

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, October 1, 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 1:34 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 4 – Mayor John P. “Jack” Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Romney Rogers

Absent: 1 – Commissioner Bobby B. DuBose (arrived momentarily)

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph and City Attorney Cynthia A. Everett

CITY COMMISSION REPORTS

Events and Matters of Interest Including North Beach

Members of the Commission announced recent and upcoming events and matters of interest. In response to Commissioner Trantalis reporting on plans to convene a charrette for North Beach Residential Area, Mayor Seiler brought attention to the fact that there is another area in District I that is working to brand itself as North Beach. Commissioner Trantalis agreed to discuss another name as a topic at the charrette.

6 Street; Street Name Addition of Sistrunk Boulevard to Federal Highway

Commissioner Trantalis said he attended the District III meeting yesterday where the focus was extending the name of Dr. Sistrunk on 6 Street to Federal Highway. This has become a civil rights issue. There is a sense that denying such a street name addition is a continuation of discrimination. He did not think the people of Flagler Village want to argue against civil rights. The feeling at the meeting was that there is much to continue in the effort to end discrimination. He raised the issue of people associating the name of Sistrunk with prostitution, drug dealing and so forth. The people at the meeting want to move forward from that thinking. He believed a lot of the criminal activity has been cleaned up. The question is whether this is an appropriate time to consider the matter. He had thought it was a branding issue. He deferred to Commissioner DuBose. Mayor Seiler agreed it is much bigger than a branding issue. He elaborated upon the significance of Dr. Sistrunk. He wanted there to be proper notice before it is addressed by the Commission formally.

During District III Commission Reports, Commissioner DuBose gave some insight about the change of tone during the District III meeting, explaining that shortly after discussion about perceived offensive blog comments by Charles King, Commissioner Trantalis arrived with Mr. King. He also commented on recent things that have happened on the national level having to do with race. Some people thought that Commissioner Trantalis was echoing the comments of Mr. King. He requested that the renaming be placed on the October 15 agenda. Commissioner Trantalis wanted the Commission to hold a public hearing and vote. Mayor Seiler said there are conflicting documents on the procedure. He requested the City Attorney provide an opinion on the procedure for naming streets. Commissioner DuBose wanted information included on when the street was originally named and those boundaries. Mayor Seiler did not believe it is feasible to consider the item as early as October 15; however, Commissioner DuBose indicated he would like it to be scheduled for October 15. Both Mayor Seiler and Vice-Mayor Roberts did not want the item scheduled for a date and then removed from the agenda or not decided. Vice-Mayor Roberts also wanted to know the City's practice since the last legislation on this topic. Commissioner DuBose felt staff could be prepared by October 15. Mayor Seiler did not want to

advertise the topic more than once or bring people out on two occasions. He did not think the item could be ready for October 15; however Commissioner DuBose disagreed and wanted it scheduled for October 15.

Awards to Housing Authority; Code Enforcement; Crime

Vice-Mayor Roberts requested the City Manager provide a report on the recent awards received by the Housing Authority as well as an update on code enforcement in District I. He also requested an update on crime fighting plan of higher visibility along Sistrunk Boulevard, the beach, downtown and Riverwalk.

Juvenile Crime

Mayor Seiler asked the City Manager to provide an update on juvenile crime statistics. He wanted to consult with the Department of Juvenile Justice.

South Florida Bike Club

Commissioner Rogers commented on the South Florida Bike Club's Wednesday evening event composed of some 500 bicyclists on A1A. He felt there needs to be some policing of such a large group. The City Manager advised that there have been discussions in the past. It has been suggested the club use City law enforcement, but there is an unwillingness to pay for it. Commissioner Rogers was concerned about safety.

Historic Preservation Ordinance Re-Write; Joint Workshop with Historic Preservation Board

Commissioner Rogers indicated that Molly Hughes, a resident of Sailboat Bend, requested the Commission's upcoming joint workshop with the Historic Preservation Board be delayed because Sailboat Bend Homeowners Association would like to vote on it. She feels many of the disagreement points could be resolved. In response to Mayor Seiler, Anthony Fajardo, Sustainable Development, indicated there are three Sailboat Bend residents on the Board. He does not know if anyone has seen Ms. Hughes' request. Comments have just been received from the work group. There was consensus agreement to postpone the upcoming joint workshop on October 22.

Molly; New Synthetic Drug

Commissioner Rogers requested a status report on this item.

Anti-human Trafficking

Commissioner DuBose noted the Attorney General's statewide campaign on this topic and asked the City do whatever possible on the municipal level. He specifically mentioned potential opportunities through code enforcement or partnerships with the State.

OLD/NEW BUSINESS

BUS-2 13-1343

SIDEWALK CAFE AND OUTDOOR DINING

Mayor Seiler said the City's ordinance prohibits obstruction of any part of the sidewalk but the City is trying to create outdoor vibrancy and there may be cases where there is ample space. Commissioner Trantalis agreed. Vice-Mayor Roberts supported the concept, but also wanted something that protects the interests of the public and use of the sidewalk. He would like the ordinance to make it simple and

clear-cut to accomplish. Commissioner Rogers agreed with the comments thus far. He raised challenges with providing for a temporary use. There are currently enforcement issues with sidewalk dining. The City Manager said the concern with a request is that it involves outdoor seating on an elevated platform, restricted from pedestrian access. While there are ordinances on the books, the City may have practiced inconsistent enforcement. The goal of activating sidewalks is clear. The issue is whether a code change is needed or whether it needs to be interpreted differently. The City Attorney cautioned against different interpretations of the code. The current code is clear. The right of public use should be preserved. Currently sidewalk cafes are permitted. Exceptions should not be carved out. She wanted direction as to whether a code amendment should be drafted.

Commissioner Trantalis mentioned some venues that have sidewalk dining areas that are cordoned off to foot traffic. Vice-Mayor Roberts asked about an ordinance provision that allows the Commission to grant authorization and Assistant City Attorney Bob Dunckel noted that there are limitations. He explained technicalities of the topic. Discussion ensued about existing cases.

Courtney Crush of Crush Law, representing Grille 401, explained that Grille 401 has outdoor dining and has applied for a revocable license to place a structure on the sidewalk. The property is owned by J.P. Morgan. She does not see any inconsistencies with this in the City Attorney's memorandum (Exhibit 1 of Commission Agenda Memorandum 13-1343). Chapter 25 of the City's Code speaks about sidewalks and provides limitations. She drew attention to Section 25-7(a) where the Commission may grant express consent and permission for a structure to be built (see excerpt provided by Ms. Crush which is attached to these minutes). This provision was enacted in 1953. She commented that the City may choose to have specific instances with specific parameters where the level of review is different. The City is not entitled to transfer something with a sidewalk easement to a property owner, but this is about a license and the Commission has granted licenses. In the case of Grille 401, after placement of the 2-foot, 4-inch deck, there would still be more than 8 ½ feet of sidewalk remaining. She believed this is something the City is interested in encouraging.

Dunckel elaborated on the history of this topic. He recommended that the fee-simple title be transferred to the City so the underlying trusts or provisions of the sidewalk café ordinance are not violated. This case would immediately violate several provisions of the sidewalk café ordinance. The analysis of this matter does not start and end by looking at one or two ordinances. The entire spectrum must be analyzed. He provided more detail about the Grille 401 case for Commissioner Rogers. Commissioner Rogers felt if the need for safe travel by the public has been met, then there is surplus space. He agreed that such matters should be considered on a case-by case-basis. He felt the Grille 401 request is feasible. Vice-Mayor Roberts agreed.

Crush advised that this request is for the southern portion of the existing sidewalk and roadway easement. Grille 401 is open to deciding on an appropriate term. Dunckel said the idea of having a revocable license that lasts for a term which is then renewed is much more in keeping with the body of law that he has followed historically. There was no objection to moving forward on this basis.

BUS-1 13-1084 DIXIE HIGHWAY UPDATE

The City Manager highlighted information in Commission Agenda Memorandum 13-1084. The portion of improvements to Dixie Highway to accomplish a bike path that are not included in the State's funding through Broward Metropolitan Planning Organization of \$2.3 million has to do with traffic calming, landscape, irrigation, electric and lighting. There is a concern in the community that some improvements would be forthcoming at a later time based on availability of funding. The State has agreed to design the traffic-calming improvements if the City will be responsible for installation. Cost estimates for installation range from \$500,000 to \$900,000. An alternative approach would be for the

State to do design work without the traffic calming component. Under this approach, the City could proceed separately with traffic calming design and with a second project after the first is complete dependent on availability of funds. The cost for the City to complete the design work would be about \$80,000. There is \$85,000 of Neighborhood Capital Improvement Program (NCIP) funding appropriated for the Middle River Terrace neighborhood that could be used for the design.

Greg Stuart, representing Broward Metropolitan Planning Organization (MPO), explained that the MPO could include design for the traffic calming in the total project. However if the City cannot proceed with the project, the MPO would be forced to select another project and it may not be in Fort Lauderdale. The City Manager clarified that the MPO will pay for the design if the City pays for the capital. Stuart noted that Wilton Manors and Oakland Park are proceeding with their parts of this project and traffic calming features and enhancements being added by Wilton Manors. Commissioner Trantalis pointed out that if the City commits to the project, the NCIP funding of \$85,000 could be used to reduce the capital cost.

Vice Mayor Roberts asked about the project estimate. The City Manager said an estimate from the City's consultant, Chen-Moore & Associates, minus landscape, irrigation, lighting and electric comes to about \$580,000 for traffic calming. About \$80,000 of that amount is for design. The State's program (Long Reach Estimating) estimated \$900,000, but it includes rather high contingencies. Without those contingencies, the estimate is about \$725,000. In the future the City could apply for a transportation enhancement grant but there is no guarantee it will be awarded. The State will not move forward with the project until there is a firm financial commitment from the City. Mr. Stuart explained for Commissioner DuBose that the grant process is some period of time into the future while this project is close at hand. Commissioner Rogers pointed out the substance of the project without the traffic calming features. Stuart saw the traffic calming as a necessity. Commissioner Trantalis noted the travel lane width will be reduced. He felt traffic calming features are needed because vehicles could swerve into the bike lanes and put bicyclists at risk. In response to Commissioner Rogers, the City Manager explained that the State will not move forward until there is a firm commitment.

Commissioner Trantalis noted that two developers in this area have voiced agreement to him to participate financially toward the traffic calming obligation. He did not think it is unrealistic to anticipate a reduction of as much as \$200,000. The City Manager noted that speculative dollars cannot be used in the commitment. General fund dollars would need to be used. Commissioner Rogers agreed. Discussion turned to timing. The City Manager noted that construction is slated to begin in 2016, so funding should be identified in the fiscal year 2015 budget. Stuart said the Florida Department of Transportation (FDOT) would like to begin design in July 2014. Mayor Seiler emphasized the previously established commitment to maintain the general fund reserve at about \$53 million to \$54 million. In response to a question from Mayor Seiler, the City Auditor pointed out that everything in the budget is an estimate therefore the estimate should be reasonable and rational. The City Manager clarified for Vice-Mayor Roberts that FDOT does not require a dollar amount, but rather simply a commitment. Vice-Mayor Roberts said he does not want this project to preclude the City from proceeding with other projects it has previously committed to. In response to Commissioner Rogers, the City Auditor explained how such a multi-year commitment is handled from a budgeting perspective. Stuart noted that recent construction estimates have been higher than the actual costs. If there is a surplus, he committed to those dollars coming back to the City. There was consensus approval.

Mayor Seiler opened the floor for public comment.

Steve Stahl, a member of Middle River Terrace Neighborhood Association, understood that truck traffic may be banned on Dixie Highway and he did not see how that would be possible with area businesses. He suggested the roadway be limited to local access. He elaborated on the pedestrian and bicycle

traffic hazards. The roadway needs to be brought up to the 21st century.

Laura Croscenco, member of Middle River Terrace Neighborhood Association, noted that next year will be the 100-year anniversary of Dixie Highway. It is frustrating that after 100 years, the City is still debating whether to build sidewalks when children have to walk along the highway to go to school.

Charles King, 105 North Victoria Park Road, believed this is a branding issue. The City should bring all neighborhoods and areas up to a certain level. He supported this item and the associated expenditure of funds.

There was no one else wishing to speak.

There was consensus approval.

CONFERENCE REPORTS

CF-1 13-1340 PUBLIC MEETINGS; REASONABLE OPPORTUNITY TO BE HEARD

The City Attorney suggested and there was agreement that she would present proposed legislation to codify the current practice for public comment at Commission meetings. Advisory boards and committees should do the same.

Commissioner Rogers noted this was discussed at his district meeting. The suggestion was raised to give neighborhood association presidents more time when there are other members of the association present who would forfeit their time. During the discussion, Mayor Seiler clarified that more time is afforded to association presidents when they are speaking in their capacity as president of an association with an official position. The City Attorney confirmed there is nothing in current practice that differs with Senate Bill 50. Assistant City Attorney D'Wayne Spence indicated that the bill provides that there is a presumption that the City complies with the bill if a policy is adopted.

Commissioner Trantalis asked about protection against being sued when a neighborhood association president speaks publicly on an issue. The City Attorney did not believe this legislation would provide protection. It is a different topic.

Mayor Seiler asked that the proposal be added to a future agenda for a conference meeting.

CF-2 13-1244 PROPOSED LIEN SETTLEMENTS (SPECIAL MAGISTRATE & CODE ENFORCEMENT BOARD CASES)

With respect to Case CE10121995, Commissioner Trantalis said he is concerned that the City allowed a bank to hold onto a property for more than two years, over which time the lien accrued. Other members of the Commission felt the WaterWorks 2011 sewer connection-related liens do not impose a negative quality of life issue on residents. Mayor Seiler pointed out in this case there is no knowledge that the house was occupied and moreover there were no complaints. Commissioner Trantalis was concerned about environmental impact to the ground. Commissioner Trantalis did not think the City should be so generous in reduction of the lien. The City Manager confirmed for Commissioner DuBose that this case is in compliance with existing policy. He went on to mention that the policy provides for a 12-month period and is capped at that point. The Settlement Matrix (Exhibit 1 of Commission Agenda Memorandum 13-1244) could be extended beyond one year. The City Attorney suggested general parameters or guidelines as opposed to distinguishing between owner- and non-owner-occupied

properties. Commissioner DuBose would like a review of the policy to take into account situations other than non-owner occupied. Mayor Seiler did not recall the Commission considering the one-year cap reflected in the matrix. He suggested a penalty of \$3,440 that would be in keeping with the matrix and taking into consideration the period of time that extended beyond one year. There was consensus to defer this case.

BUS-3 13-1254 BUDGET, COMMUNITY INVESTMENT PLAN AND GRANTS
DIVISION - INFORMATIONAL PRESENTATION

Budget Manager Emilie Smith, presented slides concerning this matter. A copy of the slides is attached to these minutes.

In response to Commissioner DuBose, Smith said there are no new Information Technology projects on the horizon but they continue to refine existing processes. Commissioner DuBose said there may be an opportunity to improve transparency by allowing residents to be more engaged in the process. The City Manager said the City is transitioning a web portal that was used during the visioning process to allow people to submit general ideas. In response to a question from Commissioner Rogers, Smith reviewed the forecasting tools staff uses. Commissioner Rogers said in review of the State Auditor's demographic information, it showed the uniqueness of Fort Lauderdale. He thought such information might be helpful in budgeting.

The City Manager made brief concluding remarks.

BOARDS AND COMMITTEES

BD-1 13-1309 MINUTES CIRCULATED - period ending September 26, 2013

No discussion.

BD-2 13-1310 BOARD AND COMMITTEE VACANCIES

Please refer to item R-2 in the regular meeting.

CITY MANAGER REPORTS

No discussion.

EXECUTIVE CLOSED DOOR SESSION

13-1363 THE CITY COMMISSION SHALL MEET PRIVATELY PURSUANT TO
FLORIDA STATUTES 768.28(16) CONCERNING:

Christopher Chen v. City of Fort Lauderdale (File GL 12-634)

The City Commission convened the Executive Closed Door Session at 4:36 p.m. and adjourned at the end of the session.