

# City of Fort Lauderdale

City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)



## Meeting Minutes - DRAFT

Wednesday, September 3, 2014

6:00 PM

City Commission Chambers

## City Commission Regular 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 6:02 p.m. by Mayor Seiler.

**ATTENDANCE ROLL CALL**

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

**Not Present:** 1 – Commissioner Roberts (arrived momentarily)

**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 Matthew Bucella

**Vote Roll Call Order for this Meeting**

Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**Invocation**

Reverend James C. Wills, First Christian Church of Fort Lauderdale

**Pledge of Allegiance**

Led by Ariel and Cameron Magness

**Approval of MINUTES and Agenda**

No public comments were submitted by email for the September 3, 2014 regular meeting.

**14-1097** APPROVAL OF MINUTES for July 1, 2014 Conference Meeting and July 10, 2014 Special Meeting

**Motion** made by Commissioner Trantalis and seconded by Commissioner Roberts to approve the noted minutes.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PRESENTATIONS**

**PRES-2 14-1120** PROCLAMATION DECLARING FEBRUARY 21, 2015 AS FUNKY FUN RUN DAY IN THE CITY OF FORT LAUDERDALE

Commissioner Trantalis presented the proclamation to former Commissioner Tim Smith. Smith thanked the Commission and provided details of the upcoming event.

**PRES-3 14-1127** PROCLAMATION DECLARING SEPTEMBER 3, 2014 AS PASTOR LARRY L. THOMPSON DAY IN THE CITY OF FORT LAUDERDALE IN RECOGNITION OF HIS 20th PASTORAL ANNIVERSARY AT

## FIRST BAPTIST CHURCH OF FORT LAUDERDALE

Vice-Mayor Rogers presented the proclamation to Larry L. Thompson in recognition of 20 years of service. Thompson thanked the Commission and noted his support of the community.

**PRES-1 14-0944** COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT II

Commissioner Trantalis presented the WOW Award to Don Glozer for beautification efforts at his home in Middle River Terrace. Glozer advocated for renovating older homes in the City.

**PRES-4 14-1136** PROCLAMATION DECLARING SEPTEMBER 3, 2014 AS STEEL LAFFERTY DAY AND SEPTEMBER 11-14, 2014 AS WAKEBOARDING WORLD CHAMPIONSHIPS DAY IN THE CITY OF FORT LAUDERDALE

Vice-Mayor Rogers presented the proclamation to Steel Lafferty and his family and showed a short video. Lafferty thanked the Commission for the honor.

**PRES-5 14-1096** PROCUREMENT SERVICES DIVISION OF FINANCE DEPARTMENT - ACHIEVEMENT OF EXCELLENCE IN PROCUREMENT AWARD

The City Manager noted that this is the 10<sup>th</sup> year the City's Procurement Division has won this award. Finance Director Kirk Buffington recognized the Procurement Services Division.

## CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

**CM-5 14-1003** REAL ESTATE BROKERAGE AND LEASE MANAGEMENT SERVICES - revised addendum to agreement with CBRE, Inc.

Commissioner DuBose questioned why Commission Agenda Memorandum 14-1003 states there is no financial impact since the City pays a brokerage fee. The City Manager explained that fee is paid by the lessee or the buyer. In further response, the City Manager advised that a property maintenance fee is paid from the City's rent income. Staff is currently handling the Executive Airport and Transportation and Mobility properties; consequently in that regard it would be an expansion of the scope. The income remains the same but there would be an expense for CBRE to manage the leases. There is a fiscal impact. In the case of Transportation and Mobility, there is no staff dedicated to this work now. It has become a collateral duty. No one in Transportation and Mobility nor the Airport is attracting prospects or marketing the City's properties. Commissioner DuBose pointed out that the City would be incurring an additional expense for something staff currently does. The City Manager advised that there has been some faux pas. One example is a tenant not paying property taxes. Commissioner DuBose said that he has several problems with this item. The first is about transparency and the statement that there is no financial impact. CBRE would take over the responsibility for collecting what is due from the water park if it becomes a reality. It would be a large dollar amount no longer coming into the City. It appears that by expanding CBRE's scope, the City is taking money out of its own pockets.

Vice-Mayor Rogers felt that the City needs real estate management. He has spoken to another broker

who indicated they could not make any money on this proposal. Managing property is not an easy job. He felt this is a good deal for the City. Their expertise is significant. They are one of the largest in the country. He believed they bring a lot to the table. The expense is money well spent.

Commissioner DuBose reiterated his concern about the way the item was presented. It is not transparent. The financial impact should be reflected so that the Commission can make an informed decision. The City Manager offered to bring the matter back in October. Mayor Seiler agreed with Vice-Mayor Rogers. This issue has been undecided for a year. There are properties that need to be addressed. He felt it is money well spent and ultimately it will save the City money.

The City Auditor explained that part of the backup which identifies financial impact is a convention used to identify if money is being expended at the time by approving the item. There will be a fee associated with each lease. There is a contingent financial impact, but not specific at the time because there is no lease before the Commission now. The City Manager clarified that the contract involves potential new leases as well as existing leases. The City Auditor understood that there would be no fees associated with leases that the City has put in place. Commissioners DuBose and Trantalis questioned what would happen to an existing lease that would not be expiring for several years.

Commissioner Trantalis requested that CBRE make a status presentation at the meeting on marketing the City's surplus properties as well as Bryan Homes River House. Director of Parks and Recreation Phil Thornburg advised that CBRE is expected to provide their surplus property analysis by the end of October according to their contract, but they believe it can be done by the end of this month. The City Manager advised that he planned for CBRE to make a presentation at the first meeting in October. Commissioner Trantalis concurred with Commissioner DuBose.

**Motion** made by Commissioner DuBose and seconded by Commissioner Trantalis to defer the item to September 16, 2014.

#### **DEFERRED TO SEPTEMBER 16, 2014**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

As Raymond Cox had signed up to speak on all items on the agenda, Mayor Seiler allotted 10 minutes. Cox, no address provided, quoted John F. Kennedy and Thomas Jefferson concerning public participation in government. He was concerned about the extent of delegation of duties to the City Manager. He also pointed out that the public must be accommodated at any Commission luncheon special meeting according to Florida law. He questioned the costs associated with special events and impact to residents. He noted his difficulty in obtaining backup information on agenda items. As a City resident that is counted in the U.S. Census, he has rights to City services. He advocated for public restrooms and homeless rights. He felt there is a disguised plan to gentrify the Sistrunk Boulevard area. With the next hurricane there may be 200,000 people the City will want to drive out as it is trying to do with the homeless. He believed that the law allows him to speak on specific items. He discussed the 911 system and shelter facilities.

**Motion** made by Commissioner DuBose and seconded by Commissioner Trantalis that Consent Agenda item CR-3 be deleted from the Consent Agenda and considered separately and that all remaining Consent Agenda items be approved as recommended.

#### **CONSENT MOTION**

**CM-1 14-0994**

**EVENT AGREEMENTS:** Cardinal Gibbons High School 5K  
Conference Meets and Pine Crest Cross Country Meets

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-2 14-0995**      **EVENT AGREEMENTS AND RELATED ROAD CLOSINGS:**  
Rockabilly Street Festival, 4:30 Boardroom 1st Anniversary Car Show,  
Flagler Fusion Block Party, American Cancer Society- Making Strides  
Against Breast Cancer, Craftoberfest and Beach Bash 5K

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-3 14-1022**      **PURCHASE WORKERS' COMPENSATION INSURANCE - \$395,283**

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-4 14-0987**      **ACCEPTANCE OF GRANT FUNDS - \$5,000 - SUPPORT TO SWIM  
LESSON PROGRAM AT JOSEPH C. CARTER PARK - USA**  
Swimming Foundation on behalf of Parks and Recreation Department

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-6 14-1020**      **CONSTRUCTION, MAINTENANCE AND OPERATION OF  
ELECTRONIC SIGN ON WEST LOT OF HOLIDAY PARK -  
agreement with Performing Arts Center Authority and solicit bids**

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-7 14-1069**      **NEW PLAYGROUND AT POINCIANA PARK - Community Partner  
Playground Agreement with KaBOOM!**

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-8 14-0921**      **CHANGE ORDER 1 - AQUATIC COMPLEX - Recreational Design  
and Construction, Inc. - \$1,238,068 and adjustment to guaranteed  
maximum price to \$33,675,502 - scope revisions to Developer's  
Agreement**

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-9 14-0936** PRIVATE SIDETRACK ADJACENT TO FIVEASH WATER TREATMENT PLANT - amendment to Supplemental Agreement with CSX Transportation, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-10 14-1079** D. C. ALEXANDER PARK IMPROVEMENTS - final conceptual design, renderings and cost estimate - Task Order 2 - \$48,670 - EDSA, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-11 14-1103** TASK ORDER - \$83,617 - WATER AND SEWER REVENUE REFUNDING BONDS FEASIBILITY REPORT 2014 - CH2M Hill Engineers, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-12 14-0791** USE OF CITY SEAL ON BIKE GEAR FOR FUNDRAISING - Agreement with Bicycle Action Committee - authorize City Manager to execute on behalf of City subject to review and approval by City Attorney

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-13 14-0861** TRANSPORTATION INITIATIVES - Interlocal Agreement with Broward Metropolitan Planning Organization - delegate authority to City Manager to approve task orders

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- CM-14 14-1008** ACCEPTANCE OF CONTRIBUTION FROM PINE CREST VILLAGE ASSOCIATION - \$15,000 - NE 2 Street Parking and Drainage Improvement Project

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**CONSENT RESOLUTION**

**CR-1 14-0905** CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2014 BUDGET – APPROPRIATION

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**CR-2 14-0879** CLIMATE CHANGE ADAPTATION PLANNING AND DECISION-MAKING TOOL - \$5,000 - Interlocal Agreement with Broward County for cost sharing - pilot areas: portions of Edgewood and Rio Vista (Integrated Water Resource Plan) and authorize City Manager to execute on behalf of City

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**CR-3 14-0977** DELEGATING AUTHORITY TO CITY MANAGER - RELEASE OF CODE ENFORCEMENT AND OTHER MUNICIPAL LIENS AGAINST PROPERTY acquired by eligible Community Housing Development Organizations - HOME Investment Partnership Program

Pamela Adams, representing Fort Lauderdale Community Development Corporation, thanked the Commission for its support.

**Motion** made by Commissioner DuBose and seconded by Commissioner Roberts to approve the item as recommended.

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**CR-4 14-0858** ON-STREET PARKING ON ANDREWS AVENUE BETWEEN NE 5 AND 6 STREETS AT NIGHT AND WEEKENDS and authorize City Manager to apply for permit from Broward County

**REMOVED FROM AGENDA**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**CR-5 14-0938** ACCEPTANCE OF GRANT FUNDS - \$464,000 - EXECUTIVE

AIRPORT AIRFIELD ELECTRICAL REHABILITATION DESIGN AND CONSTRUCTION and authorize City Manager to execute Joint Participation Agreement with Florida Department of Transportation

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**CR-6 14-0939** ACCEPTANCE OF GRANT FUNDS - \$400,000 - EXECUTIVE AIRPORT MASTER PLAN UPDATE and authorize City Manager to execute Joint Participation Agreement with Florida Department of Transportation

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PURCHASING AGENDA**

**PUR-1 14-0839** PROPRIETARY PURCHASE FOR SOFTWARE AND SERVICES FOR IBM PARTNERSHIP TO DEVELOP CITY RESOURCE OPTIMIZATION SOLUTION - \$1,533,000 and authorize City Manager to execute agreements on behalf of City

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-2 14-0873** CONTINUATION OF CREDIT CARD PROCESSING SERVICES - not to exceed six months through March 31, 2015 - Elavon, Inc. - \$639,789 and authorize City Officials to execute all necessary documents

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-3 14-0893** PROPRIETARY PURCHASE OF QUEUE MANAGEMENT SYSTEM HARDWARE AND SOFTWARE - \$25,652 - Nemo-Q, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-4 14-0899** AWARD OF GORE BETZ NEIGHBORHOOD PARK - \$392,041.87 - MBR Construction, Inc.

**APPROVED**



**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-5 14-0915** PROPRIETARY AGREEMENT FOR PAY BY PHONE PARKING PAYMENT SYSTEM - Paybyphone Technologies Inc., f/k/a Verrus Mobile Technology Inc. and authorize City Manager to approve two, one-year renewal options

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-6 14-0918** AWARD THREE, TWO-YEAR CONTINUING CONTRACTS FOR SURVEY AND MAPPING CONSULTING SERVICES - Craven, Thompson & Associates, Inc., Calvin, Giordano & Associates and Keith and Schnars, P.A. and authorize City Manager to approve two, one-year renewal options for each contract, contingent upon mutual agreement and appropriation of funds

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-7 14-0947** CONTRACT FOR PREPARATION OF EVALUATION AND APPRAISAL REPORT (EAR) AND UPDATED DATA INVENTORY AND ANALYSIS COMPREHENSIVE PLAN VOLUME II - \$131,200 - The Corradino Group, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-8 14-0953** CONTRACT EXTENSION FOR FLEET MAINTENANCE AND MANAGEMENT SERVICES - month to month basis for up to 120 days - \$2,005,085 - First Vehicles Services, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-9 14-0979** TWO-YEAR CONTINUING CONTRACTS FOR COST ESTIMATING CONSULTING SERVICES - \$400,000 - Atkins North America, Inc. and CES Consultants, Inc. and authorize City Manager to approve two, one-year renewal options contingent upon mutual agreement and appropriation of funds

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-10 14-0980** CONTRACT TERMINATION FOR CAUSE WITH FITCH BUILDERS INCORPORATED AND RE-AWARD CONTRACT FOR PAINTING OF JOHN FUHRER DOWNTOWN HELISTOP - estimated amount of \$95,418 - Roof Painting by Hartzell, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-11 14-0983** MOBILITY NEIGHBORHOOD MASTER PLAN FOR LAKE RIDGE - TASK ORDER 9 - \$78,862 - T.Y. Lin International

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-12 14-0988** PROPRIETARY PURCHASE OF ANNUAL MAINTENANCE AND SUPPORT CONTRACT FOR 800 MHz PUBLIC SAFETY RADIO SYSTEM - \$411,068.29 - Motorola Solutions, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-13 14-0991** PURCHASE OF JANITORIAL SUPPLIES - estimated amount of \$294,000 - Interline Brands, Inc. d/b/a AmSam

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-14 14-0992** PURCHASE THREE FIRE PUMPER TRUCKS - \$1,760,833.44 - Pierce Manufacturing Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-15 14-0998** PURCHASE SIX FORD F250 PICKUP TRUCKS - \$150,612 - Alan Jay Ford Lincoln Mercury, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-16 14-0999** ONE-YEAR CONTRACT FOR CUT PAPER - total amount of \$42,683.54 - Mac Papers, Inc. (\$25,103.64), JNNP Investments, Inc. d/b/a Tampa Envelope Manufacturing and Paper Company (\$17,177.50) and Cenveo Corporation (\$402.40) and authorize City Manager to approve three, one-year renewal options, contingent upon appropriation of funds

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-17 14-1000** CONTRACT FOR STREETBOND ASPHALT COATING - CITY PARKING LOTS - \$1,133,221.08 - MBR Construction, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-18 14-1001** ONE-YEAR CONTRACT FOR TURF GRASS MAINTENANCE - estimated amount of \$56,002.94 - C & M Landscaping, Inc. and authorize City Manager to approve three, one-year renewal options, contingent upon appropriation of funds

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-19 14-1002** PURCHASE FIFTEEN FORD INTERCEPTOR POLICE UTILITY VEHICLES - \$418,350 - Don Reid Ford, Inc.

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-20 14-1036** ONE-YEAR CONTRACT FOR PARKING LOT CLEANUP SERVICES - estimated amount of \$99,128 - Kita Corp. and authorize City Manager to approve three, one-year renewal options, contingent upon appropriation of funds

**APPROVED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**PUR-21 14-1039** CONTRACT FOR HOLIDAY LIGHT DISPLAY - \$244,080 - South Florida Lighting Team, LLC.

**APPROVED**

Aye: 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**CITIZEN PRESENTATIONS**

**CIT-1 14-0813 DENNIS ULMER - Remembering 9/11**

Dennis Ulmer read from a prepared statement, which is attached to these minutes.

**CIT-2 14-1098 CHRISTINE TIMMON - Equality in Marriage**

Christine Timmon commented on information she provided on the cause of AIDS as well as equality in marriage that were made a part of the record and went on to discuss the Florida Constitution, equal rights and gay marriage. She also discussed distinctions between marriage under the law and according to the bible.

**RESOLUTIONS**

**R-1 14-1026 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2**

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, discussed the concept of resolution adoption.

The City Clerk announced the appointees/re-appointees who were the subjects of this resolution:

- Affordable Housing Advisory Committee Peter L. Cooper (Commissioner Roberts)
- Audit Advisory Board Martin J. Kurtz (Mayor Seiler)  
Jennifer Diehl (Commissioner Roberts)
- Aviation Advisory Board Ron Carlson (Commissioner DuBose)  
Jeffrey Fauer (Commissioner DuBose)
- Budget Advisory Board Josias Dewey (Mayor Seiler)  
Frederick Nesbitt (Mayor Seiler)  
Chip Burpee (Vice-Mayor Rogers)  
James McMullen (Vice-Mayor Rogers)  
June Page (Commissioner Roberts )  
Drew Saito (Commissioner Roberts)  
Bob Oelke (Commissioner Trantalis)  
David Orshefsky (Commissioner Trantalis)  
Nadine Hankerson (Commissioner DuBose)  
Bryson Michael Ridgway (Commissioner DuBose)
- Citizens Police Review Board Kenneth Staab (Commissioner Roberts)
- Community Services Board Mark Fillers (Commissioner Roberts)  
Wanda Francis (Commissioner Roberts)  
Wendy Gonsler (Commissioner Roberts)  
Jason King (Commissioner Trantalis)  
Jasmin Shirley (Commissioner DuBose )

Education Advisory Board

Carey S. Villeneuve (Commissioner Trantalis)

Northwest Progresso Flagler Heights

Camille Hansen (Commissioner Trantalis)

Parks, Recreation and Beaches Board

Darin Lentner (Mayor Seiler)  
Karen Polivka (Mayor Seiler)  
Joseph Bellavance (Vice-Mayor Rogers)  
Stephen Buckingham (Vice-Mayor Rogers)  
Karen Doyle (Vice-Mayor Rogers )  
Bruce Quailey (Commissioner Roberts)  
Michael West Jr. (Commissioner Roberts)  
JoAnn Medalie (Commissioner Trantalis)  
Richard Henry Scanlan (Commissioner Trantalis)

Sustainability Advisory Board

Alena Alberani (Commissioner Trantalis)

Unsafe Structures Board

Joseph Crognale (consensus)

Commissioner Roberts introduced the resolution, which was read by title only.

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**ORDINANCES**

**O-1 14-1093** SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTIONS 26-184 AND 25-190, APPLICATION; FEE; ISSUANCE OF BICYCLE REGISTRATION DECAL - eliminating \$1 registration fee

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, noted a news article that referenced local law enforcement ticketing people and confiscating bicycles only in the black community. He questioned the need for the program.

There being no one else wishing to speak, Commissioner Trantalis introduced the ordinance, which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-2 14-1117** SECOND READING OF ORDINANCE IMPOSING TEMPORARY MORATORIUM ON INSTALLATION OR SITING OF TELECOMMUNICATIONS TOWERS OR DISTRIBUTED ANTENNA SYSTEMS

Mayor Seiler opened the floor for public comment.

Hope Calhoun of Becker and Poliakoff, P.A., representing Crown Castle, thanked City staff for its response related to this moratorium and their denied application. They intend to bring forth an appeal. She questioned whether a three-month progress report would be issued during the moratorium. The City Manager advised that language is included in the draft ordinance.

Raymond Cox, no address provided, questioned whether any research has been conducted on this matter. He suggested that Crown Castle should file a lawsuit if they are unable to go forward with their business. A free marketplace should not be inhibited. He concluded by advocating for public restrooms.

There being no other individuals wishing to speak, Commissioner Roberts introduced the ordinance, which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-3 14-1118 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 2-26 - RESCHEDULING COMMISSION MEETINGS**

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, noted that the Commission already rescheduled its meeting before this item has been adopted. He questioned the need to change meetings from Tuesday to Wednesday.

In response to Commissioner Trantalis, the City Manager advised that meetings could be rescheduled regardless of whether it has to do with a holiday.

There being no other individuals wishing to speak, Commissioner Trantalis introduced the ordinance, which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-4 14-0885 QUASI-JUDICIAL - SECOND READING OF ORDINANCE - VACATION OF 15-FOOT RIGHT-OF-WAY - related to Pineapple House Multifamily Development - north side of NE 5 Street between NE 2 Avenue and NE 3 Avenue - Case V14003**

Applicant: Tropical American Properties LLC; Balmaseda; Denaro  
Zoning: Regional Activity Center - City Center (RAC-CC)  
Future Land Use: Downtown Regional Activity Center

All individuals wishing to speak on this matter were sworn in.

Members of the Commission announced with whom they had spoken and/or site visits made concerning this matter.

Mayor Seiler reviewed the procedure for the public hearing and opened the floor for public comment.

Raymond Cox, no address provided, expressed concerns about parking. A lot of open spaces will be filled and there is no City requirement for this area to have adequate parking. He was concerned about the nearby Lutheran church and the impact of this development, that being its occupants potentially frowning upon the homeless who frequent the church.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Commissioner DuBose to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers and Mayor Seiler. NAYS: None. NOT PRESENT: Commissioner Roberts.

Commissioner Trantalis introduced the ordinance, which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 4 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers and Mayor Seiler

**Not Present:** 1 – Commissioner Roberts

**O-5 14-0887** QUASI-JUDICIAL - SECOND READING OF ORDINANCE -  
VACATION OF 50-FOOT RIGHT-OF-WAY - west side of NE 26  
Avenue, Golf Estates Subdivision - Case V14002

Applicant: Thomas Luken

Zoning: Residential Single Family/Low Medium Density (RS-8)

Future Land Use: Low-Medium Residential

All individuals wishing to speak on this matter were sworn in.

Members of the Commission announced with whom they had spoken and/or site visits made concerning this matter.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, made positive comments about the Applicant.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner DuBose and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers and Mayor Seiler. NAYS: None. NOT PRESENT: Commissioner Roberts.

Commissioner Trantalis introduced the ordinance, which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-6 14-0862** QUASI-JUDICIAL - AQUATIC COMPLEX - SECOND READING OF  
ORDINANCE APPROVING PUBLIC PURPOSE USE AND  
ISSUANCE OF SITE PLAN LEVEL IV DEVELOPMENT PERMIT -  
Case R14005

Applicant: City of Fort Lauderdale  
Location: 501 Seabreeze Boulevard  
Zoning: South Beach Marina and Hotel Area (SBMHA)  
Future Land Use: Central Regional Activity Center

Motion by Commissioner Trantalis and seconded by Commissioner Roberts to defer the item.

**DEFERRED ON SECOND READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-7 14-1092** SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 16-83, OUTDOOR STORAGE ON PUBLIC PROPERTY - revising definitions and prohibitions and clarifying enforcement process

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, spoke in opposition to the item. People do not stash items on public property unless there is a real need to do so.

Nathan Pim, representing Food Not Bombs, was concerned about the lack of options for the homeless to have any possessions. He felt it will cause more harassment of people, strain on day shelters and added enforcement cost.

Jillian Pim, representing Reverend Gail Tapscott, read a prepared statement from Reverends Gail Tapscott and Craig Watts, which is attached to these minutes.

L.F. Rosenthal, 1237 NW 4 Avenue, said there are billions of dollars available for homeless programs. He did not think that those speaking in opposition to this ordinance are interested in working on homeless programs or other social service outreach programs. He suggested they form a nonprofit corporation and seek available funding.

Jeff Weinberger, representing Broward Homeless Campaign, objected to the allowance of just two minutes to speak. He referenced information in the backup for this item indicating that this topic is a Commission Annual Action Plan priority concerning the homeless. He felt it shows that the City is oppressing the homeless. The U.S. Council on Homelessness has objected to criminalizing homelessness. He referenced a report by the National Law Center on Poverty and Homelessness that states communities should pursue constructive alternatives such as affordable housing. Homelessness cannot be ended with misguided criminalization policies without real solutions.

Haylee Becker, representing Food Not Bombs, felt a solution to this problem would be providing lockers. She discussed the challenges the homeless face with identification documents which would also present a challenge with retrieving confiscated possessions. She believed this ordinance criminalizes acts performed out of necessity rather than providing constructive solutions. She strongly opposed this item.

Christine Timmon, 12 SE 20 Street, discussed her experience with homelessness as a teenager but worked hard to change her situation. She felt people should work to bring themselves out of the problem. She advocated for training programs.



Commissioner Roberts introduced the ordinance, which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-8 14-1076** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 16-75, PUBLIC INDECENCY - revising terminology and deleting obsolete provisions

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned language in the ordinance concerning people dressing in clothing of the opposite sex. He felt this legislation was also used against spring break tourists whereas the homeless are residents. He raised the problem of there not being public restrooms.

Nathan Pim, representing Food Not Bombs, questioned attention being focused on the transphobic language yet no attention to discrimination based on class. He referred to Mr. Rosenthal's comments on the previous item that people are not trying to think of solutions and said that there is thinking about solutions, one of which is public restrooms.

Jeff Weinberger, representing Broward Homeless Coalition, supported deleting the transphobic language. He criticized the City Manager's suggestion that homeless people can use the restrooms at Broward General Hospital. It is cruel and unusual punishment to criminalize a natural behavior without providing an alternative. Concerning Agenda Item O-7, he believed police are not documenting the 24-hour period and questioned whether there is any accountability.

Christine Timmon, 12 SE 20 Street, pointed out that when one chooses homelessness as a way of life and it can be expected that there will be people who do not like it. She supported legislation that requires people to adhere to public decency. This ordinance applies to everyone, not just the homeless. Also, men should have the right to wear women's clothing if they wish.

There was no one else wishing to speak.

Commissioner Roberts introduced the ordinance, which was read by title only.

**PASSED FIRST READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-9 14-1077** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 25, USE OF STREETS AND SIDEWALKS FOR SOLICITATIONS, STORAGE, SALE AND EXHIBITION OF GOODS

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt the legislation will sanitize the city. He objected to the fact that he could not access a hardcopy of the ordinance prior to the meeting.

Nathan Pim, representing Food Not Bombs, felt that there is a lack of empathy toward the homeless. People are not involved in the process because they are on the defensive about these kinds of laws. This ordinance will not solve the problem because people need money.

Jeff Weinberger, representing the Broward Homeless Coalition, opposed any ban on panhandling. He compared the cost of incarceration versus providing housing and a social worker and pointed out the savings. His examples included Utah, Albuquerque and Central Florida.

Haylee Becker, representing Food Not Bombs, felt if a cardboard sign at an intersection is so dangerous, then billboards should also be banned. If safety is a concern, bike lanes should be created. Poverty is being criminalized rather than creating solutions. She opposed the item.

Charles King, 105 North Victoria Park Road, contended that this is a traffic safety issue. There should be some order in the intersections. There is a high pedestrian fatality rate. He discussed California's approach to this matter. He also pointed out that other Broward cities have this legislation already on their books.

Mara Shlackman, representing the National Lawyers Guild, noted there is an exemption to the ordinance for firefighters and police officers engaged in performing their occupation. In response to her question about fundraising by firefighters and police officers, Mayor Seiler advised that no one will be permitted to solicit in the intersections. Shlackman felt the ordinance should be narrowly tailored to the purpose for which it is being enacted in that pedestrian crashes are concentrated in certain areas. Instead of delineating the areas, a map is attached she felt is vague. She felt the City may be emboldened to go forward with this ordinance because of a recent federal court ruling involving Pembroke Pines. However their ordinance was much more tailored.

Christine Timmon, 12 SE 20 Street, questioned whether street vendors must have a license. Some homeless people have money but are still soliciting on the street. There is a liability.

There was no one else wishing to speak.

The City Attorney noted a typographical error at the top of page 3, in the definition of right-of-way, the spelling of "provided" will be corrected.

Commissioner DuBose introduced the ordinance, which was read by title only.

**PASSED FIRST READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-10 14-1082** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SUBSECTION 20-74(C) AND SCHEDULE I SPECIAL PAY PRACTICES OF PAY PLAN - ASSIGNMENT PAY

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, asked about the meaning of assignment pay. He expressed concern about his difficulty in obtaining a paper copy of the ordinance prior to the meeting.

There was no one else wishing to speak. Mayor Seiler announced that second reading will occur on September 10, 2014, at 6 p.m.

Commissioner Trantalis introduced the ordinance, which was read by title only.

**PASSED FIRST READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-11 14-1074** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SUBSECTION 20-78(b) - MODIFYING SICK LEAVE PAYOUT UPON TERMINATION OF EMPLOYMENT - all employees in Management and Confidential employee groups

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned the reason for this amendment and the possibility that it is unfair.

Fire Rescue Battalion Chief Bob Simac, 516 SW 14 Street, said he has resided in Fort Lauderdale since 1955 except while in the military and served with the Fire-Rescue Department since 1977, with a starting salary of just \$4 per hour. With the policy in place when he began employment, unlimited sick leave accrual was allowed. He has accrued 2,800 hours. This amendment will impact him more than any other employee. He has requested an exception for both himself and Chief DePetrillo who also may accrue more than the limit of 700 hours. He was told there were no exceptions. If they only had 20 or 25 years on the job and were in the Drop, they would not be affected. He and DiPetrillo are not eligible for the Drop. It will be a considerable amount.

In response to Commissioner Trantalis, Simac explained it has been historically paid at the rate of pay when it is earned and subsequently changed to 80 percent. The City Manager explained the problem occurs when someone has a long career accruing sick leave at different rates. The pay-out at termination has to be calculated manually. The employee receives 80 percent of the sum. The City's auditors have been critical of this. During collective bargaining, 28 percent of the current rate was reached. Hours earned in his first year of employment would be paid at 28 percent of the current rate. Simac pointed out that the hours he earned this year are also paid at 28 percent.

Commissioner Roberts was concerned about changing something mid-stream. Unions have negotiations where trade-offs occur. The Fraternal Order of Police (FOP) decided that 28 percent was right and there were trade-offs in the negotiations. Perhaps it could apply to new employees not represented. He wanted further review. Vice-Mayor Rogers felt it is a matter of math. It simply needs to be calculated. People are hired under different circumstances. He agreed with Commissioner Roberts.

Commissioner DuBose asked about software that could handle this. The City Manager explained that there have been three payroll systems during Simac's tenure. Only the current system is automated. Manual calculations must be used for anything prior to the current system. In response to Mayor Seiler, Human Resources Director Averill Dorsett said there are more than 200 employees that would be affected.

Mayor Seiler felt the City should honor what was agreed upon when individuals were hired. Dorsett indicated that there have been variations over the years with the business needs of the City. Commissioner DuBose felt this is an overall clean sweep to adjust from day one. Discussion ensued about software to perform the calculations. Mayor Seiler pointed out that there were trade-offs with the FOP but in this case, it is being imposed on 200 employees without information about the potential impact. Chief Information Officer Mike Maier said a request for proposals (RFP) is in the works for a system (ERP) that would encompass financials and payroll. This software could possibly perform the calculations or be modified to do so. Vice-Mayor Rogers saw this as an accounting matter and if necessary temporary employees could assist with the work. He felt the City owes it to them.

The City Manager raised concern about the audit findings. Vice-Mayor Rogers felt that the audit is critical of the process, not that employees should not be paid what they are owed. The City Manager pointed out that the audit finding is that the City should book the value of the uncompensated absences. This means a calculation would have to be performed each year. The ERP will not be online for several years. Mayor Seiler pointed out once the calculations are made, that data is in the system and does not have to be repeated. Commissioner Roberts commented that once the initial calculations are performed, it should be fairly easy to track going forward from that point. It is a fairness issue from the standpoint of what the employees signed up for. Vice-Mayor Rogers agreed. He was not concerned with the audit finding because the City is aware of the problem. The employees are owed it.

Mayor Seiler asked how many of this class of 200 employees were hired after the automated system was in place. Dorsett explained that the system, implemented in 2002, only holds 18 months of data. Mayor Seiler suggested backing up the data. Deputy Finance Director Linda Logan-Short said the information is backed up but it would still be a manual process with information being collected from various sources. Dorsett pointed out that this is only one class of employees. Mayor Seiler understood that it is something to raise during collective bargaining negotiations, but this is an imposition that was not negotiated.

The City Auditor thought it would be feasible to calculate payouts for the 200 remaining employees once staff has concluded negotiations with the bargaining units. Logan-Short agreed it may be easier if it was down to this class.

Both Mayor Seiler and Commissioner Roberts thought consideration could be given to the 28 percent for new hires going forward. Vice-Mayor Rogers commented that it is good for business if employees do not take their sick leave. Mayor Seiler wanted the ordinance amended to provide for new hires only and presented immediately. When that occurs, this ordinance could be killed.

Fire-Rescue Battalion Chief David DiPetrillo, 2464 NE 27 Avenue, explained he is a 44-year employee. Over the year, he opted not to use his sick time as much as possible but did convert some to vacation time. Promises were made when he left the bargaining unit to become a manager. He highlighted some of his accomplishments throughout the years. He would like to be able to count on the things for which he has saved and set aside.

There was no one else wishing to speak.

**Motion** made by Commissioner Roberts and seconded by Commissioner DuBose to defer the item to October 7, 2014.

**DEFERRED ON FIRST READING TO OCTOBER 7, 2014**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- O-12 14-1040** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 20-83, PERSONNEL AND AMENDING PAY PLAN - designating four classes as Administrative Assistants To The City Manager; creating two new classes (Assistant Director of Sustainable Development and Principal Financial Management Analyst) and modifying several classes and general wage increase subject to approval of fiscal year 2015 budget.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned the City Manager's level of authority.

There was no one else wishing to speak.

The City Clerk announced that there will be only three classes designated as administrative assistant to the city manager instead of four as stated in the ordinance's title.

In response to Commissioner DuBose, the City Manager explained that the positions are being added because they do not currently exist. He would seek to fill the Assistant Director of Sustainable Development. With respect to the Principal Financial Management Analyst, there is a pending retirement in the Budget Office and he would like to reclassify the position before it is filled. With respect to the Economic Development Administrator, it is a change in title for an existing employee who is currently listed as an Assistant to the City Manager. These do not result in an increase for the employees.

Commissioner Roberts introduced the ordinance, which was read by title only.

The City Attorney advised that the second reading of this ordinance will be on September 10, 2014.

**PASSED FIRST READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

- O-13 14-0734** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CREATING SECTION 16-31, CAMPING PROHIBITED WITHIN THE DOWNTOWN - PROHIBITION OF UNAUTHORIZED CAMPING ON PUBLIC PROPERTY WITHIN THE DOWNTOWN (Note published as: Creating Section 19-7, CAMPING PROHIBITED - PROHIBITION OF UNAUTHORIZED CAMPING ON PUBLIC PROPERTY)

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned if there is anywhere an individual would not be in violation of this ordinance if found sleeping. He pointed out that the courts have ruled that homelessness is not a crime.

Nathan Pim, representing Food Not Bombs, spoke in opposition to the item. He noted that All Aboard Florida public transit will soon be located in the downtown bus terminal area. People who live in this area will be displaced. None of the money is going to be devoted to them. Areas where the homeless have congregated are no longer available for them.

Jeff Weinberger, representing Broward Homeless Coalition, noted that next month the Broward Sheriff's Office would be recognized by an international law enforcement body for creating a homeless outreach initiative. The City has gone in the opposite direction and will be challenged. Criminalizing homelessness is wrong.

Haylee Becker, representing Food Not Bombs, pointed out that there are not enough shelters in the city for the number of homeless. This proposal makes the only place for people to sleep a jail cell. She encouraged the City to put more money into the Housing First program instead of criminalizing homelessness.

Mara Shlackman, representing the National Lawyers Guild, did not think that information in the backup for this item justifies it. The information cites 2005 Laws of Florida concerning blighted conditions in the city, which was codification of prior acts from 1965 to 1995; therefore it reflects conditions in effect in 1995 at most. Since that time new housing and luxury condominiums have been built. Clearly the downtown is not a blighted area. The backup also cites a Department of Justice document that supports this type of ordinance however, the City ignores that the document lists the Housing First Program. Fort Lauderdale has provided housing for 16 people with the Housing First Program whereas San Francisco provided housing for 1,000 people. The Department of Justice document also indicates that one of the least effective strategies is enacting behavioral strategies that target the homeless. She noted the Pottinger federal case that ruled against arresting someone for a life-sustaining misdemeanor like sleeping in a public place.

Christine Timmon, 12 SE 20 Street, felt that those who want to camp should have a permit. People should not be allowed to camp on public property. She advocated for people working and supported the City establishing rules.

Jillian Pim, no address provided, asked for the definition of camping. Mayor Seiler indicated that the definition is contained in the ordinance.

Charles King, 105 North Victoria Park Road, pointed out that the Broward Sheriff lives in a gated community where there is no homelessness. He has no right to comment on what Fort Lauderdale is doing about homelessness. This ordinance only protects the downtown area. He was concerned about the homeless being pushed into Holiday Park. He felt feeding is the real problem. He wanted to know more about the topic in general including any site being contemplated for feeding.

Donna Guthrie, representing Melrose Park Homeowners Association, said she is a candidate for District III. While sympathetic to the homeless, she is concerned the ordinance may have a negative impact on the northwest. When one area of the city is protected, the homeless will move to another area where they will not be bothered. She would like the Commission to explain how this will work for the entire community and not solely the downtown.

Bernadette Norris-Weeks, representing River Gardens Sweeting Estates Homeowners Association, asked that application of this ordinance be expanded to the outskirts of the northwest. This is a real problem. Campsites are in place at the corner of NW 6 Street and 7 Avenue. She is concerned this kind of activity will increase, which works against what the City has done to enhance the northwest area. Before proceeding, the Commission should address the potential for this problem to be pushed into other parts of the city.

Phyllis Berry, 2144 NW 4 Street, reiterated concerns expressed by the previous two speakers. This is a citywide and countywide concern and should be approached from a broader perspective.

There was no one else wishing to speak.

Commissioner Trantalis introduced the ordinance, which was read by title only.

Commissioner Roberts pointed out that there are other ways to address this. He mentioned that there is a trespass affidavit system for camping on private property. Also there are established rules for parks. Vice-Mayor Rogers explained that the City can only control public property and there is more public property in the downtown than anywhere else. He felt that this is a good start and they would continue to look at this comprehensively from all angles.

Commissioner Trantalis felt this is a sensitive and difficult issue for everyone. He elaborated on many reasons that people become homeless. The City, in cooperation with the County, has made tremendous strides in helping people find a home and necessary treatment. The City is not blind to the condition of homeless people. The City does everything it can to help those in a condition where the City can participate with them. Those who choose homelessness as a lifestyle, however, also require personal responsibility. The City is not responsible for those who have the ability to work and take care of themselves and have no adverse health conditions. Because homelessness exists throughout the city, this ordinance has far-reaching impact. Other people live in this city besides the homeless; there are people who work here and travel here. Everyone is entitled to appreciate the benefits of this community. He felt that restricting the ordinance to the Downtown Development Authority area ignores the fact that there are people who are intruding upon others who want to enjoy the benefits of public property but are denied because there are people camping in places other than the Downtown Development Authority area. For example, people continue to camp in Holiday Park. It was pointed out that people are not allowed to stay overnight in the park because it closes at 11 p.m. The problem is that people also camp during the day, which degrades the area just as much as it does at night.

Commissioner Trantalis asked the Commission to consider expanding boundaries because he believed the problem is citywide. The City Attorney's Office has said it may not be able to uphold a legal challenge if it is expanded beyond a confined area. However he provided a 2000 case to the City Attorney's Office today wherein the city imposed a camping ordinance citywide and the ordinance was upheld. The City Attorney said she is very familiar with the case which had to do with Orlando. Orlando is a different community. It is not a one-size-fits-all problem. There were alternate locations for the homeless to take shelter in Orlando. The recommendation to limit the boundary to where there is an abundance of public spaces and the City has empirical data as to the problems. There are other regulations in place that address other areas mentioned this evening. This ordinance only relates to public property. Parks are already regulated; it is a matter of enforcement. There were shelter vacancies in the Orlando area which is not the case in Fort Lauderdale. This is not an open invitation for people to camp out in a park. People are only allowed to remain in the parks during certain hours. If the ordinance causes an impact in other areas, it should be looked at.

Commissioner DuBose said that Fort Lauderdale does a lot for the homeless. Some of the best social service programs are located in the city. The Sheriff's initiative mentioned this evening was actually modeled from what the City has been doing for decades. This is a county, state and federal issue. This is a very sympathetic Commission when it comes to the homeless. A lot of funding goes toward homeless initiatives.

Mayor Seiler agreed with Commissioner Trantalis' comments. He read a list of the agencies with which the Commission works to help the homeless. The City provides funding to many of them. If someone chooses to be homeless, they are choosing to not seek assistance from one of these agencies. These ordinances are addressing people who choose not to seek assistance. It is incomprehensible that the City would encourage anyone to solicit in traffic. Public property belongs to everyone. It is not for the exclusive use of the homeless. The homeless are free to enjoy everything in the city provided they do not

interfere with other people's enjoyment. He agreed to look into expanding the ordinance citywide. He felt no camping in Holiday Park should be more strictly enforced.

**PASSED FIRST READING**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**O-14 14-1123** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES - VACANT PROPERTY REGISTRATION - expanding definition of abandoned dwelling and the category of properties required to register under Section 18-12.1 (request to defer to October 21, 2014)

**Motion** made by Commissioner Trantalis and seconded by Commissioner Roberts to defer the item to October 21, 2014.

**DEFERRED TO OCTOBER 21, 2014**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**BUDGET ITEMS**

**BGT-1 14-0909**

PUBLIC HEARING - RESOLUTIONS RELATING TO SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FISCAL YEAR 2015 - 1) PROPOSED TENTATIVE MILLAGE RATE (1.0000) and 2) PROPOSED TENTATIVE BUDGET

Mayor Seiler announced that this is the first of two public hearings as required by law on the Sunrise Key Neighborhood Improvement District budget for Fiscal Year 2015. The purpose of the hearing is to receive requests and comments regarding the Sunrise Key Neighborhood Improvement District's budget and to explain the budget and any amendments thereto.

The City Manager noted that the Sunrise Key Neighborhood Improvement District taxes the residents of this special district to provide security to their neighborhood. At their May 6, 2014 meeting, the district voted their millage at 1.0000 mill to generate revenue to fund its budget at \$80,308.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, suggested the scope be expanded further into the future. He questioned Commissioner Trantalis' vote with respect to the homeless.

There was no one else wishing to speak.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Commissioner Roberts to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the resolutions, which were read by title only.



**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**BGT-2 14-0906** RESOLUTION - FIVE-YEAR COMMUNITY INVESTMENT PLAN AS AMENDED FOR FISCAL YEAR 2015-2019

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, noted a rally is planned by the homeless on the beach on Christmas Day 2015.

Commissioner Trantalis introduced the resolution, which was read by title only.

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**BGT-3 14-0907** PUBLIC HEARING - RESOLUTION - CITY OF FORT LAUDERDALE FISCAL YEAR 2015 PROPOSED MILLAGE RATE (4.1193)

Mayor Seiler announced that this is the first of two public hearings as required by law on the millage rates for Fiscal Year 2015. The purpose of the hearing is to receive requests and comments regarding the City's millage rate and to explain any amendments thereto.

The City Manager presented the millage rate. The Fiscal Year 2015 tentative budget rate includes maintaining the current millage rate of 4.1193 mills and reducing the combined debt service millage rate from 0.2070 to 0.1958 mills. The fire assessment rate will remain at \$225 per single family residential unit. The current millage rate is a 6.23 percent increase over the rollback rate of 3.8777 mills and is premised upon keeping the current service levels, maintaining a healthy fund balance, funding key Community Investment Plan projects, technological improvements and implementing long-term strategies for fiscal sustainability.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, discussed the financial impact if a case such as the *Pottinger* case for the ordinances passed this evening went as far as a jury trial and judgment against Fort Lauderdale.

Charles King, 105 North Victoria Park Road, asked that the millage rate be reduced by a token amount as a good faith gesture. Other cities have lowered their millage rate and fire assessment fee. He suggested considering imposing the fire assessment fee on the School Board's properties and other governmental properties.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Roberts and seconded by Commissioner DuBose to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Mayor Seiler noted that Fort Lauderdale has the second lowest millage rate of the 25 largest cities in the state. Commissioner Roberts noted the difference of \$26 million in revenue from ad valorem taxes from 2008-2009 and now. Together with the fire assessment fee revenue, there is a loss of \$17 million. The range of issues which Fort Lauderdale addresses do not exist in other Broward cities.

Commissioner Roberts introduced the resolution, which was read by title only.

Commissioner Trantalis said it would be nice to lower the millage rate, but unless there is a real purpose, people see through that as game playing. Fort Lauderdale is an older city with crumbling infrastructure and maintenance issues that have been deferred too long. He was pleased with the allocations.

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**BGT-4 14-0908 PUBLIC HEARING - RESOLUTION - CITY OF FORT LAUDERDALE  
FISCAL YEAR 2015 TENTATIVE BUDGET**

Mayor Seiler announced that this is the first of two public hearings as required by law on the City of Fort Lauderdale budget for Fiscal Year 2015. The purpose of the hearing is to receive requests and comments regarding the City's budget and to explain the budget and any amendments thereto.

The City Manager presented budget information, which is attached to these minutes.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, discussed plans to make Fort Lauderdale the epicenter for civil rights for the homeless and the budget should include funding for civil rights protests.

Charles King, 105 North Victoria Park Road, pointed out that the City is hiring additional employees. He did not think the City is living within its means. Body cameras for the police would reduce costs. He advocated for the one-way bus pass program for people who can return to a family member in another area.

Paul Renneisen, 3111 NE 57 Court, read a prepared statement, requesting the City encumber \$3 million of the General Fund to protect homeowners from an aircraft crash into their seawall. Seawalls are not covered by Citizen's Homeowners Insurance policies. A copy of the prepared statement along with slides of related information are attached to these minutes. Renneisen also submitted his notes on the topic that have been made a part of the record.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Roberts and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the resolution, which was read by title only.

Commissioner Trantalis pointed out that even though the millage rate is not increasing, people's taxes will still go up and the City will benefit from increased revenue. The City has suffered deficiencies particularly in law enforcement and public safety and staff is being added. The community has been begging to shore up these deficiencies especially on the beach and within the downtown. Many departments were cut back significantly during the recession. The City is trying to return to a level of service that has been denied over the last several years. He supports the budget and hopes each dollar

is spent wisely. Commissioner Roberts agreed about trying to return to the previous level of service. The City Manager responded to Commissioner Roberts' question that even after new hires, the number of employees is several hundred below the staff level in 2007.

Commissioner Roberts wanted to permanently fund the Homeless Reunification Program and if possible use Law Enforcement Trust funds to do so. Otherwise, he would like to use General Fund for it. Mayor Seiler advised that the previous city attorney stated that the program could only be funded one year from the Trust Fund. The City Attorney agreed to revisit the matter.

Vice-Mayor Rogers said he has a lot of confidence in this budget. He felt the new hires are strategic. There have been some tough times, and building on the base is important. Going forward the Commission can analyze and come to the conclusion that smart, strategic decisions are being made in a way that is efficient and effective. There is never going to be a perfect budget; it is just a guideline. He wanted to look into moving projects more quickly.

Mayor Seiler said a classic sign of a good budget is that the Commission's priorities are budgeted. He pointed out that in a city of 180,000 people, there are three speakers. One individual wanted more funds allocated and the other two speak at every meeting. He felt it shows public support.

**ADOPTED**

**Aye:** 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

**REQUEST FOR CLOSED DOOR MEETING**

The City Attorney requested a closed door meeting for September 16, 2014, to discuss matters related to *Thomas Albanese v. Sun-Sentinel Company and City of Fort Lauderdale*.

There being no other matters to come before the Commission, the meeting was adjourned at 10:39 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk