

# City of Fort Lauderdale

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



## Meeting Minutes

**Wednesday, January 4, 2017**

**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***

## ROLL CALL

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

## QUORUM ESTABLISHED

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

**No public comments were submitted for this meeting.**

## CALL TO ORDER

Mayor Seiler called the 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.*

### **New Year's Eve Event**

The Commission discussed the City's New Year event including the recommendation of providing event pictures to local newspapers. Sponsorship opportunities for entertainment were also discussed.

### **Welcome - Interim Police Chief Rick Maglione**

The Commission welcomed Interim Police Chief Rick Maglione. Commissioner Rogers noted the upcoming retirement parties for Police Chief Frank Adderley and Assistant City Attorney Robert Dunkel.

### **Metropolitan Planning Organization (MPO)**

The Commission discussed coordinating a meeting prior to the commencement of the Beach Redevelopment Board (BRB) Meeting on January 11, 2017, to discuss the City's recommendations for the Metropolitan Planning Organization (MPO) Retreat being attended by Commissioner Rogers and Commission Roberts on Thursday, January 12, 2017. The requirements to notice and post the two meetings were also discussed.

### **Sewer Main Break**

Commissioner Rogers thanked City Staff and City Manager Feldman for quickly and efficiently responding to the sewer main break at 7th Street and Tarpon River. He noted the concerns in his district on this subject and advised his constituents that this and other infrastructure issues will be the topic of discussion at the January 18, 2017, City Commission Conference Meeting.

### **Levitt Pavilion**

City Manager Feldman updated the Commission giving a brief history of what has occurred to date regarding the Levitt Pavilion. He noted the Friends of Levitt will begin their fundraising, followed by programming. Commissioner Rogers noted the concerns of his constituents. The Commission discussed the City's development and its effect upon residential neighborhood noise concerns when development is located next to an entertainment district. City Manager Feldman stated there are two efforts currently underway to look into these issues:

- a) the City's Ad Hoc Noise Committee's recommendations that he will be will be addressing at the Council of Civic Associations on January 20, 2017, and that may be brought before the Commission as an ordinance; and
- b) and the City's Nighttime Economy Study which will be presented to the Commission at the February 21, 2017, Conference Meeting.

### **Holiday Outreach**

Commissioner McKinzie extended a special thank you to the City's Parks and Recreation Department, the Police Department, and the Fire Department for their community outreach during the holiday season and throughout the year. Mayor Seiler concurred with Commissioner McKinzie's comments adding the City's Public Affairs team for their remarkable job during the holiday season. Commissioner Roberts thanked Assistant City Manager Chris Lagerbloom and Diana Alarcon for addressing the parking meter issues on Commercial Boulevard quickly and efficiently.

[17-0004](#)

Communications to the City Commission

### **Sustainability Advisory Board (SAB) Communication to the City Commission**

*The Sustainability Advisory Board (SAB) provides the following*

*Communication to the City Commission:*

*Thank you, Mayor and Commissioners, for taking positive action to protect our endangered sea turtles by voting to officially pursue an Incidental Take Permit (ITP) for Special Events on the habitat during sea turtle season to comply with the Endangered Species Act.*

*As part of the ITP, a comprehensive Habitat Conservation Plan (HCP) must be developed. The HCP establishes monitoring and reporting standards for use of the habitat and possible impact to endangered and threatened species can be reduced or mitigated by effective alternative conservation strategies. The HCP is usually customized for the geographic location and nature of impacts from any, and all, proposed activities that could result in the "take" of an endangered animal which includes habitat utilized by endangered animals.*

*SAB members request the opportunity to provide input in the ITP planning and review process, in order to assist with ensuring the sustainability of the City of Fort Lauderdale's sea turtle population.*

City Manager Feldman stated the City is working on the framework for the time and cost for the City's proposal for a Habitat Conservation Plan. He noted the need to bring in outside assistance to work with the Fish and Wildlife Service's ITP process at the Federal level. He stated that following the meeting with the Beach Business Improvement District (BBID) at their February 2017 meeting, he will come back to the Commission with an update.

**Beach Redevelopment Board (BRB) Communication to the City Commission**

*Motion made by Ms. Scher, seconded by Ms. Lee, to recommend that the City consider an Incidental Take Permit for the entire Central Beach area because of public safety issues. In a voice vote, the motion passed (9-0).*

*[Edited by C. Omengebar, CRA Project Coordinator.]*

Discussions ensued on the BRB participating in the process with the Sustainability Advisory Board as noted in their above communication. City Manager Feldman noted the need for a conservation plan for the entire area specifically referencing the theory of the economy of scale as it relates to this matter. Further discussions ensued on those areas of the Central Beach which need protection. Partnering with the Galt Ocean Mile area and other areas of the beach down to Points of American was discussed to address and mitigate the costs related to

this matter through cost sharing. Commissioner Rogers noted this is a multiyear process and the public needs to recognize this timeline.

Mayor Seiler acknowledged both the BRB and the SAB's willingness to address this issue as it serves to build a consensus and welcomes both board's participation.

### **OLD/NEW BUSINESS**

#### **BUS-1 [17-0041](#)**

#### **Broward Metropolitan Planning Organization Quiet Zone Update**

Mayor Seiler thanked James Cromar, Director of Planning for the Metropolitan Planning Organization (MPO) on behalf of the City for their work on Dixie Highway and filling in for Greg Stuart, noting the positive effects of different layers of government working together.

Mayor Seiler recognized Mr. Cromar who announced he was stepping in for Paul Calvaresi who is the MPO's Transportation Planner and staff expert on Quiet Zones to give the City Commission this MPO presentation on Quiet Zones.

Mr. Cromar stated the MPO is the organization charged with the direction of Federal and State funding for transportation in the Broward area, noting the City has two representatives on the MPO Board, Commissioner Rogers and Commissioner Roberts.

Mr. Cromar updated the Commission on the Quiet Zones in the City. He stated a question will be forthcoming to the Commission on pursuing a quiet zone designation on the CSX train corridor near the Interstate 95 corridor and confirmed the Commission's designation of a Quiet Zone on the FEC train corridor near the City's downtown area.

Mr. Cromar explained the aspects of Federal regulations and the Quiet Zone's supplemental safety measures when a train approaches a railroad crossing as noted in the MPO presentation.

***A copy of the MPO presentation is attached to these minutes.***

In response to Vice Mayor Trantalis's question, Mr. Cromar stated the timeline for implementing the FEC train corridor Quiet Zone designation is targeted as mid-2017. Mr. Cromar stated there will be no additional Quiet Zone safety construction measures at the 13th, 56th, and 62nd crossings. However, All Aboard Florida still has ongoing construction and the coordination of those closings and traffic maintenance is ongoing.

Commissioner Roberts asked for confirmation that the entire area of the FEC corridor will be one contiguous quiet zone within Broward County. Mr. Cromar confirmed this was accurate and that the crossing at 26th Street will have median improvements to prevent pedestrians from crossing when the trains are coming through.

Commissioner Rogers asked about the timing and how the new Quiet Zone's procedures will be communicated to the train engineers. Mr. Cromar explained the upcoming Quiet Zone's new procedures. A target date was also discussed.

Mr. Cromar stated that if safety issues arise from the implementation of Quiet Zone designations, the train horns could be reinstituted.

Mayor Seiler recognized Raymond Cox, 420 SW Broward Blvd., who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

## **BUS-2** [17-0040](#)

### Discussion of Opioid Abuse

Mayor Seiler recognized Police Captain Lynette Falzone, Special Investigations Division, who addressed the Commission and gave a PowerPoint presentation on the status of the current opioid abuse taking place in the City.

***A copy of Captain's Falzone's presentation is attached to these minutes.***

Captain Falzone also showed the Commission a short video from the Drug Enforcement Agency addressing the issue of opioid abuse.

***A copy of this DEA video is posted to the Meeting Details section of this meeting on the City's web site along with the Meeting Minutes.***

Vice Mayor Trantalis inquired if Fentanyl is imported to the United States and Captain Falzone confirmed.

Mayor Seiler asked City Attorney Everett about the possibility of mandating a zoning ordinance that facilities, such as Sober Homes, have appropriate trained staffing to administer Narcan. City Attorney Everett stated this would be difficult to do due to the large umbrella of services provided by Sober Homes. Commissioner Roberts confirmed the request for guidance on this issue had been made to the City

Attorney's Office and the Commission would like this update. Further discussions continued on the locations of Sober Homes, the locations of the Police and Fire Department's responses to Fentanyl overdoses, regulating the number of Sober Homes within a particular zoning area, and the requirement of having a certified, trained individual to address overdose victims available on site at the Sober Homes located in the City. Mayor Seiler asked for a legal opinion from the City Attorney's Office on having a zoning requirement that a certified, trained individual be on site to administer Narcan at each Sober Home within the City and if the City can regulate the distance between Sober Homes and distances from City Schools.

Mayor Seiler also inquired as to the number of Narcan doses administered at each of the response locations. City Manager Feldman stated that the City's Fire Department responds to overdoses calls and administers Narcan but these calls do not necessarily trigger a Police response. However, the Fire Department and Police Department are working together to identify and target places of opioid abuse by focusing on the occupancies of the call address to determine if they are occurring at Sober Homes, single family residences, bars, trailer parks, etc. This information will then be used to determine if there is a pattern of use to use to address with further regulation.

Commissioner Roberts said he would like to see more data regarding the demographics of the Fire Department's responses, i.e., age, employment status, etc.

Mayor Seiler asked about the type of stricter legislation the City can pass or support at the State level to address this problem and toughen the laws. Commissioner Roberts discussed the issue of the over prescribing of opioids in the City that leads to the use of street opioids.

Mayor Seiler recognized Captain Robert Dietrich of the Police Department's Administrative Support Division who addressed the Commission on the City's administration, history and development of its Narcan Program. He stated the choice made was for the nasal spray form of Narcan and the policy is currently on hold until the completion of the agreement with Dr. Menendez.

Mayor Seiler asked if any forfeiture dollars could be used for the Narcan Program. Captain Dietrich stated he would need to confirm this with the City Attorney's Office. At the request of Commissioner Roberts, City Attorney Everett stated the Police Department and Fire Department's policy on administering Narcan would be forthcoming from her staff shortly.

Captain Dietrich stated that once the policies are approved and implemented, the procurement process and training can begin. He expounded on the planned training which will occur every two years, coinciding with CPR Certifications. He also estimated the timeline to be four and one half months once the agreements and policies are approved.

Captain Dietrich confirmed for Vice Mayor Trantalis that Narcan is a treatment for any type of opioid overdose.

Dr. Menendez discussed the side effects of Narcan, stating it was developed as an antidote for opioid overdoses, noting the price has increased due to the increased demand.

Commissioner Rogers asked about how the City compares with other nearby municipalities in terms of the number of opioid overdose responses. Chief Daniel Oatmeyer, Battalion Chief of the Fire Department's Emergency Management Services, responded that Pompano Beach has similar rates of opioid overdose calls but did not have reports on other local municipalities.

Chief Daniel Oatmeyer gave a PowerPoint presentation outlining the aspects of the City's Fire Rescue Department's EMS procedures, costs, details and available data information about overdose incident reports for calls requiring the administration of administering Narcan.

Vice Mayor Trantalis asked if there were criminal consequences when an overdose victim is given Narcan by the Fire Department. Captain Falzone stated there were no criminal consequences. Further comments and discussions ensued on the City's expenses as a result of these situations and the need to address the issue of possession of these narcotics in the future.

Dr. Craig Mallak, J.D., M.D. Chief Medical Examiner for Broward County, addressed the Commission noting his extensive background and stating that street Fentanyl is a military grade weapon in order to make clear the gravity of its street use in the City. Dr. Mallak reviewed the numbers of fatalities in the City stating the State of Florida ranked second in the nation in 2016 and 2015. The regulation of Fentanyl's chemical ingredients was discussed. Dr. Mallak stated his office will be providing the City an interactive map for up-to-date statistics on this issue. He stressed the deadly effects and potency of Fentanyl in the City.

Dr. Menendez stated that addicts prefer stronger versions of street drugs when given a choice.



Mayor Seiler recognized Raymond Cox, 420 SW Broward 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. Mr. King's comments included focusing on the need to address the regulation of marijuana in the City.

Commissioner Rogers recommended ascertaining the next steps to educate the public on the current trends of this issue. Commissioner Roberts asked City Manager Feldman, as a member of the National League of Cities Committee working on this issue, to come back to the Commission with recommendations and steps the City can implement to address both educational and legislative opportunities for this drug problem.

Commissioner Roberts voiced his concern on the safety of the first responders when they handle these situations and requested the City to ensure it provides the necessary training and equipment to those first responders.

City Manager Feldman noted the City's Health Plan has been modified to provide Narcan with no co-pay to a City employee and their family, noting it only requires a prescription which is available through the City's Wellness Center.

The legislation and regulation aspects of the drugs and their ingredients were discussed. City Manager Feldman raised the point of educating realtors on the fact that during open houses, the opportunity exists for members of the public to have access to prescribed drugs belonging to other individuals.

#### **EXECUTIVE CLOSED DOOR SESSION - 4:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE**

[17-0013](#)

The City Commission will meet privately pursuant to Florida Statute, Section 286.011(8) concerning:

Donna Squerrini v. City of Fort Lauderdale  
Case No. CACE 14-022819 (02)

Mayor Seiler announced that at this time, the City Commission shall meet privately to conduct discussions between the City Manager, the City Attorney and the City Commission relative to pending litigation pursuant to Section 286.011(8), Florida Statutes, in connection with the following cases:

Donna Squerrini v. City of Fort Lauderdale  
Case No. CACE 14-022819 (02)

Persons in attendance will be:

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. Donna Squerrini v. City of Fort Lauderdale, Outside Counsel will be W. Tucker Craig, Esq., of Billing, Cochran, Lyles, Mauro Ramsey, P.A., and a Certified Court Reporter with Daughters Reporting, Inc.

The estimated length of the attorney-client session is approximately one (1) hour.

**Mayor Seiler announced that the Closed Door Session of the City Commission is concluded, and the public meeting will be re-opened.**

### **BOARDS AND COMMITTEES**

**BD-1**    [17-0005](#)

Board and Committee Vacancies

There was a brief discussion among the Commission about board and committee appointees. Commissioner Rogers stated he is reappointing all of his appointments. Mayor Seiler noted all appointments had been given to City Clerk Modarelli.

### **CITY MANAGER REPORTS**

None.