

City of Fort Lauderdale

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



Meeting Minutes

Wednesday, January 3, 2018

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 - Commissioner Dean J. Trantalis, Commissioner Robert L. McKinzie, Commissioner Rogers, Vice Mayor Bruce G. Roberts 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 Wilgienson Auguste

CALL TO ORDER

Mayor Seiler called the Conference Meeting to order at 1:37 p.m.

CITY COMMISSION REPORTS

The Commission commented on the success of the Orange Bowl Downtown Countdown New Year's Eve Celebration.

Commissioner McKinzie commented on issues relating to infrastructure in District III, confirming his satisfaction with Public Works' response. He acknowledged some delays though the main line is complete. Discussions ensued on how to mitigate the remaining issues.

Commissioner Rogers discussed a visitor's comments on improved customer service over last year from beach area lifeguards. He also discussed the parking permit issue reviewed at his District meeting involving the process and requirements in several neighborhoods, and the need to identify parking policies and sign-up procedures.

City Manager Feldman said the Colee Hammock neighborhood parking program had not been implemented due to the parking needs of employees in and around Las Olas Boulevard businesses. Staff is in the process of finalizing parking agreements during the day and night. In response to Mayor Seiler, City Manager Feldman confirmed a nearby garage is participating on nights and weekends. During the day, the garage serves as employee parking. Commissioner Trantalis discussed aspects of the parking permit program in the Colee Hammock neighborhood. City Manager Feldman confirmed he would update the Commission on the status of the parking programs in the Beverly Heights and Colee Hammock neighborhoods.

Commissioner Rogers discussed addressing signage in the Edgewood Neighborhood that was funded by a contribution from the City, the developer and the neighborhood. Discussions ensued on delays in receiving approval to move forward with the signage from the School Board and a private property owner.

Mayor Seiler recognized Hal Barnes, P.E, Manager, Neighbor Support, who confirmed three monuments are being installed and each are in a public right-of-way. To maintain ownership of the monuments, there are efforts to require the property owners sign a right-of-way easement. They are still awaiting responses. Mayor Seiler requested Mr. Barnes send him a copy of the correspondence sent to the School Board and Saint Jerome. Mayor Seiler confirmed he would follow-up with them.

Commissioner Rogers discussed communications with Wendy Wills, Vice President of Edgewood Civic Association (Association), regarding their Leadership College Program (Program). He confirmed Amanda Muir, a recent graduate of the Program's second class, is now the President of the Association. Discussions ensued on Code Enforcement issues in the area.

Commissioner Rogers noted the success of the Panthers in the Park Ice Skating Rink at Huizenga Plaza. He discussed upcoming events including the Hazardous Waste Drop- Off Event at Mills Pond Park on Saturday, January 13, 2018; the neighborhood Master Plan Meetings during the month of January 2018; and the State of the City Address in conjunction with the South Side Cultural Arts Center Ribbon (South Side) Cutting on January 30, 2018.

In response to Commissioner Rogers' comment about needing internet access at South Side Cultural Arts Center (South Side), City Manager Feldman stated the target date for internet access is February 15, 2018. Further discussions ensued on South Side's program pricing for City residents, non-City resident and future revenue generation. There was a consensus to have reduced pricing for City residents. City Manager Feldman gave an example of programming and payment for space usage at South Side. He confirmed Staff would communicate with Friends of South Side to ensure everyone is on the same page.

Commissioner Trantalis asked City Manager Feldman if there has been an analysis of 12 months of expenses for South Side. Commissioner McKinzie commented on the Parks and Recreation Fee Schedule. Commissioner Rogers commented on South Side having a different dynamic due to instructors being brought in for classes, noting the need

for a program plan.

Commissioner Rogers noted the kick-off of Volunteer Day in conjunction with the Martin Luther King, Jr., Day Parade (Parade). Mayor Seiler raised his concern about the Parade and the impact of the new BrightLine Train on the route. City Manager Feldman confirmed the Parade's route.

There was Commission consensus on having a moment of silence in remembrance of Bob Young at tonight's Regular Commission Meeting.

Commissioner Trantalis asked about the upcoming Homes, Inc. opening. Mayor Seiler and Commissioner McKinzie confirmed the event relates to scholarship announcements and the Outdoor Kitchen.

Commissioner Trantalis raised the topic of being approached by representatives of Eternal Preservation who inquired about having a dune at the end of Sunrise Boulevard on the beach. He noted the response from Parks and Recreation saying it would obstruct the pathway to the beach. Commissioner Trantalis noted this is the least sea turtle friendly area due to vehicle lights. A berm or dune would serve to block lighting.

City Manager Feldman commented on his recollection that FDOT was installing a second wall behind the wave wall to shield lights from the sea turtles. Commissioner Trantalis confirmed FDOT, the Florida Department of Environmental Protection and Division of Fish and Wildlife has approved reconstruction of the berm. Further discussions ensued on the berm's removal which was part of the beach re-nourishment project. Commissioner Trantalis confirmed he would speak with City Manager Feldman to address this issue. Mayor Seiler asked City Manager Feldman to update the entire Commission.

Vice Mayor Roberts raised the issues of Sober Homes and opioid litigation. City Attorney Cynthia Everett confirmed solicitation of legal firms to represent the City in opioid litigation. She is awaiting information regarding the cost of damages incurred by the City. She recommended that the law firms should present to the Commission regarding expertise in representing the City in opioid litigation.

Mayor Seiler acknowledged the need to confer with potential law firms to ascertain the full amount of damages is similar to what is being done by other cities and states. Further discussions ensued on this topic, including the possibility of a class-action lawsuit. There was a consensus

to move quickly on this issue. City Attorney Everett confirmed she would arrange for presentations at the January 23, 2018 Conference Meeting.

City Manager Feldman recommended having the presentations at noon on January 23, 2018 due to the extensive agenda at that Conference Meeting. Mayor Seiler confirmed, asking Staff to reserve noon on January 23, 2018 for a Commission Special Meeting on the topic of opioid litigation. He recommended City Attorney Everett narrow the selection to three law firms.

Vice Mayor Roberts acknowledged the work and cooperation of Staff towards addressing infrastructure needs. In response to Vice Mayor Roberts question, City Manager Feldman updated the Commission on the status of street repaving and resurfacing, confirming it received approval at the December 19, 2017 Commission Regular Meeting and is currently in the authorization process.

[17-1552](#)

Communications to the City Commission

MARINE ADVISORY BOARD (MAB)

December 7, 2017 - Communications to City Commission

Motion made by Mr. Cain, seconded by Mr. Morley, that a subcommittee be formed to look into the economics and other technical aspects of the proposed use of the southwest part of the 17th Street Bridge. In a voice vote, the motion passed unanimously.

Mayor Seiler confirmed this area is behind the Convention Center. The MAB is asking whether this area should be used for marine expansion or to keep it reserved for day cruises. He commented on his support of allowing the MAB to come back with their recommendations. It was noted that the County regulates this area. There was consensus that the MAB should move forward with their proposed use of the southwest portion of the 17th Street Bridge.

CONFERENCE REPORTS

CF-1 [18-0002](#)

Central Beach Master Plan Public Improvement Projects Update

City Manager Feldman confirmed this is the monthly update on the Central Beach Master Plan. Commissioner Trantalis asked about the Request for Proposal (RFP) that went out for D.C. Alexander Park (Park)

being awarded to Keith and Associates. It is on the January 23, 2018 Commission Agenda. However, it has not yet gone before the Beach Redevelopment Advisory Board (BRAB) or the Central Beach Alliance (CBA) for review.

City Manager Feldman explained that the architect and engineer need to be retained to come up with a proposal. Discussions ensued on the design costs for a preliminary design, the total cost of the project, hourly billing and restrictions under the Competitive Consultants Negotiation Act which does not allow price-based bidding, only hourly rates and qualifications. The BRAB, Parks and the Parks and Recreation Advisory Board and the neighborhood will be consulted during the design phase.

Commissioner Rogers commented on melding the Aquatics Complex, Seabreeze Boulevard and Fifth Street into the design of the Park. These factors will contribute to increased costs of the Park. Further discussions ensued on this topic, the dedication of Fifth Street as a roadway, the configuration of Fifth Street during the Las Olas Improvement Project and Fifth Street alleviating traffic issues in this area.

OLD/NEW BUSINESS

BUS-1 [17-1543](#)

Neighborhood Community Investment Program / Business Community Investment Program (NCIP/BCIP) Maintenance Needs Analysis and Ongoing Future Maintenance Responsibilities

City Manager Feldman gave an overview of the Neighborhood Community Investment Program / Business Community Investment Program (NCIP/BCIP) (Program) maintenance needs analysis and the ongoing future maintenance responsibilities, confirming these jointly funded area projects have fallen into a state of disrepair.

Mayor Seiler recognized Hal Barnes, P.E., Manager, Neighbor Support. Mr. Barnes confirmed and expounded on Staff's efforts over the last year to determine there is an immediate need for approximately \$800,000 in maintenance and repair operations of neighborhood entryways and community improvements. The administration of this would be under the Division of Neighbor Support - Office of the City Manager. The total cost estimated cost is approximately \$900,000.

A detailed breakdown of cost estimates, summarized by neighborhood and City Commission District, are attached to these minutes.

In response to Commissioner Trantalis' question, Mr. Barnes confirmed

the analysis was done both before and after Hurricane Irma, expounding on those efforts. Mr. Barnes referred to the pictures in Exhibit 2 of the Commission Agenda Memo (CAM) illustrating examples of maintenance concerns.

A copy of the picture is attached to these minutes.

Commissioner McKinzie discussed the genesis of these efforts began with his request to review these concerns in District III and the challenge to have Homeowners Associations address ongoing maintenance of these areas. Commissioner McKinzie noted the irrigation need for areas with new plantings. Further discussions ensued on maintenance needs throughout the City. Mayor Seiler asked for clarification that these are proposed costs. Mr. Barnes confirmed funds have not yet been appropriated.

In response to Commissioner Rogers' question about why *Stop* signs are included, Mr. Barnes explained that when decorative signs are installed, they become the responsibility of the City. Further discussions ensued on the maintenance commitments by the Homeowner's Associations and replacement costs. Mr. Barnes continued his presentation giving further examples of items noted in the detailed cost breakdown. He confirmed the pursuit of insurance claims when appropriate and periodic repairs.

In response to Commissioner Trantalis' question, Mr. Barnes confirmed the \$800,000 is the amount for Phase One. It is a one-time fix to address immediate needs and to bring the areas back up to appropriate standards. The approximate timeline to do this work is one year. City Manager Feldman confirmed the total cost would be approximately \$900,000 which would include salary and benefits for the temporary hire along with hiring contractors to complete the work.

Mayor Seiler noted it is less expensive to contract out this work. Discussions ensued on contracting all of the work out and making a decision regarding the City bearing these costs when neighborhood associations default. Commissioner Trantalis noted the need to value engineer these repairs to control costs.

Commissioner Rogers noted the need to motivate neighborhood association's participation in maintaining these areas. He concurred with Mayor Seiler's recommendation to contract out the work and the need to ensure subcontractors are performing adequately. Discussions ensued on the having a policy to address maintenance costs of future projects, i.e., neighborhood association gate houses, and their bearing a

portion of the initial cost and ongoing maintenance costs. Discussions ensued on notifying neighborhood associations of their maintenance responsibilities.

Mayor Seiler discussed his concern regarding fairness and those neighborhoods who have not benefited from this Program. City Manager Feldman discussed allocated budget funds and confirmed items the City has committed to currently have funding. Commissioner Trantalis commented on ways to motivate neighborhood associations to bear the maintenance costs. Mayor Seiler recommended a policy moving forward that would treat all neighborhoods in a fair, similar manner. Comments and discussions ensued on wrapping maintenance costs into the total Program cost and neighborhood associations providing a bond to ensure payment of maintenance costs.

City Manager Feldman discussed complaints received that projects have not been maintained. Further comments and discussions ensued. Mr. Barnes confirmed that the list of neighborhood Program projects received either match funding or sweat equity from neighborhood associations. He also clarified points in the list of estimated costs, confirming estimated costs vary by neighborhood based on the project. Further discussion ensued on ways to move forward and improve the process.

Commissioner Rogers recommended sending a list of needed repairs to respective neighborhood associations to notify them that funds are available. This will encourage them to submit an application for Program funding and will serve to raise the issue. The application process will determine neighborhood association funding. Commissioner Rogers also suggested addressing non-responsive neighborhood associations with the Council of Civic Associations. Additional sources of matching funds were discussed. Neighborhood association involvement in these Programs serves to build community.

There was a consensus to include maintenance fees on the front end of any Program funding. In response to Mayor Seiler, Mr. Barnes confirmed the most critical area in need of repair is Victoria Park's graffiti painted poles.

Discussions ensued on having a minimum fund to address the areas in most need of repair and maintenance, and managing the Program with the new policy.

Mayor Seiler recommended a minimum fund of \$8,000. Each

Commissioner would identify two critical areas in need of immediate attention in their District. Neighborhood associations would only need to match projects in excess of \$1,000. Any maintenance in excess of \$1,000 would require a neighborhood association match. Additionally, there would be an expense cap.

Mayor Seiler recognized Commissioner-Elect Heather Moraitis from District I. Commissioner-Elect Moraitis recommended that prior to awarding any Program funds, neighborhood associations must develop a plan to have the associated maintenance costs in place. Discussions ensued on the nature of neighborhood associations and the need for high architectural standards to ensure quality materials are used for any improvement.

Vice Mayor Roberts noted some items listed may fall under regular City maintenance. Mr. Barnes confirmed all items on the list were initially funded by the NCIP/BCIP. Vice Mayor Roberts asked if carryover funding from Public Works maintenance could be utilized for Program maintenance items. Further discussions ensued on everyone who benefits from certain repairs and improvements, i.e., curbs.

Mr. Barnes discussed ongoing communications with neighborhood associations and their ability to fund these projects with dollars or sweat equity. Mayor Seiler reiterated the policy moving forward, recommending the establishment of an \$8,000 initial maintenance fund. Each Commissioner will identify two critical areas in their respective District in need of immediate attention. Any maintenance for a neighborhood association project in excess of \$1,000 would require a match from the neighborhood association. There would be a cap of \$10,000 for each neighborhood.

Mayor Seiler confirmed that the policy going forward would require the establishment of a maintenance fund by neighborhood associations prior to Program funding for a project. This would be based on a percentage of the project's cost. The policy will be drafted by the City Attorney's Office.

There was consensus on the policy moving forward. City Manager Feldman reviewed actions necessary to follow the policy recommendations.

BOARDS AND COMMITTEES

BD-1 [17-1551](#)

Board and Committee Vacancies

The Commission discussed future Board and Committee appointments. City Clerk Jeffrey Modarelli read the names of appointees for Resolution R-1 being voted on tonight at the January 3, 2018 Commission Regular Meeting.

A copy of the Resolution is attached to these minutes.

City Clerk Modarelli announced Mayor Seiler's appointments for Item R-1 at the January 23, 2018 Commission Regular Meeting as noted below.

NUISANCE ABATEMENT BOARD

Robert Wolfe, Gustav Schmidt, Lorraine Saunders and Donald Karney are reappointed

HISTORIC PRESERVATION BOARD

Richard Rosa

Anna Loren (possible appointment - dependent upon mandatory qualifications)

CITY MANAGER REPORTS

City Manager Feldman discussed the Commission's direction to fast track an ordinance on Sober Homes and work to have it in place by March 2018. He commented on work of outside counsel, Nancy Ellen Stroud, Esq., Lewis, Stroud & Deutsch, Boca Raton, who will present to the Commission. City Manager Feldman addressed issues concerning fast tracking an ordinance and his desire to study what surrounding municipalities are doing regarding this issue.

Vice Mayor Roberts discussed the need to be proactive regarding the adoption of a Sober Homes ordinance allowing the City to be grandfathered should the state enact legislation on this issue. In response to Commissioner Rogers' question, City Manager Feldman expounded on ways the state legislature could enact legislation, commenting on its drafting which may or may not allow local ordinances to be grandfathered. Commissioner Trantalis concurred with Vice Mayor Roberts' inclination to be proactive. Further discussions ensued on the timeline regarding the Vacation Rental Ordinance.

Commissioner Rogers commented on the critical nature of this issue, discussing the manner in which rehabilitation centers operate and how they process patients, contributing a focus on housing of patients rather than treatment. He also commented on the efforts of the City of Delray (Delray) on this topic. Commissioner Rogers commented on the risk of

being sued and the lack of a hearing on this issue. Commission Rogers asked if the necessary research could be done between the First and Second Readings.

Mayor Seiler recognized Ms. Stroud, a land use attorney and outside counsel on behalf of the City for the Sober Homes issue. Ms. Stroud noted the sensitive nature of this issue due to the involvement of the civil rights of disabled individuals. She confirmed there are differences in Delray and the City of Fort Lauderdale, commenting on distance separations in certain areas for Delray and the State Statute. Having a factual study is prudent and would allow the City to properly tailor its ordinance. Delray has set up a reasonable accommodation procedure from the Office of City Manager. Additional recommended procedures include having a Special Magistrate, someone skilled in the areas of Disability Law or Land Use Law as a Judge. Ms. Stroud confirmed preparation of a preliminary draft of an ordinance including these recommendations. Discussions ensued on having a factual justification.

Ms. Stroud noted financial concerns should the City be sued. In response to Commissioner Trantalis' question, Ms. Stroud confirmed the City of Pompano Beach is pursuing a factual justification study.

Mayor Seiler confirmed the need to get an ordinance in place, followed by a study and any necessary modifications to an ordinance. Further comments and discussions ensued on existing studies and state standards. Mayor Seiler noted the need to have the Council of Civic Associations review any proposed ordinance. Further discussions ensued on the timeline of the Sober Homes ordinance, actions of the State Legislature involving vacation rentals, and costs of a factual justification study and its timeline.

City Attorney Everett explained the procedure of retaining outside counsel, confirming the exemption of having to go through a Request for Proposal Process (RFP) due to this type of specialized expense.

Mayor Seiler commented on the ordinance being conservative. In response to Mayor Seiler's question, City Manager Feldman said six or seven months ago there were four Sober Homes in the City. City Manager Feldman confirmed Sober Homes have a voluntary registration process and are not required to register with the City.

Mayor Seiler confirmed a consensus of this topic. A draft of the proposed Sober Homes Ordinance will be sent to the Planning and Zoning Board in January 2018 and the Council of Civic Associations in

February 2018. The First Reading will occur at the February 20, 2018 Commission Regular Meeting. Additional discussions ensued on Boca Raton's approach to the Sober Homes issue, a Staff intensive *reasonable accommodation* approach which focuses on the process relating to the definition *families* and the number of unrelated persons living in a single family home.

In response to Commissioner Rogers' question, Ms. Stroud confirmed that the definition of *family* and its use within current Code will impact the Sober Homes Ordinance.

ADJOURNMENT

Mayor Seiler adjourned the Conference Meeting of January 3, 2018 at 3:37 p.m.