

# City of Fort Lauderdale

City Hall  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)



## Meeting Minutes - DRAFT

Tuesday, April 7, 2015

1:30 PM

City Commission Conference Room

## City Commission Conference Meeting

**FORT LAUDERDALE CITY COMMISSION**

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

**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 1:42 p.m. by Mayor Seiler.

## ATTENDANCE ROLL CALL

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

**Also Present:** City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Jeff Brull

No public comments were submitted by email for this meeting.

## CITY COMMISSION REPORTS

### Events and Matters of Interest

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

### Riverwalk Security

Commissioner Trantalis reported complaints received about insufficient security on Riverwalk. The City Manager advised it is being pursued as part of the overall security camera process; funding needs to be identified.

### Traffic Flow on Beach; Tortuga Festival

The City Manager reported on traffic control plans in response to Commissioner Trantalis' question. Commissioner Trantalis emphasized the importance of taking control of this matter.

### Noise Ordinance

Commissioner Trantalis requested the City's noise ordinance be reexamined.

### Police Department Practices; Citizens Police Review Board

Commissioner Roberts recommended taking the initiative to ask the Justice Department to look at the Police Department's practices as they conform to the accreditation standards. Mayor Seiler and the Commission supported Commissioner Roberts' recommendation and Mayor Seiler asked him to work with the City Manager on an independent review of the department by the Justice Department or Florida Department of Law Enforcement.

Commissioner Roberts requested the City Attorney attend a Citizens Police Review Board and review their authority under the enabling legislation.

## CONFERENCE REPORTS

**CF-1 15-0288** Proposed Lien Settlements (Special Magistrate & Code Enforcement Board Cases)

No discussion.

**CF-2 15-0341 South Side School Update**

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, was disorderly and was removed from the meeting.

There was no one else wishing to speak.

In response to Commissioner Trantalis, the City Manager provided a verbal update concerning the Broward Bar's expressed interest in occupying the school. He indicated the Bar did not propose any community use. Vice-Mayor Rogers did not feel it would be a good fit in that the Bar's program is county-wide and no community use was proposed.

In response to Commissioner Trantalis, the City Manager described the New Market Tax Credit Program including involvement of the Friends of South Side School.

**CF-3 15-0455 Discussion regarding future of Judge Shippey House**

Jacquelyn Scott, Mary Fertig and former Commissioner Tim Smith, representing Friends of Shippey House, reviewed slides on this topic that are attached to these minutes. Smith indicated that Riverwalk Trust is ready to take ownership and manage the house. With an end user secured, Mayor Seiler supported the project.

Bradley Deckelbaum, representing Friends of Shippey House, agreed to donate work for construction of new ADA ramp and additional labor for the exterior.

Commissioner Trantalis was concerned about the timeline being realistic. Doug Snyder of Falkanger Snyder Martineau & Yates, Architects and Planners indicated in the next couple weeks a physical time frame can be prepared. There will be some overlapping of tasks.

Mayor Seiler left the meeting at 3:02 p.m. during Commissioner Trantalis' dialogue with Genia Ellis of Riverwalk Trust when she clarified that she has not been opposed to the project, but rather that it was time to move forward. He returned later during the meeting as shown.

The City Manager advised that there is a certificate of appropriateness issue with the Historic Preservation Board (HPB) if the windows will be changed. Therefore, 30 to 60 days should be added to the process. Snyder felt it is feasible their application could meet the deadline for the June HPB agenda. The City Manager indicated that a lease is ultimately needed. From a risk standpoint, there is a question whether work should commence prior to a lease being executed. Vice-Mayor Rogers indicated that provided status reports continue to be made in 30-day intervals, he is comfortable. He would be comfortable with the same type of lease the City has with the Historical Society. Riverwalk Trust would enter into the lease and then sublease to a tenant. The City Manager understood the sublease should be based upon fair market rent for a commercial entity. The proposal is to abate the rent equal to the cost of capital improvements. Future rent due would go to Riverwalk Trust for purposes of making improvements to Riverwalk. Discussion ensued on the lease terms, maintenance costs and that a commercial entity would be using public property. Genia Ellis, representing Riverwalk Trust, advised that lease negotiations have not yet been worked through. There should be a stipend paid annually into an escrow account for short-term needs.

## OLD/NEW BUSINESS

### **BUS-1 15-0335** Finance Department Informational Presentation on P-Card Program and Customer Service Payment Kiosk

The City Manager explained that there have been overall departmental presentations and now departments will present a program they have accomplished and one they are ready to embark upon.

Kirk Buffington, Director of Finance, reviewed slides relating to these programs that are attached to these minutes.

Mayor Seiler returned to the meeting during the slide review at 3:23 p.m.

Vice-Mayor Rogers felt there should be an incentive of less cost for individuals paying online.

### **BUS-2 15-0448** Pedestrian Lighting Solutions on A1A

The City Manager indicated that there is no simple solution to this matter. Amending the City's ordinance will not make a significant difference in the condition on the beach for most of the year as sea turtle nesting season is the majority of the months. As lights are converted, it will put the beach into semi-darkness year-round which is a public safety issue. The City has secured a commitment from the State to install lighting at pedestrian crosswalks; however, sidewalks and the beach will be dark. One long-term option which has been done by other cities in Florida and the country for endangered species is to secure an incidental taking permit. This would allow the City to institute a habitat conservation plan. The habitat could then be lighted year-round. He estimated it would be a \$2 million application process. Commissioner Trantalis noted that the Beach Business Improvement District could assist with funding and he recommended the City pursue it. Simultaneously, he felt the City Manager should look into what other coastal communities do. It was noted that the State assigned authority to the counties and Broward County has instituted higher standards. Commissioner Roberts indicated that there are coastal counties that have nothing in place. The City Manager pointed out that there is much better street lighting in Lauderdale-By-The-Sea, but they have buildings shielding lights from the ocean and beach. From 20 Street south, there are no structures, therefore the light washes onto the beach. The wave wall does not inhibit the light. Commissioner Trantalis asked about spotlighting from the wave wall westward and angled downward. Commissioner Roberts indicated that this approach has been used in Pompano Beach and is worthy of looking at. However, residential lighting is another factor that complicates the overall solution. Commissioner Trantalis felt it would be worthwhile to at least address the commercial sections. He wanted to follow parallel paths of applying for the permit and looking for technology that would allow for more lighting.

In response to Vice-Mayor Rogers, the City Manager provided more information about the incidental taking permit, noting that there are different options. Essentially a biologist has to create a habitat conservation plan and develop alternatives that then have to be sold to the regulatory agencies and go through this very complex process. Commissioner Trantalis pointed out in addition to the Beach Business Improvement District, the Community Redevelopment Agency could assist with funding. The City Manager cautioned that it will be controversial.

Mayor Seiler opened the floor for public comment.

Abby Laughlin, representing Central Beach Alliance, felt the current ordinance already addresses

pedestrian safety. If shielding is not allowed because it will create a safety hazard, having the lights off is an even worse condition. She thought these provisions could help the City and its position. She supported the parallel track recommended by Commissioner Trantalis. She mentioned that the Florida Fish and Wildlife Conservation Commission held a marine turtle permit rules stakeholder outreach meeting between May and June of 2014, and questioned if any City staff representative attended. If not, she suggested the City plan to participate in the future. She provided information from the Florida Fish and Wildlife Conservation Commission that was made a part of the record.

Fred Carlson, 625 Orton Avenue, said a number of hotels have indicated to him that this is hurting their business. He emphasized the safety issue and that it is a revenue killer. Mayor Seiler pointed out that the hotels have just reported the best December, January and February ever on record, but the hotels have also indicated it is a potential problem. Commissioner Roberts pointed out the environmental sensitivity of the subject in general. Carlson raised the idea of transporting the eggs to a safe place.

Some discussion followed about light from vehicle headlights. Mayor Seiler asked that the Central Beach Alliance vote on the lighting matter.

Shirley Smith said she lives on the beach and is afraid to walk at night. She recalled that previously eggs were moved to the south part of the beach where they hatched safely. It was pointed out that the volume of nests has greatly increased.

Vice-Mayor Rogers posed the idea of posting signage about low level lighting. Commissioner Trantalis felt the idea has some merit. People may respect the effort and not feel so threatened if they know they are part of a program.

There was no one else wishing to speak.

### **BUS-3 15-0413 Public Safety Radio System Replacement**

The City Manager highlighted some history, facts relating to this topic and recommended action, referring to Commission Agenda Memorandum 15-0413.

Commissioner Roberts commented that separate from this item, there continues to be concerns about the service the City receives from the County consolidated system relating to personnel training, inability to recognize locations, transferring of phone calls.

In response to Vice-Mayor Rogers, the City Manager advised that it will be possible to fund this year in the Information Technology Services budget and will budget for next year. It is \$1.7 million over five years. The County is on the road to buying a new state-of-the-art countywide system.

The Commission recessed and convened as the Community Redevelopment Agency Board of Directors at 4:01 p.m. The Commission then reconvened the conference meeting with agenda item BD-1 at 4:29 p.m.

## **COMMUNITY REDEVELOPMENT AGENCY MEETING**

### **BOARDS AND COMMITTEES**

### **BD-1 15-0374 Communications to City Commission and Minutes Circulated - period ending April 2, 2015**

#### Beach Redevelopment Advisory Board

There was a consensus of the Beach Redevelopment Advisory Board (BRAB) to send the following Communication to the City Commission:

1. The BRAB does not agree with increasing the cost of the Aquatic Center renovation, and that RDC should be held to the guaranteed maximum price as stipulated in the contract;
2. Pursuant to the Central Beach Master Plan and the contract, the Aquatic Center parking garage should have an architectural skin;
3. The BRAB would like more timely updates from RDC regarding the Aquatic Center design and renovations;
4. The City Commission should consider options to shade the diving spectator area.

Education Advisory Board

The Fort Lauderdale Education Advisory Board has evaluated and carefully reviewed the proposed redistricting and endorses boundary proposals E-1 and E-2 (see attached), as amended. In a voice vote, the Motion passed unanimously.

There was no discussion.

Planning and Zoning Board

Motion made by Mr. McCulla to communicate to the City Commission that they consider removing Criterion 2 from the list of code criteria for rezoning a parcel in the City.

Mr. McCulla explained that this criterion states substantial changes must have occurred in the subject neighborhood or area to warrant rezoning of a parcel. He pointed out that the Board has often approved or recommended the requested zoning changes even when substantial change is not demonstrated by applicants. The City's code states that the following three criteria must be met for a rezoning application:

1. The zoning district proposed is consistent with the City's Comprehensive Plan;
2. Substantial changes in the character of development in or near the area under consideration support the proposed rezoning;
3. The character of the area proposed is suitable for the uses permitted in the zoning district and is compatible with surrounding districts and uses.

He pointed out that any changes required under Condition 2 would also be met by either Condition 1 or 3, and concluded that Condition 2 could be removed from the three required criteria or the Ordinance could be modified to require that two of the three criteria must be met.

Pursuant to additional discussion, Mr. McCulla restated his final Motion as follows: That the Ordinance (code) regarding rezoning be reworded to require that the applicant meet two of the three presently stated criteria, not all of them.

Vice Chair Hansen seconded the motion. In a roll call vote, the motion passed 8-0.

Mayor Seiler requested the City Attorney and City Manager review the request and bring it back to the Commission.

**BD-2 15-0375 Board and Committee Vacancies**

Please see regular meeting item R-4.

Audit Advisory Board

Gregg McKee (Commissioner Trantalis)

Charter Revision Board

Maria Del Rosario Lescano (Mayor Seiler)

Rochelle Golub (Commissioner Roberts)

Ron Gunzburger (Commissioner Trantalis)

Sunrise Key Neighborhood Improvement District Ray Parker (Commissioner Trantalis)

## CITY MANAGER REPORTS

### **MGR-115-0405** Red Light Camera System Update

The City Manager noted that suspension of this system was discussed with representatives of American Traffic Solutions (ATS) at the May 19 conference meeting. The question posed was whether the City could abate the contract in the interim period while it is suspended (court order). ATS has agreed to abate the fees on a month-to-month basis provided there is a month added to the contract for every month of abatement. At the end of 24 months, if there is still not a resolution as to the efficacy of the program at the court level, it is agreed there would be another discussion as to the program's future. When the program is reinstated, ATS has agreed to lower the monthly camera fee rate from \$4,250 to \$4,000 per camera per month and provide an additional credit of \$705 per camera per month. This equates to an approximate monthly savings of \$36,000.

### **MGR-215-0406** Schlitterbahn Water Park Update

The City Manager reviewed the history on this topic since July 2014 when a lease was approved with Waterresort LLC and denied by the Federal Aviation Administration (FAA). In December, he and Commissioner Roberts broached the idea to the FAA of the City purchasing the property from the airport. A price of \$12,085,000 has been agreed upon. It would be paid from General Fund over a 10-year period. The property tax payment of \$265,000 the City has been paying would no longer be required. It would take seven years to pay back the purchase price. Overall there would be a net present value to the General Fund of approximately \$11 million.

In response to Mayor Seiler, the City Auditor believed it is a good cash flow and makes sense for the City. The City Attorney indicated that her office has no objection.

The City Manager advised that the next step would be to officially propose this to the FAA. He responded to Vice Mayor Rogers that there is about two years from the City's first payment and receipt of the first lease payment.

### **MGR-315-0470** Proposed Land Swap of Parcels Owned by Randolph Companies and the City of Fort Lauderdale

The City Manager highlighted information in the Commission Agenda Memorandum 15-0470 relating to property known as the Bahia Cabana and an adjacent 0.38 acre parcel. The proposal is to swap these properties for Fire Station 49 site and the adjacent parking lot to the north. Bahia Mar is also interested in this property. There is a question as to whether the Jungle Queen property is technically part of the Bahia Mar plat.

Mayor Seiler opened the floor for public comment.

Abby Laughlin, 425 Bayshore Drive, questioned placing a fire station in the middle of two residential properties. She felt the City should purchase this small waterfront parcel. It would be helpful to the properties on either side of it.

Mary Fertig, 511 Poinciana Drive, urged careful consideration before going forward with this land swap.

She did not favor moving the fire station. She was impressed with the Fire Chief's memorandum on this matter.

L. F. Rosenthal, 1237 NW 4 Avenue, was very opposed to the proposal.

Ann Hillmer, 621 Idlewyld, felt the title on this item without reference to Bahia Cabana is misleading. She opposed the proposal.

Stephanie Toothaker of Tripp Scott, representing Randolph Companies, advised this is merely a request to have discussions with City staff. She acknowledged there are very good points raised by the Fire Chief and that appraisals will need to be done. The request is to proceed with such levels of discussions so that an educated decision can be made. There is no site plan request. There have been discussions with some neighbors. Randolph would follow the normal process.

Commissioner Trantalis felt it is important to resolve the issues set out by the Fire Chief before proceeding to the next step.

Tom Gerrard, president of Harborage Condominium Association, indicated that Harborage has not been contacted by the developer. Harborage is concerned about traffic flow. There are no sidewalks. Harborage believes it is ill-conceived.

There was no one else wishing to speak.

Although he recognized that public safety is No. 1, Vice-Mayor Rogers questioned placement of a fire station on the corner. He understood the proposal includes construction of a parking garage for 150 spaces, which he felt is really important. The goal is to get people out of their vehicles and into another form of transportation. Commissioner Roberts felt the decision has to be about the proposed site because there are no other sites. He believed the Fire Chief raises good issues. He also pointed to the parking and associated revenue.

In response to Commissioner Trantalis, Toothaker advised that the parcels on either side are not available for purchase. There are probably other opportunities on the street. Also, the Bahia Cabana parcel includes a large property immediately across Harbor Drive. It was concluded that more information is needed.

### **MGR-415-0471**      The Culinary Institute Joint Venture Proposal for Use of Bryan Homes

The City Manager explained that the Institute is looking to use the Bryan Homes as a restaurant culinary school; a long-term lease for \$1 a year and a \$2 million capital construction contribution as well as ongoing maintenance from the City. Commissioner Trantalis reviewed some positives. He questioned if the \$2 million contribution is a requirement. Vice-Mayor Rogers did not favor the idea of the facility not being continually open. Mayor Seiler suggested the City Manager be directed to advise that the City would be willing to enter into discussions without the \$2 million contribution.

There being no other matters to come before the Commission, the meeting adjourned at 5:08 p.m.