

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, April 19, 2016

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

***JOHN P. "JACK" SEILER Mayor - Commissioner
DEAN J. TRANTALIS Vice Mayor - Commissioner - District II
BRUCE G. ROBERTS Commissioner - District I
ROBERT L. McKINZIE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV***

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney***

Mayor Seiler called the meeting to order at 1:38 p.m.

ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice Mayor Dean J. Trantalis, Commissioner Bruce G. Roberts, Commissioner Robert L. McKinzie, and Commissioner Romney Rogers

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jeffrey A. Modarelli, and City Attorney Cynthia A. Everett, and Sergeant at Arms Adam Solomon

No public comments were submitted by email for this meeting.

CITY COMMISSION REPORTS

Events and Matters of Interest

The Mayor and members of the Commission announced recent and upcoming events and may raise matters of interest or concern.

Tortuga Music Festival

Commissioner Rogers stated he received a good report on the Tortuga Festival. Mayor Seiler stated he received one complaint about the time the music stopped and approximately 100 compliments about the City's Police, Fire, and Parks and Recreation from the organizers, producers, and the public. Additionally, the traffic flow was the best it ever has been for this event. Vice Mayor Trantalis stated *The Miami Herald's* headcount for the event was over 90,000 for the three-day event. Mayor Seiler thanked the legal department for Senior Assistant City Attorney Paul Bangel's on scene updates regarding timing, security and safety. Further discussions ensued on this topic.

Harbor Shops' Police Substation

Commissioner Rogers noted the Harbor Shops' Police Substation will be opening soon. He also stated there has been a significant drop in car burglaries in District IV.

City and County Demographics

The Commission discussed the demographics of both the County and the City as relates to those coming to the area to live as well as businesses that are opening up branch offices in the City. The Commission also noted its goal of creating the best environment possible to attract those relocating to the South Florida area to choose Fort Lauderdale as their home. Commissioner Roberts also noted the increase in manufacturing jobs in the City and County as compared to the State.

Proposed Local Surtax and Transportation Tax

Commissioner Roberts updated the Commission on the recent MPO Meeting regarding the proposed local infrastructure and transportation surtaxes. Commissioner Roberts also said the County

Commission authorized County Commissioner Ryan to bring the MPO Board Meeting a concept of a 70/30 percent split on the proposed transportation surtax and noted it passed the County Commission with a 7-1 vote. At the MPO Board Meeting, the final vote was to approve a transportation surtax with a 70/30 percent split, 70 percent going to the County for transportation and 30 percent going to municipalities for transportation related issues to be apportioned by population. The MPO Board vote to approve the transportation surtax was 19-6. The six municipalities in opposition were opposed to the 70/30 split. Commissioner Rogers stated in the County's Plan, the transportation surtax would fund 20 miles of the *The Wave* in the City. Commissioner Rogers also mentioned there are further determinations to be made regarding the transportation surtax. Further discussions ensued on this topic.

Florida Department of Transportation (FDOT) Bridges of the Isles Public Meeting

Vice Mayor Trantalis stated this meeting at the Riverside Hotel had numerous angry people who were very upset over the delays and inconvenience, as well as the outcome. Vice Mayor Trantalis said he observed northern Las Olas Boulevard is now higher than southern Las Olas Boulevard and it needs to be addressed due to its appearance. He also stated there is a neighborhood movement going on to try to organize a possible beautification program to help unify the street. Additionally, EDSA has stepped up and made a proposal to this neighborhood group, and they are trying to raise the funds to get a plan accomplished. Vice Mayor Trantalis also stated this needs to be coordinated with FDOT as this project has decimated the previous look of the streets in this area of the City.

Meeting with Budget Advisory Board Meeting and the Beach Redevelopment Advisory Board

Vice Mayor Trantalis stated he attended this meeting, and it was very successful. He raised the point of parking garage and stated he thinks the Commission is premature to have the First Reading on the parking garage as there are still so many moving parts, i.e., the proposed Bahia Mar Marina Project which may or may not move forward. Vice Mayor Trantalis stated he is hesitant to spend additional money prematurely on revising plans as was done with the Aquatic Center. He stated he felt it should be taken off the agenda as it is not appropriate at this time. Discussions ensued on this topic among the Commission regarding delays and keeping it on track. Mayor Seiler noted that the Second Reading could be deferred. Additionally, the meeting on May 11, 2016, with the Beach CRA and the Beach Redevelopment Advisory Board will impact the parking garage issue. Don Morris, Manager of the Beach CRA, confirmed for the Commission that *all CRA Projects need to be completed on or before the date the CRA terminates.*

Community Outreach

Vice Mayor Trantalis stated residents feel that the City is not doing an adequate job of reaching out to community residents to invite their participation to be heard about any proposed neighborhood changes. Vice Mayor Trantalis asked City Manager Feldman to be more defined in the City's outreach and redouble efforts to reach out to community residents.

Seawalls, Runoff, and Storm Water Drainage

The Commission briefly discussed the issues of rising sea levels, runoff, and storm water drainage in the City's neighborhoods and agreed that engineering studies need to be done and communicated to the residents to properly address these important issues.

City-Wide Workshop on Bahia Mar

Vice Mayor Trantalis stated for the public that the City-Wide Bahia Mar Workshop is Tuesday, April 26, 2016, at 6:00 p.m. in the City Commission Chambers. He also said City Attorney Spence advised members of the Commission regarding not attending this workshop due to it being a quasi-judicial process. It was noted the revised plans will be presented to the community and they will have an opportunity to respond at this meeting.

Bahia Mar Meeting on May 10, 2016

Vice Mayor Trantalis asked City Manager Feldman for confirmation of the Commission's Quasi-Judicial Public Meeting on Bahia Mar Meeting on May 10, 2016. City Manager Feldman stated the City will be ready regarding the site plan. He did not think the City would be ready with regard to the lease stating the appraisal will not be back until early May. Mayor Seiler stated when the site plan is addressed, the finances will be more clearly understood. Additionally, the lease negotiations cannot go forward until the actual numbers involved are analyzed. Further discussions ensued on this topic and the importance of understanding the values involved allowing the proper conclusions. Vice Mayor Trantalis stated it is important to determine whether the private development is adequate for the value of the land that is being sited. Commissioner Romney stated the appraisal should be encompassing enough to illustrate the lease fee amount and a valuation on what potential development can occur on the site.

Assistant City Attorney D'Wayne Spence addressed the Commission stating in the Commission's function as a Quasi-Judicial Board, the Commission is evaluating an application to determine if it meets the criteria of the Zoning Code. If they applicant meets the criteria of the Zoning Code, the Commission can approve the development. If not, the City Commission does not approve the development. Mr. Spence stated the City Commission is serving as a finder of fact based on the Zoning Code and the ULDR's it has adopted. Vice Mayor Trantalis stated with Innovative Development (I.D.), the reasoning and determination becomes much more subjective. Further discussions ensued on this item.

Broward County Sheriff Officers in the City

Commissioner McKinzie asked Vice Mayor Trantalis how the County Sheriff's office assists the City's Police Department in their efforts to reduce crime in the City. Discussions and comments ensued on this topic. Vice Mayor Trantalis did not wish to speak for the County Sheriff and Vice Mayor Trantalis did not know why the County Sheriff's officers are stepping into the City's neighborhoods.

Crescent House

Vice Mayor Trantalis asked City Attorney Everett for an update on Crescent House. City Attorney Everett stated Crescent House has filed their brief for their appeal but no resolution has been reached. Additionally, they are still in discussions, and the discussions seem to be productive. City Attorney Everett confirmed for Vice Mayor Trantalis that Crescent House is appealing both the full order of the court which entails both issues.

CONFERENCE REPORTS

CF-1 16-0406 South Side School Update

City Manager Feldman stated the City is moving forward with issuing its Notice to Proceed. On April 29, 2016, the City is exchanging drafts with the State on the sidewalk issue. Commissioner Rogers noted the City is seeing "the light at the end of the tunnel" with regard the South Side School. He stated the first floor is in need of programming. He asked John Wilkes, Friends of South Side School, to address the Commission to give some direction. Mr. Wilkes spoke to the Commission stating Friends of South Side is available to help and assist with this project in two ways. One is with programming as has been done in other areas of this community to be "ahead of the curve" so the

programs are ready to be put in place when the building is ready to open. Mr. Wilkes went on to state he requests a point person from the appropriate department to be assigned to South Side School so that Friends of South Side School can work with them and to be a liaison. This also corresponds to the second phase which is with funding. Additionally, as a non-profit, Friends of South Side School has the ability to assist with the "rough out" of electric and other utilities as well as the ability to apply for grants and to go to the public to request contributions which may not be available to the City. This would allow the providing of amenities so the programming, when in place, will have necessary the features, i.e., a particular type of dance floor, kitchen amenity, etc. Mr. Wilkes stated Friends of South Side School are here to assist and the City simply need ask and advise them in order to work together to make South Side School a successful reality as done in other areas of South Florida.

Commissioner Rogers requested, if the Commission concurs, to allow Friends of South Side School to work with City Staff and determine what programming would be appropriate prior to the completion and the ribbon cutting. Commissioner Roberts and Vice Mayor Trantalis concurred, and Vice Mayor Trantalis gave his input regarding the original ideas related to the arts and cultural items for this location as defined when the County's grants were allocated for the site purchase.

OLD/NEW BUSINESS

BUS-1 16-0448 Discussion Regarding FY 2016 State Legislative Session

Mayor Seiler stated he felt the communication was outstanding during the entire legislative session and acknowledged the great work by our team over the entire legislative year.

Ron Book, Ronald L. Book, P.A., one of the City's State lobbyists addressed the Commission discussing his firm's work with the Commission and effectively coordinating issues facing the City. Mr. Book gave an overview of his firm's efforts during the legislative session and the dual firm representation. Mr. Book also gave an explanation and background of the bills vetoed by Governor Scott. Additionally, Mr. Book elaborated on the issue of tourists bringing their vessels down and impeding on the resident's waterfront property. Mr. Book recognized and thanked all those from the City and the boaters which contributed in the effort to address this issue at the State legislative level. Commissioner Roberts confirmed the boaters and constituents in District I agree this is a major issue.

Mr. Dave Ericks, Ericks Consultants, Inc., another of the City's State lobbyist in the State capital, Tallahassee, addressed the Commission stating both firms worked well together and they appreciate all the assistance received from the Office of the City Manager and the City Staff.

Mayor Seiler stated he would recommend a renewal of both firms' service due to their outstanding efforts in addressing legislative matters, being ahead of the curve on the issues, their effective communications, and being kept current on all issues in pursuing the City's legislative goals.

Charles King, 105 N. Victoria Park Road, addressed the Commission giving his ideas, comments and concerns regarding the use of lobbyists.

BUS-2 16-0450 Fort Lauderdale Aquatic Complex Update

Mayor Seiler confirmed the Florida Aquatic Center Complex will be discussed at the May 11, 2016, meeting to be held at noon in the City Commission's Conference Room. Mayor Seiler confirmed this meeting will be to review and update the plans provided by the consultant. Mayor Seiler noted the CRA Board and the Beach Redevelopment Advisory Board Meeting will be publically noticed as they will vote at this meeting.

BOARDS AND COMMITTEES

BD-1 16-0498 Board and Committee Vacancies

The Commission discussed the board and committee vacancies and issues relating to same.

Please see Regular Meeting Item R-1.

City Clerk Jeffrey Modarelli informed the Commission the Office of the City Clerk will be hosting Board and Committee Interactive Workshops on April 26, 2016, for the liaisons and staff, and April 27, 2016, for all advisory board members. Mr. Modarelli encouraged anyone who has not attended in the past to attend these workshops also noting these workshops occur annually.

Mayor Seiler requested the City to advertise all open positions on the City's Boards and Committees at the City's website to keep the community apprised of available board and committee vacancies and opportunities.

BD-2 16-0417 Communications to the City Commission

Code Enforcement Board

The City's Code Enforcement Board communicated to the Commission the Board has vacancies requiring new appointments by the City. They also requested the City Commission clarify the rules of residency for service on the Board.

City Clerk Jeffrey Modarelli addressed the board stating he confirmed the Chair of the Code Enforcement Board is required to be a resident of the City.

Sustainability Advisory Board

The Sustainability Advisory Board (SAB) communicated to the City Commission their opinion and recommendations regarding the proposed Bahia Mar project as noted below.

The Sustainability Advisory Board (SAB) opposes the most recent public proposal (as discussed at the City Commission meeting on February 2, 2016) for redevelopment of the Bahia Mar Resort and Marina and urges the City to seek changes that address the following concerns:

Increase of population on vulnerable barrier island, development on the barrier island is threatened by sea level rise, higher storm surge, and beach erosion, and many have questioned the wisdom of continuing to add population to this area given these issues. Further, many of the "local, regional, and mega-regional plans" which the Press Play strategic plan pledges to incorporate into the City's plans and processes to improve climate change resiliency suggest focusing new development in areas better suited to long-term population growth and mobility, such as higher elevation areas, existing mixed-use neighborhoods, and corridors with public transit options.

Traffic congestion. Increasing the population along the coastline will undoubtedly contribute to greater traffic congestion on A1A and adjacent arterial roadways, which may affect emergency response and hurricane evacuation times. While we commend City staff for recommending a suite of public transit, bicycle, and pedestrian improvements as conditions of approval, it is unlikely that these measures will meaningfully ameliorate the auto traffic generated by the development. The proposed supermarket alone will likely generate far more auto trips than the residential units on the site.

Shadowing of the beach and adjacent neighborhoods. The proposed towers would be the tallest along Fort Lauderdale Beach and will cast long shadows over areas to the west in the morning hours and over the beach to the east in the afternoon and evening. As the beach adjacent to the proposed development site is one of the few reaches of beach not currently shadowed in the afternoon and evening, new shadows may reduce its attractiveness to the visitors contributing to the City's tourist economy.

Additional light pollution affecting sea turtle nesting. Light pollution is a serious threat to the endangered sea turtles which are born on Fort Lauderdale Beach, as the hatchlings can confuse manmade lighting for the celestial light. As a result, fewer hatchlings reach the sea. The addition of two 39-story buildings to this property, which currently has difficulty complying with the City's sea turtle lighting ordinance, has the potential to cause significant additional harm to the sea turtle population.

The developers are requesting approval of this project under the City's Innovative Development zoning and site planning procedure, which allows developers greater leeway in exchange for public benefits. The developers have indicated that the public benefits associated with their project include energy conservation, water conservation, public access, and other sustainable features. However, the Sustainability Advisory Board does not believe that these measures, while commendable, are significant enough to outweigh the potential negative impacts outlined above. Accordingly, the Sustainability Advisory Board recommends that the City Commission reject the existing proposal and seek changes which significantly mitigate the negative impacts.

The SAB recognizes that some of these issues would also arise if the property were simply redeveloped under current zoning (i.e., allowing 12-story buildings), and we urge City staff and the City Commission to work with the developers under any development scenario to mitigate the negative effects outlined above.

Lastly, the SAB requests an opportunity to comment on future revisions of the Bahia Mar proposal.

CITY MANAGER REPORTS

City Manager Feldman stated the City went to the market on the Water and Sewer Refunding Bonds approved by the Commission. City Manager Feldman stated it was a very good day in the market, and they came back from the market at 2.71 which means the present value (preliminary numbers) saving will be \$18,700,000 which is over ten percent (10%). Mayor Seiler requested City Manager Feldman to send out an email on this subject when the final numbers are received. He also requested City Auditor Herbst to send out a joint email noting the impact. Further comments ensued on the bond market and the City is being rated as a AAA Bond.

Mayor Seiler recessed the Conference Meeting at 3:49 p.m.

Mayor Seiler reconvened the City Commission Conference Meeting at 4:29 p.m.

Mayor Seiler announced the City Commission's Executive Closed Door Session pursuant to Florida Statute, Section 286.011(8) concerning: ME Water, LLC v. City of Fort Lauderdale Case No. 14-000970 (03) City of Fort Lauderdale v. Performance Trading, Inc., et al. Case No. CACE 15-013255 (12) Travis Switzer v. City of Fort Lauderdale Case No. CACE 12-007006 (09).

Mayor Seiler announced those who will be in attendance as:

Mayor John P. "Jack" Seiler
Vice Mayor and Commissioner Dean J. Trantalis
Commissioner Bruce G. Roberts
Commissioner Robert L. McKinzie
Commissioner Romney Rogers
City Manager Lee R. Feldman
City Auditor John Herbst
City Attorney Cynthia A. Everett

Assistant City Attorney Alain E. Boileau

Re: *City of Fort Lauderdale v. Performance Trading, Inc., et al.* Case No. CACE 15-013255 (12)

Jeffrey Lawley, Esq., Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

Re: *ME Water, LLC v. City of Fort Lauderdale* Case No. 14-000970 (03)

Certified Court Reporter from Daughters Reporting, Inc.

ADJOURNMENT

There being no further business before the City Commission, Mayor Seiler adjourned the City Commission Conference Meeting at 4:30 p.m.