

City of Fort Lauderdale

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Meeting Minutes

Tuesday, January 10, 2023

6:00 PM

City Hall - City Commission Chambers
100 North Andrews Avenue, Fort Lauderdale, FL 33301

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

WARREN STURMAN Vice Mayor - Commissioner - District IV

JOHN C. HERBST Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

PAM BEASLEY-PITTMAN Commissioner - District III

GREG CHAVARRIA, City Manager

DAVID R. SOLOMAN, City Clerk

D'WAYNE M. SPENCE, Interim City Attorney

PATRICK REILLY, City Auditor

CALL TO ORDER

Mayor Trantalis called the meeting to order at 6:37 p.m.

Pledge of Allegiance

Mayor Dean J. Trantalis

ROLL CALL

Present: 5 - Commissioner Steven Glassman, Commissioner Pam Beasley-Pittman, Vice Mayor Warren Sturman, Commissioner John C. Herbst and Mayor Dean J. Trantalis

QUORUM ESTABLISHED

Also Present: City Manager Greg Chavarria, City Clerk David R. Soloman, Interim City Attorney D'Wayne M. Spence, and City Auditor Patrick Reilly

AGENDA ANNOUNCEMENTS

Mayor Trantalis announced the following updates to the published Agenda:

CM-8: Removed from the Agenda

Approval of MINUTES and Agenda

[23-0079](#) Minutes for November 1, 2022, Commission Conference Meeting, November 1, 2022, Commission Regular Meeting and November 15, 2022, Commission Conference Meeting - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman made a motion to approve the Meeting Minutes and the Agenda and was seconded by Commissioner Herbst.

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

PRESENTATIONS

PRES- 1 [23-0075](#) Neighbor Support to Recognize the 11th Graduating Class of the Neighbor Leadership Academy

Luisa Agathon, Neighborhood Support Manager, explained this presentation recognizes the 11th Graduating Class of the Neighbor Leadership Academy.

Danielle Murray, Senior Management Fellow, described the background and efforts of the Neighbor Leadership Academy and the program initiative of its 11th Graduating Class that was supported by the Council of Fort Lauderdale Civic Association, the Commission, Staff, and volunteers from other groups.

Dwayne Brown, 11th Graduating Class of the Neighbor Leadership Academy leader, described aspects of the project's collaboration to revitalize and beautify Westwood Elementary School with the painting of four (4) murals at its drop-off and pickup areas.

Participants in the 11th Graduating Class of the Neighbor Leadership Academy were recognized. Mayor Trantalis thanked the participants for their commitment to improving the community.

PRESENTED

CONSENT AGENDA PUBLIC COMMENT

Mayor Trantalis explained procedures and details regarding how members of the public could speak on Consent Agenda items.

CM-9:

Mayor Trantalis recognized Marc Dickerman, 1417 SW 2nd Street. Mr. Dickerman objected to selling food and alcoholic beverages on the public beach. He explained his concerns regarding the enforcement of alcohol consumption beyond the rental chairs and the consistency of hotel's policing trash in the area.

CR-5:

Mayor Trantalis recognized Stephen Buckley, 126 NE 17th Avenue. Mr. Buckley remarked on the anniversary of Broward General Hospital and clarified that the Stranahan Family donated the land.

CONSENT AGENDA

Mayor Trantalis announced the following Consent Agenda items had been pulled by Commission Members for separate discussion:

CP-3 Vice Mayor Sturman

CP-4 Commissioner Glassman

Approval of the Consent Agenda

Commissioner Glassman made a motion to approve the Consent Agenda and was seconded by Commissioner Herbst.

Approve the Consent Agenda

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CONSENT MOTION

- CM-1** [23-0038](#) Motion Approving Event Agreements for Rise + Shine (Pure Foundation) Charity, Dolphins Challenge Cancer XIII and Fort Lauderdale Beer, Wine and Spirits Fest - (Commission Districts 2, 3 and 4)
- APPROVED**
- Yea:** 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis
- CM-2** [23-0034](#) Motion Approving an Application for Temporary Beach License and Outdoor Event Agreement for Beats by B - (Commission District 4)
- APPROVED**
- Yea:** 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis
- CM-3** [22-1058](#) Motion Executing Broward Boating Improvement Notice of Limitation of Use / Site Dedication for George English Park Boat Ramp Renovations Project FY18/19 Replacement -- (Commission District 1)
- APPROVED**
- Yea:** 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis
- CM-4** [22-1157](#) Motion Approving FY 2023 Beach Business Improvement District (BBID) Grant Participation Agreement with Greater Fort Lauderdale Food & Wine Festival, Inc. - \$70,000 - (Commission District 2)
- APPROVED**
- Yea:** 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis
- CM-5** [22-1162](#) Motion Authorizing an Excess Payment of \$95,555 in Utility and Service Charges in Accordance with the Performing Arts Center Authority Lease Agreement - (Commission District 2)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CM-6** [22-1169](#) Motion Approving a Memorandum of Agreement with the State of Florida Department of Health through the Broward County Health Department for Data Sharing until August 2023 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CM-7** [22-1178](#) Motion Approving Task Order Number One of the Transportation Planning Services Interlocal Agreement with Broward Metropolitan Planning Organization for Transportation Planning Services for Analysis of the New River Passenger Rail Crossing Alternatives \$500,000 - (Commission District 4)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CM-8** [22-1196](#) Motion Authorizing a Revocable License with the United States Government General Services Administration for Access to the Property at 320 SE 10th Court, Fort Lauderdale, Florida to Build, Construct, and Operate Pump Station A-16 - (Commission District 4)

REMOVED FROM AGENDA

- CM-9** [23-0008](#) Motion Approving a License and an Agreement for the Sale, Service, and Consumption of Food and Alcoholic Beverages on the Public Beach for the Q Club Hotel, LLC d/b/a Hilton Fort Lauderdale Beach Resort - (Commission District 2)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CM-10** [23-0023](#) Motion Authorizing the Addition of One Classification (Senior Airport Maintenance Technician) to the Teamsters Local Union No. 769 Collective Bargaining Agreement - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CM-11 [23-0081](#)

Motion Approving the Designation of Commissioner Pamela Beasley-Pittman to Serve as the City's Representative on the Broward County Continuum of Care Board - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CONSENT RESOLUTION

CR-1 [22-1048](#)

Resolution Approving Fiscal Year 2023 Not for Profit Grant Participation Agreement with Junior Achievement of South Florida, Inc., - \$33,900 - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CR-2 [22-1101](#)

Resolution Approving Fiscal Year 2023 Not for Profit Grant Participation Agreement with Broward Performing Arts Foundation, Inc. - \$25,000 - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CR-3 [22-1106](#)

Resolution Approving Fiscal Year 2023 Not-For-Profit Grant Participation Agreement with First Call for Help of Broward, Inc. - \$25,000 - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CR-4 [22-1137](#)

Resolution Approving an Interlocal Agreement Between Broward County and the City of Fort Lauderdale for Funding of the One-Way Pairs Planning Study Utilizing Transportation Surtax Funding - (Commission Districts 2 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CR-5** [22-1142](#) Resolution Approving City of Fort Lauderdale FY 2023 Not For Profit Grant Participation Agreement with The Stranahan House, Inc., and a Second Addendum to Escrow Agreement with The Stranahan House, Inc., and Rogers, Morris & Ziegler LLP - \$100,000 - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CR-6** [22-1148](#) Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2023 - Appropriation - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CR-7** [22-1188](#) Resolution Authorizing the City Manager to Execute a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for the Citywide Vulnerability Assessment - \$135,000 - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CR-8** [23-0002](#) Resolution Extending the Termination Date of the Noise Control Advisory Committee to December 31, 2023 - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CR-9** [23-0041](#) Resolution Approving Waiver of Formal Bid Requirements per Section 2-181 to Procure a 2023 Jeep Wrangler Unlimited JL - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- CR-10** [23-0058](#) Resolution Appointing George Steven Fender of the Fender, Bolling, and Paiva, P.A., as special counsel representing the City of Fort Lauderdale in Bankruptcy Proceedings filed by Terminal Ventures, LLC and KC FXE Aviation Investments, LLC - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CONSENT PURCHASE

CP-1 [22-1115](#) Motion Approving a Design Build Agreement for the New River Watermain Extension - Phase 2 - Comtech Engineering, Inc. - \$2,188,970 - (Commission District 4)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CP-2 [22-1163](#) Motion Approving Agreement for Beach Equipment Rental Concession - Boucher Brothers Beach Management Fort Lauderdale, LLC - 10% of Annual Gross Revenue of Net Sales in Excess of the Minimum Guaranteed Annual Concession Fee in the Sum Total of \$2,928,584 - (Commission Districts 2 and 4)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CP-3 [22-1164](#) Motion Approving an Agreement for Merle Fogg Park Seawall Replacement - Ebsary Foundation Co. - \$1,022,459 - (Commission District 2)

In response to Vice Mayor Sturman's question regarding the total cost for seawall improvements, Dr. Nancy Gassman, Assistant Public Works Director - Sustainability, explained there are approximately five (5) miles of City owned seawalls with an annual capital improvement budget in the range of \$1,000,000 for replacement. Additional funds have been made available through grant opportunities and special projects related to the budget. The Merle Fogg Park seawall was in the Seawall Master Plan, but prematurely failed. Staff was able to receive additional funding through the Office of Management and Budget to accelerate the project.

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CP-4 [22-1172](#) Motion Terminating for Convenience Contract No.12412-803 for Curbside Residential Recycling Services with Coastal Waste & Recycling of Florida, Inc.; Motion Terminating for Convenience Contract No. 2208-001 for Palm Frond Hauling and Collections - Las

Olas Isles with Eastern Waste Systems, Inc.; Motion Approving a Service Agreement for Residential Curbside Collections Services with Waste Management Inc. of Florida - \$135,527,233; and Motion Approving the Sale of 21 Petersen Lightning Loaders® for \$1,875,000 to Eastern Waste Systems, Inc. - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman remarked on this Agenda item and his review of backup information. He noted that Waste Management of Florida, Inc. (Waste Management) reduced its original number and inquired why that occurred and why Coastal could not consider that same opportunity.

Mayor Trantalis recognized Glenn Marcos, Finance Department Assistant Director - Procurement. Mr. Marcos explained options associated with the Request for Proposal (RFP), including awarding on a collective service basis for different categories of garbage, and cited examples. The evaluation committee wanted to review a more comprehensive approach and looked at firms that responded to the RFP for all services.

In response to Commissioner Glassman's questions, all criteria were made clear in the RFP, and Mr. Marcos confirmed all requirements were made clear in the RFP. As part of the process, the evaluation committee performed its due diligence, including allowing a presentation. The highest-ranked firms were Waste Management and FCC Environmental Services. The posting of the RFP ranking took place on November 1, 2022, and the protest period ended on November 8, 2022. There were no protests to the bid award.

In response to Commissioner Glassman's questions and concerns regarding any negative impact on City employees related to the change associated with bulk trash service pickup and the need to protect those City employees, Susan Grant, Assistant City Manager, explained related information. She explained management has met with the impacted employees should the contract be awarded. Under the collective bargaining agreement, no City employee would be laid off, and there are open equivalent positions in the Public Works Department and the Parks and Recreation Department. Based on contract requirements regarding seniority, each employee would be placed in a job with the same range of pay for equivalent work and benefits packages that they currently have. She expounded on related details.

In response to Commissioner Glassman's questions regarding the reason for this change, Ms. Grant remarked on anticipated increased costs associated with the RFP process, which was an incentive to

include bulk trash pickup in the RFP. She explained details related to the \$8,200,000 savings to ratepayers over the seven (7) year contract period, which amounts to \$36 per year for each residential customer. The savings include selling the current vehicles, eliminating operations and maintenance costs, and avoiding replacing the twenty-two (22) vehicles over seven years.

In response to Commissioner Beasley-Pittman's questions, Ms. Grant explained the effect on current bulk trash employees. Seventeen (17) City employees are impacted, and there may be a change in their hours and workweek depending upon shift availability in their new positions. Further comment and discussion ensued.

Mayor Trantalis recognized Maurice Nalley, 2481 NW 2nd Avenue, Boca Raton, on behalf of Coastal Waste and Recycling (Coastal). Mr. Nalley explained details of Coastal's work as the City's current curbside trash recycling service issued under a 2020 RFP. He expounded on meeting special requests from the City over the term of the current contract and the investment in equipment towards addressing concerns of the City related to a previous contractor's performance. Mr. Nalley discussed details related to the RFP and bids. Further comment and discussion ensued.

In response to Mayor Trantalis' question, John Casagrande, Vice President of Coastal, explained that they missed the Notice of Award and did not file a bid protest.

Mayor Trantalis recognized Luigi Pace, Government Affairs - Waste Management of Florida, Inc., (WM), 2380 College Avenue, Davie. Mr. Pace narrated a presentation entitled *Waste Management City of Fort Lauderdale, RFP #12717-835, Residential Curbside Collection Services*.

A copy of the presentation has been made part of the backup to this Agenda item.

Mayor Trantalis remarked on his understanding of the details associated with the RFP process.

In response to Mayor Trantalis' questions, Mr. Pace confirmed the four (4) components of trash collection are bulk trash, recycling, regular trash, and yard waste. Based upon Mr. Marcos' comments, Coastal did not bid on bulk trash collection. Mr. Pace commented on Waste Management's bid and negotiations with Staff to reduce its price. Further comment and discussion ensued.

In response to Mayor Trantalis' question, Mr. Marcos explained the details of the RFP evaluation process and weights assigned to each of the different criteria, 15% for qualification and experience, 15% for past performance, 5% to demonstrate financial capability, 35% for the operational plan and 30% for the price proposal. Coastal was ranked number one (1) in price categories but not the other categories. Further comment and discussion ensued.

John Milledge, Esq., 200 SW 1st Avenue, on behalf of Waste Management, discussed the ranking process and negotiations involved in the RFP process and expounded on his perspective that Waste Management followed the procedure and aggressively negotiated the contract price.

In response to Commissioner Beasley-Pittman's question regarding when the RFP was initially issued and whether it included no longer using City workers for bulk trash pickup, Mr. Marcos confirmed that it was part of the RFP requirement to outsource Staff.

Mayor Trantalis recognized Larhonda Ware, 417 Northwest 16th Avenue. Ms. Ware explained her support of bulk trash pickup remaining within the City and expounded on her perspective.

Mayor Trantalis recognized Andy Madtes 625 SE 4th Court, Dania Beach. Mr. Madtes explained details associated with bulk trash pickup and the City employees who would be impacted by this Agenda item.

Mayor Trantalis commented on previous efforts to outsource bulk trash pickup service and remarked on related details. He discussed the benefits of outsourcing bulk trash service and expounded on his viewpoint. Further comment and discussion ensued regarding another option for impacted City employees.

Mayor Trantalis remarked on the inability to reinstate bulk trash pickup service by City employees.

In response to Commissioner Glassman's question regarding the financial impact, Ms. Grant confirmed that moving forward with this Agenda item would include the sale of bulk trash service vehicles. Should bulk trash pickup service be reinstated, new vehicles would need to be purchased. Further comment and discussion ensued.

In response to Vice Mayor Sturman's question, Ms. Grant confirmed new bulk trash service vehicles would need be replaced should this service

remain in the City over the course of the seven (7) years at a cost of approximately \$4,500,000.

In response to Commissioner Beasley-Pittman's question regarding the financial details associated with City Staff's costs versus the amount charged by Waste Management, Ms. Grant explained details of budgeted amounts for bulk trash service remaining in the City versus the bid price.

In response to Commissioner Herbst's question, Ms. Grant confirmed these costs include replacement of the vehicles and all the other operating costs.

Commissioner Herbst remarked on an approach used in previous years in which the City maintained a reserve in the sanitation fund for the purpose of allowing in-house trash pickup service to resume. He suggested maintaining funds from the sale of trash pickup vehicles in a reserve fund for that purpose. Further comment and discussion ensued.

Mayor Trantalis discussed the cost savings to residents related to this Agenda item. Commissioner Herbst concurred, explained his viewpoint, and noted that no one is being laid off.

Vice Mayor Sturman concurred that cost savings are a wash with trucks having to be purchased should bulk trash pickup remain in-house.

Commissioner Herbst remarked on his experience in other municipalities and noted the highest costs related to sanitation services were associated with Workman's Compensation Claims. In response to Commissioner Herbst's question, Jerome Post, Acting Human Resources Director, explained that the highest number of Workman's Compensation Claims come from Public Safety units.

Interim City Attorney D'Wayne Spence requested that items associated with this Agenda item be voted on individually. Mayor Trantalis confirmed.

Commissioner Herbst made a motion to terminate for convenience Contract No. 12412-803 for Curbside Residential Recycling Services with Coastal Waste & Recycling of Florida, Inc., and was seconded by Vice Mayor Sturman.

APPROVED - Motion Terminating for Convenience Contract No. 12412-803 for Curbside Residential Recycling Services with Coastal Waste & Recycling of Florida, Inc.

Yea: 4 - Commissioner Glassman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

Nay: 1 - Commissioner Beasley-Pittman

Commissioner Beasley-Pittman remarked on her discomfort regarding this Agenda item.

Commissioner Herbst made a motion to terminate for convenience Contract No. 2208-001 for Palm Frond Hauling and Collections - Las Olas Isles with Eastern Waste Systems, Inc., and was seconded by Vice Mayor Sturman.

APPROVED - Motion Terminating for Convenience Contract No. 2208-001 for Palm Frond Hauling and Collections - Las Olas Isles with Eastern Waste Systems, Inc.

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

Commissioner Herbst commented on the importance of all vendors who wish to raise objections to any City contract award adhere to the bid protest process.

Commissioner Glassman said he shared concerns raised by Commissioner Beasley-Pittman. He confirmed his viewpoint regarding the need to ensure that City employees will be treated properly, cited examples, and explained the reasons he was voting in support of these motions.

Commissioner Glassman remarked on Ms. Ware's earlier comments and requested she contact him should there be any neighbor concerns regarding bulk trash pickup.

Commissioner Beasley-Pittman remarked on her discomfort with this Agenda item, and confirmed she would vote in the affirmative due to the amount of savings to the City and taxpayers.

Commissioner Herbst made a motion to approve a Service Agreement for Residential Curbside Collections Services with Waste Management Inc. of Florida in the amount of \$135,527,233 and was seconded by Vice Mayor Sturman.

APPROVED - Motion Approving a Service Agreement for Residential Curbside Collections Services with Waste Management Inc. of Florida - \$135,527,233

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

Commissioner Herbst made a motion to approve the sale of 21 Petersen

Lightning Loaders® for \$1,875,000 to Eastern Waste Systems, Inc., and was seconded by Vice Mayor Sturman.

APPROVED - Motion Approving the Sale of 21 Petersen Lightning Loaders® for \$1,875,000 to Eastern Waste Systems, Inc.

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CP-5 [23-0039](#)

Motion Rejecting All Bids for American Legion, Robert Bethel - Renovations (Rebid) (Commission District 3)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CP-6 [23-0060](#)

Motion Approving an Agreement for Installation of Heating, Ventilation and Air Conditioning (HVAC) Services at Fire Rescue Station #54 - Integ Miami LLC - \$340,222 - (Commission District 1)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

CP-7 [23-0070](#)

Motion Rejecting All Bids for the South Ocean Drive Bridge Replacement, Invitation to Bid (ITB) No. 12408-623 - (Commission District 4)

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

MOTIONS

M-1 [23-0012](#)

Motion Approving Event Agreements and Extended Road Closures Beyond 10:00am on the Barrier Island for the 16th Annual 2023 Fort Lauderdale Marathon/Half Marathon & Fort Lauderdale 5K and Walk for the Animals - (Commission Districts 1, 2 and 4)

Commissioner Glassman made a motion to approve this Agenda item and was seconded by Commissioner Herbst.

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

M-2 [23-0015](#)

Motion Approving an Event Agreement, Related Road Closures and Request for Music Exemption for American Lung Association's 27th Annual Las Olas Wine & Food Festival - (Commission District 4)

Vice Mayor Sturman made a motion to approve this Agenda item and was seconded by Commissioner Herbst.

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- M-3** [23-0035](#) Motion Approving Event Agreements and Related Road Closures for Greater Fort Lauderdale Science Festival, All Star Classic, Inc/Sistrunk 5K, Sistrunk Parade and Festival, March for Cancer and MASS District Events - (Commission Districts 2 and 3)

Commissioner Herbst made a motion to approve this Agenda item and was seconded by Commissioner Beasley-Pittman.

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

- M-4** [23-0037](#) Motion Approving Applications for Temporary Beach License, Outdoor Event Agreement, and Extended Road Closures for the Florida AIDS Walk and Music Festival and Seaglass Experience: The Fort Lauderdale Rose Experience - (Commission District 2)

Commissioner Herbst made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

APPROVED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

RESOLUTIONS

- R-1** [23-0047](#) Appointment of Board and Committee Members - (Commission Districts 1, 2, 3 and 4)

City Clerk David Soloman read the names of Board and Committee nominees for appointment and/or reappointment at the January 24, 2023, Commission Regular Meeting.

City Clerk Soloman read into the record the names of the Board and Committee appointments and reappointments for Agenda item R-1.

Commissioner Herbst introduced this Resolution which was read by title only.

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

R-2 [22-1195](#)

Resolution Authorizing the City Manager to Execute a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for the Melrose Manors Neighborhood Improvements Stormwater Project in the Amount of \$1,000,000 - (Commission District 3)

Commissioner Beasley-Pittman introduced this Resolution which was read by title only.

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

Announcement

Mayor Trantalis announced an alert he received regarding recent Police activity at the beach area near Bahia Mar related to immigrants disembarking from a vessel and expounded on his perspective.

R-3 [23-0053](#)

Resolution Terminating an Employment Contract with and Discharging Alain E. Boileau as City Attorney

Commissioner Glassman commented on his perspective regarding this Agenda item.

Commissioner Beasley-Pittman introduced this Resolution which was read by title only.

ADOPTED

Yea: 3 - Commissioner Beasley-Pittman, Vice Mayor Sturman and Commissioner Herbst

Nay: 2 - Commissioner Glassman and Mayor Trantalis

R-4 [23-0049](#)

Resolution of the City Commission of the City of Fort Lauderdale, Florida, appointing D'Wayne M. Spence to the position of Interim City Attorney of the City of Fort Lauderdale, Florida, establishing the salary for the Interim City Attorney, retroactively, and providing for the appointment of D'Wayne M. Spence to the position of Deputy City Attorney at such time as a permanent City Attorney is selected or upon further action by the City Commission, and providing for an effective date. (Commission Districts 1, 2, 3 and 4)

Commissioner Herbst introduced this Resolution which was read by title only.

ADOPTED

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

PUBLIC HEARINGS**PH-1** [23-0066](#)

Public Hearing - Resolution Denying a Waiver of Limitations at 777 SW 6th Street, for the installation of four (4) 12" diameter triple-cluster wood mooring piles, extending +/-60' and three (3) 12" diameter single wood mooring piles, extending +/-38' from the property line into the New River - (Commission District 4)

Mayor Trantalis opened the public hearing.

Vice Mayor Sturman explained a vote in the affirmative is a vote to deny this waiver. Mayor Trantalis confirmed.

Mayor Trantalis recognized Theodore Morley, Marine Advisory Board (MAB) Chair. Mr. Morley highlighted the salient points related to the MAB's opinion to deny this waiver request and explained it did not meet the threshold of extraordinary circumstances. Mr. Morley discussed additional details related to the location of this waiver request and expounded on related information.

In response to Mayor Trantalis' questions, Mr. Morley said the width of the New River at this point is three hundred and ten feet (310'). Mr. Morley confirmed a similar waiver was granted on the opposite side of the New River approximately three (3) or four (4) years ago, which he said would not be granted today. Mr. Morley explained that granting a waiver at this point in the New River would limit the waterway distance to one hundred ninety feet (190') and explained challenges related to large vessels navigation. Further comment and discussion ensued.

Mayor Trantalis commented on concerns about the previous standard established and approved by the Commission. Mr. Morley concurred and explained that a new consideration is the engagement of the U.S. Coast Guard reviewing the New River as a possible regulated navigational waterway similar to the Miami River.

In response to Vice Mayor Sturman's question regarding the size of the vessel, Mr. Morley said that current Code allows the vessel to extend thirty percent (30%) out. He remarked on the ease of moving a mobile vessel versus a fixed piling.

Commissioner Herbst remarked on conversations with the applicant's

attorney regarding the willingness to restrict the size of the vessel to sixty feet (60'), the length of the pilings, as a condition of approval, which would assuage some of the concerns as long as this limit is enforced with the applicant and future owners of the property. He remarked on a nearby property setting a precedent. Further comment and discussion ensued.

In response to Mayor Trantalis' question regarding the City being estopped from allowing this piling approval because the Commission approved one on the other side of the New River, Interim City Attorney Spence said each application is determined on its own merits. As a general rule, the City is not estopped but there is potential case law where courts have inequity granted or overturned dock waiver denials.

Mayor Trantalis recognized Andrew Schein, 1401 East Broward Boulevard, on behalf of Edward Kerwin (Applicant). Mr. Schein remarked on the criteria, related circumstances, the Applicant's perspective regarding this dock waiver application, previous waivers approved by the Marine Advisory Board, and related history. Mr. Schein narrated a presentation that included relevant Code sections and graphics of this area of the New River. He responded to comments made by Mr. Morley and explained details related to vessel traffic along the New River.

A copy of the presentation has been made part of the backup to this Agenda item.

In response to Mayor Trantalis' questions, Mr. Schein confirmed that the Applicant's family members own three (3) adjacent properties next to this location. The family members have boats and are currently replacing the seawall. Mr. Schein confirmed that the Applicant's boat is forty-five feet (45') in length.

In response to Mayor Trantalis' questions, Mr. Schein confirmed this dock waiver request is due to the longer length necessary between the dock and the existing piling to properly secure the Applicant's boat and prevent damage from wave action/wake. Further comment and discussion ensued. Mr. Schein explained the dock waiver requested would be sixty feet (60') measured from the property line or wet face of the seawall into the waterway, and the mooring piles will be about fifty-five (55') or fifty-six feet (56') into the waterway. Mr. Schein commented the dock waiver would not be a Code violation as the seawall is outside the property line and is similar to having a submerged land lease or any other dock.

Mr. Morley said the New River is a no or minimum wake zone and explained related details. Further comment and discussion ensued on

the Marine unit's no-wake zone enforcement efforts.

Mayor Trantalis recognized Norbert McLaughlin, 1141 SW 8th Avenue. Mr. McLaughlin spoke in opposition to the approval of this Agenda item. He expounded on details relating to boats moored perpendicular to the seawall, requesting a waiver citing dangerous conditions.

In response to Mayor Trantalis' questions, Mr. McLaughlin said he is a current member of the MAB and has been a MAB member in the past. He was not a member of the MAB when the dock waiver for the other side of the New River was approved.

Interim City Attorney Spence commented on a possible Sunshine Law violation. He remarked on the need to provide notice to other board members should they wish to participate in a meeting where other multiple board members provide board comments. The fact that numerous members of the Marine Advisory Board have spoken on this item forecloses the ability of this particular item to return to the MAB. Further comment and discussion ensued.

Mr. Schein expounded on his viewpoint regarding this dock waiver request and remarked on the extraordinary circumstances.

In response to Mayor Trantalis' questions, Vice Mayor Sturman explained the results of stakeholder outreach. He confirmed he would support the recommendation of the MAB.

Mayor Trantalis recognized Robert Dunckel, Assistant City Attorney. Mr. Dunckel commented on details related to the approval of this Resolution. Should the Commission introduce the Resolution approving the dock waiver, restrictive covenants applicable to the boat's length could be included in the Resolution to approve this dock waiver request that would be binding and enforceable under Unified Land Development Regulations (ULDR).

There being no one else wishing to speak on this item, Commissioner Beasley-Pittman made a motion to close the public hearing and was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Herbst, Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, and Mayor Trantalis

Vice Mayor Sturman introduced the Resolution denying approval of the dock waiver of limitations request which was read by title only.

ADOPTED - Denying a Waiver of Limitations

Yea: 4 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman and Mayor Trantalis

Nay: 1 - Commissioner Herbst

PH-2 [23-0067](#)

Public Hearing - Resolution Denying a Waiver of Limitations at 801 SW 6th Street, for the installation of three (3) triple cluster mooring piles, each mooring pile being 12" in diameter, extending a maximum of 60'+/- from the property line into the New River - (Commission District 4)

Mayor Trantalis opened the public hearing.

Mayor Trantalis noted his review of the Marine Advisory Board (MAB) Meeting Minutes and its unanimous vote opposing Agenda items PH-1 and PH-2. He suggested the MAB do a comprehensive study regarding concerns raised and provide a report to the Commission. Mayor Trantalis confirmed he would adhere to the MAB's recommendation and vote to deny the dock waiver request.

In response to Mayor Trantalis' question, Commissioner Herbst confirmed his vote in opposition to the Resolution denying the dock waiver request.

Mayor Trantalis recognized Andrew Schein, 1401 East Broward Boulevard, on behalf of Edward Kerwin (Applicant). Mr. Schein remarked on an avenue for compromise. He remarked on the increased traffic on the New River, which is the cause of the damage to the Applicant's boat. Mr. Schein discussed granting a sixty-foot (60') dock waiver and limiting the boat's length to the pilings, which would eliminate other concerns.

There being no one else wishing to speak on this item, Vice Mayor Sturman made a motion to close the public hearing and was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Herbst, Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, and Mayor Trantalis

Vice Mayor Sturman introduced the Resolution denying approval of the dock waiver of limitations request which was read by title only.

ADOPTED - Denying a Waiver of Limitations

Yea: 4 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman and Mayor Trantalis

Nay: 1 - Commissioner Herbst

ORDINANCE FIRST READING

OFR-1 [23-0045](#)

First Reading - Ordinance Amending the Non-Bargaining Unit Classification Table of the Pay Plan of the City of Fort Lauderdale, Florida, by Creating One New Classification - Deputy City Attorney - (Commission Districts 1, 2, 3 and 4)

Commissioner Beasley-Pittman introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

Additional Discussion regarding PH-1 and PH-2

In response to Commissioner Glassman's question regarding the need for Commission disclosures for PH-1 and PH-2, Interim City Attorney Spence confirmed an error regarding Staff's approval of these items that should have been listed as Quasi-Judicial.

Interim City Attorney Spence requested that each Commission Member provide their disclosures regarding Agenda items PH-1 and PH-2. Each Commission Member announced site visits, communications or expert opinions received.

ORDINANCE SECOND READING**OSR-1** [23-0043](#)

Second Reading - Quasi-Judicial Ordinance Approving a Rezoning from Planned Resort Development (PRD) District to Parks, Recreation and Open Space (P) District - North Seabreeze Boulevard - City of Fort Lauderdale- Case No. UDP-Z22013 - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

There being no one wishing to speak on this item, Commissioner Glassman made a motion to close the public hearing and was seconded by Commissioner Herbst. Roll call showed: AYES: Commissioner Herbst, Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman and Mayor Trantalis

Commissioner Glassman introduced this Ordinance for the Second Reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

OSR-2 [23-0044](#)

Second Reading - Ordinance Amending City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-27.7 to Include Additional Notice Requirements for Historic Designation Applications - Case No. UDP-T22006 - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman introduced this Ordinance for the Second Reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

OSR-3 [23-0025](#)

Second Reading - Ordinance Amending the Non-Bargaining-Unit Classification Table of the Pay Plan of the City of Fort Lauderdale, Florida, by Creating Two New Classifications - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman introduced this Ordinance for the Second Reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

OSR-4 [23-0056](#)

Second Reading - Ordinance Amending Chapter 4 - Alarm Systems, Sections 4-1, Definitions, 4.2, Registration of Alarm Systems; Alarm Certificates, and 4.9, Service Fee of the Code of Ordinances of the City of Fort Lauderdale Providing for a More Streamlined Process for Registering Residential and Commercial Alarm Systems and the Collection of Outstanding Fees by Using an Outside Vendor to Register Alarm Users and Collect Outstanding Fees and Update the False Alarm Fees - (Commission Districts 1, 2, 3 and 4)

In response to Commissioner Beasley-Pittman's questions, City Manager Chavarria explained that this Agenda item is separate from allocating alarm fines from the General Fund to another fund specific to the Police Department, which would be an administrative function independent from approval of this Ordinance.

Mayor Trantalis recognized Laura Reece, Office of Management and

Budget Director. Ms. Reece explained that the General Fund budget includes the alarm fees as part of the adopted balanced budget. There are approximately \$500,000 in alarm fees per year for services that include the Police Department. The Police Department generates about ten (10%) to fifteen (15%) percent of its expenses in revenues. Fees set aside in a special fund are to support the service of the specific fund. The alarm fees currently going into the General Fund would need to be replaced or taken from the Fund Balance. Staff will return to the Commission at a Conference Meeting for an understanding of what the Commission wants alarm fees to fund and to discuss options.

In response to Mayor Trantalis' questions, Commissioner Herbst clarified the City does not have a false alarm fee, and there is an alarm fee for a second-time alarm. Commissioner Herbst explained details of a Staff audit study done approximately eight (8) years ago that determined the costs associated with responding to an alarm based on the type of alarm. He noted that at the time, alarm fees covered related expenses, and those expenses have likely increased.

Commissioner Beasley-Pittman confirmed her request for a Commission discussion on the topic of alarm fees going into a specific fund for the needs of the Police Department. City Manager Chavarria confirmed.

In response to Vice Mayor Sturman's questions, Commissioner Herbst explained alarm fees were instituted to encourage individuals to maintain alarm systems to avoid repeated responses to false alarms. Commissioner Herbst confirmed a second alarm fee would be incurred if there was any second alarm. Mayor Trantalis remarked on the need for a discussion on this topic.

Ms. Reece confirmed the ability under State Statute to charge fees associated with costs incurred. She would present a related update to the Commission at the upcoming Conference Meeting. Further comment and discussion ensued.

Mayor Trantalis recognized Fire-Rescue Chief Stephen Gollan. Chief Gollan confirmed Commissioner Herbst's earlier comments regarding alarm fees applying to commercial fire alarm activations received repeatedly. The first alarm notification is free, and they are charged for subsequent alarm notifications. When Fire-Rescue responds to an actual working fire, it is coded differently in the Response Profile. It is not considered an alarm activation, and the resident or business would not be charged if they had multiple fires.

Commissioner Glassman introduced this Ordinance for the Second

Reading, which was read by title only.

ADOPTED ON SECOND READING

Yea: 5 - Commissioner Glassman, Commissioner Beasley-Pittman, Vice Mayor Sturman, Commissioner Herbst and Mayor Trantalis

REQUEST FOR EXECUTIVE CLOSED-DOOR HEARING

Interim City Attorney D'Wayne Spence requested an Executive Closed-Door Session at the City Commission Meeting on January 24, 2023, at approximately 4:30 p.m. or soon thereafter. The City Commission will meet privately pursuant to Florida Statute, Section 286.011(8) concerning:

Fort Lauderdale Food Not Bombs, et al. v. City of Fort Lauderdale
Case No.: 15-60185-CIV-AMC

Those present at the attorney-client session will include:

Mayor Dean J. Trantalis
Vice Mayor Warren Sturman
Commissioner John C. Herbst
Commissioner Steven Glassman
Commissioner Pam Beasley-Pittman
City Manager Greg Chavarria
Interim City Attorney D'Wayne M. Spence
Outside Counsel Michael T. Burke, Esq., Johnson, Anselmo, *et al.*, and
Certified Court Reporter from Bailey-Entin Court Reporting

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

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 9:01 p.m.

Dean J. Trantalis
Mayor

ATTEST:

David R. Soloman
City Clerk