

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Wednesday, January 29, 2014

7:00 PM

Homeless Issue

City Commission Conference Room

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

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

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

Meeting was called to order at 7:13 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean Trantalis (arrived at 7:16 p.m.), Commissioner Bobby B. DuBose and Commissioner Romney Rogers

Also Present: City Manager Lee R. Feldman; City Auditor John Herbst; City Clerk Jonda K. Joseph; City Attorney Cynthia A. Everett

Pledge of Allegiance

Led by Andy Mitchell

Invocation

Broward Sheriff's Office Captain Scott Russell

OLD/NEW BUSINESS

14-0212 CITY'S HOUSING FIRST STRATEGY

Deputy Director of Parks and Recreation Cate McCaffrey noted that the City partnered with Broward County, Broward Partnership for the Homeless, Fort Lauderdale Housing Authority, Salvation Army, United Way and Task Force for Ending Homelessness and was awarded a U.S. Department of Housing and Urban Development (HUD) grant of \$440,000 to provide permanent supportive housing for the most vulnerable chronically homeless. The most vulnerable homeless people will be identified through a point in time count in the next few weeks. The apartments are being prepared. The project began January 1.

Vice-Mayor Roberts pointed out that, when combined with in-kind contributions, this grant is valued at \$600,000.

14-0213 CITY MANAGER'S JANUARY 23, 2014 MEMORANDUM 14-008 - ORDINANCE PERTAINING TO PUBLIC SAFETY IN CITY OF FORT LAUDERDALE

The City Manager explained that three proposed ordinances have been provided to the Commission for consideration. He highlighted information in his Memorandum 14-008 to the Commission. This is not the City's first effort in dealing with the homeless. The memorandum notes the City's history in two of the 26 strategies identified in the Department of Justice's Problem-Oriented Guide.

Mayor Seiler opened the floor for public comment.

Jim Moyer, representing the Salvation Army, noted their location. The Rehabilitation Center is a division of the Salvation Army that operates an addiction and chronic homelessness program. The Salvation Army operates the largest network of adult addiction programs in the country. They are funded by donated goods. He noted their plans for expansion, which will get more people off the street.

He asked the Commission to consider an ordinance similar to one passed by Miramar that allows charities to have clothing recycling boxes, which makes it more convenient for the public to make donations. He provided highlights of his comments, information about their Rehabilitation Center and the Miramar ordinance that were made a part of the record. He also noted the specific credentials of officials at the Salvation Army in this field.

Genia Ellis, 1801 Marietta Drive, spoke in support of the proposed ordinances and suggested they may even need stronger language.

Robin Merrill, representing the Las Olas Village Association, expressed concern about public safety and security issues related to the homeless on Las Olas Boulevard. She distributed a handout concerning two homeless individuals in the Las Olas area, photographs of vandalized property and a subpoena concerning a court appearance relating to domestic violence and a homeless individual that frequents the Las Olas area that were made a part of the record. She elaborated on the threats that she has received and spoke in support of strong ordinances that address public safety. Commissioner Trantalis asked the City Attorney to explain how the proposed ordinances will address these issues. The City Attorney believed that they would not address the issues raised by Merrill. There are criminal laws that deal with this but it appears, based on Merrill's comments, the judicial and mental health systems may not be able to address this individual's needs. The individual is likely to be released fairly quickly. Mayor Seiler believed these ordinances do address some of Merrill's concerns, such as where individuals are allowed to sleep and spend their time.

Catherine Maus, president of Victoria Park Civic Association, spoke in support of the proposed ordinances. Mayor Seiler recognized Ms. Maus as being a State attorney with experience in this area of the law. Maus explained that the criminal justice system is not designed to handle mental health and homeless issues very well. A lot of the crimes in question allow offenders to be released on their own recognizance. She offered to assist anyone seeking to file a restraining order.

Andrew Gordon, representing the Victoria Park Civic Association and Victoria Park Place Homeowners Association, spoke in support of the proposed ordinances.

Dayna McDonald, 2209 South Miami Road, said she is a resident of Harbordale and a member of the Women's Club. She would like the City to address alcohol distribution and sales. Local convenience store employees are allowing intoxicated individuals to purchase more alcohol.

Stephen Villeneuve, 406 NE 9 Avenue, spoke in support of the proposed ordinances. He would like stronger language if possible. He referenced Merrill's comments and said the two individuals she discussed can be observed committing misdemeanors every day. Despite being released, he felt they may change or go elsewhere if they were arrested every day. They make Las Olas Boulevard feel unsafe.

Chris Wren, executive director of the Downtown Development Authority (DDA), spoke in support of the proposed ordinances. He felt they could be stronger. It is a good start. The problem is a serious one for commercial interests and an erosion of community safety in general. He offered the DDA's assistance. In response to Mayor Seiler, Wren explained that he is working with the West Palm Beach DDA to learn more about their Security Ambassador Program. The program, operated by the DDA, involves security personnel who work alongside the police. The security force deals primarily with homelessness, vagrancy, thug behavior and theft. It has created a much better environment for the downtown area. The security ambassadors also are available as a positive resource for tourists. The Fort Lauderdale DDA hopes to implement a similar program this year.

Ray Dettman, 1900 Miami Road, was disappointed that this is all that has been proposed. He felt repetitive arresting is a waste of police power. He believed the ordinance relating to food distribution is heavy-handed. Without support services, he was opposed to these ordinances.

Mike Weymouth, vice-chair of the DDA, pointed out that the mentally ill homeless are in need of medication. These individuals do not want to be housed in any type of the area's assistance centers. He was concerned that tourists come to this area and encounter what is happening at Broward Boulevard and Federal Highway for example. Those tourists will not come back. There is a serious impact on existing and potential businesses. He mentioned a news article from some 28 years ago lamenting the homeless problem and emphasized this has been a longstanding issue. He supports the proposed ordinances.

Shannon Harmeling, 1106 NE 11 Avenue, spoke in support of the proposed ordinances. She supported licensing food distributors but did not want there to be expensive permit fees. She agreed with the comments that alcohol sales are a problem. She believed the mental health issue needs to be addressed. She wanted to empower the police with tools greater than just forcing people to move elsewhere.

Charles King, 105 North Victoria Park Road, spoke against the Housing First program. It is not a long-term solution. It is sweeping the problem under the rug. He supported the security ambassadors program. He supported the proposed ordinances. He wanted to ensure that panhandling and park feeding programs will be stopped. He advocated for reinitiating the one-way bus program. The purpose of actions taken by the City to address this problem should be clearly articulated.

John Ropes, chair of the DDA, spoke in support of the proposed ordinances. He advocated for such a proactive approach in combination with other initiatives such as the Security Ambassador Program.

Robin Martin, representing HOPE South Florida, read a prepared statement that is attached to these minutes.

Joanne Smith, representing Fort Lauderdale Woman's Club, spoke in support of the proposed ordinances. She commented on the need to help the homeless. There are situations where they are taken advantage of and food is dispensed inhumanely.

Jim Ellis, president of Flagler Village Improvement Association, spoke in support of the proposed ordinances. The Association has raised more than \$80,000 for security measures in Flagler Village. They are working with the DDA to partner on the Security Ambassador Program. He urged the Commission to work with Martin and the HOPE South Florida initiative.

Donna Guthrie, president of Melrose Park Homeowners Association, spoke in support of the proposed ordinances. It is a good start. She commented on the fact that there is a feeding center on the Lauderhill boundary line that causes a problem for Melrose Park.

Ted Spiliotes, 1036 NE 8 Avenue, supported Harmeling's comments relating to alcohol issues. If there are issues of mental illness, they should be addressed through the proper channels rather than by law enforcement.

Perry Canan, a volunteer with HOPE South Florida, pointed out that the homeless population is composed of individuals with names and identities. They attend the feeding events for not just the food

but for fellowship. HOPE South Florida rotates their feeding locations. He asked that the churches be allowed to continue with this work. He felt it changes lives.

Jay Holloway, vice-president of Victoria Park Civic Association, spoke in support of the proposed ordinances. He would like to see fewer services provided for the homeless because Fort Lauderdale has already become a support industry that is attracting more businesses that profit from people who choose to live on the streets. The City is spending a fortune processing these people through the court system as well as using the City's paramedics, hospitals and jails. He asked the Commission not to continue to grow the homeless infrastructure. If there were fewer services, the homeless population would be more evenly distributed throughout the county. This problem is scaring away economic development.

Andy Mitchell, 2220 North Atlantic Boulevard, commented that this problem is a citywide problem. He advocated for shared meals seven days a week. The homeless need to be in a place where they can be helped by various organizations and services. Those with chronic issues need help and to be moved out. He spoke in support of the proposed ordinances. It should not be viewed as someone else's problem. Everyone should come together to solve this collectively. He also supported addressing the problem of people in the rights-of-way.

There was no one else wishing to speak.

The City Attorney said the ordinances are considered working drafts that could be modified after discussion. Just because these ordinances have held up in other communities does not mean they will work the same way in Fort Lauderdale. The City has previously been challenged for attempting to regulate food service in the parks. It will not be possible to totally ban public feeding and solicitation. It is important that the ordinances allow for constitutional and civil rights to be exercised while being mindful of public safety concerns. As a result of the previous decision on public feeding, it was suggested to amend the Unified Land Development Regulations to provide particular facilities. However a consensus could not be reached as to location. She cautioned the Commission to be consistent in regulating activities and be mindful that the regulations will be applied across the board to anyone involved in a particular type of behavior. First Amendment activities have to be allowed. The City has been successful in prohibiting solicitation on the beach. Certain but not all areas can be banned. She mentioned that Pembroke Pines targeted specific intersections heavily trafficked with vehicles and pedestrians but there were other areas whether the solicitation could take place.

Mayor Seiler said he has a problem with solicitation at intersections. There is an obvious health and safety hazard. It distracts drivers and creates a dangerous situation. The City Attorney said she believes the courts would uphold such a ban but the City would have to provide a factual basis to justify its position. Mayor Seiler did not think a study is necessary to prove that a mix of people and vehicles create an unsafe environment. He suggested a trip count showing the activity. The City Attorney explained it is a matter of providing a factual basis which could easily be done. Vice-Mayor Roberts read from the backup information that traffic-related fatalities and injuries are a major issue in the state and Fort Lauderdale in particular. In 2012, Florida had the third highest number of fatalities. Florida has the highest per-capita pedestrian fatality rate in the country. Fort Lauderdale is a pedestrian-focused city with a pedestrian fatality rate above the national average. It is only one of 22 cities with that focus. Based on that information, Vice-Mayor Roberts believed the City can proceed now with this aspect of the recommendations.

The City Attorney clarified that even though solicitation is banned in Brentwood, Tennessee, intersections, it is allowed elsewhere within the city. Commissioner Rogers explained that the

Brentwood case dealt with the sale of newspapers. The court identified that numerous other opportunities for selling newspapers existed so it was not necessary to allow it in intersections. He believed that Fort Lauderdale has similar justification and agreed that it is a safety issue. Florida Department of Transportation public announcements indicate that one in four people killed in Florida is a pedestrian. In response to Mayor Seiler, the City Manager advised that the population of Brentwood, Tennessee is 40,000. The City Manager clarified that the proposed ordinance references the public right-of-way, which would cover all intersections. The concept is that distracted driving leads to accidents. Commissioner Rogers felt all of the activities that take place in the rights-of-way could take place elsewhere. He felt the City's elements are similar to Brentwood.

Commissioner Trantalis heard this evening that housing alone will not help those individuals who do not want housing. Feeding programs, street solicitation and public conduct are all important. He appreciated the recommendations. However, the measures appear to be more punitive than rehabilitative. He hoped that going forward the Commission would also address the rehabilitative aspect. Almost every major city has this issue and this Commission should also take on this responsibility. The City Manager indicated that the Housing First Program is a proven way to care for the homeless. A lot of shelters require occupants to be substance free before accepting them. Housing First does not take into account the physical or mental condition of its clients. A social worker is assigned to address their needs. The long-term goal is to help them reach self-sufficiency. Other cities are making strides in addressing this problem. He is talking with Durham, North Carolina about their Community Life Court, which addresses homeless individuals who have been arrested for a misdemeanors and links them to the appropriate social services to suit their needs. He clarified for Commissioner Trantalis that if the City is going to have an effective Housing First strategy, it cannot be easy for individuals to reject it. The ordinances will drive people into the proper social service program so they can get the food, medication and other things that they need. If it is convenient to live on the street, they will continue to do so.

Commissioner DuBose appreciated the efforts made. This is a first step, not the complete answer. It is really a federal issue. It needs to be addressed by all levels. There should be focus on the mental health aspect. It is about funding. There are no dedicated facilities. Fort Lauderdale cannot solve the problem by itself. The ordinances are a step in the right direction. It has not been an easy issue. He wanted to ensure that these ordinances meet legal standards. The City Attorney said she would like more specific language in terms of problems the City is facing at intersections. Because the City has come under court scrutiny in the past, she wants to make sure their position is as solid as possible. Commissioner DuBose agreed.

Vice-Mayor Roberts said this issue has challenged city and county leaders for at least 20 years. There have been significant efforts from faith-based organizations, law enforcement, the community and City staff. Therefore, this might be the time when the effort works. These ordinances are a good starting point that could be modified going forward. He had concerns about managing the part of the population that cannot be helped. The ordinances provide a mechanism to enforce laws against illegal behavior, create a safer community in both reality and perception and advance economic development. He did not want Fort Lauderdale to be the place that takes care of all the homeless in the county and attracts homeless from other parts of the country. In terms of solicitation on roadways, he pointed out the service level designation by Florida Department of Transportation for Federal Highway would support action being taken. Also, he would like to reinstate the Family Reunification Program. Mayor Seiler noted the program expired because it was no longer eligible for Law Enforcement Trust Fund dollars. There may be a way to revisit that option or seek another funding source. Vice-Mayor Roberts said he supports the ordinances and would like to move forward quickly. The feeding ordinance (food service establishment) may need some fine-tuning. He supports the efforts of faith-based organizations who

feed the homeless but he does not think it should be done in public parks and he does not want to be feeding the entire state's homeless population.

Commissioner Rogers expressed concerns about staying within legal boundaries. He believed there will be better solutions if all of the situations are addressed together. This Commission has always agreed that partnerships are a good thing. They have worked alongside organizations that are doing it right and finding ways to synergize the issues and find solutions. He believed the City should have alternate feeding sites if it is going to impose restrictions in the proposed ordinance. HOPE South Florida has successful indoor feeding sites that could serve as alternates. The City Attorney confirmed that is also her understanding. She would want to do a test run to ensure an alternate site is available. Commissioner Rogers thought that HOPE South Florida is addressing feeding in the right way on multiple days and has the means to continue. The City should find a partner like HOPE and participate in feeding programs financially. Then the City can impose these other restrictions and have a better result at the end of the day. Regardless of whether a church has a license, he did not think they should be restricted from this activity inside of the church. He wanted to partner with the churches.

Commissioner Trantalis referred to a meeting he attended on this topic. The Salvation Army spoke of having a feeding center open seven days a week, so alternate sites would not be necessary. The Salvation Army has discussed having seven-day feeding. Their location is fairly central to the downtown. Perhaps resources and donations could be focused in that direction. It would remove activity in neighborhoods.

Lilly Gallardo, representing Salvation Army, said they are currently serving approximately 150 meals each evening, seven days a week at 1445 West Broward Boulevard. They are licensed and the staff has been trained. They are able to take on a large capacity if the other feeding locations are closed.

Vice-Mayor Roberts supported the Security Ambassador Program. Regardless of what legislation is adopted, enforcement is still necessary. It would be an excellent adjunct to police services.

Mayor Seiler believed there was consensus to immediately bring forward the ordinances regarding use of public right-of-way and public behavior for action by the Commission. The public right-of-way ordinance is a life-safety issue. In regard to the public behavior ordinance, if someone's behavior impacts another person's quality of life, it should be addressed. Commissioner Trantalis agreed but believed that the federal court recently established that a city cannot restrict such behavior unless there is a public bathroom within a quarter mile. It should be addressed in the ordinance. Mayor Seiler agreed.

Mayor Seiler went on to express concerns about storage of personal property. An abandoned backpack is what caused the bombing at the Boston marathon. However, Commissioner Trantalis' point may also need to be addressed.

In reference to the food service establishment (public feeding) ordinance, Mayor Seiler noted that there are resources in the community that are helping to battle this issue. If the City continues to work with those groups and restricts feeding appropriately, he did not think the ordinance is necessary until it can be fine-tuned. Indoor feeding changes things. He does not want to overwhelm any one neighborhood by consolidating all feeding into one location. Feedings in parks infringe upon use of the parks by others. Parks should be for the benefit of everyone. He did not want to wait until the food service ordinance is fine-tuned to move forward with the other two.

Vice-Mayor Roberts pointed out that the reason this predicament exists is because mental health and

social services agencies do not exist to contend with the problem. Consequently, there should be some focus on the long term in addition to housing. He referred to the City Manager's discussion about a community life court to suggest the City work with the Sheriff's Office and the County judiciary to establish something similar. However, he did not want to delay proceeding with the ordinances at hand. Commissioner Rogers added that this is a matter that will require ongoing conversation including the pursuit of partnerships. He also agreed that the community life court is a great idea.

There being no other business to come before the Commission, the meeting adjourned at 9:29 p.m.