

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, March 17, 2015

1:30 PM

City Commission Conference Room

City Commission Conference 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
ROBERT L. McKINZIE 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 1:37 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 Robert L. McKinzie

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 Edgar Cruz

No public comments were submitted by email for this meeting.

CITY COMMISSION REPORTS

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest including a way for the City to recoup expenses in addressing code enforcement/nuisance issues with residences initiated by Commissioner Roberts and a property in the Landings. Commissioner Trantalis asked the City Attorney what is available to the City to recoup and what is its standing. Assistant City Attorney Rhonda Hasan advised that the property is in foreclosure with City Mortgage and the City is a named defendant. It is a little complicated in that the original foreclosure action was against individuals who are not the current title holder, Triple Investments which does not exist in Florida. The principal of Triple has a history of mortgage fraud. As to the collapsing seawall and dock, it is outside of the chain of title and would not be foreclosed upon in the foreclosure action. The City would probably get better recovery upon a title transfer because Triple may have no assets. She confirmed that the ultimate purchaser would be subject to this and there is no homestead impediment.

There was also discussion about turtle compliant lighting.

Security Cameras on Riverwalk

Vice-Mayor Rogers suggested security cameras be installed along the Riverwalk. There was consensus agreement by other members of the Commission. The City Manager expanded on the infrastructure needed to support the signal, etc. He believed it is currently out for bid. In response to Commissioner Roberts, the City Manager advised that there is a way to convert lot clearing and board-up liens to special assessment liens and add them to the property tax bill. Commissioner Roberts wanted to investigate such a process and asked it be scheduled on a future agenda. Mayor Seiler concurred.

Traffic Congestion on the Beach; Special Event Scheduling and New Development

Commissioner Trantalis discussed traffic congestion on the beach when special events are held past a certain hour in the day. Mayor Seiler agreed; he felt that hour is about 10 a.m.

Commissioner Trantalis raised and a general discussion ensued about new development and traffic pattern planning and the corridors that lead to A1A. There was also discussion about parking and potential locations for parking garages and public parking and trolley system for beach goers.

Melrose Park

Commissioner McKinzie wanted to look into providing lighting for this neighborhood and determining clearly the position of the neighborhood in that it was previously against lighting.

Landscape Maintenance in Swale

Commissioner McKinzie reported a concern about maintenance of landscaping in the swale expressed by a former homeowner association president, Mr. Russell.

Community Redevelopment Agency Director

Commissioner McKinzie brought attention to the need for this position to be filled.

Summer Recess

Mayor Seiler suggested the second meeting in July and first meeting in August as well as the potential for any meetings between July 15 and August 15.

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CONFERENCE REPORTS

CF-1 15-0232 Proposed Lien Settlements (Special Magistrate & Code Enforcement Board Cases)

No discussion.

CF-2 15-0350 Comprehensive Annual Financial Report - Fiscal Year Ending September 30, 2014

Aazan St. Rose of Crowe Horwath LLP, City's independent auditors, highlighted their scope of assignment. Michelle Blackstock of Crowe Horwath LLP highlighted the Management's Discussion and Analysis section and results. In response to Commissioner Trantalis, the City Manager advised that the goal is to maintain a 20 to 25 percent fund balance. The City Auditor advised that the City was required to make two payments to the Police and Fire Pension Plan which was not anticipated. The State expects to see a contribution for every plan reporting year but there was not one for a nine-month period when the Police and Fire Pension changed their year format. Consequently the plan's annual report to the State was rejected. Their auditors recommended a receivable be recorded from the City. The City had a pre-payment in anticipation of using it for the subsequent fiscal year. More cash did not have to be paid, but it impacted the fund balance. The City does have to catch up with that payment and effectively make two payments. The payment will be in the neighborhood of about \$10 million which has effectively already been covered because it is restatement of a prior period. The results being shown today reflect the action taken in 2014. What is shown in the ending unassigned fund balance is the cumulative aggregation of the restatement of last year's activity and today's status. The City Manager noted the fund balance would have been greater than 20 percent. Mayor Seiler also noted that it is still above the minimum. The City Auditor indicated that more of the pension liability was paid down. Now that the City and the Pension Plan are both on a fiscal year and the City makes its payment in October, there will be no interest charge for the nine months (differential). There was some miscommunication amongst the Pension Plan's Board of Trustees, the actuary and City staff. The \$10 million payment will be submitted for ratification by the Commission. There will also be an item relating to a FEMA payment of \$10 million, recognizing the liability which has been on the City's book. In other words money from the fund balance needs to be assigned to this purpose.

The City Auditor noted that this report was presented to the Audit Advisory Board.

CITY MANAGER REPORTS

MGR-1 15-0362 Discussion of Red Light Traffic Camera System

The City Manager highlighted a recent court case involving the City of Hollywood concerning this matter along with the *City of Fort Lauderdale v. Welsh*. Yesterday, a magistrate ordered all Fort Lauderdale citations to be automatically dismissed. He also mentioned that he temporarily suspended the program. The program improves safety. He provided an update to financial information in the Commission Agenda Memorandum 15-0362 showing a deficit. A copy of the update is attached to these minutes. He is also concerned about what happens until the courts and legislature decide how red light cameras will operate. There is a monthly expense of \$4,250 per camera to keep the program running. Mayor Seiler felt American Traffic Solutions (ATS) would relieve the City of that obligation. The City Manager indicated that ATS has consented to a two-week relief. The total cost remaining on contract is \$1,768,000. They have offered some credits to reduce it to \$1,370,000. However, the City would have to take on more work and ATS would like another one-year extension to the contract. Mayor Seiler felt it is either a matter of having an illegal contract or an impossibility of performance based on the court ruling using a system suggested by ATS. With only a two-week relief, he questioned that ATS would think they could do business with any government in the future. Commissioner Roberts believed it is the City's position that it is conforming to state statute and the magistrates may not have authority to make the rulings they did. The legality of the program is still up in play. He emphasized the positive traffic safety data statewide. He wanted to hold the program in abeyance from a legal perspective. Mayor Seiler agreed about the positive traffic safety and concerns about the authority of magistrates. He would not object to the cameras remaining in place and enforcement be stayed while the matter goes through the legal process. He felt any amounts due to the City's partners would also be held in abeyance.

The City Attorney confirmed that ATS is stepping in to represent in any legal challenges that arise and absorb the cost. The City Auditor noted if the City has to reimburse for previously paid fines, a liability would have to be recorded in the City's financial statements.

The City Manager responded to Commissioner Trantalis as to why operating expenses increased after 2012.

Mayor Seiler opened the floor for public comment.

Marc Buonicotti, representing Miami Project to Cure Paralysis, commented on the Mark Wandell Traffic Safety Program. Three dollars from every citation goes to the Miami Project to Cure Paralysis. An additional \$10 is given to trauma centers throughout the state. Red light safety cameras save lives. He advocated for the program and the benefit it provides to finding a cure for paralysis. He felt a solution can be found for the program to continue.

Charles King, 105 North Victoria Park Road, supported the program.

Orlando Torres of American Traffic Solutions (ATS), reviewed information from the Florida Legislature's Office of Program Policy Analysis & Government Accountability (OPPAGA) concerning the positive traffic safety and enforcement results of this program and discussed when cameras were removed in Collier County behavior returned back to when there were no cameras. The OPPAGA information was

made a part of the record.

Commissioner Trantalis asked about the contractual relationship. Torres explained the context in which the suggestion was made for a two-week reprieve of the billing. The City Manager explained even if a solution is developed, there is still the matter of getting court acceptance. He recommends abatement status until there is court acceptance. It will be a minimum of 90-days. Mayor Seiler indicated he would not object to extending the contract the same amount of time as any abatement. Commissioner Trantalis asked about retroactively charging people for violations during an abatement period if the City continued with taking photographs. Brad Weissman, Police Legal Advisor, advised that the statute requires the notice of violation be issued within 30 days of the violation occurring. The alleged violator then has 30 days to pay or request an administrative hearing. With no action and another 30 days passes, a uniform traffic citation is issued. The City Attorney indicated there are arguments to be made on both sides. Discussion turned to solutions. The City Manager indicated if there is going to be a financial adjustment based upon the City taking on more work under ATS's solution, it should be discussed. However, the more the cameras are running without abatement, the City is getting deeper into a hole without any result. It is problematic to go into the hole without having a program that is running. It needs to be resolved now. Torres indicated that ATS understands the urgency. The City can speak to the direct decision makers to find the right resolution.

The City Auditor indicated that the City will continue to experience more significant losses because of ongoing costs. There are involved personnel. The City Manager advised that the personnel have been reassigned within the Police Department.

Mayor Seiler felt the abatement issue should be placed on the April 7 agenda. Torres indicated the Commission's direction is clear.

The Commission recessed at 4:12 p.m. and reconvened at 4:21 p.m.

MGR-2 15-0361 Potential Land Swap - Natchez (Barefoot Contessa, LLC) for Sebastian Parking Lot (City of Fort Lauderdale)

The City Manager noted that the City has received a proposal for a land swap from the owners of the Natchez property to exchange for the City's Sebastian Parking Lot property from their representative, Stephanie Toothaker of Tripp Scott. He displayed an aerial photograph. He understood today there has been discussion about withdrawing the proposal and allowing staff to analyze the current overlay district to see if it should be expanded. If so, a text amendment would be presented. If an adjustment is made to the overlay district, they may return or other proposals might come forward. The beach master plan is being re-examined now which should be concluded in 2016. Because there is interest in terms of parking opportunities, a separate evaluation would probably be done on this piece now. No action would be taken on the Sebastian property during this process. The Community Redevelopment Agency (CRA) would not invest any money in that property.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, felt the City should purchase the Natchez property and keep the Sebastian property also, both for parking.

Commissioner Trantalis asked if the City has ever approached the Natchez property owner about an outright purchase. The City Manager advised yes, but the property owner wanted in excess of \$10 million and the appraisal was in the range of \$5 to \$5.3 million.

Erika Elisabeth, representing Seasons Condominium, was opposed to a swap. She felt the Sebastian property should be kept and the Natchez property acquired also. She was concerned about the lack of public restrooms and felt more parking should be provided for.

Lester Zalewski, 545 South Fort Lauderdale Beach Boulevard, expanded on his familiarity with the area. There is a finite amount of land on the beach. Moving public land into private hands eliminates flexibility. He urged that the additional property be acquired.

There was no one else wishing to speak.

The City Manager indicated that he will not be taking any action on the Tripp Scott letter. He would prefer it be withdrawn because there are concerns over content in the letter. Staff will be looking at expanding it a block.

OLD/NEW BUSINESS

BUS-1 15-0134 2014 Neighbor Survey Results

Amy Knowles, Structural Innovation Manager, highlighted particulars about the survey format, purpose and content. Mayor Seiler said he would be interested to know the total number of questions posed. Knowles indicated about 25 questions were removed this year, but in total the question take up seven pages. She went on to review survey priorities and results.

Mayor Seiler wanted to explore the results in more detail at the upcoming April 23 workshop. Vice-Mayor Rogers wanted to know how the answer to number of years an individual has resided in the city compares to other communities. Knowles agreed to follow up. Commissioner Roberts wanted to see more specific neighborhood data. Knowles indicated that would be possible, but the caution is that it is not statistically significant. It is qualitative data. There could potentially only be 10 people who responded.

The Commission recessed and convened as the Community Redevelopment Agency Board of Directors at 4:51 p.m. The Commission then reconvened the conference meeting with item BD-1 at 4:55 p.m.

COMMUNITY REDEVELOPMENT AGENCY MEETING

BOARDS AND COMMITTEES

BD-1 15-0280 Communications to the City Commission and minutes circulated - period ending February 26, 2015

A motion was made by Steve Buckingham and seconded by Debbie Eisinger to "encourage the City Commission and City staff to continue conversations with Flagler Village Civic Association about future plans for the former One Stop Shop parcel." In a voice vote, the motion was unanimous.

Mayor Seiler noted other nearby parks. He felt it would create a magnet for other problems in the downtown. The City has counted on this property to fill a budget hole. Commissioner Trantalis pointed out that the property was designated as open space in the downtown master plan. Open space is a proper component for a livable, breathable downtown. If the intention is to build on every square block in order to maximize income to the City, he felt there is a point of diminishing returns. Now there are a lot of parking lots and vacant land, but with a computer-generated schematic drawing, it will show there

is no open space. It is already City-owned. It has important trees on it. There are dozens of other City-owned parcels which is where the focus should be. He wanted to invite the public to speak. The master plan should be revisited. Commissioner Roberts indicated from his perspective it is valuable property, but there are many moving parts with respect to the downtown development and the property will be integral to the City in that process. Although he agrees with the master plan process, he did not believe when the plan was written, the City had any inkling of the transportation-oriented development possibilities. Mayor Seiler questioned how Feldman Park materialized. He believed it was anticipated for development and not shown on the master plan. Commissioner Trantalis explained when park bond money was available, the City looked for willing sellers and was lucky to secure the Feldman Park site and to buy as much as what was purchased because the property owner to the south refused to sell. The master plan calls for more pocket parks than these two. Feldman Park is smaller than what was anticipated. The One-Stop Shop property was always recognized as a park. Mayor Seiler felt the decision was made to develop the Feldman parcel instead of the One-Stop Shop property. Commissioner Trantalis disagreed. Vice-Mayor Rogers commented that because the City owns the property, it has some control as to how much should be greenspace. More discussion ensued about downtown parks, open space and development. Commissioner Roberts felt it is too early to decide on use of the One Stop Shop parcel. Mayor Seiler said he could envision a portion being used as open space however he would like to see it done by a private developer who could completely control the atmosphere. Commissioner McKinzie also felt the parcel is too valuable at this time to make a decision on its use. Discussion then turned to Sistrunk Park and potential activities and usage.

BD-2 15-0281 Board and Committee Vacancies

Aviation Advisory Board

John Watt (Commissioner Trantalis)

CITY COMMISSION REPORTS

Continued from Page 3.

Las Olas Marina

Commissioner Trantalis asked about limitations on use of the north parking lot in redevelopment. The City Attorney provided aerial photographs of the marina and the parking lots. Both are attached to these minutes. Assistant City Attorney Lynn Solomon advised in 1989 some of the original restrictions to the property were released and other imposed as shown in the information that is part of the aerial photograph. The legal descriptions are ancient and have never been surveyed; therefore the best guess is that it applies to both the north and south parking lots. The plat occurred in 1992. Solomon agreed with Commissioner Trantalis that any change in use of the marina or upland parking lot would have to go back to the State for approval. She went on to note that a provision of the Modified Sovereignty Land Lease that the landlord reserves the right to terminate the lease if the City sells or grants a leasehold interest in the adjacent upland property is in conflict with the Trustees of the Internal Improvement Fund restriction on the upland. In response to Vice-ayor Rogers, Solomon advised that the provision that the landlord has the right to review and modify this lease and to impose additional conditions at any time mostly relates to changes in the environmental law.

2003 Downtown Master Plan; Open Space

Please refer to previous discussion of the Agenda Item BD-1. Commissioner Trantalis provided a copy of the 2003 Downtown Master Plan pertaining to Open Space that was made a part of the record and pointed out that Feldman Park is in the plan.

There being no other matters to come before the Commission, the meeting adjourned at 5:31 p.m.