

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**DECEMBER 4, 2012**

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	None	

Present: Mayor John P. "Jack" Seiler  
Commissioners Bruce G. Roberts, Bobby B. DuBose and Romney Rogers

Also Present: City Manager Lee R. Feldman  
City Auditor John Herbst  
City Clerk Jonda K. Joseph  
City Attorney Harry A. Stewart  
Sergeant At Arms Sergeant Mark Renner

### **City Commission Reports**

#### **Events and Matters of Interest**

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

#### **Turtle Compliant Lighting; Certification**

Commissioner Roberts asked the City Manager to look into and report back at a future meeting with respect to the concept of issuing a certificate of compliance for facilities that have turtle compliant lighting so that they are grandfathered in. The City Manager reported on Florida communities and whether they have compliance ordinances. A brief discussion followed as to the need for a way to confirm that information on this topic is accurate.

#### **Beach Restoration; Request of Galt Mile Community Association, Inc.**

Commissioner Roberts indicated that residents of the Galt Mile have written a letter to the governor, requesting the beach restoration effort be accelerated that he had provided the Commission via email. A copy of the letter, dated November 28, 2012, from the Galt Mile Community Association, Inc. is attached to these minutes. There was consensus approval of his request that the Commission consider a resolution in support of their request at the December 18 meeting.

#### **South Side School**

Commissioner Rogers emphasized that District IV residents want the South Side School issue to be resolved. He wanted to know when cost estimates on Chevrolet and Cadillac air conditioning installations would be available. Residents are interested in knowing the cost for air conditioning and mold remediation. The City Manager indicated that the information will be available for the December 18 meeting.

#### **Lauderdale Manors and Sunland Park Elementary Schools and Arthur Ashe Middle School; Performance Levels**

Commissioner DuBose brought attention to the State's (Florida Department of Education) intervention concerning improving the performance level for these schools. There is a potential for the schools to be closed and students moved to other schools. He will be attending a community meeting on this matter this evening even though it conflicts with this evening's regular meeting. Mayor Seiler remarked that there appears to be a drop-off between elementary

and middle school in terms of the caliber of education. The Commission needs to work with the School Board on this matter. He was encouraged with the new school superintendent as well as the board members that represent Fort Lauderdale. There is potential for children to attend schools throughout the county and in any one of the City's districts.

#### Beach Erosion and Turtle Compliant Lighting

Mayor Seiler discussed the recent occurrence of beach erosion of four to five blocks just after Thanksgiving. The City Manager advised because there is still some erosion occurring and some of the sidewalk is failing, he has been advised that the boundaries should not be shrunk at this time. Mayor Seiler suggested staff look into possibly closing some of the area parking spaces and, or posting signage that would help traffic flow and safety in general.

Mayor Seiler noted the upcoming public meeting on this topic on Monday evening and encouraged people to attend and present their ideas. He then opened the floor for public comment.

Fred Carlson, representing Central Beach Alliance, emphasized the need to find a solution in short order and a hopeful solution of an artificial reef brought forward by Chuck Black (Fort Lauderdale resident). Some discussion also ensued with respect to area hotels and turtle compliant lighting. Mayor Seiler encouraged the Central Beach Alliance to be represented at the upcoming public meeting and to coordinate such representation with their District II candidate forum scheduled for that evening also. He explained how the conflict occurred. The City Manager responded to Mr. Carlson's question about police officers and lifeguards in the area and the funding of such staffing. He believed that maintenance of traffic is done by Florida Department of Transportation.

The City Manager noted that a web page will be established after the public meeting designed to solicit public input.

Former Commissioner Charlotte Rodstrom noted that there was a problem three years ago and this area of the beach was successfully renourished then. She encouraged partnerships with as many governmental agencies and professionals as possible. Perhaps an artificial reef is worthwhile looking into.

Mayor Seiler asked staff determine what was the location where the Army Corps of Engineers removed tires from the water just offshore.

Chuck Black, 1125 NE 11 Avenue, felt the approach should be proactive instead of defensive. There is a proposal from Joe Farrell of Resolve Marine to install beach modules into the water to break the wave action and start replenishing the sand. He has agreed to do this at no cost. Mayor Seiler understood that this presentation will be made at the public meeting on Monday evening. Mr. Black felt more damage is continuing to occur. Corrective action needs to be taken immediately. If the modules are not the final solution, they are easily removed.

There was no one else wishing to speak.

#### WinterFest Boat Parade

In response to a previous inquiry, the City Manager announced that arrangements have been made for the parade to be broadcast live on the City's television Channel 78.

**City Commission Reports**

Continued on page 7.

**BUS-1 – Riverfront Property – Amendment to Brickell License Agreement with Las Olas Riverfront, LP**

Mayor Seiler announced that this item has been removed from the agenda because Las Olas Riverfront, LP representatives are unable to attend today.

**BUS-2 – 2013 City Commission Meeting Dates**

There was consensus to change the January meetings to the second and fourth Tuesdays, January 8<sup>th</sup> and 22<sup>nd</sup>. Commissioner DuBose may need to participate in the conference meeting telephonically. The City Clerk noted that Labor Day is on the Monday before the first meeting in September, however, the City Manager wanted to keep flexibility to schedule budget hearings to not conflict with Broward County and the School Board.

**BUS-3 – Code Amendment – Chapter 26, Traffic – To Reflect New Organizational Structure and Certain Housekeeping Items**

The City Manager highlighted the proposed amendments outlined in Commission Agenda Memorandum 12-2420. There was no objection. The City Manager advised that an ordinance will be presented on first reading.

**BUS-4 – Amendments to Purchasing Ordinance – Local Preference; Request for Qualifications as means of Competitive Negotiations; and Procedure and Thresholds for Change Orders, Task Orders and Professional Services**

Kirk Buffington, Deputy Director of Finance, highlighted the proposed amendments outlined in Commission Agenda Memorandum 12-2581. With respect to professional services, the City Manager could award contracts that do not exceed \$25,000 without competitive bidding. It would give the City Manager flexibility to respond quickly. Also, quotes would be secured up to \$25,000, but the City Manager would have the discretion to award to an entity that was not the lowest quote. The City Auditor commented that there are straight forward professional services where it would be appropriate to secure quotes. The securing of quotes would be a better internal control procedure. He saw this as a good compromise. He elaborated on the history of the competitive threshold for professional services section of the code for Commissioner DuBose. At Vice Mayor Roberts' request, he agreed to inform the Commission when such instances occur. In response to Commissioner DuBose, he provided more clarity on the proposed additions to the code for task orders.

Commissioner DuBose wanted some protection incorporated with respect to change orders to control cost. Mr. Buffington commented that sometimes there is a question of whether something is a change order or an increase in the scope. He believed this point will now be addressed. The City Manager agreed that an increase in the scope is not a change order. There should be a different process for changing the scope. He is not convinced the current process is in the best interests of the City.

In response to Commissioner Rogers concerning change orders, Mr. Buffington indicated that many agencies use both a percentage threshold or a maximum dollar amount. This detail will

be presented when the ordinance comes forward on first reading. He preferred to have an either, or approach. Also, there should be thought given to a cumulative amount. Change orders should not stand alone. Commissioner Rogers emphasized that the Commission should know when the scope is being changed. He also thought that the City Manager's discretion should be the same for change orders and contracts at \$25,000. Mayor Seiler agreed with Commissioner Rogers. He also felt the invitation to bid (ITB) discretion of the City Manager should be reduced to the formal threshold of \$50,000. Discussion returned to the topic of change orders and protective measures for the future. Commissioner DuBose felt the terminology needs to be clearly defined. He did not want to see a contractor purposely finding a way to circumvent.

Vice Mayor Roberts asked about incentives for timeliness and completing a project under the bid. The City Manager indicated something along those lines was just recently done for work at the Aquatic Complex. Mr. Buffington thought it would be appropriate for large construction projects.

Mayor Seiler opened the floor for public comment.

In response to former Commissioner Charlotte Rodstrom, Mr. Buffington advised that a report was recently provided to the Commission, showing the first six months after the thresholds were changed, reflecting what would have gone to the Commission under the previous ordinance and what is now being awarded by the City Manager.

Fred Carlson, representing Central Beach Alliance, advised that the small hotels in the area would appreciate a part of the Aquatic Complex (swimming pool) remaining open during the renovation project. He asked the Commission to consider giving this assurance. It was confirmed that this item would be impact the Aquatic Complex as it has already been awarded.

There was consensus approval with the suggested changes and additions noted above.

#### **BUS-5 – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases**

Concerning Case CE06080187 and CE07032076 at 1009 Cordova Road, Gex Richardson, explained that the violations occurred before he purchased the property through a quit-claim deed. The bank had received a foreclosure judgment that would have wiped out the lien in its entirety that it later vacated. He has also requested a value reduction from the County because there is a roof leak and other significant damage. He brought the property into compliance as soon as he purchased it. He requested a reduction from the City or a deferral until after the valuation hearing at the County level.

The City Manager advised that this is not a unique situation. The lien amnesty standard has been applied. He explained why there is both 5 percent and 15 percent recommendations. Mr. Richardson explained the unusual portion of this is that there was previously a judgment that wiped out the lien and the City would have received only their costs. However because of a problem that he pointed out with the bank, the lien is still in effect. He would like to negotiate something fair. He has to complete discussions with the bank. The property is being brought into compliance. Vice Mayor Roberts was willing to grant a deferral. Mr. Richardson noted that if the County reduces the value to \$500, the lien amount would also be reduced. Mayor Seiler noted it would have to stay above the City's costs. He emphasized that the Commission must maintain a consistent standard. As to a deferral, the City Manager explained all that is required

is for the property owner to withdraw his request to come before the Commission and come back at a point in the future.

Commissioner Rogers drew attention to the violations. He felt there should be some equitable review in view of the nature of the violations. It seems that the situation went on for some period of time. The City Auditor recalled that most of the time when the settlement amount was reduced was because the property was not valued at more than \$40,000 and the lien may have been \$500,000, for example. In this case, the property is valuable. He reasoned that negotiations for purchasing the property likely included consideration of the lien. The City Attorney explained that much more than \$40,000, for example, has been collected on a number of liens through the court system and not through settlement. Commissioner Rogers explained that if the individual stepped in before the City's lien was wiped out, the City should give some consideration.

Concerning CE08042475 at 533 NE 15 Street (a/k/a 529 NE 15 Street), Ron Spann was opposed to the 5 percent recommendation. He explained the adjacent property was mistakenly used for the calculation. The City Attorney explained that at one time the physical address changed, but the legal description never changed. Mr. Spann indicated that the subject property is Parcel 7 and not Parcel 8. Mayor Seiler advised that based upon the City's formula, 5 percent is as low as a settlement can be. He suggested Mr. Spann could pursue clarification of the legal description with the City Attorney; it would not be appropriate for the Commission to make a finding on such a question because this is not a quasi-judicial proceeding. The City Attorney noted that cases should not be presented to the Commission unless a consensus has already been reached.

### **BD-1 - Board and Committee Vacancies**

With the Citizens Committee of Recognition membership being expanded, Mayor Seiler requested the City Clerk make inquiry to former commissioners and honorees to determine their interest.

Budget Advisory Board	Drew Saito (Vice Mayor Roberts – moved from District II to District I)
Code Enforcement Board	Howard Elfman (Consensus - Reappointment) Howard Nelson (Consensus - Reappointment)
Community Appearance Board	Jonathan Arbogast (Commissioner Rogers - Reappointment) Karen J. Doyle (Commissioner Rogers - Reappointment) Ryan Paton (Commissioner Rogers - Reappointment) Barbra Stern (Commissioner Rogers - Reappointment)
Economic Development Advisory Board	Dev Motwani (Commissioner Rogers - New)
Fire-Rescue Facilities Bond Issue Blue Ribbon Committee	Frederick H. Nesbitt (Vice Mayor Roberts - Reappointment) June D. Page (Vice Mayor Roberts - Reappointment) Nadine Hankerson (Commissioner DuBose - Reappointment) Bryson Michael Ridgway (Commissioner DuBose - Reappointment) Frank B. Anderson, Jr. (Commissioner Rogers - Reappointment)
Sustainability Advisory Board	Mate Thitisawat (Consensus - New)

Utility Advisory Committee  
Visioning Committee

James Dunmire (Mayor Seiler - New)  
Stanley Eichelbaum (Mayor Seiler - Reappointment)  
Leigh R. Kerr (Mayor Seiler - Reappointment)  
Alan L. Gabriel (Vice Mayor Roberts - Reappointment)  
James G. McCulla (Vice Mayor Roberts - Reappointment)  
Desorae Giles-Smith (Commissioner DuBose - Reappointment)  
Randall Vitale (Commissioner DuBose - Reappointment)  
Peg Buchan (Commissioner Rogers - Reappointment)  
Wiley D. Thompson, III (Commissioner Rogers - Reappointment)  
Dan Lindblade (Consensus - Reappointment)

Note: Please see regular meeting item R-1.

The City Clerk announced that former Commissioner Rodstrom had served on the Broward County Joint Water Resources Task Force. They will be meeting on January 18. Commissioner DuBose believed the membership was revamped. He did not think an appointment is pressing, but offered to verify.

**BD-2 – Communications to City Commission and Minutes circulated for period ending November 29, 2012**

City Attorney Search Committee

**Motion made by Mr. Durden, seconded by Mr. Pettis, to ask** the City Commission to express flexibility on the salary and residency requirements for the position of City Attorney. In a voice vote, the motion passed 6-1, with Ms. Golub opposed.

There was no consensus support. In response to Commissioner Rogers, the City Attorney recalled the Commission direction was that the salary would not be higher than that of the City Manager. Both Commissioner DuBose and Vice Mayor Roberts did not believe there was a collective decision to provide such direction to the Committee. The City Attorney indicated that the Committee requested staff provide comparables from other South Florida jurisdictions. The next meeting is scheduled for February 15 and that information will be available by that time. Additional advertising will be placed and new applicants will be provided at that time also. The City Manager indicated that the advertisement indicates that salary is open depending upon qualifications.

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Mayor Seiler opened the floor for public comment.

Fred Carlson, representing Central Beach Alliance, referred to last week's Planning and Zoning Board meeting and Grand Birch Condominium proposal on Birch Road facing the Intracoastal. He noted there was a 7-2 vote on this Level IV proposal. He questioned if the membership in this case has too much concentration from a particular industry. This concern would apply to other boards as well. He felt this should be considered for future appointments. Vice Mayor Roberts noted that the Commission has call-up authority or hear an application depending on the site plan level. There are checks in the system that will avoid any type of impropriety.

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Mayor Seiler opened the floor for public comment concerning the City Attorney Search Committee.

Charles King, 105 N. Victoria Park Road, felt the Committee membership is out of step to propose that the future city attorney not be required to reside in Fort Lauderdale. He also asked about the Committee's view on the salary level. Mayor Seiler noted that there will always be disagreements amongst people. As to salary, he felt it should not exceed the City Manager's salary.

The City Attorney explained the rationale as to the residency requirement was that there may be some highly qualified applicants in the county. Mayor Seiler explained his desire is for loyalty to Fort Lauderdale. He did not think it is unreasonable for a city of this size to have charter officers reside in the city. Commissioner Roberts noted the applicant should be willing to relocate within a certain period of time.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 4:03 P.M.**

**The City Commission shall meet privately pursuant to Florida Statutes 286.011(8), regarding the following:**

**West Construction, Inc. v. City of Fort Lauderdale – Case 12-008336(12),  
17<sup>th</sup> Judicial Circuit Court**

**CLOSED DOOR SESSION ENDED AT 5:00 P.M.**

Note: The City Commission reconvened at 7:33 p.m. in the City Commission Chambers on the first floor of City Hall.

**City Commission Reports**

Continued from page 2.

**Dock Permit Application: Lauderdale Yacht Club**

In response to Mayor Seiler, the City Attorney advised that there is no review process on the part of the Commission for this dock. If there were two boat lifts on the same property within any two hundred foot area, there is a call-up provision, however, that is not the case. A temporary hold has been placed on the permit application because granting of a submerged land lease has been appealed. The City Attorney's Office is evaluating whether a hold can be placed on the lease, depending on whether it meets criteria set forth in state statute. The statute was amended in July of this year to not allow local government to withhold a permit on the basis of the applicant's failure to have State permits for the same project. The permit will probably be released next week.

**City Manager Reports - none**

The meeting adjourned at 7:35 p.m.





## GALT MILE COMMUNITY ASSOCIATION, INC.

3800 Galt Ocean Drive, Administrative Office, Fort Lauderdale, FL 33308  
954-489-9430 • 954-489-9330 Fax • www.GaltMile.com

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November 28, 2012

Honorable Richard L. Scott  
Governor of the State of Florida  
Executive Office  
400 S. Monroe Street  
Tallahassee, FL 32399-0001

**Re: Beach Erosion -- Fort Lauderdale**

Dear Governor Scott,

I hope this letter finds you well.

As you are certainly aware, we here in Fort Lauderdale are facing emergency circumstances as our beautiful beach has been decimated. Since 1996 when Congressman Clay Shaw was successful in appropriating funding for the restoration of our beach, we have been tirelessly pursuing this objective.

Unfortunately myriad "so called Environmentalist's" have successfully blocked our efforts. They are now effectively responsible for the millions of dollars in damage to our infrastructure. We were successful in obtain necessary permitting to complete Segment III (from the Dade County line north to Port Everglades) under the Jeb Bush administration. Segment II (from Port Everglades to the Hillsboro Inlet) should have been completed shortly thereafter.

I on behalf of the 16,000 residents of the Galt Mile Community Association and the several million residents of the City of Fort Lauderdale and Broward County, I respectfully request your intervention in issuing an emergency order to allow the Broward D.E.P. to accelerate the completion of this critically important restoration project.

Thank you in advance for your kind consideration of this matter. I am available to you at any time to provide any relevant information you may require.

Sincerely,  
Galt Mile Community Association, Inc.

PIO R. Ieraci, CIPS, LCAM  
President