

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, December 2, 2014

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

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

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 1:48 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

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

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Frank Vetancourt

No public comments were submitted by email for this meeting.

CITY COMMISSION REPORTS

Events and Matters of Interest

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

Virginia Shuman Young Montessori Magnet Elementary School, Enrollment Capacity – Victoria Park

In response to Commissioner Trantalis, there was consensus for the City Attorney to prepare a resolution urging the School Board to increase total enrollment at Virginia Shuman Young Montessori Magnet Elementary School in the priority area that includes Victoria Park.

Commissioner McKinzie questioned how this would impact other schools. Commissioner Trantalis noted it may cause impacts such as increasing the number of teachers.

Broward County Homeless Continuum of Care Task Force

Commissioner Trantalis announced he will be serving as the City's representative on the Broward County Homeless Continuum of Care Task Force and intends to question Broward County's role.

CONFERENCE REPORTS

CF-1 14-1410 PROPOSED LIEN SETTLEMENTS (SPECIAL MAGISTRATE AND CODE ENFORCEMENT BOARD CASES)

The City Manager noted for the record that staff does not agree with the amount proposed by the petitioner regarding the lien on 2901 NE 33 Avenue and has recommended a reduction to \$16,450.

Concerning a lien on 2901 NE 33 Avenue, Bill Feinberg, representing Allied Kitchen and Bath, requested a reduction beyond what is recommended by City staff. He explained the history around his purchase of the property with a lien on it. He understood he had until the end of September to enter the City's amnesty program and have the lien reduced to 15 percent if it was brought into compliance but not that the work had to be done by that time. The lien was about \$41,000 when he purchased the property. It took about a year to acquire the property that was a short sale. City officials indicated it was not unusual and he could seek a reduction from the Commission. He later understood when speaking with the City Manager that was no longer available. He spoke of his due diligence with the process and discussions with City staff and given assurance there would not be a problem.

The City Manager clarified that the inquiries were first made prior to the amnesty program's expiration on September 30, 2013. Work had to be completed by then. The property closing was in June 2014 and the work completed in July 2014. The representations were made while the program still existed; that if the property was brought into compliance, there would be relief. Feinberg did not get control of the property until June 2014, which is way beyond the existence of the program.

Feinberg responded to questions posed by members of the Commission as follows. He applied for the permit on September 13, 2013 and put in an offer to purchase the property in July 2013. The property appraised at \$190,000 and he paid \$225,000. Permits were received the day of the closing, June 16 and work completed July 15. In response to Mayor Seiler, the City Manager estimated that on July 16 the lien was about \$56,000. Commissioner Trantalis pointed out if he had closed shortly after September 13, 2013, he probably would have completed the work soon thereafter. Because of short sale challenges, he was prevented from closing through no fault of his own. One would not make improvements on property he or she does not own. A good faith effort was made in applying for the permit before the end of the amnesty program. The City Manager noted that had the work started in September, the 45 days would have gone past the amnesty program ending. Commissioner Trantalis felt that was because of the nature of the work. Feinberg advised that he spent a little more than \$15,000 to bring the property into compliance. Permit fees were about \$1,700.

The City Manager advised that there is a call-up process if the Commission disagrees with staff's recommendation. There was consensus agreement to call up for December 17. Mayor Seiler requested the HUD documentation and a chronology.

There was no discussion on the other proposed settlements.

CF-2 14-1507 SOUTH SIDE SCHOOL UPDATE

In response to Mayor Seiler, the City Manager did not believe the Broward County Bar Association would be able to meet the restrictive covenants, cultural definition, although they were shown the building. After some discussion, Mayor Seiler noted that the Bar would use the building in the daytime and it could be used by the neighborhood evenings. The City Manager advised that staff or the Bar could pursue discussions about the covenants with all three governmental entities involved. However, there is a contract for architects to prepare drawings so the project can be put out to bid. Money should not be spent on drawings if the Bar will be occupying the space. Commissioner Trantalis said he would not object to redesign if money could be saved with occupancy. Vice-Mayor Rogers did not believe the Bar would purchase or lease the building in its current state. He did not want to wait but he felt the possibility could be explored nevertheless. Commissioner Trantalis agreed but in the meantime he wanted to pursue expanding the scope of use. Assistant Public Works Director Talal Abi-Karam said there has been no commercial negotiation with the Bar. They requested to view the space and were provided access.

Mayor Seiler said he directed the Bar representative to the Community Redevelopment Agency (CRA) and he did not understand how they were directed to a building that is not in the CRA. Some discussion followed as to the Bar's referral to City staff.

Commissioner Trantalis suggested that, regardless of the Bar's interest, it may behoove the City to reach out to the State about relaxing the requirements. Vice-Mayor Rogers did not think so. Mayor Seiler agreed with Commissioner Trantalis that it may be worthwhile to pursue loosening the covenants in the meantime. Vice-Mayor Rogers pointed out that the Bar would not meet criteria of activating the corner. Commissioner Trantalis felt that it is defeating some of the purpose to relocate the Parks and Recreation Department to this space. He agreed about maintaining the community component. Vice-

Mayor Rogers did not think this is an appropriate location. He felt there is a demand for the arts. Commissioner Trantalis did not think increasing the scope of uses would mess up Plan A. It would simply create a safety net. In response to Vice-Mayor Rogers, the City Manager advised that under the historic new market tax credits, the City could potentially sell the value of historic preservation to a developer who could use the credits for federal tax purposes. A consultant is working on this. There may be a value to the City in the range of about \$1 million.

The City Manager advised that he will contact the Bar and broaden discussion with the State on relaxing covenants. Commissioner Trantalis pointed out that everything has changed consequently he wanted to pursue convincing the State to relax the covenants. Both Mayor Seiler and Commissioner Trantalis believed that the Bar using the space and allowing it for neighborhoods during off-peak hours would be ideal.

Senior Project Manager Irene Tokar discussed the timeline and progress schedule contained in the backup materials with Commission Agenda Memorandum 14-1507. Assistant City Manager Susanne Torriente explained there was a two-month delay that occurred with respect to procurement. Staff is attempting to make up that time by accelerating some other steps. The schedule will be revised to contain the baseline, actual and the new projected target date for completion. Vice-Mayor Rogers and Mayor Seiler requested the schedule be formatted so that the status can be quickly retrieved.

**CF-3 14-1288 CENTRAL BEACH MASTER PLAN PUBLIC IMPROVEMENT
PROJECTS UPDATE - BEACH REPORT**

The City Manager advised that this matter is scheduled to go before the Commission on December 17 regular meeting for decisions on listed items in Commission Agenda Memorandum 14-1288. There are also decision points on the Aquatic Center that will be presented at the second regular meeting in January. He is doing an independent review of cost estimates and business plan.

Economic Development Administrator Don Morris said the public-private partnership (P3) proposal on the marina and budget were presented at the most recent Beach Redevelopment Advisory Board (BRAB) meeting. The Board has not made a decision on how to move forward with the Aquatic Center. Because cost estimates are in the range of \$160 million while revenues are projected at \$80 million, the Board wanted to review the projects in conjunction with EDSA and provide the Commission a recommended priority list. The Board liked the P3 concept but made no recommendation. The Board will be holding a special meeting in January for the projects topic only. In response to Commissioner Roberts, the City Manager anticipated having his cost analysis completed in January.

Commissioner Trantalis thought there was a consensus at the joint workshop to pursue the marina expansion. However, the City Manager pointed out that with working with the Army Corps of Engineers, it could take considerable time. Mayor Seiler noted that the CRA would expire. Commissioner Trantalis felt there was clear consensus about dredging out the land mass, but the practicality of it must be faced. He asked if it has been considered in terms of the P3 proposal and considered by the BRAB. Morris indicated that feasibility studies have been done and one is now in the works as to permitting and timing. The big issue is seagrass mitigation. There may not be a solution. If that is correct, Commissioner Trantalis pointed out that the entire debate would then be changed. Morris advised that it will likely be completed by the end of December.

In response to Mayor Seiler, Morris advised that the Board has not considered a less fancy update to the Aquatic Center and use of the savings for other projects throughout the CRA. He believed it will be discussed at their January meeting. There was an overall opinion expressed as to the need to move forward soon. Commissioner Roberts said while the marina is important, it may be necessary to create

something in the interim that is flexible for it in the future. The City Manager emphasized the big question with respect to the marina is whether it is a good enough business deal that the CRA would not need to subsidize it and there would be a private partner. The timeliness is then less rushed because it is not tied to CRA dollars. Commissioner Trantalis noted that the City Manager was instructed to prepare an RFP that would include the dredging aspect, but it cannot be put together until the feasibility report is available. The City Manager added that the Commission should decide for the RFP whether there should be any upland development.

In response to Mayor Seiler, the City Manager advised that the Army Corps of Engineers will not engage until plans are submitted for review. Morris advised that the City's consultant is speaking with the Corps about permitting requirements and timeline. Information will be available by mid-month.

In response to Mayor Seiler, the City Manager anticipated this item being placed on the agenda for the second meeting in January.

In response to Mayor Seiler, Robert Dean of the Marine Advisory Board advised that the Florida Inland Navigation District (FIND) has spoken with the Army Corps. The feedback was that they would only require a current study. There have been recent regulation changes in the state to accelerate these types of projects. Mayor Seiler asked that a representative of FIND be invited to the meeting when this is scheduled on the agenda. The City Manager pointed out that there is a difference between discussions with the Army Corps and the City as a permittee and inquiries to the Army Corps. There will be more required than a current study. Mayor Seiler felt there is consensus to expand the marina and one parking garage with the south side of the bridge remaining open, but upland development has not been finalized. The City Manager advised that a consultant has been retained to conduct an environmental feasibility study for dredging the existing marina and the expanded concept and he would prefer this consultant address the Commission. Mayor Seiler reiterated outstanding issues relating to timing and using funds for other projects in the CRA based on what is finalized for the Aquatic Center. There are comments from citizens about dispersal of parking along the beach which raises the question of the Natchez property. He emphasized again and there was consensus as to the need to get moving.

OLD/NEW BUSINESS

BUS-1 14-0669 PUBLIC ART AND PLACEMAKING

Deputy Director of Parks and Recreation Carl Williams reviewed slides concerning the idea of developing an ordinance to provide for public art and placemaking in the city. A copy of the slides is attached to these minutes. The City Manager noted one policy consideration is defining what should be done with governmental projects other than the City. Another question is whether the City wishes to consider private projects, and if so, should it be citywide or limited to a certain part or parts of the city.

Vice-Mayor Rogers posed the idea of a contest for public art on the Riverwalk as a pilot. Director of Parks and Recreation Phil Thornburg explained the idea would be to establish a committee in the field. A master plan would be developed as to where art should be placed. The committee would make the decision as to what is art, placement and so forth. The City has already taken some baby steps with respect to public art. Mayor Seiler discussed the County's approach. He would prefer multiple works of art instead of a singular large one at a six-figure cost, for example. He did not wish to put any formal structure into place. He did not want to restrict a developer to a specific type of art instead of an architectural work of art. Commissioner Trantalis agreed with the concept of artistic functional use. He pointed out the fountain included by the developer of The Edge whereas The Manor did not provide any art. He also questioned making it a requirement. He felt a portion of what the City expends should be

spent on public art. He agreed with establishing a committee. As to placement, Commissioner Roberts suggested considering the City's six economic development areas. Vice-Mayor Rogers discussed the intersection painting on Las Olas. He felt it should be voluntary. Commissioner McKinzie also had reservations about requiring for the private sector. Vice-Mayor Rogers felt staff could encourage developers to include works of art in their plans. Commissioner Trantalis commented how it was appropriate for there to be a work of art in the plaza at the Icon on Las Olas at the entrance to Stranahan House but he did not think there should be multiple pieces along the corridor. Mayor Seiler preferred that the art be situated at Tunnel Top Park instead of requiring it in one project. Williams noted that it is not just pieces of art, but also placement of materials such as tile or light. Thornburg explained that art would not be required of a developer. There is the option of paying a percentage into a fund if nothing is included in their development or the developer chooses placement in a private area of the project. Vice-Mayor Rogers and Mayor Seiler were reticent to impose another fee. Commissioner Trantalis pointed out that this would be a way to get a concession from a developer. Commissioner Roberts questioned how a percentage price tag is assigned to a project. He agreed that it should definitely be encouraged. Commissioner Trantalis wanted to consider incentivizing without requiring. In response to Mayor Seiler, Williams advised that many cities provide for set contributions by public and private sectors. Thornburg felt Sustainable Development would need to be involved with respect to an incentivizing approach. There was consensus to consider an incentive approach. Mayor Seiler suggested contacting the League of Cities.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, supported the concept. He felt all types of entities should contribute one percent.

BUS-2 14-1309 ANDREWS AVENUE BRIDGE ENHANCEMENTS

The City Manager highlighted information in Commission Agenda Memorandum 14-1309. Vice Mayor Rogers wanted to encourage the County to provide more lighting for the bridge at Andrews Avenue and the Riverwalk. Commissioner Trantalis as well as Commissioner Roberts commented on the extra benefit colored lighting provides for an area. He encouraged it be used where there are opportunities. The City Manager discussed the importance of improving the area under the bridge.

BUS-3 14-1560 DISCUSSION OF CODE ENFORCEMENT LIEN SETTLEMENTS

The City Manager highlighted information in Commission Agenda Memorandum 14-1560 that contains his recommendation on a different way of handling lien settlements. Commissioner Roberts supported the recommendation, but suggested there be time limits, and reduced number of appeals. The City Attorney advised that a proposed ordinance would be presented for Commission consideration with their best recommendations as to process. Director of Sustainable and Economic Development Jenni Morejon advised that staff would like the Commission to consider an administrative fee. There is currently no cost recovery. The City Auditor indicated that he is not comfortable with the methodology but he could work on it with staff. There was consensus approval.

BOARDS AND COMMITTEES

BD-1 14-1487 COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending November 26, 2014

Marine Advisory Board

Motion made by Vice Chair Harrison, seconded by Mr. Ressing, to submit the following comments, provided by Vice Chair Harrison, as a communication to the Commission:

Last week the Marine Industries Association of South Florida (MIASF) released a study of the economic impact of the recreational marine industry in 2014. A majority of those jobs and economic impact are directly provided to the marinas that are west of the FEC railroad tracks.

The Environmental Impact Study conducted by All Aboard Florida (AAF) for the Federal Railroad Administration is about adding 32 AAF trains daily and increasing daily freight trains from 14 to 20. In Appendix 4.1-3-C [of the study], it concludes that this project is not anticipated to result in adverse economic impacts to jobs, economic growth, and development. The only negative concession is that the increased wait time by boats at the bridge (fuel cost) will be slightly higher. On page 5-15 it concluded, "Increased vessel wait times and queue lengths would have minor economic impacts to commercial destinations (e.g. boat/yacht repair and support facilities) along the New River."

This study is severely flawed and needs to be redone. The marine industry was never contacted for any data.

If the bridge is closed more than 20 minutes per hour, the boats which need to pass in order to get to the yards will take their boats to yards which are more convenient, safer, and easier to access. Boats from all over the USA and the world come to south Florida to have work done and/or to be sold. If the boats start going somewhere else, the entire industry will have to follow.

If AAF fails to keep the bridge up, monetary penalties will not help the exodus of marine business. The consequence must be that another entity steps in and takes over operation in order to ensure the bridge complies with [a] 40 minutes open rule. In order to comply, at a minimum, there must be a bridge tender with operational control.

The AAF has publicly stated to the MIASF that it is impossible to state what the corridor capacity is. That cannot be true. Please make public what the capacity is, as we need to know what to expect with the AAF trains and also the additional freight trains and the planned move of Tri-Rail to the FEC tracks and whatever else may be added.

In a voice vote, the motion passed unanimously.

The City Manager believed that the Commission has adopted a resolution concerning a 40-minute bridge open rule and a bridge tender. He agreed to confirm it.

BD-2 14-1488 BOARD AND COMMITTEE VACANCIES

Please see regular meeting item R-2.

Mayor Seiler asked the City Clerk to confirm if Matthew Scott would serve as an alternate on the Board of Adjustment. He asked Commissioner Trantalis to work on securing applicants for the Central City Redevelopment Advisory Board and vacancies on the Community Services Board. Vice-Mayor Rogers nominated reappointments of Anthony Quackenbush, Duane Sinclair and Barbra Stern to Community Appearance Board; and Keith Costello and Dev Motwani to Economic Development Board. Mayor Seiler nominated Gary Farmer to Economic Development Board. The City Clerk advised the Economic Development Board has mandatory categories and indicated her office will confirm his eligibility. Mayor Seiler nominated Jason Dunne to Education Advisory Board. He nominated Ginger Coffey to Historic

Preservation Board. He nominated and there was consensus for Douglas Meade to be appointed to Nuisance Abatement Board (alternate). He nominated Matt Walters and Joseph Vandebogart to Parks, Recreation and Beached Advisory Board. He asked The City Clerk to confirm if Ronald Goff would serve on the Sustainability Advisory Board.

CITY MANAGER REPORTS

None

The City Commission convened the Executive Closed Door Session at 4:37 p.m. and adjourned at the end of the session.

EXECUTIVE CLOSED DOOR SESSION

14-1561

THE CITY COMMISSION WILL MEET PRIVATELY PURSUANT TO FLORIDA STATUTE 286.011(8) CONCERNING:

- 1) Adrian J. Dorsett v. City of Fort Lauderdale - Case 13-009394(12)
- 2) Andrea Lowery v. City of Fort Lauderdale - Case 13-019822(03)