

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, November 5, 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
CYNTHIA A. EVERETT, City Attorney

Meeting was called to order at 1:35 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

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: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant David Cortes.

CITY COMMISSION REPORTS

Events and Matters of Interest

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

Sober Homes

Commissioner DuBose mentioned that legislation related to sober homes is being proposed. The Florida League of Cities is asking elected officials to send a letter to the governor that the League has drafted. He encouraged the Commission to review the proposal and determine whether they want to send the letter.

In response to Mayor Seiler, the City Manager said the Commission’s position is that it supports regulations on sober homes which is the same position as the Florida League, Broward League and Florida Association of Counties. It is part of the City’s legislative priorities. Following a brief discussion on the push to address this matter, Vice-Mayor Roberts suggested a resolution instead of individual letters. Mayor Seiler suggested one resolution that supports the City’s legislative priorities. The City Manager said a resolution could be presented within 30 days.

PROMISE Program

Commissioner DuBose outlined a previous policy in Broward County schools that supported zero tolerance wherein youth could be arrested for minor offenses. There is an effort to change that approach to where school administrators work with youth who have committed minor offenses. The Preventing Recidivism through Opportunities, Mentoring, Interventions, Support & Education (PROMISE) program is a Broward County initiative designed to address the needs of students who commit non-violent infractions that previously could have resulted in the student being arrested and entering the juvenile justice system. The NAACP and School Board held a press conference earlier today to discuss this program. It is historic in that it allows youth to be redirected instead of being put on a destructive path. He expanded on the positive statistics in other areas. Some discussion followed on the history of the zero tolerance policy. He would like to see the City to get involved with the PROMISE Program.

Panhandling Ordinance

Vice-Mayor Roberts referenced a panhandling ordinance adopted by Pembroke Pines. He would like to look into it and see if it might work in Fort Lauderdale. Mayor Seiler said it requires a tremendous amount of work. Pembroke Pines identified specific problem areas, but Fort Lauderdale is a much larger, more urban city. There are associated costs. Fort Lauderdale would have to identify 30 or 40 problem intersections. He felt the City’s ordinance works just as well. The City Attorney said her staff is

compiling a list of ordinances related to panhandling and will determine whether they are being enforced. She agreed with Mayor Seiler. The City has an aggressive panhandling ordinance. Those engaged in this type of activity typically understand the parameters of the ordinance and follow it.

Vice-Mayor Roberts said he constantly calls to report violations at Oakland Park Boulevard and Federal Highway and at Commercial Boulevard and Federal Highway. Therefore, he would like the City to look into it. Commissioner Rogers suggested a discussion on the topic and other topics, such as homelessness because the two issues go hand in hand. Mayor Seiler said he does not disagree but is concerned about the substantial expense associated with an ordinance like the one in Pembroke Pines. Vice Mayor Roberts explained he is not suggesting the City move forward, but rather look at the methodology. Mayor Seiler asked that Pembroke Pines be contacted to ascertain their cost.

The City Attorney said she would research the matter further and report back to the Commission.

Homelessness

Commissioner Trantalis recently convened a meeting with several stakeholders who conduct outreach with the city's homeless population. He mentioned a court finding in Miami-Dade County several years ago concerning law enforcement parameters was recently revisited. The standard it set is no longer applicable. Municipalities need to be allowed to have more say. The Miami-Dade case had to do with incarceration which the ACLU (American Civil Liberties Union) tried to prevent. He agreed. There are people in great need, and the City has a responsibility to address it. There are forms of conduct that interfere with the quality of life of others. The Salvation Army is working to develop a center where meals will be provided. That triggers an opportunity for the City to limit food programs. Mayor Seiler noted the Commission had previously decided to hold a workshop on this issue and wanted to move forward with it. The City Manager did not think the City would ever have all of the answers, but it is important to begin the discussion. He will work on finding a date for a workshop. Commissioner Trantalis felt it is important to partner with the individuals who were involved in the Miami-Dade case.

North Beach Residential Area

Commissioner Trantalis announced an upcoming charrette planned for 10 a.m. on November 16 to discuss the North Beach Residential Area (south of Bonnet House to Bayshore Drive). Mayor Seiler asked that the website and emails be made more specific with respect to the central beach master plan. Mayor Seiler suggested that branding be part of the discussion at the charrette because there is another area on the barrier island in District I that has taken the same name.

International Swimming Hall of Fame Board of Directors

Commissioner Trantalis referenced a newspaper article that stated the International Swimming Hall of Fame (ISHOF) board of directors voted unanimously to leave Fort Lauderdale. Mayor Seiler, an ex-officio member of the board, confirmed that he was not provided notice of that meeting. Mayor Seiler noted that the City Manager and City Attorney are following up. He also noted that it may be that the full board membership was not aware of the City's offer.

Howard Johnson Hotel

In response to Commissioner Trantalis, the City Manager noted he does not have any information on when the owner of the Howard Johnson Hotel on the beach is planning to demolish it. Mayor Seiler agreed that the owner should be notified that the property has to be maintained otherwise the City should

cite the property owner for the violation(s). Commissioner Trantalis asked the City Manager to speak with the property owner and encourage the owner to proceed with demolition.

The Commission revisited this matter under BUS-1 when Attorney Lee Schillinger suggested the City look into the case, *Trushin vs. City of Miami Beach* with respect to the Howard Johnson Hotel site. As former chief assistant city attorney for Miami Beach, he was able to get a demolition accomplished under identical circumstances.

The City Manager said the property owner contacted him during the meeting to say they are planning demolition by the end of the year. Commissioner Trantalis asked that a letter be sent to the property owner, stating the property should be cleared by the first of the year.

Sistrunk Boulevard – 6 Street; Street-Naming Policy

Commissioner Trantalis raised the idea of adopting a policy for naming streets. Mayor Seiler did not see the need for a formal policy but as it relates to this issue, it is moot. He was very pleased with the neighborhood's position. He believed the City Attorney summarized current practice quite well. Commissioner Trantalis believed a formal policy should be put in place. Commissioner Rogers pointed out that even though there has not been a formal vote, past practice is certainly a guideline. Mayor Seiler indicated that if there is a desire to establish a written policy, the City Attorney's summarization should be sent to the Council of Civic Associations for their input. In the interim, he did not want to delay this issue. A formal detailed policy on street naming may not be the best approach. Vice-Mayor Roberts pointed out that this Commission and others before it have been able to change street names without a formal policy in place. A formal policy may not take into account all of the circumstances that the Commission wants to address for this matter. He was open to further discussion but not if it would delay this evening's decision.

Genia Ellis, past president of Fort Lauderdale Council of Civic Associations, said street-namings have gone before the Council on an individual basis. The Council has not discussed developing a policy. Mayor Seiler suggested sending the matter to the Council to see if they think a formal policy is needed. There was consensus agreement.

Sewer Line Warranty Program

Commissioner Rogers had received complaints about the Sewer Line Warranty Program. The City Manager clarified that there are two companies. The City partners with Service Line Warranties of America that has been vetted through the National League of Cities. There is a new company coming into the market. The City is not affiliated with that company. There have been some issues with the better business bureau. The City's letterhead is used with the finance director's signature to differentiate the two. It functions based on accounts and covers line breaks underneath paved areas. Commissioner Rogers asked the City Manager to follow up to be certain there are not duplicate letters being generated. He also asked that the letter content be carefully reviewed to ensure that there is no misrepresentation.

Speed Limit Signage; 17 Street Causeway and Eisenhower Boulevard

Commissioner Rogers pointed out that there is no speed limit posted on the access street in the area of Hilton Hotel and Eisenhower Boulevard. There are issues related to speed and pedestrian safety on 17 Street Causeway. The developer of the old Art Institute site is conducting a pedestrian safety study. Mayor Seiler asked the City Manager to ascertain more information on the proposed development.

OLD/NEW BUSINESS**BUS-1 13-1440 PROPOSED LIEN SETTLEMENTS (SPECIAL MAGISTRATE & CODE ENFORCEMENT BOARD CASES)**

With respect to the WaterWorks 2011 liens, the City Manager noted he is proposing to increase settlements that go beyond a year of non-compliance by \$500 per month beyond the 12 months. For the first six cases, the banks have not agreed to this. Those six cases are being removed, leaving 3041 SW 22 Court. He recommends assessing the lien settlement at \$1,120. He later clarified that this is an informational presentation. These cases stand as approved absent a Commission call-up which would be scheduled at a regular meeting.

Mayor Seiler opened the floor for public comment.

3512 SW 12 Court; Case CE09062345

Paul Minoff, representing J.P. Morgan Chase Bank, indicated that Chase foreclosed on the subject property. The City Manager advised that there is a lien on this property of \$141,900. He had previously recommended \$21,120, but did not think they agreed to it. According to the resolution, the Commission may only act upon a favorable recommendation from the City Manager. Minoff noted that the property has been in violation since June 2009 and Chase did not take ownership of the property until June 2013. It was brought into compliance by mid-October. The property is being donated to a not-for-profit agency which caters to low- and middle-income housing. There is no financial benefit coming to Chase. He was provided the lien matrix a couple of months ago and told that under the matrix, the fine would be \$1,120. Chase spent \$8,000 repairing the swimming pool and additional funds to bring plumbing up to code. Chase did not have a legal duty to bring the property into compliance until June 2013.

Commissioner Trantalis explained that Chase started foreclosure proceedings in 2008 and allowed the property to be non-compliant. He believes it Chase avoided taking financial responsibility for five years. The Commission feels it is corporate policy to avoid taking ownership in order to avoid financial responsibility. As to why there was a delay in the foreclosure, Mayor Seiler requested a copy of the docket be provided to the Commission, City Manager and City Attorney. Minoff agreed to do so. He gave assurance that it is not Chase's policy to delay foreclosures, but rather their policy is to move as quickly as possible to remove such properties from the bank's inventory. The City Manager suggested that a policy decision maker of J.P. Morgan & Chase contact him directly to discuss all the properties they own in the city.

Minoff agreed that Chase should be responsible for things like cutting the lawn, but not for code violations that involve hooking up the property to a septic tank. Chase is essentially being asked to dig up the lawn without legal title to the property. It could create additional legal issues. He went on to elaborate on factors involved in the mortgage industry and law firms assigned to handle foreclosures. He agreed to follow up with the City Manager to ensure he has more information when making a recommendation.

Mayor Seiler explained the City's position, the impact on the neighborhoods and the downward effect generally. There is concern that properties have remained vacant for multiple years with no attempt to foreclose. The City has been very lenient and cooperative. Minoff noted that the Florida Supreme Court has established precedent to wipe out liens. There is no time frame for when a bank can and cannot foreclose. Mayor Seiler indicated that under Florida law, the City also has no obligation to reduce liens. Minoff pointed out that this is about a sewer connection. It was not a matter of walls crumbling and so forth. Commissioner Trantalis pointed out that the ground was being contaminated and residents' drinking water source is in close proximity. Minoff claimed that it has not been proven that

there was a leak.

1556 SW 5 Place, Unit 1; Case 12030846

Darrin Brown, indicated he is a project manager for PHD Development, LLC. Mayor Seiler announced that PHD Development owner Adnan Kabbara is a client of his law firm. He will abstain from discussion and passed the gavel to Vice Mayor Roberts. The City Attorney confirmed that a memorandum of voting conflict or any other documentation does not need to be filed by Mayor Seiler because no vote is being taken.

He explained that this is a four-unit building and sewer connections were needed for all four units and could not be connected separately. He attempted to find out from City staff how the lien amount was reached and was under the impression that a decision on the amount would be made at this meeting. He wanted to know how the amount was determined.

In response to a question from Commissioner Trantalis, Brown said a bank foreclosed on the property and sold it to PHD Development. Commissioner Trantalis understood that the bank purchase price was \$14,100 and the pending sale price is \$20,000. The City Manager explained PHD has a contract to sell the unit for \$20,000. Brown indicated that the property was purchased sight unseen. Commissioner Trantalis noted it was purchased for \$14,000 with a \$46,000 lien attached to it. Brown indicated that this situation exists with all of the units. Jeri Pryor with the City's Building Department advised that the \$46,000 is for this unit only. Brown said the building is under fee simple ownership and there is one line to the main. The City Manager believed that because these are condominium units and common ownership, the lien was filed against all of them in order to get compliance. He agreed to confirm this.

Vice-Mayor Roberts explained this item is being removed from consideration until the City Manager follows up.

524 SW 22 Avenue; Case 10040910

Lee Schillinger, representing Treemend LLC Corp., said Treemend purchased this home in July 2012 that had been in foreclosure. Treemend received notification shortly after the purchase about the connection to the sewer line, which was resolved within a month. The lien was \$72,900. He elaborated on information Treemend received from City staff concerning a lien reduction program. The City Manager explained that until the October 1 meeting, there was a published matrix to guide his WaterWorks settlement recommendations to the Commission. The Commission determined October 1 that the matter needed to be revisited and that there should not be maximums based on length of time. His recommendations today reflect that Commission direction. However, today's speakers are referring to that matrix.

Schillinger advised that his clients received notice on October 28 about an increase in the settlement amount to \$9,120. His clients were told that it would be approved today unless they came forward at the meeting with an objection. He referenced a newspaper article that said properties would be capped at 5 percent of the just market value which would be \$2,750 in this instance. The City Manager explained that article was about code enforcement liens tied to abandoned vehicles, for example, not WaterWorks liens tied to the sanitary sewer system. The particular program expired on September 30.

The City Manager explained that companies are purchasing foreclosed property sight unseen for investment purposes with all of their encumbrances. This property looks horrendous.

Commissioner Rogers felt the Commission needs to know all code citation information.

Mayor Seiler noted that this property was recently purchased and Treemend is trying to bring it into compliance. He is more concerned about the properties such as the one that remained in disrepair for five years.

There was consensus for the City Manager to meet with Schillinger and return with a recommendation. In the case of properties left in disrepair for years, Mayor Seiler felt the Commission needs to review the docket to determine what has caused the delays.

There was consensus to proceed with the recommended lien settlement for 3041 SW 22 Court.

Commissioner Rogers reiterated that he would like all relevant information to determine whether there have been other lien issues with the properties. Mayor Seiler commented that he would like a system in place to manage the process if the Commission disagrees with the City Manager's recommendation. There was consensus that the Commission does not want a one-year cap. After a discussion on such a system, the City Manager indicated his preference would be handling on a case-by-case basis. With a formula solution, he felt the City ends up with the short end of the stick. However, the parameters need to be decided upon in the beginning in order to know what would be acceptable to the Commission.

The City Manager said he would bring back a recommendation and negotiate with the three noted properties brought forward in this agenda item in the interim.

CONFERENCE REPORTS

CF-1 13-1455 CENTRAL BEACH MASTER PLAN PROJECTS

The City Manager advised that as a result of the joint workshop, the Commission requested monthly status reports and this is the first one.

Mayor Seiler opened the floor for public comment.

Abby Laughlin, representing Central Beach Alliance, was concerned about discussion in the agenda backup with respect to abbreviating public participation. Mayor Seiler agreed.

Laughlin inquired about whether the space vacated by the International Swimming Hall of Fame Museum could be used for a community center. This redevelopment plan for the beach will never come to fruition if the matter of lighting and sea turtles is not addressed.

Jack Newton, a member of the Marine Advisory Board, said he was concerned that advisory board members had to pay for diagrams relating to the marina expansion idea because the City refused to pay for them. No one from City staff was aware of this matter. Mayor Seiler went on to comment that the board is well supported by City staff. During further discussion, Newton advised that the diagrams were provided to him by the Board's chairman. The City Attorney advised that anything that has come or likely to come before the board should be discussed at an open and advertised meeting. Newton indicated that he is new to the Marine Advisory Board and has not served on any advisory board in the past. Although Newton indicated that he received information concerning Florida's Sunshine law, Commissioner DuBose wanted to make sure that new members are given some initial training. The City Clerk indicated that orientation of new members has been the responsibility of the staff liaison and the assigned attorney. The City Attorney agreed to work with the City Clerk with respect to new member orientation. Mayor Seiler indicated he has never seen the diagram. Newton said it has not been blessed by the Board. Because of what appears to have happened, either Newton or the chairman would have to recuse himself from future discussion of it.

Newton understood that City staff has devoted many hours to designing parking decks for the marina at the foot of the bridge. The City Manager noted that staff has done nothing more than what has been displayed at Beach Redevelopment Advisory Board meetings. The City is negotiating a contract with a private company for design work. He elaborated on how design work is defined. The City hired EDSA in conjunction with Kimley-Horn and Associates and is now in the process of negotiating task orders but no one has started work on design. Newton expressed concern that a feasibility study on the parking decks has not been conducted. The City Manager clarified that is one of the first tasks to be done. Mayor Seiler noted that the Commission consensus was that the parking decks are needed there. He acknowledged Newton's opposition to the location of the proposed parking decks but many other beach residents support that location. The idea is to get people out of their vehicles as soon as they cross the bridge. He believed that is the best location. Newton suggested a cost-benefit analysis be conducted first. His personal analysis shows this project would put the City more than \$500,000 per year in debt. In response to Mayor Seiler, the City Manager advised that costs will be analyzed. There is a component of the parking that will need to be subsidized. He elaborated on the Community Redevelopment Agency's role.

Art Seitz, 1905 North Atlantic Boulevard, agreed with Mayor Seiler with respect to the need for parking on the beach. Whatever is on either side of the Las Olas Bridge should be expandable and take advantage of the rooftop. He referenced development that is occurring in Miami and Sasaki's part in those plans. Fort Lauderdale has 30.5 acres from Bahia Mar north to the Las Olas Bridge. This land should have a comprehensive plan and be well thought out. He supports the involvement of EDSA but said the Commission is handicapping them by imposing restrictions on things like height. It is shameful that the City is not taking advantage of the Intracoastal Waterway. He pointed out that 60 percent of the people who responded to the visioning survey said their No. 1 priority was promenades and bike paths. He criticized the City's spending on the International Swimming Hall of Fame component of the Aquatic Center. He was concerned about plans for the A1A greenway. He noted that Virgin Atlantic Skyways is building a gondola from Miami to Miami Beach and suggested inquiring about a gondola system from Fort Lauderdale's downtown to the beach in exchange for naming rights.

There was no one else wishing to speak.

Commissioner Rogers referred to the joint workshop summary provided as Exhibit 1 to this Commission Agenda Memorandum with regard to eliminating Channel Square. He felt this is a very important area. Mayor Seiler questioned what could be done on the site that would impact the beach. Commissioner Rogers suggested bicycle rentals and a water taxi stop are examples. Mayor Seiler felt the property across the street raised by Vice Mayor Roberts should be turned over for private development. Vice-Mayor Roberts saw the location as an ugly duckling and wanted it to be fixed up. Commissioner Rogers wanted input from EDSA. In terms of impact, Mayor Seiler preferred to devote funding to expand D.C. Alexander Park. The City Manager clarified that the original plan for Channel Square contemplated a 30,000-square-foot building but he could not come back to the Commission without a use. The City would be in the position of looking for a tenant. A plan will be sketched out because something will happen, but constructing a building is no longer contemplated. There was consensus agreement as clarified by the City Manager.

Vice-Mayor Roberts stressed walkability needs to be maximized and there was consensus on this point.

BUS-2 13-1466 PERFORMANCE REVIEW AND MERIT ADJUSTMENTS FOR CHARTER OFFICERS

Mayor Seiler said he does not believe it is appropriate to evaluate the City Attorney since she was a recent hire. He would also like to defer the City Clerk's evaluation until the pending report is completed.

He is prepared to proceed with evaluating the City Manager and City Auditor. Commissioner DuBose thought this topic was planned for November 19. Also, he preferred to conduct all of the evaluations together once the City Attorney is in the cycle and to make this an annual practice regardless of whether there is a pending issue. Vice-Mayor Roberts indicated he would not object to waiting, but could move forward with the City Manager and City Auditor today as well. Mayor Seiler felt the City Clerk has made a lot of progress, but it is not fair to delay the other charter officers. Commissioner DuBose preferred to wait for the City Clerk's report to be complete before proceeding so that that she could be evaluated as well. In response to Vice-Mayor Roberts, the City Attorney advised that the report could be available for the November 19 meeting.

In response to Commissioner Trantalis, Mayor Seiler reviewed the nature of evaluations during the economic downturn. Commissioner DuBose noted that reviews were conducted last year for the City Clerk and City Auditor but not the City Manager because he was in the same position as the City Attorney is now. He reiterated his preference for one time table for all charter officers. It was pointed out that the City Manager has now been onboard 2 ½ years without a review.

Mayor Seiler encouraged the charter officers to meet with all members of the Commission before November 19. Commissioner DuBose explained that with the process now being decided for November 19, he will meet with them. In response to Commissioner Trantalis' question on the effective date for any potential salary increase and the funding source, Mayor Seiler felt this is something the Commission should discuss and include in the one-on-one meetings. His preference would be anniversary date. Mayor Seiler asked that the report from the City Attorney be released in time for the City Clerk to meet with the Commission individually before November 19.

BOARDS AND COMMITTEES

BD-1 13-1421 COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending October 31, 2013

Economic Development Advisory Board

Motion made by Mr. Motwani and seconded by Mr. Crush to request the City Commission authorize staff to look at alternative uses for the Lockhart Stadium property. This request is in light of the recent local and national economic changes, the dynamics at the Fort Lauderdale Executive Airport and uncertainty about the proposed recreational use for the Lockhart Stadium.

Motion amended by Ms. O'Grady and seconded by Mr. Crush to also state that any new development does not restrict or impede the airport's ability to further expand its runway. Motion passed unanimously.

After considering the Economic Development Advisory Board meeting minutes above, Mayor Seiler wanted to wait for a final determination on the Schlitterbahn proposed development. The City Manager advised that this is tentatively scheduled for the December 3 conference. Mayor Seiler asked that this be communicated to the Board.

Historic Preservation Board

By consensus, the Board agreed to request that the Commission read through these minutes to review the Board's recommendations and their concerns about the postponement of the Historic Preservation Ordinance Workshop that had been scheduled for October 22, 2013.

After considering the Historic Preservation Board meeting minutes above, Commissioner Rogers noted the Board's concern about postponement of the joint workshop with the Commission. He recalled that as a result of a request from Molly Hughes, the workshop had been delayed. He had thought that more time was being requested. Some discussion ensued as to how they reached the decision to defer the workshop. There was consensus agreement to reschedule the workshop and the City Clerk would work with the Commission Assistant Coordinator on an acceptable date.

Police and Firefighters' Pension Board

The Board wished to inform the City Commission that they had received the IRS determination letter. The Board wished to inform the City Commission that they had hired Lazard Asset Management for infrastructure investments. The Board wished to inform the City Commission that they had received the Public Pension Coordinating Council award for Funding and Administration for 2013.

After considering the Police and Firefighters' Pension Board meeting minutes above, the City Manager reported in response to Mayor Seiler that the pension obligation bonds are performing higher than the actuarial rate of return.

Sustainability Advisory Board

The Sustainability Advisory Board (Board) has reviewed City Ordinance C-12-24 (Ordinance), to amend the Unified Land Development Regulations of the City of Fort Lauderdale, Florida, permitting urban farms and community gardens by creating Section 47-18.41, Urban Farms and Community Gardens. The Board has come to consensus about recommendations to improve and streamline the current Ordinance.

The SAB requests that staff be assigned to work directly with Board members on the ordinance language necessary for these revisions. The SAB's goal is to have a revised draft ordinance presented before the Commission by the end of the calendar year. Aligning with the City's recent "Most Outstanding Green Government" Gala Verde award from the South Florida Chapter of the United States Green Building Council (USGBC), refining the Ordinance will serve to underscore and enhance the City's continued commitment to sustainability.

After considering the Sustainability Advisory Board meeting minutes above, Commissioner Rogers said he spoke to board member Vicki Eckels who said the board is having difficulty drafting the ordinance. It mainly has to do with hens for egg production. He had suggested the board provide a report indicating the problems so the Commission could decide on the next steps. He does not want to ask them to rewrite the ordinance, but Eckels preferred to move forward without delay. Commissioner Rogers wanted more details. Commissioner DuBose said he heard from Eckels that there appears to be an issue with the permitting process. Two permit applications have been submitted but only one has been approved. Both Vice-Mayor Roberts and Mayor Seiler had received the same communication. Commissioner DuBose believed the Commission had all the right intentions when the ordinance was put in place. If there is something to help the process, he would be open to it. Vice-Mayor Roberts pointed out that this ordinance change could have an impact on neighborhoods. The neighborhood associations need to be an integral part of whatever is done.

The City Manager noted that the community gardens portion was approved. Staff is working with South Middle River Homeowners Association on a permit application and he was not aware of any others. Commission direction had been to only proceed with community gardens. There are a lot of current initiatives. If the Commission wishes to proceed with an ordinance for hens, there will have to be a sacrifice of something in the pipeline. Commissioner DuBose questioned how much time could be

anticipated. Vice-Mayor Roberts wanted to postpone this and stay focused on the priorities set by the Commission. Commissioner Rogers returned to the communication language to reiterate that he believed boards should provide a report or their minutes, stating what they think. The Commission’s role is to consider it from the viewpoint of the entire city. The evaluation should not take place until the report has been finalized. The process is important. Vice-Mayor Roberts emphasized that it will take staff time to reconcile the differences.

Assistant City Manager Susanne Torriente pointed out that the staff liaison will draft the report which will be time-consuming. Greg Brewton, Director of Sustainable Development, elaborated on the extensive amount of time staff spent with the Planned Unit Development Zoning District Advisory Committee. Commissioner Rogers reiterated that he would like a report on what is wrong with the ordinance before proceeding to rewrite it. All of the boards should function in that fashion.

Mayor Seiler requested the staff liaison clarify what in the ordinance is not working. Commissioner Rogers felt it could be articulated in the minutes for the Commission’s review.

Planning and Zoning Board

Motion made by Vice Chair Hansen, seconded by Ms. Tuggle, that the Planning and Zoning Board recommends that the City undertake a multimodal transportation study of 17 Street and its surrounding areas. In a voice vote, the motion passed unanimously.

After considering the Planning and Zoning Board meeting minutes above, Commissioner Rogers felt the board is trying to be proactive in terms of all of the forms of transportation that exist and discussion of adding The Wave streetcar to the area. In response to a question from Commissioner DuBose, the City Manager believed that the County’s master plan study for the Convention Center covers this area. Commissioner Rogers was concerned about pedestrian safety on 17 Street and suggested the pedestrian component of the study be elevated to all of 17 Street.

BD-2 13-1422 BOARD AND COMMITTEE VACANCIES

The City Clerk announced that the Marriott Ownership Resorts (Beach Place Tower) has submitted Jill Munas to serve on the Beach Business Improvement District Committee. Appointment was deferred until the application has been received.

In response to Mayor Seiler, Al Battle, Economic and Community Reinvestment Manager, elaborated on the scope of the Enterprise Development Zone Development Agency. Mayor Seiler wanted to defer some of the appointments to the Economic Development Board and one appointment to Enterprise Zone 1 until he could speak to the applicants.

- Aviation Jeffrey M. Fauer (Commissioner DuBose)
- Beach Redevelopment Bradley Deckelbaum (Commissioner DuBose)
- Citizens Police Review Marc Dickerson (Mayor Seiler)
Roosevelt Walters (Commissioner DuBose)
Maxine Streeter (Commissioner Rogers)
- Community Appearance Kelly Blume (Mayor Seiler)
Marni Canavan (Mayor Seiler)
Tom Catalino (Mayor Seiler)

	Thomas Yianilos (Mayor Seiler) Kathryn Glenewinkel (Commissioner Rogers) Barbra Stern (Commissioner Rogers)
Downtown Development Authority	John Ropes (Consensus/Vice-Mayor Roberts) Tim Petrillo (Consensus/Vice-Mayor Roberts)
Economic Development	Denyse J. O'Grady (Mayor Seiler)
Insurance	Steve Botkin (Consensus/Mayor Seiler) James E. Drake (Consensus/Mayor Seiler) Charles J. Grimsley (Consensus/Mayor Seiler) Ted Hess Sr. (Consensus/Mayor Seiler)
Marine	Zane R. Brisson (DuBose) Herb Ressins (DuBose)
Parks, Recreation and Beaches	Colette Keno (Mayor Seiler)
Police and Firefighters Retirement	Jeffrey Cameron (Consensus/Mayor Seiler)
Sustainability Advisory	Mate Thitisawat (Consensus/Mayor Seiler) Valerie J. Amor (Mayor Seiler) Daniel Ayers (Mayor Seiler) Jim Moyer (Commissioner DuBose) Cheryl G. Whitfield (Commissioner DuBose) Darin Lentner (Commissioner Rogers)

Please see regular meeting item R-2.

CITY MANAGER REPORTS

The City Manager reminded the Commission that he understands from today's discussion that a workshop on homelessness should be scheduled. There also are pending workshops for historic preservation ordinance and affordable housing. A general discussion ensued concerning the scheduling. Commissioner DuBose indicated that based on what may be occurring at the County level including the Planning Council and possibly the Broward League of Cities, it may be necessary to move the affordable housing workshop forward so that the City could weigh in. Mayor Seiler preferred to hold the historic preservation workshop first because of the misunderstanding discussed earlier today. If something occurs with respect to affordable housing, it could be brought to the Commission's attention at a conference meeting. Mayor Seiler asked the City Manager to have staff look into what is occurring at the County level with respect to affordable housing and provide a report for the December 3 conference meeting. In the interim, he wanted to schedule a joint workshop with the Historic Preservation Board in early December or as soon as possible. He suggested the homeless issue be set in January. The City Manager noted later that because the affordable housing issue is moving forward quickly at the County level and will have an impact on the City's downtown unit request, it may be added to the November 19 agenda.

There was consensus to look into whether a joint workshop with the Historic Preservation Board at 7 p.m. on January 6 would be possible. Commissioner DuBose said he may have some difficulty with this timeline.

The City Attorney requested a future executive closed door session be held to discuss the matter of *The City of Fort Lauderdale vs. Hezzekiah Scott et. al.* for November 19. She later agreed that Mayor Seiler's suggestion of December 3, because of the number of items on the November 19 agenda, would be acceptable. There was consensus agreement.

There being no other business to come before the Commission, the meeting adjourned at 5:12 p.m.