

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, October 3, 2017

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
ROBERT L. McKINZIE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV***

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney***

ROLL CALL

Present 5 - Commissioner Robert L. McKinzie, Commissioner Romney Rogers, Vice Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, and Mayor John P. "Jack" Seiler

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett, City Auditor John Herbst, and Sergeant at Arms Nicholas Coffin

No e-comments were submitted for this meeting.

CALL TO ORDER

Vice Mayor Roberts called the meeting to order at 1:44 p.m.

CITY COMMISSION REPORTS

Members of the Commission announced recent and upcoming events and matters of interest.

Commissioner Trantalis discussed his participation at the Chamber of Commerce Washington Summit (Summit). Vice Mayor Roberts also commented on his participation and involvement at the Summit, mentioning City Auditor John Herbst's participation regarding the Federal Courthouse and Wave funding.

Vice Mayor Roberts discussed his involvement in specialty areas during the Summit, including Border Patrol staffing at Fort Lauderdale International Airport and issues related to resiliency and sustainability with sea level rise. The goal to bring all states impacted by sea level rise together; find solutions and make it a bipartisan issue to be addressed by Congress.

Commissioner Trantalis commented on change in leadership at the Central Beach Alliance (CBA) due to John Weaver's resignation. The new CBA President is Karen Turner. Genia Ellis, President and CEO of Riverwalk confirmed the upcoming Glamathon event is scheduled on October 14, 2017 at Esplanade Park.

Commissioner Trantalis commented on neighbor concerns regarding the

efficiency and progress of debris pickup resulting from Hurricane Irma (Storm), discussing emails he has received.

Mayor Seiler arrived at 1:52 p.m. Vice Mayor Roberts passed the gavel to Mayor Seiler.

City Manager Feldman responded to debris pickup concerns and issues relating to debris haulers, noting the importance of not putting Federal Emergency Management Agency (FEMA) reimbursement at risk. Commissioner Trantalis discussed issues surrounding the impact of the King Tides in neighborhoods with debris in need of collection. Further comments on efforts to address this issue continued.

Mayor Seiler discussed addressing low-lying areas impacted by the King Tides and the importance of addressing the beach area and other areas hosting the upcoming Boat Show. Vice Mayor Roberts thanked Staff for communicating the debris collection map plan. He asked City Manager Feldman to prioritize debris pickup on major streets and sidewalks impacting public safety. Debris collection efforts have been impacted due to the large number of counties affected by the Storm. Further comments and discussions continued on this topic, including following proper FEMA protocol to ensure reimbursement. City Manager Feldman noted the Storm related costs to the City will be approximately \$26,000,000, including first responder overtime, debris collection, damage to City facilities, etc. He also explained levels and percentages of reimbursement from FEMA and the state.

Commissioner Rogers commented on the importance of keeping the community informed on debris collection and re-instituting bulk pickup for items damaged by the Storm. Commissioner McKinzie concurred with Commissioner Rogers' comments emphasizing the need to advise the community about separating items to be collected and the timeline for collection. In response to Commissioner Trantalis's question, City Manager Feldman confirmed City Crews collect bulk trash. Currently, City Crews are augmenting debris collection in low-lying areas, noting different sites are used for the various types of collections. City Manager Feldman discussed pursuing programs to provide labor to separate commingled items to make collection more efficient. Further discussions continued on this topic.

Mayor Seiler discussed the initial meetings held following the Storm with the debris collection vendor, collection monitor, and Staff to organize and determine the most efficient course of action.

In response to Commissioner Trantalis's question about parking permit costs in the Colee Hammock neighborhood, City Manager Feldman stated his position that there should be one rate - \$30.00. Commissioner Trantalis raised the issue of the plastic covered Health and Healing sign put up by the state on Federal Highway near Sears Town, asking if this was approved. City Manager Feldman commented the state erected the sign on their own and remains covered until action is taken.

Commissioner Trantalis raised the issue of gun sales during gun shows held at the War Memorial Auditorium. He discussed the County's position on this issue, confirming it is a choice for the Commission to approve their upcoming lease. Commissioner Trantalis commented on the many open-air events in the City that could mimic the recent Las Vegas tragedy. It was confirmed the vendors at gun shows do background checks. Further discussions and comments ensued on this venue being appropriate for guns sales.

Mayor Seiler commented on the success of the Summit meetings held in Washington discussed earlier, commenting on meetings he attended at Capitol Hill and the White House. Topics discussed at the White House included Inter-Governmental Affairs and Government Innovation with Public-Private Partnerships (P3). Mayor Seiler discussed themes related to the Office of Management and Budget (OMB) about scoring and legal interpretation for Government Innovation and P3 projects, i.e., the Federal Courthouse. Discussions ensued on funding for the Federal Courthouse and the P3 approach. In response to Mayor Seiler, City Auditor Herbst discussed timelines and challenges related to OMB and P3 projects that would allow projects to be done quickly and efficiently. An administrative interpretation, rather than a legislative change, needs to be made at OMB. Due to the City's market, there is a greater opportunity to attract P3 developers. Further discussions ensued on the meetings held in Washington and the P3 process.

Commissioner McKinzie commented on the upcoming gun buyback program event and the high level of inquiries. Police Chief Rick Maglione commented on the expectation for a high turnout and details regarding the gift card amounts that will be tied to the number and types of guns exchanged. Further comments and discussions ensued.

Vice Mayor Roberts discussed the results of the Infrastructure Task Force Meeting he attended on October 3, 2017. They made a motion to move forward with an examination of the Stormwater Fee, endorsing the trips methodology based on new data. Vice Mayor Roberts requested City Manager Feldman follow-up, allowing the advancement of the

process by two weeks. In response to Vice Mayor Roberts' question about weekly reports on infrastructure, City Manager Feldman confirmed additional data would be provided that will include projects in the Consent Order. He confirmed a meeting with Staff. The next Staff report will include extensive detail and hyperlinks for additional details.

Vice Mayor Roberts raised the issue of examining Sober Homes and restricting zoning ordinances. City Attorney Everett responded they have requested the Department of Sustainable Development to examine this issue from their perspective and provide recommended changes. City Attorney Everett will be meeting with Anthony Fajardo, Director of Sustainable Development. Commissioner Rogers commented that neighborhood surveys on Sober Homes had been done in the past, noting what can be done. City Attorney Everett confirmed she would review those neighborhood surveys to make a recommendation to the Commission. Further discussions continued on the change in the federal government interpretation of the Americans with Disability Act (ADA) and the relaxing of those rules.

Commissioner McKinzie discussed homeless issues in District III, focusing on an alley in the area of Broward Boulevard and 7th Avenue. City Manager Feldman confirmed Staff is checking with utility companies to determine if the alley can be closed or gated.

Commissioner McKinzie raised the issue of addressing illegal activities in the two Lincoln Parks (Parks). Mayor Seiler recommended initiating a camera pilot program to address illegal activities. Mayor Seiler requested City Manager Feldman to make this a high priority. Police Chief Rick Maglione commented on plans for increased police activation. Further comments and discussions ensued on the need to address illegal activities in and around the Parks in District III.

Commissioner McKinzie also discussed illegal activities at the convenience stores located on Sistrunk Boulevard at 15th Avenue and 8th Avenue. Federal Authorities are investigating activities related to federal food stamp fraud. Commissioner McKinzie asked Staff to develop a plan addressing these concerns. Commissioner Trantalis discussed community participation in the monthly Neighborhood Crime Watch Meetings. Commissioner McKinzie discussed his perception of the problem and reasons why those meetings are not well attended. Further discussions continued about expanding the Neighborhood Crime Watch Meetings.

In response to Commissioner McKinzie's question about funding

appropriated for lighting at Provident Park, City Manager Feldman confirmed he would address this issue. Commissioner McKinzie thanked Code Enforcement for efforts involved with Storm recovery efforts and assisting neighbors. Discussions on Code violations continued. City Manager Feldman commented there is often confusion between Code Officers who address building issues and Code Officers who address trash, debris, and junk vehicle issues.

Commissioner McKinzie commented on a Public Works project in District III for a 30-inch bypass sewer line allowing repairs to the main line. This has resulted in traffic issues. Discussions ensued on how to mitigate this problem. Commissioner McKinzie thanked Deputy Director of Public Works Alan Dodd for his efforts to address infrastructure issues. Mr. Dodd addressed the Commission by giving an update on efforts to remedy the City-wide infrastructure problems. These efforts will enable the handling of infrastructure concerns more efficiently, confirming efforts to keep neighborhood disruption at a minimum.

In response to Vice Mayor Roberts question about making Inflow and Infiltration (I&I) overload a priority, City Manager Feldman stated there is \$15,000,000 worth of contract authority for letting task orders to contractors to address I&I issues. Further discussions continued on large customers (surrounding municipalities) reducing I&I. Comments and discussions ensued on efforts to mitigate the impact of these infrastructure issues. Mr. Dodd discussed the cleanup of roads impacted by sewage spills.

Commissioner McKinzie discussed CR-4 on tonight's Regular Meeting Agenda regarding the procurement process and efforts to give small and disadvantaged businesses an opportunity to participate in public projects. Commissioner Rogers stated he would like to know more about how the process works. Vice Mayor Roberts suggested a Conference Report on the process.

Commissioner Rogers discussed a list of questions from his constituents to Florida Power and Light (FPL) regarding numerous issues related to their responsibilities.

A copy of this list of questions is attached to these minutes.

Commissioner Rogers requested City Attorney Everett to review the Franchise Agreement with FPL with a focus on their obligations and information they need to provide the City and under what circumstances. He suggested hosting a meeting with representatives of FPL. Further

discussions ensued on FPL communications to neighbors, the impact of tree canopies' during storms and timelines for electricity restoration.

Vice Mayor Roberts commented FPL may be open to a debriefing, noting the need to understand FPL's protocols and the Commission's need for explanations. Mayor Seiler concurred with these recommendations, commenting on recent issues raised after the storm. Discussions continued on issues relating to the City having the largest amount of FPL franchises in the County. He commented on communications both before and after the Storm can be improved.

Mayor Seiler commented on his position about not notifying City officials about area power outages, noting FPL's desire to discourage looting. The Commission continued discussions on FPL issues including dangerous downed tree limbs impacting power lines.

There was a consensus for City Attorney Everett to outline FPL's contractual obligations and to schedule a meeting with FPL to discuss Commission concerns. Commissioner Trantalis discussed FPL impeding the effort to underground electrical lines. There was consensus this should be a topic of discussion when meeting with FPL. City Manager Feldman commented on an editorial published in the *Sun Sentinel* on the priority level FPL has given to underground electrical lines. Mayor Seiler requested City Manager Feldman to schedule a meeting FPL. City Manager confirmed.

Commissioner Rogers gave an update on a recent SE 17th Street Mobility Plan Meeting, stating they have consensus on ten recommendations, one of which is an origination and destination study. Comments and discussions continued on traffic issues on SE 17th Street.

Commissioner Rogers discussed the upcoming King Tides. Mayor Seiler requested City Manager Feldman provide a draft of the notification to residents about King Tides. Commissioner Rogers commented on the upcoming meeting with the Beverly Heights neighborhood on residential permitted parking.

Mayor Seiler stated he is forgoing his report due to the lateness of the hour.

Commissioner Trantalis asked City Manager Feldman about Walk-On items for tonight's Regular Commission Meeting. City Manager Feldman explained and expounded on the Walk-On item related to the need for

appropriations and allocations from the Fund Balance for the Federal Emergency Management Agency (FEMA) services related to Storm services and recovery. City Manager Feldman confirmed the request is for \$26,000,000 to be spent on Storm services and recovery, much of which will be reimbursed by FEMA.

CONFERENCE REPORTS

CF-1 [17-1147](#)

Central Beach Master Plan Public Improvement Projects Update

Commissioner Trantalis discussed moving forward with the Aquatic Complex, commenting he has been approached by two developers interested in submitted proposals. He expounded on discussions with these developers. In response to Commissioner Trantalis's inquiry regarding progress made with the County extending the timeline for spending CRA funds, City Manager Feldman explained the County's position. The County desires to see a contract in place before having a Memorandum of Understanding (MOU) between the County and City on an extension.

Mayor Seiler gave his input on this topic and the Commission's position not to turn this location into a commercial property, recommending Commissioner Trantalis have a meeting with the Central Beach Alliance (CBA). Commissioner Trantalis confirmed his meetings with the CBA, stating they are open to a commercial property. He expounded on his conversations with the CBA and Idlewyld residents who confirmed they are also open to this idea. Commissioner Rogers commented on his position of keeping this area of the beach green. Mayor Seiler commented on CBA and Idlewyld's previous positions on this issue.

Commissioner Trantalis commented the Aquatic Complex being a destination on the beach versus being a functional facility. Further discussions and comments continued on this issue. Commissioner Trantalis reconfirmed he does not wish to build on current green space, noting the need to keep the beach open and green for the public and to maintain the site as a competitive swimming environment.

Commissioner Trantalis emphasized the need for development in this area to reflect what the residents' desire, confirming he will bring their message to the Commission for discussion. Further discussion and comment ensued on this topic.

City Manager Feldman confirmed this project is a design-build that is currently at the 30 percent level and in the final stages for preparing the project package to go out onto the street. He commented on the consequences of considering other proposals when this is out to bid due

to associated costs. Vice Mayor Roberts suggested holding off on putting the project out to bid until the next Commission Meeting to allow Commissioner Trantalis to receive further input from the CBA and the surrounding neighborhoods. Further discussions on previously proposed projects in the area, project improvements, timeline, and schedule ensued. Commissioner Trantalis confirmed he would report back to the Commission at their next meeting. City Manager Feldman explained details regarding the bidding process.

OLD/NEW BUSINESS

BUS-1 [17-1216](#)

Proposed Ordinance Establishing a Moratorium on the Processing, Approval, and Issuance of Any Licenses, Development Orders, and Permits for Medical Marijuana Treatment Centers and Dispensing Facilities of Cannabis for a Period of 180 Days

Mayor Seiler asked for an update from City Attorney Everett. City Attorney Everett gave a historic overview and update of this item, commenting on the differences of opinion and viability of existing ordinances. She discussed enacting this moratorium and maintaining the status quo, confirming it does not extend or repeal the existing ordinance. It allows anyone in the application process to continue, confirming currently there is only one entity in the application process.

In response to Mayor Seiler, City Attorney Everett confirmed this moratorium is her recommendation if consistent with desires of the Commission. It allows the Commission to gauge the effects and to not be in a negative position should the state legislature take additional action on this issue.

Commissioner Trantalis commented on this issue's similarity to the vacation rental issues. It did not allow the City's ordinances to be grandfathered in should the state legislature enact a statute modify the City's methodology for allowing dispensaries.

Commissioner Trantalis noted his concern about having a moratorium that will give the one party applying for a dispensary license a six-month monopoly. City Attorney Everett commented on existing ordinances that are defensible should the state legislature draft something very specific.

In response to Commissioner Trantalis's question, City Attorney Everett explained the reason for placing a moratorium gives those applying for a license in the same position. It also gives the Commission an opportunity to assess the impact of dispensaries and issues being discussed. City Attorney Everett expounded on this point.

Vice Mayor Roberts commented on rescinding the current ordinance and instituting a moratorium until the state makes a determination of what it will allow. Commissioner Rogers commented on possible state actions and the impact on local ordinances. Commissioner Rogers did not agree with rescinding the existing ordinance. The existing ordinance would provide the opportunity to have something grandfathered. In response to Mayor Seiler's question, Commissioner Trantalis suggested encouraging people to apply and not have a moratorium, confirming the Commission has agreed to a maximum of four dispensaries. City Manager Feldman stated that the one application received is incomplete and has been rejected.

Mayor Seiler asked for each Commission member's position on this issue. Commissioner McKinzie stated he supports putting a moratorium in place along with the existing ordinance. Mayor Seiler concurred, stating his concern about losing grandfather status should the current ordinance be rescinded. Secondly, should the moratorium not be put in place, possible subsequent actions by the legislature that could allow a large number of dispensaries. Mayor Seiler commented that the moratorium could be lifted at any time. Further comments and discussions continued on possible future scenarios relating to this topic.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Drive, who commented should the state legislature give the option of all or none, the majority of residents would prefer none.

BUS-2 [17-1184](#)

Recommendations for 2016-2017 Citizens' Committee of Recognition Awards

City Manager Feldman stated this has been removed from Agenda.

Mayor Seiler recognized Joe Petchura, representing Mary Fertig. Mr. Petchura gave an overview of Ms. Fertig's tireless dedication and work towards improving the lives of residents of the City. Mr. Petchura recommended the Commission recognize and recommend Mary Fertig for the 2016-2017 Citizens' Committee of Recognition Award.

In response to Mayor Seiler's question, Mr. Petchura said he did not present his recommendation of Mary Fertig to the committee, stating he is unaware of the process. Mayor Seiler commented on the process, confirming there is a committee who makes recommendations to the Commission.

BOARDS AND COMMITTEES

BD-1 [17-1161](#) Board and Committee Vacancies

Mayor Seiler commented on Carol Tamburry being appointed to the Sustainability Advisory Board. Commissioner McKinzie confirmed his nomination of Ms. Tamburry to the Sustainability Advisory Board.

City Clerk Modarelli read the Board and Committee appointments for tonight's Resolution. Discussions ensued on upcoming appointments at the next Regular Meeting.

CITY MANAGER REPORTS

None.

ADJOURNMENT

Mayor Seiler adjourned the meeting at 4:28 p.m.