

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, November 5, 2019

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

ROBERT L. McKINZIE Vice Mayor - Commissioner - District III

HEATHER MORAITIS Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

BEN SORENSEN Commissioner - District IV

CHRIS LAGERBLOOM, City Manager

JOHN HERBST, City Auditor

JEFFREY A. MODARELLI, City Clerk

ALAIN E. BOILEAU, City Attorney

CALL TO ORDER

Mayor Trantalis called the meeting to order at 1:40 p.m.

QUORUM ESTABLISHED

Commission Members Present: Commissioner Heather Moraitis, Commissioner Steven Glassman, Vice Mayor McKinzie, Commissioner Sorensen, and Mayor Dean J. Trantalis

Also Present: City Manager Chris Lagerbloom, City Clerk Jeffrey A. Modarelli, City Attorney Alain E. Boileau, City Auditor John Herbst, and Sergeant at Arms Heather Lee

City Auditor John Herbst arrived at 1:40 p.m.

Vice Mayor McKinzie arrived at approximately 1:50 p.m.

Commissioner Sorensen arrived at approximately 3:00 p.m.

CITY COMMISSION REPORTS

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

In response to Commissioner Moraitis' question regarding upcoming holiday plans with the Broward County Partnership for the Homeless, Mayor Trantalis confirmed upcoming meetings and commented on related meetings with Staff and details.

Commissioner Moraitis commented on an Airbnb article regarding large vacation party homes. City Manager Lagerbloom confirmed his review of the article. Further comment and discussion ensued on the Code restricting Airbnb usage based upon the size of the rental. Mayor Trantalis commented on previous similar situations, confirming the need to report violations to the Office of the City Manager.

Commissioner Moraitis discussed an article in *Florida Trend* magazine entitled *Emerald Trail* that she handed out to members of the Commission. The article outlines the City of Jacksonville's partnership with a non-profit organization for an urban trail system surrounding its city. She commented on similar opportunities and the recent Downtown

Development Authority Report on the *Rails to Trails Program*.

A copy of this article is attached to these minutes.

In response to Mayor Trantalis' question about when the report from the Working Group on trails would be received, November 19, 2019 was confirmed. City Manager Lagerbloom noted that there would be a *LauderTrail* and *Mockingbird Trail* overlap. Further comment and discussion ensued. Mayor Trantalis commented on the need to expedite this item. Commissioner Moraitis requested an update regarding discussions with Florida East Coast (FEC) Railway about acquiring FEC land for *Rails to Trails*.

Commissioner Glassman discussed the progress made with the Las Olas Mobility Working Group, stating there would be a meeting later today to discuss the hiring of a project consultant. He commented on his tour of Oceanside Park, confirming the amount of positive public input.

Mayor Trantalis expounded on the success of *The Boat Show* and related details. Commissioner Glassman concurred, noting the positive input from attendees from around the world.

Discussion ensued on Commission calendaring of upcoming events. Mayor Trantalis confirmed his office would disseminate calendar events on a Commission Group Calendar. Commission Staff would add events to the Group Calendar as necessary.

[19-1079](#)

Communications to the City Commission - (Commission Districts 1, 2, 3 and 4)

***Parks, Recreation, & Beaches (PR&B) Board Meeting Minutes
Wednesday, September 25, 2019***

A copy of this communication is attached to these minutes.

Commissioner Glassman confirmed that the conditions listed in this communication were requested in the agreement for the renovation of the War Memorial Auditorium at the October 15, 2019 Commission Regular Meeting. It was noted this communication was prepared prior to those discussions.

In response to Mayor Trantalis' questions regarding a Request for Proposal (RFP) Panel, City Manager Lagerbloom confirmed there would be a selection group to review RFP responses. The RFP responses have been ranked and are scheduled for interviews. City Manager

Lagerbloom expounded on related details and confirmed he would further research the context of this request. The RFP responses have been ranked and are scheduled for interviews. Commissioner Moraitis recommended having a PR&B Board member participate in the RFP Selection Panel. Mayor Trantalis said he had no objection. City Manager Lagerbloom confirmed.

***Sustainability Advisory Board (SAB) 1 of 2
October 28, 2019***

A copy of this communication is attached to these minutes.

SAB Chair Jason Liechty explained the recommendation to Commission in this communication to consider and approve a ban on the sale and distribution of sunscreens containing oxybenzone and octinoxate (chemical sunscreens) in the City, expounding on details and research regarding the negative impact of these sunscreens on coral reefs.

In response to Mayor Trantalis' question regarding the legal implications of banning these chemical sunscreen products, City Attorney Alain Boileau confirmed that legal research is ongoing, explaining related details. Further comment and discussion ensued on ongoing research and the availability of alternative types of sunscreen products.

In response to Commissioner Moraitis' question regarding spray-on sunscreen products, Chair Liechty explained how spray-on chemical sunscreen products negatively impact coral reefs. Mayor Trantalis acknowledged the nearby off-shore coral reef, commenting on possible preemption concerns at the State level. He requested City Attorney Boileau to further research this subject and return to the Commission with an update. City Attorney Boileau confirmed. Chair Liechty confirmed the aim of the SAB is to address chemical sunscreens, not the form of application.

City Attorney Boileau noted the restrictions instituted by the City of Key West that addresses the sale of these types of chemical sunscreens. Chair Liechty discussed the goal of taking this position.

Commissioner Glassman commended the SAB for specificity, level of detail and completeness of its communications to the Commission.

In response to Vice Mayor McKinzie's question regarding other stressors on the coral reef, Chair Liechty explained additional impacts. Increased

water temperatures serve to encourage coral bleaching, especially when combined with chemical sunscreens. Further comment and discussion ensued on the need to sustain the coral reef and related details.

***Sustainability Advisory Board (SAB) 2 of 2
October 28, 2019***

A copy of this communication is attached to these minutes.

Chair Liechty confirmed this communication's request to host a public forum Workshop in Commission Chambers. He requested Staff support. In response to Commissioner Moraitis' question regarding topics for the Workshop, Chair Liechty confirmed experts in sustainability would present during the first half in a panel discussion format. Commissioner Moraitis' commented on constituent inquiries regarding sea-level rise. Chair Liechty said that the second half of the Workshop would include public input expressing priorities around the issue of sustainability. This input would be utilized to pursue the SAB Workplan for 2020. City Manager Lagerbloom confirmed Staff would assist with the Workshop. Commissioner Moraitis requested the Workshop be recorded to allow residents unable to attend to view. Chair Liechty requested input from the Commission regarding suggested speakers at the Workshop.

OLD/NEW BUSINESS

BUS-2 [19-0956](#)

Discussion on Crisis and Emergency Communication - (Commission Districts 1, 2, 3 and 4)

Vice Mayor McKinzie discussed his perspective regarding communications from elected officials during an emergency. Comment and discussion ensued.

Mayor Trantalis recognized Chaz Adams, Strategic Communications Manager. Mr. Adams narrated a slide presentation entitled *Keys to Communicating Effectively During an Emergency*.

A copy of the presentation is attached to these minutes.

In response to Vice Mayor McKinzie's question regarding posting on social media during an emergency, City Attorney Boileau said it is dependent upon the message. The message of elected officials should mirror the message of the Office of the City Manager. Comment discussion ensued regarding various scenarios. City Attorney Boileau reconfirmed the need for consistent messaging content from elected

officials and the Office of the City Manager.

Mayor Trantalis commented on positive input from the community during a recent public works water-related incident.

Commissioner Moraitis commented on the helpfulness of live social media communications by the Strategic Communications Division. Mr. Adams discussed related details.

BUS-4 [19-1123](#)

C-51 Reservoir Allocation Purchase - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis recognized Aneisha Daniel, Deputy Director of the Public Works Department. Ms. Daniel announced that Todd Hiteshew, Environmental Compliance Manager, and Patrick Davis, Vice President, Hazen and Sawyer, P.C. (Hazen and Sawyer), would be leading the presentation on this item. Hazen and Sawyer were contracted to analyze and evaluate the options for long-term water supply needs.

Mr. Hiteshew gave a historical overview of the City's participation in the C-51 Reservoir Project (C-51 Project) as a regional water supply alternative. The time has arrived for water utilities to enter into Capacity Allocation Agreements (Agreements) with the C-51 Reservoir owner, Palm Beach Aggregates, LLC (PBA) to ensure future water needs. The recommendation is to purchase 6,000,000 gallons of water per day (MPD) from the C-51 Project. Several local municipalities have Agreements in place, and PBA has requested all Agreements be finalized by the end of 2019.

Mr. Hiteshew explained future water supply decisions for access to an alternative water supply when the current Biscayne Aquifer water Permit allocation cap has been reached. Mr. Hiteshew expounded on water access challenges from the permitted Floridan Aquifer water allocation. One of the most significant benefits of the C-51 Project is that it provides an additional allocation from the Biscayne Aquifer.

Mr. Hiteshew gave an overview of Hazen's analysis over the 20-year timeline through 2045. There will be a need to access another source of water from late 2020 through early 2030. The anticipated construction timeline for the C-51 Project is two years. Agreements between local utilities and PBA need to be in place to move forward. Once all C-51 Project allocations have been contracted, remaining water utilities not contracted will need to find another water source.

Mayor Trantalis noted that these projections are based upon anticipated

population increases. Mr. Hiteshew confirmed, expounding on details related to water treatment from other available sources.

Mayor Trantalis commented on his understanding of the C-51 Project water source. Mr. Hiteshew discussed his understanding that the water supply would come from the C-51 Canal, explaining related details.

Mayor Trantalis recapped the details regarding a decision on this item. Mr. Hiteshew confirmed, noting the future need to access water from the Floridan Aquifer will require deeper wells and additional water treatment.

In response to City Attorney Boileau's question regarding costs, Mr. Hiteshew confirmed C-51 Project costs include a one-time capital cost and recurring operations and maintenance costs.

Mayor Trantalis requested information on the most cost-effective interim water-sourcing. Mr. Davis discussed available alternatives listed in the Commission Agenda Memo (CAM). Ongoing studies and future decisions regarding the Charles F. Fiveash Regional Water Treatment Plant (Fiveash) would play a role, and future technologies would determine future efficiency.

In response to Mayor Trantalis' questions, Mr. Davis confirmed that nanofiltration removes the color from drinking water and is currently used at the Peele Dixie Water Treatment Plant (Peele Dixie). Mr. Davis expounded on details regarding the Hazen and Sawyer Study. Fifteen percent of water is lost with nanofiltration. Due to unknown future technologies, the Hazen and Sawyer Study used extremes in its analysis. Mr. Davis noted that depending upon decisions regarding Fiveash, the net present value (NPV) range for additional water produced is between \$64,000,000 and \$120,000,000 over the 25-year analysis period. The cost of going to the Floridan Aquifer is less cost-effective. He cautioned that this analysis was done without using design reports and is based upon historical capital costs for other utilities. Mr. Davis expounded on additional alternatives and related expenses. Should another option be selected, there is no guarantee that the C-51 Project's allocation would be available at a later date.

In response to Mayor Trantalis' question regarding the cost-effectiveness of implementing the Floridan Aquifer now, Mr. Davis said it would not be more cost-effective on an NPV basis. However, it would provide the ability to delay capital investment until 2026, but the total value of the investment would be increased. Mr. Davis commented on historical details regarding the C-51 Canal Project. Further comment and

discussion ensued on the need for action to ensure access to the C-51 Project's water allocation supply, the next steps in the process and funding.

City Manager Lagerbloom confirmed water by rate-payers and Staff would return to the Commission with a funding strategy. There would be a one-time upfront capital cost in addition to annual operations and maintenance costs. He recommended moving forward with the C-51 Project. Further comment and discussion ensued.

Vice Mayor McKinzie confirmed his need for further information, expounding on details regarding funding. In response to Vice Mayor McKinzie's question, Mr. Davis reiterated that future costs are dependent on how Fiveash is addressed. Should nanofiltration technology be implemented at Fiveash, additional water would be needed by 2026. If nothing is done at Fiveash, the projected date for additional water would be approximately 2033 if C-51 water is purchased. Fiveash can only treat water from the Biscayne Aquifer. An additional water treatment plant would be needed to treat water from the Floridan Aquifer.

Mayor Trantalis noted the Floridan Aquifer availability into the future and delaying a decision could result in the C-51 Project water source no longer being available. Commissioner Glassman confirmed his position to move forward with a C-51 Project Agreement. Vice Mayor McKinzie reiterated his cost concerns and the need for additional information.

City Attorney Boileau noted the need to address legal aspects of the C-51 Agreement. Mayor Trantalis recommended directing City Manager Lagerbloom to move forward, including being more definitive regarding the financial commitment and funding for future water sourcing. City Manager Lagerbloom explained his business perspective to move forward.

In response to Commissioner Sorensen's question, City Manager Lagerbloom explained the timeline for moving forward. It is anticipated that a C-51 Agreement would be available in the first part of December 2019. Assistant City Attorney Rhonda Hasan gave an update on the legal aspects of the Agreement that are being addressed. Further comment and discussion ensued.

City Manager Lagerbloom confirmed his transmittal of a preliminary letter to PBA requesting a reservation of the 6 MPD water capacity that is contingent on Commission action. He said that other municipalities are also attempting to reserve this capacity. Commissioner Sorensen

confirmed his position to move forward with the C-51 Project. Further comment ensued. Mr. Hiteshew said the initial capital cost would be approximately \$27,000,000 in addition to annual operations and maintenance costs of about \$219,000.

In response to Vice Mayor McKinzie's question, Mr. Davis confirmed that after an Agreement is in place, the City would have rights to the 6 MPD through a South Florida Water Management District (SFWMD) Permit upon completion of the C-51 Project reservoir which is anticipated within two years. Mr. Davis expounded on the payment of capital funding, the timeline for accessing the water and other details. City Manager Lagerbloom confirmed Staff would pursue additional efforts to address a funding strategy, commenting on various funding options. Vice Mayor McKinzie commented on the financial impact to end-users. Further comment and discussion ensued.

Mr. Davis explained the background aspects regarding capping current water sources. Accessing the C-51 Project water source would not require additional transportation costs. The annual operations and maintenance costs would fund transporting the water through the current system. Mr. Davis explained the history of the C-51 Project reservoir and how capital costs were determined by the owner. Further comment and discussion ensued. Mr. Hiteshew commented on the ability of the existing SFWMD permit being modified for the C-51 Project allocation that would run through 2055.

City Auditor John Herbst questioned if the funding structure of the Agreement being subject to annual appropriations or if the funding structure is mandatory, commenting on related details. City Manager Lagerbloom confirmed the desire to negotiate future appropriation language in the Agreement.

In response to Commissioner Moraitis' question regarding the recent five-year rate structure analysis included the cost for Fiveash, City Manager Lagerbloom said a certain amount of debt would be entered into an analysis every five years. He said Fiveash and C-51 Project costs were not included in the recent five-year rate structure analysis, explaining related details.

In response to Vice Mayor McKinzie's question regarding Fiveash, City Manager Lagerbloom said a meeting to address the Fiveash Report is scheduled later this week, and additional funding needs for Fiveash are anticipated. Further comment and discussion ensued on the condition of Fiveash. Mayor Trantalis commented on the benefits of building a

replacement water treatment plant. City Manager Lagerbloom discussed details regarding maintaining Fiveash until a suitable replacement becomes available. Further comment ensued. Commissioner Glassman noted the need to plan for the future. City Manager Lagerbloom expounded on Staff efforts to bring recommendations to the Commission for policy direction.

Vice Mayor McKinzie requested he receive the Fiveash Report well in advance of the associated Conference Meeting.

Mayor Trantalis noted the need to harden these types of infrastructure facilities to meet the requirements associated with severe weather conditions.

City Attorney Boileau confirmed that Staff from the Office of the City Manager and the Office of the City Attorney are on parallel tracks to move forward with the C-51 Project Agreement.

BUS-1 [19-1082](#)

Landscape and Tree Preservation - Proposed Ordinance Amendment Concepts Presentation - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis recognized Kimberly Pearson, Sustainability Coordinator, Department of Public Works. Ms. Pearson narrated a slide presentation entitled *Tree Preservation - Proposed Ordinance Amendment Concepts*.

A copy of the presentation is attached to these minutes.

In response to Mayor Trantalis' question regarding addressing the removal of diseased trees on the vacant property to prevent the impact on healthy surrounding trees, Ms. Pearson confirmed Staff would address this moving forward.

In response to Commissioner Glassman's question regarding compliance enforcement, Ms. Pearson confirmed ongoing work with the Office of the City Attorney. City Attorney Boileau noted it would be addressed under the parameters outlined in Chapter 20 of the Code of Ordinances. Ms. Pearson confirmed compliance includes all trees, including those on private property. City Attorney Boileau commented on common law concerns that need to be considered.

Commissioner Sorensen commented on increasing fine amounts for unauthorized tree removal. City Attorney Boileau discussed having a range and two schedules dependent upon the desired goal, expounding on related details and citing examples. Further comment ensued. City

Attorney Boileau said that fines are up to the discretion of the independent Special Magistrate. Commissioner Sorensen discussed the ability to tie a narrow range to numerous components, citing examples. Discussion ensued on various scenarios.

Commissioner Glassman commented on the Working Group addressing this subject and benefiting from community input. He recommended the inclusion of community members and moving this item forward in a shorter timeframe. Ms. Pearson confirmed receipt and inclusion of community input, expounding on details moving forward. She confirmed that drafts of updated ordinance amendments sent to impacted departments would be shared with community members.

Commissioner Moraitis noted tree replacement concerns on the community side of Lockhart Stadium and along Galt Ocean Mile. Ms. Pearson said that as long as projects are appropriately permitted, they would not be subject to tree removal penalties, explaining details of site plan survey requirements.

Commissioner Sorensen recommended having a comprehensive City-wide tree survey. Discussions ensued on costs. Vice Mayor McKinzie noted that anyone applying for a permit is required to do a tree survey. Ms. Pearson confirmed. Comments ensued on the ability to remove trees before permit application. Ms. Pearson confirmed the ability to view a property tree canopy using Google and GIS technology that would allow an evaluation of tree requirements. Further comment and discussion ensued. Ms. Pearson noted that the City's tree canopy has increased to 20.2 percent (20.2%).

Commissioner Sorensen discussed consideration of a mandate regarding the protection of certain tree species of trees that would not allow their removal.

Mayor Trantalis recognized Matt Tilghman on behalf of the Riverside Park Residents Association. Mr. Tilghman discussed his support of a tree ordinance to ensure the unique aspects of the neighborhood, expounding on details.

Mayor Trantalis recognized Way Hoyt, 966 NE 42nd Court, a consultant arborist. Mr. Hoyt discussed numerous efforts over the years to ensure tree canopy coverage. He commented on the impact of Florida Statute 163.045 that relates to tree pruning, trimming, or removal on residential property, explaining the impact on the tree canopy and expounding on related details.

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive. Ms. Fertig spoke on behalf of Ann Wiley, discussing Ms. Wiley's input regarding enhancing the tree canopy and the importance of expediency. She recommends including members of the community in Working Group discussions. Ms. Fertig requested a review of the Conservation Section of the proposed Comprehensive Plan that is going before the Planning and Zoning Board on November 20, 2019. She confirmed a request for members of the community to take pictures of their favorite tree canopy or special trees in their neighborhoods that would serve to aid community tree inventory efforts.

Mayor Trantalis recognized Bruce Cummings, 830 SW 9th Street. Ms. Cummings commented on concerns regarding Staff not reviewing sites that have requested permitting, citing an area of development in Riverside Park. She discussed concerns regarding the conservation of the rain tree, confirming a previous decision for its protection and the potential for development on the site.

Mayor Trantalis recognized Mark Cantor, Riverland Preservation Society. Mr. Cantor thanked the Working Group for their efforts, recommending a tree survey. He recommended increasing fines, citing details and emphasizing the need for community input and involvement regarding potential development. Mr. Cantor recommended petitioning the State for an exemption on the Florida Statute discussed earlier.

In response to Commissioner Sorensen's question, Ms. Pearson reviewed Staff included in the Working Group. City Manager Lagerbloom suggested the Working Group bring a work product to the community for input, acknowledging the need for urgency.

BUS-3 [19-0976](#)

Analysis of Potential Annexation of Central Area and Broadview Park
- (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis left the meeting at 3:55 p.m.

Mayor Trantalis recognized Laura Reece, Budget Director. Ms. Reece introduced Phil Gonot of PMG Associates, Inc. Mr. Gonot has worked with Staff to analyze the operating impacts for the potential annexation of Central Area and Broadview Park.

In response to Vice Mayor McKinzie's question, Mr. Gonot confirmed there are five neighborhoods included in the Central Area and Broadview Park. Vice Mayor McKinzie noted the high level of importance of this item as represented in the Commission Goal Setting Session. He

requested this item be deferred to a later date.

Mayor Trantalis returned to the meeting at 4:00 p.m.

City Manager Lagerbloom noted that this item could be deferred. Comment and discussion ensued. Mayor Trantalis confirmed the deferment of this item to a subsequent Commission Conference Meeting.

CITY MANAGER REPORTS

None.

Mayor Trantalis discussed a request from City Attorney Boileau regarding Commission direction to file an amicus brief in support of legal action by Florida municipalities regarding State preemption of municipal equal rights ordinances that differ from the State Statute. City Attorney Boileau expounded on details of related cases in Orange County and Leon County. Further comment and discussion ensued on legal aspects of filing an amicus brief. Mayor Trantalis confirmed the position of the Commission to proceed with the filing of an amicus brief.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 4:20 p.m.