process.

Commissioner Trantalis felt the proposal is a good first start. He felt the twenty-one day notice is a little impractical, especially during the summer months. Also the three hundred foot radius from a project could be problematic. Perhaps, it should be the adjacent association or the association within whose boundaries the development is intended to be built. Finally there is a general feeling that there is no teeth in the proposal. It does not make sense for the developer to write the report on what occurred at the community meeting.

The City Manager explained that this proposal came from staff's work to streamline the development review process. Some associations are not as active and informed as others. The intent was to require the developer of any level III or IV plan to create a forum for engaging residents that would be affected prior to staff seeing the project so that some of the low hanging fruit in the project could get handled before the DRC process. The goal is to avoid the low hanging fruit having to be addressed at the podium, at DRC or Planning and Zoning Board meetings. Commissioner Trantalis commented on a recent project where the developer met with the Central Beach Alliance. Several recommendations were made yet no changes were made. To the City Manager's point, Commissioner DuBose recalled two projects, one in District III and one where District III meets with District IV where the community was blind-sided. Addressing Commissioner Trantalis' comments, the City Manager did not see a problem with the neighborhood association issuing a report in addition to what is prepared by the developer. Commissioner Trantalis commented that it always seems to ultimately come to the Commission for a solution. Vice Mayor Roberts pointed out that there already is a process in place of DRC, Planning and Zoning, callup and a hearing. An association does not always represent all members of a neighborhood. Approval of a project at that level could be problematic. He would favor small incremental steps in this area.

In response to Vice Mayor Roberts, Greg Brewton, Director of Sustainable Development, explained that some developers are following this practice and to make an even playing field, the idea was to require it in the proposed ordinance. It would also memorialize the practice previously mentioned at the Planning and Zoning Board as well. There will still be a public hearing on these applications. From the developer's standpoint, a meeting with the community at the recommended point in the process provides insight before an official application is submitted. Commissioner Rogers questioned if it is fair if the president of the association is on vacation for three months and declines a meeting. However, realistically developments of any significance do not want to go forward without such coordination. Mr. Brewton advised that it is an ordinance that requires the meeting to occur. If it does not occur, the application cannot go forward. Commissioner Trantalis believed that some developers plan on a time when it is thought association members are away to skirt the process; this will prevent that.

Robert Lochrie, 1401 East Broward Boulevard, commented that the ordinance goes a long way in codifying what has been occurring in the city for a long time. It informs developers who are not away of the practice and empowers neighborhoods. The meetings are often prior to Planning and Zoning and not DRC. This requires going to the neighborhoods early before a developer has even heard from the City whether the project meets zoning requirements. He felt it is better to go to the neighborhoods later in the process. It could be a situation of only showing conjecture to the neighborhood. The ordinance calls for notifying the association within twenty-one days of the DRC meeting, which basically means notification when the application is submitted. The code currently requires an application to be on an agenda in twenty-two days after it is submitted. He felt the proposal will slow down the process. It requires that the meeting be held before the DRC meeting. He believed ten days is too long of a window to provide the affidavit. He suggested that the affidavit be provided a day or two before the DRC. In response to Commissioner Trantalis, Mr. Lochrie believed that the report written after the community meeting is most useful to the Planning and Zoning Board and Commission when considering neighborhood compatibility whereas the DRC is a technical review of code issues. Commissioner Trantalis thought public comment could be helpful to the staff in the vetting. Mr. Lochrie noted that approvals are not granted at the DRC meeting. A developer must go to each discipline to get their approval based on the DRC comments, which usually takes another month. This is a quasi-judicial process where land owners have rights and neighborhood associations have the right to raise points properly before the Commission at a quasi-judicial hearing. The real goal is secure neighborhood involvement for those developers who do not provide it now. He asked that provision of an affidavit ten days prior to the date of a project presentation meeting be adjusted. He advocated for the ordinance providing for the developer to set the association meeting because there are associations, for example, that only meet once a year. The ordinance requires a meeting be called, but it may be that no one attends it. Commissioner Trantalis commented that it could be a matter of residents coming to the association meeting, but not a meeting called by a developer. Vice Mayor Roberts agreed there are a lot of homeowner groups in District I that only meet annually. Commissioner Trantalis felt in such cases, the developer should have a right to call a meeting and if residents do not attend, it is at their peril.

Mayor Seiler confirmed for the City Manager that this item should come back to conference before being placed on a regular meeting agenda.

Position of City Attorney

Mayor Seiler announced that an offer was made on May 21, 2013 and a counter-offer was not received until yesterday, although there were communications during this period, requesting additional information concerning benefits. He will be meeting with the City Auditor and City Attorney today and will then respond.

OLD/NEW BUSINESS**BUS-2 13-0857** AVAILABLE CITY-OWNED PROPERTIES - RELEASE REQUEST FOR PROPOSAL TO OUTSOURCE REAL ESTATE SERVICES

The City Manager highlighted the request outlined in Commission Agenda Memorandum 13-0857. The City Auditor has suggested the commission and management fee have a thirty percent in the RFP scoring with qualifications and approach having a weight of seventy percent.

Commissioner DuBose wanted to review the properties with the City Manager in that many of them lie in District III as well as other identified issues. Mayor Seiler suggested the City Manager meet with the district commissioner for each property. The City Manager noted that one task of the selected firm would be to review which properties are no longer being used and would be marketable.

As to scoring weight for pricing, there was consensus approval for fifty percent.

Mayor Seiler asked that all pending evictions be presented to the Commission on June 18 for authorization.

BUS-3 13-0812 TEN MOST POPULOUS CITIES SEAT - RECOMMENDATION TO FLORIDA LEAGUE OF CITIES

There was consensus agreement for Mayor Seiler to continue to serve.

BUS-4 13-0130 HOPWA PROGRAM FUNDING FOR HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE

This item was removed from the agenda.

BUS-5 13-0739 AFFORDABLE HOUSING STRATEGY AND HOUSING MARKET STUDY - FOLLOW-UP DISCUSSION

Due to the hour, Mayor Seiler requested this item be rescheduled for the August 20 meeting.

BOARDS AND COMMITTEES**BD-1 13-0747** COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending May 30, 2013Beach Business Improvement District Advisory Committee

The Board recommends by consensus that the City Commission consider extending the hours of operation for both beach chair vendors and lifeguards during daylight savings time, pursuant to public requests.

The City Manager advised that this would have to be funded and staffed. He has discussed with the Fire Rescue Chief that regardless of daylight savings time, there should be lifeguards on the beach during any daylight hours when there is significant activity. The Chief is putting together a plan that will be presented to the Commission as a budget amendment.

The Board also recommends by consensus that the City Commission create a proactive plan to rebuild the barrier island as quickly and efficiently as possible after a major storm event.

Mayor Seiler noted this has already been discussed and is being worked on.

Beach Redevelopment Board

Motion made by Mr. Abbate, seconded by Ms. Jarjura requesting a Joint Workshop between the Beach Redevelopment Advisory Board and the City Commission sitting as the CRA to discuss the Master Plan Projects. In a voice vote, the **motion** passed unanimously.

There was consensus approval to schedule a joint workshop.

Motion made by Ms. Lee, seconded by Mr. Abbate requesting that City Staff work on amending or revising the ULDR to allow for rebuilding structures that are destroyed which are not nonconforming with the current zoning code, in the event of a major storm or other natural disaster that greatly impacts Fort Lauderdale Beach. In a voice vote, the **motion** passed unanimously.

Mayor Seiler noted a potential grammatical error of "not nonconforming" and asked the Director of Sustainable Development to look at this request.

Nuisance Abatement Board

Motion made by Mr. Hoover, seconded by Ms. Smith to direct Chair Saunders to recommend to the City Commission that foreclosure proceedings begin against the property because of gross non-compliance. In a roll call vote, **motion** passed 5-0.

There was consensus approval to proceed with foreclosure.

BD-2 13-0748 BOARD AND COMMITTEE VACANCIES

Note: Please see regular meeting item R-5.

EXECUTIVE CLOSED DOOR SESSION

13-0797 THE CITY COMMISSION SHALL MEET PRIVATELY PURSUANT TO FLORIDA STATUTE 768.28(16) CONCERNING:

- 1) Bellagio of Fort Lauderdale v. City of Fort Lauderdale - File GL 12-706
- 2) Ray Adderley, et al v. City of Fort Lauderdale - Case 11-08499.07
- 3) Hinton v. City of Fort Lauderdale - Case 07-30358.26

The City Commission convened in the executive closed door session at 3:44 p.m. and then reconvened in the first floor chambers with conference item BUS-2 at 11:22 p.m.