

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, September 19, 2017

1:30 PM

City Commission Conference Room

City Commission Conference 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
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 - Vice Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Robert L. McKinzie and 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 and City Auditor John Herbst

No e-comments were submitted for this meeting.

CALL TO ORDER

Vice Mayor Roberts called the Conference Meeting to order at 1:32 p.m.

Vice Mayor Roberts stated Mayor Seiler was not present due to conducting City business. Vice Mayor Roberts recommended how the meeting should proceed. Communications to the Commission would be discussed initially, followed by a discussion on Board Appointments and a recess until 4:00 p.m.

The Commission would reconvene at 4:00 p.m. with Mayor Seiler in attendance. At that time, Commission Reports would be presented followed by the Executive Closed Door Session. There were no objections to this recommendation from Commissioners in attendance.

[17-1143](#)

Communications to the City Commission

*Historic Preservation Board
Tuesday, September 5, 2017*

*Communication to the City Commission
Motion made by Ms. Mammano, seconded by Ms. Mergenhagen, to inform the City Commission that the Board was in receipt of Mr. Feldman's June 8, 2017 memo regarding the options for the protection of non-designated structures and the Board encouraged City staff to continue drafting appropriate recommendations for consideration by the City Commission that would more effectively address demolition delay, interim protective measures and the overall designation process. The Board also recommended the City look to the work done*

previously to revise the ordinance that dealt with these issues. In a voice vote, motion passed unanimously.

Commissioner Rogers gave a summary of this issue, confirming demolition by neglect has happened to many historic properties. City Manager Feldman discussed the outline Staff prepared to address this issue, which is supported by the Historic Preservation Board. He also discussed Code Enforcement addressing building condition and neglect.

Commissioner Trantalis arrived at the meeting at 1:35 p.m.

Commissioner Trantalis noted an item on tonight's agenda addresses the demolition of a building due to neglect. Further discussions ensued about having a reasonable administrative policy on this issue once a complete inventory of historic properties is available.

Commissioner Trantalis discussed his advocating for transfer of development rights in this context. He commented on the recent allocation of 5,000 dwelling units from the County. He recommended imposing developer requirements to receive a portion of these dwelling units. Commissioner Trantalis expounded on this topic, recommending all developers who are allocated dwelling units pay a fee into a fund towards redeveloping neglected historic properties (properties). He stated due to cost, demolishing these properties outweighs the desire to rehabilitate these properties. Commissioner Trantalis stated this could be codified, allowing the Commission more options for these properties. The Towers, a former senior nursing home, was cited as a recent example. He also commented on the high profits of developers. How this concept is implemented in other cities was discussed.

Commissioner Rogers concurred with Commissioner Trantalis's recommendation, commenting on the need for the Historic Preservation policy to include a section regarding the condition of the property and both an economic and structural feasibility analysis. Further examples were cited and discussions continued.

Vice Mayor Roberts recognized Arthur Marcus, 1800 N. Andrews Avenue, who stated he is an architect and a historic preservation consultant. He spoke in favor of the recommendations being discussed, incentivizing the restoring/saving historic properties, designating historic districts beyond Sailboat Bend, and saving early 20th Century properties such as those designed by local Mid-Century Architect Charles McKirahan. Further comments and discussions ensued.

Vice Mayor Roberts asked City Manager Feldman and City Attorney Everett to work jointly to compile a complete inventory and prepare an ordinance to reflect these discussions. City Manager Feldman confirmed he would have individual discussions with Commission members for further clarification.

BOARDS AND COMMITTEES

BD-1 [17-1142](#)

Board and Committee Vacancies

Board and Committee appointments were discussed. City Clerk Modarelli reviewed and explained what constitutes the top ten Beach Business Improvement District list, including a member from the Beach Redevelopment Advisory Board and the Greater Fort Lauderdale Chamber of Commerce. These recommendations remain the same as last year, Ina Lee as the Beach Redevelopment Advisory Board representative and Eduardo Fernandez as the representative from the Greater Fort Lauderdale Chamber of Commerce. City Clerk Modarelli continued his review of Beach Improvement District list of members. He noted a representative member from The Westin has not been appointed. The current individuals listed on the top ten list will be included on tonight's Resolution appointing Board and Committee members. A subsequent appointment for the member representing The Westin will be made at a later date, once this position is filled.

City Clerk Modarelli read the remainder of the Board and Committee appointments on tonight's Resolution.

Vice Mayor Roberts recessed the Conference Meeting at 1:53 p.m.

Mayor Seiler reconvened the Conference Meeting at 4:08 p.m.

Mayor Seiler reviewed the items addressed in the earlier portion of the meeting.

CITY COMMISSION REPORTS

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

In response to Commissioner Trantalis's inquiry about the green film in Las Olas canals, City Manager Feldman deferred to Dr. Nancy Gassman, Assistant Director of Public Works - Sustainability. Dr.

Gassman confirmed micro cystic algae in the canals, noting it is most likely due to heavy rainfall runoff and Hurricane Irma (Storm). She stated the Environmental Protection Agency (EPA) has not recommended any action, confirming it will be eventually be flushed out. Further comments and discussions ensued. Dr. Gassman confirmed she would readdress this issue with the EPA regarding what can be done to remediate this problem.

In response to Commissioner Trantalis's inquiry about communications from the Supervisor of Elections to the City Attorney's Office, City Attorney Everett gave a summary of what had been communicated, stating the Supervisor of Elections maintains her previous position. Mayor Seiler noted the correspondence received earlier today from the Supervisor of Elections, recently circulated by City Clerk Modarelli. Discussions on the wording of the correspondence ensued.

A copy of this correspondence addressed to City Clerk Modarelli is attached to these minutes.

Mayor Seiler stated he concurred with City Attorney Everett's interpretation on this issue and that the 45 day issue does not apply. Commissioner Trantalis discussed his position on this issue, commenting on the holiday schedule's impact on elections that would not allow candidates to get their message out to voters. Further comments and discussions ensued. Vice Mayor Roberts commented on the additional expense should the City not adhere to the Supervisor of Elections recommended dates, commenting on his position that the election dates proposed in the Supervisor of Elections' recent correspondence should be utilized.

Commissioner Trantalis discussed filing a writ of mandamus to petition the court for a judicial remedy in the form of a final judicial interpretation. Mayor Seiler discussed his position. Commissioner Trantalis confirmed his concern of legal actions by candidates. City Attorney Everett commented on the statutory ability to address the issue under certain circumstance, stating she is not convinced this is one of those circumstances. Vice Mayor Roberts read a portion of the summary provided to the Commission by City Attorney Everett. Further comments and discussions ensued.

City Attorney Everett confirmed she and her Staff will digest all relevant information and provide the Commission with an appropriate way to address the situation.

Commissioner Rogers asked for recommendations and insight for his upcoming 17th Street Mobility Plan Workshop being held on Monday, September 25, 2017 from 3:00 p.m. - 5:00 p.m.

Mayor Seiler raised the issue of recovery following Hurricane Irma (Storm). He recognized Assistant Director of Public Works - Sustainability Dr. Nancy Gassman. Dr. Gassman gave an overview of the presentation about the progress of debris management efforts as a result of the Storm.

Dr. Gassman acknowledged the proficiency of Melissa Doyle, Public Works Manager Solid Waste and Recycling, in addressing the impact of debris resulting from the Storm. She recognized Ms. Doyle's previous work and experience in addressing the impacts of previous Hurricanes Charlie and Andrew.

Dr. Gassman noted the presence of vendor John Sullivan, President - DRC Emergency Services (DRC), the debris management contractor available to answer Commission questions. DRC's responsibilities include roadway clearing, debris collection, debris processing, debris haul out and disposal, related recovery services, remediate debris and management of sites.

Dr. Gassman also noted the presence of vendor Nicole Counsell, Debris Monitoring Contractor - Thompson Consulting (Thompson). Ms. Counsell's responsibilities include certifying debris volumes, validating FEMA reimbursable processes and allowable activities, assist City with submission of debris related expenses to FEMA, and supporting all closeout and audit activities.

Dr. Gassman gave a review of post Storm management including assessing storm damage, road clearing, the debris management process (including equipment and staging), the systematic approach to debris collection, and other recovery service as detailed in the presentation.

A copy of the presentation with specific details relating to Storm damage, debris monitoring and removal is attached to these minutes.

Dr. Gassman confirmed streets were cleared within 36 hours after the Storm, with the assistance of FDOT. In response to Commissioner Rogers, Dr. Gassman confirmed debris processing is ongoing at night, while accommodating scheduled activities at Lockhart Park and Holiday

Park (Parks) currently designated for debris processing. Debris collection only occurs during the day due to the availability of daylight and the need to see what needs to be picked up. Due to Synder Park having over 500 fallen trees, it could not serve as a debris site in the south area of the City.

In response to Commissioner Rogers' question, Ms. Doyle expounded on the calculation used to determine the number of debris removal trucks based on a 60 day timeline. Ms. Doyle commented on the amount of debris picked up to date. Dr. Gassman discussed the debris zones established and timelines for systematically debris collection, initially focusing on roads with high traffic.

Ms. Doyle confirmed the 48 hour timeline required for grinding material from the time it touches the ground in the collection process. Additionally, within seven days, the processed debris must be hauled off site. Thompson provides the City with daily reports illustrating what has come in and what has gone out. Ms. Doyle discussed the use of the Parks as processing sites, confirming they should be adequate. Should it be necessary, the composting site located in Dania Beach would be a third alternative for debris processing. Commissioner Rogers commented on heavy traffic concerns during the day impacting debris hauling to the Parks. Dr. Gassman cited additional expenditures related to opening up more debris processing sites.

In response to Commissioner Rogers' question, Ms. Counsell commented on FEMA's requirements of costs associated with debris collection being fair and reasonable. Commissioner Rogers commented on funds available to reduce the debris collection timelines. Dr. Gassman stated 60 days is a reasonable timeline for the size and impact of the Storm.

In response to Commissioner Rogers' comments, Mr. Sullivan stated the industry does not want to complete a first pass of debris collection for 30 days to allow all neighbors the opportunity to collect, put out all property debris and to operate the collection process in a balanced, cost effective manner for all stakeholders. Further discussions ensued on this topic.

City Manager Feldman commented on issues other municipalities are facing about the inability to contract debris collection contractors and the importance of keeping debris collection profitable for DRC's subcontractors to keep the process moving forward.

Discussion ensued on Storm debris collection interfacing with regular

garbage and recycling collection. In response to Commissioner McKinzie's question, bulk pick-ups have been suspended due to issues relating to recouping Storm debris costs from FEMA. The bulk crews are actively working to clear all City Parks. Discussions continued on this topic, community outreach, and the need for neighbors to segregate debris collected as illustrated in the slide presentation.

Mayor Seiler emphasized the need for specific outreach to the leadership of Council of Civic Associations on details regarding debris collection and Storm recovery efforts, requesting them to disseminate this information. Dr. Gassman presented, explained, and discussed the door hanger that was run in a half page ad in the *Sun Sentinel* on Sunday, September 17, 2017, in an effort to disseminate information to the community. Dr. Gassman asked for everyone's assistance in disseminating the door hanger information, noting it is a citywide effort that needs to be done in a systematic manner. She asked for patience from the community, confirming this is the nature of Storm debris everywhere. She discussed the special requirements involved in going into private neighborhoods and roads to collect debris. FEMA reimbursement allows for three passes in the debris collection process.

Ms. Doyle addressed Commissioner Rogers' question regarding debris in areas prone to flooding during King Tides. This has been communicated to debris collectors and debris monitors, stating their goal is to get all debris in these areas collected in the first pass. There was a consensus this should be a priority.

Ms. Counsell discussed the projected cost estimates for debris collection, hauling, processing and disposal. In response to Commissioner Rogers' question, City Manager Feldman confirmed the timeline for reimbursement from FEMA ranges between eight months and two years. The timeline can vary due to the accuracy and completeness of the reimbursement paperwork submitted to FEMA. City Manager Feldman explained the percentages that FEMA would reimburse. There is no insurance for debris collection. The City's property insurance claims were briefly discussed.

Dr. Gassman reviewed the sand recovery effort and matters related to restoring the dunes as illustrated in the slide presentation. In response to Commissioner Rogers' question, Dr. Gassman confirmed over 60,000 cubic yards of sand have been picked up and put back on the beach, noting the Storm caused sand replenishment along the beach. Justification for reimbursement for sand removal from sidewalk and beach areas and redistribution to the beach is being addressed.

In response to Commissioner Rogers' question, Mr. Sullivan addressed issues relating to neighbor property damage, i.e., sprinkler damage, resulting from heavy equipment involved in debris collection. He confirmed this may happen, stating if a complaint is received, a DRC project manager will go to the property and investigate the issue. Further comments and discussions ensued on this topic. Ms. Doyle confirmed Staff is logging and addressing neighbor concerns regarding contractor performance through the Q-Alert System, the Customer Service Line and Neighbor Support. Further discussion and comments ensued on this topic.

In response to Commissioner Trantalis's question about homeowner eligibility for the City to address issues relating to tree limbs, Dr. Gassman responded the tree limb or tree must be an imminent threat to a public the right-of-way or a public roadway. Dr. Gassman confirmed the current focus is on land-based debris collection. Addressing waterway debris collection is being investigated to determine the need and ability receive FEMA reimbursement.

In response to Commissioner Rogers' inquiry, Ms. Doyle expounded on debris collection in areas containing downed or low hanging wires. She confirmed all neighbor Q-Alerts comes to her desk and are addressed. This includes notifying FP&L and/or AT&T. Ms. Doyle discussed this issue impacting regular sanitation pick-up and the efforts to escalate FP&L and/or AT&T response time or address issues within City agencies. Ms. Doyle said there is a low complaint threshold regarding contract vendors.

Dr. Gassman reviewed efforts to determine the scope and cost of tree damage at Snyder Park to ascertain if this is a FEMA justified expense. She commented on the need to track Hurricane Maria whose western edge could impact Storm debris collection. In response to Commissioner Rogers' question, Mr. Sullivan confirmed the procedure that would be followed should it be determined an approaching storm would impact debris collection.

Mayor Seiler thanked Dr. Gassman and her team for the presentation.

CONFERENCE REPORTS

None.

OLD/NEW BUSINESS

None.

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

[17-1144](#)

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

City of Fort Lauderdale v. Munaz Enterprises, Inc.

Case No. CACE 07-008660 (12)

Mayor Seiler announced 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 cases noted in item 17-1144:

Present at the attorney-client session will be:

Mayor, John P. "Jack" Seiler
Vice Mayor, Bruce G. Roberts
Commissioner, Robert L. McKinzie
Commissioner, Dean J. Trantalis
Commissioner, Romney Rogers
City Manager, Lee R. Feldman
City Attorney, Cynthia A. Everett
Assistant City Attorney, Tania M. Amar, and a
Certified Court Reporter with Daughters Reporting, Inc.

The estimated length of this attorney-client session is approximately twenty (20) minutes.

CITY MANAGER REPORTS

None.

ADJOURNMENT

Mayor Seiler adjourned the Conference Meeting at 5:16 p.m.