

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, January 8, 2013

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

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

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
HARRY A. STEWART, City Attorney

Meeting was called to order at 1:35 P.M. by Mayor Seiler.

ROLL CALL

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

Also Present:5 – City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Harry A. Stewart, Sergeant At Arms Sergeant Edgar Cruz

CITY COMMISSION REPORTS

Events and Matters of Interest

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

CONFERENCE REPORTS

CF-1 13-0137 EMERGENCY SEAWALL REPAIR - PORTION OF BEACH ALONG CITY'S BEACH FRONT PARKING AT NE 27 STREET AND ATLANTIC BOULEVARD

The City Manager advised that this item is to inform the Commission that this work has begun. In response to Mayor Seiler, he confirmed that ideas submitted from the public will be presented to the Commission in March. Other involved governmental entities have no objection to this timeframe. FDOT (Florida Department of Transportation) will begin installing sheet pilings around February 15 and finish around April 30. Mayor Seiler asked the City Manager to advise the Birch Park Finger Streets Association of the upcoming repairs and associated noise.

OLD/NEW BUSINESS

BUS-1 12-2592 CODE AMENDMENTS - CHAPTERS 5, 8 AND 15 - SPECIAL EVENT APPLICATION PROCESS

Phil Thornburg, Parks and Recreation Director, highlighted information in Commission Agenda Report 12-2592. The objective would be to streamline the application process for events not involving alcohol. In similar fashion to Riverwalk events, the Commission would still be made aware of the events. Mayor Seiler was concerned about the Commission being notified after the event and consequently less public notice opportunity to homeowners and civic associations (associations). Riverwalk events are not residentially oriented. Mr. Thornburg explained that the events are addressed at the Parks and Recreation Department's (Outdoor Event) operations meetings which the associations are made aware of. Further, memoranda will be issued, once the event is administratively approved and therefore the Commission would have advance notice. Mayor Seiler still preferred the current process. Vice Mayor Roberts suggested a neighborhood notification prior to administrative approval. He suggested a six-month trial. In response to Commissioner DuBose, Mr. Thornburg clarified that the operations meetings would take place prior to administrative approval. Associations are invited.

Mr. Thornburg went on to note that most issues are related to events that include alcohol. The current system is problematic for some applicants who want to move forward with event planning and they have to wait for the item to appear on a Commission agenda. Mayor Seiler stressed that the process must be transparent and include public notice prior to approval. Commissioner DuBose asked about some flexibility being allowed for events that do not involve alcohol while still maintaining the integrity of the current process. The City Manager suggested a call-up provision where an applicant who applies in a sufficient amount of time can bypass the formal process. Staff would notify the Commission and any commissioner could call up the event. Many non-professional events are coordinated in the last-minute and the proposed is a measure to facilitate them. Mayor Seiler maintained that last-minute event planning should not inconvenience the public and residential neighborhoods. This approach would encourage the like, rather than adherence to the formal process. He preferred to have an exception to the rule, rather than make the rule the exception. Mr. Thornburg pointed out that there is a graduated scale in place for the cost of permits such that there is a higher cost for permit applications submitted close to the event date. Vice Mayor Roberts articulated that, if the call-up provision is utilized, the Commission would not be aware of the event, unless a member of the public has an issue with it. The key is for impacted neighborhoods to be informed. Sometimes the non-professional events have the biggest impact because they are not well planned.

Vice Mayor Roberts suggested the idea be further studied. Mayor Seiler agreed. He asked for this to be brought back after the new District II Commissioner is seated, and the floor will be opened for public comment.

BUS-2 12-2595**MAINTENANCE OF MEDIANS ALONG MAJOR CORRIDORS**

Phil Thornburg, Parks and Recreation Director, highlighted information set forth in Commission Agenda Memorandum 12-2595. Commissioner DuBose asked about the type of grass used. Mr. Thornburg advised that for the most part St. Augustine is used. He mentioned one example of an exception where Bahia grass was installed on Sunrise Boulevard just west of Interstate 95 because there is no irrigation. Commissioner DuBose recalled comments made at the District III meeting about the poor appearance of the median grass on west Sunrise Boulevard at 31st and on west Broward Boulevard to the city limits. Mr. Thornburg explained that the City is responsible for maintaining the medians on Broward Boulevard out to 441, and is reimbursed a percentage by Broward County, Plantation, and Lauderdale, per an agreement. The City is solely responsible for the medians on Sunrise Boulevard to the city limits at NW 31 Avenue. Those medians do not have any irrigation. Commissioner DuBose thought a stretch of Sunrise Boulevard west of 22nd on the south side is unincorporated, and is, therefore, the County's jurisdiction. Mr. Thornburg offered to look into this area and confirm who is responsible for maintaining it. Staff has attempted to have the Florida Department of Transportation to install irrigation, but they would not agree to do so. (see further discussion below)

Vice Mayor Roberts thought NE 18 Avenue from Commercial Boulevard to the city limits should be included as a main corridor. He believed the change in mowing vendors has brought about improvement. Mr. Thornburg warned that, under the proposed schedule, the non-major roadways like Bayview Drive and 4 Avenue will have visible grass growth in summer. Vice Mayor Roberts indicated that some buildings in the area of NE 18 Avenue and Commercial have had code enforcement issues, and inadequate maintenance of the medians runs down the corridor itself as well as surrounding neighborhoods like Imperial Point, Coral Ridge, and Coral Ridge Isles. Mayor Seiler remarked on the need to be consistent. There are other heavily traveled corridors in the city. Some dialogue ensued between Mayor Seiler and Vice Mayor Roberts on traffic volume of NE 18 Avenue and 15th Avenue going north from Sunrise Boulevard.

Commissioner Rogers thought the City could be credited in the mowing contracts because the medians on some roadways like Federal Highway from 17th Street to the Henry E. Kinney tunnel now contain shrubs and there is nothing to mow. The City Manager noted that the more difficult aspect is weeding because it is done by hand. He pointed out that every time the City assumes or makes improvements to non-City roadways through an agreement with FDOT or the County, the City assumes responsibility for all maintenance going forward, including landscaping, sidewalks as well as liability. Mayor Seiler and Commissioner DuBose agreed.

Commissioner DuBose indicated that it appears the stretch of Sunrise Boulevard he previously referenced is unincorporated and, therefore, the County's jurisdiction. Mr. Thornburg confirmed that he would reach out to the County regarding the maintenance issue, and make certain the medians in that area are being properly maintained.

Commissioner Rogers wanted to move forward with this concept. Commissioner DuBose wanted to know when this will be brought back as he was concerned about the decreased maintenance level on the non-major roadways. Mr. Thornburg explained that staff will have to bring forward revised contracts. The City Manager thought that the approaching rainy season will provide a good visual gauge of the effect of these changes. Staff can make any necessary revisions as part of the budget. The amended contracts will be brought forward on February 5. There was consensus agreement.

BOARDS AND COMMITTEES

BD-1 13-0088 COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED FOR PERIOD ENDING JANUARY 3, 2013

Middle River-South Middle River-Sunrise Boulevard Redevelopment Advisory Board

Motion made by Member Thrower and seconded by Member Barry requesting the City Commission support the development of an auxiliary South Florida East Coast Corridor (SFECC) Transit Station at 13th Street as the "lynchpin" project for the long-term success of the CRA Redevelopment Plan. Motion passed unanimously.

Mayor Seiler wanted to know how many auxiliary stations will be built in the city. He supported development of the recommended station provided it is not deemed exclusive. Commissioner Rogers and Vice Mayor Roberts agreed. There was consensus agreement to defer this item until more information is provided regarding station location(s) and the City's funding participation.

Parks, Recreation, and Beaches Advisory Board

Motion made by Mr. Zaden, seconded by Ms. Ward, to find a way to present to the appropriate federal authority such as Fish and Wildlife the need for federal dollars to help protect the turtles that are nesting here in large quantities now that the beach has eroded so terribly and will significantly impact the nesting. In a voice vote, the motion passed unanimously.

Mayor Seiler agreed. This item was referred to staff to determine whether any federal funding is available.

Insurance Advisory Board Charles J. Grimsley (Consensus - Reappointment)

Middle River-South Middle River- Thomas A. Maleta (Consensus – Building Contractor category – New)
Sunrise Boulevard Redevelopment
Advisory Board

Note: Please see regular meeting item R-3.

CITY MANAGER REPORTS
None

Note: The City Commission recessed at 2:26 p.m., and reconvened at 2:55 p.m. for the executive closed door session.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 2:55 P.M.

**13-0145 THE CITY COMMISSION SHALL MEET PRIVATELY PURSUANT TO
FLORIDA STATUTES 286.011(8) CONCERNING:**

West Construction, Inc. v. City of Fort Lauderdale (Case 12-008336(12),
17th Judicial Circuit Court

CLOSED DOOR SESSION ENDED AT 3:25 P.M.

The meeting adjourned at 3:25 p.m.