

# 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, September 3, 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 1:32 p.m. by Mayor Seiler.

## ATTENDANCE ROLL CALL

**Present** 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

**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.

### Abstention Policy

Commissioner Trantalis referenced a newspaper article about the mayor of Tamarac facing criminal charges for voting on issues involving people who indirectly contributed to her campaign. He is concerned about an organization that formed during his campaign and advocated his candidacy. If that group has a matter to go before the Commission he would like to know if he should abstain from voting. Mayor Seiler said he believes a judge found no criminal wrongdoing in the Tamarac case. Commissioner Trantalis requested the City Attorney look into this matter and provide her opinion.

### Commission Meeting Policy

Commissioner DuBose asked for a review of the way meetings are structured. He has received some complaints and concerns that meetings are too long. He would like to look at how other municipalities handle this issue. Mayor Seiler said it is not his policy to limit the amount of time a commissioner can speak or refuse to allow a citizen to comment. Commissioner Trantalis said occasionally there is a controversial issue, and the Commission can anticipate it and plan accordingly. It is fair for commissioners to want to deliberate matters with a clear head and without the pressure of wanting to resolve issues quickly. Perhaps they could be scheduled for a separate evening. Mayor Seiler believed a lot of legwork can be completed at the advisory board level, and the Commission should not need to listen to several hours of the same testimony that was provided at that level.

### Broward League of Cities Award

Commissioner DuBose announced Fort Lauderdale won the Peacock Award for its Sistrunk infrastructure renovation and beautification project. The award from the Broward League of Cities recognized an outstanding beautification effort.

### Illegal Activities at Motels and Hotels on South Federal Highway

Commissioner Rogers said there is still an issue with prostitution on South Federal Highway and a meth lab was discovered at a motel in the area. He believes bringing nuisance actions before the Nuisance Abatement Board against hotel and motel owners that are allowing illegal activity could help. Commissioner DuBose said municipalities must be aggressive with code enforcement. Vice-Mayor Roberts suggested enforcement of every aspect from every angle. Commissioner Rogers suggested a

tour with law enforcement officers, code enforcement officers and representatives of various homeowners' associations to point out problem areas.

## CONFERENCE REPORTS

**CF-1 13-1023** QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING JUNE 30, 2013

The City Auditor explained for Commissioner Rogers that on a market to market basis, the paper loss must be reflected.

**CF-2 13-1142** EMERGENCY PURCHASE - REPAIRS TO BAHIA MAR PEDESTRIAN BRIDGE

The City Manager said this bridge needs repairs. He authorized the repairs to be done before the upcoming boat show. He referenced Exhibit 3 to Commission Agenda Report 13-1142 that shows a conceptual design. Long-term repairs are needed for the façade and staff would like to use this opportunity to make the bridge a landmark at the entrance to the beach. More information will be presented to the Commission after the boat show. It is unclear whether Bahia Mar has any financial obligation in this matter. Commissioner Rogers felt Bahia Mar should be encouraged to participate as a partner in the project.

## CITY MANAGER REPORTS

**MGR-1 13-1227** STATUS OF LEASE NEGOTIATIONS WITH INTERNATIONAL SWIMMING HALL OF FAME

The City Manager said the original concept for the International Swimming Hall of Fame (ISHOF) was for the City to build a shell into which the ISHOF headquarters would relocate. Other uses would be combined in the shell. Plans call for a two-story, 10,000-square-foot floor plan that the City would lease to ISHOF for \$1 per year. Each respective entity would keep any revenue it generates. Both entities have had a series of discussions in an effort to prepare a term sheet for the Commission. ISHOF has indicated it no longer wants to have its headquarters at the Aquatic Complex, but rather a satellite museum. In order to accommodate that, ISHOF would like the City to deliver \$650,000 in improvements that have not been previously anticipated in addition to a \$50,000 annual stipend and to cover utility costs.

The City Manager asked for direction from the Commission. He clarified for Mayor Seiler that ISHOF representatives have said publicly that they are satisfied with the concept and plans. Based on rent in the area averaging \$30-\$35 per square foot, the City is providing millions of dollars of free rent. In response to a question from Commissioner Rogers, the City Manager believed the revenue generated from the parking facility and providing space to ISHOF for \$1 per year would allow the City to come close to breaking even on the financial investment but a lot depends on the final design. Vice-Mayor Roberts pointed out that ISHOF is a recognized name and known for being in Fort Lauderdale. He asked whether the name recognition is a marketing tool that brings more swimming competitions, and thus financial gain, to the City. The City Manager said once the facility is upgraded, he believes there will be significant demand to hold competitive meets, but he is not certain that is because of the name recognition or just the fact that it will be a state-of-the-art facility. Coral Springs has a state-of-the-art facility and it is heavily used for competitive meets. Commissioner DuBose said branding will be a key issue in further discussions. Commissioner Trantalis said based on the City Manager's comments, it sounds like the

quality of the facility is what attracts visitors and not the facility's name. If the Commission is committed to ensuring the facility is the best in the country, then its name becomes secondary. Regardless of what ISHOF decides, the facility could still be named, Swimming Hall of Fame.

Commissioner Trantalis said he received a copy of a letter that Bruce Wigo, executive director of ISHOF, sent to the governor, asking that the property be reverted to the State so the City would not have the right to own or use it. A copy of the letter is attached to these minutes.

In response to Commissioner Rogers, the City Manager said there is an interest by the diving team to use some of the additional square footage for indoor training. The diving team, he understood, would commit to raising capital to build this section out. They are expecting a \$1 per year rent agreement with the City. Commissioner Rogers felt a quality indoor facility is necessary in order to achieve state-of-the-art. Commissioner Trantalis reiterated his concern about the letter. The letter also alludes to the Inspector General's report and implies that a flawed bidding process should prompt the Commission to start over.

Commissioner Trantalis wanted the City to be committed to building a state-of-the-art facility. In response to his question, the City Manager said the plan submitted by ISHOF calls for a museum and diving facility but the museum would be a satellite version and their offices would not be situated there. Commissioner Trantalis said he is not opposed to working with ISHOF because it will assist the City in enhancing the facility, but is opposed to offering a stipend and some of the other extras. ISHOF needs to take some financial responsibility. He did not think the satellite version would impact the City's ability to compete with other facilities. The City has the right to name the facility, Swimming Hall of Fame. He was offended by the letter to the governor, using it as leverage. Vice-Mayor Roberts said the Commission needs to provide direction to the City Manager and move forward to avoid any further delay. He agreed with Commissioner Trantalis. Commissioner Rogers was disappointed the plan has not moved forward in partnership between the City and ISHOF. He does not feel like the City has a serious partner in this project. Mayor Seiler went on to elaborate upon the history of this topic with respect to the City's interaction with ISHOF representatives and their complaints. When negotiations turned to dollar amounts, they decided the facility and rent agreement were no longer acceptable. Recent attendance has not netted enough revenue for the City to break even. If a partnership goes forward, it cannot be at the expense of the taxpayers. As to ISHOF's offer to repay the City 25 percent of their net revenues, the City Manager noted those revenues have been minimal. Mayor Seiler felt the City should continue to extend the deal that was agreed upon last year. Vice Mayor Roberts reiterated his desire to move forward with focusing on achieving a first rate facility without further delay. Commissioner DuBose agreed.

The City Manager said the City could petition the governor to eliminate the provision in the deed which ISHOF believes requires the City to maintain their facility on the property. Mayor Seiler said he does not believe the deed denotes that the ISHOF can occupy the facility for free although the City has been very supportive financially in the past. Commissioner Trantalis felt the City Manager should understand that the Commission wants to move forward with the best possible facility at the least cost to the taxpayers. He was agreeable to working with ISHOF on layout changes provided it does not impact the financial component. In response to Mayor Seiler, the City Attorney said the deed restricts that the property to be used for the ISHOF but it does not identify other factors. Commissioner Rogers said he is not troubled by the deed restriction but rather that a partner would issue a letter to the governor. Mayor Seiler pointed out that one cannot threaten action to obtain civil relief. The City Manager noted that the dive team would like 5,000 square feet of the 10,000 earmarked for ISHOF. He suggested that if an agreement cannot be reached, the City could issue a request for proposals (RFP) for the 5,000 square feet not in use by ISHOF. Both Commissioners Rogers and Trantalis suggested retail use that would benefit the City. The Commission agreed to a 30-day deadline to reach a deal and the City Manager's suggested negotiation approach.

Mayor Seiler opened the floor for public comment.

Sadler James, 450 SW 7 Avenue, said ISHOF has not functioned as a partner and the City has never consulted them on the proposal. Subject matter experts were never consulted. According to the Inspector General's report, there was misconduct relating to the contract award. The City is spending more than \$30 million of taxpayer money when the original proposal designated private financing. The City Manager presented an excellent plan and it was rejected.

Charles King, 105 North Victoria Park Road, said the City has been subsidizing ISHOF for decades and, as such, the letter to the governor is troubling. He felt that the swimming hall of fame has degenerated into a third-rate tourist attraction. The letter was issued because ISHOF is relocating and does not want the City to use the business name of International Swimming Hall of Fame. He felt the fact that ISHOF will not be staying in Fort Lauderdale should be publicly acknowledged.

There was no one else wishing to speak.

**MGR-2 13-1226 FORT LAUDERDALE AQUATIC COMPLEX - FINAL REPORT OF  
BROWARD OFFICE OF INSPECTOR GENERAL**

The City Manager commented that there is a lot of finger-pointing and supposition on behalf of the Office of Inspector General (OIG). The OIG says there is no further action necessary. The City has a contract in place so it can proceed. When the plans are almost ready for a building permit, the City will hire an independent cost estimator who will compare it against the guaranteed maximum price schedule (GMP) submitted by the contractor. If the two numbers agree, that will be presented to the Commission. He outlined what happens if the cost comes back lower or higher than the GMP. A performance and payment bond is in place to ensure the work is completed. He confirmed the OIG has said it would continue to monitor the City's procurement actions in general. Commissioner Trantalis said the OIG said publicly that the contract should be terminated. The City Manager advised that such a statement was not, however, included in his report. Mayor Seiler said he met with the OIG's staff. If the allegation concerning the contract was steered to any single party, he wanted it investigated. The issue comes down to a legal dispute on the interpretation of a statute. The former City Attorney disagrees with the OIG's findings. If there is any belief that something illegal occurred, Mayor Seiler indicated that he would encourage the State Attorney to investigate. If there was an allegation that the contract was steered to one particular bidder, it should be re-bid. The bidder reduced the scope and price tag of the project, and the City asked the former City Attorney if the RFP needed to be reissued to reflect the reduction. The OIG's report does not say the project needs to be re-bid. He believes the OIG is correct about the audit issue, and that matter was corrected even before the report was issued. The City Attorney indicated that she agrees with the finding that there was no evidence of favoritism.

Commissioner Trantalis said it appears the OIG's finding was that once the source of funding changed from private to public, it triggered the need to rebid. Mayor Seiler indicated that is a flaw, because it was never the source of funding. Commissioner Trantalis noted that the other point had to do with favoritism and the OIG concluded there was no favoritism. If there is a difference of opinion between a municipality and the OIG, it is unclear whose opinion is recognized as prevailing. He requested an opinion from the City Attorney on this point. As the district commissioner, he was concerned that this matter was brought to his attention just as the Commission was recessing for the summer, even though it was underway as early as May. The Commission was asked to make a contract modification, and they may not have been willing to do so if they had been informed about what was going on.

Mayor Seiler advised that the issue posed to the former City Attorney was whether it needed to be rebid because the scope was being reduced. The former City Attorney indicated that was not necessary

because the City was in essence reducing its exposure and scope. There was confusion on the part of the OIG with respect to the funding source. There was always going to be about \$25 million used from CRA funding (Community Redevelopment Agency). The reason private funding was referenced was to allow for a public/private partnership that could generate more revenue. He believed the OIG mistakenly thought there was going to be private funding. Additionally, the Commission left the bid open for a longer period of time than usual in order to seek more bidders. Commissioner DuBose pointed out ethics training from the OIG says that elected officials should always rely on the advice of their legal staff.

Mayor Seiler clarified for Commissioner Trantalis that the request was made at the Commission meeting to put the matter on the agenda after the issue was resolved but it was never done. The former City Attorney thought the matter was being handled by someone else. However, this does not change his opinion that it did not need to be rebid.

The City Auditor said the OIG has the ability to conduct audits and investigations but cannot compel any particular action. He can refer a matter to civil authorities which has not occurred in this instance. Vice-Mayor Roberts pointed out there is no appeal process or final arbitrator. Mayor Seiler pointed out it is not a difference of opinion, but rather a different fact basis.

Commissioner Trantalis pointed out that the City is now 90 percent vested in the project and the private side is only 10 percent vested. He felt the Commission needs to be cognizant of which party has the lion's share of financial burden because that usually drives the project. The City Auditor said the public-private partnership component was not as well thought-out as it could have been. Commissioner Trantalis said the weak partnership discouraged other contractors from wanting to participate. The City Auditor believed it had to do with the programming on the private side. Mayor Seiler said a deciding factor was the impact on surrounding neighborhoods. Commissioner Trantalis said now that the project has been reduced in scope, it probably would be more appealing to other potential bidders who were not given the opportunity to submit a bid for the project in its downsized capacity.

Mayor Seiler opened the floor for public comment.

Mary Fertig, representing the Idlewyld Improvement Association, said the residents of Idlewyld had been concerned about the magnitude of the original proposal. She believed that Recreational Design & Construction (RDC) worked hard to address a lot of their concerns. Many concessions have been made but the perception of unfairness related to this project still exists because of the way it was originally handled. The Commission has an opportunity to address a flawed process. Aside from the legal issues, the Commission should be concerned with how the community is affected. The Commission should make sure everyone is following the same rules. People came forward throughout and claimed the project was not bid correctly. People also expressed concerns about the process during the several times this matter was before the Commission.

Charles King, 105 North Victoria Park Road, said this project involves a pool that loses \$1 million per year, and the purpose of the project is to redesign the facility so that can be prevented. It is not always possible to please every neighborhood all of the time. The OIG identified wrongdoing and is giving the City an opportunity to start over. He felt that advice should be heeded. He agreed with Commissioner Trantalis that the perspective changed when the public/private investment ratio changed.

Sadler James, 450 SW 7 Avenue, pointed out that the title of the OIG's report is "Misconduct by the City of Fort Lauderdale in the Award of the Contract for the Design and Construction of the Fort Lauderdale Aquatic Complex." The report states that the City is in violation of a state statute and therefore has done something illegal. He read excerpts from the report. Under the current agreement, the City will not get the best facility for the best price. He submitted his speaking points that were made a part of the record.

Jack Newton, 1 Las Olas Circle, said the RFP is flawed. Two contractors refused to bid on it because it was vague and difficult to understand. He believes the contract is illegal. He went on to delineate items that make the contract illegal. The sole bidder has a cloudy history. The City should retain outside counsel for an opinion. If the contract must be redrafted, there should be different City staff assigned to meet with ISHOF. The City should hire an RFP consultant to ensure it is solid and understandable.

Attorney Stephanie Toothaker of Tripp Scott spoke on behalf of RDC. RDC agrees with the City Manager's report and suggestions he made. They believe the RFP was issued correctly and RDC was a responsive bidder under a proper process. RDC stands willing to partner with the City to develop a five-star facility.

There was no one else wishing to speak.

The City Attorney said she has read the OIG report and is familiar with some of the background. It does not appear that the OIG is requesting any additional action. She believes the OIG was not speculating any show of favoritism, misuse of public funds or attempt to hide anything from the public. She will follow up with the Inspector General and see if there is anything additional he wants the City to provide or any concerns going forward. Commissioner Trantalis suggested she specifically research when it was determined that RDC was not going to contribute as much money as originally expected. He also would like to know whether there was discussion on seeking additional bids and whether there was any protest by any commissioner to suggest another round of bidding may be warranted.

The City Auditor said it is well-documented in both the OIG report and the City Manager's response that the process evolved over time but there was never a suggestion that what was decided was conducted without the best interests of the City in mind. The Commission determined that the revised proposal from RDC was the preferred concept and that proposal was negotiated in good faith. He mentioned an item in the OIG's report with which he disagrees. A fixed price cannot be audited. The process was not pretty but did not rise to the level of misconduct as suggested by the OIG. There was no misconduct whatsoever, in his opinion. Vice-Mayor Roberts said he is concerned about the misconduct reference because it implies criminal intent, and there is no opportunity to appeal that finding. It is totally wrong. He said he provided information about RDC's checkered past to the Commission and the City Attorney's office. The report implies corruption and is having a negative impact on the reputation of Commission members. If there is evidence of corruption, it should be delivered to the appropriate investigating agency.

## **OLD/NEW BUSINESS**

### **BUS-1 13-1003 BROWARD BOULEVARD RESURFACING, RESTORATION AND REHABILITATION "3R" AND BRIDGE REPLACEMENT OVER NORTH FORK OF NEW RIVER**

Frank Hickson of Infrastructure Engineers, Inc., working for the Florida Department of Transportation (FDOT), said the project has three components and runs from 24 Avenue to 7 Avenue. He reviewed slides on this topic that are attached to these minutes.

Mayor Seiler was concerned about the lack of bike lanes. Ron Wallace of FDOT indicated that bike lanes will be added on the bridge. There is an additional 18 inches on the bridge, but not the roadway. A study is being conducted that will provide more information on how to best manage sidewalks and bicycle lanes along the roadway itself. Mayor Seiler suggested all three of the lanes be 11 feet and the additional 6 feet be used for two, 3-foot bike lanes. In response to Commissioner DuBose, Hickson indicated that the project design will accommodate The WAVE. In response to Vice-Mayor Roberts, the City Manager

said typically the City would enter into a joint participation agreement with FDOT wherein the City has the option of doing the utility work itself or pay FDOT to do the work, but that decision can be made at a later date (Slide 15). Some discussion ensued about runway paint versus pavers and looking to what was done on Sistrunk Boulevard. Hickson advised if patterned pavement is selected by the City, FDOT requires skid testing every two years. In response to Mayor Seiler, Hickson advised if upgraded lighting is selected, the City would be responsible for removal of the existing lighting and installing the new lighting minus the cost of what FDOT would have originally done. Commissioner DuBose wanted information on potential maintenance exposure in the future if the lighting is upgraded. Diana Alarcon, Director of Transportation and Mobility, advised that the City would be responsible for maintenance of anything beyond galvanized for light poles and railing, that is, powder-coating.

Wallace clarified that funding for the project does not include costs to widen the roadway for bicycle lanes.

The City Manager advised that there is ADA funding available, but he would have to confirm that the funding qualifies for the paver and pavement improvements shown in Slide 17. Mayor Seiler and Commissioner Rogers were inclined to use that funding source if possible. The City Manager advised that there CRA (Community Redevelopment Agency) dollars also are available for a portion of the project. Commissioner Rogers said he thinks the City should be consistent with using the stamped asphalt similar to what was installed along Sistrunk Boulevard. There was consensus to move forward with Alternative 2. They requested additional information with respect to lighting enhancements. As to the overpass enhancement of "Fort Lauderdale" shown on Slide 20, Commissioner DuBose requested information on what was done on Mile Marker 176 mentioned by the City Manager. Both Commissioners Rogers and Trantalis were interested in this enhancement however Mayor Seiler was not. With the exception of Mayor Seiler, there was consensus for the decorative railing over the New River bridge shown on Slide 21. Alarcon offered to provide a mock-up design of the railing to address concerns about the adjacent water main.

**BUS-2 13-1184 REQUESTS FOR QUALIFICATIONS FOR 1) BEACH  
STREETSCAPE IMPROVEMENT PROJECT CONSULTANT  
SERVICES AND 2) LAS OLAS BOULEVARD CORRIDOR  
IMPROVEMENTS CONSULTANT SERVICES**

The City Manager reviewed the chronology on this item. Two bidders on the project were closely ranked and there was some interest among commissioners in dividing the award. He believes if the project is split, the City would need to start over with the process. He reviewed options for how the Commission could proceed. He recommended the Commission hear the presentations and make its own ranking. There needs to be a rational basis to change the selection committee's ranking. Commissioner DuBose pointed out that the ordinance provides that the Commission is prohibited from participating in the selection process. The City Attorney said she is concerned that the City issued the request for qualifications (RFQ) and now wants to change the process midstream. She recommended the Commission continue with the course it started with or start over or make an independent evaluation based on a presentation. Similarities were drawn to the criticism of the process related to the aquatic complex bid. Commissioner Rogers explained his thinking on this matter is to review the plan again and make sure the language of the RFQ is what they want to go forward. Mayor Seiler said he agrees with the City Manager. Unless there is a flaw in the ranking, the Commission should award the bid to the highest-ranked firm. He added that he has never supported the realignment idea. Commissioner Rogers said he would like the two firms to make presentations to the Commission. Mayor Seiler felt there is an associated expense. The City Manager said he reviewed the presentations and met with representatives from both firms. If the Commission wants to review the design philosophy of each firm and how they would integrate the components of the project, he felt presentations could be made.



However, if the Commission is going to hear presentations from two, they should open it up to all bidders. Commissioner Rogers was concerned that there may be other things about the plan the Commission may not like, similar to their displeasure with the parking garage that was in the master plan originally. Commissioner Trantalis expressed concern that revisiting the proposals may appear to be discounting the expertise of the firms. He believes one firm should be responsible for the entire project. Commissioner Rogers clarified that two projects were bid and the same firm was the highest bidder on both. Commissioner Trantalis said he believes that both components should have been bundled. Commissioner DuBose supported Commissioner Rogers' proposal and does not believe it would be setting a precedent because, as policy makers, the Commission can choose to make procedural changes. The City Attorney pointed out that there will likely be questions of whether it was reasonable to divide the award and so forth. The City Manager clarified the two procurement agenda items, the project scope of each and the complexity of dividing the work.

Vice-Mayor Roberts said he shares Commissioner Rogers' concerns but felt the Commission should honor the original process. He inquired as to whether there might be a way to spread the wealth among contractors in the future. Commissioner Trantalis pointed out that the RFQs were structured in such a way to spread the work. Commissioner Rogers noted that the two bidders were only one-tenth of 1 percent apart.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, felt it is unethical and dishonest for the Commission to set criteria, put a project out for bid and then make changes.

There was no one else wishing to speak.

The City Manager advised that this matter will be on the September 17 agenda.

#### **BUS-6 13-1177 PREVIEW OF CITY'S STRATEGIC PLAN: *PRESS PLAY 2018***

Amy Knowles and Samantha Horowitz of the City Manager's Office presented an overview of this item. A copy of the slide presentation is attached to these minutes.

Vice-Mayor Roberts emphasized the importance of training in the public safety category. He would like to see joint exercises with the police and fire departments and disaster training exercises with the School Board and private schools. The City Manager said hospitals also would be included. Commissioner DuBose said he would like to review the advisory boards and committees. Commissioner Trantalis said the City may wish to consider qualifications for boards like Planning and Zoning. Commissioner DuBose said his thought was more along the lines of streamlining how the boards and committees align with the cylinders in the strategic plan – so when the Commission make decisions, they know which boards to look to for expertise. Vice-Mayor Roberts said it may also be beneficial to ensure that the work being conducted by the boards is in line with the City's vision. Commissioners later determined they would like to resume this discussion after staff reviews it.

Mayor Seiler opened the floor for public comment.

Laura Crosencio, 1616 North Dixie Highway, said she supports the vision but progress is not only about beautifying A1A or putting a Fort Lauderdale sign over a bridge. There are still neighborhoods without sidewalks and with high burglary rates. She would like to see more attention given to low-income residents and students who have to walk along Dixie Highway in their commute. She believes Dixie Highway improvements should be a priority.

Randall Vitale, chair of the Visioning Committee, said a similar presentation was given recently and was very well-received by members of the sunsetted committee. He urged the Commission to move forward with the plan.

There was no one else wishing to speak.

**BUS-3 13-1131 INFILL HOUSING AS PART OF THE HOME INVESTMENT PARTNERSHIP PROGRAM**

The City Manager reviewed information in Commission Agenda Memorandum 13-1131. In response to Mayor Seiler, he noted that the lots were acquired before this Commission was seated. In response to a question from Commissioner Trantalis, the City Manager said the City is not going to borrow money from another fund to pay back the federal government. These lots have not been purchased through the general fund. HOME Program funding will be used to build the houses. First-time homeowner assistance can be provided through grant funds to the buyer and those funds come from either Community Development Block Grant, Safety and Health Investment Projects (SHIP) or HOME investment partnership programs. Income and family size are the qualifying criteria. As the City is reimbursed, it is possible for the program to continue. He elaborated on how the financial part of the process works. Staff is still working through the mechanics of the construction. In response to Commissioner Rogers, the City Manager advised the lots were in the City's inventory. An effort was made to select lots so as to make a difference on a block.

Mayor Seiler opened the floor for public comment.

The City Manager confirmed for Charles King of 105 North Victoria Park Road, that the properties will be added to City tax rolls. There are restrictions with regard to sale of the property. Housing and Community Development Program Manager Jonathan Brown advised it would be at least 15 years with respect to sale of the properties.

**BUS-4 13-1195 PROPOSED LIEN SETTLEMENT - 729 WEST LAS OLAS BOULEVARD**

Attorney Matthew Militzok of Militzok & Levy spoke on behalf of the prospective buyer. The property has been neglected. There are substantial fines accruing from code violations. He requested that the fines be mitigated. His client is an experienced property rehabilitator. He will not be able to purchase the property if the fines are not mitigated. The City has realized \$21,000 and \$76,000 from the current owner. Cosmetic and structural issues will be repaired and the property will be connected to the City sewer line. The property is in a designated historic area.

David Presser, 1791 Biarritz Drive, Miami Beach, addressed the Commission concerning the amount of time needed to bring the building into compliance. This property is zoned multi-family. Maintenance of the exterior can be accomplished quickly, but time is needed for the interior. In response to Commissioner Rogers, Militzok advised that the property is assessed at \$246,000. Presser estimated at least \$300,000 will be invested. The City Manager noted that they will need to secure a certificate of appropriateness from the Historic Preservation Board. Assistant City Attorney Carrie Sarver elaborated upon what would be required for a presentation to the Historic Preservation Board. The Commission agreed to stipulate that the prospective owner meet with City staff to determine a time frame for bringing the building into compliance. Mayor Seiler felt that the suggestion of a year for interior repairs is too long. Fines will be assessed if the deadline is not met. Mayor Seiler suggested if they find it will not be possible to meet the time frame decided upon because of an issue with the Historic Preservation Board, for example, it should be brought to the Commission's attention in advance. The City Manager advised

that the matter must come before the Commission at a regular meeting and by that time a schedule can be worked out.

**BUS-7 13-1198 INFORMATION TECHNOLOGY SERVICES INFORMATIONAL PRESENTATION**

Mayor Seiler announced that this item is being deferred to September 17, 2013.

Note: The City Commission recessed at 5:37 p.m. and reconvened at 12:06 a.m. to address Item BUS-5 in the City Commission meeting room on the first floor of City Hall.

**BUS-5 13-1104 DRAFT BROWARD COUNTY HISTORIC PRESERVATION ORDINANCE AMENDMENT**

In response to a question from Commissioner Trantalis, the City Manager said it is unclear whether the County ordinance pre-empts the City in terms of interpretation by the County. It will need to be monitored. Some discussion ensued about the County's actions concerning the tree preservation as well as discussion at the Broward League of Cities level in terms of home rule. The City Manager added that this matter is before the Commission today because Vice-Mayor Roberts requested an analysis which has been done. He indicated that it will limit the Commission from doing anything that would relax any provision of the code inconsistent with the County code. The City Attorney will research the subject. Assistant City Attorney Carrie Sarver said the County charter triggers the home rule provision as it relates to any land use regulation. Municipalities have taken action to oppose this. As it relates to a building permit application and there is an application being processed to designate a landmark or historic resource, if the County process differs from that of the municipality, the County ordinance would trump the City ordinance. This is the case for Fort Lauderdale. Mayor Seiler wanted to clarify potential conflicts. Sarver noted that certified local government status could be removed and would remove some of the City's concern.

**BUS-8 13-1205 MEDIAN BEAUTIFICATION PROJECT**

Parks Supervisor Mark Almy reviewed slides on this topic that are attached to these minutes. In response to Mayor Seiler, the City Manager advised that aside from funding in the budget, there are highway beautification grants from time to time and as such design features are needed. Commissioner Trantalis and Mayor Seiler expressed concern about the maintenance costs and feasibility for a wave hedge design. Commissioner Rogers and Mayor Seiler liked the Green Island Ficus in place of mulch. The Commission supported Option 2.

Commissioner Trantalis suggested a future discussion on extending the 15 Avenue median to Sunrise Boulevard.

**BUS-9 13-1207 AMENDMENT TO PARKS AND RECREATION VOLUNTEER BACKGROUND SCREENING APPEALS POLICY**

The City Manager highlighted information in Commission Agenda Memorandum 13-1207. The process has been conducted jointly with Human Resources Director Averill Dorsett, and she has a good understanding of his philosophy on how they should be handled. He is comfortable with having Dorsett handle this task but would like Commission approval of this change. Mayor Seiler said he would prefer that the Dorsett conduct the appeals with a second person, a representative from Parks and Recreation.

Commissioner DuBose said he brought this issue to light. He has concerns about moving it under Parks and Recreation. He would still want to take such matters to the City Manager. The City Manager said he would be comfortable discussing such matters with individual commissioners. Commissioner DuBose indicated that Dorsett may not always be in this position.

Vice-Mayor Roberts said he is comfortable with the City Manager's recommendation. Commissioner Rogers said he believes there needs to be an appeal process and he also is comfortable with it being handled by the Director of Human Resources. Commissioner Trantalis said he is comfortable with the Human Resources Director having the final say in appeals only because it is Dorsett.

There was consensus to support the City Manager's recommendation, but Commissioner DuBose indicated if it is necessary to bring the matter back to their attention, he will do so. Mayor Seiler asked that the Commission be notified about the volume of appeals and to monitor it. He also was comfortable with the recommendation because of Dorsett holding the position at this time and that was why he preferred having two individuals responsible in the event Dorsett is no longer in the position.

## **BOARDS AND COMMITTEES**

### **BD-1 13-1124 COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending August 29, 2013**

#### Budget Advisory Board

Mayor Seiler noted this is the Board's position for the record.

#### Community Appearance Board

Mayor Seiler noted the Board's recognition of City staff.

#### Beach Redevelopment Advisory Board

The City Manager noted that a joint meeting is scheduled with this board on September 23, 2013.

All of the other communications were rescheduled to September 17, 2013, except Commissioner Rogers requested the Affordable Housing Advisory Committee communication be scheduled when the Commission holds their discussion on affordable housing.

### **BD-2 13-1125 BOARD AND COMMITTEE VACANCIES**

Please see item R-5 in the regular meeting.

The meeting adjourned at 12:51 a.m.