

# 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, March 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*  
*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*  
*HARRY A. STEWART, City Attorney*

Meeting was called to order at 1:30 P.M. by Mayor Seiler.

## ROLL CALL

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

**Absent:** Commissioner Bobby B. DuBose (excused)

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

## CITY COMMISSION REPORTS

### Events and Matters of Interest

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

### E911 Call Taking and Police Dispatch Services

Vice Mayor Roberts provided an update on Broward County Commission's actions. The City Manager indicated the question is what to do about dispatch for fiscal year 2014. The County is moving toward a Municipal Services Taxing Unit (MSTU) on a 60/40 split. He explained the necessary steps and pointed out that it is certain it will not be ready for a 2013 effective date. Without knowing how many cities will join, the overall system cost is unknown and consequently the 60/40 split is also unknown. Therefore he anticipated there will be a lot of discussion on the part of the cities in trying to figure out a strategy. Fort Lauderdale has been approached by two cities about joining together which will be explored. If this is deferred another year, the City will have an additional \$6-\$7 million of expenses that have never been built into the budget. He mentioned other related pending matters with cost impact.

Commissioner Trantalis asked about quality of response time and whether it would be better if handled by the City. The City Manager indicated it is difficult to measure without being in the business, but the City's goal would be to meet the national accreditation standards. The Sheriff is meeting those standards now. The City has not been in the business since 1995. Vice Mayor Roberts offered some historical facts. Discussion ensued about the unlikeness of cities agreeing to the MSTU concept. The City Manager went on to recap the City's situation. Mayor Seiler reasoned the City should proceed with the dispute resolution process and begin looking at plans for a City system. In response to Commissioner Trantalis, the City Manager anticipated that partnering with other cities would provide a cost savings for all of the partners. Vice Mayor Roberts noted if the City proceeds on its own, it could be accomplished at a lesser cost and even more savings if partnering with other cities can be achieved.

### District II Special Election; March 12, 2013

Commissioner Trantalis was concerned about the cost to hold the election and the number of pollworkers at the polls in comparison with election day voters. He felt the City should take a more proactive approach to work with the Supervisor of Elections to pare down staffing as well as the number

of precincts. Mayor Seiler indicated that the City asked the Supervisor of Elections to reduce staff and combine polling places and they did so. In response to Mayor Seiler's question, the City Clerk noted an estimated savings in this area that was achieved. The City Clerk felt the Supervisor of Elections is now aware of Fort Lauderdale's concern and likely other cities as well. The City can be more proactive in the future.

#### Interstate 95 Public Hearing

Mayor Seiler referred to an upcoming public hearing concerning Interstate 95 and asked that the City get involved with any potential projects that could provide for improvements to city entranceways from I-95.

#### Hazardous Tree Removal

Mayor Seiler was concerned that staff recently cut down trees and signage posted in advance faced a private parking lot. He felt a good practice would be to attend a neighborhood association meeting and look into salvaging trees where possible. He requested the matter be scheduled for April 16 to discuss an approach.

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## CONFERENCE REPORTS

### **CF-1 13-0243 EXTERNAL PEER REVIEW REPORT**

The City Auditor highlighted information in the Commission Agenda Memorandum 13-0243. The goal will be to conduct such a review every three years. In response to Commissioner Rogers about the suggestion of adding information technology (IT) auditing skills to staff, the City Auditor advised that there are readily available private firms that deal specifically in this area. It is a very technical field. His office always tries to include an IT component in the majority of audits conducted but only within the realm they feel capable of providing. One standard requires if staff does not have the technical capability, they should seek it outside the organization and he will continue to do so. In further response, the City Auditor thought it would be beyond his office scope to assess the City's IT needs as an organization. His offices focuses on what he believes represents the greatest risk to the City, such as project planning, implementation, training and evaluation of new programs, security aspects, business continuity.

### **CF-3 13-0315 COMPREHENSIVE ANNUAL FINANCIAL REPORT - FISCAL YEAR ENDING SEPTEMBER 30, 2012**

Marty Kurtz, Chair of Audit Advisory Board, advised that the Board served as the RFP selection committee to consider changing auditors. The Board felt fresh thinking would be good. The Board has suggested that this report and the single audit be accomplished at the same time. Staff was able to accomplish it. With both reports ready at the same time, it allows for thinking about controls and operations at the same time as the financial results, which is a very important combination. It will allow the Board to use the single audit findings to provide input to the budget process.

Deborah Garringer of Crowe Horwath, City's external auditors, advised that the opinion on the financial statements is unqualified which is the best possible. As mentioned by Mr. Kurtz, some of the findings are from the prior year, but their implementation plans are well underway. There is one new finding, period of availability (2012-10).

In response to Commissioner Rogers' question concerning Significant Deficiency, Valuation of Alternative Investments – Pension Trust Funds (2012-7), Ms. Garringer agreed that there is a separate audit of police and fire pension funds, however, in order to issue an opinion on the City's financial statements, audit procedures must be performed of all of the pension funds. For those investments that are not publicly traded, documentation was not as readily available. Further, the policy and procedures were not as refined. For real estate holdings, it would mean obtaining appraisals or funds not publicly traded, it would mean obtaining, reviewing and monitoring their audited financial statements. There were good discussions with the funds. Doug Wood, Director of Finance, confirmed that they met with the administrators and chairs of both boards. He has requested that going forward information is provided in a more timely fashion.

Concerning Commissioner Rogers' question on Significant Deficiency, Building Permit Fees (2012-9), Ms. Garringer explained this had to do with a receivable recorded twice.

For next year, Vice Mayor Roberts wanted a little more expanded presentation. Mr. Kurtz indicated that the Board has been concerned about the number of recurring findings that are not resolved. It was brought to the City Manager's attention. Consequently staff developed a monitoring method which the Board reviews a couple times a year. Many have now been completed.

In response to Commissioner Trantalis' question concerning the Taxable Special Obligation Bonds, Series 2012, issued last year, Ms. Garringer advised that next year this would be included in terms of how it is reported in the financial statements, how the funds are disbursed and compliance with the covenants. Mr. Wood noted that the funds were turned over to the pension system and they have total control of the proceeds. The City Manager advised that the pension chair is preparing a report on the investment returns. The purpose of this issue was to convert a portion of the unfunded liability into a debt with a lower rate and take advantage of the arbitrage. The borrowing rate is being exceeded now but that is not a determination of success. This liability has been converted to a fixed rate lower. Next year a particular Government Accounting Standards Board (GASB) rule will require cities to show their unfunded liability on the books and the City will be in a much better position for disclosing it. The City Auditor noted General Employees Retirement System return for the previous year was 21.4 percent and the borrowing was at 4 percent. The difference goes toward funding the retirement system and reducing the City's future contributions. The Police and Firefighters Retirement System was at 12.1 percent, but cannot be equally compared with general employees because the fiscal year is different. As long as the 4 percent is exceeded, the City is ahead. The City Manager referred to previous mention of California cities and indicated that model was to pay current annual contribution requirement. Fort Lauderdale continues to budget one hundred percent of its annual contribution as determined by the plan's actuaries.

In response to Commissioner Trantalis' question concerning Material Weakness, Capital Assets Physical Inventory (2012-2), Mr. Wood indicated the City will be using a sub-system of FAMIS software (Facility Administration and Maintenance Information System). Ms. Garringer explained an inventory had not been taken, but it will now be accomplished and loaded into this subsidiary ledger. It is expected to be fully implemented by the end of this year. The City Auditor advised that the City has a very good handle on real estate in City ownership. He believed this had to do with equipment, etc. As to alternative assets, this is what the pension plan owns. The General Employees Pension System

owns some real estate, but also hedge fund investments that are difficult to value. The auditors are looking for an external appraisal or a way to know that the numbers are materially correct and realistic. Ms. Garringer added they would also like to know if there are audited financial statements for the fund from reputable companies.

Mayor Seiler asked about Subrecipient Monitoring under Findings and Questioned Costs – Major Federal Awards Program (2011-03). Ms. Garringer confirmed all of this item has to do with the U.S. Department of Housing and Urban Development (HUD). The listed items are in different stages of implementation. There are monitoring processes in-place with respect to the subrecipients. The City Manager advised that internal policies on monitoring of subrecipients have been revised. Staff is holding monthly meeting with subrecipients. When HUD conducts their audit and they are satisfied with how subrecipients are reporting to the City, the issue will likely go away. There is also quarterly reporting to the Audit Advisory Board. Staff relies on the Board to monitor whether the City is making sufficient progress. Ms. Garringer noted that in order to recognize the City's implementation effort, the matter has moved from material weakness to significant deficiency and consequently the opinion was not qualified. Progress has been made.

Mayor Seiler asked the amount of funding involved with Significant Deficiency (2011-8), Statutory Earmarking, SHIP (State Housing Initiatives Partnership). Ms. Garringer advised for the current year it was just over \$2,000.

In conclusion, Mayor Seiler remarked on the desirability of having a new firm every three to five years for a fresh look.

## CITY COMMISSION REPORTS

Continued from page 3.

### Solicitation Prohibition Ordinance, Deerfield Beach

Mayor Seiler asked the City Attorney to comment on his investigation of Deerfield Beach's solicitation prohibition ordinance that was just covered by the news media. The City Attorney described Deerfield Beach's approach on this topic. He believed there could be some legal infirmities although the posting of a sign would allow for enforcement which is currently provided for in Fort Lauderdale. He went on to describe the application and permit process for solicitors in Fort Lauderdale. What Fort Lauderdale has on the books accomplishes what Deerfield Beach's ordinance has done and is probably less challengeable.

Mayor Seiler pointed out that the news article led readers to think this was unique to Deerfield Beach therefore an educational campaign is needed here. He wanted this aspect of the topic to come back to the Commission.

## OLD/NEW BUSINESS

### **BUS-1 13-0426** LAS OLAS BOULEVARD MINI WORKSHOP UPDATE

Mayor Seiler noted that today will be informational in nature; there will be ample notice for any action contemplated.

Commissioner Rogers introduced the item. He noted that public safety, including pedestrian safety, traffic, parking and streetscape or aesthetics of the street were covered at the workshop held in 2010.

He also noted the pedestrian crossing trial effort on 8 Avenue. The speed limit has been lowered to 30 MPH. Crosswalks have been restriped. He believed there is general consensus that there should be a consistent boulevard which would entail medians throughout.

Mayor Seiler opened the floor for public comment.

Robert Vick, 1621 SE 2 Street, noted his credentials and experience as a local architect and resident of Colee Hammock. He was concerned that Colee Hammock has become a parking lot for the hospital and downtown businesses, rather than just being utilized for event parking on an interim basis. The daily average is about 25 vehicles parked on grass swales on his 16-house street. He thought better planning, traffic light sequencing, and removing the street parking would alleviate difficulty navigating 15 Avenue. He wanted a remedy for the danger posed by motorists driving hazardously from Las Olas through Colee Hammock. In response to Mayor Seiler, he indicated that traffic is a more significant issue, but the parking on 15 Avenue and on 12<sup>th</sup> is also a problem because it obstructs the line of sight for vehicles pulling out. Commissioner Trantalis pointed out that the restaurant and retail businesses on Las Olas cannot survive with a customer base of only neighboring residents. Mr. Vick agreed but felt the fundamental issue is planning for that impact. He indicated that heavy traffic should not be allowed on 16<sup>th</sup> and on 12<sup>th</sup> because those streets are primarily single family residential. Although traffic and parking has been an issue for 20 years, the City has not taken action. He suggested a four-story parking structure be built on SE 2 Court.

Anne Hilmer, 621 Idlewyld Drive, noted her experience as an Idlewyld resident. It is problematic that this matter has been addressed in a piecemeal fashion. She encouraged the Commission to utilize a global perspective because the impact extends beyond Las Olas to surrounding areas. She thought the stop sign installed on 2<sup>nd</sup> Street was ineffective in preventing motorists from cutting through the neighborhood.

Jim Brady, 224 SE 17 Avenue, noted his experience as a resident of the city. He mentioned that a supposed preventative measure for motorists leaving Las Olas and heading north on 17th is ineffective; the actual problem is on 16<sup>th</sup>. The desire is for Las Olas to thrive and remain robust, but the notion to protect the commercial aspect without regard for the surrounding residential area is concerning. He thought traffic planners, rather than politicians, should solve the problem. He elaborated upon a plan developed by the neighborhood in the 1970's and suggested it be revisited. He recommended measures be taken to deal with intoxicated individuals on Las Olas and traffic encumbrances caused by landscape trucks parked at the 7-Eleven.

Mary Fertig, 511 Poinciana Drive, looked forward to attending a workshop that brings all parties to the table to globally address these issues.

Veronica DePadro, 1405 SE 2 Street, submitted a letter from Tony Abbate which is attached to these minutes. She mentioned that a recently installed stop sign (at SE 15<sup>th</sup> Avenue and SE 2 Street) has prevented numerous automobile accidents. The desire is to preserve Colee Hammock and make it more walkable. She referred to the City's parking study from five years ago, and noted the critical parking situation in Beverly Heights and Colee Hammock due to numerous employees from Las Olas parking there. Those businesses should be obligated to locate parking for patrons and employees. She felt the City had failed to address the parking crisis and the permit parking plan. Colee Hammock should have permit parking like A-1-A because it also has meters. She wanted more stop signs on 16<sup>th</sup> and 13<sup>th</sup> to prevent cut-through traffic.

Ed Smoker, 1200 East Las Olas Boulevard, encouraged the Commission to focus on the issues being raised. He thought there is more consensus than disagreement. Action is needed not another study. Las Olas can be made even better by people working together.

Tamara Tennant, President of Riviera Isles Homeowners Association, indicated that non-resident motorists park in the Riviera Isles and Idlewyld neighborhoods for area events. All roads in the city should be open for travel, and should not be barricaded even for art shows and other downtown events. She asked to be included in all future related discussions.

Eugenia Ellis, 1801 Marietta Drive, noted that Las Olas and surrounding neighborhoods are the hallmark of the downtown, and Las Olas is an economic driver for the city. She suggested wayfinding be looked at in addition to roadways and traffic patterns as a means to alleviate some issues.

Jackie Scott, President of Colee Hammock Homeowners Association, indicated that, for the last 40 years, Colee Hammock's position has been that Las Olas impacts Colee Hammock, Las Olas Isles, Beverly Heights, and Victoria Park. Hence, she supported the consensus reached by the Commission two years ago that an overall plan is needed. A majority believes traffic belongs on one street, 15<sup>th</sup> Avenue. She wanted to collaborate with neighbors and develop a solution. A plan was created two years ago by neighborhood residents that takes into consideration Colee Hammock as well as the Las Olas Isles and Las Olas merchants, but there has not been opportunity to vet it. She urged the Commission not to make any changes until a plan is in place.

Sam Poole, 702 North Rio Vista Boulevard, indicated that there are similar traffic and pedestrian issues in his neighborhood, including non-resident motorists parking there for events. He thought the underlying issue is that the community has not agreed upon a future plan for East Las Olas, between the Himmarshee and Sospiro canals. Once established, all decisions should coordinate with that shared vision which must be specifically expressed in the City's Code of Ordinances.

Robin Merrill, 1200 East Las Olas Boulevard, noted her experience and credentials as a Las Olas retailer and as President of the Las Olas Village Association, Inc. She clarified that the section of East Las Olas between the Himmarshee and Sospiro canals is actually Colee Hammock. Initially, basic infrastructure matters must be addressed. Presently, crosswalks are only allowed at lighted intersections, so there is only one on 15<sup>th</sup>. She elaborated upon a fatal hit-and-run incident involving a pedestrian at a marked paver block crosswalk on 11<sup>th</sup> Avenue and Las Olas. However, the driver was not cited because an investigation determined the crosswalk was not visible to drivers. The Complete Streets Program will hopefully remedy jurisdictional issues between the City and Broward County. She stressed the need for immediate action. Signage similar to that which is on A-1-A is desired, but cannot be obtained.

Bob Cole, 1629 SE 2 Court, noted his experience and credentials as a civil engineer and city resident. He highlighted information set forth in a neighborhood traffic plan (traffic plan) that was developed by Colee Hammock residents. A copy of the traffic plan is attached to these minutes. The main premise is to encourage motorists on East Las Olas to use SE 15 Avenue, rather than SE 16 Avenue. He wanted to address the traffic plan with the Commission, and offered his engineering services at no charge. Some aspects can be addressed in the future, but improvements to SE 15 Avenue are needed immediately. In response to Commissioner Trantalis, he agreed with Broward County that parking should be removed from SE 15 Avenue which would allow for three lanes at either end, narrowing to two lanes in the center. The stop signs were warranted because of increased accidents caused by parking which obstructs the line of sight for drivers headed north on 2 Street. Also, there is increased cut-through traffic on 2 Street from East Las Olas. The stop signs would not be needed if the parking

was removed and traffic flow improved from Las Olas to SE 15 Avenue. He suggested making the right lane on westbound Las Olas (at SE 15 Avenue) a turn only lane. Commissioner Trantalis mentioned that some believe the parking on SE 15 Avenue serves as a traffic calming device. Mr. Cole elaborated upon the traffic plan as relates to SE 15 Avenue. Mayor Seiler wanted to address this matter in a workshop solely focused on Las Olas that includes all impacted neighborhoods.

Peter Partington, former City Engineer, noted his experience as a 25-year resident and employee of the city. He thought a study completed in the 1990's by Kimley-Horn and Associates, Inc. entitled *East Las Olas Boulevard Community Transportation Plan* should be given further consideration.

Ann Shumpert, 1620 SE 4 Street, noted the recommendation set forth in Exhibits 2 and 3 of Commission Agenda Memorandum 13-0426, that beach traffic be directed to use Sunrise Boulevard or 17<sup>th</sup> Street Causeway rather than the downtown area. She remarked on making the beach more walkable to the north and south of Las Olas and having a public transportation route that goes to 17<sup>th</sup> Street and to the Galleria Mall. She opposed building a parking garage on Las Olas as that will draw more beach traffic, thereby impacting Colee Hammock. She expressed desire for mass transit in the city, as well as a comprehensive traffic plan that reduces traffic on Las Olas and the surrounding neighborhoods. The City's tax base will increase if Colee Hammock is preserved.

Charles King, 105 North Victoria Park Road, thought the mini workshop mainly focused on (Colee Hammock) residents and Las Olas merchants, although the matters addressed also affect surrounding neighborhoods like Victoria Park. A citywide solution is needed. He elaborated upon traffic issues on SE 15 Avenue and recommended solutions.

Former Commissioner Charlotte Rodstrom, indicated that she has a copy of the *East Las Olas Boulevard Community Transportation Plan* (community transportation plan) referred to by Mr. Partington. She suggested that a couple of comprehensive joint meetings be held to address these matters that include both the District II and District IV commissioners and all who are impacted, rather than only one meeting involving certain neighborhoods and businesses. The Commission should have a copy of the community transportation plan. As a Las Olas Isles resident, she is highly impacted by matters related to SE 15 Avenue.

Stanley Eichelbaum, President of Downtown Fort Lauderdale Civic Association (civic association), indicated that all of the comments he has heard about Las Olas are related to traffic and pedestrian safety. The civic association is working to connect neighborhoods and commerce in the Las Olas area. There could be increased patronage for Las Olas businesses, except the senior population is fearful of walking in the area. He elaborated upon safety issues faced by pedestrians and cyclists along Las Olas. Residents have expressed a desire for signage directing motorists to respect the crosswalks, similar to what exists on A-1-A. He pointed out that a police car presence on Las Olas has a dramatically positive effect on the area.

Trudy Palin, Vice President of Beverly Heights Association, indicated that she has been working with the City for the last ten years to slow traffic on 8<sup>th</sup> Avenue. She pointed out that there is signage directing motorists to take this street; hence, it is the other gateway to Las Olas. There are no crosswalks or corners on 8<sup>th</sup> Avenue. The objective is to slow traffic, add sidewalks, and beautify the street. In light of their building a development on 8<sup>th</sup> Avenue, Stiles Corporation has agreed to assist the neighborhood with improvements like widening the sidewalk, and adding a berm and crosswalks. She asked the City to also provide assistance with these improvements. Currently, there are no stop signs from Broward Boulevard to Las Olas on 8<sup>th</sup> Avenue.



There was no one else wishing to speak.

Mayor Seiler suggested scheduling a workshop to look comprehensively at Las Olas Boulevard and the feeder streets. In the interest of getting the workshop held without delay, he suggested Districts II and IV be the focus and not all members of the Commission since there will not be any voting. He requested public notice be made so that other members of the Commission could attend. He asked that the goal be to meet before the end of April.

Note: There was a recess between 3:47 p.m. and 3:50 p.m. Mayor Seiler left the meeting and returned as noted.

**BUS-2 13-0425 BEACH EROSION NORTH OF SUNRISE BOULEVARD - RESOLVE MARINE PRESENTATION**

The City Manager reviewed chronology of this topic highlighted in Commission Agenda Memorandum 13-0425. With the City not being the permitting agency or ultimately responsible for beach renourishment, staff brought in the City's partners at the County. There were also discussions at the state level. Resolve Marine Group, Inc. would like to place a temporary structure on the beach in order to put probes into the ocean for more advanced modeling to determine if their renourishment concept will work.

Doug Watt, advised that Resolve Coastal Recovery, Inc. is a subsidiary of Resolve Marine Group, Inc. He indicated that Resolve Marine was founded in 1980. Its global headquarters are in Fort Lauderdale. He went on to review slides on the work Resolve does, coastal erosion factors and options for stemming erosion and information about Broward County shore protection project. A copy of the slides is attached to these minutes. Conservative estimates, according to U.S. Army Corps of Engineers Southeast Atlantic Regional Sediment Management Plan in July, 2009, are that Miami-Dade and Broward counties will run out of off-shore sand for beach renourishment in 5 to 10 years. This means the practice of frequent renourishing alone is not sustainable.

Mr. Watt indicated that Resolve met with key stakeholders of Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FWC) and Broward County. They were told that Resolve's coastal recovery modules are unique, have merit and are worthy of testing. FDEP guided Resolve toward an experimental permit to test the concept. Both FDEP and FWC have offered assistance during the permitting process. Resolve is seeking a governmental entity that is interested in submitting an application for experimental coastal construction permit with Resolve's assistance to FDEP, naming Resolve as their agent. The permit will allow Resolve to conduct a study of a new technology including installation of dynamically managed shoal modules. He described the portable research lab mentioned by the City Manager.

Vice Mayor Roberts opened the floor for public comment.

Chuck Black, 1125 NE 11 Avenue, indicated that he contacted Resolve initially, looking for a solution to the City's problem. He noted his career with the Navy and commented that the process and technology in this case makes sense. He was concerned about the time it takes to put a solution in place. He urged the Commission to support this approach.

Fred Carlson, 625 Orton Avenue, commented on his involvement and knowledge of studying this area of the beach. He supported Resolve's approach.

Mr. Watt responded to Commissioner Rogers' question about the modules, explaining that they are made of concrete and repositionable by changing their buoyancy. The modules would be anchored to the sea floor. Resolve would look at the science of the situation to determine what is necessary and design it. Although the State has recommendations on placement below low tide, they would generally be hundreds of feet from the shore. Commissioner Trantalis asked about making the modules permanent and what supports this approach being the answer. Mr. Watt advised that the failure of traditional breakwaters is mostly overcome with these being repositionable. The smallest modules weigh some 72 tons. There are various ways to attach them to the sea floor. They would be buried in the sand and not a hazard to navigation or swimmers. As to natural habitat, he felt all of those issues could be resolved by working with the Army Corps of Engineers, FWC and FDEP. The City Manager advised that there may be some half a dozen environmental entities that would have to issue a permit. He confirmed for Vice Mayor Roberts that Resolve is requesting the City become an applicant with Resolve doing the work. This approach would be a first. Resolve has spent the last ten years perfecting the science and getting the patents.

Vice Mayor Roberts supported the idea and asked what would be the next step. In response to Commissioner Trantalis, the City Manager was not aware of the initial step of data gathering having a cost to the City. It is a matter of obtaining permission to locate the temporary lab on the beach. There would be some permitting involved. Mr. Watt explained Resolve is proposing to go through an experimental permit process with the FDEP. If the City agrees to become the applicant, the portable research lab would become a part of the process. The test project would be concrete modules specifically designed for the designated area and there would be an associated cost. Determining the cost would be a function of the science and what is actually needed. Previously, Resolve offered to bring existing steel modules from Alabama to Fort Lauderdale during the emergency situation that existed. Those modules still exist and Resolve believes it would be an excellent idea to idea areas that may need an emergency application so that it could be done quickly. Resolve will pay for the modeling and a lot of the application costs, but there is a cost. Other consultants would need to be engaged by the City based on what the FDEP and FWC would require. The City Manager indicated there are procurement issues that would have to be addressed. Commissioner Rogers noted that beach renourishment is not in the City's budget. As long as the City would not be expending large sums of money upfront, he felt it is a great opportunity to explore this solution. Commissioner Trantalis agreed provided there is no commitment to funding until the City knows the cost. The beach has to do with the City's economic engine. Mr. Watt indicated that the modules could be brought from Alabama if there is another emergency. With renourishment slated and the time available, he urged an experimental permit be sought and the science be accomplished. Vice Mayor Roberts was looking for this to be a project that would sustain the renourishment.

## **CF-2 13-0489 SOUTH SIDE SCHOOL UPDATE**

The City Manager referred to previous discussion concerning mold remediation and air conditioning (HVAC). The Commission asked staff to look into accelerating the HVAC in order to get the building sealed and be in a position to begin the mold remediation. The final foundation and flooring also has to be designed in order to prevent moisture coming up from the ground. This work is underway. Nova Southeast University has re-expressed an interest. They have designed a building to be placed adjacent to the school that would round out their proposed art program and will be seeking a certificate of appropriateness from the Historic Preservation Board on April 1. If successful, a lease agreement could be presented to the Commission on May 7. He proposed that Nova complete the final buildout. The City would negotiate a price for this. He would need to know sooner than later if the Commission is not interested in moving forward with Nova or any other tenant. Part of the difficulty with this project has been not having a clear understanding of the direction to go. It is needed now. Nova has

indicated that if turned down by the Historic Preservation Board, they would likely not appeal it.

Vice Mayor Roberts opened the floor for public comment.

Donna Mergenhagen, 1374 SE 17 Street, explained her professional background and that of her father. She read a list of questions and suggestions she received after this matter was discussed in February that is attached to these minutes. Another question received this morning was why have the hardball courts been removed. There is a lot of misinterpretation in the community. She did not think the City has done a good job of looking at opportunities and really evaluating the cost. She wanted to see efficiencies start to feed into the project.

Marilyn Mammano, 1501 SE 15 Street, agreed with the City Manager to secure a definitive answer from one of the potential end users currently on the table and pick one. She wanted to get the project finished.

Bruce Cummings, Tarpon River Civic Association, referred to previous thinking of the Friends of South Side. The building could be used as a welcome center as well as an art center. She was concerned about the lack of communication about the Nova use with the individuals who saved the City a lot of money. She wanted to see the City gain some resources. She was saddened by the idea of the facility being taken out of the City's hands. She advocated leasing space to well known artists and so forth.

Mayor Seiler returned to the meeting at approximately 4:44 p.m.

Continued below

**BUS-3 13-0371** CREATION OF INNOVATIVE DEVELOPMENT DISTRICT - UNIFIED LAND DEVELOPMENT REGULATIONS

The City Manager advised that at least one member of the Planned Unit Development Zoning District Advisory Committee has requested the item be deferred to digest the comments and bring the matter back to the Commission in thirty days, April 16. There was no objection.

**CF-2 13-0489** SOUTH SIDE SCHOOL UPDATE

Continued from above

Commissioner Trantalis asked about review of grant documentation relating to potential restrictions on use of the property. The City Manager advised that the three prospective uses: parks and recreation – offices – community center; Nova proposal and YMCA potential proposal would all be consistent with the covenants on the property as a result of the grant awards. Ms. Mergenhagen thought the use must be “public building” but not having seen the Nova proposal, she did not know whether it could be considered a public building. Commissioner Trantalis noted the original purpose of the project was to house City offices and for the building to be open to the public for various purposes. He recalled it was to be for the arts community. The outside cost was \$4 million. The City Manager agreed to update him on the to-date cost. He advised that the funding reflected in the commission agenda memorandum, about \$3.4 million, is what staff believes is needed to finish the project and has been budgeted for that purpose. Commissioner Rogers noted this would encompass the entire site.

Commissioner Trantalis noted the school is shown as the northeast area and estimated between \$1.8 and \$2.4 million and it is difficult to accept. He could not justify it. Build-out and mold remediation is on top of this number. It would be spending good money after bad. Ms. Mergenhagen felt any financial decision made from this point forward must accommodate what has been expended in grant funding and what the City might owe if grant terms are violated. Commissioner Trantalis did not feel that would occur. Commissioner Rogers did not feel there is any choice but to complete the project and make sure there is grant compliance. He went on to comment that South Side is actually the historic center of the city. Mayor Seiler remarked that for a \$15 million structure, it needs to generate \$2-\$3 million revenue annually. He did not see the arts deriving anywhere near that amount. With Nova, it would still be a public building and there would still be available hours. If it was announced originally that the project would be \$15 million and the user was unknown. In further response to Commissioner Trantalis, the City Manager advised that all of the remaining funding for the project would be from the City. The City Auditor confirmed that all grant funds have been exhausted. According to the grant agreements, there was a time certain that the project was to be completed. The City could be obligated to repay the grant funding if it is not completed. Commissioner Trantalis asked whether the County was ever consulted as to whether they would be willing to take the building back however it was pointed out that there are grant funds from sources other than the County. In further response, the City Manager advised that bid award for park amenities should be on a forthcoming agenda. Commissioner Trantalis commented that there is no guarantee that this estimate for completion of the project is accurate. He went on to say that he supports historic preservation, but taxpayers are being asked to fund a failed project. He questioned how much return the City can expect from this investment within a reasonable period of time. Ms. Mammano likened this to a world of horrible choices, but she felt the worst choice would be to stop. She as well as Ms. Cummings wanted to seize this moment. Mayor Seiler agreed. The City Manager outlined for Commissioner Trantalis why Nova needs to go before the Historic Preservation Board. Commissioner Trantalis noted that at the end of the lease term, the City has the value of improvements made by Nova. Commissioner Rogers elaborated upon some terms in the lease that protect the City. Mayor Seiler pointed out that there is a percentage of the hours available for public use. Commissioner Rogers indicated there would be a monthly art show and homeowners association would have some benefits. The City Manager indicated when Nova acquired the Museum of Art, they felt it was important to create a presence in that vicinity to promote the cultural arts program in the downtown. He confirmed for Commissioner Trantalis that the public school system uses space in the Performing Arts Center, not Nova. Discussion touched upon the importance of the Historic Preservation Board approving Nova's application.

### **EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 5:09 P.M.**

**13-0453** THE CITY COMMISSION SHALL MEET PRIVATELY PURSUANT TO FLORIDA STATUTE 286.011(8) CONCERNING:

WEST CONSTRUCTION, INC. v. CITY OF FORT LAUDERDALE  
Case 12-008336 (12), 17th Judicial Circuit, Broward County

BRIAN GIBBS v. CITY OF FORT LAUDERDALE (File VA GL 12-220)

### **CLOSED DOOR SESSION ENDED AT 6:09 P.M.**

Note: The City Commission recessed at 6:09 p.m. and reconvened at 9:37 p.m. to address Item BUS-5 in the City Commission meeting room on the first floor of City Hall.

**BUS-4 13-0434** DREDGING LAS OLAS MARINA AND BAHIA MAR YACHT CENTER AREAS - APPLYING FOR ADDITIONAL GRANT FUNDING FROM FLORIDA INLAND NAVIGATION DISTRICT - 2013-2014 WATERWAYS ASSISTANCE PROGRAM FOR ENGINEERING AND PERMIT FEES

Please see Regular Meeting Agenda Item CR-2.

**BUS-5 13-0351** PURCHASING ORDINANCE AMENDMENT - ACCEPTANCE OF UNSOLICITED PROPOSALS

The City Manager explained that this is in furtherance of engaging in public – private partnerships. A provision would be added to the code to allow for receipt of an unsolicited proposal. He noted more detail provided in Commission Agenda Memorandum 13-0351.

Vice Mayor Roberts supported the concept. In response to Commissioner Rogers, the City Manager advised that there are several cities and counties that have adopted this language. It parallels a senate bill on this topic. A processing fee of \$25,000 seems to be what others are using. There is a procedure for returning to the applicant whatever remains from the cost to evaluate an idea. Commissioner Rogers support the concept, but wanted to see what other cities do. The City Manager explained to Commissioner Trantalis why this process would be helpful and cited examples. The City would charge for evaluation of the idea. Vice Mayor Roberts agreed with Commissioner Trantalis about \$25,000 seeming high, but felt that is something that could be looked at when more information is presented. Commissioner Rogers raised the idea of a two-tier price schedule, however Mayor Seiler wanted to wait until the item is presented again and noted that the Manager has the most insight into how much time would be invested in an evaluation.

In response to Mayor Seiler, the City Manager advised that the matter has been reviewed by the City Auditor. The City Attorney explained the challenge will be weaving it into the code and some charter provisions. Fairness to other vendors must be considered. It is prohibited at the state level. Mayor Seiler requested input from the City Attorney and City Auditor as well as other cities.

### **BOARDS AND COMMITTEES**

**BD-1 13-0105** COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending March 14, 2013

#### Economic Development Advisory Board

**Motion made by Mr. Hughes and seconded by Mr. Scott to** approve the minutes of the February 13, 2013 meeting.

Discussion ensued.

**Mr. Mihaiu requested that the Board clarify their Communication** to the City Commission to state this Board supports the Marina Lofts project in it's entirety as well as moving the rain tree in the Marina

Lofts Project to the public area, thereby making the rain tree accessible to everyone - was agreeable and this Board would support such a project. It was stated a project like this should not be held up and reference was made to the Related Group getting fast track approval.

In a voice vote the **motion** passed as amended. John Scherer and Kit Denison abstained from voting. A memorandum of voting conflict is attached to these minutes.

The communication was received.

**BD-2 13-0106 BOARD AND COMMITTEE VACANCIES**

Please see Regular Meeting Agenda Item R-2

**CITY MANAGER REPORTS-None**

The meeting adjourned at 9:52 p.m.