

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, May 6, 2014

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
ROMNEY ROGERS Vice Mayor - Commissioner - District IV
BRUCE G. ROBERTS Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
BOBBY B. DuBOSE Commissioner - District III

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 1:33 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Romney Rogers, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Bobby B. DuBose

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, Assistant City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Frank Vetancourt

No public comments were submitted by email for this meeting.

CITY COMMISSION REPORTS

Events and Matters of Interest

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

May 20, 2014 Commission Meetings

Mayor Seiler advised he would be late to the May 20 Conference meeting and asked that items requiring discussion by the full Commission should be scheduled later. Commissioner DuBose noted he will not be present for the May 20 Conference or Regular meetings.

Jimmy John's Façade Update

Commissioner DuBose asked about the status of the Jimmy John's restaurant. The City Manager advised that the building permit was issued on Friday, May 2. The façade grant was denied due to a value issue. He is planning to bring a proposal before the Commission on how the façade grant program can be restructured to assist. Commissioner Trantalis agreed it needs to be addressed as it has the potential to impact the entire Sistrunk corridor. The City Manager explained that the threshold with respect to the Florida Building Code is 50 percent substantial improvement. With the cost of construction and property values in redevelopment blighted areas, the threshold is easily triggered. The grant programs did not take this into consideration.

Wood Turf Chips in Parks

Commissioner DuBose said a child was injured by a wood turf chip at Carter Park. He wanted the City Manager to review how many parks are using this type of material.

Traffic Flow; 15 Avenue and State Road 84

Vice-Mayor Rogers advised that Edgewood residents have expressed concerns about commercial traffic in the Edgewood neighborhood. He has provided staff with information from a resident that outlines the problem. He asked the City Manager to follow up. Mayor Seiler said he received an email that there is a huge traffic backup near a Marathon gas station at the intersection of 15 Avenue and State Road 84. Vice-Mayor Rogers confirmed it is the same general area.

Broward County Courthouse Parking Garage

Vice-Mayor Rogers suggested the Commission continue to pressure County officials about the City being able to use the new courthouse parking garage in the evenings. Mayor Seiler said there have been discussions but no action. Vice-Mayor Rogers suggested that Mayor Seiler push it forward at the courthouse task force meetings. The City Manager advised that the Commission imposed a condition that before the City approves the smaller parking garage for judges, this matter must be resolved.

Bicyclists Overtaking Roadway near 7 Street and Federal Highway

Vice-Mayor Rogers said he recently witnessed a "critical mass" of bicyclists taking over the entire roadway at New River Plaza near 7 Street and Federal Highway. He was concerned about safety when there are 20 or 30 bikes congregated in a roadway. He thought an analysis should be conducted to determine how this activity can take place safely. The City Manager said staff is aware of this but has not received any complaints. It is announced online. There is no leader. Staff is monitoring social media sites to be aware of when the rides occur. Information is posted three to 10 days prior to a ride. Vice-Mayor Rogers suggested it be monitored with respect to safety. Commissioner Trantalis noted that the danger comes with the stragglers who ride separately from the main group. It is a concern, particularly at night. Mayor Seiler noted this takes place all over the country, and it could be beneficial for staff to research how it is handled in other cities. There has to be middle ground in sharing the roadway. Commissioner DuBose suggested using the City's social media sites to share information and emphasize the important of safety.

Broward County Quiet Zone Preliminary Assessment Draft

Vice-Mayor Rogers pointed out that this draft only shows a limited number of crossings in Fort Lauderdale. It appears only two are recommended. Some discussion on understanding what is planned followed. The City Manager agreed to provide more information. Commissioner Roberts said the Broward Metropolitan Planning Organization (MPO), in conjunction with the Palm Beach MPO and several mayors and MPO directors, have submitted a \$20 million Transportation Investment Generating Economic Recovery (TIGER) grant request to the U.S. Department of Transportation. Commissioner Roberts said All Aboard Florida may be handling part of this.

Parking Citations

Commissioner Roberts questioned whether a 10-minute grace period could be allowed before parking tickets are issued. Sometimes it creates a negative image. Mayor Seiler did not think the grace period should be longer than the minimum increment of six minutes. The City Manager advised that some meters do not display the time elapsed after they have expired. Also, an individual could be at the ticket machine so there is nothing in the window at that point. Mayor Seiler was concerned about imposing different standards based on the type of meter. Commissioner DuBose suggested revisiting customer service in general and how matters are handled based on the circumstances. Commissioner Roberts agreed.

Advisory Board Terms

Commissioner Roberts said he plans to speak to the City Manager about looking into extending the terms for some advisory boards, such as the Budget Advisory Board, to ensure consistency and continuity. He questioned the necessity of term limits. The City Clerk advised that boards are created by resolution or ordinance. She felt it is a point well taken. Commissioner Trantalis noted that term limits can be a tool for a new commissioner. Some board members are allowed to continue to serve

beyond their term limit. It is nice to make new appointments and give others an opportunity to participate. Commissioner DuBose pointed out there are different regulations for some boards such as the quasi-judicial ones. The City Clerk thought it may be beneficial to revisit advisory board procedures as a whole.

Vacation Rentals; Legislative Session

Commissioner Trantalis raised the topic of new legislation concerning vacation rentals. Mayor Seiler understood that previously vacation rentals could not be restricted based on classification, use or occupancy. Now use can be restricted but cannot be prohibited and time constraints cannot be imposed. Mayor Seiler requested an opinion from the City Attorney. The City has been attempting to regulate vacation rentals, not prohibit them.

Water Quality Statistics

Commissioner Rogers requested statistical information on the water quality in Portland, Oregon, in order to compare to local statistics.

Miami Beach's Marketing Partnership Approach with Sale of Suntan Lotion

Mayor Seiler pointed out that Miami Beach is marketing the city via sale of suntan lotion. Miami Beach collects 15 percent of the revenues. He asked the City Manager to look into the idea.

CONFERENCE REPORTS

CF-2 14-0581 CENTRAL BEACH MASTER PLAN PUBLIC IMPROVEMENT PROJECTS UPDATE - BEACH REPORT

Commissioner Trantalis did not see much progress has been made. With regard to the large projects, the City Manager indicated that the architects and engineers are doing site work and surveying.

D.C. Alexander Park

Commissioner Trantalis asked when EDSA will be reporting back with a revised vision of D.C. Alexander Park. The City Manager advised there are concerns that were raised by the Beach Redevelopment Advisory Board (BRAB). The BRAB would like to see more than what the Commission had expressed. Therefore staff will be working with the BRAB and will also include the Parks, Beaches and Recreation Board. Vice-Mayor Rogers expressed concern about the process and timing. The Commission was fairly resolute in its position but he was happy to see other ideas. He did not want to get into the concept of designing a horse by committee. Perhaps a joint meeting is warranted. He did not want to miss the opportunity of having a private partner that is now available. Half of the cost would be guaranteed. This is a not-for-profit organization that would guarantee half of the cost and raise the remainder from a segment of the community. This private partner's only suggestion was a band shell for public use. Some resolve has to be reached. Mayor Seiler did not want to delay this any further.

Commissioner Trantalis pointed out that EDSA was directed to simplify the design. Beach residents do not want it to be an entertainment center. Mayor Seiler added that the design should be flexible. He requested a joint workshop be scheduled with the BRAB to reach consensus so the project is not further delayed. The workshop would be limited to D.C. Alexander Park.

CF-1 14-0530 SOUTH SIDE SCHOOL UPDATE

The City Manager noted information in Commission Agenda Memorandum 14-0530 concerning the sidewalk for Hardy Park. The appraisal shows land value of \$12,000, therefore the City will have to reimburse the State \$6,000. The State has been requested to proceed. Then there will be need for a beautification agreement with Broward County. Mayor Seiler noted there has been interest in converting a public historic building (pump house) at the northwest corner of the park into a coffee shop. He wanted to know whether there is an opportunity for a private partnership. Vice-Mayor Rogers also noted that staff is concerned that there may not be enough parking for employees. There is no confirmation to date on being able to use the County parking garage. The City Manager advised that additional parking spaces are needed. Twenty employees will occupy the second floor, with the first floor to be used for activities. Because this is in the Downtown Regional Activity Center (RAC), there is no problem with code requirements, but did not want to proceed until there is confirmation on the availability of the County garage. Vice-Mayor Rogers pointed out that there are unused shuffleboard courts that date back to when he was in elementary school, but there is also an objection to using park space for parking. He agreed with staff that in this case, however, it might be a necessity. There would be two parking areas. There needs to be parking for the tennis courts which currently would only be off-street parking. This is all that remains in terms of issues.

Commissioner Trantalis said at their request, he met with the Friends of South Side. They feel that they have been left out of the planning process for the interior space design. They would prefer using the upstairs level for activities because there is more light. The individuals were Lu Deaner and Kevin Kichar. Jan Idelman was also present, but only to make an introduction. Vice-Mayor Rogers said he has spoken with John Wilkes, who served as the president of Friends of South Side, and told him that now is the time to re-engage if that is their choice. He also spoke with David Rose. He has received no phone calls from board members. He would like more information about staff's outreach in the neighborhood and to the Friends of South Side. The City Manager said Parks and Recreation Director Phil Thornburg met with John Wilkes last week. The City Manager went on to say that staff has proceeded based on the Commission's response to revised schematics because they are trying to complete the project within a designated time frame. They are preparing to issue a Request for Proposals (RFP) to hire architects and engineers to finalize the project. If the Commission wants to change plans, staff should be made aware. There was consensus to move forward with the project as recommended. Vice-Mayor Rogers and Mayor Seiler thought it would be disruptive to have activities on the second floor as well as access issues.

Commissioner Roberts described the beach community center and the benefit of having one large room. Some discussion followed as to other venues for meetings in this area of the city.

There was no objection to proceeding. Mayor Seiler asked that staff keep working to resolve the parking issue.

OLD/NEW BUSINESS**BUS-1 14-0624 CITY CLERK PERFORMANCE REVIEW AND MERIT ADJUSTMENT**

Deferred.

The Commission recessed and convened as the Community Redevelopment Agency Board of Directors at 3:02 p.m. The Commission then reconvened the conference meeting with Agenda Item

BD-1 at 3:56 p.m.

COMMUNITY REDEVELOPMENT AGENCY MEETING

BOARDS AND COMMITTEES

BD-1 14-0556 COMMUNICATIONS TO CITY COMMISSION AND MINUTES
CIRCULATED - period ending May 1, 2014

Beach Business Improvement District Advisory Committee (BID)

By consensus, the Board agreed to request a joint meeting with the City Commission to discuss priorities and branding of Fort Lauderdale Beach.

Commissioner Trantalis said the BID has a large budget and is looking for ideas on how to coordinate spending. Their budget cycle coincides with the City's. There was consensus to hold a joint workshop with the Beach Redevelopment Advisory Board on May 13, 2014 and the BID on June 2, 2014.

Board of Adjustment

Motion made by Mr. Willey, seconded by Mr. Cooper, to request that staff not produce printed recommendations for Board of Adjustment cases. Also, that Board members be advised of the date the Commission would discuss their communication in order to have an opportunity to speak on the issue. In a roll call vote, motion passed 7-0.

The City Manager advised that the Board of Adjustment (BOA) takes exception to the fact that staff makes recommendations on applications that come before the board. Prior to his tenure, staff made no recommendations to the Board of Adjustment, Planning and Zoning Board or City Commission. He changed the procedure because he felt that one of staff's roles is to provide its professional recommendations. This procedure has been in place with the Board of Adjustment for two years. Vice-Mayor Rogers said he has spoken to a Board member who felt that the board is one of last resort. They are uncomfortable with having staff recommendations. Vice-Mayor Rogers suggested staff submit a report with pros and cons absent specific recommendations. Mayor Seiler pointed out that the recommendations are an analysis of a situation with comments on whether a particular project is in compliance and not recommendation of approval. Commissioner Roberts said specific recommendations are made. He also spoke with a Board member. In the case of other advisory boards, recommendations are helpful. In this case, it may impact their decision-making. The City Manager explained that recommendations are provided to other quasi-judicial boards, such as Code Enforcement. The difference, Vice-Mayor Rogers explained, is that the Board of Adjustment has to find a hardship, which is a standard. When staff is making a recommendation, it appears they are saying that if they found a hardship, the Board should too. He empathizes with their concern. A conflict is created when the Board and staff have differing conclusions.

The City Attorney advised that although staff makes recommendations it should be clear to the Board that the ultimate decision lies with them. Mayor Seiler requested research on how other cities handle this issue. The City Attorney noted that facts must be presented as the basis of a recommendation. Mayor Seiler said there is a presumption that with a staff recommendation, there is then competent substantial evidence. The City Attorney agreed to look into how it is handled in other cities.

Community Services Board

Motion made by Mr. Fillers, seconded by Vice Chair Hinton, that at the April 21, 2014 CSB meeting, the Board will calculate and prepare their recommendation to the City Commission for the distribution of Community Development Block Grant (CDBG) public service funds in the amount of \$143,027.05. In a roll call vote, the motion passed 7-1 (Mr. Lovell dissenting).

Commissioner Trantalis understood that the Board was asked to reduce Community Development Block Grant (CDBG) funds by \$50,000 because the funding was going to be allocated to another department. The City Manager explained that certain City programs are funded with CDBG funds. Staff work has been devoted to competing for those dollars. He asked staff to point out to the Board that funding should be continued for ongoing City programs. He was unsure whether the \$143,027.05 includes the \$50,000 reduction. Commissioner Trantalis thought the Board is objecting because they feel they should participate in all CDBG grant funding.

There was consensus to defer the item.

Historic Preservation Board

Motion made by Ms. Ortman, seconded by Ms. Thompson to ask the City to review and reconsider its stance regarding the removal of the dormers during roof rehabilitation at the property leased by the Fort Lauderdale Historical Society. In a voice vote, motion passed 8-1 with Mr. Morgan opposed.

The City Manager said this item is being sent back to the Historic Preservation Board (HPB) because it is unclear. This deals with roof replacements on historic homes. There are two dormers that are apparently not the original ones, and the Historical Society is seeking approval to remove them. In this case, one covers a fire exit door. Staff would like the HPB to make a final recommendation.

Sailboat Bend Historic District

In response to Commissioner Trantalis, the City Manager commented that no decision was made on how to proceed on this matter. Commissioner Trantalis felt that a decision should be made. He would like there to be some level of Commission participation moving forward. Commissioner Roberts believed the Commission has already heard from the residents but agreed that a decision should be finalized. Vice-Mayor Rogers pointed out a public hearing will be required for any revisions. Commissioner Trantalis wanted to hold a workshop. Vice-Mayor Rogers agreed some things need to be worked out. He wanted to find a way for the neighborhood to get on the same page. Commissioner Trantalis said there are conflicting voices but there is a movement toward modifying the existing ordinance. Vice-Mayor Rogers added that the process has been long. He did not think staff needs to be fully re-engaged. The HPB is quite capable of submitting a recommendation. Commissioner Trantalis offered to reach out to the HPB. Vice-Mayor Rogers wanted dialogue to cover how to combine saving historic elements with a practical application of securing a building permit.

Marine Advisory Board

Motion made by Mr. Holmes, seconded by Mr. Rassing, that while the Marine Advisory Board welcomes cruising yachtsmen, their charge is to advise the City Commission of navigational and safety issues. After hearing input from citizens and the Marine Patrol, the Board has concerns about vessels anchoring too long in certain areas, such as Lake Sylvia and the Middle River, which

affects public safety and navigation. They propose that the City Commission address these concerns and consult with State and County representatives. In a voice vote, the motion passed unanimously.

Motion made by Mr. Dean, seconded by Mr. McLaughlin, to send a communication to the City Commission from the Marine Advisory Board, asking the City Commission to once again direct Staff to perform a proper analysis of the potential effective annual dockage rates that could be realized from the expansion of the Las Olas Marina to 6000 lineal ft. in light of the FIND dredging of the Intracoastal Waterway to 17 ft., which would enable mega-yachts to access the new marina. In a voice vote, the motion passed unanimously.

Motion made by Mr. Newton, seconded by Mr. Rassing, that if it is determined that only one garage is needed at the Las Olas Marina, the Marine Advisory Board recommends that CRA funds be directed to the funding of the Las Olas Marina expansion. In a voice vote, the motion passed unanimously.

Mayor Seiler opened the floor for public comment.

Carol Eich, 739 Middle River Drive, said sailboats have begun to park in the middle of the channel down the river because the area before Sunrise Boulevard is full. She understood that area is one of three in Fort Lauderdale designated for family water sports. People are blogging that this is a great place to park sailboats. Because of all the boats, it is impossible to make a turn in the wide area. It is becoming dangerous. Children are swimming there. She did not know about the water quality. There was a recent accident in this area. Mayor Seiler said he fully agrees. He has been working with legislative staff to get a bill passed that would help. This has become a huge issue in Miami Beach. The City needs to make sure this area stays open for water skiers and a floating village is not created. He confirmed for Eich that boats are allowed to park in the channel if a hurricane is approaching. Eich felt it should be governed by the City. Mayor Seiler elaborated on previous discussion at the State level and noted that the City's Marine Advisory Board agrees this is a problem.

H.T. Jones, 2438 NE 7 Place, said he has been skiing in this area for more than 50 years. It is quite dangerous in the congested area between docks and where boats are tied up in the middle. Sometimes boats change direction abruptly. It is a safety issue. Mayor Seiler agreed. Commissioner Trantalis pointed out that this should be considered when dock waivers in that area come before the Commission. It narrows the channel.

Jim Concannon, president of Sunrise Intracoastal Homeowners Association, said the key elements are safety, health and privacy. Many of the vessels that anchor there at night are not well-lighted. There is potential for a serious accident. Mayor Seiler said an accident occurred recently but he was unsure whether boats had anything to do with it. Concannon said he was aware of altercations, but not details about the accident. The Association has asked him to take a stand on their behalf in support of the Marine Advisory Board's recommendation. Mayor Seiler explained efforts are underway to address it statewide whereas this is a very local issue that the City does not have the authority to address. Mayor Seiler requested and Concannon agreed to provide a resolution from the Association voicing their concerns.

Donald Goldberg, 765 Middle River Drive, said the boats anchoring in the river are up to 25 feet and may be anchored in one location for as long as a month. Some are docked at night with no lighting. His wife has witnessed dumping. It is a heavy water-skiing and recreational area and a transportation corridor. The marine police units should patrol every three days to make sure holding tanks are tied up, which will ensure there is no dumping. If one searches online for where to dock in Fort Lauderdale, this

location is listed as a free docking site. He believed safety issues could bypass universal dockage regulations. There is space for moorings. If moorings are installed and rented, open anchorage is not allowed.

Corey Staniscia, representing State Representative George Moraitis, advised that lawmakers have been working on a House bill that would extend the trial phase throughout the entire state with respect to local powers. There was an amendment with State Representative Eddy Gonzalez of Miami-Dade County which would exclude Miami-Dade and Broward counties from the extended trial phase. There were not enough votes to support it. It is their understanding that opportunities still remain to regulate it through local ordinances. Cities are expressly prohibited from regulating anchoring in open waters but according to the Florida Fish and Wildlife Conservation Commission, live-aboard vessels can be regulated. At Mayor Seiler's request, he agreed to provide an email of April 25 from Florida Fish and Wildlife confirming this. He believed local police have the authority to inspect holding tanks or any violation of law or regulation.

There was no one else wishing to speak.

Commissioner Roberts said this issue came up three years ago and the marine units got involved with patrolling and inspecting tanks. They were unsuccessful in alleviating the problem. It has since gotten worse. He suggested forming a task force including officials from Representative Moraitis' office and the City Attorney's Office. The timing is right to revisit the issue. The City's marine patrol as well as Florida law enforcement and neighborhood associations should be on board. The City Manager and City Attorney agreed to facilitate this effort. Staniscia indicated that Representative Moraitis would like to revisit this matter in next year's legislative session. Vice-Mayor Rogers hoped the task force would encompass all concerns that have been discussed such as water skiing and placement of a vessel next to a seawall. It is important to make sure residents have free access to the waterways without disturbances or safety issues.

In regard to the Marine Advisory Board's second communication, a request that staff be assigned to perform proper analysis of the potential effective annual dockage rates, the City Auditor said this issue has been going back and forth with the Marine Advisory Board for more than a year. The most recent analysis was prepared by the Budget Office and includes six different scenarios because there is a great deal of subjectivity associated with the marina expansion. There are three major variables that make it almost impossible to determine how quickly and what levels of success will be achieved with the expansion. He proposed additional scenarios to the Budget Office for their analysis to provide a range of potential outcomes. He did not think there is anything more to go on. It is not possible to pinpoint any of the variables with a high degree of precision. In response to Vice-Mayor Rogers, he explained that the slip dockage is different from lineal dockage proposed and it is not possible to project utilization.

Commissioner Trantalis understood there was an unsolicited bid from a private entity to construct a marina. The City Manager confirmed that staff is reviewing that proposal. Mayor Seiler said that until now, no one from the private sector has stepped up; therefore he and the City Manager had questioned whether it made sense. The City Manager felt there should be private participation and the City should issue a solicitation if only to determine whether there is any interest. Vice-Mayor Rogers said he spoke to someone who owns a marina in Palm Beach County. A 45-foot vessel used to cost between \$200,000 and \$300,000. Now it is \$1 million. Beyond 35 feet, it is cost prohibitive. The marine industry has changed.

Motion made by Mr. Newton, seconded by Mr. Rassing, that if it is determined that only one garage is needed at the Las Olas Marina, the Marine Advisory Board recommends that CRA funds be

directed to the funding of the Las Olas Marina expansion. In a voice vote, the motion passed unanimously.

Mayor Seiler believed this is related to the previous item.

CITY MANAGER REPORTS

MGR-1 14-0626 UPDATE - FLORIDA BUILDING CODE AND NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS

Mayor Seiler indicated that he requested a presentation on this matter.

The City Manager referenced a recent news article that made the assertion that under some circumstance flood insurance premiums and rates are in jeopardy. There is no validity to that statement. The Broward County Board of Rules and Appeals issued a statement recognizing that several communities are facing flood plan issues by the Florida Building Code. He confirmed for Commissioner Trantalis that this deals with new construction. There is a provision in the Florida Building Code that requires one foot of freeboard which is different than requirements of the National Flood Insurance Program. This will impact construction within the city and will create additional costs. Staff is working through the issues. They are aware of one property left that would be impacted (The Pearl). As of this afternoon, Northwest Gardens received documentation from the federal government and are now set to go. An outside entity will be conducting an audit. The Pearl has submitted their documentation to FEMA. This requirement will impact construction and create additional cost. Staff is reviewing its steps to make sure there are no other projects. Mayor Seiler asked that the Commission be updated when the last property is resolved. He felt that the matter was addressed in an analytical and practical manner. The media coverage indicated this was a citywide problem, and it was not. He understood that the Inspector General may be reviewing it but it does not appear that anyone could benefit financially from it. He surmised there was confusion as the standards evolved. The City Manager explained that sometimes things are not done exactly right. The sign of a good organization is when it identifies, learns and corrects those mistakes.

BD-2 14-0557 BOARD AND COMMITTEE VACANCIES

Please see regular meeting item R-1.

The City Commission convened the Executive Closed Door Session at 5:01 p.m. and adjourned at the end of the session.

EXECUTIVE CLOSED DOOR SESSION

COLLECTIVE BARGAINING AGREEMENT OF INTERNATIONAL ASSOCIATION OF FIREFIGHTERS