

# City of Fort Lauderdale

*City Hall*  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)



## Meeting Minutes - DRAFT

**Wednesday, January 20, 2016**

**1:30 PM**

**City Commission Conference Room**

## **City Commission Conference Meeting**

### ***FORT LAUDERDALE CITY COMMISSION***

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

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

Mayor Seiler called the City Commission Conference Meeting to order at 2:00 .m.

## ATTENDANCE ROLL CALL

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

## Quorum Established

**Also Present:** Assistant City Manager Stanley Hawthorne, City Auditor John Herbst, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Ventencourt

No public comments were submitted by email for this meeting.

## CITY COMMISSION REPORTS

### Events and Matters of Interest

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

### Yellow Dot Program

The City is participating with Broward County on the Yellow-Dot Program. It involves drivers placing a yellow sticker on the rear driver's side windshield to help notify first responders of important medical information about the vehicle's occupants that can be found on a card in the vehicle's glove box. Some of the items on the card include a name, emergency contact, prescriptions and pre-existing medical conditions that could help rescue workers determine how to treat an injured patient safely.

### Martin Luther King Day Parade Routes

Commissioner Trantalis noted that the parade route had changed this year bringing the parade into downtown which signals a change in focus and the importance of bridging gaps culturally, racially, and economically in our City. He wants to encourage those people in Flagler Village, in particular, to stand, observe and participate in this parade because it is everyone's parade. The Commission agreed that Dr. King's powerful message should be acknowledged in all of the City's neighborhoods. Mayor Seiler was pleased that the parade ran smoothly and was a success.

### Crescent House

Commissioner Trantalis asked City Attorney Everett the status of issues regarding Crescent House. City Attorney Everett deferred to Assistant City Attorney Rhonda Hasan for an update. Ms. Hasan stated there has been a final order in favor of the City entered by the Special Magistrate regarding the nuisance violation and gave Crescent House 30 days to come into compliance. Code Compliance has advised they have been regularly driving by and observing the property and have not found any issue since the hearing (approximately 60 days ago). There was also a finding in favor of the City by the Special Magistrate on the land use (zoning) violation stating they are in violation and were given 90 days to comply (which falls into February). It was noted that there have been no arrests associated

with any members of the Crescent House in the last 60 days. Crescent House had submitted a corrective action plan and are trying to give the City documentation to show they are in compliance with a corrective action plan that addresses the nuisance complaint. If the City agrees that they are in compliance with the nuisance portion of the violation, they will dismiss that portion of the appeal. It was noted that they still need to provide their current roster lists. Crescent House would like to come to the City to see if they can expand their occupancy numbers through an appeal process with one of the Land Use Boards.

Commissioner Trantalis asked what the City is prepared to do. City Attorney Everett's stated if they do not come into compliance, then we can seek Court approval to take action. Commissioner Trantalis asked City Manager Feldman to bring this item back as Regular Agenda item after the 15<sup>th</sup> of February to get the Commission/s consensus as to what action needs to take place.

#### **RDC Development Agreement**

Commissioner Trantalis asked City Attorney Everett if there was a determination as to the return of the \$3,000,000 after termination of RDC Development due to what he felt was a breach of the agreement as they could not build the Aquatic Center for the stated price. Assistant City Attorney Rhonda Hasan stated the City terminated the agreement with RDC for convenience as opposed to terminating them for cause. Further discussions ensued.

#### **Affordable Housing Workshop**

Commissioner Trantalis and Commissioner Rogers discussed the Affordable Housing Workshop and ways to determine if there is adequate affordable housing in neighborhoods. Commissioner Rogers felt we could move forward implementing some of the recommendations. City Manager Feldman clarified the required goals for the Commission. Discussions ensued on this topic with an emphasis on doing things in the correct manner.

#### **Grand Opening of Walmart on Broward Boulevard**

Vice Mayor McKinzie highlighted the grand opening of the Wal-Mart Supercenter at 47<sup>th</sup> Avenue and Broward Boulevard stating it will benefit his District and the City as a whole and will kick-start development in that corridor. Discussions ensued on neighborhood transitions, changes, and redevelopment throughout the years.

#### **Plantation High School Students Clean Up Woodlawn Cemetery**

Vice-Mayor McKinzie noted students from Plantation High School received a \$5,000 grant from Broward College to purchase materials to clean the headstones at the Historic Woodlawn Cemetery. Vice-Mayor McKinzie commended these students who came out and in four days scrubbed and cleaned the headstones in Woodlawn Cemetery. The Vice-Mayor said Woodlawn Cemetery is a designated historic site that requires special, specific criteria to be followed when cleaning, and the students' day of service was outstanding doing a great job. Once the students knew the history of the cemetery, the students took great pride in this accomplishing the task. Ironically, Vice-Mayor McKinzie found out that none of these students were from this neighborhood. It was an excellent idea from Mr. Fernandez, their history teacher. The students are now trying to connect the dots to identify the history of those buried at Woodlawn.

#### **Governor Scott Visit**

Mayor Seiler commented on the Governor's visit stating Governor Scott had very positive things to say about the City and Broward County noting they had a low unemployment rate, lower than the State average, lower than the national average, and lowest of any major urban area in the State.

**Officer Brian Peney 20<sup>th</sup> Anniversary**

Mayor Seiler and Commissioner Roberts attended the 20<sup>th</sup> Anniversary services for Officer Brian H. Penny who died in the line of duty on January 6, 1996, noting it was a wonderful ceremony and thanking City Staff for their efforts in making it a success.

**Bikes- Up- Guns-Down**

Mayor Seiler raised the issue of the Bikes-Up-Guns-Down event which ventured into the City. He made it clear the City did not pursue non-felonies with high-speed chases which may endanger others over misdemeanor violations. Mayor Seiler, however, made it clear that when large groups stop in the City to organize and congregate, the City needs to be checking registrations, driver's licenses, and equipment on the vehicles to ensure they are street legal. The City also needs to be aware of what is going on when these kinds of events are taking place. Mayor Seiler expressed concern over a lack of communication and coordination among all law enforcement agencies, not just BSO but all cities and local counties. City Staff needs to be aware this can happen again and should have anticipated the likelihood of this happening due to the social media activity. City needs to be ready for these types of situations.

**Public Safety Communications**

Mayor Seiler passed out a Resolution from the City of Sunrise to other members of the Commission involving public safety communications. Mayor Seiler requested Commissioner Roberts take the lead in adopting a similar resolution supporting the county-wide consolidation of 911 communications along with a clear set of recommendations to the County which have not been followed. The goal is to ensure the County is handling 911 Communications correctly. Mayor Seiler requested a similar item be put on the next meeting agenda for discussion to take a similar position. Commissioner Trantalis noted his concerns with the County's performance in this area that puts the public at risk. Commissioner Rogers stated two major factors to be addressed are training and equipment. Commissioner Roberts suggested perhaps a hybrid approach should be considered. Further discussions ensued on this topic.

*A copy of the City of Sunrise's Resolution is attached to these minutes.*

## **CONFERENCE REPORTS**

**CF-1 16-0008** South Side School Update

The South Side School project begins in March and Commissioner Rogers stated the City should request a timeline, construction schedule, and this should be put back on the Agenda to ascertain when the project will be completed. Vice-Mayor McKinzie noted the area at the South Side School is in need of landscape maintenance and should also be addressed. There was no further discussion on this item.

## **OLD/NEW BUSINESS**

**BUS-1 16-0062** Discussion Regarding the Local Government Infrastructure and Transportation Local Option Sales Taxes

This item was put on the agenda by Commissioner Roberts to give an update to the Commission and to initiate a discussion as to the merits of each type of tax and the process that must be followed to impose each tax. The timeliness of this discussion is important because of the formal approvals

required from the Broward County Board of Commissioners and/or other municipalities. These approvals must occur before a countywide referendum that is required to impose either tax which is tentatively being discussed for the general election occurring in November 2016.

Florida law authorizes local governments to impose various types of local option surtaxes, the Charter County and Regional Transportation System Surtax and the Local Government Infrastructure Surtax. Both are potential funding options for the City's initiatives. The Broward Metropolitan Planning Organization (MPO) has taken the lead in educating and facilitating discussions between the County and the County's municipalities about both surtax options.

The MPO has formed a Surtax Subcommittee that has held and will continue to hold meetings throughout the next few months to discuss the potential surtax options and initiate actions as necessary to meet the required timelines. Concurrently, MPO representatives are meeting with representatives from Broward County to discuss the "must haves" for each group and to negotiate a compromise between the County and the County's municipalities.

Commissioner Roberts stated he and Commissioner Rogers were on the MPO Surtax Subcommittee addressing this issue. The MPO Subcommittee has requested its members bring this discussion back to their respective cities for discussion to ascertain what each City "must have" to recognize potential uses for the funding. The MPO is having ongoing discussions with the County to determine their real needs from any surtax that may be imposed, and the cities are in the process of finalizing their needs. He commended City Staff for providing the City's brief needs sheet in the format that has been adopted by the other municipalities to complete their information report for the MPO.

Commissioner Roberts stated the discussion is between the Transportation Tax that the County controls how this money is disbursed; and the Infrastructure Sales Tax, which by State statute, mandates 60 percent of the revenues go to the municipalities and 40 percent go to the County.

The City's Budget Advisory Board met last week recommending the Commission support the Local Government Infrastructure Sales Tax noting it would not supplant other monies that may be added. Additionally, this Infrastructure Sales Tax would sunset after a term of 30 years. Commissioner Roberts confirmed for Commissioner Trantalis this was a sales tax. Commissioner Roberts noted that revenue from an Infrastructure Sales Tax cannot be used for operations and maintenance. Talks are still ongoing with the County to get their needs list.

There is a process that must be followed to impose either tax, and the timeliness of this discussion is important because of the formal approvals required from the Broward County Board of Commissioners and/or other municipalities. These approvals must occur before a countywide referendum imposing either tax, which is tentatively being discussed for the general election that will occur in November 2016.

The concern of the municipalities is whether the MPO is going to be "stone-walled" by the County to the point they will not get the opportunity to coordinate with all County municipalities to have a referendum on an Infrastructure Sales Tax on the November 2016 ballot. If the County delays long enough, the only viable option would be the Transportation Tax whose revenue goes entirely to the County. Commissioner Trantalis noted that many of the needs of the County overlap what the City will enjoy.

Commissioner Rogers requested input from the Commission on the best route to take to be advocates for the Infrastructure Sales Tax stating it is in the City's best interests and is the way to proceed but did not feel the County will concur. Additionally, there is a concern about the lack of time in which to get

all Broward County cities to join together to get the Infrastructure Sales Tax on the ballot in November 2016. It was noted that the County can have its Transportation Sales Tax put the ballot on their own. Commissioner Rogers raised the notion that it was better to partner with County to get something versus not getting anything should the County delay the process preventing the cities working together to get the Infrastructure Sales Tax on the ballot in November.

Commissioner Roberts said this was a timing issue. Other County municipalities are in agreement that the Infrastructure Sales Tax should move forward, and it is necessary to obtain a consensus from their respective city commissions. This would require all cities located within the County to pass identical resolutions. He stated the MPO could present a resolution to all municipalities allowing them to prevail in getting the Infrastructure Sales Tax on the November 2016 ballot.

Commissioner Roberts noted discussions are still ongoing with the County, and the timelines have been pushed back. Mayor Seiler stated he would only support a referendum on the Transportation Tax if there was a clear, defined amount of revenue going to the City. Commissioner Rogers thought a referendum would likely pass if it were clearly defined and specifically stated how those revenues would be spent. The Commission agreed this item would be tracked, and further discussions ensued.

## **BUS-2 16-0027      Police Body Worn Cameras Pilot Program**

Police Chief Frank Adderley was seeking direction from the City Commission before advancing a pilot program for the City's Police Officers to wear body cameras. Body worn cameras are capable of recording video and audio worn by officers in the field, which allows unprecedented documentation of police and civilian encounters. This heightened level of police surveillance has inherent privacy and Freedom of Information Act issues that have not been fully addressed by current Florida legislation.

Chief Adderley outlined the body cameras currently available should the Commission decide to move forward with a pilot program. A large portion of the cost for a permanent program is for the data storage. However, Chief Adderley stated most companies are offering free cameras and data storage during pilot programs. The Police Executive Research Forum (PERF) and the International Association of Chiefs of Police recommends a study be completed for all pilot programs identifying potential issues before implementing a permanent program. The six areas of study they are recommending focus include response to resistance, which tracks the use of force; external and internal complaints; officer injuries; police officer stops; body camera effectiveness before and after the pilot program; and, the public's views on their interaction with the police.

Should the Commission decide to move forward with a pilot program, Chief Adderley recommended hiring a Project Coordinator who would be responsible for equipment inventory, evidence management for the courts, training, tracking videos, storage, use, problem-solving, public records requests, and legal concerns as it relates to privacy issues.

Discussions ensued regarding costs of the possible implementation, privacy rights, public records requests, chain of custody issues, two-party consent, and other implications. The Commission asked for a review of the experiences of other police agencies with the State who have implemented a police body camera program to include in a cost analysis.

Mayor Seiler and other Commissioners requested a legal opinion on the policy and procedures (under specific conditions) from the City Attorney's Office endorsing the proposed policies and procedures as it relates to privacy issues and compliance with the Florida Constitution and the United States

Constitution. Assistant City Attorney Brad Weissman and legal counsel to the City's Police Department gave a legal analysis of how police body cameras relate to privacy issues.

Mayor Seiler opened the floor up for public comment.

Jack Lokeinsky, President of the Fort Lauderdale Fraternal Order of Police, expressed his views on body cameras stating he is not opposed to a pilot program. However, he said he cannot allow his members to go out and put themselves in harm's way. He disagreed with the City Attorney that there is no legal reason for not going forward citing specific circumstances and issues, such as pre-event and post-event recording. Questions and discussions ensued from the Commission as to policy and privacy matters.

Charles King, 105 North Victoria Park Road, expressed his views in support of police body cameras.

## **BOARDS AND COMMITTEES**

### **BD-1 16-0093 Board and Committee Vacancies**

Please see Regular Meeting Item R-1.

### **BD-2 16-0094 Communication to the City Commission**

#### **Parks, Recreation, and Beaches Board (PRBR)**

The Parks, Recreation and Beaches Board requested an integrated approach to the development of the Aquatic Center for the board to be more involved including a joint workshop with BRAB regarding all plans and stages of development".

Mayor Seiler and the Commission supported this request.

They also requested that the One Stop Shop be part of a Park Use in the downtown area.

Mayor Seiler and the Commission agreed this will be an item discussed at some point in the future.

#### **Historic Preservation Board (HPB)**

The Historic Preservation Board communicated to the City Commission that the Evaluation and Appraisal Report, as currently proposed, is an inadequate analysis of the current Comprehensive Plan's effectiveness regarding preservation of historic resources. The HPB recommends that the Evaluation and Appraisal Report include policies that would more effectively implement the goals of historic preservation in the current Comprehensive Plan, including a complete the historic survey of City resources; increase public awareness and education about the value and economic rewards of historic preservation; and, devoting additional resources to the Historic Preservation Board.

City Manager Feldman stated the request for the Evaluation and Appraisal Report will be dependent upon other projects and the time necessary for City Staff to complete and is an item on the list. Commissioner Rogers stated perhaps one of the ways the City should address this is to assign someone to begin the process. Discussions ensued on hiring a person or an independent contractor from the Historic Preservation Board to address this need. City Manager Feldman agreed to explore this option.

#### **Marine Advisory Board (MAB)**

The Marine Advisory Board of the City of Fort Lauderdale requests the City to expedite the Request for Proposal (RFP) and the bidding process for a new fire boat. This is both important and necessary because the City is the yachting capital of the world and a marine industry hub. Moreover, with the high number and density of boats and large yachts, it is critical to have the ability to fight fires on these vessels.

City Manager Feldman stated the City had found a sufficient bid on the General Services Administration (GSA) Agency's contract and were proceeding with procurement through this method which will speed the process up by several months.

### **CITY MANAGER REPORTS**

None.

### **ADJOURNMENT**

There being no other matters to come before the Commission, the meeting was adjourned at 5:03 p.m.