

# City of Fort Lauderdale

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



## Meeting Minutes - DRAFT

Tuesday, June 18, 2013

1:30 PM

City Commission Conference Room

## City Commission Conference Meeting

**FORT LAUDERDALE CITY COMMISSION**

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

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

Meeting was called to order at 1:33 P.M. by Mayor Seiler.

**Present** 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose, and Commissioner Romney Rogers

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

## CITY COMMISSION REPORTS

### Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest including an update on the Shippey House by Commissioner Rogers that turned to a general discussion on the topic below. Commissioner Rogers and Vice Mayor Roberts also noted the Broward Metropolitan Planning Organization reached a consensus to conduct a study on quiet zones and pursue funding. A general discussion also followed on the logistics and cost.

Mayor Seiler stressed the importance of flexibility on the part of the City and its rules and regulations when trying to attract an entity to take over the Shippey House. The City Manager noted that the Broward Trust is interested in the City purchasing the Annie Beck House for about \$35,000. He has discussed the idea of providing it as housing for a police officer to create a police presence. There is quite a bit of interest.

### National Porn Convention

In response to Commissioner Rogers, the City Attorney confirmed that Broward County has authority to regulate its properties in terms of not accepting a request to hold the national porn convention at the convention center. Commissioner Rogers felt the City should express its displeasure to the Executive Director of the Broward County Tourist Development Council. Commissioner DuBose offered to bring the Commission's concerns before the Tourist Development Council at their next meeting.

### Motion Picture Film Industry, Permitting; NE 28 Street in Coral Ridge

Vice Mayor Roberts reiterated that residents are concerned about a reality show filming in the Coral Ridge neighborhood late at night and associated noise and traffic. He raised the question of permitting and asked the City Manager to followup on this matter. The City Manager indicated this filming is occurring without permitting. Vice Mayor Roberts indicated that the City needs to have more control mechanisms.

### Street Vendors; Art

Commissioner Trantalis wanted to allow street vendors in specific areas that would add to the ambience of the city. He referred to an artist in particular. The City Attorney explained that there is an ordinance that prohibits vendor selling on the sidewalk. The City was sued in federal court on this matter in the beach area and prevailed because of the economic engine from tourism that provides the City. There was a finding that it was detrimental to the ambience. It is a free speech matter. Mayor Seiler explained the issue is the wide range of art. Commissioner Trantalis understood that concern, but nevertheless supported the idea of designating districts such as the Riverwalk and Alexander Park.

He wanted the City Attorney and City Manager offices to look into how other cities handle this. The City Attorney indicated that the City can regulate time, place and manner. There are some zoning districts that allow it. A plan amendment is underway to allow it on Riverwalk, but it is not intended to be allowed on the beach.

Commissioner Trantalis did not wish to expend funds fighting the issue in court. Mayor Seiler indicated that he does not disagree with a few areas such as the Riverwalk, 2<sup>nd</sup> Street and the art districts. Some discussion followed about other communities. Mayor Seiler pointed out that with designated area, people are on notice. Commissioner Trantalis felt that some people come to Fort Lauderdale beach thinking of it as a party center and he is looking for some balance by attracting people who are drawn to artistic activity. Commissioner DuBose felt there should be a broad based demand in order to consider a policy change. Vice Mayor Roberts agreed that there needs to be more activity in some areas of the beach. However, it is a slippery slope. He would be open to establishing more art walk districts. Mayor Seiler pointed out that there are people who have invested in establishing a business in a building. Commissioner Trantalis brought attention to the approach taken in Miami Beach. He agreed with Mayor Seiler on the concept of permitting. Mayor requested the topic be placed on an agenda in September.

#### Historic Preservation

Commissioner Trantalis referred to a previous survey conducted in the city that identified potential historic sites and asked what should be done from this point forward. The City Manager provided an update on the City's ordinance re-write that is in progress, including that a workshop was suggested.

#### Dixie Highway Streetscape Improvement Project

Commissioner Trantalis reported on the community meeting held on this topic. It was also contemplated that there would be a vote. There is discussion about who should be allowed to vote. The City Attorney explained for a non-binding election, the Commission could decide who would participate. Also, a simple poll could be taken. Mayor Seiler felt that polling is not the best course of action because it starts a slippery slope and it is expensive. He did not think a ballot would reach everyone because there are absent property owners from all over the country and it would be expensive. He recommended Commissioner Trantalis call a meeting for the sole purpose of a poll and the results be used to make a decision. Commissioner Trantalis explained that there is no consensus on this issue. He posed the idea of the poll cost being removed from the equation in terms of the City's participation. Discussion turned to who should be allowed to vote wherein Commissioner Trantalis concluded that the poll would involve registered voters by mail ballot. Vice Mayor Roberts preferred a consensus being reached through the holding of one or more meetings instead of a straw poll. He also was concerned about setting a precedence.

#### Broward County Resource Recovery Board

Mayor Seiler elaborated upon difficulties encountered with Broward County concerning distribution of this system's assets to participating cities. The City Auditor estimated the unrestricted net assets are around \$60 million and confirmed that about \$10.2 million would be Fort Lauderdale's share. The County has set aside \$22 million and \$9 million from unrestricted assets. He believed they are attempting to capture all of the future costs associated with landfill from dollars they are holding today in trust for the Resource Recovery Board. Essentially they are accelerating future costs and charging it against the City's equity in the fund. Mayor Seiler noted that others who are now disposing at this location will also be obligated to pay for the closure cost. The City may have to pursue legal action. The City Auditor went on to explain a procedure set forth under governmental accounting guidelines as well as statutes. The County is attempting to capture all future costs now. In such case, Mayor Seiler

pointed out that future users will not bear their fair share. At his request, there will be a resolution to consider at the regular meeting. A copy was distributed. He also asked that a memorandum on this matter be prepared and provided to the Commission.

## CONFERENCE REPORTS

**CF-1 13-0586** EMERGENCY TASK ORDER 12 - \$24,680 - PROFESSIONAL COASTAL ENGINEERING SERVICES - A-1-A EMERGENCY BEACH RESTORATION PROJECT - URS Corporation Southern

No objection. The City Manager noted that this will be the last such task order on this project.

**CF-2 13-0773** PROPOSED LIEN SETTLEMENTS - SPECIAL MAGISTRATE AND CODE ENFORCEMENT BOARD CASES

No objection.

**CF-3 13-0854** SOUTH SIDE SCHOOL UPDATE

The City Manager advised that staff is continuing to work with Nova Southeastern University in terms of reconciling the cost estimates. A meeting was held with Broward County staff concerning working on the site and archaeological matters as well as historical structures.

The City Manager responded to Commissioner Trantalis' question of securing the building from the rain. Commissioner DuBose mentioned previously the windows were not yet installed and then there was a problem with the roof. Commissioner Rogers added that the exterior is completed.

In response to Commissioner Rogers' question about the City Manager's meeting with Broward County staff, the City Manager felt it was a good meeting in terms of making sure all of the players are on the same page. City staff does not think that parking lot is under the Historic Preservation Board's jurisdiction. However, there will need to be some review by the Broward Historic Commission that may entail an amendment to the management plan. In further response, he indicated that one of the conditions of a sidewalk permit, the County would like the City to dedicate an easement for future roadway improvements. He met with Assistant City Attorney Dunckel and they concluded that because it does not have an impact on the plans, it is worthwhile to dispute whether the County has jurisdiction. There will be a recommendation coming forward to grant the easement. The sidewalk may one day be a road. The County archaeologist must verify that the sidewalk expansion area is already disturbed property from an archaeological standpoint. He did not anticipate the sidewalk to be delayed. The assigned project manager is Irina Tokar. The right of way issue and other permitting issues has delayed the contract timeline. There is nothing else at this point to delay the next set of improvements.

## OLD/NEW BUSINESS

**BUS-1 13-0906** CITY'S LEGISLATIVE UPDATE

David Ericks of Ericks Consultants, Inc., City's Lobbyist, provided and reviewed information on the 2013 legislative session that is attached to these minutes. He advised that a task force is being appointed by Secretary Wilkinson concerning Sober Homes. He understood that the City wants a say in where these homes are located. Mayor Seiler suggested if possible efforts be made for Commissioner

DuBose to serve on the task force.

Concluding his presentation, Mr. Ericks advised legislation passed concerning texting while driving.

Ronald Book of Ronald L. Book, P.A., City's Lobbyist, provided and reviewed a memorandum, dated June 3, 2013, on the 2013 legislative session that is attached to these minutes. Mr. Book responded to Commissioner Trantalis' reference to the \$100,000 seawall project in Seven Isles and the State's thinking about aging infrastructure as well as changing environment. He did not think it was about being a localized project, but more about being ready to start the work and having the local match. Fort Lauderdale's seawall is not the only seawall project that was vetoed by the Governor. He felt the Governor's office have a lack of full understanding on stormwater related issues in communities. Perhaps they should have made more of an impression on the Governor on what happened on A-1-A. The criteria for projects provided by the Governor will change next year. Mr. Ericks commented that a lot of rules were broken. For example, the City's performing arts grant of \$500,000 was at the top of the list but was not awarded because the House and Senate leaders went to items that were fourteenth and further down. There will be more discussion going forward as to whether the rules will be followed or whether it will be politicized. Mr. Book elaborated on efforts that his firm will make to be more successful next year. He also elaborated on right-on-red violations and the red light camera program. In response to Commissioner DuBose concerning the communications services tax, Mr. Ericks advised that the focus was on pre-paid cards to fund the cities and let the telephone companies off the hook but it did not fly. He did not think they are looking to take the other half away from the cities that was taken last year or the year before.

Commissioner Trantalis asked about the City's position concerning a bill having to do with foreclosures presented by Representative Moraitis that was defeated. Mr. Book indicated he expected the bill to be refilled next year, but did not think it will pass in an election year.

Mayor Seiler asked about the chances of a special session being called. Mr. Book did not see one being called concerning Medicaid. The Governor has indicated if there is a need primarily in the economic development world, he would consider an October timeline.

**BUS-2 13-0596            PROPOSED ORDINANCE - INNOVATIVE DEVELOPMENT  
DISTRICT TO BE CREATED IN UNIFIED LAND DEVELOPMENT  
REGULATIONS**

Ella Parker, Sustainable Development, reviewed the history concerning this topic and work of the Planned Unit Development Zoning District Advisory Committee (Committee) outlined in Commission Agenda Memorandum 13-0596. Consensus was not reached on two items that is also addressed in the memorandum.

Mayor Seiler opened the floor for public comment.

Marilyn Mammano favored two-acre land area required for application to the ordinance and not requiring a super-majority vote requirements for the Commission.

Peter Henn, member of the Planned Unit Development Zoning District Advisory Committee, did not think that the community will support the two issues previously mentioned: two-acre land area and super-majority vote. The Commission will have to decide on how many opportunities there will be for a two-acre project in this urban community. He stressed the Commission remember on what has been accomplished and not focus on the two issues that seem to be divisive at this point.

Abby Laughlin, representing the Central Beach Alliance, felt the ordinance intent as described in the Commission's backup differs from the original intent of determining a path for neighborhood involvement. She took issue with the provision of twenty percent of the land being set aside for public use or benefit of residents and occupants (of the development). Twenty percent for public use is significant. She felt that "PUD" is simply being renamed. She questioned what is innovative impact; it is not defined. Commissioner Trantalis believed the concern is that as the door is opened for more Innovative Development by restricting the land area from two acres to one acre, there is not sufficient criteria to know what is innovative design.

Fred Carlson, representing the Central Beach Alliance, felt the fine print of the proposed ordinance says that a developer can do whatever it wants. He did not think there has been enough focus on preserving neighborhood compatibility.

Jim Brady, member of the Planned Unit Development Zoning District Advisory Committee, referred to the super majority vote item and indicated he believes it has to do with trust on the part of the public. If the ordinance is so good, then it will garner four votes on a project as well as support of the neighborhoods if they are allowed to be involved. He supported the super majority vote requirement. He provided a letter, dated June 17, 2013, on this matter that is attached to these minutes.

There was no one else wishing to speak.

The City Manager observed that the zoning regulations are pretty rigid and to some degree outdated in terms of innovative, sustainable practices. It takes a long time to amend them. The regulations provide that something has to be expressly permitted otherwise it is prohibited. The proposal allows the City flexibility with things that are not expressly permitted. In order to attract good, solid development, there needs to be a mechanism in the regulations.

Greg Brewton, Director of Sustainable Development, commented that the Committee went through a menu of items in addressing the major concerns that were expressed to the Commission. The Committee took time to make sure public participation was included in the ordinance. Also, there is a separate ordinance for public participation coming forward that will provide an added layer.

Mayor Seiler indicated that because it has to do with innovative development and something that is not set out, there should be a super majority vote. As to the land area, he supported one acre. Vice Mayor Roberts agreed with Mr. Brady that the super majority vote controls everything; it makes it a better product and it includes neighborhood participation. He also agreed with the City Manager in terms of the need for flexibility. He also felt that two acres is too much. The City Manager clarified that staff's recommendation about land area is one acre in regional activity centers only. Commissioner Trantalis asked if there is anything to prevent a developer from requesting this for one area and then for subsequent adjacent areas. Mr. Brewton advised that there is no spatial provision. If there are several such developments in an area, the Commission has the final say. Commissioner Rogers spoke in favor of requiring a super majority vote. Commissioner Trantalis asked about requiring an entire block be included in a project for the sake of consistency. Ms. Parker commented that it is possible that a lot cannot be acquired.

There was consensus approval for the one acre land area in regional activity centers and a super majority vote.

**BUS-3 13-0462** RIVERFRONT PROPERTY - AMENDMENTS TO BRICKELL  
LICENSE AGREEMENT - LAS OLAS RIVERFRONT, LP AND  
RELEASE OF INVITATION TO BID FOR USE OF COMMERCIAL  
DOCKAGE

In response to Commissioner Trantalis, Dev Motwani, property owner, advised that the current year's taxes have not yet paid, but they have paid the taxes since taking ownership. The City Manager advised that there is a recommendation in this item to determine the amount of back rent; it has not been paid. This would cover from May, 2011 through May of 2013. The amounts shown under license fees in Commission Agenda Memorandum 13-0462 are contemplated to be paid before renewal of the lease agreement.

There was consensus approval as recommended.

**BUS-4 12-2591** LEASE AGREEMENT WITH DANIA FARMS, INC.

No objection.

**BUS-5 13-0724** ANNUAL ACTION PLAN FOR FISCAL YEAR 2013-2014  
ENTITLEMENT GRANT PROGRAMS THROUGH U.S.  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Jonathan Brown, Housing and Community Development Manager, indicated that final approval would be scheduled for July 2 for submittal to the U.S. Department of Housing and Urban Development. He reviewed program recommendations in Commission Agenda Memorandum 13-0724.

Commissioner Trantalis questioned how the Housing Opportunities for Persons with HIV/Aids (HOPWA) Program needs can still be met with a \$1.2 million defunding. Mr. Brown advised that each agency looked at their program to try to serve the greatest number of clients. The Community Services Board (Board) also reviewed the programs. As to the funding reduction, sequestration has been mentioned.

Mayor Seiler opened the floor for public comment.

Mary Riedel, representing Women in Distress, was available for questions.

Regine Kanzki, representing Broward Regional Health Planning Council, was available for questions.

Francois Leconte, representing Minority Development and Empowerment, Inc., indicated that Minority Development is being asked to serve the same number of individuals it previously served with a funding reduction from \$118,000 to \$88,000. The Haitian population is the most underserved throughout Broward County. They do not have access to any other services.

Scott Strawbridge, representing Housing Authority of Fort Lauderdale and its Step Up Apprenticeship Program, referred to staff's footnote that the program is behind in its spending this year. Although there is over a million dollars worth of cabinets being built, not all of the expenses are deemed eligible. They believe this can be overcome and therefore requested the Commission consider full funding for next year.

Brian Johnson, representing Broward County Minority Builders Coalition, was available for questions.

Patrice Paldino, representing Legal Aide Service of Broward County, was available for questions.

Rosby Glover, representing Mount Bethel Human Services, was available for questions.

Steve Nolte, representing Broward House, noted that this is a huge cut for all of Broward County that will impact citizens. Mayor Seiler asked if Broward House finds the Community Services Board's recommendation acceptable. Mr. Nolte indicated in a bad situation, it is the best that can be done. In response to Commissioner Trantalis, Mr. Nolte advised that less people will be served.

Tim Wheat, representing Pinnacle Housing Group, advised that their affordable housing project in Tarpon River was approved by the Commission on May 7. Ninety-eight percent of their financing is in place, but they will be applying to other affordable housing resources. The project will not be delayed. Pinnacle applied for Community Development Block Grant Program (CDBG) funding. They are also looking at SHIP (State Housing Initiatives Partnership) Florida program funding at both the City and County levels.

There was no one else wishing to speak.

Commissioner DuBose was opposed to funding allocated to Legal Aide. He was concerned about the HOPWA Program and that segment of the population that the housing component is so critical; it can sometimes be the difference between life or death. Mayor Seiler felt that Legal Aide plays a vital role. Staff and the Community Services Board put a lot of time into the recommendations and he encouraged the adoption of those recommendations. In response to Vice Mayor Roberts, Mr. Brown advised that there are about \$630,000 more in requests that funds available in the Community Development Block Grant Program. Vice Mayor Roberts agreed with Commissioner DuBose with respect to Legal Aide. Legal Aide also has a CDBG funding request of \$35,000. Moreover he did not think Legal Aide has been able to spend down the fairly recent award of \$250,000. In response to Mayor Seiler, Mr. Brown advised that HOPWA dollars can be carried forward, but not CDBG Public Service dollars. Vice Mayor Roberts felt this year's funding for Legal Aide could be reallocated to a program where people are helped more directly. In response to Commissioner Trantalis, Mr. Brown advised that at the end of the fiscal year any unspent HOPWA and CDBG funding will be presented to the Board and then the Commission for reallocation decisions. He anticipated about \$200,000 unspent in CDBG, however, for HOPWA it is more about previous years.

Wendy Gonsher, Community Services Board Vice Chair, advised that the Board expressed a very strong concern about the amount of dollars left over in the HOPWA Program. The Board wanted the participating agencies to feel that their feet are being held to the fire this coming year. Agencies were told by the Board that if their funding was not spent this year, they would not be recommended for funding the year after. Commissioner DuBose noted that the problem does not rest entirely with the agencies. Ms. Gonsher agreed, noting some examples such as there has been a change in City staff and accounting systems. The City has to do a better job through the year of monitoring expenditures. Also, because approvals last year extended so far into the fiscal cycle that some contracts did not go into effect until January, there were delays in spending and reporting. Vice Mayor Roberts reiterated his desire for measurement of goals, although he recognized the factors elaborated upon in this discussion have likely prohibited it. Ms. Gonsher pointed out that this responsibility was only given to the Board last year, and assured the Vice Mayor that it will be reflected going forward. Mr. Brown advised that there are year to do performance measures and the Board has been vetting them for the past couple months.



Commissioner Rogers asked whether thought was given to calculating the amount of funds per client served. Ms. Gonsher advised that there was such dialogue by the Board. There was some discussion about comparing agencies because there could be the same service and very different populations where the amount of time needed for a client could be very different. Commissioner Rogers was interested in developing some efficiency range of reason. Ms. Gonsher noted in the coming year the Board will be looking at the cost per voucher and how many clients can be served (Tenant Based Rental Voucher Program). This is the type of information that the Board will provide to the Commission next year. Commissioner Rogers felt such information should be in the application. Ms. Gonsher explained that in this case, the information was in their applications and the Commission decided to split the funding award because the unfunded agency had a lower amount. Commissioner DuBose referred to future evaluations and asked that care be taken for there to be consistency with respect to what is billable.

Community Development Block Grant Program; Neighborhood Revitalization Strategy Area Programs (NRSA)

Mr. Brown advised that the funding level typically approved by the Commission for Mount Bethel Human Services at \$220,000 and the same with the Step Up Apprenticeship Program.

Commissioner Rogers observed that there was a percentage reduction across the board for the HOPWA Program agencies and questioned why CDBG was not handled in the same manner. Mr. Brown advised that CDBG is a little different. There are certain categories that have their own minimums and maximums. The City Manager advised that the funding levels for CDBG are pretty much the same. Mr. Brown clarified that the Board does not have the purview over the Neighborhood Revitalization Strategy Area Programs.

Mr. Brown advised that there are rollover dollars being anticipated under Other Public Service Activities, Homeless Prevention, and therefore that agency is willing to not be considered for funding this year (\$50,000). Commissioner DuBose also wanted to target Pinnacle at Tarpon River (\$500,000). Mr. Brown explained for Commissioner DuBose why staff is recommending the funding increase for HOPE Fair Housing Center. Commissioner DuBose questioned the increase in the Public Works Department BCIP, CIP and NCIP Projects under Other CDBG Activities. The City Manager advised that he will be recommending not to increase the funding for BCIP and NCIP for next fiscal year based upon the backlog. However, CDBG funds have been used to provide the required match by the homeowner association for some of the projects that are in the backlog. Therefore some of the funding will be used in the backlogged projects. The matches have not been encumbered. Commissioner DuBose requested a breakdown to justify the increase in this category including the backlog and those that did not have CDBG funding to move forward. The City Manager advised that a good portion of these funds has to do with the unpaved roads in South Middle River which will be part of the CIP. Mayor Seiler clarified for staff that an across-the-board percentage decrease should be provided to the Commission as an option when this matter comes back for a vote. It was noted that \$550,000 has already been removed, therefore the percentage reduction would be for the remaining difference. Ms. Gonsher wanted to clarify that the percentage reduction would not be coming from the four programs that were already cut to 75 percent. Commissioner DuBose confirmed that is correct and Mr. Brown advised those remaining programs would be Mount Bethel, Step Up and the Public Works Department.

Mr. Brown advised that the eligible areas for CDBG in certain instances have shifted. Some areas are no longer eligible and there are other areas that are now eligible. Housing Enterprises is requesting that the NRSA area be expanded for Mount Bethel and Step Up to coincide with the new U.S. Department of Housing and Urban Development map. Staff supports this request provided the areas are contiguous.

## EXECUTIVE CLOSED DOOR SESSION

The City Commission convened in the executive closed door session at 4:44 p.m. and then reconvened in the first floor chambers at 9:07 p.m., only to announce that Agenda Items BD-1 would be addressed on July 2, 2013.

## BOARDS AND COMMITTEES

**BD-1 13-0832** COMMUNICATIONS TO CITY COMMISSION AND MINUTES  
CIRCULATED - period ending June 13, 2013

This item was deferred to July 2, 2013.

**BD-2 13-0834** BOARD AND COMMITTEE VACANCIES

Please see regular meeting Agenda Item R-3.

## CITY MANAGER REPORTS

None.

The meeting adjourned at 9:08 p.m.

Note: The Commission convened as the Community Redevelopment Agency Board of Commissioners from 9:08 p.m. until 9:23 p.m.