

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, September 16, 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 6:04 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

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

Also Present: Assistant City Manager Susanne Torriente, City Auditor John Herbst, City Clerk Jonda K. Joseph, Assistant City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Todd Bunin

Vote Roll Call Order for this Meeting

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

Invocation

Chaplain Paul Schweinler, Fort Lauderdale Police and Fire-Rescue Departments

Pledge of Allegiance

Led by local youth

Approval of MINUTES and Agenda

No public comments were submitted by email for the September 16, 2014 regular meeting.

14-1168 APPROVAL OF MINUTES for August 19, 2014 Conference Meeting and August 25, 2014 Joint Workshop with Budget Advisory Board

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

APPROVED

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

Mayor Seiler announced the following revisions to the agenda:
A scrivener’s error was corrected in Exhibit 4 of item CRA-1 of the conference agenda.
Revisions were made to items CM-1, CM-4, CM-5, CR-1 CR-4, PUR-3, PUR-9 and PUR-10 of the regular agenda.

PRESENTATIONS

PRES-1 14-1182 POLICE OFFICER OF THE MONTH FOR SEPTEMBER, 2014

Police Chief Frank Adderley recognized Chase Fopiano as Police Officer of the Month for September 2014 for his role in a fraud investigation and arrest.

PRES-2 14-1121 SWIM FORT LAUDERDALE AND FORT LAUDERDALE DIVE TEAM

- WORLD AND NATIONAL CHAMPIONSHIP ACHIEVEMENTS

Director of Parks and Recreation Phil Thornburg recognized Dave Gibson, head coach of Swim Fort Lauderdale, USA Swimming Club. A short video of champion swimmer Emily Kopas was shown. Additionally Marty Hendrick, head coach of Swim Fort Lauderdale Masters, was recognized as were the members of his medal-winning team.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

CONSENT MOTION

CM-1 14-1131 EVENT AGREEMENTS: 1)Where the Cars Are, 2)October Fest Las Olas, 3)Beach Baptism, 4)Bora Bora, 5)Downtown Toys for Tots Charity Car Show and 6)National Marine Suppliers Customer Appreciation Party

Raymond Cox, no address provided, commented that backup material is now provided in a hard copy.

Motion made by Commissioner Trantalis and seconded by Commissioner DuBose to approve the item as recommended with the exception of the Bora Bora event that was removed from consideration.

APPROVED

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

CM-2 14-1132 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: 1)Farmers Market at Fresh Market, 2)Las Olas Sunday Market, 3)27th Annual Las Olas Art Fair and 4)55th Annual Fort Lauderdale International Boat Show

Raymond Cox, no address provided, noted that a \$1 million insurance policy is required to indemnify the City. He questioned whether small events are exempt or noncompliant with such insurance coverage requirements. He felt that Homeland Security should be consulted for the boat show. He elaborated on other security measures that should be considered. He also questioned the benefit of the boat show to residents in general.

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-3 14-1064 ACCEPTANCE OF EQUIPMENT - United States Department of Homeland Security, Urban Area Security Initiative and the State of Florida Division of Emergency Management via City of Miami - value

of \$51,262.26 - authorize execution of all required documents

Raymond Cox, no address provided, felt that the police are being militarized. He questioned the expense.

There was no one else wishing to speak.

Motion made by Commissioner Trantalis and seconded by Vice-Mayor Rogers to approve the item as recommended.

APPROVED

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

CM-4 14-1043

ADDITION OF NEW CLASSES: one (Criminalist I) to Teamsters Local 769 Collective Bargaining Agreement and five (Mobility Manager; Program Manager; Application Developer; Unified Network Administrator; Assistant Unified Network Administrator) to Federation of Public Employees Collective Bargaining Agreement

Raymond Cox, no address provided, questioned why efforts of Broward County criminalists are being duplicated with City staff. He believed that excessive force is used against minorities and the homeless.

Charles King, 105 North Victoria Park Road, suggested hiring people who want to work instead of those who are part of a union such as the Teamsters.

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-5 14-1180

TEMPORARY BEACH LICENSE APPLICATION AND OUTDOOR EVENT AGREEMENT with Elevate Training & Fitness LLC

Raymond Cox, no address provided, asked why this company has to have a special license when people already are working out on the beach without a license. He questioned whether the City is waiving the insurance policy required for other events. He stressed that the beach should be maintained as a public one.

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-6 14-1091

TASK ORDER 6 - \$74,935 - SOIL SAMPLING IN VICINITY OF 729

NW 19 AVENUE AND 1601 NW 6 COURT, GROUNDWATER
MONITORING AND TECHNICAL ASSISTANCE - EE&G
Environmental Services, LLC

Raymond Cox, no address provided, questioned whether residents of this area are informed of this situation. He questioned the process.

Trish Sheldon, 408 St. Andrews Road, Hollywood, indicated she is the co-founder of GMO Free Florida, advocating for a safer, healthier food supply. She elaborated on the severe stomach problems of her son who improved after GMO foods were eliminated from his diet. She asked that this topic be scheduled on a future agenda.

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-7 14-0976

REVOCABLE LICENSE - TEMPORARY CLOSURE OF RIGHT OF WAY - RIVERBEND MARKETPLACEAT - 250 feet at north end of SW 24 Avenue on south side of Broward Boulevard - GDC Broward RB, LLC c/o Gatlin Development Co. Inc.

Raymond Cox, no address provided, felt that competition is healthy and supported having a Wal-Mart in this location.

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

CONSENT RESOLUTION

CR-1 14-1174

AUTHORIZING PAYMENT OF LEGAL FEES FOR DISMISSED ETHICS COMPLAINT AGAINST COMMISSIONER TRANTALIS - NO PROBABLE CAUSE - \$780 to Messer Caparello, P.A.

Raymond Cox, no address provided, commented that the legal fees were among the least expensive in Florida.

Charles King, 105 North Victoria Park Road, did not like to set a precedent of paying a commissioner's legal fees although he did not believe the ethics complaint was founded.

Robert Walsh, 401 East Las Olas Boulevard, pointed out that there are two components to the complaint. Authorities will not confirm nor deny whether the criminal aspect is under investigation. After some elaboration on the commissioner's relationship with Mr. Smith, he expressed opposition to this item.

Vice-Mayor Rogers introduced the resolution, which was read by title only.

ADOPTED

Aye: 4 – Commissioner DuBose, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

Abstain: 1 – Commissioner Trantalis

A memorandum of voting conflict filed by Commissioner Trantalis is attached to these minutes.

CR-2 14-1065 ESTABLISHING OTHER POST-EMPLOYMENT BENEFITS TRUST and authorize initial contribution of \$8,578,116

Raymond Cox, no address provided, wanted to ensure that the Commission handles the trust properly. He felt that poor people should not be blamed for the country's problems.

Charles King, 105 North Victoria Park Road, questioned whether the expense would be recurring.

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

CR-3 14-0948 GRANT ACCEPTANCE - up to \$50,000 - DERELICT VESSEL REMOVAL - Broward Boating Improvement Program and authorize City Manager to execute agreement with Broward County and all required documents on behalf of City

Raymond Cox, no address provided, questioned why the City Manager is authorized to execute the agreement when he has numerous other responsibilities and delegates his authority to other employees.

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

CR-4 14-0986 SALE OF CITY-OWNED PROPERTY TO HOUSING AUTHORITY AND SCHEDULING PUBLIC HEARING FOR NOVEMBER 4, 2014 - 726 NW 12 AVENUE

Raymond Cox, no address provided, questioned that this property is only worth \$5,000. A homeless shelter could be built at this location.

Charles King, 105 North Victoria Park Road, noted the announcement that the property will be placed back on the tax roll does not seem accurate because the Housing Authority does not pay property taxes or a fire assessment fee. He was opposed to approving a 66-unit public low-income housing project. He

felt the property is worth more than \$5,000.

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

CR-5 14-0972 AMENDMENTS TO 2013-2016 STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM LOCAL HOUSING ASSISTANCE PLAN and authorize City Manager to execute all necessary documents on behalf of City

Raymond Cox, no address provided, felt this is a good program.

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

CR-6 14-0984 EXTENDING PARKLET PILOT PROGRAM - additional three-month period ending December 31, 2014 - Case 7T13

Raymond Cox, no address provided, said the City is promoting businesses blocking the sidewalk. People will be allowed to walk in the parking spaces along the public right-of-way. He enumerated activity that is not allowed on the sidewalk or the public right-of-way. Business property is being expanded without the obligation of taxes. He questioned whether this is safe.

Commissioner Trantalis pointed out that the parklet program has nothing to do with sidewalks. This is an opportunity for businesses to expand their seating areas into a parking space, not the sidewalk.

Art Seitz, 1905 North Atlantic Boulevard, advocated for pedestrian streets. He felt that Las Olas Boulevard could eventually become like Central Park.

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

PURCHASING AGENDA

PUR-1 14-0974 POINCIANA PARK MEDIAN LANDSCAPING IMPROVEMENTS - REJECT ALL BIDS

Raymond Cox, no address provided, said many landscape improvements exist throughout the city except in the minority areas. He questioned why the bids are being rejected and expressed concern about tree

care during hurricane season.

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

PUR-2 14-1023

PURCHASE PROPRIETARY ITEMS FOR WATER DISTRIBUTION, WASTEWATER COLLECTION AND STORMWATER SYSTEM INFRASTRUCTURES AND TREATMENT FACILITIES - as-needed basis

Raymond Cox, no address provided, indicated that the system is not clean because there are no public restroom facilities. He asked if the system goes out to the ocean.

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

PUR-3 14-1030

PURCHASE LICENSE PLATE READERS - \$115,680 - Visual Pro 360 Inc.

Raymond Cox, no address provided, felt that this program is targeting and profiling the black community. The City should instead deal with crimes against the minority community, including crimes by the police. He advocated for a voluntary bicycle registration program.

Charles King, 105 North Victoria Park Road, believed this program is the future of law enforcement. Cameras should be placed throughout the city at fixed locations, not on police vehicles. People of all races do not want to live next to criminals. This is an opportunity to encourage criminals to avoid Fort Lauderdale.

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

PUR-4 14-1041

CONTINUE BANKING SERVICES - period not to exceed six months through June 30, 2015 - Wells Fargo Bank, N.A. - authorize City Manager to execute all necessary documents on behalf of City

Raymond Cox, no address provided, said he hopes Wells Fargo Bank can be trusted to handle the City's money.

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

PUR-5 14-1042

ONE-YEAR CONTRACT FOR GYMNASTIC PROGRAM INSTRUCTION SERVICES - \$135,020 (estimated revenue) - Fort Lauderdale Stars, Inc. - authorize City Manager to approve three, one-year renewal options

Raymond Cox, no address provided, suggested this program should be private because it is dangerous from a liability standpoint.

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

PUR-6 14-1089

AWARD CONTRACT AGREEMENTS FOR PROCUREMENT CARD SERVICES - SunTrust Banks, Inc.

Raymond Cox, no address provided, detailed problems he experienced with SunTrust Banks and therefore questioned the City using this bank.

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

Vice-Mayor Rogers noted his conflict of interest and abstained from voting. A memorandum of voting conflict filed by Vice-Mayor Rogers is attached to these minutes.

APPROVED

Aye: 4 – Commissioner Trantalis, Commissioner DuBose, Commissioner Roberts and Mayor Seiler

Abstain: 1 – Vice-Mayor Rogers

PUR-7 14-1124

PURCHASE TWO FOOD VENDING TRAILERS - \$59,450 - Cart Concepts International, LLC

Raymond Cox, no address provided, criticized the appearance of the vending trucks. He did not believe the City should be in the food vending business and competing with private business. He questioned how the trucks would be cleaned and maintained. He also questioned that members of the Commission is predetermined to vote in favor of this item.

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

In response to Commissioner Trantalis, Director of Parks and Recreation Phil Thornburg said the City is purchasing the carts but Riverwalk Trust will work with the vendors. The City will not be compensated for use of the carts. Commissioner Trantalis questioned why this is not left to individual entrepreneurs. Thornburg explained that the idea was to have carts on site on a fixed basis in the morning and afternoon and attract people to the Riverwalk on a daily basis.

Commissioner DuBose questioned the potential liability. The City Auditor said he has not received a satisfactory explanation on operations, liability, maintenance and sanitation.

Genia Ellis, representing Riverwalk Trust, responded to questioned posed by Commissioner Trantalis. She explained that this is a pilot program that has been in the works with Parks and Recreation for more than a year. There is currently no place in the area for people to purchase food or drinks without having to sit down in a restaurant. The purpose is to have a permanent fixture along the Riverwalk so people know there is a place to stop for breakfast or lunch. Vendors will be insured and are responsible for meeting government and Health Department requirements. Once they are successful, others will come. The question was raised about food trucks. Food trucks are not allowed on the Riverwalk. These are kiosks that can be removed in case of a hurricane but generally would be there on a fixed basis. A need exists. Commissioner Trantalis agreed. However he questioned whether the City has solicited vendors who want to do this on their own. Ellis commented that they have talked to several vendors, but they are not interested in testing this idea. Most vendors have locations where they are assured of the daily income. The two vendors with whom the Trust plans to contract also operate other businesses and are able to take the risk. At the end of the pilot program, the City would seek bidders for the operation and a percentage of revenue would come back to the City. Commissioner Trantalis asked how it is determined whether the vendor is making a profit. Ellis believed that a metric can be put in place to track the vendors' success. There is a fixed schedule for 12 months regardless of whether they are successful. They will be insured. The Trust will supervise the operation on a regular basis.

In response to Commissioner DuBose, Ellis explained that the vendors are required to carry \$1 million in insurance. The City is an additional insured. The City Auditor expressed concern that someone could trip over the "tongue" of the structure. As to liability, he deferred to Risk Management, but felt it seems reasonable. Ellis added that the cart is skirted so the tongue is not exposed.

Bruce Hicks, 4100 SW 47 Avenue, identified himself as a food truck builder. If the vendor does not own the cart, he did not think the vendor would be inclined to keep it clean and properly maintain it. He questioned whether the units would be large enough to operate for a 12-hour period.

In response to Commissioner Trantalis, Thornburg explained that the carts are off the shelf and not custom-built for the City

APPROVED

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

PUR-8 14-1137

**PROPRIETARY PURCHASE FOR LIGHTING UPGRADES ON
SISTRUNK BOULEVARD - in the amount of 86,430 from LTR Lighting
LLC**

Raymond Cox, no address provided, was concerned about wasting taxpayer money. He felt more pressure should have been placed on the vendor. He went on to discuss providing for people after an emergency such as a hurricane.

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to approve the item as recommended.

APPROVED

Aye: 4 – Commissioner Trantalis, Commissioner DuBose, Commissioner Roberts and Mayor Seiler

Nay: 1 – Vice-Mayor Rogers

PUR-9 14-1090 AGREEMENT FOR PROFESSIONAL TRAINING SERVICES - CITY AND FEDERAL COMPLIANCE POLICIES - \$134,640 - Broward College

Raymond Cox, no address provided, felt that on-the-job professionals should provide the training.

Motion made by Commissioner Trantalis and seconded by Vice-Mayor Rogers to approve the item as recommended.

APPROVED

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

PUR-10 14-1141 AGREEMENT FOR PROJECT MANAGEMENT TRAINING - \$75,720 - Florida Atlantic University Board of Trustees

Raymond Cox, no address provided, questioned the need for this. He felt that on-the-job professionals should provide the training.

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

APPROVED

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

RESOLUTIONS

R-1 14-1116 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

Commissioner Trantalis suggested Steven Stahl to the Central City Redevelopment Board. The City Clerk indicated that because this board has mandatory categories, it is recommended that the submitted name be confirmed as eligible and if so, the appointment would be made at the October 7 meeting.

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

- | | |
|-------------------------------------|--|
| Beach Business Improvement District | Eduardo Fernandez (Consensus/Mayor Seiler) |
| | Ina Lee (Consensus/Mayor Seiler) |
| Community Appearance Board | Marni Canavan (Mayor Seiler) |

Community Services Board

Benjamin Bean (Vice-Mayor Rogers)

Fire-Rescue Facilities Bond Issue

Steven Mayer (Vice-Mayor Rogers)

Parks, Recreation and Beaches Board

Angela Ward (Vice-Mayor Rogers)

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

WALK ON**14-1211**

WALK-ON RESOLUTION – Children’s Services Council of Broward County

ADOPTED

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

14-1210

WALK-ON MOTION – Procedure for Filling Impending Vacancy in the Office of City Commissioner for District III – approving application and qualification documents presented in Commission Agenda Report 14-1153, set an application deadline of October 10, 2014, at 5:00 p.m. for applications for the office of city commissioner for District III to be in the Office of the City Clerk at 100 North Andrews Avenue, seventh floor, Fort Lauderdale, Florida 33301, schedule applicant interviews for the City Commission Conference Meeting on October 21, 2014 at 1:30 p.m. or as soon thereafter as possible, and adopt a resolution appointing the next City Commissioner for District III at the City Commission’s Regular Meeting on November 4, 2014, at 6:00 p.m. or as soon thereafter as possible

Motion made by Commissioner Trantalis and seconded by Commissioner DuBose to approve the item as recommended. A copy of Commission Agenda Report 14-1153 is attached to these minutes.

The City Clerk drew attention to the code provision providing that individuals serving on a City board forfeit their position on the board when they become a candidate. Mayor Seiler pointed out that the provision specifies a public elective office, however, this is an appointed office. Commissioner DuBose felt the City should be consistent; individuals who step down from a board could then be reappointed. The City Attorney advised at this point an individual would forfeit their seat on a board and could reapply. Mayor Seiler asked that this be clarified by the October 7 meeting. The City Attorney agreed to follow up and if clarification is required, it will be presented. Commissioner DuBose pointed out that the Charter guidelines are being used to qualify applicants. If this course is not correct, he felt more research would be needed as to how that point was reached.

APPROVED

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

ORDINANCES

O-1 14-1150 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CREATING SECTION 16-31, CAMPING PROHIBITED WITHIN THE DOWNTOWN - PROHIBITION OF UNAUTHORIZED CAMPING ON PUBLIC PROPERTY WITHIN THE DOWNTOWN (Note published as: Creating Section 19-7, CAMPING PROHIBITED - PROHIBITION OF UNAUTHORIZED CAMPING ON PUBLIC PROPERTY)

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt the City wants to move the homeless out of the downtown area because businesses think these people are a code enforcement problem. People are being denied their basic human rights. He threatened to organize a tourism boycott of the city.

Michele Hicks, 4100 SW 47 Avenue, displayed a video of a contained pod for the homeless that she helped build and described its features. She felt that it is a solution to the homeless challenges. A copy of the video was made a part of the record.

Bruce Hicks, 4100 SW 47 Avenue, elaborated on the pod concept. He encouraged the City to look into this as a pilot program. Each unit costs about \$1,800. Mayor Seiler suggested staff assigned to the issue of homelessness meet with Mr. Hicks.

Micah Harris, founder of the Peanut Butter and Jelly Project, spoke in opposition to the item. The ordinance will not solve the problem, but rather move it somewhere else. He suggested working together to find solutions.

Mary Cowell, 1100 North Andrews Avenue, spoke in opposition to the item. She detailed her history of working with the homeless. There is a homeless problem all over the country.

Frances Brown, 1021 NW 1 Street, noted that the homeless have taken over the entrance to her business that is located at 11 Avenue and Broward Boulevard. Some are aggressive and hostile. The parking lot is used as a restroom. The City must do something in order for people to have productive businesses.

Craig Watts, representing Royal Palm Christian Church in Coral Springs, acknowledged that businesses have legitimate needs. However, he was concerned that Fort Lauderdale is addressing homelessness by viewing homeless people as the problem. He spoke against laws that criminalize misfortune. The homeless do not have realistic other options. Therefore putting forth this ordinance is ethically dubious at best. The religious community does not advocate for this approach. He urged the City to partner with those who really want to solve the problem. It should be addressed in a constructive fashion.

Casey Cooper, 3080 Broadway, Boulder, Colorado, indicated he became homeless at the age of 18 when foster care ended. Sleep is a human right. The City has no control over such a right. He elaborated on the many intoxicated people who pass out on Las Olas Boulevard. He believed that law enforcement harasses the homeless.

Michael Robinson, 5700 NW 27 Court, asked that sleeping be decriminalized. He suggested a time limit so the homeless are gone by the time businesses open and space on the sidewalk for access. People should be allowed on public spaces. There are not enough accommodations in shelters.

Nathan Pim, representing Food Not Bombs, noted that homeless people this evening are taking advantage of their First Amendment rights by speaking this evening. He read an excerpt from the writing of Charles Bukowski.

Charles King, 105 North Victoria Park Road, opposed the homeless pod (presented by the Hicks) and did not embrace the concept that there should not be rules for public properties. He was opposed to people wanting to conduct feeding programs in Fort Lauderdale but not reside here themselves. Holiday Park could easily become a daytime encampment with people wandering through Victoria Park at night. He wanted to increase the area covered by this ordinance. There are people choosing to remain homeless and not fix their lives. He was concerned that this ordinance will sweep the homeless out of downtown and into the surrounding neighborhoods. It is possible that this ordinance will not be effective and instead cause a giant problem.

Jeff Weinberger, representing the Broward Homeless Coalition, did not believe that the City follows a democratic process. He questioned whether a cost benefit analysis was performed regarding the criminalization of homelessness. The ordinance states that it will have no fiscal impact but criminalizing homelessness has a tremendous fiscal impact. He referenced the *Pottinger vs. City of Miami* case, which requires that shelter must be available before a police officer can approach a person engaged in a life-sustaining act. This ordinance does not follow the *Pottinger* ruling.

Frank Pontillo, representing Remar USA, discussed how he helps the homeless in a church environment. People come to Fort Lauderdale because there are resources. They sleep in Fort Lauderdale at night because unlike the suburbs there is no one here at night. With the passing of this law, they will go to the suburbs or to jail. The church-based community would like to partner with the City. The homeless shelters are full. Criminalizing is not a solution.

Jimmie Singleton, 924 NW 1 Street, felt since 2008 there has been record long-term unemployment, defunding for substance abuse and mental health programs and inadequate shelter space. Most people getting back into employment cannot afford the cost of an apartment. Many homeless remain downtown because of the proximity to medical facilities, food and the library for job searching. He referenced a Department of Justice memorandum from the Commission's September 3 meeting that discussed Housing First programs, lobbying for mental health and substance abuse programs, regulating and establishing camping areas, more public toilets, day resources and trimming back bushes, and said it seems the City only wants to trim back bushes. He pointed out that sidewalk behavior ordinances have been successfully challenged in the courts. The courts have consistently ruled that sleeping and bodily excretions are an involuntary life function. He outlined incarceration costs.

Ebony Murphy, 1 NW 33 Terrace, questioned where the homeless should go to sleep because there are insufficient shelter facilities. She commented on the struggle of homeless with children.

Courtney Crush, representing the Greater Fort Lauderdale Chamber of Commerce, acknowledged that the homeless issue needs a lot of work. The Chamber supports this ordinance as it addresses health and safety issues downtown.

David Bass, representing Involuntary American Minimalists, referenced a 2013 report that breaks down the number of homeless in Broward County by ethnicity and sex but offers no solutions. He did not believe that making it illegal to be homeless will solve the problem. He outlined the costs for rehabilitation, incarceration and mental health services. He urged partnering with other organizations.

Precious Aviles, 1478 Avon Lane, explained that she was once homeless. She commented on recently working with her family to feed 16 people with \$10 and went on to discuss the challenges of one suddenly becoming homeless. People need to come together to help the homeless.

Steven James, no address provided, said he lost his home after the market crashed in 2008. He questioned where the homeless should sleep.

Christina Torres, 6411 NW 27 Street, felt that the homeless are often misunderstood. It could happen to anyone. She opposed legislation banning the homeless.

James Mack, 924 NW 1 Street, took issue with the way people are treated in the shelter facilities and some of the other programs for the homeless. No one wants to be homeless. He did not believe the City is helping the situation.

Mara Shlackman, representing the National Lawyers Guild, said this ordinance authorizes law enforcement to approach people and assess whether they need medical attention, shelter or other services. However there are no criteria for such assessment. Also the ordinance does not require an available shelter before law enforcement offers to take someone to a shelter. As to fiscal impact, she pointed out that there is no cost to the City because the costs are being outsourced to other government agencies. The U.S. Interagency Council on Homelessness has stated that criminalizing acts of survival is not a solution to homelessness and results in unnecessary public costs. She mentioned two studies that compared the cost of the homeless and found the cost of supportive housing was less than incarceration or hospitalization.

There was no one else wishing to speak.

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

ADOPTED ON SECOND READING

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

O-2 14-1151 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 16-75, PUBLIC INDECENCY - revising terminology and deleting obsolete provisions

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, expressed opposition to the item. He felt the matter will be decided against the City in the courts.

Nathan Pim, representing Food Not Bombs, read from a statement he attributed to Elvis Presley.

David Bass, representing Involuntary American Minimalists, commented that people sometimes need to use a restroom and there are none available. It can be done with respect to the public.

Michael Robinson, 5700 NW 27 Court, supported the revision made to the ordinance that was prejudice against the transgender community. There should be a right to self-expression and the right not to be sexualized. Toplessness does not have to be sexualized. He felt this is an act of victim blaming.

Charles King, 105 North Victoria Park Road, was opposed to the mixing of religion and government. There should be policies that discourage people from living in public places.

Courtney Crush, representing the Greater Fort Lauderdale Chamber of Commerce, spoke in support of the item.

In response to Commissioner Trantalis, the City Attorney advised that the ordinance does not prohibit breastfeeding in public.

Mary Cowell, 1100 North Andrews Avenue, said she rode the bus from Hollywood to Fort Lauderdale last night and the restroom at the bus station was closed. She looked for 42 minutes and was unable to find a restroom. This is the only major city in this country that she has visited that does not have public restrooms. She advocated for a tent city.

Laura Hansen, representing the Coalition to End Homelessness, said she also serves on the board of the National Coalition for the Homeless. She pointed out that this conversation has been ongoing since Mayor Cox's term yet things have not changed. The City needs a new strategy. The City is trying to treat a chronic homeless population with a crisis homeless model which will not work.

Commissioner Trantalis took issue with the implication that the Commission has done nothing to help the homeless in the last 20 years. City and County government agencies have made great strides. Hansen maintained that the City has done nothing to support the chronically homeless. Mayor Seiler also took issue with the implication. The City has worked with 24 agencies on a litany of homeless activities. He believed she would say anything at a public hearing because she is opposed to the item.

Hansen clarified that the City has done things for the crisis homeless, but not for the chronically homeless which will not make use of the Homeless Assistance Center. Mayor Seiler indicated that the Center has been expanded. Hansen disagreed with Vice-Mayor Rogers that the Housing First program supports the chronically homeless. Seattle has an excellent model for the chronically homeless that is recommended by the National Coalition for the Homeless.

There was no one else wishing to speak.

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

ADOPTED ON SECOND READING

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

O-3 14-1152 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 25, USE OF STREETS AND SIDEWALKS FOR SOLICITATIONS, STORAGE, SALE AND EXHIBITION OF GOODS

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt that charities are being penalized in order to attack the homeless. He said he plans to organize a homeless civil rights rally on the beach for Christmas Day 2014 and the two following years.

David Bass, representing Involuntary American Minimalists, questioned whether street performing would be a legitimate way for the homeless to solicit money from people.

Craig Watts, representing Royal Palm Christian Church in Coral Springs, agreed with the provisions

concerning safety. However, the ordinance extends beyond traffic intersections to sidewalks and areas where vehicles are not present. It seems to be a way to stop people in need from asking for help. He referred to input made during the public hearings on the other related ordinances and asked that the Commission consider that input. He opposed the ordinance that would prohibit people from asking for help.

Mary Cowell, 1100 North Andrews Avenue, advocated for the homeless. She spoke in opposition to outdated laws, law enforcement and the judicial system in Broward County. People with a criminal record become unemployable. She suggested addiction recovery and mental health programs.

Laura Hansen, representing the Coalition to End Homelessness, felt it appears decisions have already been made and it does not matter what the speakers have to say. This ordinance cannot be enforced unless a police officer is placed at every intersection. Fort Lauderdale has been named the meanest city in the U.S. by the National Coalition for the Homeless. She invited the Commission to visit her facility and meet some of the homeless individuals.

Charles King, 105 North Victoria Park Road, believed that Fort Lauderdale is third in the nation in pedestrian fatalities. This ordinance will save lives. The City's intersections are probably the most chaotic in North America. It will decrease money available to homeless for drugs and alcohol, perhaps encouraging them to not continue with such a lifestyle. He supported the item.

Michael Robinson, 5700 NW 27 Court, said there is a difference between homeless people and drug addicts. He understood the logic of keeping entrepreneurs out of the street. Busking and responsible panhandling should be allowed without permitting on the sidewalk or heavily foot-trafficked areas provided there is space for wheelchairs. It is not the City's responsibility to protect someone from their stupidity.

Courtney Crush, representing Greater Fort Lauderdale Chamber of Commerce, spoke in support of the item. The Chamber would be happy to meet with less fortunate individuals.

Mara Shlackman, representing the National Lawyers Guild, said this ordinance is vague and difficult to understand. There are two referenced maps that may be contradictory.

There was no one else wishing to speak.

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

In response to Commissioner Trantalis, the City Attorney said this ordinance does not address the issue of someone securing a license to create art or perform a similar activity on the street. She did not believe that type of activity involves solicitation. It would depend on where the person is set-up and if they are impeding access. It would not prohibit such activities in a wholesale way unless the intent is to solicit. If the City chooses, the ordinance would not prevent the City licensing individuals to do so.

ADOPTED ON SECOND READING

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

NON-AGENDA

UPDATE ON POLICE AND FIRE COMMUNICATIONS SYSTEM - DISPATCH REGIONALIZATION

Fire-Rescue Chief Robert Hoecherl provided a verbal update on the regionalization of police and fire communications system that occurred on August 1, 2014. There have been 98 priority errors. They have been reviewed. Weekly meetings are being held with the operators. They are working on the matter.

As to the issue of addresses being duplicated in other cities, Commissioner Roberts pointed out that often callers do not know the address of their location. Chief Hoecherl explained it is not an issue with a land line call.

Hoecherl advised that the communications consoles are being reconfigured so police and fire dispatchers are face to face. Commissioner Roberts wanted to ensure that police officers and firefighters can communicate without going through a dispatcher. Hoecherl noted that Broward County changed its policy to include verbal updates. Progress is being made. Commissioner Roberts went on to point out another example that the dispatcher loses track of where a police officer has been dispatched. It appears to be very disorganized. There are a lot of components that need to be ironed out. Hoecherl advised that the communications consoles (work stations) have been reconfigured. Commissioner Roberts wanted to know if police officers and firefighters can talk to each other because many issues can be resolved on the street without having to go through the dispatch center which takes time. Hoecherl indicated that they have agreed to provide verbal updates which is especially helpful for medical emergencies. Both Broward County Office of Communications Technology (OCT) and the Sheriff's Office are working with the City. Broward Sheriff's Office was originally not open to changing its system but has now realized some of the City's procedures are best. The Broward County Fire Chiefs Association has also approved it.

In response to Commissioner Trantalis, Chief Hoecherl explained that even if a cell phone number is out of state, 911 calls go to a dispatch center closest to their current location. He went on to say that the City will not be on the County's frequency system until next year.

Mayor Seiler requested another update in a month. However, Commissioner Roberts wanted more frequent updates; he felt the Commission should be made aware of critical incidents immediately. Hoecherl advised that he and the Police Chief provide weekly updates to the City Manager. Mayor Seiler requested those weekly updates be provided to the Commission.

There being no other business to come before the Commission, the meeting adjourned at 10:10 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk