

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, January 23, 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

No e-comments were submitted for this meeting.

CALL TO ORDER

Mayor Seiler called the Commission Conference Meeting to order at 2:36 p.m.

CITY COMMISSION REPORTS

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

Mayor Seiler announced that the delayed start of the Conference Meeting was due to a lengthy Commission Special Meeting for legal presentations to determine representation in opioid litigation.

Mayor Seiler congratulated Commissioner McKinzie for his success in the District III primary. Commissioner McKinzie acknowledged his continued representation of District III, thanking Mayor Seiler and Commissioner Rogers for their service and assistance during his first term as Commissioner of District III. He discussed his attendance at the New River Middle School Math and Reading Program and support of children in all parts of the community.

Commissioner Rogers commented about vacation rentals. Brief discussions ensued regarding vacation rentals at the state legislative level and a recent editorial in the *Sun Sentinel*. Commissioner Rogers commented on his support and success of the new high-speed BrightLine train service, acknowledging the need to improve safety issues. Further comments ensued on safety issues, recent safety incidents and BrightLine's rapid response. Mayor Seiler discussed the need for a public education campaign to address safety. He requested

each Commissioner work to coordinate the messaging for BrightLine safety.

Commissioner Rogers commented on the success of the Martin Luther King Jr. Day Parade (Parade). Mayor Seiler concurred, noting the Police Department's positive management of Parade logistics. Commissioner Rogers commented on affordable apartments located in the downtown area. He also confirmed the upcoming 17th Street Mobility Plan on Monday, January 29, 2018.

Commissioner Trantalis discussed Broward County's (County) position on The Wave Streetcar Project (The Wave). He recommended initiating communications to give the County direction and advocate for the City's role in decisions related to The Wave. The City should be involved in shaping the future of The Wave. Mayor Seiler discussed conversations with the Mayor of Broward County and County Commissioners about The Wave, commenting about the removal of the section going to Fort Lauderdale/Hollywood International Airport. He commented on the need to have a joint City/County meeting in February 2018 on this issue. This meeting should include all project partners and stakeholders including the MPO, FDOT, experts in the field and the public.

Mayor Seiler noted his position on The Wave's overhead wires and in-ground infrastructure, stating these could be addressed with technological advances. He noted the disadvantages of not moving forward with the federal funding for The Wave. Commissioner Trantalis discussed repurposing Federal funds to a similar public transportation project, emphasizing the need to ensure that Staff is addressing these types of future proposals. Mayor Seiler noted Staff had not been given this direction. Commissioner Trantalis concurred on the need to hold a Public Workshop with the County Commission.

Commissioner Rogers commented on MPO's support of The Wave. Vice Mayor Roberts noted the importance of the County receiving public input about The Wave. He discussed the benefit of multi-modal activity for future job growth, stating it is a regional decision. Commissioner Trantalis reiterated the importance of the County hearing the City's position. There was Commission consensus to hold a joint City/County public workshop session with all stakeholders and experts about The Wave in February 2018. Comments ensued on this issue and scheduling the proposed workshop meeting. Vice Mayor Roberts discussed the need to ensure future coordination between Staff, MPO, and FDOT. Commissioner McKinzie commented on his work with the Downtown Development Authority (DDA) regarding transportation

issues. He agreed on the importance of having The Wave workshop. Mayor Seiler commented on the DDA's efforts with The Wave and ensuring it meets the current needs of the area.

City Manager Feldman asked the Commission to have their assistants forward dates in February when they are unavailable to assist in arranging the joint City/County Workshop on The Wave.

Commissioner Trantalis requested there be a moment of silence at tonight's Commission Regular Meeting in remembrance of Community Builder Judy Scher who recently passed away.

Vice Mayor Roberts noted Staff needs to be involved in a work plan with County Staff and the Metropolitan Planning Organization (MPO) regarding the traffic plan for the Broward County Convention Center area. Commissioner Rogers commented on future bypass options in the area. City Manager Feldman confirmed that Staff would coordinate with the County and the MPO on this issue.

Vice Mayor Roberts announced the upcoming Neighbor Leadership Academy on March 7, 2018. Mayor Seiler announced the forthcoming State of the City Address on Tuesday, January 30, 2018.

[18-0076](#)

Communications to the City Commission

*BOARD OF ADJUSTMENT (BOA)
December 13, 2017*

Communication to the City Commission

Motion made by Mr. Nelson, seconded by Ms. Ellis, to ask the City Commission to instruct staff to research and recommend updates to the liquor spacing requirements under the City code to reflect the modern reality of businesses within the City of Fort Lauderdale. In a roll call vote, motion passed 8-0.

City Manager Feldman confirmed Staff is researching this issue and will make the requested recommendations. In response to Mayor Seiler, Assistant City Attorney Lynn Solomon confirmed she would communicate this to the Board of Adjustment through the Staff Liaison. City Manager Feldman commented this will be one of the initiatives of Sarah Spurlock, the Nighttime Economy Manager. In response to Mayor Seiler's request, Ms. Spurlock introduced herself

and gave a brief overview of her history in municipal government. City Manager Feldman expounded on responsibilities of the Nighttime Economy Team.

**CENTRAL CITY REDEVELOPMENT ADVISORY BOARD
(CCRAB)
WEDNESDAY, DECEMBER 6, 2017 - 3:30 PM**

Communication to the City Commission

Motion made by Member Segaloff seconded by Member Antonelli requesting that the City takes over the maintenance of the nine street closures located within the Central City Area. In a voice vote, motion passed unanimously.

In response to Mayor Seiler's question, Bob Wojcik, Housing and Economic Development Manager, confirmed the location of the nine street closures. Discussions ensued on their location within the Central City Area and those responsible for maintenance. City Manager Feldman confirmed not all homeowner associations maintain public areas as agreed. Commissioner McKinzie noted that these street closures impede law enforcement efforts.

City Manager Feldman said he would send the Commission a map illustrating the location of the nine street closures. In response to Mayor Seiler's question, Commissioner Trantalis confirmed the neighborhoods are aware that the Commission is considering opening these closed streets. In response to Commissioner McKinzie, Mr. Wojcik explained how this issue came before the Commission. Commissioner Trantalis said he would confer with the homeowners associations prior to taking any action. Commissioner Rogers noted the impact of narrowing 13th Street and nearby closed streets contributing to traffic congestion. He said that speed bumps serve to slow traffic. Commissioner Trantalis commented on the benefit of the closed streets to neighbors as there are no nearby parks for children. Further comments ensued.

OLD/NEW BUSINESS

BUS-2 [18-0099](#)

Cemetery System Update

In response to Mayor Seiler's question about the status of the Request for Proposal (RFP) for the care and maintenance of cemeteries, City Manager Feldman said it should be on the street this week or next week. City Manager Feldman confirmed the possibility of Staff being responsible for the care and maintenance of cemeteries. This option is still in the research stage and has not been presented to the Cemetery System Board of Trustees (Cemetery Board) for review. Mayor Seiler requested that it be submitted to the Cemetery Board before presentation to the Commission. Commissioner Trantalis said that following conversations with several Cemetery Board members, it was confirmed they would be receptive to this option.

In response to Commissioner Trantalis' question, City Manager Feldman reviewed the terms of the contract with Carriage Funeral Services (Vendor). The current contract is for five years and expires in September 2018. City Manager Feldman discussed the need to research the financial impact and funding for Staff's maintenance of the cemeteries. City Auditor John Herbst noted that in addition to maintenance, the Vendor is also responsible for sales and marketing. Staff would also need to assume those responsibilities. Further discussions ensued on Staff's history of interaction with contracted cemetery service providers.

Mayor Seiler recognized Cemetery Board Member Mark Van Reese. Mr. Van Reese commented on his support of Staff taking over the responsibilities of the Vendor and he does not foresee any problems. Mr. Van Reese also discussed his full support of the audit of the Vendor, recommending a full, in-depth audit.

Vice Mayor Roberts commented that should cemetery services be transferred to Staff, there should be a full audit before the transfer. City Auditor Herbst discussed the goal and expectations set forth by the audit and its expanded scope of services to determine potential shortfalls incurred. This needs to be done going back to a point that allows for a reasonable likelihood of recovery. City Auditor Herbst said an expanded audit might not meet the cost benefit. Further discussions ensued on the scope of the audit, its timeline, pursuing a recovery, Vendor cooperation and possible future litigation.

Mayor Seiler recognized Cemetery Board Member Vicki Mowrey. Ms. Mowrey noted she would communicate her view about Staff assuming the responsibilities of the Vendor at a later time. She confirmed the Board's support of the audit. Ms. Mowrey affirmed her support of a five-year audit, noting the need to move quickly due to the expiration of the Vendor's contract in September 2018.

Mayor Seiler recognized Cemetery Board Member Dennis Ulmer. Mr. Ulmer said the Cemetery Board voted to reimburse the City for the price of the recommended audit. The funds will come out of the interest portion of Cemetery System Trust Fund. The Cemetery Board determined this is a valid expense to recoup amounts owed from the Vendor. Mr. Ulmer recommended ending the Vendor's contract and hiring another vendor or utilizing Staff for maintenance, sales and marketing services.

Commissioner Rogers discussed communicating with the Vendor to inform them about areas of concern and the need for expediency in addressing this issue. City Manager Feldman said that based on the first audit sample, the City is owed approximately \$500,000. He further discussed the need for Commission direction regarding making this demand while preserving the City's rights regarding an increase in the amount owed. Any increased amounts owed will be determined by the expanded audit. City Manager Feldman said Staff could prepare an item for a Commission vote.

Commissioner Rogers reiterated his idea to inform the Vendor of amounts owed based on audit results. City Manager Feldman confirmed this had been done and the Vendor took exception to the majority of items in the initial audit. City Manager Feldman explained subsequent actions and confirmed there was no written response from the Vendor.

In response to Commissioner Trantalis' question, City Attorney Cynthia Everett confirmed discussions with City Manager Feldman on this issue.

Mayor Seiler recognized Michael Elliott, Esq., In-House Counsel for the Vendor. Mr. Elliott commented on his communications with the Cemetery Board and confirmed his availability. He discussed the Vendor's written responses, noting overlapping issues.

City Auditor Herbst explained the history of the initial audit review done with a Vendor representative. The representative did not think it was necessary to include the Vendor's responses in the Final Audit Report. Those written responses were given to the Cemetery Board. Further discussions ensued on this topic.

Commissioner McKinzie said that the Vendor has not provided the agreed upon contract services. He commented on the ability of Staff to take over these responsibilities. Further discussions continued on the numerous issues involved and the need to move forward.

BUS-1 [18-0097](#)

Discussion of Minority Business Enterprise, Women Business Enterprise, Disadvantaged Business Enterprise, and Small Business Enterprise Programs

City Manager Feldman updated the Commission on the setting an overall goal of 9.34% for Disadvantaged Business Enterprise (DBE) participation in United States Department of Transportation (Department of Transportation) assisted contracts at the City of Fort Lauderdale Executive Airport, noting Commissioner McKinzie's request to do this in other areas of the City. City Manager Feldman said a report needs to be generated to address this request. The first step is to initiate a Disparity Study (Study) to determine if there are underlying issues to be addressed. Based on conclusions of the Study, ordinances and policies could be adopted to address findings of the Study. City Manager Feldman commented on what is involved with the Study and discussions ensued on funding the Study. Commissioner Trantalis and Commissioner McKinzie concurred on the need to move forward with a Study.

Commissioner Rogers asked about the scope and costs and what the Study would provide. City Manager Feldman confirmed the Study would determine if there is an issue and how to address it, giving an example that the Study's determination may focus on the alternative of small businesses versus minority businesses. Examples were given about the determination of disadvantaged businesses. Discussions ensued regarding the Study's process, the inclusion of locally owned businesses and whether goals are being met.

Althea Pemsel, Procurement and Contracts Manager - Finance Department, addressed the Commission. Ms. Pemsel explained the Department of Transportation's provisions about using the local business preference. For regular federal government contracts, such as grant funds, this provision is not allowed. City Manager Feldman gave examples of this for the Commission, commenting that restrictions also apply to specific state procurements. The source of the funding makes the determination on the preference to hire City businesses. City Manager Feldman expounded on his interpretation, citing examples. Discussions ensued on ranking vendors through the Request for Proposal (RFP) process, employing local people and legislation that precludes local preference for state-funded projects. City Manager Feldman expounded on the two rules currently in place designed to address local preference. However, these cannot be used for projects with federal grant funding. Further discussion ensued on the specific types of preferences allowable under federal grant-funded projects and

contracts.

Commissioner Trantalis recommended moving forward with the Study. Mayor Seiler noted there was no Commission opposition to moving forward with Study.

BOARDS AND COMMITTEES

BD-1 [18-0075](#)

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 23, 2018 Commission Regular Meeting.

A copy of the Resolution is attached to these minutes.

City Clerk Modarelli confirmed Commissioner McKinzie's appointment of Marie Huntley to the Parks and Recreation Advisory Board at the February 6, 2018 Commission Regular Meeting. He also noted an open vacancy.

City Clerk Modarelli updated the Commission on recent legislation that changes the number of members on the Affordable Housing Advisory Committee (AHAC) and modifies the number of mandated categories. A revised ordinance needs to be enacted to reflect these legislative changes for the AHAC.

Discussions ensued on the availability of alternate seats on the Board of Adjustment, open positions on the Budget Advisory Board and the Northwest Progressive Flagler Heights Community Redevelopment Agency Advisory Board.

CITY MANAGER REPORTS

None.

As discussed in the Commission Special Meeting held earlier today, Mayor Seiler confirmed his recent receipt of correspondence from Eugene K. Pettis, Esq., Haliczzer Pettis & Schwamm, P.A., about representing the City in Multi-District Litigation (MDL) in opioid litigation.

In response to Mayor Seiler's request, City Clerk Modarelli confirmed he

would circulate Mr. Pettis' correspondence to each Commissioner, City Manager Feldman, City Attorney Everett, and City Auditor Herbst. Mayor Seiler said there would be a vote on the selection of outside counsel for the opioid litigation at tonight's Commission Regular Meeting.

ADJOURNMENT

Mayor Seiler adjourned the Conference Meeting of January 23, 2018 at 4:17 p.m.