

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, April 15, 2014

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

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

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

Meeting was called to order at 1:31 by Mayor Seiler.

ATTENDANCE ROLL CALL

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

Also Present: City Manager Lee R. Feldman, City Clerk Jonda K. Joseph, Assistant City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Jeff Brull

Not Present: City Auditor John Herbst

No public comments were submitted by email for this meeting.

CITY COMMISSION REPORTS

Events and Matters of Interest including All Aboard Florida and Nuisance Abatement Hearing/Beach Place

Members of the Commission announced recent and upcoming events and matters of interest including 1) brief comments by Commissioner Roberts and Mayor Seiler concerning the status of All Aboard Florida and 2) Nuisance Abatement Hearing and Beach Place.

Recognition of Former Commissioner Carlton Moore

Commissioner Trantalis wanted the City to consider a way to recognize the late former Commissioner Carlton Moore. Commissioner DuBose did not want to make a decision in haste. He suggested the family be consulted. There was consensus that Commissioner DuBose would take the lead on the matter.

Affordable Housing Criteria; Broward County Land Use Plan

Commissioner Roberts brought attention to the Broward League of Cities' work on affordable housing criteria. Commuters will not be counted in the population estimates used to determine how much affordable housing stock is needed. The City Manager said staff does not have a comfort level at this time. Florida International University is conducting a study for the County that will be their benchmark for decision-making. It is scheduled for completion in late May or early June. Once the study is released, cities with an affordable housing need, which is defined in the study, must address it. One way is to have developers pay \$1 per gross square foot into an affordable housing fund.

Commissioner Trantalis suggested that the crux of the matter is home rule. The League of Cities has not yet reached consensus on how to approach this challenge. Mayor Seiler felt everyone understands it is a home rule issue, but the best possible product must still be developed. Commissioner Roberts was pleased that discussions are ongoing, instead of something being imposed by the County. Commissioner DuBose explained that the matter went before the Broward Planning Council and he got the sense that there may be a comfort level among some other municipalities that does not exist for Fort Lauderdale. He voted against it. Although it has improved, he wanted to wait for staff to be comfortable with it. Commissioner Roberts agreed.

The City Manager advised that Broward County is the only county in Florida that can exert land use control over cities. He later stated that this has an impact on economic development because investors not only look at Broward County but also other counties. When systems are in place that add more time to the development process, investments go elsewhere. Commissioner Roberts noted that County Commissioner Chip LaMarca agreed to further review the issue this year.

Beach Renourishment and Tourist Development Taxes

Commissioner Roberts reported on a meeting with County Commissioner Chip LaMarca that included the topic of beach renourishment. A meeting of all appropriate staff has been scheduled. The City Manager commented on documentation that needs to be approved by both the County Commission and City Commission before the summer break and noted that time is not on the City's side. The funding could be as low as \$5.3 million or as high as \$11 million. Commissioner Roberts noted that the estimate has changed from \$48 million to \$51 million, but the estimate is very rough. It is important that both staffs meet this month to reconcile going in different directions. The City Manager advised that the interlocal agreement would provide for the City funding commitment to be whatever it turns out to be and would be provided on a reimbursement basis. In response to Vice-Mayor Rogers, the City Manager advised that the revenue source on the County's part would be tourist development taxes. The City Manager went on to say that the sand bypass project that will place sand on the beaches in Hollywood and Dania Beach is fully funded by the Port and tourist development taxes, with no contribution from the municipalities.

The City Manager confirmed for Commissioner Trantalis that the County Attorney's opinion is still pending with respect to use of tourist development taxes for purposes other than the arena. Some discussion ensued as to the need for an answer on the City's part.

Although not verified, Commissioner Roberts said that Hollywood has indicated they paid \$8 million for previous beach renourishment.

Legislative Priorities

Commissioner DuBose reported on his attendance at Florida League of Cities Legislative Action Day in Tallahassee and suggested it may be appropriate to consider some adjustments to the City's legislative priorities.

Closing Florida East Coast (FEC) Railroad Crossings (Quiet Zones)

Vice-Mayor Rogers asked the City Manager to inquire whether Broward County could conduct traffic count studies at certain FEC crossings with the idea of potentially closing them.

Riverwalk Park; Lighting Needs and Overall Governance

Vice-Mayor Rogers submitted a list of lighting needs along the north side of Riverwalk Park, prepared by resident Ron Centamore, which is attached to these minutes. During a walking tour of the area the previous evening, Vice-Mayor Rogers and Centamore observed 17 lights that were not working. He observed that it is very dark around Huizenga Plaza. The City Manager agreed to look into it. Vice-Mayor Rogers added that it is the City's responsibility to ensure that the plaza is properly lighted and operating correctly. He referred to a 2010 proposal concerning the Riverwalk that highlights governance issues that he felt needs to be reviewed.

Passover Holidays

Mayor Seiler noted there was some confusion in scheduling. Today's meeting falls during the Passover holidays. He was not sure it would have been changed because the first night of Passover is typically more significant, and this is the second night. In the past when meetings have been rescheduled it was because they fell on the first day of Passover. However, in the future he asked that staff apprise the Commission in advance.

Track Competition at Joseph C. Carter Park

Mayor Seiler asked the City Manager to work with the schools for next year's event and be prepared to inform the schools of the costs for some shared participation.

CONFERENCE REPORTS

CF-1 14-0525 EMERGENCY REPAIRS FOR 643 NW 1 AVENUE

Commissioner Trantalis explained that this is a home (duplex) that went into foreclosure. The bank refused to make repairs, so the City has taken it over. The City Manager said there are two independent property owners. The Unsafe Structures Board issued an order to effectuate the repairs. In response to Commissioner DuBose, he said the repairs will be charged to the fund for Florida Building Code compliance issues. Most of the City's unsafe structures are demolished. This is being repaired because it shares a common wall with another property. Once repaired, a lien will be imposed.

In response to Commissioner DuBose, the City Attorney noted that the property has been an eyesore for some time. It is owned by Fannie Mae, and she is hopeful they will ultimately take over the repair effort. If that does not occur, the City will proceed with making the repairs. Commissioner DuBose said he will provide a list of similar properties that could qualify.

Vice-Mayor Rogers felt that the letter from the Unsafe Structures Board was deficient. It does conclude that the structure is unsafe but rather deteriorating. The City Attorney advised that the property is going through the Unsafe Structures Board process and there has been a question of whether the bank or the City could make the repairs first. Vice-Mayor Rogers felt there should be an ordinance in place that fits this type of circumstance. The City Manager said there is a 30-day period in which the property owner can appeal the Unsafe Structures Board ruling. The City Attorney advised that she would look into the language going forward, but she would like to see the bank proceed with what they have indicated they will do.

Commissioner DuBose confirmed that if the bank does not make the repairs, the City would step in and assist with repairs on private property. The City Attorney added that a lien would be placed on the property and the funds hopefully reimbursed to the City. The City Manager noted that he and the City Auditor have discussed this matter. Using building funds to enforce the Florida Building Code on private property is a lawful practice. It is the same source of funds used to demolish structures deemed unsafe by the Unsafe Structures Board. Commissioner Trantalis explained it would not have made sense until the bank stepped in because the mortgage is more than the value. The City is stepping in at the right moment. He agreed with Commissioner DuBose that similar properties throughout the city should be addressed.

In response to Commissioner DuBose, the City Manager explained that he has exercised his authority with respect to emergency repairs and he is reporting it to the Commission as required. Commissioner DuBose was not comfortable with it. He wanted to discuss the concept with the City Manager, City

Attorney and City Auditor.

OLD/NEW BUSINESS**BUS-1 14-0548 OFFICE OF CITY MANAGER, NEIGHBOR SUPPORT -
INFORMATIONAL PRESENTATION**

Neighbor Services Manager Hal Barnes reviewed slides concerning this matter. A copy of the slides is attached to these minutes.

Referring to Slide 37 related to the Nextdoor Fort Lauderdale social media tool, Vice-Mayor Rogers explained that more than 330 residents of Croissant Park use this program. They were able to share information about a burglar and ultimately provide information helpful to law enforcement. Barnes said police are starting to share information through the site. Vice-Mayor Rogers said he would like to see the Neighbor Support staff determine a way to share fresh information with neighborhoods. Commissioner Roberts added that the Toys "R" Us on North Federal Highway was recently burglarized. It would have been a good opportunity for the Police Department to communicate with residents about what was taking place. The City Manager advised that a police captain issued a summary of the incident, but Commissioner Roberts felt that a more real-time account would have been useful.

Barnes continued review of the slides.

Referring to Slide 45 related to Neighbor Support Night, Commissioner Trantalis did not think there was enough neighbor support. Perhaps the event needs better advertising at homeowners' association meetings and a push from each commissioner in their respective districts. The City Manager noted that staff was battling a reputation for holding the event in cramped quarters because in years past it has been hosted in the eighth floor cafeteria area. Additionally, staff will look into holding the event to Friday evening. Mayor Seiler preferred the event be held on a Thursday because Fridays can present conflicts with other events. Commissioner Trantalis said it was good planning to schedule the event on the Council of Fort Lauderdale Civic Associations regular meeting night because people were already planning to gather that night. Barnes thought staff could do a better job advertising. The event had not been held in several years and people were unfamiliar with it. He detailed some of the activities included that evening. He believed there was attendance of about 300.

Barnes concluded review of the slides.

BUS-2 14-0055 FAST FORWARD FORT LAUDERDALE: YEAR IN REVIEW

Assistant City Manager Susanne Torriente provided introductory remarks and presented a brief video update on progress made over the past year since the "Fast Forward Fort Lauderdale" vision plan was adopted.

The City Manager advised that the video can be used for speaking engagements and in promotional materials. He referred to Exhibit 1 of Commission Agenda Report 14-055, titled "Fast Forward Fort Lauderdale – Rewind: Year in Review." An annual scorecard will be provided on progress being made.

**BUS-3 14-0482 LAS OLAS BOULEVARD MEDIANS - RETAIL AREA BETWEEN SE 3
AVENUE AND SE 12 AVENUE**

The City Manager highlighted information in Commission Agenda Memorandum 14-0482 and his work with Property Owners of Las Olas (POLO). The Commission allocated \$350,000 for this project. POLO

has provided a proposed median design, which is supported by staff.

Landscape Architect Rhett Roy explained for Commissioner Trantalis that the renderings provided in the backup material display both current and proposed. The canopy trees on Las Olas are at their peak and some have started to decline.

There was consensus to proceed with the recommendation.

The Commission recessed and convened as the Community Redevelopment Agency Board of Directors at 3:34 p.m. The Commission then reconvened the conference meeting with Agenda Item BD-2 at 3:35 p.m.

COMMUNITY REDEVELOPMENT AGENCY MEETING

BD-2 14-0450 BOARD AND COMMITTEE VACANCIES

Please see regular meeting item R-1.

Board of Adjustment	Karl V. Shallenberger (reappointment) (Consensus/Mayor Seiler) Sharon A. Zamojski (reappointment) (Consensus/Mayor Seiler)
Cemetery System	Delores Sallette (Commissioner DuBose)
Education Advisory Board	Maureen S. Dinnen (Vice-Mayor Rogers) Deniece Jones (Commissioner DuBose)
Historic Preservation	David Kyner (reappointment) (Vice-Mayor Rogers)
Housing Authority	Shirley Carson (consensus reappointment) Robert Kelley (consensus reappointment)
Northwest Progresso Flagler Heights	Alan L. Gabriel (reappointment) (Commissioner Roberts) Jessie Adderley (reappointment) (Commissioner Trantalis) Sonya Burrows (reappointment) Commissioner DuBose Yvonne Sanandres (reappointment) (Vice-Mayor Rogers)
Planning and Zoning	James G. McCulla (reappointment) (Commissioner Roberts)

BOARDS AND COMMITTEES

BD-1 14-0449 COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending April 10, 2014

Education Advisory Board

The Fort Lauderdale Education Advisory Board is asking the Fort Lauderdale City Commission to approve and request the listing of all accredited, Fort Lauderdale public, charter and private schools on to the City of Fort Lauderdale website.

In a voice vote, the Motion passed unanimously.

At Mayor Seiler's suggestion, Public Affairs Manager Chaz Adams agreed to add a listing of all accredited schools to the City website.

Marine Advisory Board

Motion made by Mr. Dean, seconded by Mr. Rassing, to submit the following communication to the City Commission:

In response to the memo and attachments forwarded to the Marine Advisory Board concerning Las Olas Marina, the MAB believes several items were omitted or not properly addressed:

- Reference to a 6000 lineal ft. marina, identified by Sasaki as Option 2, a year and a half ago and at earlier City Commission meetings in 2013. The 6000 ft. marina was the major topic of conversation at the May 2013 Commission workshop;
- Continued reference to the loss of \$515,000 of surface parking revenue. Even if nothing is done to the marina, the surface lot would give way to two parking garages. The loss of revenue should not be attributed as a result of the marina rebuilding;
- This project must be built within the 12-month time frame of the Boat Show, as indicated by Bellingham Marine, which rebuilt Bahia Mar within 9 months;
- It is not the Board's belief that the marina would have to be closed for any significant time, due to phased construction;
- Palm Harbor Marina was built and opened at the height of the recession, and located in mainland Palm Beach. It is not an accurate comparison;
- If the marina is built within 12 months to accommodate the Boat Show, a 100% occupancy would be recognized, followed by the winter season;
- While Mr. Dean has provided substantial documents of importance, it should be noted that these documents came from reliable and recognizable sources such as the Florida Inland Navigational District (FIND), Bellingham Marine, and the Marine Industries Association of South Florida (MIASF);
- On Scenarios A and C on the pro forma spreadsheet, these are not applicable and should be substituted with a Scenario G, listing 6000 ft. and a rate at a minimum of \$1.63 and an occupancy of 74%; It should also be realized, and is realistic to believe, the rate is closer to a minimum of \$2.00 per foot, as supported by the previously submitted rate survey.

In a voice vote, the motion passed unanimously.

Motion made by Mr. Ross, seconded by Mr. Dean, to send a communication to the City Commission requesting that they direct the appropriate City Staff to review the maximum seawall heights of the current City of Fort Lauderdale Code of Ordinances, specifically Section 47-19.3 (4) (f), not to exceed 6.5 ft. due to the projected rise in sea level. In a voice vote, the motion passed unanimously.

Mayor Seiler asked that the City Auditor review the meeting minutes and be prepared to address the issue at a future meeting.

Sustainability Advisory Board

On November 25, the SAB was given a presentation on inductive reactor technology. This technology is applicable to all City facilities and will contribute to a reduction in a facility's KW demand, and correspondingly, a reduction in the City's greenhouse gas emissions. This technology is already in use at the City's George T. Lohmeyer Wastewater Treatment Plant (GTL).

We recommend that the City Commission direct staff to begin expanding the use of this technology to help meet the Energy and Air Quality Goals outlined the Sustainability Action Plan.

A broader use of inductive reactor technology has far reaching consequences for our community. As we learned from a NYSERDA (New York State Energy Research and Development Authority) report referenced in the presentation, a reduction in distribution losses and lower demand at the end-user facility saves approximately 3 times the amount of energy that must be generated at the source power plant. Using existing energy sources more efficiently benefits everyone.

Assistant City Manager Susanne Torriente said she is aware of the request. Inductive reactors have been tested at the George T. Lohmeyer Wastewater Treatment Plant (GTL) in a pilot program. Staff is in the process of hiring an energy services contractor (ESCO) who can audit City buildings and make recommendations on which products to use. Mayor Seiler preferred for staff to first complete the pilot program and rely on the ESCO's expertise going forward. He asked that results of the pilot program be presented to the Board and the Commission.

In response to our Communication (Re: City Agricultural Ordinance - No. C-12-24) of September 23, 2013 (presented on November 5, 2013), the Commission request that we provide a synopsis of the following recommendations to which we are providing in the attached document:

1. Simplify the permitting process (i.e. Administrative review process should not require the submission to be signed and sealed by an architect or engineer nor shall there be any restriction on the paper size).
2. Allow urban farms in residential areas.
3. Allow urban farms to sell directly from their locations.
4. No permit required for sites under 4,000 sq. ft. of planting area – registration required for all.
5. Allow domestic fowl per a pilot program i.e. Orlando's Urban Chickens Pilot Program.
6. Readdress signage and hours of operations.
7. Allow for the utilization of land that is otherwise not suitable for development.
8. Encourage sustainable best practices in regards to fertilization, pesticides, land use and maintenance.
9. Develop a business tax category for agricultural use.

The City Manager suggested discussing the matter at the Commission's goal-setting workshop on April 17. If the Commission wants to make this a priority, it will involve staff time. It cannot be done with minimal resources. Mayor Seiler said he would like more staff input. Commissioner Trantalis wanted to hear more details at the workshop. He spoke in favor of establishing parameters for urban farms. The City Manager explained that he could not provide detailed information on the potential impacts until the Commission determines what it wants to do. It is less of a financial impact than an impact on staff. For example, the City allows urban farms in certain zoning districts but if they are allowed in neighborhoods, a series of meetings and significant public input will be necessary. If this matter is established as a priority, then something else would need to be dropped to a lower priority in order to free up staff time. Mayor Seiler noted that the City does not have to implement all nine recommendations. Commissioner Roberts noted that there are more issues than the sale of items from a residence but also the resultant vehicles and activity.

There was consensus that a more thorough discussion on this topic is needed.

Mayor Seiler opened the floor for public comment.

Valerie Amor, representing the Sustainability Advisory Board, said they are recommending a pilot program that was successfully conducted in Orlando. The Board received feedback from the community. It is time for staff to address this. The Board would like the City to consider this issue as a priority. Mayor Seiler explained that the Commission must consider in the lawmaking process those who could exploit the law. Amor referred to the guidelines (Community Supported Agriculture) by which most urban farmers sell. On that basis, she did not think they would welcome visitors on a daily basis because it cuts down on productivity. Language could be added to the ordinance limiting the time for sales. Commissioner Trantalis noted that enforcement is a concern. Amor believed the concept is solid and promotes the direction of the city.

There was no one else wishing to speak.

There was consensus to discuss the matter during the goals workshop on April 17.

CITY MANAGER REPORTS

None

There being no other business to come before the Commission, the meeting adjourned at 3:54 p.m.