

City of Fort Lauderdale

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



Meeting Minutes

Wednesday, September 6, 2017

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
ROBERT L. McKINZIE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney

ROLL CALL

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

QUORUM ESTABLISHED

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

No e-comments were submitted for this meeting.

CALL TO ORDER

Mayor Seiler called the meeting to order at 1:36 p.m.

CITY COMMISSION REPORTS

Mayor Seiler announced he may need to excuse himself from this meeting to participate in calls with Governor Scott's Office regarding updates to the approaching Hurricane Irma (Storm).

Mayor Seiler thanked Staff for a great job in disseminating public information about the Storm.

Mayor Seiler announced Broward County issued a mandatory evacuation order for all residents east of U.S. 1 - Federal Highway beginning at noon tomorrow, September 7, 2017.

City Manager Lee Feldman confirmed City Hall would be closed Thursday, Friday, Saturday, and Sunday. Discussions continued on Court closures. Mayor Seiler thanked Police Chief Rick Maglione and Fire Chief Robert Hoecherl and their personnel for their efforts in preparing the City.

Commissions Rogers discussed the availability of medical services should the Storm be a catastrophic event, noting the need to identify safe havens for medical needs. Vice Mayor Roberts asked City Manager Feldman about construction sites in the City in need of being secured. City Manager Feldman commented on the precautions taken about those concerns. Further discussions and comments continued on the Storm's

possible impact and the County's decision.

City Manager Feldman noted the extended hours granted to a local construction company to address safety concerns and allowing the project's concrete to set before the impending Storm.

Commissioner Rogers noted the upcoming meeting on the 17th Street Transportation Plan to be held September 25, 2017. He commented on a significant amount of input, asking members of the Commission for their recommendations. Discussions ensued on the impact of widening 20th Street. Commissioner Rogers commented on additional aspects to this topic including traffic on State Road 84 entering Port Everglades. Commissioner Rogers stated all Mobility Plans with the County and City need to be overlapped to address all relevant issues cohesively. Mayor Seiler discussed the need for expansion of the Convention Center due to Boat Show needs and the inability to host large conventions. He discussed the need to expand the Convention Center regardless of a decision on a large conference hotel. Further comments and discussions ensued on this topic.

Commissioner Rogers discussed the need to host both national and international conventions that would not require local travel by car to the Convention Center. The timeframe with the County to reach a consensus on the various issues is estimated to be six months. Discussions ensued on the County building a new cruise terminal and additional terminal parking at Port Everglades (Port). City Manager Feldman discussed implications of the Development Regional Impact (DRI) related to building a new terminal at the Port. City Manager Feldman noted the DRI was not in good standing, expounding on the City's position and the County's position on this issue. He stated they are not in agreement. Commissioner Trantalis recommended not focusing on the differences and technicalities related to this issue, urging continuation of discussions with the County. Comments and discussions continued on this topic.

Commissioner Rogers spoke about 2018 municipal elections. He also discussed dates for the Budget Hearing and other scheduled City events related to the Storm. Commissioner Trantalis also noted upcoming events that may require rescheduling.

Commissioner McKinzie arrived at 1:56 p.m.

In response to Commissioner Trantalis's inquiry about water testing results on canals near Las Olas Boulevard, City Manager Feldman stated the results had not been received. Commissioner Trantalis

requested the results be forwarded to the Commission when made available.

In response to Commissioner Trantalis's inquiry about the status of ordinances related to real estate signs for Open Houses, Vice Mayor Roberts confirmed City Attorney Everett is working on this matter. City Manager Feldman discussed issues related to this topic as a result of a recent Supreme Court decision. He expounded on his position, stating it will be self-correcting when realtors remove the signs at the end of the day. Should the signs be left overnight, Nighttime Code Enforcement will address this issue. Further comments and discussions ensued.

In response to Commissioner Trantalis's inquiry regarding the expiration of Building Permits, City Manager Feldman gave an update on the Marina Lofts project, confirming their allocation of units expires in mid-October. City Manager Feldman confirmed state statute dictates that they are entitled to make automatic extensions due to the State of Emergency declared by Governor Scott. Comments and discussions continued on this topic. Vice Mayor Roberts mentioned City lobbyists could address this issue. Further discussions continued on the State of Emergency's impact on a variety of items.

Commissioner Trantalis discussed election cycles. He commented on the number of overseas ballots and a way to address this issue, noting the need to "think outside the box".

Vice Mayor Roberts discussed the recent meeting related to infrastructure. He has requested City Manager Feldman and City Attorney Everett to look at several items as noted in his email:

- A reporting mechanism to keep on track with important dates in the Consent Order.
- Project descriptions, estimated costs, funding sources, the timeline for completion, etc.
- Ways to expedite the process
- Issues relating to a ROI versus a bond issue

City Manager Feldman stated the current plan is to have a weekly report. Regarding expediting, he discussed delegating authorities, i.e., streamlining Change Orders. He reviewed previous processes with Water Works, the proposal submission process and possibly delegating

authority to the Office of the City Manager, similar to the Water Works project. Further discussions continued on this topic.

Commissioner Rogers said the Commission could approve the contract forms for each project. City Attorney Everett confirmed. Further discussions continued about streamlining the process to address infrastructure projects.

Vice Mayor Roberts discussed State of Emergency declarations on local and state levels. City Manager Feldman explained and expounded on this topic and situations allowing emergency purchases.

Assistant City Attorney Rhonda Hasan stated there had been a formal written opinion issued by the Broward County Board of Rules and Appeals on matters relating to the declaration of a State of Emergency relating to health emergencies, such as the Zika virus which would not be a mechanism to extend a building permit. City Attorney Everett commented on this issue, stating the City Attorney's Office is looking into this further. City Attorney Everett confirmed what Governor Scott has said regarding the current State of Emergency. Further discussions continued on statute requirements, local timelines and requirements relating to infrastructure and development.

Commissioner Trantalis circulated a graphic aerial rendering of the City received from Courtney Crush, Esq., and its impact on the underlying infrastructure on Las Olas Riverfront.

A copy of this rendering is attached to these minutes.

Mayor Seiler discussed Assistant City Attorney Lynn Solomon's request for direction from the Commission regarding mineral rights issues for the Natchez/Barefoot Contessa land swap lease. He stated he sees no need to preserve mineral rights on a portion of the Beach. City Attorney Everett discussed state statutes regarding this issue. Further discussions ensued.

Assistant City Attorney Solomon explained remaining issues related to this matter. Mayor Seiler agreed with Assistant City Attorney Solomon's opinion on the Natchez property and language in the legal documents relating to mineral rights. He emphasized the need not to delay this issue any longer. Further discussions continued on this topic.

Assistant City Attorney Solomon commented on the request for a release in the proposed deed. She stated she felt comfortable with the release,

expounding on aspects of this issue relating to state statutes. She noted it is a policy decision. Assistant City Attorney Solomon confirmed the City would receive a Special Warranty Deed. Barefoot Contessa would be given a Quit Claim Deed. She explained and expounded on other details of the transaction, including the need to receive the payoff letter from the lender, language in the Quit Claim Deed and the Declaration of Restrictive Covenants relating to the easement. Further discussions and comments ensued on this matter.

Mayor Seiler recognized Stephanie Toothaker, Esq., on behalf of Barefoot Contessa, who confirmed they do not object to the language. However, they do not think the Quit Claim Deed is the proper venue, explaining her position and noting issues related to mineral rights would be reflected in the recorded Declaration of Restrictive Covenants.

Commissioner Trantalis asked about the status of the loan payoff. Ms. Toothaker explained the status of the loan payoff/satisfaction of mortgage. There was a consensus on the mineral rights issue. It was confirmed that it was a policy decision.

Mayor Seiler recessed the Conference Meeting at 2:31 p.m. to hold the Community Redevelopment Agency Board Meeting.

Mayor Seiler reconvened the Conference Meeting at 2:49 p.m.

[17-1065](#)

Communications to the City Commission

DRAFT MINUTES

AUGUST 31, 2017, SPECIAL MEETING - CHARTER REVISION BOARD

Communication to the City Commission

Member Wilson Atkinson made a motion, seconded by Maria Lescano, recommending the following dates be used for the 2018 Municipal Election:

Filing date of November 6, 2017 and closing November 10, 2017 at noon; Primary Election date of January 16, 2018; and Keeping General Election date of March 13, 2018

In a voice vote, the motion passed unanimously. (5-0)

Member Desorae Giles-Smith made a motion, seconded by member

Wilson Atkinson to formalize the motion made on August 10, 2017 regarding the board attorney to the City Commission (see below Motion - 8/10/2017)

In a voice vote, the motion passed unanimously. (5-0)

8/10/2017 Motion

Motion made by Ms. Giles-Smith, seconded by Mr. Atkinson, to move forward with selecting outside counsel for general counsel for the Charter Review Board. In a voice vote, the motion passed unanimously. (4-0)

Mayor Seiler noted discussions with the Supervisor of Elections on this issue and the importance of not disenfranchising any overseas voters. Commissioner Trantalis discussed aspects in a similar situation occurring during the election when he ran for Commission. Further discussions ensued on setting dates for candidate qualifying.

City Attorney Everett discussed the issue is with the Supervisor of Elections' mandate, noting the conflicting opinions that the 45-day rule does not apply to municipal elections. She stated there is no mechanism in place to make a change, confirming the residents of the City would need to change the Charter. Further discussions and comments ensued on this topic. Mayor Seiler stated he would prefer to leave everything as it is currently.

In response to Mayor Seiler's request, City Clerk Jeffrey Modarelli confirmed the City has worked with the Supervisor of Elections to hold City elections. The City does not have the resources to hold the elections without the resources of the Supervisor of Elections, noting the high costs and other aspects involved.

City Attorney Everett stated entities at the Office of Supervisor of Elections should confer to come up with a resolution. Mayor Seiler discussed issues regarding arriving at a remedy. In response to Vice Mayor Roberts' question about an estimation of costs to the City for holding its elections independently, City Clerk Modarelli confirmed the charge to hold elections with the Supervisor of Elections, sharing with other municipalities, would be approximately \$800,000. Further discussions continued on the costs.

City Attorney Everett explained the legal aspects and conflicting legal opinions on this issue and associated consequences. She expounded on the details and aspects of the differing legal opinions, their remedies,

options, and an opinion from the State of Florida Board of Elections to make a determination. Additional discussions ensued on legal theories and the date this was first presented to the City. City Clerk Modarelli commented on previous similar situations.

In response to Mayor Seiler's inquiry about achieving possible remedies to this situation, City Attorney Everett noted:

- The Supervisor of Elections could be retained by the City to hold City Elections
- Convening a meeting with those involved with the legal opinions to clarify, resolve, and determine the correct course of action.

Further discussions ensued. Vice Mayor Roberts asked to determine the costs associated with the options noted above. City Clerk Modarelli stated the methodology of getting the vote by mail ballots out was not the issue. Rather, the Supervisor of Elections needs a 45-day timeline. Mayor Seiler reconfirmed the Commission does not wish to alter the election dates.

City Attorney Everett confirmed she is working on resolving this issue and would report back tonight at the Regular Commission Meeting. Mayor Seiler discussed the timelines involved with the qualifying period. Commissioner Trantalis stated he would like to defer to City Attorney Everett on this matter.

Mayor Seiler recognized former Commissioner Charlotte Rodstrom, 66 Nurmi Drive, who commented on the Charter Revision Board members involvement in election dates. Vice Mayor Roberts responded. Mayor Seiler reiterated the procedure involved, stating it had nothing to do with one individual and was assigned to the Charter Revision Board.

***AUGUST 23, 2017
PARKS, RECREATION, AND BEACHES BOARD MEETING
MINUTES***

Communications to the Commission

Motion was made by Dermot McQuarrie and seconded by James Jordan to have park rule 7.5(g) of the Parks and Recreation - Rules and Regulations be amended for the possibility of slacklining to be

allowed in a designated park within the City of Fort Lauderdale, and including the review of the City of Austin Texas current policy and procedures guidelines . In a voice vote, the motion passed unanimously.

In response to Mayor Seiler's recommendation of Snyder Park, City Manager Feldman noted there are some liability issues regarding this request. Commissioner Trantalis commented on the genesis of this request, saying it is dangerous. Mayor Seiler confirmed there was no consensus to approve this request.

DRAFT
BEACH REDEVELOPMENT BOARD
Tuesday, June 27, 2017

Communications to City Communication

If the P3 Project (as relayed by Mr. Whitmore) requires funding from the CRA, the BRB is not supportive of it because it jeopardizes the project due to the sunseting of the CRA. If it does not require funding from the CRA, there are no objections from the BRB.

The City should start putting together a mechanism for all public realm facilities on the beach and how they are going to be activated/programmed long-term, with the idea of some revenue stream coming back into the Central Beach area that can be used for ongoing maintenance.

In response to Mayor Seiler's question, City Manager Feldman confirmed this is a request to delay to Aquatic Complex Project. Mayor Seiler confirmed there was no desire by the Commission to delay the Aquatic Complex Project.

On the second item, there was a consensus to review a revenue stream.

BEACH REDEVELOPMENT BOARD
AUGUST 23, 2017

Communications to City Communication

Motion made by Mr. Schiavone, seconded by Mr. Yaari, to approve both of the communications as they exist in the July 27, 2017,

meeting minutes. In a voice vote, the motion passed unanimously (5-0).

Mayor Seiler recognized Don Morris, Area Manager for the Beach Community Redevelopment Area, who clarified this item. Mayor Seiler pointed out the incorrect meeting dates listed in this item.

CONFERENCE REPORTS

CF-1 [17-0989](#) Quarterly Investment Report for Period Ending June 30, 2017

No discussion.

CF-2 [17-1023](#) Central Beach Master Plan Public Improvement Projects Update

No discussion.

OLD/NEW BUSINESS

BUS-1 [17-1093](#) Staff Recommendation for Historic Preservation Board
Communication to City Commission Regarding the Hardy Park Club House

City Manager Feldman confirmed there is a request from the Historic Preservation Board to consider the historic structure at this location for demolition, due to its unsafe condition or designating the entire site historic. In response to Mayor Seiler's question, City Manager Feldman deferred to Anthony Fajardo, Director of Sustainable Development, who stated Tricia Logan, the Historic Preservation Officer, had reviewed this structure and confirmed some aspects might be considered historic. The Historic Preservation Board recommended it be maintained and preserved. Mr. Fajardo suggested the following:

- The structure should be torn down
- The structure is documented and recognized as part of Hardy Park (through photographs and explanations about the building purpose and its architecture) at the Fort Lauderdale Historical Society.

Each member of the Commission gave their input. There was a consensus not to preserve this structure.

Mayor Seiler recessed the Conference Meeting at 3:20 p.m. to hold the Other Post Employment Benefits (OPEB) Meeting.

Mayor Seiler reconvened the Conference Meeting at 3:24 p.m.

BOARDS AND COMMITTEES

BD-1 [17-1064](#)

Board and Committee Vacancies

City Clerk Modarelli confirmed two additional appointments were added to tonight's Resolution. He read the Board and Committee appointments for tonight's Resolution. Further discussions ensued on board and committee appointments.

Mayor Seiler recommended Jeff Torkelson for appointment to the Central City Advisory Board. Steve Williams was recommended for the Unsafe Structures Advisory Board. Discussions ensued on other open board and committee positions.

Discussions continued about holding the Regular Meeting tonight due to the State of Emergency for Hurricane Irma. Mayor Seiler recommended deferring items that will require a long discussion. He stated the scheduled Budget Hearing is critically important due to notice requirements. The Commission discussed modifications to the Regular Meeting Agenda. Vice Mayor Roberts suggested any items pulled be deferred.

The Commission continued their review and discussion of the September 6, 2017 Regular Meeting Agenda items to be deferred, withdrawn and continued to expedite the meeting due to the impending impact of the Storm. City Attorney Everett commented on the proper procedures for announcing deferred and withdrawn items.

Mayor Seiler recognized former Commissioner Charlotte Rodstrom, who asked if a Walk-On Item regarding the Elections would be on the Agenda. City Attorney Everett stated she is awaiting word from Tallahassee and would advise as soon as she receives an answer.

CITY MANAGER REPORTS

None.

EXECUTIVE CLOSED DOOR SESSION

Cancelled.

ADJOURNMENT

Mayor Seiler adjourned the meeting at 3:42 p.m.