

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, January 23, 2018

6:00 PM

City Commission Chambers

City Commission Regular 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***

Invocation

Pastor Jeffrey Wright, House of Lord Ministries

Moment of Silence

Mayor Seiler requested a Moment of Silence for Judy Scher. Ms. Scher's contributions to the community included a total of 8 years as service as President of the Birch Crest Condominium Board, service on the Central Beach Alliance, and a combined twelve years of service on the Beach Redevelopment Board .

Mayor Seiler also requested a Moment of Silence for William "Bill" Thies, Wm. Thies & Sons, Inc., business owner and longtime member of the restaurant and hospitality industry.

ROLL CALL

Present: 5 - Commissioner Dean J. Trantalis, Commissioner Robert L. McKinzie, Commissioner Romney 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 Andy Pallen

No e-comments were submitted for this meeting.

Pledge of Allegiance and Star-Spangled Banner

Andre Hill and Walker Elementary School Students

CALL TO ORDER

Mayor Seiler called the meeting to order at 6:09 p.m.

PRESENTATIONS

PRES- [18-0116](#) Proclamation declaring January 23, 2018 as Walker Elementary
1 School Day in the City of Fort Lauderdale

Commissioner McKinzie acknowledged and thanked Philip J. Bullock, Principal, and his staff for their hard work in turning around Walker Elementary. These efforts have made a transformative difference, enabling students to make significant improvements in their education. Commissioner McKinzie read the Proclamation declaring January 23, 2018 as Walker Elementary School Day in the City of Fort Lauderdale.

PRESENTED

ANNOUNCEMENTS

Mayor Seiler made the following announcements regarding the Agenda:

Items Added to Agenda:

WALK-ON - Opioid Litigation Proposals - Ranking and Selection. Mayor Seiler announced receipt of the rankings of the litigation teams.

WALK-ON - Motion for Approval of Action Against CFS Funeral Services, Inc.

Items Removed from Agenda at the request of City Manager Feldman:

CM-7 Motion to Authorize the City Manager to Commence Negotiations for a Lease Agreement with Drive Shack Inc. for the Development and Improvement of Parcel C in the Airport Industrial Park at Fort Lauderdale Executive Airport

PUR-2 Motion to Approve Purchase of Office Furniture

Revised Agenda Items:

CM-8 Revised pages 3, 4, 5 and 17 of Exhibit 2

PUR-1 Revised Resource Impact Section of the Memo and Page 7 Exhibit 1

Items Pulled by the Commission for Separate Discussion:

CM-8, CR-3, and CR-5

CM-7 [18-0020](#)

Motion to Authorize the City Manager to Commence Negotiations for

a Lease Agreement with Drive Shack Inc. for the Development and Improvement of Parcel C in the Airport Industrial Park at Fort Lauderdale Executive Airport

REMOVED FROM AGENDA

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

PUR-2 [18-0042](#)

Motion to Approve Purchase of Office Furniture, Citywide - Various Vendors - \$390,485

REMOVED FROM AGENDA

PRESENTATIONS CONTINUED

PRES- [18-0107](#)

2

The Government Finance Officers Association - Certificate of Achievement for Excellence in Financial Reporting for the FY 2016 Comprehensive Annual Financial Report and Achievement Award for the FY 2016 Popular Annual Financial Report

City Manager Feldman announced Staff was recognized with The Government Finance Officers Association - Certificate of Achievement for Excellence in Financial Reporting for the FY 2016 Comprehensive Annual Financial Report and Achievement Award for the FY 2016 Popular Annual Financial Report. These reports are a critical part of transparency goals. Linda Logan-Short, Chief Financial Officer/Acting Director of the Finance Department and South Florida Chapter President of the Florida Government Finance Officers Association, recognized the members of the City's Finance Team. She gave a brief historical overview of these reporting efforts and their importance of being designed to be easily understood by the general public.

City Manager Feldman acknowledged that through the efforts of the Finance Team, Hurricane Irma reimbursements to the City from FEMA will be forthcoming.

PRESENTED

Approval of MINUTES and Agenda

[18-0112](#)

Minutes for December 5, 2017 Commission Conference Meeting, December 5, 2017 Commission Regular Meeting, December 6, 2017 Joint Workshop with Infrastructure Task Force Committee, December 19, 2017 Workshop with Florida Power & Light (FPL), December 19, 2017 Commission Conference Meeting and

December 19, 2017 Commission Regular Meeting

Commissioner Trantalis made a motion to approve the noted minutes and was seconded by Vice Mayor Roberts.

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CONSENT AGENDA PUBLIC COMMENT

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road. Mr. King commented on proposed water and sewer infrastructure expenditures.

CONSENT AGENDA

CONSENT MOTION

Approval of the Consent Agenda

Commissioner Trantalis made a motion to approve the Consent Agenda and was seconded by Commissioner McKinzie.

Approve the Consent Agenda

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CM-1 [18-0031](#) Motion to Approve Event Agreements: Emeril Lagasse Foundation's Line, Vine & Dine, CCA 5K and Walk MS Fort Lauderdale 2018

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CM-2 [18-0030](#) Motion to Approve Event Agreements and Related Road Closings: NoBe Sunday's, Fort Laudi Gras, Riverwalk Run and Super Block Party

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CM-3 [18-0035](#) Motion Approving 2018 Event Dates of the Agreement with GMBH, LLC for SWATCH Beach Volleyball - Federation International de Volleyball (FIVB) World Tour to be held on Fort Lauderdale Beach, February 27 - March 4, 2018

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CM-4 [18-0026](#) Motion Accepting FY2017-2018 Florida Inland Navigation District Waterways Assistance Program Grant - \$8,010.95

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CM-5 [18-0066](#) Motion for Approval of Action Against The Pontes Group, LLC

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CM-6 [18-0072](#) Motion to Approve First Amendment to Chronic Homeless Housing Collaborative Grant (CHHC) Agreement with Broward County for \$516,706 for FY 2018

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CM-8 [18-0079](#) Motion Authorizing Execution of a Revocable License with LO3 Investors, LLC, for Temporary Sidewalk Closures on SE 2nd Avenue and East Las Olas Boulevard at 225 East Las Olas Boulevard

Commissioner Trantalis commented on his concerns about the lengthy duration and amount of sidewalk closures and related safety issues. He confirmed receiving complaints from the community on this issue. He commented about the duration of sidewalk closures, specifically near shops in downtown and the museum. Commissioner Trantalis also discussed other cities mitigating this issue by constructing covered walkways to allow pedestrian traffic along sidewalks impacted by construction.

City Manager Feldman said this item relates to a large project for Broward College. He discussed issues relating to mitigating sidewalk closures and ensuring pedestrian safety.

Mayor Seiler recognized Alfred Battle, Deputy Director of Sustainable Development. Mr. Battle expounded on aspects of the City's Revocable License language going forward which will give the City Engineer latitude to disallow sidewalk closures should he deem it to the interest of public

safety. He confirmed this item relates to an area with a large amount of ongoing construction.

Mayor Seiler recognized Jeff Lis, Senior Project Manager, Stiles Corporation. Mr. Lis explained SE 2nd Avenue is the staging location for this entire project and covering this area of SE 2nd Avenue sidewalk area would mean public access through a construction zone. He confirmed that this was discussed with Staff. Mr. Lis discussed sidewalk issues relating to the five month period of demolition for existing buildings. He said language drafted today allows for discussions after demolition to address protected sidewalks. Mr. Lis confirmed work will begin within seven days once this item is approved. Mr. Lis said there is a pedestrian sidewalk down the west side of SE 2nd Avenue that will be open the entire time from Las Olas to SE 2nd Street.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue. Mr. Rosenthal commented about the need for Staff to include local neighborhood associations, business associations, civic associations and the appropriate District Commissioner in meetings with applicants prior to going before the Commission for approval.

Commissioner McKinzie made a motion to approve this item and was seconded by Commissioner Rogers.

APPROVED

Aye: 4 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

Nay: 1 - Commissioner Trantalis

CONSENT RESOLUTION

CR-1 [18-0021](#) Resolution Authorizing Qualified Target Industry Tax Refund Incentive for Project Harrison

ADOPTED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CR-2 [18-0027](#) Resolution Authorizing the City Manager to Execute the Florida Boating Improvement Program (FBIP) Site Dedication Form for the George English Boat Ramp Renovation PH-1 Grant Closeout

ADOPTED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CR-3 [18-0110](#)**Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2018 - Appropriation**

Commissioner Trantalis confirmed this item relates to Resolution R-2, the borrowing of \$200,000,000 and the cost of issuing bonds. He discussed the need for a workshop meeting for a full discussion of specific capital projects to be funded from bond proceeds and eligible reimbursement items. Commissioner Trantalis requested an explanation as to how these projects are integrated into our overall infrastructure program. Further comments and discussions ensued on this topic.

City Manager Feldman explained the bond proceeds allocation going into individual projects will require an additional budget amendment. Commissioner Trantalis suggest an open discussion for public input. City Manager Feldman confirmed the need to determine that these projects meet timelines required with the bonds, the Consent Order and the immediate infrastructure needs addressed in the Reiss Report to keep all the infrastructure projects moving forward. Further discussions ensued on the costs, funding and timeline projections.

In response to Vice Mayor Roberts' question, City Manager Feldman confirmed that of the \$200,000,000, \$81,000,000 is for the Consent Order and keeps the City on track. Commissioner Rogers discussed the Master Plan and the process involved. Further comments and discussion ensued on alternative methods of funding. City Manager discussed the standard manner in which water and sewer user fees are utilized, the City's bond ratings, and planned uses of the bond funding. He also commented on the subsequent actions for the next phase of infrastructure improvements. Comments and discussions ensued on the Water Works Capital Improvement Program.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue. Mr. Rosenthal commented on the current low bond interest rates and the need for a strong community based monitoring committee to oversee the spending of bond funding.

Mayor Seiler recognized Paul Chettle, 200 S. Birch Road. Mr. Chettle's comments focused on a document presented to the Budget Advisory Board about the bond being straight debt or wrapped debt. He noted the difference in the costs of the two strategies is approximately \$60,000,000, asking if this is something the Commission should take into consideration. Mr. Chettle commented on the history of Five Ash Water Treatment Plant. He concurred with previous comments that this funding should be spent appropriately, commenting that the correct debt strategy could have the benefit of additional funding for infrastructure needs.

Discussions ensued on subsidizing infrastructure spending from the General Fund and the Water and Sewer Return On Investment (ROI) Fund versus borrowing all of the funding for the first phase of infrastructure needs over the next four to five years.

In response to Mayor Seiler, City Auditor Herbst discussed borrowing at current interest rates, commenting that the Federal Reserve has been transparent on interest rates going forward. Mr. Herbst confirmed bond proceeds would be invested along with surplus cash, noting that issuing a bond would lock in current low interest rates. He also discussed the rationale for borrowing for capital projects, explaining that the life of the borrowing should be matched to the useful life of the assets.

Mayor Seiler recognized Ed Stull, Jr., Managing Director of Hilltop Securities, Financial Advisory to the City. Mr. Stull expounded on details regarding the bond's interest rates, the positive credit position of the City and other aspects regarding the issuance of the bond. In response to Commissioner Trantalis' question, Mr. Stull explained the disadvantages of using a Letter of Credit versus a bond issuance, i.e., the risk of higher interest rates. Further discussions ensued on this topic, the timeline for spending down the bond and future projected interest rates.

Commissioner McKinzie introduced this item which was read by title only.

ADOPTED

Aye: 4 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

Nay: 1 - Commissioner Trantalis

CR-4 [18-0058](#)

Resolution Revising Personnel Rule XI, Section 6, Leave with Pay to Increase Leave with Pay for Death within the Immediate Family Not to Exceed Forty (40) Hours Per Occurrence to Match the Bereavement Leave Available to Union Employees

ADOPTED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CR-5 [18-0061](#)

Resolution Amending Personnel Rule X to Add a New Section for Return of a Nonclassified Employee to the Classified Service

Mayor Seiler commented on the need to redraft the language in this item. City Manager Feldman commented on using language that was drafted by the Civil Service Board, expounding on needing an option for the

Chief of Police, as a department head, to return to their previous *highest* Classified Service position or create a temporary Classified Service vacancy.

City Manager Feldman stated that he has intended to officially appoint Acting Police Chief Rick Maglione as Police Chief once this issue is resolved. Further discussions ensued about aspects relating to this item, including the ability attract qualified candidates to the position of Police Chief. Commissioner Rogers stated this should apply to both the Police Chief and Fire Chief.

City Manager Feldman said for other department heads, the word "*may*" is the appropriate language. For the Police Chief and Fire Chief, the word "*shall*" is the appropriate language. Commissioner McKinzie noted the uniqueness of these two public safety positions and possible future situations where misconduct would not be the reason for a change. Further discussions ensued on the risks involved should this modified language not be approved. Vice Mayor Roberts commented on his experience in this area.

A copy of the proposed modified language was shown on the screen. Further examples and scenarios were discussed.

A copy of the modified language is attached to these minutes.

Commissioner Rogers introduced this item as amended, replacing the word "*prior*" with the word "*highest*" and adding the position of Fire Chief to Personnel Rule X. This Resolution was read by title only.

ADOPTED AS AMENDED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CR-6 [18-0022](#)

Resolution to Join the Florida Resiliency and Energy District for Administration of a Property Assessed Clean Energy (PACE) Program, HERO Program

ADOPTED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

CR-7 [18-0039](#)

Resolution Approving the Execution of the Community Aesthetic Feature Agreement with the State of Florida Department of Transportation for City Entryway Signage Located at Eleven City-wide Locations

ADOPTED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

PURCHASING AGENDA

PUR-1 [18-0015](#) Motion to Approve Contract for Restoration of the NW 2nd Avenue Water Tank - U.S.C., Inc. - \$1,185,300

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

PUR-3 [18-0049](#) Motion to Approve Contract for Proprietary Purchase of Zonar Zoning Code Software - Gridics, LLC - \$159,000 (two-year total)

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

PUR-4 [18-0073](#) Motion to Approve Increase in Expenditures to Contract for Roll-Off Dumpster Services - A.J. Panzarella L.L.C. - \$131,000

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

MOTIONS

M-1 [18-0033](#) Motion to Approve an Event Agreement with St. Demetrios Greek Orthodox Church of Fort Lauderdale, Inc. for St. Demetrios Greek Festival Fort Lauderdale

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

M-2 [18-0032](#) Motion to Approve an Event Agreement with Shuck N Dive, Inc. for Mardi Gras

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

RESOLUTIONS

R-1 [18-0074](#) Appointment of Board and Committee Members

City Clerk Jeffrey Modarelli read the Resolution appointing Board and Committee Members into the record.

A copy of the Board and Committee appointments is attached to these minutes.

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

ADOPTED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

R-2 [18-0102](#) Resolution Authorizing the Issuance of Water and Sewer Revenue Bonds, Series 2018 in a Par Amount Not to Exceed \$200,000,000

Mayor Seiler recognized Paul Chettle, 200 S. Birch Road. Mr. Chettle asked about the debt service strategy. City Auditor John Herbst expounded on the bonds, the debt service strategies and issues relating to the duration of life assets being 30-40 years.

Mayor Seiler recognized Ed Stull, Jr., Managing Director of Hilltop Securities, Financial Advisory for the City. Mr. Stull explained the bond's structure of level debt service. At this time, the City has a 2012 bond issue, a 2014 bond issue and a 2016 bond issue which mature at various times. The goal was to structure it in such a way to take advantage of the long term interest rates and provide for an overall level debt service for the whole system. The total debt service will be approximately \$32,000,000 per year. The \$200,000,00 bond will be interest only for the first 18 years and will amortize with final maturity in 2048. This allows the City to cash fund more projects in this 18 year period. The debt service is reduced by approximately \$12,500,000 per

year and mitigates future interest rate risk. Further comments and discussions ensued on this topic.

City Manager Feldman stated this would not affect the millage rate.

Commissioner Trantalis discussed City Auditor Herbst's suggestion that we do not shorten the timeframe to pay off this debt. The timeframe of the debt should be the life expectancy of the improvement so future rate payers are not subsidized by current rate payers. Mr. Stull confirmed the useful life of the asset should match the duration of the financing, and 30 years is the recommended duration. Mayor Seiler commented on the speed at which the City's bond was sold.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue. Mr. Rosenthal commented on the bond issuance, the positive affect of borrowing at low interest rates and the need to find the best contractors for these infrastructure projects.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road. Mr. King commented on the speed with which this is taking place, recommending this decision be left to the incoming Commission. He also commented on previous Commission decisions.

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

ADOPTED

Aye: 4 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

Nay: 1 - Commissioner Trantalis

R-3 [18-0010](#)

Quasi-Judicial - Resolution Adopting a Citywide Unified Flex Strategy; establishing a Unified Flex Zone for Residential Flex Unit Allocation and a Citywide Flex Zone for Nonresidential Flex Allocation - City of Fort Lauderdale - Case T17011

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 City Commission member disclosed their verbal and written communications, site visits and expert opinions received.

Mayor Seiler opened the public hearing.

Commissioner McKinzie made a motion to defer this item until the first meeting in April to allow the incoming Commission to make a decision. Mayor Seiler noted the Council of Civic Associations (Council) will take up this issue at their mid-February 2018 meeting. Comments ensued on the need to hear from the Council.

Mayor Seiler recognized Jim Hetzel, Principal Planner. Mr. Hetzel confirmed this was presented to Planning and Zoning Board who voted unanimously to approve.

There being no one else wishing to speak on this item, Commissioner Rogers made a motion to close the public hearing, which was seconded by Commissioner Trantalis. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

In response to Commissioner Trantalis' request for clarification, Mr. Hetzel explained references to the Central Beach Regional Activity Center (Central Beach RAC) and the Barrier Island land use designations. Mr. Hetzel confirmed this report excludes everything from the Barrier Island.

Commissioner McKinzie made a motion to defer this item to Tuesday, March 6, 2018 and was seconded by Commissioner Trantalis.

DEFERRED to March 6, 2018

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

PUBLIC HEARINGS

PH-1 [18-0071](#)

Quasi- Judicial Resolution Granting a Waiver of Limitations at 726 NE 20th Avenue for the Installation of Two (2) Finger Piers, One (1) Boat Lift, One (1) Jet-Ski Platform, and Four (4) Triple-Pile Clusters

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 City Commission member disclosed their verbal and written communications, site visits and expert opinions received.

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road. Mr. King commented on the impact of these waivers in his neighborhood,

expounding on his concerns and citing examples.

Mayor Seiler recognized Greg McAloon, Esq., on behalf of the property owner. Mr. McAloon reviewed the prior approvals as noted in this item's backup. It was also approved by the Marine Advisory Board. Due to there being a new property owner, it is going through the process again for additional mooring requirements. In response to Commissioner Trantalis' question about the need for additional pilings, Mr. McAloon confirmed there will only be one boat but it accommodates up to 125 feet for one other smaller boat and two jet skis.

Mayor Seiler recognized Stephanie Toothaker, Esq., on behalf of the applicant. Ms. Toothaker confirmed the prior approval's pilings were never installed and the approval had lapsed.

There being no one else wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice Mayor Roberts. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

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

ADOPTED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

ORDINANCE FIRST READING

OFR-1 [18-0037](#)

Ordinance Implementing Mitigation Measures Related to High Impact Events on Beach Property

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue. Mr. Rosenthal commented about the need to be aware of the impact this item will have on those visiting for Spring Break, recommending implementing these mitigation measures in a sensitive manner.

City Attorney Everett commented on her concern regarding enforcement, noting there are already ordinances in place to address these concerns. Commissioner McKinzie commented about how these mitigation measures would be consistently enforced, noting their extreme nature. Discussions ensued on the specific wording in this ordinance and past experiences with large crowds in the beach area. Vice Mayor Roberts commented that this ordinance gives the Police Department the necessary resources from a public safety perspective.

Commissioner McKinzie commented on the possibility of selective enforcement and his previous experience. City Manager Feldman commented on how he would implement this ordinance in conjunction with the Chief of Police. Discussions ensued on this topic.

Mayor Seiler recommended the following: *a six month pilot implementation of this ordinance*; Subsection 2.(e) should read *eighty-five percent (85%)* hotel occupancy; Subsection 2.(b)(7) should read the prohibition of *direct* consumption; Subsection 2.(c) Notice should include *social media*. City Attorney Everett noted a scrivener's error, stating that the definition of the beach under Section 1.a. Definitions. is new language and should be underlined.

a. Definitions.

(1) Beach property means and includes the public bathing beach or beaches on the waters of the Atlantic Ocean in the city extending from the north line of Government Lot 3, Section 12, Township 50 South, Range 42 East extended to the Atlantic Ocean on the south to the northern boundary line of Section 31, Township 49 South, Range 43 East on the north and from North Atlantic Boulevard (State Road A-1-A) on the west to the waters of the Atlantic Ocean on the east, save and except therefrom that area bounded on the east by the waters of the Atlantic Ocean, on the west by the easternmost right-of-way of State Road A-1-A, with the northern and southern boundaries thereof as described in those instruments recorded at Deed Book 372, Page 360 and Official Records Book 1213, Page 643 of the Public Records of Broward County, Florida, said instruments being on file in the office of the city clerk, and said area generally known as Bonnet House Private Beach, being seven hundred (700) feet of privately owned beach, unencumbered by any public beach easement rights and further excepting therefrom that area shown as Sand Beach on the plat of Lauderdale Beach as recorded in Plat Book 4, Page 2, of the Public Records of Broward County, Florida, which extends from the northern boundary line of Section 31, Township 49 South, Range 43 East on the south to the north boundary line of Oakland Park Beach Boulevard extended to the waters of the Atlantic Ocean on the north and from the east boundary line of Blocks 12, 13, Vista Park, 14, C, D, 15, 16, 17, 18 and 19 of Lauderdale Beach Subdivision as recorded in Plat Book 4, Page 2 of the Public Records of Broward County, Florida, on the west to the waters of the Atlantic Ocean on the east, and it is hereby known and designated as "Fort Lauderdale Beach" and is hereby declared to be a public municipal beach and recreational area for the use of the public in general.

Commissioner Trantalis asked City Manager Feldman about the possibility of implementing a sensitivity training program for police officers who will be enforcing this ordinance. City Manager Feldman confirmed all police officers are briefed on the intent prior to working in the beach area. He confirmed those not in compliance with the ordinance are asked to leave the beach, confirming the goal is for no arrests.

City Manager Feldman requested a modification of Section 1.(b) to read:

Whenever the City manager determines that a high impact event on beach property will occur, or is in progress, one or more of the following immediate measures may be imposed for beach property to protect the beach property or a portion thereof from damage and property degradation:

Commissioner Trantalis asked how the public would know which areas of the beach this ordinance would be enforced. City Manager Feldman explained notice would be given along with appropriate signage on the beach.

Commissioner Trantalis introduced this Ordinance for the First Reading as amended to include *a six month pilot implementation of this ordinance*, Subsection 2.(e) to read *eighty-five percent (85%)* hotel occupancy, Subsection 2.(b)(7) to read the prohibition of *direct* consumption, Subsection 2.(c) regarding notice to include *social media*, and Section 1.(b) to include the language *or a portion thereof*. The Ordinance was read by title only.

PASSED FIRST READING AS AMENDED

Aye: 4 - Commissioner Trantalis, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

Nay: 1 - Commissioner McKinzie

OFR-2 [18-0018](#)

An Ordinance Amending Chapter 27, Pertaining to Vehicles for Hire, to Provide for Enforcement Pursuant to Chapter 11 and Section 1-6 of the Code of Ordinances of the City of Fort Lauderdale

Commissioner Rogers asked about the background of this item. Mayor Seiler recognized Diana Alarcon, Director of Transportation and Mobility. Ms. Alarcon explained this item allows for the appropriate language to enforce actions against unapproved golf carts, as well as other vehicles, being used to transport people from Point A to Point B. Complaints have been received from numerous areas including businesses being

unlicensed, uninsured, and not possessing the appropriate vehicle permits. Further discussions ensued on issues relating to traffic congestion, segway routes and requirements for licensing.

Mayor Seiler recognized Assistant City Attorney Candice Duff. Assistant City Attorney Duff explained that the proposed revision to Chapter 27 will provide the option to choose whether to pursue civil enforcement of violations pursuant to Chapter 11 of the Code or criminal penalties pursuant to Section 1-6 of the Code, thereby allowing law enforcement to take appropriate steps to hold violators accountable and legally enforce the ordinance requirements. Further discussions ensued on the consequences of various violations.

Commissioner Trantalis introduced this Ordinance for the First Reading which was ready by title only.

PASSED FIRST READING

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

ORDINANCE SECOND READING

OSR-1 [18-0092](#)

An Ordinance Entering into a New Franchise Agreement with Peoples Gas System

Commissioner McKinzie introduced this Ordinance on the Second Reading which was read by title only.

ADOPTED ON SECOND READING

Aye: 4 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

Not Present: 1 - Commissioner Trantalis

OSR-2 [18-0009](#)

Quasi-Judicial - Ordinance - Amend the Future Land Use Element Map (Series) of the Fort Lauderdale Comprehensive Plan to Change the Future Land Use Designation From "Community Facilities" To "Industrial Use" - Bridge Logistics LLC. - 1300 SW 32nd Court - Case L17002

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 City Commission member disclosed their verbal and written communications, site visits and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Roberts made a motion to close the public hearing, which was seconded by Commissioner McKinzie. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Vice Mayor Roberts introduced this Ordinance on Second Reading which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

OSR-3 [18-0063](#)

Quasi-Judicial - Ordinance - Rezoning from Single Family / Low Medium Density (RS-8) District to Community Business (CB) District with Allocation of 0.35 Acres of Commercial Flex for a 6,637 Square-Foot Retail Use - 840 SW 24th Street, LLC.- 840 SW 24th Street - Case ZR17005

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 City Commission member disclosed their verbal and written communications, site visits and expert opinions received.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Commissioner Trantalis made a motion to close the public hearing, which was seconded by Vice Mayor Roberts. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Vice Mayor Roberts introduced this Ordinance on Second Reading which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

City Attorney Cynthia Everett announced the departure of Assistant City

Attorney Gustavo Ceballos, thanking him for his service.

[18-0144](#)

WALK-ON - Opioid Litigation Proposals

Mayor Seiler acknowledged the City Attorney's Office recommended ranking of the legal teams. He proposed accepting the ranking and forthcoming negotiations with the highest ranked legal team. Should an acceptable agreement not be reached by the Office of City Attorney, negotiations would begin with the next highest ranked team. In response to Mayor Seiler, City Attorney Everett confirmed that a negotiated agreement will be brought back before the Commission at the next Commission Regular Meeting.

A copy of the ranking is attached to these minutes.

Due to the public nature of this litigation, Mayor Seiler requested Eugene K. Pettis, Esq., Haliczzer Pettis & Schwamm update members of the Commission and City Attorney Everett on any issues, including court litigation or communications with distributors or manufacturers.

Commissioner McKinzie made a motion to approve this item adopting the ranking as submitted by the Office of City Attorney and was seconded by Vice Mayor Roberts.

APPROVED - - Motion to Adopt Rankings as submitted

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

[18-0139](#)

WALK-ON - Motion for Approval of Action Against CFS Funeral Services, Inc.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue. Mr. Rosenthal commented on his recommended course of action in pursuing CFS Funeral Services, Inc.

Mayor Seiler stated for the record his acknowledgement of this dignified industry, confirming he would like City Attorney Everett to pursue this legal action to its fullest extent.

Commissioner Trantalis made a motion to approve this item and was seconded by Vice Mayor Roberts.

APPROVED

Aye: 5 - Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts and Mayor Seiler

ADJOURNMENT

Mayor Seiler adjourned the Commission Regular Meeting of Tuesday, January 23, 2018 at 9:17 p.m.



John P. "Jack" Seiler
Mayor

ATTEST:



Jeffrey A. Modarelli
City Clerk

CR-5

and Fire Chief

or Fire Chief

“The Police Chief can be removed with or without cause. In the event the Police Chief is removed for any reason other than misconduct, he shall be entitled to return to his ~~prior~~ highest job classification.”

RESOLUTION NO: 18-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING, OR NOMINATING, IF APPLICABLE, BOARD AND COMMITTEE MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City Commission of the City of Fort Lauderdale, Florida does hereby appoint board and committee members as set forth in the exhibit attached hereto and made a part hereof.

SECTION 2. These appointments shall take effect immediately upon passage and adoption of this resolution.

ADOPTED this the 23rd Day of January, 2018.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

EXHIBIT TO RESOLUTION 18-

AFFORDABLE HOUSING ADVISORY COMMITTEE

Wilson Atkinson is appointed to the Affordable Housing Advisory Committee for a three year term beginning January 23, 2018 and ending January 22, 2021 or until his successor has been appointed.

CITIZENS POLICE REVIEW BOARD

Collis Atkinson, Lynette Falzone and Cecil Stone are appointed to the Citizens Police Review Board for one year terms beginning January 23, 2018 and ending January 22, 2019 or until their successors have been appointed.

HISTORIC PRESERVATION BOARD

Richard Rosa is appointed to the Historic Preservation Board to complete an unexpired term ending May 20, 2019 or until his successor has been appointed.

MARINE ADVISORY BOARD

Richard Graves is appointed to the Marine Advisory Board for a one year term beginning February 3, 2018 and ending February 2, 2019 or until his successor has been appointed.

NUISANCE ABATEMENT BOARD

Robert Wolfe, Gustav Schmidt, Lorraine Saunders and Donald Karney are appointed to the Nuisance Abatement Board for one year terms beginning February 21, 2018 and ending February 20, 2019 or until their successors have been appointed.

PARKS RECREATION AND BEACHES BOARD

James Jordan is appointed to the Parks, Recreation and Beaches Board for a one year term beginning February 21, 2018 and ending February 20, 2019 or until his successor has been appointed.



Memorandum

City Attorney's Office

To: Honorable Mayor and Commissioners

From: Cynthia A. Everett, City Attorney

Date: January 23, 2018

Re: **CITY ATTORNEY RECOMMENDED RANKINGS OF OPIOID LITIGATION
COUNSEL TEAMS**

COUNSEL TEAM – RANK 1:

Eugene K. Pettis, Esquire
Haliczer Pettis & Schwamm

James Young, Esquire
Morgan & Morgan

Robert C. Gilbert, Esquire
Kopelowitz Ostrow Ferguson
Weiselberg Gilbert

Lieff Cabraser Heimann & Bernstein
Robbins Geller Rudman & Dowd LLP

COUNSEL TEAM – RANK 2:

Linda Singer, Esquire
Joseph F. Rice, Esquire
Motley Rice

Dan Gelber, Esquire
Gerald E. Greenberg, Esquire
Adam M. Schachter, Esquire

Lewis S. Eidson, Jr., Esquire
Colson Hicks Eidson

Johnny L. McCray, Jr., Esquire
Law Office of Johnny L. McCray, Jr., P.A.

COUNSEL TEAM – RANK 3:

Paul J. Hanly, Jr., Esquire
Simmons Hanly Conroy



COUNSEL TEAM - RANK 4:

Jeff R. Gaddy, Esquire
Levin, Papantonio, Thomas,
Mitchell, Rafferty & Proctor, P.A.

Russell W. Budd, Esq.
Baron & Budd, PC

Paul Farrell, Jr., Esquire
Bert Ketchum, Esquire
Greene, Ketchum, Farrell,
Bailey & Tweel, LLP

Michael J. Fuller, Esquire
McHugh Fuller Law Group, PLLC

Anthony J. Majestro, Esquire
Powell & Majestro, PLLC

R. Edison Hill, Esquire
James C. Peterson, Esquire
Hill, Peterson, Carper, Bee
& Deitzler, PLLC

COUNSEL TEAM - RANK 5:

Ronald L. Book, Esquire
Ronald L. Book, P.A.

Daryl D. Parks, Esquire
Parks Law, LLC

Richard Newsome, Esquire
Newsome Melton

John J. Uustal, Esquire
Robert W. Kelly, Esquire
Kelly Uustal PLC