

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, September 20, 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***

QUORUM ESTABLISHED

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

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

No public comments were submitted by email for this meeting.

Mayor Seiler called the Conference Meeting to order at 1:36 p.m.

CITY COMMISSION REPORTS

Events and Matters of Interest

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

Hotwire Communications Headquarters

Commissioner Roberts noted the relocation and opening of Hotwire Communications Corporate Headquarters from Philadelphia to the City of Fort Lauderdale on 62nd Street in the former Bank of America Building. Mayor Seiler noted receiving numerous compliments from the Governor, the Business Alliance, and others regarding the ease of working with and professionalism of our City Staff relating to their adaptability and flexibility of the City's economic development, which reflects positively on the top to bottom efforts of City Manager Feldman and City Staff.

Palm Aire Village

Commission Roberts noted his attendance at the ribbon cutting at Palm Aire Village acknowledging the various projects. Commission Roberts thanked all City personnel who assisted in this effort.

NE 13th Corridor

Vice Mayor Trantalis noted the long-awaited groundbreaking of the NE 13th Corridor Complete Streets project which is the first step in making the needed improvements in this area. He also noted that this project would provide an opportunity to the neighborhood to assist in eliminating crime and improve the area with the development of both residential and mixed-use projects. Vice Mayor Trantalis thanked all those in attendance and his hopes that this is the beginning of a

renaissance in this central area of the City. City Manager Feldman stated the project should be completed by summer of 2017. Mayor Seiler raised the issue of connecting the last Saturday of the month Art Walks to this area via a shuttle. Further comments and discussions ensued regarding this area of the City's art district, which also includes a residential component as opposed to Miami's Wynwood area which does not have any residential buildings.

Amaray Apartments Opening on Las Olas

Vice Mayor Trantalis noted the ribbon cutting attended by Mayor Seiler of the Amaray Las Olas at 215 SE 8th Avenue on Thursday, September 15th. The Amaray building is the City's latest a 254-unit residential development comprised of studios, one, two and three-bedroom apartments with 26 unique designs. It is a great addition to this area and assists in supporting the businesses in the area.

Middle River Terrace Neighborhood Association

Vice Mayor Trantalis noted the awards presented to past president, Laura Croscenco. He also announced the new Middle River Terrace Neighborhood Association President, Colleen Lockwood.

Noise Issues

Vice Mayor Trantalis noted the numerous complaints he has received in the area of Shooters because of the arrival of early morning dump trucks, motorcycles racing up and down NE 32nd Avenue, and late night music at restaurant bars in this area. Vice Mayor Trantalis stated those who live and work in this area have confirmed this is a very real problem as there is an echo chamber in this the area of NE 32nd Avenue. He asked the City to be more aggressive in addressing these noise issues. Further discussions ensued on this matter.

Flood Plain Elevation Ordinance

Vice Mayor Trantalis discussed the City's philosophy (shared by many nearby municipalities) requiring residents which have made improvements to their properties up to the fifty-one percent substantial improvement level, are required to comply with the City's Flood Plain Elevation Ordinance and bring the residence up to code. Vice Mayor Trantalis stated that the City's code states these residential improvements go back ten years toward the fifty-one percent substantial improvement level and is unfair to new purchasers of these properties. He also stated the Commission should look at this again so as to be equitable to new purchasers of properties who may fall into this category. Commissioner McKinzie agreed with the comments of Vice Mayor Trantalis.

17th Street Causeway Traffic Concerns

Commissioner Rogers discussed the meeting between the Port, the County, the City, stakeholders and property owners on the 17th Causeway Transportation Mobility Plan held on Monday, September 12, 2016. The meeting was held in an attempt to obtain a solution and reach a consensus. He noted an improvement in communications between the Port, the Convention Center, City Staff, and the County. Commissioner Rogers cited the efforts by the attendees to address traffic congestion, crime issues, and the need for something to replace a bypass road. Further discussions ensued on the City's 17th Street Mobility Plan presenting possible alternatives and other issues relating to traffic congestion in this area. Commissioner Rogers stated the City should continue to press for more solutions.

Lauderdale Isles Waterway Clean-Up

Commissioner Rogers stated that the Lauderdale Isles Waterway Clean-Up efforts resulted in the collection of 1,300 pounds of debris during clean-up efforts on September 17, 2016. He noted these efforts were enhanced with the use of the City's new larger skimmer boat.

Beach Events on South Beach Parking Lots

Commissioner Rogers noted his constituent's concern over two events scheduled during the season in the South Beach Parking Lot, one of which is supported by the BID. Discussions ensued on the concerns of the closure of the South Beach Parking Lot. Mayor Seiler noted it is only a partial closure but agreed it needs to be clarified especially for events held during the weekends. The Commission requested a calendar of events scheduled for this area. Further discussions ensued on this topic.

Building Department

Commissioner Rogers discussed the concern of one of his constituents regarding a building permit for a seawall, which has been in the City's Building Department for six months. He noted a further delay would cause this resident to lose their grant funding. Further discussions ensued on this topic. City Manager Feldman stated this particular permitting issue is part of the North Riverwalk Extension, and this permitting issue is outside of the City's Building Department. City Manager Feldman noted issues relating to permitting in this area are environmental and fall into the realm of the County's approval process. City Manager Feldman said he would reach out to this City resident. Mayor Seiler requested Commissioner Rogers to ask this resident to send him an email on this issue. Further comments and discussions ensued.

Center for Hearing and Communication

Commissioner Roberts discussed his meeting with representatives of the Center for Hearing and Communications regarding establishing a communication system for those with hearing challenges on the City's webpage. Commissioner Roberts requested City Manager Feldman include this as part of the curriculum for the City's Police training to address better communication skills which can coincide with the planned revamping of Police training. Commissioner Roberts noted the Center for Hearing and Communications has partnered with Barry University in these efforts.

Police Training

Commissioner Rogers asked if the City's Police Department is receiving enough training on terrorism. Commissioner Roberts stated the City had implemented better coordination training between first responders, City Police, Fire and EMS services in addition to City Staff. Commissioner Roberts noted he would get back to Commissioner Rogers on his specific questions regarding training on addressing incidents of terrorism. Further comments and discussions ensued regarding expanding cameras throughout the City to address possible incidents of terrorism and the importance of doing the correct way.

Community Redevelopment Agency (CRA) Advisory Board Policy

Mayor Seiler raised the issue of revisiting CRA's policy for those on the CRA Advisory Board with conflicts of interest. Mayor Seiler noted conflicts in the CRA language requiring those on the CRA Board to have a vested interest in the CRA. In such cases, the CRA Advisory Board members should recuse themselves. Mayor Seiler expressed his concern over losing talented CRA Board Members. Commissioner McKinzie commented that in this situation, a CRA Board Member should recuse themselves.

Mayor Seiler noted the CRA Board needs to address this and institute a proper policy to ensure that CRA Advisory Board Members would recuse themselves from a vote that they could potentially directly profit from as opposed to resigning from a CRA Advisory Board. Further discussions ensued on the CRA Charter, the requirements to be a CRA Advisory Board Member, and the need for specific policy language in the City's CRA. It was noted that there should be language in the CRA Policy that those on the CRA Board are not allowed to be receiving CRA funds but can indirectly receive a benefit similar to all those residing in the improved CRA area and the City. The examples of property value increases and transportation improvements were noted. All Commission members requested this topic be brought back to the Commission for further discussion.

International City/County Managers Association

Mayor Seiler announced and congratulated City Manager Feldman for his upcoming appointment and swearing in as President of the International City/County Managers Association in Kansas City.

CONFERENCE REPORTS

CF-1 [16-1081](#)

Central Beach Master Plan Public Improvement Projects Update

Mayor Seiler recognized Don Morris, Area Manager for the Beach CRA, who distributed updated drawings to the Commission for the Central Beach Master Plan. Mr. Morris introduced Paul Kissinger of EDSA who presented the Commission with the latest Central Beach Master Plan Public Improvement Projects Update. Mr. Kissinger gave the Commission a presentation update that addressed the façade of the garage. Mr. Kissinger also addressed the Commission's concerns about the garage's lighting, security, and the visibility of the restrooms on the parking lot roof. Comments on aspects of the update ensued from the Commission including the proposed artistic exterior of the parking garage. Mr. Morris addressed Mayor Seiler's understanding of what had been requested from the City's consultant as it related to the garage's lighting, security, the restrooms on the roof of the parking lot and the associated costs. Comments and discussions ensued from the Commission about softening the image of the garage, including the various ways of wrapping the garage with lighting, and perhaps mimicking the wraparound of the parking garage in Pompano Beach. Mr. Kissinger continued the presentation with comments, questions, and discussions from the Commission during the presentation. Mr. Morris asked for direction for the Commission on this update.

A copy of these drawings is attached to these minutes.

Mayor Seiler recognized Mr. Paul Chettle, 200 S. Birch Road, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

City Manager Feldman stated that City Staff had met with the condominiums in the vicinity of the parking garage.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Art Seitz, 1905 N. Atlantic Blvd., who

addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Vicki Mowrey, One Las Olas Circle, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Shirley Smith, One Las Olas Circle, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Abby Laughlin, 425 Bay Shore Drive, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mr. Kissinger again addressed the City Commission with updates on the costs and specifics relating to the wrapping the parking garage with and without the proposed lighting. Mr. Kissinger stated the cost of the wrapping the garage is approximately \$4,000,000 to \$5,000,000. Including the lights, Mr. Kissinger stated the cost to wrap the garage would be an additional \$1,000,000.

Discussions and comments ensued on the pros and cons of Pompano Beach's Beach garage wrap and the proposed EDSA garage wrap and its artistic design and costs. Vice Mayor Trantalis emphasized the garage's design will set the tone for future development in this area.

Mr. Kissinger stated the total cost of the garage with the current proposed design would be \$20,000,000 - \$21,000,000 which is down from \$28,000,000. Mr. Kissinger noted the wrap on the garage was approximately 20-25 percent of the cost of the garage. Discussions ensued regarding the majority of the Beach Redevelopment Advisory Board's (BRAB) support for the updated garage design with lighting including the Chairman of the BRAB, Anthony Abbate. Further discussions continued regarding the options for lighting portions of the garage. The Commission acknowledged they were ready to move forward with a consensus on the proposed design plan of the garage.

Commissioner Roberts raised the issue to set a policy to put aside the Tax Increment Financing (TIF) funding for the beach area when it sunsets.

Mayor Seiler again recognized Art Seitz, 1905 N. Atlantic Blvd., who addressed the Commission with his comments, thoughts, concerns, and questions regarding additional issues regarding this item.

Mayor Seiler again recognized Charles King, 105 N. Victoria Park Road, who addressed the Commission with his comments, thoughts, concerns, and questions regarding staying within the budget.

Mayor Seiler recognized Sherman Whitmore, who addressed the Commission with his comments, thoughts, concerns, and questions regarding items relating to the Aquatic Center. Comments and discussions ensued from the Commission and Mr. Whitmore.

CF-2 [16-1138](#)

South Side School Update

Alan Dodd, Assistant Public Works Director, addressed the Commission with City Staff's South Side School Update.

City Manager Feldman stated City Staff is making progress on a report for South Side School and will be ready for the Commission once they have final numbers on items such as change orders. This report should be available in the October/November 2016 timeframe.

Alan Dodd, Assistant Public Works Director, stated the outstanding change orders include Change Order Number Four which will be coming to the Commission at the first Commission Meeting in October 2016. Mr. Dodd stated there were two additional change orders contemplated, one for re-milling the wood and one for repairing the windows and the flashing for the windows. Mr. Dodd stated these two change orders are still being negotiated and will probably come before the Commission at the first meeting in November 2016.

Mayor Seiler asked City Manager Feldman what happened to the previous old wood at South Side School. City Manager Feldman stated a wood contractor had picked up a portion of the old wood at the direction of the general contractor. City Manager Feldman noted the remaining old wood was on the site on the outside of the building covered by a tarp and was disposed of. Mr. Dodd stated there was a great deal of non-Miami-Dade Pine mixed in with both lots of wood. Mr. Dodd confirmed once the recovered wood is re-milled, there should be approximately 2,000 feet of salvageable wood. He stated this would be placed in the most visible areas of the building after which the best alternative to provide for the additional 4,000 square feet of flooring will be decided. Mr. Dodd stated any of the salvageable wood that was three feet or longer was saved and is being re-milled for use at South Side School. Mr. Dodd also noted the roof had been sealed.

Discussions and comments ensued on the timeline for finishing this historic restoration project, ways to ensure sealing the entire building,

having a temporary seal/fix for the windows to mitigate the water and mold intrusion along with the need for a possible new roof. Commission McKinzie noted that preventing further damage to this building is the responsibility of the general contractor.

Mayor Seiler recognized Art Seitz, 1905 N. Atlantic Blvd., who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

OLD/NEW BUSINESS

BUS-1 [16-1122](#)

Innovative Development (ID) District Ordinance

Mayor Seiler recognized Ella Parker, Urban Design and Development Manager, Department of Sustainable Development. Ms. Parker began a PowerPoint Presentation reviewing the history of the City's Innovative Development (ID) District Ordinance. Mr. Jim Hetzel, Principal Planner, Department of Sustainable Development, continued the presentation. His presentation included the additional two sections of the ID Ordinance since its adoption, a review of the intent of the criteria, its guiding principles, and how this ordinance fits into the development review process including the most stringent requirements required by the ID Ordinance. Mr. Hetzel also gave a short review how City Staff reviews the applications.

A copy of the Department of Sustainable Development's PowerPoint presentation is attached to these minutes.

Ms. Parker addressed questions and comments from the Commission regarding issues and aspects of the ID Ordinance and how it differs from the City's Zoning Ordinance. Mr. Anthony Fajardo, Department of Sustainable Development Director, joined Ms. Parker in responding to the Commission's questions and issues relating to the ID Ordinance. It was noted that the ID Ordinance gives City Staff better direction than the City's PUD Ordinance. Further comments and discussion ensued on the ID Ordinance.

Vice Mayor Trantalis raised the issue that the intent of the ID Ordinance was not to have uncontrolled development in the City. Vice Mayor Trantalis stated the Department of Sustainable Development are the stewards of City's urban design on the beach and questioned why City Staff had interpreted the proposed Bahia Mar development

as satisfying the definition of the ID Ordinance. He also questioned why City Staff had presented it to the Commission when so many elements of the ID Ordinance were ignored and overridden to enhance the economic development of the City. Vice Mayor Trantalis further commented that nowhere in the ID Ordinance does it reference economic development. He also noted the primary criteria of City residents are the quality of life in our City, openness, cleanliness, and safety.

Vice Mayor Trantalis suggested to repeal the current ID Ordinance and go back to the drawing board as a community to come up with something that can assure the proposals presented by City Staff are more in line with what the community desires. Further discussions and comments ensued on the application and interpretation of the current ID Ordinance.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Abby Laughlin, 425 Bay Shore Drive and designated representative of the Central Beach Alliance, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Brian Gillon, 2433 NE 8th Street and designated representative of SIHA PCC, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Miranda Lopez, 3031 NW 21st Street, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Mary Fertig, 511 Poinciana Drive, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

Mayor Seiler recognized Art Seitz, 1905 N. Atlantic Blvd., who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

The Commission agreed to move forward with re-establishing a committee to reexamine the ID ordinance as currently written. Vice Mayor Trantalis recalled the symposium held in November of 2013 where over 150 people showed up on the beach to participate in

creating the design criteria and taking the visioning process of 2035 to be more specific concerning the beach area. Vice Mayor Trantalis felt City Staff should have followed up this symposium in an expeditious way to come up with a Master Plan for the Beach. This would have allowed developers to understand to approach the City with projects within the guidelines and goals of what the community wants and envisions for the City's beach area. Further discussions and comments ensued.

Mayor Seiler requested the Department of Sustainable Development to come up with a list of proposed people to serve on the Committee to fine tune the ID Ordinance and to contact them to ascertain their willingness to serve on this Committee.

BUS-2 [16-1118](#)

Finance Department Informational Presentation

Kirk Buffington, Director of the City's Finance Department, addressed the Commission introducing those who would be presenting the PowerPoint presentation on two projects within the Finance Department as noted below:

Uncompensated Absences (completed) - Presented by Linda Logan-Short, Deputy Director of Finance and Chief Financial Officer

Modernization of the City's Procurement Process (in process) - Presented by Jennifer Alvarez, Manager of Procurement and Controller

Questions and comments ensued from the Commission during each presentation.

A copy of the Finance Department's PowerPoint Presentation covering the topics of the Uncompensated Absences and the Modernization of the City's Procurement is attached.

Following the Finance Department presentation, Mayor Seiler asked if anyone from the public was present for BUS-4. There was no one from the public present for BUS-4. Assistant Public Works Director, Dr. Nancy Gassman, the presenter on item BUS-4, was the only person in attendance. As such, Mayor Seiler announced at BUS-4 would be heard tonight following the Regular City Commission Meeting along with the CRA Meeting.

Mayor Seiler announced the next item on this Conference Agenda to be discussed this afternoon was BUS-3.

BUS-3 [16-0966](#)

Discussion of Land Swap Agreement with Barefoot Contessa, LLC

Mayor Seiler began the discussion on the Land Swap Agreement with Barefoot Contessa, LLC (Barefoot) by asking where each of the other members of the Commission stood on this topic. Mayor Seiler said he felt the land swap needs to happen. Discussions ensued, and each Commissioner gave their input on this item.

Discussions continued including getting all requirements met, and the possibility of getting more than the proposed 77 City parking spaces. Vice Mayor Trantalis stated he had discussions with the representatives of Barefoot for the City to get 200 parking spaces while keeping within the zoning requirement of 24 stories. Vice Mayor Trantalis stated City Manager Feldman suggested using a sliding scale based upon the number of stories so the City Commission can have flexibility in making a final decision.

Discussions ensued on the City having ideas and plans for the Natchez property such as a mixed-use project with a maximum height of four stories on the back side of the Bonnet House to assist with parking.

Regarding the allocated parking spots at the Sebastian site, Mayor Seiler agreed with the recommendation of a sliding scale approach, i.e., beginning at 24 stories the City receives 200 parking spaces. The Commission was in agreement to move forward with this recommendation.

City Manager Feldman asked the Commission if there was anything in the term sheet they felt had been overlooked or missed by City Staff so the final agreement can be brought before the Commission without any modifications or changes.

Vice Mayor Trantalis asked Stephanie Toothaker, Esq., with Tripp Scott on behalf of Barefoot Contessa, LLC, for confirmation that the City would have no obligation to participate in the developer's assemblage process for their development, and the land swap is not contingent on any City approval. Ms. Toothaker confirmed that there were no contingencies. Ms. Toothaker acknowledged after meetings with City Staff and City Manager Feldman that the current zoning is ABA and Barefoot Contessa will be submitting a development plan consistent with the current ABA zoning which will occur after the land swap is completed. City Manager Feldman noted once the land swap is completed, the City will have an easement that will continue to run for the current parking lot for the City and Casablanca until such time a building permit is issued.

A copy of the Term Sheet referenced in the Commission's discussions is attached to these minutes.

Following the discussions on BUS-3, Mayor Seiler again announced at BUS-4 would be heard tonight following the Regular City Commission Meeting along with the CRA Meeting.

Following the adjournment of the Regular Commission Meeting at 9:00 p.m., Mayor Seiler reconvened the City Commission Conference Meeting at 9:02 p.m.

Due to the fact that Mark Levin, 215 N. Birch Road, was not heard earlier on item BUS-3, Mayor Seiler recognized Mr. Levin who addressed the Commission with his comments, thoughts, concerns, and questions regarding Conference item BUS-3.

After completion of Mr. Levin's comments, the Conference Meeting continued with Conference Agenda item BUS-4.

BUS-4 [16-1043](#)

Update on the Status of City of Fort Lauderdale Energy Performance Contracting Projects

Mayor Seiler recognized Dr. Nancy Gassman, Assistant Public Works Director, who addressed the Commission giving them an update on the status of City of Fort Lauderdale Energy Performance Contracting Projects to reduce the City's energy footprint.

Dr. Gassman gave the Commission a PowerPoint presentation on this subject outlining the history of this topic, the steps the City has taken, the energy savings accomplished, the program specifics, and additional steps moving forward that could be cost neutral. Dr. Gassman noted a six percent reduction in the City's electrical energy costs from 2010 to 2016 and noted an additional fourteen percent reduction is necessary to meet the City's 20 by 20 goal. Dr. Gassman noted 12 years recoup time had been recommended by the City's Budget Department.

Questions, answers, and discussions ensued during Dr. Gassman's presentation. Vice Mayor Trantalis asked if these energy investments are being made in City buildings which will be replaced with the 12-year time frame to recoup the money spent on energy saving devices. City Manager Feldman stated that these energy saving investments were being made in all City-owned buildings that have a useful life beyond the cost savings 12 year recoup time.

A copy of Dr. Gassman's PowerPoint presentation is attached to these minutes.

Commission Rogers thanked Dr. Gassman for her continued community service specifically with realtors and waterway homeowners in addressing their concerns about the impact of sea level rise.

EXECUTIVE CLOSED DOOR SESSION

At 5:10 p.m. Mayor Seiler announced the commencement of the Executive Closed Door Session, under Florida Statute, Section 286.011(8)(a). Mayor Seiler noted the items to be discussed include:

- City of Fort Lauderdale v. Performance Trading, Inc., et al. - Case No. CACE 15-013255 (12)
- Royal Ellison v. City of Fort Lauderdale - Case No. CACE 16-007414 (08)
- Molly McCrae v. City of Fort Lauderdale - Case No. 15-61927-CIV-ZLOCH
- Judith Donato v. City of Fort Lauderdale - Case No. CACE 14-024440

Mayor Seiler announced those who will be present at the attorney-client session include:

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

Re.: The City of Fort Lauderdale v. Performance Trading, Inc., et al.; Royal Ellison v. The City of Fort Lauderdale; and Molly McCrae v. The City of Fort Lauderdale, Counsel will be Assistant City Attorney, Alain E. Boileau;

Re.: Judith Donato v. The City of Fort Lauderdale, Outside Counsel will be W. Tucker Craig, Esq., of Billing Cochran Lyles Mauro & Ramsey PA, and a Certified Court Reporter with Daughters Reporting, Inc.

Mayor Seiler announced the estimated length of this attorney-client session is approximately 30 minutes.

BOARDS AND COMMITTEES

- BD-1** [16-1115](#) Board and Committee Vacancies
- See Regular Meeting item R-1.

CITY MANAGER REPORTS

None.

ADJOURNMENT

There being no further business before the City Commission at their Conference Meeting of September 20, 2016, Mayor Seiler adjourned the meeting at 10:23 p.m.

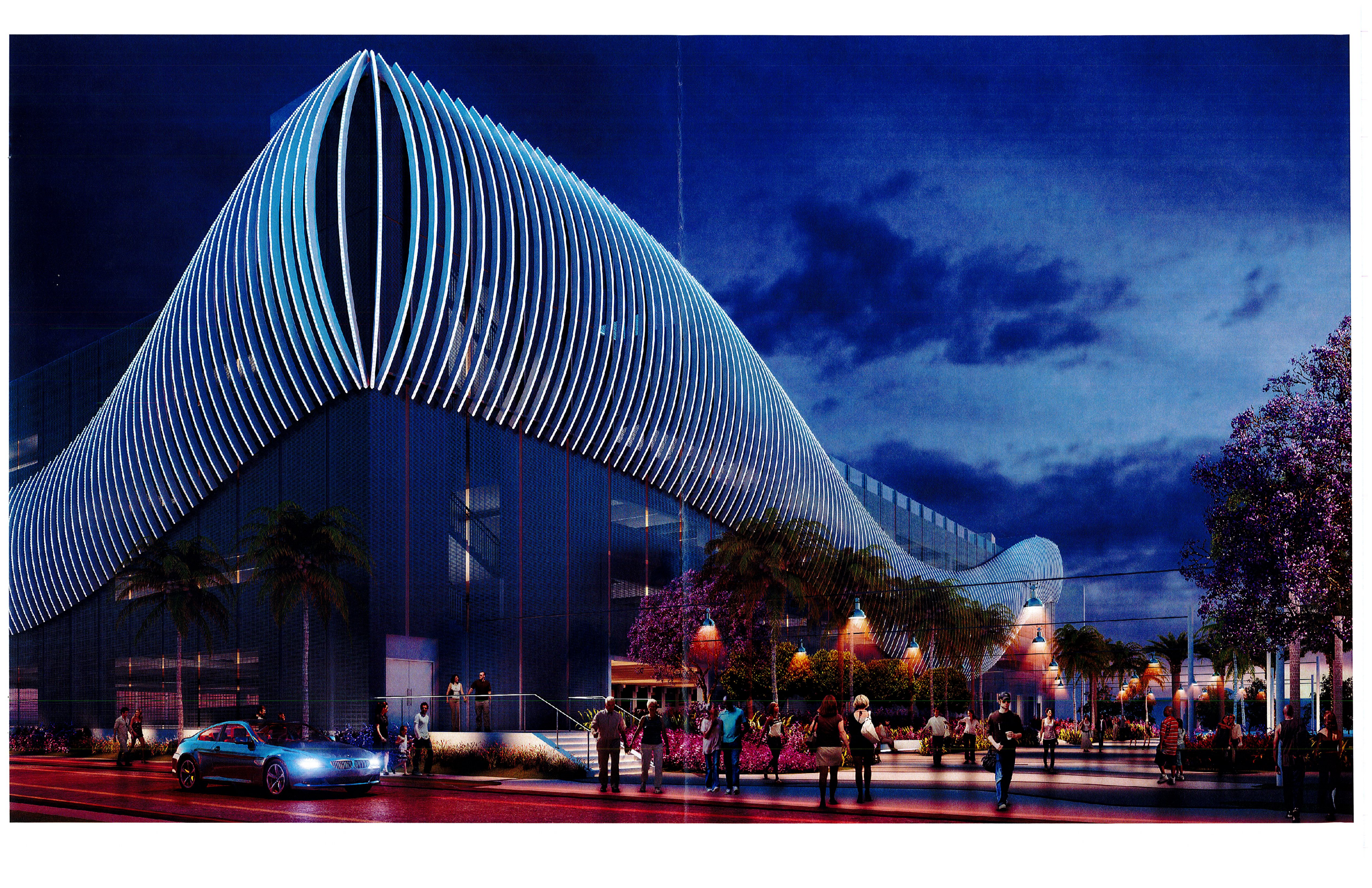
LAS OLAS BOULEVARD CORRIDOR IMPROVEMENTS PROJECT

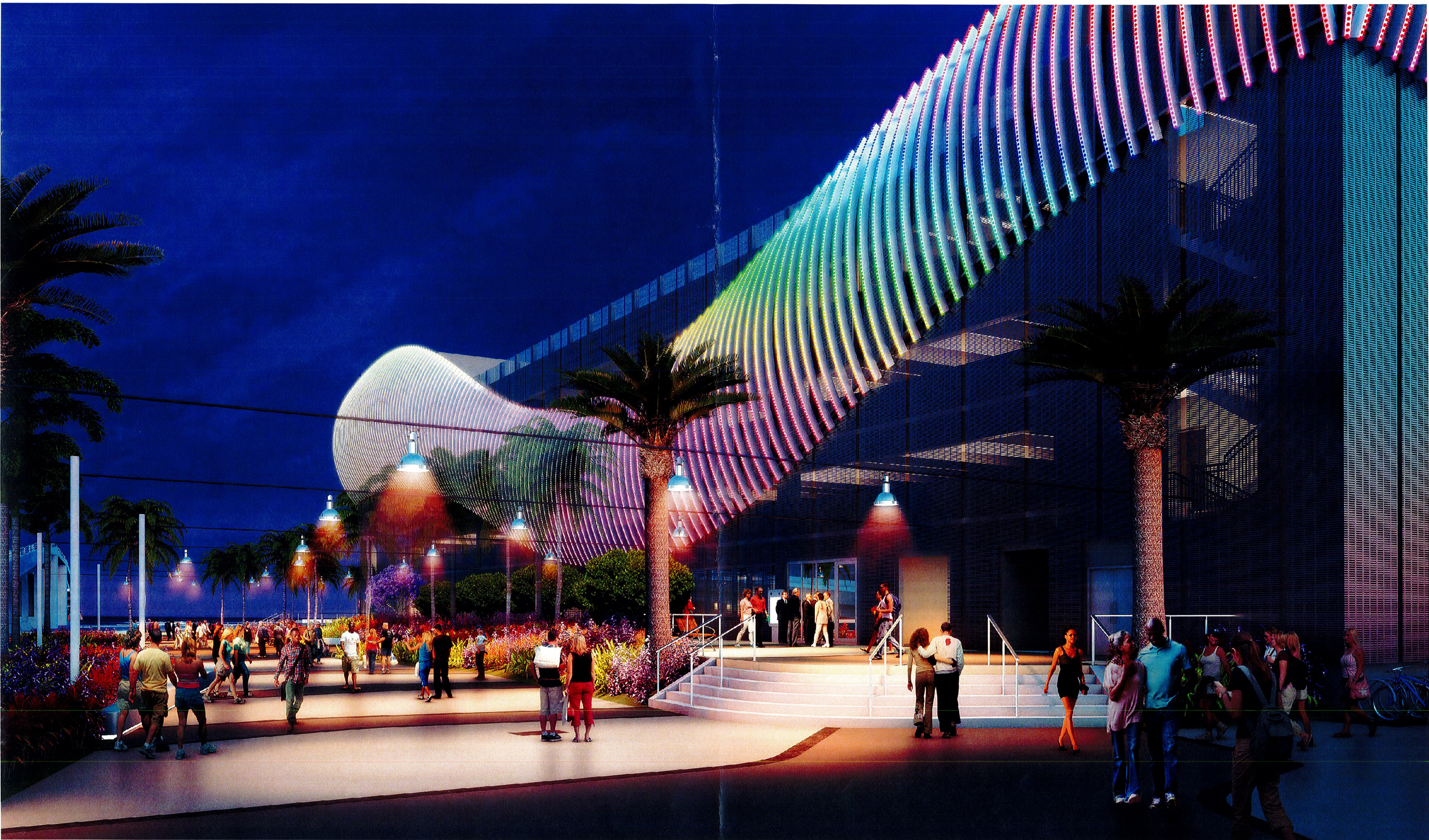
GARAGE LIGHTING
SEPTEMBER 20, 2016

CF-1 CONF
9/20/2016
Provided by Don Morris













CITY OF FORT LAUDERDALE
DEPARTMENT OF SUSTAINABLE DEVELOPMENT

Innovative Development Ordinance

City Commission Conference Meeting
September 7, 2016



AGENDA

- HISTORY
- INTENT / PURPOSE
- APPLICABILITY
- DISCUSSION / QUESTIONS



HISTORY

- 2011 City Commission directive to examine the Planned Unit Development (PUD) Ordinance;
- Created PUD Advisory Committee to refine PUD concept;
- 2013 PUD Committee recommends replacing PUD with new Innovative Development (ID) ordinance;
- New ID ordinance includes more defined criteria to meet recognizable public improvements, more extensive public input, and requirement for supermajority approval

PUD → ID



INTENT and PURPOSE

**FOSTER
INNOVATIVE
/CREATIVE
DESIGN
SOLUTIONS**

**RECOGNIZABLE
IMPROVEMENTS
TO COMMUNITY;
“EXCEPTIONAL”
PUBLIC BENEFITS**

**PROVIDE GREATER
DESIGN FLEXIBILITY
FROM CONVENTIONAL
CODE REQUIREMENTS**

**PROVIDE AND
IMPROVE
MULTI-MODAL
CONNECTIVITY**

**COMPACT
AND MORE
SUSTAINABLE
BUILT FORM**

**FOSTER
MIXTURE OF
LAND USES**



APPLICABILITY

COMPLETENESS REVIEW

- ✓ Conditions for ID ;2 Acres Min
- ✓ Pre-Application Conference
- ✓ Pre-Application Public Outreach
- ✓ Application Submittal Requirements

CRITERIA / PROJECT DESIGN ASSESSMENT

- ✓ Intent / Justifications
- ✓ Development Standards
- ✓ Deviation Comparison
- ✓ Public Improvements
- ✓ Best Practices

REVIEW PROCESS

- ✓ DRC Technical Evaluation
- ✓ Public Outreach
- ✓ Development Agreement / Phasing / MOT
- ✓ Requires Super-Majority PZB Recommendation
- ✓ Requires Super-Majority CC Approval



CITY OF FORT LAUDERDALE
DEPARTMENT OF SUSTAINABLE DEVELOPMENT

Innovative Development Ordinance

Discussion and Questions

City Commission Conference Meeting
September 7, 2016

9/20/2016
CONF Meeting
BLIS-1
Provided by
Abby Laughlin

The ID ordinance **can not** stand the way it is written now. It is the end result of the PUD building moratorium in 2011 and only produced an ordinance of bigger and more invasive projects. It is obtuse and poorly defined.

I understand the commission likes flexibility but there is a serious and cavernous gap between the narrow analytical focus of planning and the end result. The flexible components of this ordinance are open to wide interpretation and that causes misunderstanding and confusion for the very neighborhoods these ID projects are foisted on. Neighborhoods are ill equipped to handle these overwhelming projects and receive no support from city staff or commission on their endeavors to protect their interests.

You must rewrite this ordinance to clearly define the *substantial, significant and recognizable improvements* that have a beneficial effect to the neighboring community and the city as a whole. You must quantify those improvements in the same way you use "rational nexus" to calculate impact fees. You must define the "*neighboring community*". And finally, you must define where these projects can go. They should be reserved for neighborhoods in transition, neighborhoods experiencing slum and blight and neighborhoods within a RAC or redevelopment area.

Galleria, for example is bringing over a thousand units to the neighboring community of 190 single family homes. That's quintupling the size of the fully developed and mature neighborhood of Sunrise Intercoastal. Galleria is attempting to combine non-contiguous parcels. The founding purpose of the project is to increase a couple of basis points on a pension fund. There's no public purpose - anything they want to do as far as improvements already exists in the ULDR.

Context is everything. I urge you to reconsider this ordinance and more clearly define the flexible components that are the hallmarks of *substantial significant and recognizable public benefits*.

Abby Laughlin

Finance Department



Calculation of Compensated Absences



The Finding

- Significant Deficiency since fiscal year 2006.
- Compensated absences calculation was overstated by \$1 million
- Controls over the process of calculating the liability for compensated absences should be designed and operated effectively to ensure that the amounts recorded in the financial statements are an accurate representation of the amounts actually due to employees as of the end of the fiscal year.



The Cause

- The City's policy on accrued sick leave.
- Unused sick leave liability was based on different rates of pay depending on when the hours were earned.
- The calculation of the unused sick liability was performed manually using a spreadsheet.



The Objective

- To automate the sick leave liability calculation.
- Audit and make corrections to existing personnel leave records.
- Accurately calculate hours and update the payroll database.
- Simplify the computation of sick leave payouts



The Scope

- To reconcile over 1,600 employee leave records
- Steps to accomplish goal:
 - Assembled a team of internal (9) and external (6) employees
 - Made corrections to the existing data by carefully calculating the leave balances (previously kept on paper files)
 - Validate balances prior to upload to the payroll database
- The Compensated Absences Project took about 2,142 hours and \$52,942



- The City's compensated absences liability calculation is now automated.
- Terminated employees receive their final payouts more timely.
- Long standing audit finding was eliminated.

Commission Annual Action Plan FY 2016



Procurement

- Procurement Modernization was identified as a priority initiative by the City Manager during the FY 2016 Commission Annual Action Plan prioritization sessions.
- Budget was approved for this project for FY 2016.



Purpose of the Project

- Transform the Division from process oriented to “best value” driven processes
- Review ineffective processes
- Address employee morale and staff turnover



Project Scope of Work

➤ Procurement Process Review:

- ◆ Conduct Interviews with Stakeholders
- ◆ Review internal processes

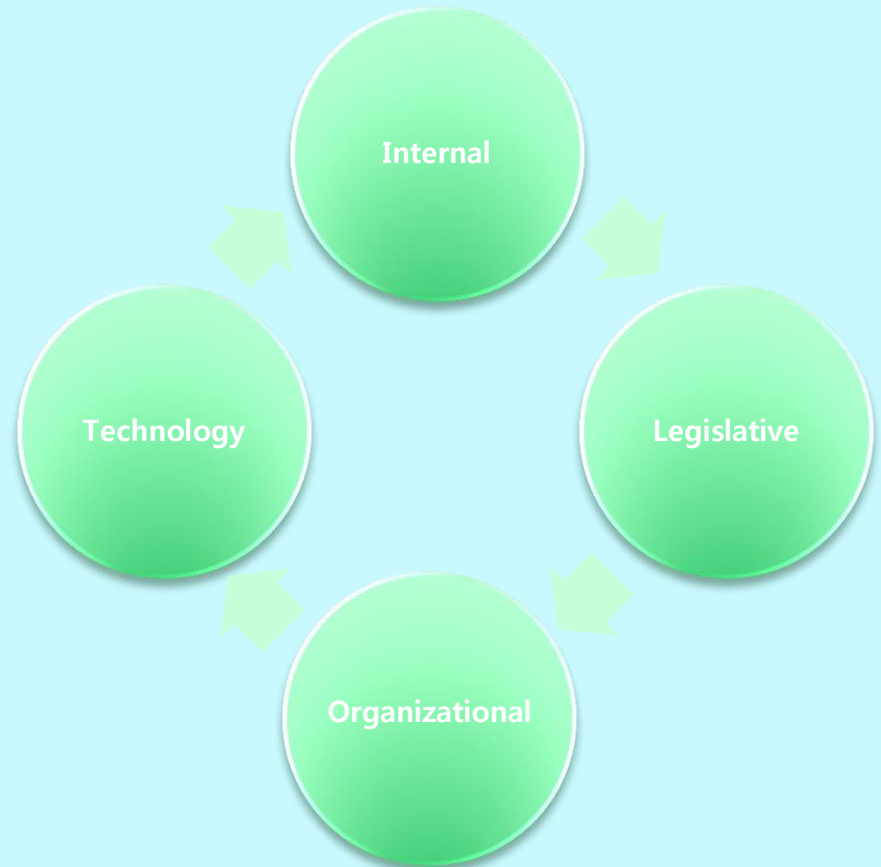
➤ Organizational Review

- Structure
- Authority
- Staffing
- Workload



Recommended Improvements

1. Internal Process Improvements
2. Legislative Improvements
3. Organizational Improvements
4. Technology Improvements



Internal Process Improvements

- Develop short-term and long-term Strategic Plans
- Implement best practice process for capturing and reporting cost savings
- Formal process to measure and manage supplier performance
- Simplify documentation for solicitations e.g., ITB, RFP, and RFQ
- Streamline the agenda approval process



Legislative Improvements

- New Procurement Ordinance
- Increase the City Commission approval thresholds from \$50K to \$100K, and eliminate multiple thresholds
- Maximize the ability to negotiate
- Minimize touch points and numerous signatures for contract execution



Organizational Improvements

- Add one new position for the Assistant Manager, Procurement and Contracts
- Expand the City's investment in Procurement training and professional development



Technology Improvements

- System upgrades and data driven improvements
- Enhancing the use of spend analysis to drive strategic procurement decisions
- ERP Implementation



FY 2016

Accomplishments to Date

- Conducted Contract Audit
- Establishment of City-wide Procurement Liaisons and conduct regular meetings
- Procurement Code Update
- Enacted Master Blanket Purchase Order Process
- New staff hires



Next Step

- Approval of the new Procurement Ordinance and Manual
- On going Liaison and Staff Training
- ERP submission



Questions?



Term Sheet for Land Swap between the City of Fort Lauderdale and Barefoot Contessa, LLC

The City of Fort Lauderdale ("City"), owner of parcels of land commonly referred to as the ("Sebastian Site") identified hereinafter as the ("City Land") and Barefoot Contessa, LLC ("Developer"), owner of parcels of a land identified hereinafter as the ("Natchez Site") agree to swap land parcels ("Land Swap") under the following terms.

City and Developer shall commence the preparation of a binding Land Swap agreement that will transfer the ownership of the Sebastian Site for the Natchez Site within approximately 90 days of an approved agreement. The properties shall have the following Property Identification Numbers, subject to survey confirmation

SEBASTIAN SITE:

5042 12 10 0520	5042 12 10 0550
5042 12 10 0560	5042 12 10 0510
5042 12 10 0490	5042 12 10 0470
5042 12 10 0460	5042 12 10 0440

NATCHEZ SITE:

5042 01 06 0120	5042 01 06 0130
5042 01 06 0110	5042 01 06 0100
5042 01 06 0140	

DEVELOPER AND CITY agree that the terms of the Land Swap shall be as set forth hereinafter:

- 1) The Natchez Site shall be conveyed free and clear of all encumbrances not otherwise excepted in the approved Land Swap Agreement as "permitted exceptions".
- 2) The Sebastian Site shall be conveyed free and clear of all encumbrances not otherwise excepted in the approved Land Swap Agreement, which will include a Declaration of Restrictive Covenants with respect to the future use of the Sebastian site after transfer to title, such Restrictions including, but not limited to the following conditions:
 - a. The triangular portion of land between A1A and Seabreeze (5042 12 10 0440) shall remain an open landscaped pedestrian area in perpetuity. It shall be the obligation of the Developer of the Sebastian Site to maintain this area post closing as well as after issuance of a certificate of completion for the

development that will subsequently be applied for by the Developer on the Sebastian Site.



- b. The Developer will conveyance apply for site plan approval to construct a mixed use residential development consistent with the City's current Zoning code for a structure which shall contain no fewer than Seventy Seven (77) public parking spaces plus three (3) handicap spaces and Forty Three (43) semi-public parking spaces plus two (2) handicap spaces which are intended to be made available to Casa Blanca restaurant at market value.
 - c. From the date of conveyance until the Developer submits for building permits the City shall retain the easement rights to utilize the Sebastian Site as it is currently being used for parking, as though the City were still the owner. During this period of time the City shall continue to maintain, pay all ad valorem taxes that may be assessed on the Sebastian Site, if any, abide by all City Codes and retain the revenue and its source currently being derived therefrom. Notwithstanding this covenant the Developer shall retain the exclusive use of that portion of the Sebastian Site that is not currently occupied by public parking or Casa Blanca parking, provided the Developer's use does not conflict with same.
- 3) The Declaration of Restrictive Covenants shall provide that the City be granted exclusive easement rights within the mixed use structure for the exclusive use to seventy-seven (77) self-parking public parking spaces plus three (3) handicap spaces ("City public parking spaces"). The Declaration shall also provide another forty-three (43) valet only parking spaces plus two (2) handicap spaces for the benefit of Casa Blanca or its successors ("Casa Blanca spaces").
- The Casa Blanca spaces will be made available by the Developer at the market parking rate for the beach area as established from time to time by the City.
 - In the event Casa Blanca or its successor(s) does not elect to lease and utilize all or any portion of the Casa Blanca spaces herein provided, those spaces not utilized for that purpose shall be assigned by Developer to the City on a right of first refusal basis, or, if City fails to timely exercise its right of first refusal, then to other merchants or for use by the Developer.
 - All parking shall be managed and operated by Developer, or its designee, provided the parking rates for the City's public parking spaces shall be at the City's market rate for beach public parking, which shall be adjusted from time to time and provided further that the parking rate for the Casa Blanca spaces shall

be tied to the market rate for all private spaces in the beach area as established by the City pursuant to the City's periodic survey of such rates.

- Developer will be responsible for all operation and maintenance expenses for the City's public parking spaces and the Casa Blanca spaces.
- Developer shall be responsible for collecting all revenues from the City's public parking spaces and Casa Blanca spaces.
 - From the gross amount collected for the City's public parking spaces and Casa Blanca space, including sales tax related thereto ("Gross Amount"), Developer shall remit to City on an annual basis the Gross Amount, retaining for itself twenty-seven (27%) percent thereof to cover its costs of operation and maintenance.

Update City of Fort Lauderdale Energy Performance Contracting

Nancy J. Gassman, Ph.D.
Assistant Director Public Works - Sustainability
September 20, 2016

SUSTAINABILITY ACTION PLAN



-  **LEADERSHIP**
-  **AIR QUALITY**
-  **ENERGY** →
-  **WATER**
-  **BUILT & NATURAL ENVIRONMENT**
-  **TRANSPORTATION**
-  **WASTE & RECYCLING**
-  **PROGRESS TRACKING**

**REDUCE
ELECTRICITY
USE**

20%



BY 2020



PRESS PLAY FORT LAUDERDALE

Our City, Our Strategic Plan 2018

03 OBJECTIVE 3:
Provide safe, efficient and well-maintained vehicles, equipment and facilities and integrate sustainability into daily operations

STRATEGIC INITIATIVES:	LEAD:	PARTNERS:
1. Continue to use Florida-friendly and drought-tolerant landscaping at all City facilities to conserve water	Parks and Recreation (P&R)	
2. Reduce fuel consumption and maximize efficiencies in City vehicles and equipment	Public Works (PWD)	All Depts.
3. Conduct water and energy conservation and efficiency audits	PWD	P&R
4. Implement energy management systems to reduce energy consumption and save money	PWD	P&R
5. Integrate energy efficient retro-fits and sustainable design elements in City facilities	PWD	P&R
KEY PERFORMANCE INDICATORS:	BASELINE:	5-YR TARGET:
• Percent reduction in greenhouse gas emissions from City operations	72,700 MT-CO ₂ e	15%
• Percent reduction in electricity use in City owned and operated facilities	106,011,000 kWh	15%
• Number of Kilowatts (kW) generated by renewable energy	16Kw	100kW
• Percent of City facilities tracked through EPA's Portfolio Manager	0%	100%
• Percent of City facilities incorporating energy efficient upgrades	5%	15%



GREENING OUR ROUTINE!



Water-Cooled Servers
Uses less energy



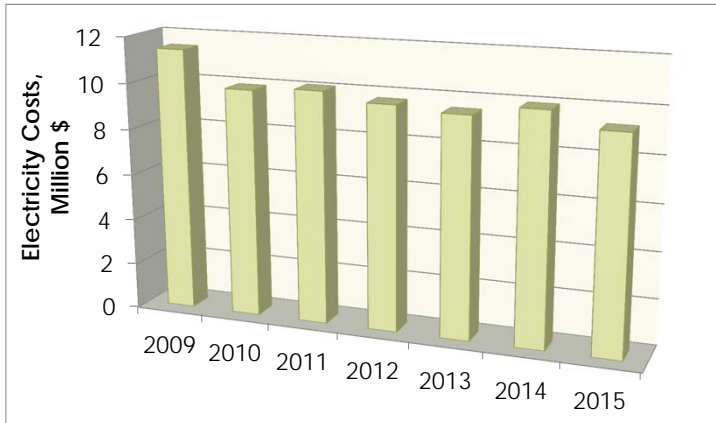
LED Lighting Retrofit
Reduced energy costs



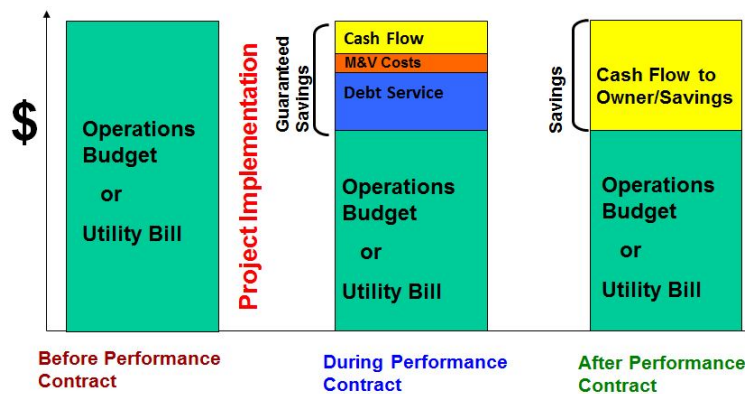
Behavioral Changes
Increase awareness of energy use



CITY ELECTRICITY EXPENDITURES



Energy Service Company (ESCO) Performance Contracting Model



<http://efc.web.unc.edu/2015/08/13/energy-savings-performance-contracting/>

FORT LAUDERDALE ESCO STEPS

- Feb 2014 – RFQ for Performance Contracting
- July 2014 - Four firms qualified
- Jan 2015 – Facilities Assigned
- Aug 2015 - Two Industrial Audit (IGA) contracts awarded
- Sep 2015 – First IGAs Commence
- Jun 2016 – First audit recommendations finalized
- Aug 2016 - Third audit contract awarded
- Sept 2016 – First Performance Contract to Commission



FACILITIES SELECTED

ESCO	Facility Name
Honeywell	Fleet Fenceline
	City Parking Garage
	Streetlights
	Transportation and Mobility Building
BGA / ConEdison	Holiday Park
	Mills Pond Park
	Carter Park
	Osswald Park
Siemens	Water Metering System
Opterra	GTL Wastewater Treatment Plant



BENEFITS OF ESCOs

- Financing Tool
- Turnkey Solution
 - Design, Contracting, and Construction
- Guaranteed Performance
- Savings to Exceed Project Cost



THANK YOU

