

# City of Fort Lauderdale

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



## Meeting Minutes - DRAFT

Tuesday, March 5, 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 1:33 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 Joel Winfrey

## CITY COMMISSION REPORTS

### Events and Matters of Interest

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

### South Side School; Mold Remediation

In response to Commissioners Rogers and DuBose, the City Manager reported on staff's discussions with two potential hygienists. There is not a convergence on the solution. When a written report is received, Commissioner DuBose requested a copy.

## CONFERENCE REPORTS

**CF-1 13-0310** PROPOSED LIEN SETTLEMENTS - SPECIAL MAGISTRATE AND CODE ENFORCEMENT BOARD CASES

No objection.

## OLD/NEW BUSINESS

**BUS-1 13-0401** NEW UP-TO-DATE FORT LAUDERDALE NEIGHBORHOODS FRAMED MAP - PRESENTED BY FORT LAUDERDALE COUNCIL OF CIVIC ASSOCIATIONS

The Commission accepted the map.

Commissioner DuBose referred to conflicts with neighborhood association boundary lines in District III and his preference not to take any official action on the map for that reason. The City Attorney indicated the action is to accept a gift and not to approve the lines, that is, the map's content. This could be made clear in the motion.

**BUS-2 13-0200** METROPOLITAN PLANNING ORGANIZATION'S UNFUNDED TRANSPORTATION PRIORITIES, NW 7TH/9TH CONNECTOR PROJECT AND TRANSPORTATION ALTERNATIVES PROGRAM GRANT OPPORTUNITIES

Diana Alarcon, Director of Transportation and Mobility, highlighted information in Commission Agenda Memorandum 13-0200.

Commissioner DuBose was disappointed in the NW 7<sup>th</sup>/9<sup>th</sup> Connector ranking falling. Some discussion followed about the dynamics that occurred at the Metropolitan Planning Organization (MPO) level. In response to Commissioner DuBose, Ms. Alarcon indicated that \$34 million is a pretty solid cost estimate for right of way and \$43 million with construction included. She emphasized if the City does not have a project that matches MPO's initiatives, the City will be asked to return the funds, now at roughly \$800,000. Discussion turned to the footage of right of way needed.

Vice Mayor Roberts suggested staffs of the City and MPO meet and give the Commission feedback on what may be a good project to recommend. Commissioner DuBose suggested an extension be sought that will allow District II to weigh in. The City Manager suggested staff be authorized to apply for an extension and the matter be brought back on April 2. During that time, staff will meet with the MPO and he will have time to meet with the district commissioners. In response to Commissioner Rogers, the City Manager indicated this would be the last extension and no additional funds would be expended during this time.

Commissioner DuBose asked that staff put emphasis on the corner of 9<sup>th</sup> and Sunrise Boulevard when staff further looks at this.

Ms. Alarcon advised that the other part of this item is Transportation Alternatives Program Grant Application (TAP). In response to Mayor Seiler, Ms. Alarcon advised that the scope of the project cannot be reduced even though the grant award may be less than the application package. Mayor Seiler preferred to take on a portion and do it well, however, Vice Mayor Roberts wanted to get a project fully completed. Vice Mayor Roberts felt the City is in the best position than in previous years to get an award. Commissioner Rogers was reluctant to advocate for two projects in a cycle. In response to Vice Mayor Roberts, Renee Cross of Transportation and Mobility and a member of the Transportation Coordinating Committee, advised that the committee crafted the application criteria which City staff has kept in mind. In response to Mayor Seiler, Ms. Cross advised that the most that could be awarded would be \$1 million and only one project can be awarded. Ms. Alarcon indicated that the total cost of NW 7 Avenue project is \$1,329,227 and Bayview Drive project is \$1,089,000. Ms. Cross advised that these grants do not pay for design therefore the actual application amounts are less.

Commissioner Rogers wanted consensus on which project to advocate at the MPO. Vice Mayor Roberts felt the dynamics will be revealed at the meeting and there will be an opportunity to meet with staff beforehand. There was consensus to move forward with both projects.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, saw no benefit in the 7<sup>th</sup>/9<sup>th</sup> Connector. He felt it is the worst project on the list and would prove to be a boondoggle. He suggested making a train quiet zone through the Fort Lauderdale area. This kind of noise causes blight because people do not want to live in those areas.

Quiet Zones - In response to Mayor Seiler, the City Manager explained that there is a Florida statute that governs how an intersection has to be improved in order to have a quiet zone. The MPO is currently looking at this. It could become an MPO project countywide. City staff is looking at options. He has heard of an intersection cost in the area of \$45,000 to \$60,000 up to several hundred thousand dollars. Mayor Seiler was interested in the City placing emphasis on this and starting to plan for it. Commissioner DuBose believed that Palm Beach County is pressing for quiet zones. Measures should be taken to ensure that Broward County receives the same treatment. Mayor Seiler asked that the Commission be kept informed.

**BUS-3 13-0398** PROPERTY EXCHANGE AND PUBLIC/PRIVATE PARTNERSHIP OPPORTUNITY TO BUILD FIRE STATION 54 AT 3200 NE 32 STREET - GALT SHOPS AREA

The City Manager highlighted information and the concept contained in Commission Agenda Memorandum 13-0398. The fire station would be built by the Bokamper's developer. This matter would be scheduled before the Commission on April 16, 2013. The City Attorney advised that the matter has been processed through his office. In response to Mayor Seiler, the City Manager indicated that by abandoning Fire Station 54 and allowing for that demolition will make it possible for Bokamper's to reach their opening time frame goal.

Courtney Crush, representing PDKN Holdings, LLC, understood that April 16, 2013 is the quickest possible and Bokamper's is aware of this date.

There was consensus approval.

**BUS-4 13-0320** PUBLIC WORKS DEPARTMENT - INFORMATIONAL PRESENTATION

This item was removed from the agenda at the City Manager's request.

**BUS-5 13-0369** STORMWATER MANAGEMENT PROGRAM

The City Manager remarked about the need for a more concentrated effort on the part of the City with respect to flooding, stormwater and sea level rise. He would like to schedule a quarterly update on stormwater issues.

Susanne Torriente, Assistant City Manager, remarked that the survey and visioning process also reflected the need for attention in this area. She presented slides on this topic that are attached to these minutes. She noted that the Stormwater Master Plan conducted in 2009 by CDM Smith Inc. did not address sea level rise. She pointed out that the implementation is piecemeal. Projects are complaint driven. Victoria Park has been added to the five approved design task orders (see "Efforts Accomplished To Date" slide).

Commissioner DuBose drew attention to a flooding in Dillard where water flooded houses last year. In response to his questions, Ms. Torriente did not know what happened with that case. As to FEMA funds for repetitive flooding, she indicated that staff in Risk Management would have to be consulted. Vice Mayor Roberts recalled the City reached out to some 70-80 households, but only a handful or less were able to comply with the requirements. Ms. Torriente indicated that information on this could be provided in a quarterly report.

Commissioner Rogers wanted the recommended technical advisory committee to investigate best practices in other waterfront communities. Vice Mayor Roberts noted that prioritizing and funding will be key. Commissioner DuBose did not think the matter has been ignored, but rather it has been a matter of having a funding source and level of service. Ms. Torriente anticipated a report being presented to the Commission in the next ninety days. She went on to describe a \$50,000 grant on the regular meeting agenda to help identify areas as adaptation action areas which would be where public infrastructure dollars should be prioritized. Fort Lauderdale will be the first in the state to do this. The Planning Council will be looking at Fort Lauderdale and writing case study for other cities. The City Manager added that staff will also be working on a community rating system relating to the National Flood Insurance Program and discounts on flood insurance. He was optimistic that residents will get another five percent discount.

Mayor Seiler opened the floor for public comment.

Charles King, 105 N. Victoria Park Road, commented about the need for raising the roads in Riviera Isles. Mayor Seiler referred to previous discussion of this topic wherein engineers advised that raising the road level will cause yards to flood. He went on to elaborate upon principles in the City's policymaking on this topic. Mr. King believed that function obsolescence should be recognized whereby homes are eventually demolished and replaced at a higher level.

In further response to Mr. King, Mayor Seiler indicated the paving the swale (Victoria Park) that prevent filtration is not permissible. He offered to followup on a particular location.

There was no one else wishing to speak.

## **BOARDS AND COMMITTEES**

**BD-1 13-0102** COMMUNICATIONS TO CITY COMMISSION AND MINUTES  
CIRCULATED - period ending February 28, 2013

### Sustainability Advisory Board

**The Sustainability Advisory Board as well as Staff** recommends the passage of this resolution as it supports a growing voice of municipalities who agree that we must address the negative social, environmental and economic impact that plastic and paper bags have on our communities.

A RESOLUTION OF THE CITY OF FORT LAUDERDALE,  
FLORIDA, URGING THE FLORIDA LEGISLATURE TO REPEAL  
SECTION 403.7033, FLORIDA STATUTES, TO ALLOW

MUNICIPALITIES TO EXERCISE HOMERULE REGARDING THE PASSAGE OF RETAIL BAG REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner DuBose advised that the Broward League of Cities has not taken an official action on this item, but he believed there is some support from the Florida League based on violation of home rule.

Joshua Nichols, Sustainability Manager, advised this is included in the Sustainability Action Plan and therefore recommended by staff as well. Vice Mayor Roberts pointed out that there are problems with cloth bags also. Mayor Seiler agreed. Thought needs to be given to the safest way to transport food. Mr. Nichols indicated that there is a Senate bill in the works to create regulation at the state level. The Board would like to maintain home rule so that the State does not drive the regulations. Mayor Seiler wanted to know what would be the substitute for plastic bags. Commissioner DuBose commented that although the Board is opposed to plastic bags, the action has to do with home rule. Mayor Seiler did not want to interfere with a tourist who does not have a cloth bag handy. Mr. Nichols indicated that the senate bill suggests charging ten cents for a paper bag as people transition from plastic to a future solution. Mayor Seiler favored the language concerning home rule, but felt references to policy decisions need to be removed until the Commission has a full discussion on the options.

Mayor Seiler opened the floor for public comment.

Valerie Amor, chair of Sustainability Advisory Board, advised the intent was to address home rule only.

The City Attorney advised that a resolution has been drafted speaking to home rule but missed this meeting's deadline. There was consensus for a resolution referencing home rule and supporting repeal of retail bag regulations. Commissioner DuBose asked that he be provided a copy as he will not be present on March 19. He supported the matter and did not want to delay it.

Fred Carlson, 625 Orton Avenue, advocated for home rule if it could be helpful in solving the homeless issue.

**BD-2 13-0103 BOARD AND COMMITTEE VACANCIES**

Utility Advisory Committee

Don Larson (Commissioner Rogers – Reappointment)

Note: Please see regular meeting item R-3.

**CITY MANAGER REPORTS**

Beach Restoration

The City Manager indicated hopefully the federal permit will be issued tomorrow to allow sand to start being delivered. There will be monitoring costs. He recommended that the City pay no more than 25 percent.

E911 Call Taking and Police Dispatch Services

The City Manager advised at their last meeting the County Commission voted in favor of a MSTU (Municipal Service Taxing Unit) would have to be in place by May 1 in order to achieve a rate for October. This means the County Commission would have to adopt an ordinance in March and cities in April. He was not hopeful that this could be accomplished. City staff is still proceeding with dispatching

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 3:28 P.M.**

**13-0368** THE CITY COMMISSION SHALL MEET PRIVATELY PURSUANT TO FLORIDA STATUTE 768.28(16) CONCERNING BRIAN GIBBS v. CITY OF FORT LAUDERDALE FILE VA GL 12-220

**CLOSED DOOR SESSION ENDED AT 4:55 P.M.**

The meeting adjourned at 4:55 p.m.