City of Fort Lauderdale

City Hall 100 N. Andrews Avenue Fort Lauderdale, FL 33301 <u>www.fortlauderdale.gov</u>



Meeting Minutes - DRAFT

Tuesday, March 18, 2014 6:00 PM

City Commission Chambers

City Commission Regular 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 CYNTHIA A. EVERETT, City Attorney

Meeting was called to order at 6:03 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Bobby B. DuBose

Not Present: 1 – Commissioner Rogers (arrived momentarily)

Also Present: Assistant City Manager Susanne Torriente, City Auditor John Herbst, City Clerk Jonda K. Joseph, Assistant City Attorney Cynthia A. Everett (arrived at approximately 6:29 p.m.) and Sergeant At Arms Sergeant C. Stone

Vote Roll Call Order for this Meeting

Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

Invocation

Reverend Paul J. Schweinler, Christ Lutheran Church and Chaplain for Fort Lauderdale Police Department

Pledge of Allegiance

Led by Erika Fellmeth, sixth-grade student at St. Anthony's Catholic School

Approval of MINUTES and Agenda

14-0379 APPROVAL OF MINUTES for February 4, 2014 Conference meeting and February 4, 2014 Regular meeting

No public comments were submitted by email for this meeting, other than a system test.

Motion made by Vice-Mayor Roberts and seconded by Commissioner Trantalis to approve the noted minutes.

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

OTHER BUSINESS

OB

MOMENT OF SILENCE IN REMEMBRANCE OF FORMER BUDGET OFFICE EMPLOYEE MARGARET EVAN

Mayor Seiler offered a moment of silence in memory of Margaret Evan, a City employee from 1986 to 2011.

PRESENTATIONS

PRES-5 14-0404 PROCLAMATION DECLARING MARCH 18, 2014 AS CARDINAL GIBBONS HIGH SCHOOL WRESTLING TEAM DAY IN THE CITY OF FORT LAUDERDALE

Vice-Mayor Roberts presented the proclamation to Coach Frank Pettineo recognizing the wrestling team's victory as the state Class 1A champions in wrestling. Coach Pettineo thanked the Commission for the honor.

PRES-414-0370THE MAYOR AND CITY COMMISSION WILL ACCEPT A CHECK IN
THE AMOUNT OF \$30,000 FROM THE UNITED WAY -
PARTNERSHIP WITH THE CITY ON THE FORT LAUDERDALE
CHRONIC HOMELESS HOUSING COLLABORATIVE INITIATIVE

Project Manager Lori Day of the Parks and Recreation Department accepted a \$30,000 check from United Way Broward County President and CEO Kathleen Cannon and Chief Program Officer Howard Bakaler. Cannon said she looks forward to working with the City on addressing its challenges with homelessness.

PRES-314-0338PROCLAMATION DECLARING MARCH 18, 2014 AS PATRICIA
ZEILER DAY IN RECOGNITION OF HER BEING NAMED 2014
NONPROFIT LEADER OF THE YEAR BY 211 BROWARD AND
RECOGNIZED BY U.S. DEPARTMENT OF TRANSPORTATION AS
ONE OF THE NATION'S LEADING WOMEN IN TRANSPORTATION

Commissioner Rogers presented the proclamation to Patricia Zeiler. Zeiler thanked the Commission, particularly Vice-Mayor Roberts and Commissioner Rogers, who sit on the Transportation Management Association board.

PRES-614-0405RECOGNITION OF FORT LAUDERDALE PARTICIPANTS IN 1ST
ANNUAL SENIOR DOMINO TOURNAMENT

Commissioner DuBose presented certificates of recognition to participants in the first Senior Domino Tournament in Lauderdale Lakes. Ruddy Schaffe touched on the value of domino-playing and encouraged participation in future tournaments.

PRES-114-0335EXCELLENCE IN WATER DISTRIBUTION AWARD - RECOGNITION
OF PUBLIC WORKS DEPARTMENT BY AMERICAN WATER
WORKS ASSOCIATION, FLORIDA CHAPTER

Assistant Public Works Director Tamira Coffman accepted the Excellence in Water Distribution Award from Carl Zarrabee, section chair of the American WaterWorks Association, Florida Chapter.

PRES-2 14-0337 RECOGNITION OF POLICE OFFICER OF THE MONTH FOR FEBRUARY AND MARCH, 2014

Assistant Police Chief Anthony Williams recognized Detectives Orlando Almanzar, Jason Wood and Richard Rivera as Police Officers of the Month for February 2014. Additionally he recognized Detective Leann Swisher as Officer of the Month for March 2014.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

Motion made by Vice-Mayor Roberts and seconded by Commissioner Trantalis that Consent Agenda Item M-8 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-1 14-0325 EVENT AGREEMENTS: Show-N-Shine XXXI, YogaFest and Fort Lauderdale City Championships

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-2 14-0326 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Broward Motorsports Party and Rotary Club of Fort Lauderdale New River Raft Race

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-3 14-0364 WAVE STREETCAR ASSESSMENT TAX ROLL SERVICES -Interlocal Agreement with Broward County Property Appraiser

APPROVED

M-4 14-0328 GRANT APPLICATION - \$36,000 - FIRE INVESTIGATOR TRAINING AND CERTIFICATION - United States Department of Homeland Security, Federal Emergency Management Agency, Fire Prevention & Safety Grant Program - \$1,800 City match

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-5 14-0278 GRANT APPLICATION - \$200,000 - BIKE TRAIL AND RELATED AMENITIES AT SYNDER PARK Florida Department of Environmental Protection, Recreational Trails Program

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-6 14-0333 DONATION TO A CHILD IS MISSING - \$5,000 from State Law Enforcement Trust Fund

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-7 14-0098 WORK ORDER 6 - \$27,042.40 plus \$2,704.60 for engineering fees -STORM DRAINAGE IMPROVEMENTS - NE 23 STREET AT NORTH OCEAN BOULEVARD - Annual Storm Drainage Contract with GPE Engineering & General Contractor Corp

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-8 14-0287 WORK ORDER 34 - CITYWIDE SIDEWALK AND BRICK PAVER RESTORATION - \$19,424 plus \$3,500 for administration and engineering fees - Annual Concrete and Brick Pavers Contract with Straightline Engineering Group, LLC

Commissioner Rogers noted the Commission has approved \$750,000 for sidewalk repairs. He visited some of the sites and was uncertain why the City performed the work on some. The repair list noted removal of tree roots at one of the properties, but he did not see a tree in the swale. Once item O-2 is approved, the City Manager will be authorized to determine where sidewalks will be repaired or where trees will be cut without Commission input. He would like to be able to track repairs. He could not reach the conclusion that it was the City's responsibility to repair all of the items on this particular work order. With respect to District I, Vice-Mayor Roberts pointed out that the City was responsible for damage to some of the sidewalks addressed in this item. Commissioner Rogers supported the item as presented

but wanted to discuss options for tracking repairs in the future.

Motion made by Commissioner Rogers and seconded by Vice-Mayor Roberts to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-9 14-0289 DEVELOPMENT OF SALTWATER INTRUSION MODEL FOR CENTRAL PORTION OF COASTAL BROWARD COUNTY - First Amendment to Interlocal Agreement for cost sharing - extending term to April 13, 2015

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-10 14-0290 TASK ORDER 28 - \$172,805 - LOHMEYER WASTEWATER TREATMENT PLANT DEEP INJECTION WELLS MECHANICAL INTEGRITY TEST - CDM Smith Inc.

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-11 14-0403 TASK ORDER 5 - \$80,697.50 - DESIGN SERVICES FOR STREETSCAPE IMPROVEMENTS - PROGRESSO NEIGHBORHOOD - The Corradino Group, Inc.

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

M-12 14-0132 MEMORANDUM OF AGREEMENT FOR BIKE LANE AND SIDEWALK ON SW 4 AVENUE FROM SW 34 STREET TO STATE ROAD 84 - Florida Department of Transportation

APPROVED

M-13 14-0190 REVOCABLE LICENSE AGREEMENT AND ANCILLARY AGREEMENT - LANDSCAPE IMPROVEMENTS FOR ANDREWS AVENUE - Broward County and The Dan Marino Foundation

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

CONSENT RESOLUTION

CR-1 14-0360 AMENDING FIVE-YEAR COMMUNITY INVESTMENT PLAN AND 2014 FINAL OPERATING BUDGET

ADOPTED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

CR-2 14-0269 DOCK PERMIT APPLICATION - 350 Riviera Drive - installation of dolphin piling 5 feet from existing finger pier and within 25 feet of seawall, and use, maintenance and repair of existing finger pier and seawall on public property abutting waterway adjacent to property line

Applicant: Stephen C. Moss

ADOPTED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

CR-3 14-0308 GRANT APPLICATION - \$120,000 - GEORGE ENGLISH PARK BOAT RAMP AND FLOATING DOCK STAGING - Florida Fish and Wildlife Conservation Commission, Florida Boating Improvement Program authorize City Manager to execute all necessary documents

Mayor Seiler announced that the resolution was amended to show that the bridge height will increase approximately 4 feet to a total height of approximately 10 feet 3 inches.

ADOPTED AS AMENDED

CR-4 14-0319 GRANT APPLICATION - \$30,000 - OUTBOARD MOTORS FOR POLICE MARINE UNIT - Florida Inland Navigation District, Waterways Assistance Program and authorize City Manager to execute all necessary documents

ADOPTED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

CR-5 14-0349 GRANT ACCEPTANCE AND APPROPRIATION OF FUNDS - \$22,170 - TABLET COMPUTERS FOR ELECTRONIC REPORTING OF COMMERCIAL MOTOR VEHICLE CRASHES - Federal Motor Carrier Safety Administration, Safety Data Improvement Project Grant Program - authorize City Manager to execute agreement with Florida Department of Highway Safety and Motor Vehicles

ADOPTED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

CR-6 14-0244 QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM amending Resolution 13-192 that recommended Project Metal be approved by revising the company's annual average wage

ADOPTED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

PURCHASING AGENDA

PUR-1 14-0217 PROPRIETARY PURCHASE - CONTRACT FOR REPAIRS TO BIO-REACTOR AT LOHMEYER WASTEWATER TREATMENT PLANT - in the amount of \$59,000 - with Atlantic Painting & Sandblasting LLC

APPROVED

PUR-2 14-0297ONE-YEAR CONTRACT FOR PRE-EMPLOYMENT
PSYCHOLOGICAL EVALUATIONS - in the amount of \$68,635 with
Harley V. Stock, PH.D., P.A. d/b/a Forensic Psychiatric and
Psychological Associates of Florida

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

PUR-3 14-0316ONE-YEAR CONTRACT FOR SHIRTS AND MISCELLANEOUS
APPAREL - \$54,045.60 with Ad-Wear and Specialty of Texas, Inc. and
authorize City Manager to approve three, one-year renewal options
contingent upon appropriation of funds

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

PUR-4 14-0317 ONE-YEAR CONTRACT FOR TURF GRASS MAINTENANCE -\$82,765 - with Creative Lawn Maintenance LLC and authorize City Manager to approve three, one-year renewal options contingent upon appropriation of funds

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

PUR-5 14-0321 PURCHASE COMPUTER DISK STORAGE SYSTEM - not to exceed \$123,450 - from CDW Government LLC

APPROVED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

PUR-6 14-0357PURCHASE CISCO SMARTNET SOFTWARE AND HARDWARE
SUPPORT - estimated annual amount of \$186,149 from Insight Public
Sector, Inc. via U.S. Communities Contract

APPROVED

RESOLUTIONS

R-1 14-0306 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

The City Clerk announced the appointees/re-appointees who were the subjects of this resolution:

Beach Community Redevelopment Agency	Tim Schiavone (Commissioner DuBose)
Community Services Board	Chris Lovell (Consensus/Commissioner Trantalis)
Education Advisory Board	Gregory Boardman (Commissioner Rogers) Catherine Pliess (Commissioner Rogers) Shelby Smith (Commissioner Rogers)
Marine Advisory Board	James Batchelor (Vice-Mayor Roberts) Erik Johnson (Commissioner Rogers) Jim Wells (Commissioner Rogers) St. George Guardabassi (Mayor Seiler) Zane Brisson (Commissioner DuBose)

Commissioner DuBose introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

PUBLIC HEARINGS

PH-1 14-0377 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 20, ARTICLE IV, DIVISION 3, POLICE AND FIREFIGHTERS RETIREMENT SYSTEM - relating to ratified agreements with Fraternal Order of Police, Lodge 31

Mayor Seiler reviewed the procedure for the public hearing and opened the floor for public comment.

There being no individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to close the public hearing. Roll call showed: AYES: Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler. NAYS: None.

Vice-Mayor Roberts introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

PH-2 14-0268 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3.C AND D - construction of eight-slip fixed dock with associated mooring piles extending a maximum of 54.7 feet into adjacent waterway - 1100 & 1120 Seminole Drive

Applicant: Grupo Alco International, LLC

Members of the Commission announced with whom they had spoken and/or site visits made concerning this matter.

Mayor Seiler opened the floor for public comment.

There being no individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to close the public hearing. Roll call showed: AYES: Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler. NAYS: None.

Vice-Mayor Roberts introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

ORDINANCES

O-1 14-0373 SECOND READING OF ORDINANCE - VACATION OF 30 FOOT RIGHT-OF-WAY - amending Ordinance C-14-09 - Wal-mart shopping center development on south side of West Broward Boulevard between SW 24 and 27 Avenues - Case 26P13

Vice-Mayor Roberts introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

O-2 14-0358 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 2, ARTICLE IV, DIVISION 2, SECTION 2-127, APPROVAL OF CHANGE ORDERS AND TASK ORDERS authorizing City Manager to approve in the aggregate do not exceed original contract amount approved by City Commission

Commissioner Rogers raised the example pointed out in item M-8. The annual vendor contract of \$750,000 could be spent without the Commission's knowledge. Mayor Seiler noted there are quarterly reports, but he understood the concern. Vice-Mayor Roberts felt that quarterly reports would suffice. Also, the Commission could be copied on correspondence when such repairs are authorized. The purpose of the amendment was to expedite a process that typically takes four to six weeks. During further discussion, Assistant City Manager Susanne Torriente noted that the intent of this ordinance is to work

within the parameters of a contract and budget approved by the Commission. Staff could provide reports more often. The intent is to return to the City Manager's previous authority and to speed up projects. It takes four to six weeks to place an item on a Commission agenda. Commissioner Rogers advised that a sidewalk in his neighborhood has been in disrepair for years and it has been reported to the City. There is a tree in the swale, and it is obvious that the roots damaged the sidewalk. He did not understand why those repairs in the swale were ignored while others were addressed. Therefore, he wanted to know who is making decisions and under what auspices those decisions are being made. It is a question of how work is prioritized. Mayor Seiler was concerned if the Commission has to vote on every sidewalk, the process is no longer streamlined. Vice-Mayor Roberts noted that paving projects are outlined in a five-year plan. The same process is being applied to sidewalks and canal dredging. He was comfortable with tracking via regular reports. Many items are approved in advance with the expectation that staff will execute the work. Commissioner DuBose thought Commissioner Rogers' concerns are valid. He understood that sidewalks are being assessed and prioritized in the same way as pavement. If this is in place, perhaps it would provide a greater comfort level. It currently appears to be somewhat subjective.

Commissioner Rogers said he is comfortable with the trip and fall and utility repair categories.

Public Works Director Hardeep Anand said the sidewalk assessment will be complete in about 60 days. Staff will then make a presentation to the Commission and a score and priority index will be used based on various criteria. The sidewalks will be trackable through the GIS system. Commissioner Rogers explained if there is subjectivity, there needs to be more oversight and accountability. Torriente noted that over the past 2½ years, staff has been trying to look at these matters more strategically and comprehensively. Staff is also looking into a process by which the Commission can review a project list prior to the annual budget approval. The intent is to work within an approved contract and budget. As more pre-planning is done, projects will be executed more quickly. Commissioner Rogers supported that concept but he did not think staff has reached that point with regard to sidewalks. With \$750,000, he wanted more oversight and accountability.

Commissioner Trantalis understood Commissioner Rogers' concern is about projects where there is no strategic plan per se. He raised the idea of the City Auditor ensuring funds are appropriately allocated for their intended purpose. He is comfortable with the ordinance. The City Auditor explained it is difficult to audit subjectivity and determining whether the City Manager's decisions are aligned with policy direction and desires of the Commission because there is no standard to measure against.

At the suggestion of Commissioner DuBose and Mayor Seiler, discussion turned to amending the ordinance. Senior Assistant City Attorney Paul Bangel advised that an ordinance provision is already in place by which the Commission by resolution determines all areas where sidewalks must be constructed and reconstructed. There is also a mechanism for recouping costs under certain circumstances. The second paragraph of the ordinance under discussion could be amended to read, "Notwithstanding the foregoing paragraph, and except as otherwise provided in Section 25-58, the city manager is authorized to approve task orders in amounts that, in the aggregate, do not exceed the contract amount of the corresponding existing contract." That would carve sidewalks out of the ordinance. With the City Attorney's suggestion of using the word "shall," there was agreement on Mayor Seiler's suggestion for the amendment to read, ""Notwithstanding the foregoing paragraph, the city manager is authorized to approve task orders in amounts that, in the aggregate, do not exceed the contract amount of the amendment to read, ""Notwithstanding the foregoing paragraph, the city manager is authorized to approve task orders in amounts that, in the aggregate, do not exceed the contract amount of the corresponding existing contract and the City Manager shall provide monthly reports to the City Commission on such task orders."

Vice-Mayor Roberts introduced the ordinance as amended, which was read by title only.

ADOPTED ON SECOND READING AS REVISED IN THE SECOND PARAGRAPH OF SECTION 2-127 TO INDICATE THE CITY MANAGER SHALL PROVIDE MONTHLY REPORTS TO THE CITY COMMISSION ON SUCH TASK ORDERS

Aye: 5 – Commissioner Rogers, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler

The City Commission adjourned the regular meeting at 7:32 p.m. and returned to the conference meeting agenda, item BD-1, from 7:32 p.m. to 7:33 p.m.

John P. "Jack" Seiler Mayor

ATTEST:

Jonda K. Joseph City Clerk