

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, August 20, 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.

ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean Trantalis, 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 Cynthia A. Everett, and Sergeant At Arms Sergeants Tim Bunn and Jose Gonzalez (9:40 p.m.)

Discussion ensued about possibly lightening the agenda in view of the anticipated length of the evening meeting. Item BUS-3 was deferred.

CITY COMMISSION REPORTS

Events and Matters of Interest

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

Commissioner DuBose asked about the Friendship Luncheon by the Fort Lauderdale Historical Society. Commissioner Rogers asked the City Attorney to followup on any possible ethics conflict. There was consensus agreement to attend.

Dirty Blondes Sport Bar, Beach

Commissioner Trantalis brought attention to an incident at this establishment where two patrons got out of control and the security hired by the owner got even more out of control. He believed the City needs to adopt standards as to the type of security that should be retained by establishments. Discussion ensued on the suggestion and what would be allowed legally. It was noted that police cannot make a arrest without witnessing what occurred. With a video, there is then evidence. At first the victims did not want to prosecute but the impression is that the police did not do anything. Mayor Seiler suggested regulation be tied to licensing and, or hours of operation. Commissioner Rogers noted that some cities are imposing a fee for after hours. Mayor Seiler thought there should be the option of in lieu of such a fee, the establishment could retain an off-duty police detail. He suggested research be conducted of other municipalities. The City Auditor noted that Chapter 493 of the Florida Statutes addresses licensing of security. Perhaps there could be the option of licensed security or off-duty police detail.

Public Participation Ordinance: Grand Birch Development

Commissioner Trantalis referred to the new public participation ordinance and commented that an individual who spoke against the Grand Birch development is now being sued personally. Regardless of the merits, the individual must still defend themselves. He felt the Commission should consider some limitations. Mayor Seiler requested this item be scheduled on a future agenda.

Adopt A Street Program

In response to Commissioner Trantalis, the City Manager advised the program was previously paid for by the Resource Recovery Board (RRB) as part of tipping fees. With the RRB going away and the County going to its own contract, they offered programs to municipalities for a fee. This program is \$40,000. Through Neighbor Support and Sanitation divisions, staff's intent is to try to replicate something similar.

He also commented on staff's work with other Broward cities concerning hazardous waste that may cost \$20,000 per event.

Seating at City Commission Regular Meeting

Commissioner Trantalis asked about reserving some seats for attendees for items other than Marina Lofts, however the general thinking was that it would not be logistically possible.

CONFERENCE REPORTS

CF-1 13-1036 EMERGENCY TASK ORDER DWF-3 - \$23,522 - PROFESSIONAL ENVIRONMENTAL ENGINEERING CONSULTANT SERVICES - FUEL SPILL SOURCE REMOVAL AT 2101 NW 6 STREET - EE&G Environmental Services, LLC

The City Manager provided more detail of what occurred and the timeline of the correction. Hardeep Anand, Director of Public Works, advised it was a one-time spill and elaborated upon the incident as well as corrective measures.

CF-2 13-1089 EMERGENCY PURCHASE - REPLACEMENT OF FIRE PUMP CONTROLLER AT CITY HALL

No objection.

CF-3 13-1025

Commissioner Trantalis took issue with Cases CE12061080, CE12090249 and CE12090371 under bank ownership. There should be property management oversight, otherwise neighborhoods suffer. The banks decide when to take action. The City Manager drew attention to the mortgage foreclosure registration ordinance adopted last October requires any property in the foreclosure process to be registered by the party that is foreclosing on the property. The entity then has the affirmative obligation to maintain the property through the foreclosure process. Commissioner Rogers noted that the ordinance language specifies the term, default, not foreclosure. Commissioner DuBose pointed out that the information could be kept by the bank inhouse for years and the property would technically be in foreclosure. The City Manager advised that the City would not know a party is in default until the bank files a disclosure. Mayor Seiler agreed with Commissioner Trantalis. The City has the ability to know how long a property has been in default. Commissioner Trantalis did not support approving these cases. Commissioner DuBose felt residents are under the impression that the ordinance will address properties left unmaintained, but in actuality it may not. Mayor Seiler agreed with Commissioner Trantalis about banks not completing the foreclosure because they do not want to maintain the property. He requested more detail on these two cases.

For CE12061080, Mayor Seiler noted the violations do not appear to have impacted the neighbors and they were not life-safety. Commissioner DuBose wanted there to be a second look at this one. Vice Mayor Roberts noted the electrical violation could have been life safety. For CE12090249 and CE12090371, Mayor Seiler wanted more detail. The City Manager explained that these will be on September 3 evening agenda. In response to Commissioner Rogers, the City Manager advised that all three of these have sales pending. Mayor Seiler asked the district commissioner for each of these cases be responsible for making a recommendation as to life safety and, or impact on the neighborhood.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, felt the Commission members should disclose their involvement with banks. Both Mayor Seiler and Commissioner Rogers noted their involvement, but also that those banks have not come before the Commission.

CF-4 13-1050 SOUTH SIDE SCHOOL UPDATE

The City Manager highlighted information in Commission Agenda Memorandum 13-1050. He hopes to have a term sheet by the end of September. He went on to describe the challenges the City is experiencing, working with Broward County and providing a sidewalk. The City Manager explained for Commissioner Trantalis that the City has always committed that the City has close to \$2.2 million to finish the South Side building which has been set aside and budgeted. Additional costs are mostly site improvements to the parking, adding a parking lot to the north of the tennis courts. It was not possible to review cost estimates with Nova Southeastern University (Nova) until August 9. He estimated the City will know whether Nova will be the occupant by the end of September. Some discussion returned to challenges the City is experiencing with providing a sidewalk.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, believed this project is a giant financial boondoggle. He asked if the Commission could recall a time frame of when they became aware of it. Commissioner Trantalis commented on the original vote for the project.

There was no one else wishing to speak.

OLD/NEW BUSINESS

BUS-1 13-0998 NW 7TH/9TH CONNECTOR PROJECT UPDATE

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, felt the City should find out who was responsible for starting discussion on this topic because of the cost impact. Commissioner DuBose provided some history on the project.

There was no one else wishing to speak.

Commissioner DuBose recapped what has occurred as outlined in Commission Agenda Memorandum 13-0998.

**BUS-2 13-1047 CITY COMMISSION DISTRICT REALIGNMENT –
REAPPORTIONMENT**

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, advocated for more diversity in the districts. He also suggested one district for the beach. The Commission responded with their perspectives.

Paul Boggess, President of Sailboat Bend Civic Association (Sailboat Bend), advised that Sailboat Bend has worked closely with Riverside and Tarpon River since its formation. Sailboat Bend objects to the process because they were not informed until after the decision was made. There was no public hearing. When the decision was brought to his attention he along with David Parker forward a letter expressing

objection. The Reapportionment Committee (Committee) advised him population was the only criteria used. With the addition of Kennedy Homes, the population of Sailboat Bend has increased.

Dave Parker, 801 SW 2 Court, referred to points made by Mr. Boggess and emphasized the close cooperation Sailboat Bend has with Tarpon River and Riverside. Neighborhoods are the strength of the city which should be considered in this decision. Vice Mayor Roberts questioned why the neighborhoods could not continue to work together regardless of district designation. Mr. Parker agreed, but did not think something that is working should be changed.

Jackie Scott, 1626 SE 1 Street, a member of the Reapportionment Committee, indicated she was involved in this topic before the committee was formed. In previous discussions Colee Hammock was part of District II because it makes sense based on the boundaries. She missed one Committee meeting and the decision was made that Colee Hammock should stay in District IV even though there had been opposition. The process was fairly political. She advocated for Colee Hammock being in District II and Sailboat Bend in District IV. With growth planned for the downtown, Colee Hammock will have to go to District II. She did not support the proposal.

Ed Smoker, a member of the Reapportionment Committee, noted the criteria that the Committee endeavored to follow was to keep neighborhood intact. Keeping cohesiveness of the neighborhoods was number one for the Committee. Sailboat Bend was moved in its entirety because of the numbers. He elaborated upon the challenges in working with the numbers. There were ample opportunity for public input.

Commissioner Trantalis felt the recommendation makes a lot of sense, specifically extending the district to Broward Boulevard and squaring it up at Progresso Village. Commissioner Rogers noted that District IV is most in need of adjustment and elaborated upon previous discussion. Commissioner Trantalis suggested an alternative to moving Sailboat Bend, rather including Water Garden, Riverhouse and Las Olas Grand. Mr. Smoker pointed out that would break up the Downtown Civic Association that is a strong neighborhood group. Mayor Seiler emphasized that elected officials should not select their voters. It should be done by an independent, objective panel. Commissioner Trantalis noted that Sailboat Bend does not want to be part of District II.

Genia Ellis, Vice Chair of the Reapportionment Committee, noted that the Downtown Civic Association voiced their preference of remaining in District IV.

Mayor Seiler asked members of the Commission to research this topic further. Commissioner DuBose wanted to take more time. This impacts the full Commission. Both Commissioners Rogers and Trantalis were ready to vote. Commissioner DuBose suggested it be scheduled on an evening meeting for a public hearing. Mayor Seiler requested it be scheduled for October.

Marilyn Mammano, member of the Reapportionment Committee, indicated she voted against it because of the process. The numbers work. She felt there needed to be more time to reach 100 percent consensus. The Committee should have provided the Commission with all of the options. She suggested the Commission ask the Committee to revisit the options. There will be unhappy people in any option. If this just proceeds to a public hearing, it could be very confusing. She did not think any option that staff has not run the numbers on should be considered. Mayor Seiler touched on how the public hearing part of the process could be handled. He went on to comment on his agreement with Sailboat Bend.

Michael Weymouth, member of the Reapportionment Committee, agreed with Ms. Mammano. He commented on the number of maps that were presented to the Committee. It is not possible to make every neighborhood happy. The numbers in the recommendation are about as close as possible. Although he understands Sailboat Bend's position, he voted for the proposal.

Ian Went, Staff Liaison for the Committee, advised if more maps are submitted in a public hearing process, they would have to be put into the system and there would need to be time to verify the numbers. The City Manager indicated his staff will work with the City Attorney's Office to draft an ordinance to consider the recommendation on first reading and there will be an associated public hearing. Mayor Seiler asked the item be scheduled for October.

Ms. Scott asked if it would be possible to move Colee Hammock to District II, since the numbers would work without impacting the proposal. Mayor Seiler suggested she raise this request at the public hearing.

BUS-4 13-1093 HUMAN RESOURCES DEPARTMENT - INFORMATIONAL
PRESENTATION

Averill Dorsett, Director of Human Resources, presented slides concerning this matter. A copy of the slides is attached to these minutes.

The Commission briefly discussed training, recruitment and a program to monitor driving habits that is being explored and will be presented at a future conference.

BUS-5 13-1054 MAINTENANCE OF ENHANCED LANDSCAPE ON U.S. 1 AT FORT
LAUDERDALE HOLLYWOOD INTERNATIONAL AIRPORT -
AGREEMENT WITH BROWARD COUNTY

The City Manager reviewed the history on this item contained in Commission Agenda Memorandum 13-054. If the City assumes this responsibility, it is estimated the City could save \$40,000 annually. Commissioner Trantalis referred to the overgrown condition of 15th Avenue median and questioned if the City is tending to its current responsibilities. The City Manager explained that last year, there was a request for additional funding to increase the frequency of cutting, but it was not approved. The request has been made again this year and thus far, it is still in the budget. The work in this item would be contractual. Cate McCaffrey, Assistant Parks and Recreation Director, indicated that staff would handle drainage and irrigation and augment the contractor's work in picking up trash. It can be absorbed by the department.

In response to Vice Mayor Roberts, the City Manager explained if the funding is not appropriated, the agreement simply does not renew.

There was no objection to the City Manager proceeding.

BUS-6 13-0506 RESIDENTIAL STREET LIGHT POLICY

The City Manager reviewed information in Commission Agenda Memorandum 13-0506, explaining the current practice has been first come, first served. With consensus approval, a resolution will be presented containing the standards shown in the commission agenda memorandum. In response to Commissioner Trantalis, the City Manager explained how the policy would be used based on footcandles. For example, if a major roadway already has .90 footcandles, the City would conclude a new street light was not needed. If it only had .60, a new street light would be warranted. He went on to explain for Commissioner Rogers that the City directs Florida Power & Light (FPL) where to install lights. Commissioner Rogers asked about addressing the issue of dark skies and the City Manager explained the lighting that would be dark sky compliant. FPL does not have a tariff in place for such lighting. There are ways for the City to nevertheless have such lighting, but it would be extremely expensive.

Mayor Seiler wanted to see more details of the policy, but agreed to authorize the City Manager to start the process. Commissioner DuBose asked how the homeowner associations play into this. Both Commissioner DuBose and Commissioner Rogers indicated there are neighborhoods in their districts that do not want additional lighting. The City Manager suggested the process could provide for homeowner association endorsement.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, commented that this topic for A-1-A is safety and should take precedence of wildlife protection. He raised the idea of providing the same level provided for Las Olas Boulevard because the uses are similar.

Charles King, 105 North Victoria Park Road, suggested using shorter poles so they would be under the tree canopy. The City Manager noted that decorative lighting through the Neighborhood Capital Improvement Program (NCIP) is an option. There was some discussion about some neighborhoods preferring tree canopy to increased lighting.

There was no one else wishing to speak.

Note: The Commission recessed at 4:17 p.m. and convened as the Community Redevelopment Agency Board of Commissioners. The closed door was held after this meeting. The Commission reconvened the conference meeting at 3:10 a.m.

EXECUTIVE CLOSED DOOR SESSION

13-1074 THE CITY COMMISSION SHALL MEET PRIVATELY PURSUANT TO FLORIDA STATUTES 768.28(16) AND 286.011(8) CONCERNING THE FOLLOWING:

- 1) Henry Lambert v. John Giga, Joseph Curtis, Fort Lauderdale Police Department, et al (Case 13-60829-CIV-COHN-Seltzer; File PP L 12-621)
- 2) Rosalie Gambetta and David Gambetta, her husband v. City of Fort Lauderdale (File GL 11-239)
- 3) City of Fort Lauderdale v. Traffic Control Devices & Community Asphalt (Claim CPD 06-1183C)

CITY MANAGER REPORTS

MGR-1 13-1114 STATUS OF LEASE NEGOTIATIONS WITH INTERNATIONAL SWIMMING HALL OF FAME

MGR-2 13-1112 FORT LAUDERDALE AQUATIC COMPLEX - FINAL REPORT OF BROWARD OFFICE OF THE INSPECTOR GENERAL (OIG) (13-012)

Due to lateness of the hour, the City Manager received commitment from the Commission that he would receive direction no later than the September 3 meeting. Commissioner Trantalis commented on the need for public comment on this topic. Mayor Seiler asked this be placed first on the September 3

agenda. He felt the next item should be discussed with this item.

MGR-3 13-1028 BROWARD COUNTY MAIN LIBRARY RENOVATIONS UPDATE

No discussion.

BOARDS AND COMMITTEES

**BD-1 13-0747 COMMUNICATIONS TO CITY COMMISSION AND MINUTES
CIRCULATED - period ending August 15, 2013**

This item was rescheduled to September 3, 2013.

BD-2 13-0938 BOARD AND COMMITTEE VACANCIES

Note: Please see regular meeting item R-3.

The meeting adjourned at 3:15 a.m.