

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, January 22, 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
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 1:35 P.M. by Mayor Seiler.

ROLL CALL

Present:4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, 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, Sergeant At Arms Sergeant Mike Dodson

CITY COMMISSION REPORTS

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest including discussion on the status of the school issue (performance levels of certain schools) and an upcoming meeting on January 28 by Commissioner DuBose.

Request of Fort Lauderdale Historical Society, Inc.; Cultural Investment Program Grant Application

Vice Mayor Roberts brought attention to a letter from the Fort Lauderdale Historical Society, Inc., dated January 15, 2013, requesting City support of their grant application (Cultural Investment Program). It was referred to the City Attorney for review. With legal approval, he wanted the Commission to consider authorizing issuance of a letter at the evening regular meeting.

Public Private Partnerships

Vice Mayor Roberts requested that the City Manager and City Attorney develop a policy and procedure to facilitate the City taking advantage of public private partnership opportunities. There is a potential partnership in District I that he wanted to pursue without delay (fire station and restaurant in Oakland Park Boulevard area). Both Mayor Seiler and Commissioner Rogers concurred.

District II Special Elections; January 15 and March 12, 2013

Commissioner Rogers and Mayor Seiler noted the election cost reduction in Oakland Park. In response to Mayor Seiler, the City Clerk advised she spoke to the Broward County Supervisor (SOE) of Elections about reducing the number of pollworkers. She went on to comment on those pollworkers who are required based on their specific duties. Mayor Seiler understood that pollworkers outnumbered voters at almost every poll. The City Clerk pointed out that some precincts were combined, so there could have been two or three precincts in one location. The SOE would not reduce the number of pollworkers. Mayor Seiler wanted to know the standard number of pollworkers at one poll. He was concerned about the cost, especially considering it is for one district. He also asked for the election cost in 2012. The City Clerk offered to provide that information. The SOE's formula has to do with past voter

turnout. Some discussion followed with examples from individuals present and their recollection of the number of pollworkers at the precinct location where they voted. Mayor Seiler was concerned that the City did not receive a reduction after the discussions it has had on this matter, yet the SOE reduced the number of pollworkers for Oakland Park. However, it only resulted in a savings of about \$10,000. With staffing based on the previous turnout, the City Clerk anticipated staffing would be reduced. Mayor Seiler noted that absentee voting is another factor that should influence the number of pollworkers.

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CONFERENCE REPORTS

CF-1 13-0127 SOUTH SIDE SCHOOL UPDATE

The City Auditor provided a Follow-up Cost Update (12/13-02), dated January 18, 2013. He was not certain that the City is still moving forward with all of the items in the 2004 plan. It did not seem clear in his conversations with staff that all of the things originally envisioned are still going to be done, do they make sense, or should they be value-engineered down to a lesser plan. Other than soccer fields, Mayor Seiler questioned if anything much has changed. Commissioner Rogers commented that in reality this is three projects: school, playground and ancillary buildings and Hardy Park. In response to his question about Hardy Park infrastructure, the City Auditor advised this had to do with water, sewer and stormwater work (\$735,000) that was paid from the general fund and could have been paid from the utility fund. The City Manager explained that general practice has not been to pay for such work from the utility fund if it is site specific. Because it is practice and not mandated by ordinance, the City Auditor maintained this could be something to consider. The City Attorney indicated there are also bond covenants that would limit this idea. Commissioner Rogers questioned the \$735,000 expenditure. He questioned whether it was for work that had to be done regardless of the South Side School project. It may be that utility funding was tight at the time and, as such, it may be that general capital project dollars were used to help subsidize. It would require a careful review of the task order by Public Works staff.

Commissioner Rogers indicated that there is a plan for the park that was vetted through the neighborhoods. He explained how the topic of soccer fields arose. There is more to do with respect to the park. He emphasized that the project needs to be divided into three segments that he described. It is important to find a way to move forward. The City Auditor responded to his questions about funding, noting that some funding has to do with the West contract and may be freed-up. In response to Mayor Seiler, the City Auditor indicated that his report was developed by working with departmental staff.

Discussion ensued on use of the building. Mayor Seiler thought that situating parks staff in the building would be a last option. Commissioner Rogers thought it would be more preferable than leaving the building vacant. Mayor Seiler questioned whether there would be sufficient parking for the parks staff use. In response to his question, Phil Thornburg, Director of Parks and Recreation, indicated there are some twenty employees. Mayor Seiler pointed out that there would be no visitor parking in such case.

Mayor Seiler asked this item be scheduled first on the February 5.

OLD/NEW BUSINESS

BUS-1 13-0192 CITIZENS COMMITTEE OF RECOGNITION NOMINATION RECOMMENDATIONS

There was no objection.

BUS-2 12-2130 SPEED HUMP INSTALLATION POLICY

The City Manager indicated that he does not believe the City has a policy in-place. In the past averages from other communities were used. If the area qualified, it would be included in the City's funding cycle. If a certain threshold was achieved, the City might split the cost. If no threshold was achieved and therefore not warranted, the City would install it if the City did not have to pay for it. He asked staff to develop a policy that has rational criteria. The Council of Civic Associations has furnished feedback on this matter. In response to Commissioner DuBose, the City Manager indicated there is a policy that was written by staff, but it was never presented to the Commission.

Diana Alarcon, Director of Transportation and Mobility, outlined the proposed policy. If a speed hump is warranted but the homeowners association (HOA) opposes it, there could be discussions about other traffic calming mechanisms. The City Manager indicated that such a case could be brought forward to the Commission. Staff would make the determination of whether it is warranted. If there is a conflict in the neighborhood, staff could resolve it or it could be handled at the Commission level. Commissioner DuBose thought the policy should be more driven by those that would be immediately impacted and not the HOA. Commissioner Rogers wanted installations to be driven by objective standards and a staff determination. If it is a close call, perhaps it should be presented to the Commission. The City Manager raised the idea of a call up provision.

As to the reason for the recommendation, Ms. Alarcon explained that there have been requests that were not warranted, yet there was still a push for their installation. An overall traffic calming program that would encompass more than speed humps is needed.

Mayor Seiler opened the floor for public comment.

Marilyn Mammano, president of Fort Lauderdale Council of Civic Associations, indicated that the Association has requested that there be more criteria besides speed and volume. Land uses and a street's length and whether it has curves, are two examples. A list was submitted, however, City staff is not willing to add more criteria. There will be conflict because installation on one street has historically caused more traffic on another street. The Association would now be formally part of the process.

Vice Mayor Roberts felt pocket parks in residential areas should be protected. Commissioner DuBose added that schools are another use to address. In response to Commissioner Rogers, Ms. Alarcon stressed that criteria should be followed and used as a measurement.

Commissioner Rogers thought land use of a park or school in the area should be a consideration when there an area is close to achieving the required percentage. Ms. Alarcon thought this could be added. However, an overall traffic calming policy might show that as opposed to speed humps, installation of sidewalks and narrowing the street might be a better course of action to reduce traffic speed. Mayor Seiler thought there is consensus that when there are schools and parks in the equation, there should be special treatment although it could be solutions other than speed humps. Commissioner DuBose was concerned with the impact that could be achieved because most of the streets in-play are two lanes. He referred to feedback provided by the Council of Civic Associations as well as complaints he receives around safety in the area of a particular school at District III meetings. Therefore, he asked that this all be considered and the topic addressed in a comprehensive manner.

BUS-3 13-0086**ESTABLISHING FOOD AND BEVERAGE SERVICE ON THE BEACH**

Commissioner Rogers felt the District II commissioner should be a part of this item. Mayor Seiler agreed, but noted that a decision will not be made at this time; it is informational only. He went on to comment that he understands it may not be possible to obtain a permit for off-premise alcohol beverage service in an area that is not contiguous to the subject property. The City Attorney advised that his office has not researched this issue as he felt it is the responsibility of the license holder. Amaury Piedra, chair of the Beach Business Improvement District Advisory Committee, advised that the point raised by Mayor Seiler is a grey area. The Committee still wanted to bring the matter forward because separate from alcohol, there is food and beverage.

Mr. Piedra explained this service will probably be a net loss to hotels, but it is about providing service and to be on an even playing field with neighbors to the south, north and the west coast of Florida. He reviewed slides on this topic. A copy of the slides is attached to these minutes. He believed it would be a safer arrangement for employees to be crossing the street as opposed to visitors.

In response to Mayor Seiler, Mr. Piedra advised that Committee meetings when the proposal was discussed were open and everything was public record, however there was no mailing of information to all members of the Beach Business Improvement District (BID). Going forward, Mayor Seiler wanted every member of the BID to be aware of the proposal. For Commissioner Rogers' benefit, Mr. Piedra noted that they looked at areas that are their competitors in terms of their practices. In many cases, the hotels own the beach so it becomes a mute point. He did not know about Pompano Beach or Lauderdale-By-The-Sea. Commissioner Rogers asked about maintenance of the beach. Mr. Piedra indicated that the Westin as well as the Ritz Carlton expends about \$10,000 monthly for an attendant on the beach and to provide chairs for customers. He mentioned other Fort Lauderdale hotels that do this as well. Commissioner Rogers thought an attendant and an employee to empty waste receptacles and the like are two entirely different jobs. Mayor Seiler commented on the conscientiousness of the BID members in terms of cleanliness and so forth. His concern is the alcohol element. If the tourist's experience can be enhanced, he would like to explore that aspect, but he did not want alcohol to be the subject of this debate. If done right, he felt this could enhance the beach. Commissioner Rogers agreed, but wanted to make sure the BID is not taking on too much. Mr. Piedra explained that each hotel will be limited to its designated zone. He went on to explain how the ordering is envisioned and added that an attendant is already on the

beach. In response to Commissioner DuBose, Mr. Piedra indicated that people other than hotel guests could also place orders. It will continue to improve the experience and perception of services offered on Fort Lauderdale beach overall. Vice Mayor Roberts liked the proposal and appreciated how the alcohol aspect has been addressed. He thought it would help allay fears about the old spring break days coming back. Mr. Piedra indicated that the BID also does not want that to happen. Vice Mayor Roberts indicated he would support a pilot program for alcohol service if possible.

Mayor Seiler opened the floor for public comment.

Jim Oliver, General Manager of The Ritz-Carlton, clarified that the main issue is providing service, it is not about alcohol. The desire is to enhance visitors' beach experience and maintain an even playing field with competitors. Top travel agencies have indicated there are guests who will patronize this hotel only when beachside service is available. He asked the Commission to separate the two components of food and beverage and alcohol, and to strongly consider (food and beverage). Alcohol can be addressed later. In response to Mayor Seiler, Mr. Piedra explained that the next BID meeting is in February. Mayor Seiler wanted this item to be publicly noticed when it is brought back to the BID.

Ina Lee of Travelhost, noted her experience as a beach area civic activist since the 1980's. She supported this item. Tourists' desires must be met because tourism is generating the state's economic recovery.

Fred Carlson, representing the Central Beach Alliance (CBA), indicated the CBA has not voted on this issue. But, the desire is to support tourism through the hotel industry. He expressed personal support of this business model. He thought an alternative to prevent excluding small businesses located at the northern and southern ends of the beach would be to conduct an experiment to determine whether there would be general acceptance.

Dan Lindblade, President/CEO of the Greater Fort Lauderdale Chamber of Commerce (Chamber), stressed the importance of the tourists' experience. The Chamber does not have a position on serving alcohol on the beach. The goal is to provide the City's beach area businesses with the ability to draw patrons. The District II commissioner should be part of this matter. He wanted to set aside and bring back the alcohol component, and move forward with food and beverage service. In response to Commissioner Rogers, Mr. Lindblade indicated that the Chamber does not have a position on whether there should be an open permit process or exclusivity. But he supported a permit application process with a high standard.

David Pearmain, 845 N. Fort Lauderdale Beach Boulevard, noted his credentials as a restaurant owner on A-1-A just south of Sunrise. He agreed with Mr. Carlson that designated zones for the beach will benefit the hotels, but be problematic for small restaurants. It is important for visitors to have a sense of freedom, rather than restriction. He thought it is not feasible to zone the entire beach. He suggested limiting the requested zones.

Jack Newton, Venetian Condominium at 1 Las Olas Circle, indicated that the Commission's careful examination of this matter allayed his fears. He urged the Commission to bring this matter before the CBA. Mayor Seiler asked that this be brought forward at the next CBA meeting, and the BID in February. He wanted this to be back before the Commission when

the District II commission seat is filled. The issue is about enhancing visitors' experience and Fort Lauderdale's image, which has been overwhelmed by the alcohol component.

Abby Laughlin, member of the Central Beach Alliance, agreed that the District II commissioner must take part in this matter. She agreed with Mr. Carlson. But the small hotels and businesses who want to provide service should be included. In response to her suggestion that the sea turtles be considered along with this matter, Mayor Seiler indicated that measures have been taken to protect the sea turtles. He did not consider this is not a sea turtle issue.

Monty Lalwani, member of the Central Beach Alliance, noted that his family owns small beach area businesses. He agreed with Mr. Carlson and Ms. Laughlin. Small business owners should also be allowed to provide services on the beach.

Andreas Ioannou, General Manager of the Hilton Fort Lauderdale Beach Resort, expressed support of this item. He emphasized the tourists' desire for hotels to provide food and beverage service on the beach. Implementation is simply a matter of logistics. He elaborated upon possible revenue streams for the City. He urged the Commission to move forward with this item. In response to Commissioner Rogers, Mr. Ioannou offered to provide a business plan on this topic. He thought the hotel's pool deck revenue will be displaced, and the additional labor will likely result in a loss for the hotel. But, the benefit of attracting more visitors will outweigh the loss.

Courtney Crush, representing Pan Capital LLC, noted that Pan Capital has been renovating small hotels in the North Beach Village area, and will have over 500 hotel rooms open by June. This item is supported, if implemented in a controlled and tasteful fashion. She expressed desire to participate in related discussions, including those regarding eligibility for businesses. She mentioned that A.J. Yaari owns several restaurants near the Elbo Room and is interested in participating, but it seems further discussion is warranted as there are competing interests.

There was no one else wishing to speak.

Mayor Seiler summarized the consensus reached. This topic is to be discussed at meetings of the Central Beach Alliance and Beach Business Improvement District Advisory Board. The item is to be scheduled for a conference meeting as soon as the new District II commissioner is seated (March 19). Two proposals are to be presented: one with and one without the alcohol component. It is understood that alcohol is not the driving force, but rather service and the experience. He asked that the City Attorney provide a legal opinion on the matter. Commissioner Rogers wanted information as to how other beach communities handle this.

BUS-4 13-0162 STATE ROAD A-1-A - FLORIDA SCENIC HIGHWAY- FIVE-YEAR
CORRIDOR MANAGEMENT PLAN

The City Manager highlighted information in Commission Agenda Memorandum 13-0162. There was no objection.

BUS-5 13-0150 SOCIAL SERVICE FACILITIES STUDY

Commissioner Rogers advised that he requested the City Attorney develop an ordinance to address concerns with social service facilities being located close to schools and parks. He wanted to go forward without a study. Mayor Seiler was concerned that a sexual assault treatment center is being placed on the same block as the drug treatment facility a few hundred feet from a school and a park.

The City Attorney advised that current regulations cover social service residential facilities (SSRF) whereas this ordinance would address social service facilities which is different. There are five levels of SSRF's based upon occupancy. A framework is proposed that would allow the City to designate levels of social service facilities and the service they provide. The Sustainable Development Department would have to conduct a study as to the types of services that exist and distance requirements to prevent an aggregation of those services. He believed there is some case law to support that aggregation at some point deteriorates the neighborhood and can be regulated. The draft ordinance in the backup (Exhibit 1 to Commission Agenda Memorandum 13-0150) is a skeleton outline. The study would identify the types of services, what the distance between services would do to ameliorate any impacts to the neighborhood and impact on existing social services.

Commissioner DuBose emphasized this is a citywide and a countywide issue. It should be examined comprehensively and not in haste and not to only address the proposed county facility. There may be some preemption by the State. The Florida League of Cities is also addressing the subject. In response to Commissioner Rogers, Greg Brewton, Director of Sustainable Development, indicated that a study could be accomplished inhouse, but it would mean some other matters being put aside. Vice Mayor Roberts felt parks should be a consideration in addition to schools. He emphasized the need for regulation citywide. Commissioner Rogers commented that the District IV case cited is unique in that two facilities would be on the same site. However, Fort Lauderdale has sixteen substance abuse treatment centers. He did not want to preclude the City from doing more, but also he did not want to wait until the proposal is perfect. He would like to get something in-place that could be amended going forward if necessary. Mayor Seiler pointed out that the City has taken a position against having two facilities on the same block. He pointed out that there are sixteen social service facilities and no county parks in Fort Lauderdale. Commissioner DuBose pointed out that moreover there are expansions of existing facilities occurring. Mayor Seiler agreed it is a citywide issue. Commissioner DuBose wanted to make sure research on the legislation includes the Salvation Army expanding, for example. He wanted to make sure existing facilities and expansions are included. The City Attorney advised that although the topic was raised by Commissioner Rogers, the proposal is citywide. They identified that social service facilities as opposed to SSRF's are not being regulated now. The City needs to identify those facilities; what the impact on a neighborhood might be and a reasonable regulation to keep them out, from aggregating or to separate them by distance. A study is now needed to indicate the level of services differences of the kinds of facilities and associated distance requirements and what impact there may be on existing facilities. He did not believe this proposal would address expansions, but rather new facilities. Expansion could be addressed in the future.

In further response to Commissioner DuBose, the City Attorney explained one problem is application of the ordinance to management of the business. He went on to elaborate upon the City's experience in this area. Vice Mayor Roberts wanted to address the point of whether

treatment is taking place at a residential facility. The City Attorney felt it could be accomplished once a study is completed. Mr. Brewton emphasized that SSRF's and social service facilities are different. The reason the City was unable to develop an approach (dispersal) for social service facilities is that many of the activities in them also occur in a doctor's office. In the past, staff has attempted to establish a social service facility category to capture that activity aside from those things primarily done in a doctor's office. He felt the City could accomplish something for SSRF's without a study, but not for social service facilities. Commissioner Rogers reasoned it is about the number of people coming and going and the opportunity for an adverse impact. Mr. Brewton explained that there are doctor's offices and the City does not regulate how many people come into their office.

Mayor Seiler wanted to know what other communities are doing before authorizing a study in that there may be parts of the issue that can be accomplished without a study. He requested a white paper on this matter. Vice Mayor Roberts wanted the City's levels to be in sync with those set out in the state statutes.

BUS-6 12-2648**PROPOSED LIEN SETTLEMENTS - SPECIAL MAGISTRATE AND
CODE ENFORCEMENT BOARD CASES**

There was no objection.

BOARDS AND COMMITTEES**BD-2 13-0094****BOARD AND COMMITTEE VACANCIES****Beach Redevelopment Board**

Ina Lee (Mayor Seiler - Reappointment)
Daniel S. Matchette (Mayor Seiler - Reappointment)
Jordana L. Jarjura (Vice Mayor Roberts - Reappointment)
Melissa Milroy (Vice Mayor Roberts - Reappointment)
Anthony Abbate (Commissioner Rogers - Reappointment)

Budget Advisory Board

Josias N. Dewey (Mayor Seiler - New)

Cemetery System Board of Trustees

Vicki Mowrey (Mayor Seiler - Reappointment)
Larry M. Ott (Mayor Seiler - Reappointment)
Damon R. Adams (Vice Mayor Roberts - Reappointment)
Mark Van Rees (Vice Mayor Roberts - Reappointment)
Patricia Hayes (Commissioner Rogers - Reappointment)
John Sykes (Commissioner Rogers - Reappointment)

Community Services Board

Mark Fillers (Vice Mayor Roberts - New)

Nuisance Abatement Board

Dale Hoover (Consensus - Reappointment)
Donald Ray Karney, III (Consensus/Alternate - Reappointment)
Adriane Reese (Consensus - reinstated/moved to full member)
D. Ryan Saunders (Consensus - Reappointment)
Cindy Smith (Consensus - Reappointment)

Parks, Recreation and Beaches Board

Charles Love (Commissioner Rogers - New)

Note: Please see regular meeting item R-3.

BD-1 13-0092 COMMUNICATIONS TO CITY COMMISSION AND MINUTES
CIRCULATED - period ending January 17, 2013

Marine Advisory Board

Motion made by Mr. Guardabassi, seconded by Mr. Dean, for the City Commission to reach out to the County Commission to determine what can be done to expedite the permitting process for waterway dredging projects. In a voice vote, the **motion** passed unanimously. There was consensus approval.

Budget Advisory Board

The Budget Advisory Board made a motion to nominate Drew Saito as Vice Chair for the remainder of the year. Motion passed unanimously.

The Budget Advisory Board made a motion to appoint Chair June Page to the Revenue Estimating Conference Committee. Motion passed unanimously.

In addition, the Budget Advisory Board is requesting City Commission consideration to have three (3) Joint Workshops in the coming months of February, April and August. If the Commission agrees to hold the February Joint Workshop, the Budget Advisory Board respectfully requests consideration of two possible dates; Monday, February 25, 2013 or Thursday, February 28, 2013.

There was no objection to the first two actions provided for informational purposes. There was consensus approval of the third item. Staff was requested to handle the scheduling.

CITY COMMISSION REPORTS

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Broward County Resource Recovery Board

Mayor Seiler indicated that he would like the City Auditor to perform an audit for the Broward County Resource Recovery Board. The City would then be reimbursed for it. In response to Commissioner Rogers, the City Auditor indicated that he does not know to what extent he would be taken away from other matters because the scope of the audit is not yet worked out. It could be lengthy depending upon availability of the records. Based on intended outcomes,

it could be shorter. Mayor Seiler explained if private sector is involved, an RFP would be required. Fort Lauderdale is the largest player. There is about \$200,000 set aside. He emphasized the critical nature of the audit results from a monetary standpoint. The City Auditor believed the Board's end date is July, therefore the goal would be for the audit to be completed before that time. Consequently it would not interfere with the budget review. He is just finishing some followup and has not begun any new projects, therefore the timing is good. He also emphasized the importance of such an audit. There was no objection.

District II Special Elections: January 15 and March 12, 2013

The City Clerk advised that eight precincts were combined out of the twenty-eight. The City just received the payroll for the election. There were pollworker reductions from the original estimate. An exact cost for January 15 election pollworkers has not yet been calculated. Mayor Seiler wanted to know the original projected number of pollworkers and associated cost, along with the actual number and cost for January. He wanted to know the projected number of pollworkers and associated cost for March based upon January history. There should be a revised estimate for March. He asked that the information be provided to the Commission in memorandum form. The City Clerk noted that there are what could be termed classic pollworkers and then there are also support election day workers. Mayor Seiler asked both be included. He planned to request that the City Auditor review the staffing. He hoped there is an evaluation being done for March based on January. The expense seems large for a relatively small election. The City Clerk agreed. In her conversation with the Broward County Supervisor of Elections Office today, they indicated there was a twenty percent turnout yet the City's turnout when there was a two-district election was 8.44 percent (turnout). In further response, she indicated for the March, 2012 municipal election the cost was \$96,000 plus \$50,000 for pollworkers. The January, 2012 primary election cost next to nothing because it was a presidential preference. Mayor Seiler reiterated that the cost seems large in general. He referred to the cost for Oakland Park. The City Clerk indicated that it may be that the Oakland Park numbers only include the pollworkers and not support staff for election day. The City Clerk questioned why the County used twenty percent when the last two-district election (turnout) was 8.44 percent and she has requested reductions.

Note: The Commission convened as the Community Redevelopment Agency Board of Commissioners from 4:30 p.m. until 5:03 p.m.

CITY MANAGER REPORTS – none

The meeting adjourned at 5:03 p.m.