

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, November 19, 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
CYNTHIA A. EVERETT, City Attorney

Meeting was called to order at 1:34 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Romney Rogers

Absent: 1 – Bobby B. DuBose (left during discussion on item BUS-1)

Also Present - City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph and City Attorney Cynthia A. Everett

CITY COMMISSION REPORTS

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest.

Citywide Economic Development Strategic Plan

Commissioner Trantalis was concerned about scheduling these sessions during the holiday season.

CONFERENCE REPORTS

CF-1 13-1353 LIEN SETTLEMENT POLICY - SPECIAL MAGISTRATE AND CODE ENFORCEMENT BOARD CASES

The City Manager explained that this item was discussed at the November 5, 2013, conference meeting. The item shows his recommendation and the amounts agreed upon by those who will be settling liens.

Mayor Seiler indicated he has a conflict of interest related to PHD Development and therefore would abstain from discussion on that particular item.

There was consensus to proceed.

CF-2 13-1424 SOUTH SIDE SCHOOL UPDATE

The City Manager noted that after several conversations with Nova Southeastern University, he believes they are interested in leasing for five years at \$1 per year. Nova Southeastern would take over operation and maintenance of the facility, and the City would be responsible for major repairs such as a roof leak.

Mayor Seiler noted several deed and grant restrictions with respect to entities the City can lease the building to. For example, it cannot be leased to a for-profit entity. He elaborated on his frustration with the project. The City Manager mentioned that at the end of the five-year lease, Nova would determine whether it wants to continue occupancy. Two issues remain outstanding. Nova representatives believe the building needs 30 on-site parking spaces but the City is only providing eight. The site can accommodate 22 additional spaces. The incremental cost to accommodate additional spaces is estimated between \$150,000 and \$200,000. He is seeking a response from Nova about whether they will

pay for that improvement. In response to a question from Mayor Seiler, the City Manager said the parking spaces would be situated between the tennis courts and the building and would not take away from park or soccer field space. The spaces would be located where the contemplated new building would be situated in the future. Additionally, the community usage piece of the agreement needs to be finalized because promises have been made that the building could be used for homeowner association meetings. He will likely have a response by the December 3, 2013 conference meeting.

The City Manager confirmed for Commissioner Trantalis that the City would be paying for the \$2.2 million interior build-out. Commissioner Rogers was concerned about spending \$400,000 per year if the City operates the building. He would like more detail on that alternative plan. The City Manager advised that the intent was to add new programming. Mayor Seiler explained that Broward County has asked for the parking garage to be available strictly for court and county employees.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, said all the restrictions on this building are causing a negative value. He questioned whether the City has requested lenience from the School Board on the restrictions. Mayor Seiler advised that the City has spoken with all of the entities. King thought perhaps the building should be boarded up.

There was no one else wishing to speak.

In response to a question from Commissioner Trantalis, the City Manager noted that the biggest restrictions are those of the Florida Communities Trust. With respect to those restrictions under the County's purview, once a use is in being considered, the County Administrator has indicated that she would present it to the County Commission. He noted that the County would approve of the City's park staff being situated at the building, but not planning staff for example. Mayor Seiler commented that the building is unfortunately not well-suited for staff. Commissioner Rogers pointed out that it was designed as a school. He had thought a charter school might be an option, but it is not large enough. More comments of frustration over the project and the extent of funds expended were made.

OLD/NEW BUSINESS

BUS-1 13-1458 CITY'S 2014 LEGISLATIVE PRIORITIES AND FUNDING REQUESTS

Dave Ericks, president of Ericks Consultants, made introductory remarks and noted that he anticipates it will be a rough year because there are a lot of moving parts in the Senate.

Vacation Rentals

Mayor Seiler asked for an update on a bill related to vacation rental properties. The state pre-emption of what should be a local issue is problematic for the City. Ericks thought most municipalities feel the same as Fort Lauderdale. Ronald Book of Ronald L. Book, P.A., added that he thought there is a fair shot of passage. Candace Ericks, representing Ericks Consultants, indicated that there is concern about whether it will pass.

Red Light Cameras (Traffic Infraction Detectors)

In response to Mayor Seiler, Dave Ericks said the transportation chairman does not support this bill. The representative in line to become speaker filed a bill last year to stop this as well.

Red light cameras, water issues and "Stand your Ground" laws (the right to use deadly force to defend oneself without a requirement to retreat from a dangerous situation) will be primary matters in this session.

Candace Ericks said they expect to receive by the end of the week priority lists from the Florida League of Cities and the Broward League of Cities.

Ron Book, representing Ronald L. Book, P.A., made introductory remarks. With respect to red light cameras, he pointed out the impact of it being an election year and discussed the partisan aspect.

Homelessness

Book referenced a workshop he attended with Commissioner Trantalis and the City Manager concerning homelessness. He believes there will be an opportunity for cities to obtain some resources and mentioned documentary stamps in this regard. He also believed there will be grant funding. However, it is not a municipal problem. Unlike Dade County, Broward does not have a funding plan.

Commercial Real Property Tax

In response to Mayor Seiler, Candace Ericks said realtors are pushing for it at this point. Book did not see anything that would increase a tax or fee passing. If it was to pass, he believed the Governor would veto it. Kelly Mallette, director of government affairs for Ronald L. Book, P.A., did not believe it is affordable. There could be some kind of reduction.

Insurance

In response to Commissioner DuBose, Book said in matters related to insurance, discussion is ongoing about what the government can do to provide relief when a flood occurs. He did not see anything happening on the property and casualty side. Mallette said there has been discussion about a lawsuit, and the Attorney General recently filed a support brief on flood insurance related to a Mississippi lawsuit. The committee has looked into allowing private insurers into the market. If Florida was to allow private insurers, that would send a huge message to the federal government. The Mississippi lawsuit addresses the lack of portability. Commissioner DuBose said rates have increased for a national plan, yet a large portion of the almost 40 percent that Florida carries is in South Florida. Book said there is a growing west coast problem from Tampa south. South Florida is no longer alone. The issue is too complex for the time available this year, therefore something may be done, but it will come back next year. Ericks felt there will be observation of the Citizens policy being enforced. If successful, it may be more of a model.

Commissioner DuBose left the meeting.

Pension Reform

Mayor Seiler was concerned about currently proposed revisions not being helpful. Ericks said he does not expect it will get done this year because it is an election year. Rana Brown of Ronald L. Book, P.A.,

felt there is growing municipal support of the Naples interpretation. If something comes forward to help cities that have trouble with their pensions, those cities that have done well will have a huge problem with that. Book spoke of the multiple agendas on this issue. The Speaker's proposal does not fix the cities' problem. The original legislation that passed punished cities that have done their job on pensions.

Wave Streetcar

Ericks said this is another issue to follow closely.

Quiet Zones

Vice-Mayor Roberts inquired about whether there has been any discussion about quiet zones for areas near trains. Ericks said he is watching this issue. A lot of people are upset about it. It is too soon to predict what will happen because the studies have not yet been conducted. Although Florida Department of Transportation does not have the funding it had in the past, there is still funding in that agency. He agreed to follow the issue closely.

Mayor Seiler opened the floor for public comment.

Marilyn Mammano, representing the Council of Fort Lauderdale Civic Associations, said the vacation rental issue is very important. She would like to know what the Council can do to assist in this process. Book said it is helpful for the Council to voice its opinion. He was uncertain who would be the best contact for Mammano but suggested the chambers of commerce in affected areas. In response to a question from Commissioner Trantalis, Mammano said the purpose for people renting their homes is to pay mortgages or make money. Book suggested urging Miami Beach to become engaged on this issue.

Charles King, 105 North Victoria Park Road, noted that as a real estate agent, vacation rental of residential properties seems lucrative and a nuisance to the neighbors. Rehab facilities also are nuisances because there are several people living in a residence. He urged the City to oppose this.

There was no one else wishing to speak.

BUS-2 13-1542 LAND SWAP AGREEMENT WITH P.D.K.N. P-4, LLC AND CITY - FIRE STATION 54 AND BOKAMPER'S SPORTS BAR - GALT SHOPS AREA

The City Manager reviewed the chronology on this item. The existing fire station site will become parking space for Bokamper's. Bokamper's contractor was originally to build the new fire station to take advantage of economies of scale, but this never materialized because a savings was not going to be realized. The current station will become parking space for Bokamper's. There is some difference in value but other considerations are being made. For example, Bokamper's agreed to pay the increased cost for the City's drainage onto their property. It is not the cleanest land swap but it is still in the City's best interest to move forward.

In response to Mayor Seiler, the City Manager confirmed that Bokamper's will pay to move an existing fuel tank at a cost of about \$25,000 as part of due diligence to determine whether there are environmental concerns. If there are concerns, they have the opportunity to address them or walk away from this deal.

Vice-Mayor Roberts supported the item. It will be a huge economic boom to the area and allows for a better location for the fire station from a public safety standpoint.

Commissioner Rogers questioned the appraisal notation that the fire station building is just 16 years old. Vice Mayor Roberts noted an experience at this fire station longer ago than 16 years when he was a member of the Police Department. Mayor Seiler concurred that it is definitely older than 16 years.

In response to Commissioner Rogers, the City Manager explained the reason for changing the fire station exchange site is because it is a safer location. Moreover, the City needs to raise the road elevation in order to prevent a driveway slope that would damage the fire apparatus and it would be difficult to do at the 31 Street location because of the bridge and area shops. If the station was not relocated, the City would probably not do everything that Bokamper's is doing for the parking lot, but there would still be the road issue. In response to Commissioner Trantalis, the City Manager noted that the road elevation work on 32 Street would not be costly, but it would be costly on 31 Street because of the bridge. Vice-Mayor Roberts noted that there are already flooding problems in the bridge area and that would exacerbate them. Commissioner Rogers agreed that the exchange is not exact, but it seems that the intangibles raise the overall value for the City.

During some comments of what happens if Bokamper's does not wish to proceed because of environmental concerns, Mayor Seiler pointed out that both parties are taking a risk and if it does not proceed, everything is back on the table. The City Manager concurred.

There was consensus approval.

BUS-3 13-1353 LIEN SETTLEMENT POLICY – SPECIAL MAGISTRATE AND CODE ENFORCEMENT BOARD CASES

The City Manager explained that the Commission indicated it wanted to revisit how lien reductions are handled at the conclusion of the Lien Amnesty Program. Past practice has been to use a formula-driven process that basically resulted in reductions of 15 cents on the dollar. He wished to discuss the Commission's philosophy on how liens should be settled and the process.

Commissioner Rogers supported the idea of utilizing a special magistrate if feasible in order to free staff from spending time to negotiate settlements. Vice-Mayor Roberts asked if there has been a problem settling liens in a timely manner. Assistant City Attorney Ginger Wald explained that special magistrate hearings are held for code enforcement issues two to three times a month before two special magistrates. Last month, red light camera appeal hearings have been added to the docket. If the authority to preside over lien settlements was granted to a special magistrate, it would require an ordinance change. The Commission would also need to consider whether the special magistrate would also handle code enforcement citation settlements. She recommended criteria be established. It will still require staff time. It could be done in conjunction with the existing hearing time frames but the time allotted will depend on how many people are requesting reductions. There will be some cost involved in holding the hearings and issuing notices.

In response to Commissioner Rogers, Wald agreed because of what has happened in economy in the last few years, this process has changed. Many of the requests are different now because of changes in the foreclosure process or that the foreclosure process is not being finished. There may be homeowners who did not think they would be stuck with liens because their home was going into foreclosure. Lately

there is a trend of tax deed sales and people not checking to see if there are municipal liens. Those are the people, for their own benefit, who need lien reductions. One option would be a percentage reduction across the board or the special magistrate route. The current procedure under Resolution 05-50 would be changed. She agreed with the City Manager's recommendation to change the administrative partial release of lien from \$250 to \$500. The average staff time is 1 to 1 ½ hours, but some take an entire day. The City Manager's authorization threshold could be increased. There are numerous options.

Commissioner Trantalis said he has no problem increasing the City Manager's authority. It is a waste of time to bring these matters before the Commission. The City wants to encourage compliance in a swift way. It is ridiculous for a bank to take five years to complete a foreclosure for example. He would be willing to increase the City Manager's authority to as much as \$25,000. The City Manager said he would like the Commission to give some thought to criteria for lien settlements so he is not making decisions arbitrarily. One question is whether all properties under one owner should be in compliance. Mayor Seiler agreed with giving the City Manager additional authority and suggested a level of \$10,000. He does not believe there is enough volume at this time for all lien settlements to go before a special magistrate. He also wanted to increase the administrative release from \$250 to \$500. Commissioner Trantalis noted that at \$500 per day, the \$10,000 authority level would not make a significant impact. Mayor Seiler contended that the volume is low. All of the properties (under one owner) should be in compliance. It cannot be as good of a deal as what was offered under amnesty. He also suggested the City Manager should have the option of delegating authority to an assistant city manager. In response to Commissioner Rogers, the City Manager said he would ensure that staff understands his philosophy and then he will begin to decrease his workload. When they are particularly troubling, he will be involved. The City Manager explained that the authority is irrelevant because staff is still spending the same amount of time to finalize the recommendation. Mayor Seiler felt that overall the Commission has not spent a lot of time addressing lien settlements. There was consensus to set the City Manager's authority at \$25,000.

The City Auditor supported the City Manager's request for criteria. Mayor Seiler disagreed. He felt there has to be some discretion and flexibility. Not all code violations are the same. The City Auditor agreed and explained that he is looking more for general guidelines. The City Attorney indicated her office will work with the City Manager in developing criteria parameters that need to be considered but would not be mandates.

Mayor Seiler opened the floor for public comment.

Susan Devardo, 850 Arizona Avenue, said she there is a \$6,000 lien on a property she owns at 850 Arizona Avenue. She did not know about the lien or the Amnesty Program until she was preparing to close on a sale of the property on October 1, 2013. She received several letters from Code Enforcement at the Arizona Avenue address, but her permanent residence is in Plantation. A notice was also hand-delivered but to the occupant at the Arizona Avenue address and not her. Something was done improperly with the recordation. She went on to highlight the occupancy history and problems with the former tenant under Section 8 Housing.

Mayor Seiler suggested she contact the title company and perhaps make a claim again the title policy. Commissioner Trantalis noted that it is City policy to deliver the notice to the property with the lien. Some discussion followed as to the City's procedure for delivery of notices and what address is used. Mayor Seiler suggested she contact the title company that made the mistake with the deed in the original closing and request they find a title agent in this area to close this property. Commissioner Trantalis offered to look at Devardo's paperwork and assist her.

Goran Dragoslavic, 2650 SW 2 Street, said that when he purchased a four-unit property on April 10 of 2013, it was not connected to the City sewer system. Jenni Morejon, Deputy Director of Sustainable Development, explained that people have been submitting applications and it has been mentioned to them a policy discussion would be occurring today. Mayor Seiler clarified that today's agenda item is a policy discussion. The Commission will not be considering relief from liens at this meeting. He recommended that Dragoslavic meet with City staff.

Dragoslavic said this situation is unique. He was aware of the liens on the property. His intention is to bring it into compliance and beautify the area, as he has done with other properties. He would like a discount for the work he has done. Commissioner Trantalis explained the problem is that Dragoslavic gave the seller excess value instead of the seller being penalized for the accumulated fines. Mayor Seiler pointed out that Dragoslavic purchased the property knowing it had liens and overpaid the bank. Dragoslavic disagreed. He believes he should be credited for taking a risk to beautify the city. Commissioner Trantalis said the bank's sale price was their business decision. He thanked Dragoslavic for bringing the property into compliance and he agreed there should be some consideration for doing so but now is not the time to negotiate a settlement.

Charles King, 105 North Victoria Park Road, urged the City to work toward full recovery so this problem would not exist. Everyone should know that if they purchase a property, they have to pay for the liens on it.

There was no one else wishing to speak.

BUS-4 13-1557 PERFORMANCE REVIEW AND MERIT ADJUSTMENTS FOR CHARTER OFFICERS

Mayor Seiler said he would like to review the performance of the City Manager and the City Auditor today. He would also like to defer the City Clerk's evaluation until the pending matter is completed. Commissioner Rogers indicated he had met with the City Clerk and was satisfied with her keeping the Commission informed and address her performance at a point in the future. In response to Vice-Mayor Roberts, the City Clerk advised that she intends to meet with the Commission individually. The City Auditor believed annual review of all of the charter officers would fall in the summer in line with anniversary dates and tied to the budget process. In response to a question from Mayor Seiler, it was confirmed that the anniversary dates for the City Clerk, the City Manager, the City Attorney and the City Auditor are May, June, July and August, respectively.

Commissioner Rogers preferred to meet with the charter officers one-on-one and annually. He does not think it is constructive to spend a lot of time on reviews during a public meeting. Vice-Mayor Roberts noted that generally employees are reviewed on their anniversary date, so it would be consistent to do the same for these employees. Perhaps a time frame of two weeks prior to the anniversary date would be the course to take. Mayor Seiler noted that Commissioner DuBose wanted to conduct the reviews at the same time. Commissioner Trantalis agreed with the anniversary date approach. Sometimes the Commission's feelings regarding one employee may affect their review of another which would be unfair. Some discussion followed as to Commissioner DuBose's preference expressed in the previous discussion.

In response to Commissioner Trantalis, the City Clerk and City Auditor clarified that they received merit increases about a year ago, but prior to that, they had not received an adjustment in four years. In response to Mayor Seiler, the City Manager advised that there was a cost of living adjustment (COLA)

last year of 1 percent.

The Commission made remarks about their satisfaction with the performance of both the City Manager and the City Auditor. The cooperative working spirit was also mentioned.

There was consensus for 3 percent merit increases for the City Manager and City Auditor, commensurate with the City's current merit increase schedule, effective October 1, 2013. Moving forward, performance reviews for the City Clerk, City Manager, City Attorney and City Auditor will be held in April, May, June and July respectively, which is based on anniversary date. Resolutions will be walk-on items for this evening.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, raised questions about information he received as to whether the budget is legally balanced. The City Auditor clarified it is a legally balanced budget, which means that all sources and uses of funds are in balance. There is a difference between a legally balanced budget and a structurally balanced budget where revenues inflow and outflow are balanced.

King believed the City Manager's merit increase should be deferred until the Fraternal Order of Police contract is complete.

The Commission recessed and convened as the Community Redevelopment Agency Board of Commissioners at 4:34 p.m. The Commission then reconvened the conference meeting with Agenda Item BD-1 at 4:41 p.m.

BOARDS AND COMMITTEES

BD-1 13-1476 COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending November 14, 2013

Parks, Recreation and Beaches Advisory Board

The City of Fort Lauderdale currently has 13 Thor Guard lightning predictors installed in City parks. Thor Guard is in the process of developing a lightning predictor that is sustainable in beach conditions. Thor Guard presented their new prototype to the Parks, Recreation and Beaches Board members at the October 23, 2013 meeting.

A motion was made by Richard Zaden, seconded by Robert Payne, for the Parks, Recreation and Beaches Advisory Board, to communicate to the Commission a recommendation for the testing phase of the Thor Guard system, at no cost to the City, be implemented under the supervision of the Parks and Recreation Director. In a voice vote, the motion passed unanimously.

After considering the Parks, Recreation and Beaches Advisory Board meeting minutes above, there was consensus to proceed with the board's recommendation.

BD-2 13-1477 BOARD AND COMMITTEE VACANCIES

Please see regular meeting item R-6.

Beach Business Improvement District

Jill Munas (Consensus)

Jackie Foster (Consensus)

Beach Redevelopment Board

Tim Schiavone (Commissioner DuBose)

Central City Redevelopment Advisory Board

Justin Greenbaum (Consensus/Commissioner Trantalis)

Community Appearance Board

Kenneth Green (Commissioner DuBose)

Community Services Board

Andrew L. Jimenez (Commissioner Trantalis)

Education Advisory Board

Catherine Pliess (Commissioner Rogers)

CITY MANAGER REPORTS

None.

There being no other business to come before the Commission, the meeting adjourned at 4:47 p.m.