

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, May 6, 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 6:13 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, 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, Sergeant At Arms, Sergeant Mike Siekierski, Sergeant Jose Gonzalez (10:30 p.m.)

Vote Roll Call Order for this Meeting

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

Invocation

Chaplain Luke Harrigan, Fort Lauderdale Police Department

Pledge of Allegiance

Led by Parks and Recreation Director Phil Thornburg

Approval of MINUTES and Agenda

14-0570 APPROVAL OF MINUTES for March 4, 2014 and March 18, 2014 Conference Meetings and April 1, 2014 Regular Meeting

No public comments were submitted by email for the May 6, 2014 regular meeting.

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

APPROVED

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

PRESENTATIONS

PRES-3 14-0566 PROCLAMATION DECLARING MAY 11-17, 2014 AS NATIONAL POLICE WEEK IN THE CITY OF FORT LAUDERDALE

Commissioner Roberts presented the proclamation to Captain Francis Sousa. The Honor Guard was recognized. Commissioner Roberts read into the record the names of Fort Lauderdale police officers who lost their lives in the line of duty. Captain Sousa thanked the Commission and noted that other members of the Honor Guard are in Tallahassee celebrating the state police memorial.

PRES-4 14-0643 PROCLAMATION DECLARING MAY 6, 2014 AS MS. AVIS BOYD-GAINES DAY IN THE CITY OF FORT LAUDERDALE, RECOGNIZING HER AS THE FLORIDA MORTICIAN ASSOCIATION'S FIRST DISTRICT - 2014 MORTICIAN OF THE YEAR

Commissioner DuBose presented the proclamation to Avis Boyd-Gaines. Boyd-Gaines thanked the Commission.

PRES-5 14-0644 PROCLAMATION DECLARING MAY, 2014 AS WALK LIKE MADD & MADD DASH MONTH IN THE CITY OF FORT LAUDERDALE

Vice-Mayor Rogers presented the proclamation to Public Relations Specialist Heather Geronemus of Ultimate Software. Geronemus thanked the Commission.

PRES-6 14-0562 PROCLAMATION DECLARING MAY 4-10, 2014 AS PUBLIC SERVICE RECOGNITION WEEK IN THE CITY OF FORT LAUDERDALE

Commissioner Trantalis presented the proclamation to Human Resources Director Averill Dorsett. Dorsett accepted the proclamation on behalf of 2,300 City employees and introduced some of the newest hires.

PRES-7 14-0645 PROCLAMATION DECLARING MAY 12-18, 2014 AS 61st NATIONAL SALVATION ARMY WEEK IN THE CITY OF FORT LAUDERDALE

Commissioner Trantalis presented the proclamation to Jim Moyer, Community Development Manager for Salvation Army. Moyer thanked the Commission and provided details of some of the Salvation Army's programs and services.

PRES-1 14-0640 PROCLAMATION DECLARING MAY 6, 2014 AS MS. LAURA MARTIN DAY IN THE CITY OF FORT LAUDERDALE, IN RECOGNITION OF HER 50+ YEARS OF CONTINUOUS SERVICE TO BROWARD COUNTY PUBLIC SCHOOLS

Commissioner DuBose presented the proclamation to School Board member Rosalind Osgood. She thanked Laura Martin for her service. Martin talked about her passion for education and serving children.

PRES-2 14-0642 PROCLAMATION DECLARING MAY 6, 2014 AS MS. NANCY WENGREN DAY IN THE CITY OF FORT LAUDERDALE IN RECOGNITION OF HER 50+ YEARS OF CONTINUOUS SERVICE TO BROWARD COUNTY PUBLIC SCHOOLS

Commissioner Roberts presented the proclamation to School Board member Heather Brinkworth. He recognized Nancy Wengren, Bayview Elementary School Principal Jo Ellen Scott and members of the Education Advisory Board. Robb commented on the "Wengren's Penguins" program, and Brinkworth provided remarks about the long-serving teacher's legacy.

PRES-8 14-0646 PROCLAMATION DECLARING MAY 16, 2014 AS RELAY FOR LIFE DAY AT JOSEPH C. CARTER PARK IN THE CITY OF FORT LAUDERDALE

Commissioner DuBose presented the proclamation to Relay for Life representatives Audrey Campbell and Pamela Beasley-Pittman. Beasley-Pittman thanked the City and provided details about the event.

PRES-9 14-0505 PROCLAMATION DECLARING THE WEEK OF MAY 4-10, 2014 AS DRINKING WATER WEEK IN THE CITY OF FORT LAUDERDALE

Vice-Mayor Rogers presented the proclamation to Utilities Distribution and Collection Systems Manager Rick Johnson. He thanked the Commission and discussed the importance of clean drinking water and protecting the environment.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts that Consent Agenda Items CM-7, CM-8, CM-10, CR-3, CR-4, CR-6 and PUR-12 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

APPROVED

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

CONSENT MOTION

CM-1 14-0544 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: LaCroix Mother's Day Run and 1st Annual Crawfish Festival.

APPROVED

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

CM-2 14-0545 EVENT AGREEMENTS: Relay for Life of Carter Park and PNC Taste of the Town

APPROVED

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

CM-3 14-0563 LOCAL OPTION GAS TAX - 2014 AMENDMENTS TO INTERLOCAL AGREEMENTS WITH BROWARD COUNTY - 1) original local option gas tax, 2) additional local option gas tax on motor fuel and 3) local option gas tax on motor fuel for transit.

APPROVED

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

- CM-4 14-0552** GRANT ACCEPTANCE - \$18,000 - BROWARD COUNTY CULTURAL TOURISM GRANT FOR MEMORIAL DAY WEEKEND BEACH ACTIVITIES - Broward Cultural Council

APPROVED

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

- CM-5 14-0524** GRANT ACCEPTANCE - \$322,702 - JOB ACCESS AND REVERSE COMMUTE PROGRAM - Federal Transit Administration through South Florida Regional Transportation Authority

APPROVED

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

- CM-6 14-0546** GRANT APPLICATION - \$82,070 - BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM - United States Department of Justice - 50% City cash match

APPROVED

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

- CM-7 14-0565** USE OF STATE AND FEDERAL LAW ENFORCEMENT TRUST FUNDS FOR SIX CRIME PREVENTION INITIATIVES

Charles King, 105 North Victoria Park Road, questioned why the one-way bus program was not funded through this trust. The City Attorney explained that generally law enforcement trust funds are used for new or trial programs. Once they become part of a city's regular operating budget, law enforcement trust funds can no longer be used.

Laura Crosenco, representing Middle River Terrace Neighborhood Association, thanked the Commission and staff for using a portion of these funds for the SmartWater program. The Middle River Terrace Neighborhood Association is promoting the program. She hoped this initiative would help deter juvenile crime. She went on to discuss problems with slumlords. Her neighborhood association would be willing to help with distribution of SmartWater information.

In response to Commissioner Trantalis, the City Manager explained that "locking license plate fasteners" are devices that prevent the easy removal of a license plate. They will be distributed at City-sponsored crime prevention events.

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

APPROVED

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

CM-8 14-0491 TASK ORDER 4 - \$21,610 - BEAUTIFICATION PROJECT OF STATE ROAD A1A (17th STREET CAUSEWAY) FROM U.S. 1 TO MAYAN DRIVE - construction engineering inspection services - The Corradino Group, Inc. - joint project funding with Florida Department of Transportation

Art Seitz, 1905 North Atlantic Boulevard, previously entered support of the item, but was not present when the item was called.

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

APPROVED

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

CM-9 14-0216 REVOCABLE LICENSE AGREEMENT AND ANCILLARY AGREEMENT - LANDSCAPE IMPROVEMENTS FOR ANDREWS AVENUE - Broward County and Reliance-Progresso Associates, LTD

APPROVED

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

CM-10 14-0572 REVOCABLE LICENSE AGREEMENT AND MAINTENANCE OF TRAFFIC PLAN - 8th Avenue Residence at 215 SE 8 Avenue - Rock-French Quarter, LLC

Attorney Adam Hodkin of Padula Hodkin PLLC, representing Las Olas Holding Company, agreed to register as a lobbyist tomorrow. He spoke in opposition to the item. He believed it would have an adverse financial impact on the surrounding properties. Moving the sewer line would disrupt business and cause a negative economic impact. A sewer line is proposed to be placed in the street reaching only the edge of their property (at Federal Highway). They would have to build new sewer lines at their own expense to replace functional lines that already exist. The construction would reduce the number of visitors to their hotel and other properties. He asked that the Commission to defer the item to the next meeting so they could look into this further.

In response to Commissioner Trantalis, Hodkin was uncertain whether the City or developer would be responsible for sewer relocation costs. Commissioner Trantalis believed that the City has no involvement because the developer is the one changing the landscape, therefore Las Olas Holding Company's case

would be against the developer. Hodkin indicated his concern with the City approving the relocation of a sewer line that could potentially have an adverse impact on several businesses on the street.

Commissioner Trantalis went on to say this proposed development would bring several thousand new people who will likely patronize the area businesses, thus creating a benefit. Hodkin confirmed that he became aware of this agenda item on Friday but knew of plans for this development prior. Commissioner Trantalis believed the impact would be nothing but positive. Hodkin reiterated that more time is needed so they can analyze the entire matter and related impacts. He went on to say that Las Olas Holding was not notified.

In response to Commissioner Trantalis, the City Manager was uncertain whether Las Olas Holding would have to undergo construction to accommodate the new development's sewer line relocation. He was not sure whether this was considered when tonight's item was prepared. He would need to consult Engineering staff.

Mayor Seiler expressed concern that Las Olas Holding has properties within 300 feet of this site and was not provided advance notice of tonight's item. The City Attorney indicated that the original building plans may have been clear that additional infrastructure work would be necessary. The City Manager added that when infrastructure improvements are made by a private party for a development, the City does not expect other private parties to bear any costs.

In response to Vice-Mayor Rogers, Attorney Robert Lochrie of Lochrie & Chakas, P.A., representing the Applicant, said there is an existing clay sewer pipe in the alley that is not serving any properties. They are proposing a new sewer line that would meet today's standards and would be located in the street. Any new development on that street would need to connect to the line, but that is the case either way. The clay pipe is in the center of the vacant properties. The City vacated the alley several years ago. Stiles Corp. is paying for the sewer line. In response to Commissioner Trantalis, Lochrie explained that because the properties are vacant, there is no service at this time and any connection would have to be made regardless. Hodkin explained there is a connection now and Las Olas Holding does not have to build around it. It carries through to other properties beyond the vacant ones. Las Olas Holding would like some time to consult experts to answer these questions.

Jon Auerbach, representing the Applicant, explained that no other properties are being serviced by that sewer line. It is a clay pipe that does not meet today's standards. If any developer were to build a high-rise structure, he did not think they would use that as their sewer line. There is currently a sewer line on 2 Street to the north and this will be a newly-constructed line on 2 Court to the south that could easily handle any future development Las Olas Holding might have. In discussions with Las Olas Holding this morning, Stiles was asked to reduce the scope of the new sewer line. They did not want their parking lot access impacted, and Stiles agreed to work with them. He believed they were aware of this long before Friday. Vice-Mayor Rogers asked about deferring the matter for two weeks to ensure that everyone is on the same page. Auerbach pointed out that the request is for a Maintenance of Traffic (MOT) plan that anticipates the start of construction. He requested that the sewer issue be separated for discussion in two weeks but asked that the MOT plan be approved so they may proceed. The City Manager said staff can ensure that sequencing does not interfere. Assistant City Attorney Bob Dunckel explained that the sewer issue can be separated so the project can go forward with sidewalk closures. However, he did not know about impact to the overall project. Both Michael Wood, representing the Applicant, and Hodkin expressed agreement to the proposed amended motion.

Motion made by Vice-Mayor Rogers and seconded by Commissioner Roberts to approve the item as recommended with the exception of the part dealing with the sewer line discussed above which is

deferred to May 20, 2014.

APPROVED AS AMENDED; SEWER PORTION OF AGREEMENT DEFERRED TO MAY 20, 2014

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

CM-11 14-0490

SECOND AMENDMENT TO OFF STREET PARKING AGREEMENT AND LEASE OF PARKING PERMITS - ADDITIONAL 50 SPACES IN CITY HALL GARAGE - Tower 101 Associates, LLC

APPROVED

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

CONSENT RESOLUTION

CR-1 14-0479

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 14-0574

RECOGNIZING CONCERNS OF THE MARINE INDUSTRY AS IT RELATES TO FLORIDA EAST COAST ALL ABOARD FLORIDA PROJECT

ADOPTED

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

CR-3 14-0627

BAHIA MAR - FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT - Rahn Bahia Mar, LLC

Commissioner Trantalis understood that the current leaseholder is in the process of selling the property and questioned how that would impact the City. The City Manager said this is not a true assignment of lease but the equivalent of a stock sale. The City will continue to operate under the lease that is in place today. This agenda item is an amendment to accommodate the financing entity of the leasehold mortgage to make sure that entity can step into the shoes of the lessee should there be a default due to insolvency for example. Under those circumstances they would be able to operate a lease under their name with the same terms and conditions. There is also a provision that makes sure insurance proceeds would be distributed appropriately. Assistant City Attorney Bob Dunckel said this is not a sale of the leasehold interest. The leasehold is held by an LLC, and one of the members within the LLC is assigning their interest to another member. The entity remains the same. He did not know if it is a majority owner of the LLC. Commissioner Trantalis was concerned that the City may be putting itself in a precarious position by potentially allowing a bank to take over the operation of an important piece of property. He

questioned whether the City should insist on a reverter if they default. The City Manager advised that the current member of the LLC will be the same bank. The lender asked for the same stipulation last August and it was never processed by the City. Dunckel added that was because it would require a lease amendment, so they backed off.

Commissioner Trantalis noted that when a party goes into default, it usually presents an opportunity for the City to get the lease back. Dunckel said in leaseholds of this nature, it is typical that the major stakeholder is the leasehold mortgagee who requires provisions to allow them to step in and cure. The depth of their pockets is usually greater than that of the LLC. There are provisions that allow the leasehold mortgagee to cure defaults. If they take over, that triggers a vetting process to ensure the assignee lessee is qualified. There are no provisions of that nature for the internal workings of the lessee.

Brian Sellstrom, representing Show Management, said Show Management wants to build a strong, long-term future for the boat show and is anxious to negotiate a new lease extension with the new owners. He also wished to address the rent structure on an ongoing basis to accommodate big economic swings.

Art Seitz, 1905 North Atlantic Boulevard, said he predicted years ago that this was a scam. That is exactly what is happening. He questioned whether there are any public benefits. It is extremely important to have at least 40 feet of Intracoastal Waterway promenade, 20 feet of which is impediment-free for bicycles and pedestrians, with 10 feet of royal palms on each side. He suggested enhancements similar to what has been done in Miami Beach and Deerfield Beach. A cohesive plan commissioned by the City, not the developer, is needed.

Motion made by Vice-Mayor Rogers 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 14-0074 ACCEPTANCE OF CONVEYANCES OF TWO RIVERWALK LINEAR PARK EASEMENT DEEDS - 1) Las Olas Yacht Club Associates, LTD and 2) The Stranahan House.

Mayor Seiler announced revisions made to Exhibits 1 and 2 of Commission Agenda Memorandum 14-0074 submitted in a supplemental memorandum by Assistant City Attorney Bob Dunckel, which is attached to these minutes.

Art Seitz, 1905 North Atlantic Boulevard, said he was glad to see dedicated land on the Riverwalk which will provide linkage and connectivity. He would like to see an iconic world-class promenade along the Intracoastal Waterway. It is the heart of the city. It is long overdue.

L.F. Rosenthal, 1237 NW 4 Avenue, expressed concerns about why Fort Lauderdale is the stepchild of tourist marketing in Florida and the south. It is a big mistake for the City to ignore Stranahan House. Local resort tax funds are handled by the County or greater Fort Lauderdale entities rather than the City. If the City wants to be competitive against other destinations, it should use Stranahan House as a symbol of tourist marketing.

Mayor Seiler pointed out that Miami Beach gets \$30 million in Tourist Development Tax revenues per year directly, according to their charter whereas Fort Lauderdale has to go through the County. Rosenthal went on to say that Miami Beach is able to outwit its county. Mayor Seiler reiterated that their charter is different. Rosenthal felt there should be a position of tourism director, starting with marketing suntan lotion as mentioned earlier today.

Motion made by Vice-Mayor Rogers and seconded by Commissioner Roberts to approve the item as recommended after the resolution was read by title.

ADOPTED

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

CR-5 14-0515 INTERLOCAL AGREEMENT TO ACCEPT GRANT FUNDING FOR NE 13th STREET COMPLETE STREET PROJECT - NE 4 Avenue to NE 9 Avenue - \$1.5 million - Broward Redevelopment Program - Broward County and Fort Lauderdale Community Redevelopment Agency

ADOPTED

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

CR-6 14-0559 DISPOSAL OF CITY OWNED SURPLUS PROPERTY PURSUANT TO CITY CHARTER, SECTION 8.04

Commissioner DuBose asked to defer this item so he could discuss it with staff.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, felt this is too much money to spend on streetlights. Mayor Seiler explained this item does not involve streetlights.

Raymond Cox, a homeless resident, questioned how surplus property is defined and what considerations are made when disposing of it. Mayor Seiler noted this has been discussed previously. He went on to offer some detail. Cox suggested that the homeless could use surplus land as a safe place to sleep. It is common knowledge among the homeless that the city is unsafe.

There was no one else wishing to speak.

At the request of Commissioner Trantalis, the City Manager explained that the City has received a request from an individual who wants to assemble parcels to build a restaurant. Mayor Seiler pointed out this is not residential property. The City Manager added that the property will be put up for public bid. The highest bid will go forward.

Motion made by Commissioner DuBose and seconded by Commissioner Roberts to approve the item as recommended after the resolution was read by title.

ADOPTED

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

CR-7 14-0573

QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - RECOMMENDING PROJECT COMPACT as a qualified target industry business applicant and providing local support in the amount of \$159,000 contingent upon approval by State of Florida

ADOPTED

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

PURCHASING AGENDA

PUR-1 14-0298

TWENTY MONTH CONTRACT FOR REVENUE ENHANCEMENT CONSULTANT SERVICES - ISI Water Company d/b/a Water Company of America (WCA)

APPROVED

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

PUR-2 14-0406

PURCHASE MECHANICAL BROOM STREET SWEEPER AND VACUUM STREET SWEEPER - Florida Sheriff's Association Contract - \$484,320 from Pat's Pump & Blower L.L.C.

APPROVED

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

PUR-3 14-0413

CANCELLATION AND RE-AWARD CONTRACT FOR BOARD-UP SERVICES - canceling award to Kedeco Enterprises, Inc. and awarding one-year contract to 911 Restoration Inc. - estimated annual amount of \$370,250 and authorize City Manager to approve three, one-year renewal options contingent upon appropriation of funds

REMOVED FROM AGENDA

PUR-4 14-0457

CONTINUE CREDIT CARD PROCESSING SERVICES - not to exceed six months through September 30, 2014 - Elavon, Inc. - \$639,789 and authorize City Officials to execute all necessary documents contingent upon vendor agreeing to continuation

APPROVED

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

PUR-5 14-0473

ONE-YEAR CONTRACT FOR PLUMBING SERVICES AND MAINTENANCE - \$89,000 - A-1 Paradise Plumbing, Inc. d/b/a Paradise Service Technologies 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-6 14-0474

FINAL RANKING AND COMMENCEMENT OF CONTRACT NEGOTIATIONS - CONSTRUCTION MANAGEMENT SERVICES - U.S. CUSTOMS AND BORDER PROTECTION FACILITY AT EXECUTIVE AIRPORT - top ranked proposer ACAI Associates, Inc.

APPROVED

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

PUR-7 14-0506

PURCHASE AIRFIELD LIGHTING COMPUTER CONTROLLED MONITORING SYSTEM - \$313,835 and \$20,066 for construction management oversight - Precision Approach, LLC.

APPROVED

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

PUR-8 14-0507

ONE-YEAR CONTRACT FOR PIPE RESTRAINERS - estimated annual amount of \$142,731.50 - Fortline, 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-9 14-0512

ANNUAL UNIT-PRICED MARINE FACILITIES REPAIR MAINTENANCE CONTRACT - \$735,372 - B & M Marine Construction, 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-10 14-0518 TWO-YEAR CONTRACT FOR HORTICULTURAL CHEMICALS - \$318,00 (two-year cost) to various vendors

APPROVED

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

PUR-11 14-0532 PROPRIETARY PURCHASE OF SINGLE SPACE PARKING METER HOUSINGS - \$33,016.50 - POM Incorporated Inc.

APPROVED

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

PUR-12 14-0569 PROPRIETARY PURCHASE AND INSTALLATION OF LIGHTING FOR SISTRUNK BOULEVARD - not to exceed \$316,867 to Sesco Lighting Inc. for lighting and \$41,250 to Imperial Electrical Incorporated for lighting installation

Facilities Manager Scott Sundermeier said he became involved in this project in an attempt improve lighting levels on Sistrunk Boulevard with the existing fixtures. They changed the existing 100-watt high-pressure sodium bulbs to 150-watt but did not see any appreciable improvement. Staff then looked into LED lighting. They installed a series of LED fixtures and saw a definite improvement. There are many opportunities for LED fixtures on the market. In order to maintain the integrity of the existing lighting system, he thought the City should stay with the same manufacturer, Phillips Lumec. They have a LED fixture for street lighting and pedestrian lighting that requires changing the fixture. This change will significantly improve the lighting dynamic. Mayor Seiler asked about warranty. He did not know if the streetlight work is under warranty. He explained for Mayor Seiler that they are maintaining integrity of the system including its appearance and the poles in place. The light fixture is being changed. There are many LED fixtures on the market, and some are less expensive than this one. The City Manager explained that this gold-domed fixture is proprietary. Sundermeier indicated other manufacturers could paint the dome, but there would not be consistency with the current design. Mayor Seiler pointed out that the previous lights are brighter than the new ones. There was a mistake of some sort. Commissioner Trantalis noted that the issue at hand is whether there are other available fixtures that would function with the light poles and be less expensive. Mayor Seiler understood the integrity issue if the fixtures are under warranty.

Sundermeier explained there is an increased life expectancy of the fixture and a considerable savings in energy consumption with LED. Commissioner Trantalis questioned why LED lights were not considered in the original design. The City Manager said the project was designed by Wallace, Roberts & Todd LLC and subcontractor Jacobs Engineering.

Sundermeier pointed out on a drawing the fixture that is being replaced. The internal workings are entirely different. There may be some salvage value. The City Manager noted that Sundermeier worked directly with the manufacturer in order to avoid a distribution mark-up. Some dialogue ensued concerning

installation wherein the City Manager advised that the installer was competitively bid on a cooperative agreement. Sundermeier confirmed it was on all types of lighting. He doubted there would be any appreciable difference among installers based on the type of work. Commissioner Trantalis felt the installation cost to be reasonable. Mayor Seiler was disgusted that this was just installed two years ago. Commissioner DuBose pointed out that it was inherited by this Commission.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, was disturbed by such a waste. He did not think the design is attractive. He questioned why the City agreed to a custom approach.

Art Seitz, 1905 North Atlantic Boulevard, agreed with King's comments. It is a waste. There is insufficient light in this area as well as on the beach. He wanted a sidewalk installation on the beach that took several years yet this is \$358,000 being spent in this area.

Christine Timmon, 12 SE 20 Street, supported the improvements that have been made on Sistrunk Boulevard and what is needed to correct the lighting. She went on to comment about inventions by black men.

Raymond Cox, a homeless resident, said the homeless depend on streetlights. From 3 Avenue to downtown, streetlights are lacking. He was concerned as to why Phillips did not advocate for a better light. It is ridiculous that no one could figure out there was an array of light fixtures to choose from. He believed the City should contract with another company.

There was no one else wishing to speak.

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

APPROVED

Aye: 3 – Commissioner Trantalis, Commissioner DuBose and Commissioner Roberts

Nay: 2 – Vice-Mayor Rogers and Mayor Seiler

Commissioner Trantalis pointed out that the Commission will be faced in the future with unique design and product availability issues. He hoped that the City would avoid unique designs that are only available from one source. He believed staff worked to get the best price in this instance. He is relying on staff. Commissioner Roberts agreed mistakes were made. He voted for it because it is a safety issue. Mayor Seiler was upset with the process, not that there were yes votes. He agreed with Commissioner Trantalis that design should not be to such an extent that there is only one option. He was disturbed that the fixtures cannot be competitively replaced. It is not right that the Commission was left with no choice. Commissioner DuBose noted that the community identified the lighting design. It met City standards. The City needs to review its policy on illumination. The information and guidelines that the City has used did not spur a red flag. Therefore, he questioned that there was an opportunity to have a different product. Mayor Seiler agreed. He noted that there were emails from Commissioner DuBose dating back to 2012. He felt it should have been addressed sooner.

PUR-13 14-0578

ADDITIONAL EXPENDITURES FOR UNDERCOVER VEHICLE RENTAL SERVICES - \$14,760 (two-year cost \$29,520) to 2nd Chance Holdings, Inc., d/b/a Budget Care Rental and authorize City Manager

to approval additional expenditures for two, two-year renewal options, contingent upon appropriation of funds

APPROVED

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

PUR-14 14-0585

ONE-YEAR CONTRACT FOR HISTORIC TAX CREDIT CONSULTANT SERVICES - Brian Wishneff & Associates and authorize City Manager to approve three, one-year renewal options contingent upon needs of City

APPROVED

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

CITIZEN PRESENTATIONS

CIT-1 14-0616

ART SEITZ - Fort Lauderdale Barrier Island - Preservation and Enhancement for Future Generations

Art Seitz provided a photograph of an accident involving a bicyclist in the bike lane on Federal Highway. There have been numerous deaths in bike lanes. The Commission needs to find the money and provide a remedy other than bike lanes. He drew attention to an aerial linear park in New York City and encouraged that more creative ideas be implemented in Fort Lauderdale.

CIT-2 14-0617

DENNIS ULMER - Remembering Memorial Day

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

CIT-3 14-0618

CARL JR. GRANT - Proposed Rulemaking for Property Managers - Mandatory Licensing with Florida Department of Business and Professional Regulation

Carl Grant was not present.

CIT-4 14-0619

CHRISTINE TIMMON - Marriage Reform for Everyone - Personal Liberty

In reference to the previous speaker's comments, Christine Timmon commented that bicyclists are a nuisance, lack respect and should be on a sidewalk. She went on to say that the U.S. House and Senate are suspended and did not get back to the issue of marriage reform. She spoke about marriage and how it should be defined. She provided a copy of her letter to the Attorney General concerning state controlled sexual bondage, slavery and prostitution in marriages, that was made a part of the record.

CIT-5 14-0620

GUSTAVO PINEIRO - Mortgages on 1609 NW 6 Place and 600 SW

24 Avenue

Gustavo Pineiro commented that the properties at 1609 NW 6 Place and 600 SW 24 Avenue were acquired via tax deed by PPTS, an affiliate of Chase Bank. He asked if the Commission would approve a short sale of the mortgages. The purchase prices of the properties are significantly less than what is owed. The property at 600 SW 24 Avenue was previously under contract but the short sale fell apart. He would like to get the properties up to code so they can go back on the tax rolls and become available as affordable housing. Mayor Seiler questioned why the City would refuse revenue from a mortgage in order to accept reduced revenues from property taxes. Pineiro explained that the mortgages were taken out by the previous property owners before they went into foreclosure. The City is owed almost \$70,000 for the 1609 NW 6 Place and \$88,000 for 600 SW 24 Avenue.

The City Manager explained that these properties involve Housing and Urban Development (HUD)-financed improvements. The City maintains a second mortgage behind the lender. Whatever debt the City forgives, it will ultimately have to pay HUD. They are not performing mortgages. They are tax certificates. When the City gives up the mortgages, it will be responsible to HUD and Pineiro will sell the properties and take the revenue. Mayor Seiler stressed that the City would have to pay the federal government any amount of debt that is forgiven. Pineiro stated that if the mortgages are held for a certain amount of time, the City would not have to repay the debt. He is willing to hold the properties for that period of time. The City Manager explained that the purpose of debt forgiveness is to create a stakeholder in the community who resides at the property and maintains it. Pineiro said he would be providing affordable housing, selling to people who would become stakeholders in the community. Otherwise the City would have to foreclose, pay for them and they would sit with the bank with other properties that have not been sold. Mayor Seiler emphasized that under HUD rules, the Commission cannot forgive debt. The City Manager indicated his recommendation would be not to forgive the loans. Already having a contract on the properties, Pineiro questioned how he could quickly acquire the properties after they are foreclosed on. The City Manager explained that if the City takes over the title, they will sell the properties and anyone can buy them. Vice-Mayor Rogers pointed out that because the properties are in disrepair, there is some liability and an additional liability if anyone gets hurt before they are resold. There might be an option to impose a condition on the deed that would require the sale to meet affordable housing standards. The City Manager added that if the City does not foreclose, then the bank that owns the property can be held accountable. Pineiro did not think the bank would be cooperative because they would be upside down to the extent of some \$75,000. Mayor Seiler explained that HUD imposes the rules. Proceeding with Mr. Pineiro's request would mean that the taxpayers pay in order for Pineiro to do business. Pineiro asked what would be the next channel available. Commissioner DuBose pointed out the difficulties in working with HUD. One transaction can affect multiple future actions. In response to Vice-Mayor Rogers, Pineiro indicated that he does not have title to these properties; rather he is looking to purchase them. Commissioner Trantalis surmised that the properties are not in good condition and are not inhabited. He questioned what leverage the City has with the property owner. The City Manager explained that the property owner is responsible for maintaining the property and keeping it up to code. It was confirmed that both properties are currently in compliance.

Pineiro explained the property at 600 SW 24 Avenue recently came into compliance after numerous violations. Commissioner Trantalis felt it is the owners' responsibility to address those issues. There is nothing the City can do to force the sale.

RESOLUTIONS

R-1 14-0558 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS -
vacancy information provided under Conference Item BD-2

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

| | |
|-----------------------------|---|
| Audit Advisory Board | Kimberly Jackson (Commissioner DuBose) |
| Historic Preservation Board | Christopher McDonald (Commissioner Roberts) |
| Marine Advisory Board | Herb Rassing (Commissioner DuBose) |
| Planning and Zoning Board | Leo Hanson (Vice-Mayor Rogers) |
| Walk of Fame Committee | Louise Crocco Jack Drury Marcia Pinder Rick Shaw George Smith Woody Woodbury |

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

R-2 14-0464 QUASI-JUDICIAL - 1055 Federal Plat - Case PL14003

Applicant: 1055 LLC
Location: 1055 East Federal Highway
Zoning: Boulevard Business (B-1)
Future Land Use: Commercial

Mayor Seiler corrected a typographical error; the Applicant is 1055 LLC.

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.

In response to Commissioner Trantalis, Attorney Robert Lochrie of Lochrie & Chakas, P.A., representing the Applicant, confirmed the site is across from a busy intersection with limited access points for crossing the street. A pedestrian crossing exists to the west. The City is also working with the Florida Department of Transportation (FDOT) to create additional crossings. There is no easy way to get to the movie theater. One either must walk to the west or the north. Commissioner Trantalis felt that people would jaywalk across Federal Highway. This project could create a hazardous situation. There are some creative features to the housing development but it is lacking a good pathway across the street. In response to Commissioner Trantalis, the City Manager advised that staff would address the matter with the City's traffic engineers and FDOT during the site plan review process. Lochrie added that the site plan is still under review, and they will continue discussions with staff about potential improvements. Based on discussions with FDOT, a traffic signal is not possible, nor is a bridge. He understood the safety

concerns. In response to Commissioner Trantalis, he explained that there are numerous reasons why a bridge would not be an option, including cost. The City Manager explained there is an issue with a bridge having to do with space required in order to be ADA compliant. A more effective approach would be to create a sufficient buffer in the median that prohibits crossing at certain points. Commissioner Trantalis thought that would only make it more dangerous for people to cross. Even though the project is being marketed as being close to shops and restaurants, they might as well be a hundred miles away because of the difficulty in crossing the street.

Raymond Cox, a homeless resident, was concerned only the Commission is allowed to use the side door to exit the chambers. He went on to agree with Commissioner Trantalis concerning the safety issue of crossing the street for people in the vicinity of this project.

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.

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

PUBLIC HEARINGS

PH-1 14-0462 QUASI-JUDICIAL - FIRST READING OF ORDINANCE - VACATION OF 50 FOOT RIGHT-OF-WAY - Case V14001

Applicant: John T. Loos

Location: West of Seabreeze Boulevard and East of Lake Drive

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, a homeless resident, questioned whether this area could be used for a place where the homeless could sleep. He did not think it should be vacated. He wanted to know the type of development planned. He did not think this individual should be given any special privilege.

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.

In response to Commissioner Trantalis, the City Manager explained that the City will not receive any compensation. The concept of a vacation is that unneeded property reverts back to the property owner who first donated it to the City. Vice-Mayor Rogers pointed out that taxes will then be paid for it.

Vice-Mayor Rogers 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

ORDINANCES

O-1 14-0590 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 16 SECTION 16-75, PUBLIC INDECENCY - PROHIBITION ON DISPOSAL OF URINE AND FECES

Mayor Seiler opened the floor for public comment.

Genia Ellis, representing Riverwalk Fort Lauderdale, spoke in support of the item and asked the Commission to continue working on addressing issues relating to homelessness.

Dennis Ulmer, 1007 NW 11 Place, spoke in support of the item. He believed this is a safety issue. He sympathizes with those less fortunate but believes services are the responsibility of Broward County.

Courtney Crush, representing Greater Fort Lauderdale Chamber of Commerce, spoke in support of the item. The Chamber would like to participate in discussions about having a place to sleep.

Reverend Gail Tapscott, representing Unitarian Universalist Church, understood that people cannot do this in public, but there is nowhere else for them to go. Older and disabled people would also benefit from public restrooms and benches. She did not think it is so harmful for people to sleep on public benches. She believed there are more incidents of violence against the homeless than the other way around. Perception is a large part of the problem.

Haylee Becker, representing Food Not Bombs, expressed concern about the lack of public restrooms throughout the city. This should not be criminalized if there are no public restrooms. This will further the policing of people who have no other options. She felt business owners who spoke in favor of the ordinance should be ashamed for endorsing such an ordinance for their own profit. Housing people in jail will not rid the city of homelessness. She questioned a provision in this ordinance that defines public indecency as wearing clothes of the opposite sex, which is discriminatory toward the transgender community. In conclusion, she felt the ordinance is shameful.

Charles Elsesser, 648 Riviera Isle Drive, commended the City on its Housing First program. He did not understand why the proposed ordinance is needed since such acts already are prohibited by ordinance. He opposed the ordinance. The only people affected by this are the homeless. He questioned whether the City would provide receptacles for disposing human waste that is referenced in the ordinance. He suggested the availability of a restroom should be a condition. The *Pottinger* case in Miami specified that any arrests for urination or defecation in public had to be conditioned on the availability of an open, available restroom.

Jeff Weinberger, representing the Broward Homeless Partnership, agreed with comments of the two previous speakers. He referred to discussion this evening on a sewer line construction yet there are no restrooms in the city for the homeless to use once facilities available during the day close. The City should consider funding for public restrooms.

Arnold Abbott, representing the Love Thy Neighbor Fund, said he is against public indecency. He has tried to work with the City for 23 years as a founder of Love Thy Neighbor. Love Thy Neighbor cares very much about the city. Great cities have public restrooms. He urged the Commission to research this subject and change its attitude toward the homeless. There does not have to be an adversarial relationship. He would like the City to work with the homeless.

Sean Cononie, 7508 Grant Court, Hollywood, said that in the next 24 hours, 35,000 children would die of starvation because world leaders have hardened their hearts. If there are grounds for a lawsuit, he indicated one would be pursued. The City's law enforcement outreach team is one of the best in the country. Public restrooms should be provided.

Michael Stoops, representing National Coalition for the Homeless, outlined some of the areas of focus of the Coalition. He referenced the *Pottinger* court decision that stopped criminalizing acts of the homeless and had a positive impact in leading to the creation and operation of homeless assistance centers in Miami-Dade and Broward counties. All cities are somewhat mean to the homeless population. He felt Broward County should be recognized for its task force on homelessness, the Homeless Voice and the homeless assistance centers. There are legal, constitutional, moral and financial arguments as to why the City should not pursue this ordinance. The City is considering other ordinances in addition to the two before the Commission tonight that would prohibit food sharing, solicitation from median strips and camping. There are 17 ordinances currently that are used to target the homeless population. The five proposed ordinances in all are the most that any single jurisdiction has proposed in the Coalition's 31-year history. The trend nationwide is not to criminalize the homeless. The ordinance will not succeed in getting rid of the homeless, nor end homelessness. He urged the Commission to vote no.

Mara Schlackman, vice president of National Lawyers' Guild, South Florida Chapter, referred to a report by the National Law Center on Homelessness and Poverty in conjunction with the International Human Rights Law Clinics at Yale and the University of California which indicated that ordinances prohibiting public urination and defecation are discriminatory and that the lack of access to public restrooms is a human rights violation. In 2012 the United Nations' special repertoire on extreme poverty and human rights found that government should refrain from criminalizing sanitation activities in public spaces when no adequate sanitation services are available. She urged the Commission to vote no.

Liz Barnette, 607 NE 29 Drive, indicated her experience with being homeless for a five-month period. She did not believe there is human equality here. Mayor Seiler explained there is already a longstanding law on the books prohibiting defecation and urination in public. Barnette felt public restrooms are needed to prevent this. She did not think the City should enact a law without providing a solution.

Dean Bairaktaras, 64 Hendrichs Isle, elaborated on several luxury apartments that were approved by this Commission and questioned whether affordable housing is being made available. He commented on the demolition of low income housing and replacement with luxury apartments that are not affordable. The average income in Broward County is \$16,000. Commissioner Trantalis did not believe that statistic is accurate. Bairaktaras went on to say this ordinance equates to a veiled tax for housing people in jail.

Jillian Pim, representing Food Not Bombs, noted that this ordinance and Item O-2 and others previously discussed target homeless individuals. It takes away basic human rights. If this is deemed necessary,

the City should provide public restrooms. She questioned a provision in this ordinance that defines public indecency as wearing clothes of the opposite sex. If the ordinance is being reworked, it should be reviewed in its entirety to make sure all edits are made at one time.

Lorraine Wilby, representing the Task Force for Ending Homelessness, said just today, she counted 68 homeless people on the street. She secured 16 beds at the Salvation Army and 11 at three homeless assistance centers which left 41 people on the street forced to find a place to stay or relieve themselves on the street. There are not enough shelter beds or Housing First spaces to accommodate everyone. She did not think this ordinance is necessary. She was concerned about past practice by the Police Department in conducting bum sweeps to remove the homeless. Commissioner Roberts did away with them when he was chief, but now Chief Adderley has been directed to reinstate them. She did not support punitive laws that have been tested and do not work. There should be solutions, not criminalization.

Raymond Cox, a homeless resident, asked about exceptions to the law. Police are constantly warning people about trespassing. There is a war against the homeless. He likened this to actions taken in the 1980s and college student visitors, except today is about citizens with rights. There are public restroom facilities in other parts of the world. He concluded by saying that everyone is at the mercy of another one's dream.

Stormy Schevis, 438 NE 11 Avenue, said she is a longtime resident of Fort Lauderdale and has worked as a medical social worker at Broward General Medical Center for years as well. She has dealt with the homeless, seeing the impacts. She confirmed for Mayor Seiler that the hospital has public restrooms that are open 24 hours a day. She commented that the new Pope Francis has inspired people to care for the least among us. She finds this ordinance and Item O-2 to be inhumane and unconscionable. The City should make plans to care for these needs. They cannot receive help at the hospital if their identification is confiscated. Storage as well as public restrooms should be provided.

Charles King, 105 North Victoria Park Road, did not understand what is being accomplished with this ordinance if such actions are already illegal. Vagrancy is a lifestyle that is ruining the quality of life for others. This should be a city that people are not afraid to walk around. He would like to see the Homeless Voice and Food Not Bombs put out of business. People from the suburbs are coming into Fort Lauderdale and handing out food to people with no health standards. There is also the matter of camping in public parks. He would like to see the drug and alcohol money cut off and the lifestyle choice taken away. He was concerned about encouraging homeless to come to Fort Lauderdale. Bum sweeps should be reinstated. People should not be allowed to sleep in parking lot areas.

There was no one else wishing to speak.

Commissioner Trantalis noted that the City has made several attempts to help the homeless, such as the Housing First Program. He is sympathetic to those who cannot help themselves. It is not entirely the City's responsibility, but the City does have a role to work with others to help and he wanted to think that the Commission will help. However, the City does not have a responsibility to those who choose to be homeless. Everyone should take personal responsibility and try to take care of themselves. For those who choose to drop out of society, it is a lifestyle choice. The Commission has discussed this to a great extent. The City has found opportunities such as the homeless assistance center which the Commission supports. The ordinances proposed tonight expose some unpleasant aspects. After discussions with stakeholders both individually and as a Commission, it was discovered that there is no answer to every single situation. The ordinances were designed to protect the homeless and maintain a quality of life for all residents in the city, that is, maintaining equilibrium. He elaborated on the previously-raised idea of a

life court that would help with a continuum of care for individual issues. He emphasized that the Commission is trying to work through each issue and work toward a goal that benefits everyone. He could not say that the proposed ordinances represent the best step forward because care for homeless involves more than urination. No one should think that these ordinances are the end of the topic. However, no one thinks it is appropriate to defecate in public for example. The opposition comes from anger that people think the City is not addressing homeless issues and really has nothing to do with this ordinance. Public restrooms exist in various parts of the city. This issue must be examined holistically. The bigger picture is helping those who cannot help themselves, not those who choose homelessness as a lifestyle.

Vice-Mayor Rogers pointed out that a comprehensive homeless strategy exists in the City's action plan. The City wants to work with partners from a holistic perspective. It is important to not lose sight of the endgame. It is frustrating to the Commission because it is the County's obligation, according to its charter, to address many of these issues, but that is not happening. It is always an issue of available resources. The City has done a good job of marshaling partners to leverage resources and will continue to do so. As Commissioner Trantalis indicated, this is one piece of the puzzle. It will take the entire community to address this problem.

Mayor Seiler felt that both Commissioner Trantalis and Vice-Mayor Rogers have made good points. The Commission is working with Broward Health, Hope South Florida, Broward Partnership for the Homeless, United Way, the homeless assistance center and Housing First. The City has one of the best police department homeless outreach teams in the state. The Mission United program that works with homeless veterans has been incredibly successful. The City is taking a comprehensive approach. It is not an attack on the homeless. This Commission has and will continue to work on this issue.

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

Commissioner Trantalis requested that language relating to transgendered people be deleted. The City Attorney was not specifically aware of the origin or intent other than concealment in the commission of a crime which is addressed by state law. The current wording is unenforceable. There was consensus to make the amendment for second reading.

ADOPTED ON SECOND READING

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

O-2 14-0591 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 16, ARTICLE IV - CREATING SECTION 16-83, OUTDOOR STORAGE ON PUBLIC PROPERTY - PROHIBITION OF OUTDOOR STORAGE ON PUBLIC PROPERTY

Mayor Seiler opened the floor for public comment.

Courtney Crush, representing Greater Fort Lauderdale Chamber of Commerce, advised that the Chamber supports this ordinance and is willing to partner with the City as it continues a broader dialogue.

Reverend Gail Tapscott, representing Unitarian Universalist Church, referred to previous comments about partnerships and programs for the homeless, and yet she has not seen visible progress over the years. Some people may not necessarily choose to be homeless, but rather they resist rules. She would

like to see donated space that could be a self-guided community. For example, tent cities are better than no shelter. There are now portable housing options. All sorts of ideas should be examined. She liked the idea of working in partnerships. She thought these two ordinances were the worst things to start with.

Haylee Becker, representing Food Not Bombs, listed things that are daily necessities regardless of whether one lives in a home or not. Storing items outdoors may be an eyesore to some, but it is a life necessity to others. This is targeted at the homeless. Some cities have funded lockers where people can store items safely. The City would already have to pay for storage to house items that are confiscated along with processing costs; therefore those funds could be used for lockers. Making homeless life harder only makes it harder to overcome homelessness. This ordinance helps perpetuate homelessness. If this ordinance will not help resolve homelessness, she questioned why it is being supported. She advocated for a communitywide effort.

Commissioner Trantalis clarified that the law does not say that homeless people cannot have possessions; they just have to remove their belongings from the sidewalk. Becker explained that it is difficult for homeless people to have a presence in public spaces because they are harassed by the police. Mayor Seiler noted that this ordinance does not address where people are allowed to congregate. He pointed out that if an individual is with their possessions, they are not unattended. Commissioner Trantalis explained that the rights of the general public cannot be denied in order to accommodate the rights of the homeless. People should not be obstructed by personal property when walking in a public place. One person's rights do not exclude the rights of another. The individual is given a day to relocate their possessions. Becker reiterated her suggestion of providing lockers. Commissioner Trantalis explained that lockers would enhance opportunities for dangerous activity. Becker wanted the funding to go toward existing organizations. Commissioner Trantalis pointed out that there is funding going toward finding homes for people. Becker felt funding for the housing project is not being efficiently operated.

Charles Elsesser, 648 Riviera Isle Drive, opposed the ordinance. The ordinance preamble indicates that the City recognizes that people do not have a place to put their belongings and that storage facilities will be provided. The Commission agreed to address that matter.

Craig Watts, 10877 NW 6 Street, Coral Springs, felt it is a bad to move forward with punitive measures at the forefront. In response to Mayor Seiler, Watts indicated that he is associated with Royal Palm Christian Church in Coral Springs. Mayor Seiler asked if the church provides storage facilities for the homeless. Watts indicated there are a couple of homeless individuals who come to the church and they are helped in a number of different ways. Sometimes they are permitted to store items. A community's beauty is reflected in how people treat each other, particularly how people treat the most vulnerable. This ordinance is ugly. If provisions are not made for storage, ordinances such as these are cruel and oppressive.

Jeff Weinberger, representing Broward Homeless Partnership, noted that several references have been made to this being a comprehensive approach. He disagreed and felt this is a conscious decision to take a step backward. Progress has nothing to do with the criminalization of homelessness. There has been a backlash from the public reflected in the local and national media. One headline suggested Fort Lauderdale may be the most heartless city in the nation. It is shortsighted to not consider how this would be reflected. He questioned whether the City really cares about the homeless or a solution but rather about expediency toward satisfying powerful patrons. Studies show that the answer to homelessness is providing housing and ongoing services if needed. The U.S. Interagency Council on Homelessness' director recently wrote that permanent support of housing reduces the use of crisis services by people experiencing chronic homelessness. New York City saved over \$10,000 per tenant with similar results in many other places.

Arnold Abbott, representing the Love Thy Neighbor Fund, indicated that he has worked with the homeless for 23 years. He understands this ordinance but does not support it. The homeless carry their belongings on their backs. The City's police department is wonderful, but there are a couple bad apples who have bullied people. People were recently forced to leave an overhang at the library during a terrible rainstorm even though he appealed to the officer for 30 minutes.

Didier Ortiz, 2400 West Broward Boulevard, did not think this is the right step to take. People believe this is an attack on the homeless. Those who support this ordinance support an attack on the homeless. There is no comprehensive plan because there is no comprehensive solution.

Mara Schlackman, representing National Lawyers' Guild, noted that the U.S. Interagency Council on Homelessness recognized in a 2012 report that measures which effectively criminalize homelessness potentially violate the international covenant on civil and political rights. Article 7 in that covenant prohibits cruel and degrading treatment. She felt this is such an ordinance. The United Nations Human Rights Committee received testimony this year and one issue discussed was criminalization of homelessness. They raised concerns that it violates Article 7. She opposed the ordinance.

Liz Barnette, 607 NE 29 Drive, believed everyone has the right to have personal belongings. It is a problem when that right is taken away. The Commission has not considered solutions proposed this evening. She outlined a scenario in which a homeless person could have a seizure and be taken to the hospital. The individual could then not be able to find their belongings if they were not taken to the hospital. An individual may not have enough money to retrieve it from confiscation. A 24 hour notice may not be sufficient if an individual had a severe seizure that required a week's care.

Sandra Lang, 607 NE 29 Drive, understood the problem of having possessions in the right-of-way but also understood there are situations where people are ill, do not have the ability to stay in the area or move their possessions, which creates a problem. They could be lacking medication and identification. A solution should be considered before punitive measures are imposed. She explained that Barnette has previously been homeless and has Asperger Syndrome. She was concerned that Mayor Seiler interrupted her numerous times. Mayor Seiler apologized and explained that he was merely asking questions.

Attorney Barry Butin, representing the Broward American Civil Liberties Union (ACLU), pointed out that the homeless have no lobby or advocates other than those who are speaking out tonight. He expressed concern that the media is not present. The media does not cover homeless issues. Homeless people are victims, not the ones causing the crime. He discussed the *Pottinger* federal lawsuit and what prompted it. Since the case was decided, the homeless are no longer arrested in Miami; the city is safer and there are more facilities. He believed the Commission has good intent, but there is not enough money to address the issue.

Raymond Cox, a homeless resident, suggested that the Commission be sworn in so they are reminded to tell the truth. This is about the homeless, and it is a bad idea. Bullying was accepted in high school but now it is known that there are real consequences. A common method of suicide in the homeless community is standing in front of a train. He questioned whether these ordinances could prompt a homeless individual to commit suicide. This issue is about inconveniencing people who have jobs and homes and do not want to see the homeless. There should be concern about the homeless being afraid of the police. He agreed that there are some bad apples in the police force. He believed that history will look bad on this day as a bad idea.

Charles King, 105 North Victoria Park Road, felt part of the problem is that advocates are supporting homeless people remaining homeless as a legitimate lifestyle. It is not legitimate. He equated the homeless issue to smoking, which was addressed by taxing and launching a public education campaign. Taxing this lifestyle must be done so it is no longer an attractive choice. The Homeless Voice is empowering people to stay on the street for years. It appears that Food Not Bombs does not believe in western civilization; that it is acceptable to live in the public. It is not acceptable. This is a needed law. Feeding programs in public parks should be addressed. Also, people should not be allowed in the intersections.

Jillian Pim, representing Food Not Bombs, said Food Not Bombs does not encourage people to remain homeless. They want to help people meet their needs for survival. They advocate for community.

There was no one else wishing to speak.

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

Commissioner Trantalis noted the ordinance preamble indicates that the City is willing to assist on a limited basis to provide facilities for storage. The City Manager advised that unattended property would be stored at the Police Department for 30 days. Mayor Seiler noted that if the property is deemed a threat, it is held for seven days. Commissioner Trantalis clarified that property is not being confiscated but rather transferred to another location where the individual may retrieve it. Mayor Seiler noted it is being held in a safe place. Commissioner Roberts noted that prior to the *Pottinger* case police were confiscating property and disposing it.

ADOPTED ON SECOND READING

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

O-3 14-0150 SECOND READING OF ORDINANCE - AMENDMENTS TO UNIFIED LAND DEVELOPMENT REGULATIONS, SPECIFIC LOCATION REQUIREMENTS - Amendment to the Interdistrict Corridor Requirements

Mayor Seiler opened the floor for public comment.

Raymond Cox, a homeless resident, felt that this ordinance is more well-written than the previous one. He asked who writes the ordinances. He asked if it is amendatory or creating initial provisions.

There was no one else wishing to speak.

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

In response to Commissioner Roberts, Director of Sustainable and Economic Development Jenni Morejon noted that many of the references used in this ordinance already exist in the Unified Land Development Regulations (ULDR). There are intense criteria and methodologies used when considering yard modifications. Staff believes the way this ordinance is written provides the most flexibility to use the 20-foot space to maintain landscaping while also providing connectivity options.

ADOPTED ON SECOND READING

Aye: 5 – Commissioner Trantalis, Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler (Mayor Seiler was not present when roll was called but later requested the record show his yes vote)

O-4 14-0425 FIRST READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.2, ACCESSORY BUILDINGS, STRUCTURES AND EQUIPMENT, GENERAL AND SECTION 47-23.8, WATERWAY USE - modifying application of yard and setback requirements to swimming pools, hot tubs, spas and other similar or associated structures

Urban Design and Development Manager Ella Parker explained for Commissioner Trantalis that the swimming pool setback requirement is one aspect that would no longer be reviewed as part of the waterway use. The waterway use would continue to be a conditional use. This only relates to pools within the setback. Commissioner Trantalis expressed concern that this would allow someone to build a pool ten feet from the Intracoastal Waterway without seeking City approval. Parker explained that pools are typically below grade and would not have the same impact as a building. The Planning and Zoning Board felt such items should be reviewed administratively. Commissioner Trantalis felt the reason they are not allowed now is because it is too close to the waterway. There are safety and aesthetic issues. He could not support the amendment. Parker explained it is a difference of approximately 15 feet than what is currently permitted. Mayor Seiler also did not support it.

Deputy Director of Sustainable and Economic Development Jenni Morejon commented that over the past decade, when projects subject to the waterway use criteria have gone before the Planning and Zoning Board (PZ Board), the applicant usually incorporates in their site plan some type of pool usage within that 20-foot waterway setback. Typically, if the project is approved, the PZ Board allows a pool within that setback although not up to the water's edge. This has been a pattern approved by the PZ Board. These projects would still be required to go to the PZ Board for approval but the Board has requested by way of a communication to the Commission, that pools, spas and anything less than 2 ½ feet in height to be within the waterway setback. This means no structures, only pool-type use. Mayor Seiler felt it is an improper standard. It is dangerous. It should only be considered if all of the other conditions have been met. Commissioner Trantalis did not think this pattern should be encouraged. Morejon advised that there is still a minimum 5-foot setback from the water's edge. Oftentimes in order to maximize and setback the building, this space is best used for amenities. Projects along waterways are taking advantage of the proximity to the water's edge. This was the PZ Board's recommendation. Projects subject to waterway criteria are still reviewed in terms of neighborhood compatibility. Mayor Seiler felt that neighborhood compatibility is subjective. He believed this has to be considered by exception. Commissioner Trantalis pointed out that it also encourages the building to be closer to the waterway. Vice-Mayor Rogers reasoned that in cases where there is a pool, the developer would want a higher building or encroach somewhere else in order for the project to be cost-efficient. Perhaps 10 instead of five feet would be more palpable. Morejon indicated that for site plans coming before the PZ Board the applicant almost always requests the pool be in the 20-foot waterway yard. Commissioner Trantalis believed it is happening because they are over-building on the site. Vice-Mayor Rogers pointed out it is not a structure; it is only the pool. Mayor Seiler noted that one of the biggest complaints the Commission has received in the last decade is the zero lot line development. This should be granted as an exception only, not as a matter of routine approval.

Commissioner Roberts suggested the item be deferred. He requested the Commission be provided with examples of how this has occurred.

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to defer the item to June 3, 2014.

DEFERRED TO JUNE 3, 2014

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

O-5 14-0529

FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTIONS 28-76, 28-141, 28-143, 28-144, 28-145 AND 28-197 - INCREASES TO WASTEWATER RATES, TAPPING CHARGES, WATER RATES, MASTER METER CHARGES, SERVICE AVAILABILITY CHARGES, SPRINKLING CHARGES, FIRE SERVICE CHARGES AND STORMWATER MANAGEMENT RATES

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

Raymond Cox, a homeless resident, said this ordinance appears to be raising rates. The City has been good about lowering taxes during times of economic uncertainty. However, the reserve fund is down to \$7 million, which is the amount owed to the Federal Emergency Management Agency. He was concerned that there is no planning for a potential hurricane and resultant damage to infrastructure. The City should pay attention to its spend practices.

PASSED FIRST READING

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

There being no other matters to come before the Commission, the meeting was adjourned at 11:28 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk