

# City of Fort Lauderdale

City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)



## Meeting Minutes - DRAFT

Tuesday, February 19, 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*  
*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*  
*HARRY A. STEWART, City Attorney*

Meeting was called to order at 1:37 p.m. by Mayor Seiler.

## ROLL CALL

**Present:** 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Bobby B. DuBose (arrived momentarily) and Commissioner Romney Rogers

**Also Present:** 5 – City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Harry A. Stewart, Sergeant At Arms Sergeant Mike Dodson

### **OB 13-0370 WALK-ON - SENATE BILL 196 - FAMILIES FIRST**

Mayor Seiler indicated that the City was asked to provide a letter of support for Senate Bill 196 for domestic partnership registration similar to what has already been implemented locally. There was no objection. The City Attorney agreed to review a letter from the City of Miami Beach on this matter provided to the Commission and draft a letter for the Mayor's signature in support of this bill.

## CONFERENCE REPORTS

### **CF-1 13-0260 QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING DECEMBER 31, 2012**

In response to Commissioner Rogers, the City Manager advised that the City's Investment Advisor has been asked to include the rate of return for the City's investments in these reports. He directed Commissioner Rogers to page 13 of Exhibit 1 to Commission Agenda Memorandum 13-0260. He provided the following annualized return information: total City operating, capital and bond reserve funds was .40 percent; the Cemetery Trust Fund and the General Employees' Retirement System was 5.72 percent; and the Police and Fire Pension was 8.75 percent.

### **CF-2 13-0178 EMERGENCY SANITARY SEWER REPAIR - Replacement of 18" Clay Pipe at NE 19 Avenue from NE 6 Court (Pump Station) to NE 7 Street.**

There was no discussion.

### **CF-3 13-0309 SOUTH SIDE SCHOOL UPDATE**

In response to Mayor Seiler, the City Manager advised that Nova Southeastern University (Nova) has indicated that a decision will be made by mid-March. He has also been talking to YMCA representatives who are very interested in the facility. Commissioner Rogers indicated that District IV constituents are frustrated because a year has passed without progress. The desire is to remediate the mold and at least install air conditioning and bathrooms.

Mayor Seiler opened the floor for public comment.

Donna Mergenhagen, 1374 SE 17 Street, thought the dream for South Side School can still be achieved however the project seems to be moving backwards. The playground is beautiful, but lacks a shade structure and, therefore, cannot be used during the summer months. The playing fields have no restroom

facilities. The initial efforts on the school house and outbuildings were positive, but there is a \$35,000 cost increase from being behind schedule. Perhaps, completion of this project is beyond the City's capability. However, other complex projects have been started and finished since the time when the South Side project was started. She thought the Eula Johnson House (Johnson House) is a comparable project that was completed by the target date. Commissioner DuBose and Mayor Seiler disagreed. They went on to point out that there was nothing preserved with the Johnson House and it does not have a historic designation. Ms. Mergenhagen thought focus, commitment and solid deadlines were associated with the Johnson House project and the same are needed to complete South Side. Until two years ago, South Side was operating on budget but costs are now going through the roof. Mayor Seiler disagreed. Unlike South Side, the Johnson House had the NAACP in place as an end user, no component to be preserved and a comparatively minor budget. He agreed that more focus is needed to complete South Side, but it would likely be finished now if an end user had been in place. An RFP has not been issued for an end user because of use limitations related to the deed and grant restrictions.

Commissioner DuBose thought comparing the Johnson House with South Side is a gross misrepresentation. The Johnson House is only 1,100 square feet and did not have modification restrictions due to a historic designation like South Side. Things that happened with the Johnson House could happen to any other project. Ms. Mergenhagen maintained that there are parallels between the two projects in terms of neighborhood impact and historic appreciation. She pointed out that Harbordale Park was initiated and completed under budget. Mayor Seiler reasoned that only the gates at Harbordale had to be preserved which was a minor expense. He emphasized Commissioner Rogers' work to get South Side completed since taking office in 2009. When this Commission inherited South Side, about \$8 million had already been spent; there was no end user and there was a mold issue. If the \$14 million cost to complete South Side was known when the project originated, he thought alternatives would have been examined. Commissioner DuBose mentioned that the Johnson House project was not inherited by this Commission but South Side was well underway. Vice Mayor Roberts thought Ms. Mergenhagen is raising a project management issue. The record at South Side casts doubt on the City's in-house ability to manage it. However, staff is working on implementing long-term project management improvements. Commissioner DuBose stressed that there are inherent difficulties exclusive to South Side that would prove challenging for any project manager. Mayor Seiler pointed out that the Commission learned about the mold after a period of four years.

Ms. Mergenhagen asked whether the City can move forward with South Side, and inquired about the short-term and long-term plans. She agreed with Commissioner Rogers that, at least, the mold should be remediated and the air conditioning installed. She felt these two items would be expected by any seriously shopping tenant. Installation of shade structures has been delayed since last October. In response to Mayor Seiler, the City Manager explained that the shade structures are out to bid, and the bids will be opened on February 27. Albert Carbon, Public Works Director, was uncertain of the timeline, but construction is estimated to start in May. Commissioner Rogers explained that the delay was caused by problems with the bidding. Ms. Mergenhagen thought the City spending \$35,000 to reissue expired permits is a misuse of tax dollars. In response to Mayor Seiler, the City Manager noted that this bid matter was brought forward in December. Staff's pre-bid estimate was about \$340,000, but responses were \$615,000. Therefore a professional estimator was utilized and it was readvertised with the new figure in January. Bid award will likely come forward on March 19 although April would be the normal timeline. Mayor Seiler stressed the bid award be scheduled for consideration in March.

Commissioner DuBose cautioned that shade structures involve a lengthy permitting process. The City Manager explained that there are additional building code requirements for anchoring shade structures that involve soil testing and for the foundations to be site specific. The contractor will be responsible for permitting the shade structures, including soil testing. Mayor Seiler suggested the City proceed with the soil testing before going out to bid in order to save time and money. The City Manager was uncertain if the contractor would be comfortable relying on the City's tests as they are ultimately held responsible.

Although Ms. Mergenhagen believed the City can do better, she expressed appreciation for all of the Commission's work, and indicated that City staff is phenomenal.

Commissioner Rogers noted that nothing is being done about the mold because air conditioning issues have precluded it. He was uncertain if there is a temporary solution for the air conditioning. He advocated for installing an upgraded air conditioning system even though it costs \$100,000 more than an average one. Summer is approaching and the heat will worsen matters. The City Manager noted that the windows have been repaired. The most significant air conditioning issue is determining how to circulate air without installing duct work which is a concern because the end use is still unknown. Commissioner DuBose asked whether an industrial hygienist has been consulted. A circulation system must be in place to prevent humidity which contributes to mold growth. But the duct work and air conditioning system can become contaminated if the mold is not removed prior to installation. Albert Carbon, Public Works Director, explained that an interim air conditioning system has not been addressed with the City's industrial hygienist, EE&G. But their recommendation was to not complete the mold remediation until the building has positive air flow. He pointed out that over-sizing the air conditioning system will also cost more long-term in higher operational costs.

Commissioner DuBose asked whether a temporary air conditioning solution could be utilized to address the mold while the other things are looked at. He agreed it is unacceptable to not do anything. The mold is a life safety issue that must be attended to. Mr. Carbon indicated that he will consult EE&G for their recommendation. If a temporary unit is not possible, Commissioner Rogers wanted to move forward with remediation and installing an air conditioning system rather than waiting to determine the end user. The unit size is selected based on capacity, not duct work. Commissioner DuBose thought there may be a way to air condition the building without installing duct work. Mr. Carbon clarified that the primary concern is balancing the system and providing adequate air flow into each room which impacts the unit size. According to the two uses under consideration, there is an 80-ton unit and a 120-ton unit. The capital and operating costs are significant. Commissioner DuBose thought this could possibly be addressed with ceiling fans depending upon the level of air flow needed. Mr. Carbon agreed to ask EE&G. Commissioner Rogers thought all options should be explored. The City likely has a 120-ton unit in its inventory which could be tested on South Side and installed elsewhere if it is ultimately not suitable. Not doing anything is unacceptable. He urged the Commission to direct the City Manager to take action now. Even if Nova decides to move forward in March, the delay related to their adding an out-building would take the timeline into summer. The building must be air conditioned. There is no logic to waiting.

In response to Clay Wieland, member of Friends of South Side, Mayor Seiler explained that the contract with Nova was placed on hold when other issues arose. Nova decided not to occupy South Side, but has since circled back to the City. The City has had discussions with other potential end user. The desire was for the end user issue to resolve itself in order to avoid spending excess funds on installing an air conditioning unit that is either over or under capacity. However, he agreed with Commissioner Rogers about moving forward with mold remediation and air conditioning if an end user is not in place by March. He stressed that no member of this Commission was involved in the first six years of this project, whereas the Johnson House project was started and overseen by this Commission. Ms. Mergenhagen commented that Mr. Carbon is a phenomenal public works director who is not given direction, but blamed for every shortfall. These issues will not be resolved unless direction is forthcoming. Mayor Seiler acknowledged that Mr. Carbon does a good job, but he pointed out that this project was also inherited by the City Manager. Further, lawsuits related to South Side have caused increased frustration. He reiterated that this is ultimately an end-user issue. The City Manager noted that the building is being designed to house the Parks and Recreation offices if the private end-users, Nova or the YMCA, do not come to fruition. The anticipated bid opening is July. Staff needs to be informed by March if the Commission does not agree with this plan. In response to Mayor Seiler, he thought there will be adequate parking from a staffing standpoint. Commissioner Rogers had no objection but reiterated the mold needs to be addressed before summer.

There was no one else wishing to speak.

## **CITY COMMISSION REPORTS**

### Events and Matters of Interest

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

#### Automobile Accidents: I-95 and State Road 84 Interchange

Commissioner Rogers wanted to inform FDOT (Florida Department of Transportation) of the City's concern about accidents at the I-95 and State Road 84 interchange and determine alternate routes.

#### Pavement Management System (PMS)

In response to Commissioner Rogers, the City Manager advised that the Pavement Management Software System (PMSS) will be on the March 5 regular meeting agenda. Albert Carbon, Public Works Director, explained that data input will take ninety days after the contract is initiated. In the meantime, all paving is on hold. He went on to offer examples of the criteria that will be used to decide upon the timing of resurfacing a street.

#### Florida Department of Transportation, Pedestrian and Bicycle Safety Program

Vice Mayor Roberts noted the MPO (Metropolitan Planning Organization) Board's comment that the FDOT (Florida Department of Transportation) pedestrian and bicycle safety program in Broward County should be directed toward elementary school students. The thinking is safety measures can be more easily taught to youngsters who can then help modify behavior of adults. He asked the City Manager to coordinate this.

#### Motion Picture Film Industry, Permitting

Vice Mayor Roberts indicated that residents are concerned about a reality show being filmed in the Coral Ridge neighborhood. The notification process as related to film permitting is not working. He wanted to know how permitting is handled by the City and County. He asked the City Manager to followup on this matter.

#### Notification for Rezoned Properties and for Properties that Impact Neighborhoods

Commissioner DuBose indicated that District III constituents wish to be notified of upcoming rezonings associated with development projects. The City Manager explained that no notification is given if rezoning is not required. But notice is provided for a rezoning or for a site plan level three or four. Greg Brewton, Sustainable Development Director, indicated that notice is accomplished via mail to property owners within a 300 foot radius. Also, the homeowners association president (association president) is provided the agenda. He thought staff highlights any pertinent agenda items when it is sent to the association president. If this is not being done, he could make sure this practice is initiated. If it is a significant development, it is required to go through the DRC (Development Review Committee) process and that agenda is mailed to the association president. He offered to make certain that such projects are highlighted on the agendas that are sent out to the association presidents. Commissioner DuBose explained there may be projects that would not require notification, but residents are nevertheless interested in being informed. He left it to the staff's discretion and asked for a followup report.

Communications Services Tax

Commissioner DuBose indicated that he had discussions with members of the State Legislature on this matter and felt hopeful from those discussions, although he noted the final outcome is unknown.

Redistricting

In response to Commissioner DuBose, the City Attorney advised that public hearings are required for redistricting. This will be brought to the Commission when the District II commissioner has been seated. The Charter provides that redistricting is based upon the centennial census which is the population. In further response, he indicated that the figures can be juxtaposed to provide Commissioner DuBose with what the redistricting results would have been if the voting age population had been used. He agreed to provide such information and indicated it would take at least a week to put the information together.

Beach Restoration Project

Mayor Seiler drew attention to the fact that the beach restoration will be loud and disruptive. The speed limit has been reduced. He wanted it publicized that the project will be done as quickly as possible.

**OLD/NEW BUSINESS****BUS-1 13-0353 NEIGHBOR SURVEY RESULTS**

Amy Knowles, Structural Innovation Manager, made introductory remarks about the usefulness of such a survey. She indicated that this first survey is a baseline on neighbor perceptions about the quality of government services and quality of life in Fort Lauderdale. It is intended to be done annually. The results will be integrated into other planning documents. The survey will be posted online, shared with employees and presented to advisory boards as appropriate. It is statistically valid in that it represents all Commission districts.

Karen Falk of ETC Institute (ETC), presented slides concerning this matter. A copy of the slides is attached to these minutes. The following information was furnished by Ms. Falk in response to questions raised by the Commission.

Concerning the survey question posed about a place to raise and educate children, Mayor Seiler and Vice Mayor Roberts suggested the question be separated in the future. Mayor Seiler indicated that he receives positive feedback about the City's parks and recreation programs for children, but negative feedback about the schools. The schools are operated by a separate entity. Ms. Knowles noted that education is a stand-alone component in some survey questions.

The national sampling was 4,000 and the Florida sampling was about 200. The survey question was worded, overall flow of traffic. The question about homelessness did not distinguish between simply getting the homeless off the streets and eradication by providing facilities and resources. Mayor Seiler wanted to make that distinction going forward. Private schools were not addressed in the survey. Mayor Seiler wanted the survey results to be brought back for a more extensive review as relates to long-term planning. Vice Mayor Roberts thought there is a disconnect between the survey results for the level of safety felt by residents and crime prevention. Ms. Falk pointed out that the crime prevention category is unusual because residents want it to remain a priority, even if they currently feel satisfied with crime prevention. Vice Mayor Roberts mentioned that the perception of safety is likely more important than actual crime statistics.

Mayor Seiler recalled a consultant's recent suggestion to raise parking costs, but the survey shows that

most are dissatisfied with the cost of parking. Ms. Falk explained to Commissioner Rogers that a state and national comparison was not done on the cost of parking. In response to Mayor Seiler, the City Manager clarified that the consultant's reasoning was that dissatisfaction with the cost would promote transportation alternatives. Nonetheless, Mayor Seiler did not want to increase the dissatisfaction level just to modify behavior.

During discussion on the survey results relating to water quality, Vice Mayor Roberts noted the concern has not been about water as much as it has been about water color. Vice Mayor Roberts emphasized the relationship between survey responses and effective communication with residents about community issues and the importance of residents understanding the issues. Ms. Falk agreed.

Mayor Seiler opened the floor for public comment.

Mrs. Falk responded to a question from Fred Carlson, 625 Orton Avenue, on how the results of this survey compare to those published in national media. Concerning national benchmarks, she referred to Money Magazine and the most liveable cities' data. ETC looks for resident response.

In response to Marilyn Mammano, 1501 SE 15 Street, Ms. Falk stressed that the survey results is based on a random selection of every household in the community which includes both renters and property owners. The demographic data was collected and is reflected in the tabular report.

Mayor Seiler requested that the survey results be posted as a link on the City's website.

The City Manager indicated that the plan is to conduct this survey annually. In response to Mayor Seiler's remark that the results may be different if the sampling is different next year, the City Manager indicated it is a scientific random sampling.

There was no one else wishing to speak.

## **BUS-2 13-0355 2035 VISIONING UPDATE**

Samantha Timko, Senior Management Fellow, presented slides concerning this matter. A copy of the slides is attached to these minutes. She pointed out that the Marine Advisory Board hosted a meeting-in-a-box (not shown in a slide) and their ideas included maintaining the City's status as yachting capital of the world and to continue hosting the Fort Lauderdale International Boat Show. Ms. Timko explained to Commissioner DuBose that neighbor interactions included telephone town hall meetings where the call lasted for 20 minutes or more, but not repeat callers. She noted the importance of working with the City's community partners in order to achieve many components of the community vision.

Having been skeptical of the community outreach component initially, Commissioner DuBose indicated he is pleased with what was done. Staff was commended. Commissioner Rogers remarked that there has been a shift from emphasis on water to equal emphasis of land as well as water. Therefore, he questioned whether the City's "Venice of America" moniker should be reevaluated. Commissioner DuBose thought Fort Lauderdale will always be the Venice of America and is possibly a given in that it is part of the City's permanent infrastructure. He questioned how Fort Lauderdale fits into the county. Visioning involves building a new infrastructure, but County initiatives must also be considered. Vice Mayor Roberts mentioned working with Broward County Metropolitan Planning Organization, Fort Lauderdale Downtown Transportation Management Association and other organizations, and commented that it seems everything is moving together in an organized way, making the future exciting.

**BUS-3 12-2594 CITY REQUEST FOR PROPOSAL (RFP) – ANNUAL LEASE OF BRYAN HOMES**

The City Manager highlighted information set forth in Commission Agenda Memorandum 12-2594. The most important goal is to activate the Riverwalk. Hence, the approach should focus more on creating an activity maker and less on a revenue maker. A considerable amount of private sector investment will be needed to bring this up to commercially viable standards. The City Manager noted that a provision for a renewal and replacement fund will be added to the RFP. Commissioner Rogers cautioned about the City not budgeting for historic properties that are leased for lengthy periods. It is important to have a budget or sinking fund, so to speak, to utilize when the property no longer has a tenant. He wanted to move forward as soon as possible. There was consensus approval.

Mayor Seiler opened the floor for public comment.

Courtney Crush, representing Kathleen Robinson, expressed her client’s interest in the proposed property which lends itself to a restaurant use. The property needs repairs in order to be functional and meet code requirements. In response to her question, the City Manager explained that the City has been approached with bed and breakfast and restaurant concepts. In terms of use, staff is open-minded with a focus on the activity it will draw to Riverwalk.

There was no one else wishing to speak.

**BOARDS AND COMMITTEES**

**BD-2 13-0100 BOARD AND COMMITTEE VACANCIES**

- Community Services Board Robert B. Ettinger (Consensus – New)
- Nuisance Abatement Board Syretta Simon (Consensus - Alternate – New)
- Utility Advisory Committee James Dunmire (Mayor Seiler – Reappointment)  
Eric Seidmon (Vice Mayor Roberts – Reappointment)  
Deborah Frederick (Commissioner DuBose – Reappointment)

Note: Please see regular meeting item R-4.

**BD-1 13-0099 COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending February 14, 2013**

Historic Preservation Board

**Motion made by Ms. Scott, seconded by Mr. Schulze to** request the City Commission direct staff to amend the resolution to include the Historic Preservation Board as one of the Boards whose meetings would be televised. In a voice vote, motion passed 7-1 with Ms. Thompson opposed.

Mayor Seiler noted that the following boards are televised: Board of Adjustment; Beach Redevelopment Board; Charter Revision Board; Marine Advisory Board; Parks, Recreation and Beaches Board; and Planning and Zoning Board. The City Clerk explained to Commissioner Rogers that there is no budgetary



component. In response to Commissioner DuBose, the City Clerk advised that the currently televised boards were selected by a former commission. Some discussion followed about televising all quasi-judicial boards. In response to Commissioner Rogers, the City Clerk advised that there is stationary camera capability in the chambers and 8<sup>th</sup> floor. Mayor Seiler asked the City Clerk and City Manager to bring back a comprehensive recommendation.

#### Marine Advisory Board

**Motion made by Mr. Herhold, seconded by Vice Chair Harrison,** that the Marine Advisory Board has heard from the captains of *Cakewalk* (289 ft.) and *Lady Sheridan* (190 ft.) at their December and February meetings, and while both expressed a strong desire to continue visiting Fort Lauderdale due to its amenities and synergy of marine services, concern was clearly expressed over the limited number of dockage slips (three) for vessels over 250 ft. within the City. Both captains suggested that the City investigate the feasibility of stern-to-dockage in front of the Convention Center, as utilized by other waterfront communities, particularly in the Mediterranean. The Board recommends that the City also meet with the Broward County Commission to begin feasibility studies to ensure this proposal is included in any future RFP for a Convention Center hotel. In a voice vote, the motion passed unanimously.

There was consensus approval for the City Manager to pursue this matter.

**Motion made by Mr. Herhold, seconded by Ms. Scott-Founds,** that the Board is also concerned with impacts to river traffic, especially for vessels traveling to Marina Mile boatyards, and requests that FEC continue dialogue with both the City and marine interests, particularly the Marine Industries Association of South Florida (MIASF), to ensure any impacts caused by the All Aboard Florida bridge closures are minimized and mitigated. In a voice vote, the motion passed unanimously.

#### Sustainability Advisory Board

In 2008, the Florida Legislature adopted Section 403.7333, which required the Florida Department of Environmental Protection (FDEP) to conduct a study of the regulation of plastic and other retail bags. The statute also prohibited local governments from regulating bags until such time as the legislature took further action.

The study, "Retail Bags Report for the Legislature" was completed on February 1, 2010 by FDEP, which clearly outlines the detrimental effects of paper and plastic bags and styrofoam with recommendations to effectively address this pressing issue. To date, the Legislature has failed to act or to reinstate the ability of local governments to take regulatory action.

Because of this current state of stalemate, we encourage the support and passage of the resolution as a means by which to move this initiative forward. We are urging the Florida Legislature to repeal section 403.7033, Florida statutes to allow municipalities to exercise home rule regarding the

passage of retail bag regulations. The Sustainability Advisory Board (SAB) took this under discussion through several board meetings and on November 26, 2012 unanimously voted to support this resolution.

There is local support for this as an identical resolution was recently passed via the consent agenda by the Town of Davie's Town Council on October 17, 2012. Municipalities in Florida that have also considered regulations:

- Sarasota
- Parkland
- Miami
- Key West

Additionally, the Broward League of Cities and the Florida League of Cities know informally of local municipalities' interest and support of this issue.

There is no fiscal impact to this resolution.

As a next step, we will seek to share this with other municipalities, to request inclusion of this resolution in the Sustainability Stewards of Broward Clearinghouse and to share these progressions formally with the Broward League of Cities and the Florida League of Cities. Our RECOMMENDATION is to approve the resolution.

**Motion to Approve**

**Through unanimous consent, the motion was made by Darin Lentner,** seconded by Vicki Eckels to forward the plastic bag communication to the City Commission.

Mayor Seiler asked staff to bring this back to the Commission, and include copies of the resolutions passed in other cities noted in the communication. He would not object to anything in furtherance of home rule. Commissioner DuBose noted that he will look into this matter with the Florida League of Cities.

**CITY MANAGER REPORTS – none**

The meeting adjourned at 4:48 p.m.