City of Fort Lauderdale

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



Meeting Minutes

Tuesday, February 6, 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 Godfrey Johnson, Melrose Park Assembly of God

Moment of Silence

Mayor Seiler requested a moment of silence for Welcom "Hank" Watson an active member of the Fort Lauderdale community.

Pledge of Allegiance

Ina Lee, President of TravelHost Media Group

CALL TO ORDER

Mayor Seiler called the Commission Regular Meeting to order at 6:08 p.m.

ROLL CALL

Present: 5 - Commissioner Robert L. McKinzie, Commissioner Romney Rogers, Vice Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis 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 Jeff Brull

No e-comments were submitted for this meeting.

ANNOUNCEMENTS

Mayor Seiler announced the following Agenda updates:

Items Removed from Agenda:

CR-4 - Resolution Declaring Notice of Intent to Lease the Property at NE 10TH Street (Dania Farms) Dania Beach, Florida to Broward Maritime Institute, Inc.

Revisions to Agenda items:

CM-3 - Revised Page 2 of the Memo

CR-2 - Revised Page 11 of the Memo

M-4 - Revised Page 5 Section 7

Approval of MINUTES and Agenda

18-0151

Minutes for January 3, 2018 Commission Conference Meeting, January 3, 2018 Commission Regular Meeting and January 23, 2018 Commission Special Meeting

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

APPROVED

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

RESOLUTIONS

R-2 18-0038

Quasi-Judicial - Villa Medici Association, Inc. - Resolution Denying an Amendment to a Site Plan Level II Development Permit -1033 NE 17th Way - Case No. A17011

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.

As discussed earlier today in the Commission Conference Meeting, Commissioner Trantalis confirmed discussions with the representative of Villa Medici and his agreement to defer item. Mayor Seiler confirmed communications with the President of Lake Ridge Homeowner's Association to also defer this item.

Commissioner Trantalis made a motion to defer this item until Tuesday, March 20, 2018 and was seconded by Commissioner McKinzie.

DEFERRED to March 20, 2018

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

ORDINANCE FIRST READING

OFR-1 <u>18-0157</u>

Ordinance Amending Unified Land Development Regulations (ULDR) for Sign Requirements to Address Content Neutrality - Case T17006 - Request Deferment to February 20, 2018.

Commissioner Trantalis made a motion to defer this item until Tuesday, February 20, 2018 and was seconded by Vice Mayor Roberts.

DEFERRED to February 20, 2018

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

PRESENTATIONS

PRES- <u>18-0171</u>

Proclamation declaring February 8, 2018 as TravelHost Greater Fort Lauderdale 50th Anniversary Day in the City of Fort Lauderdale

Commissioner Trantalis presented the Proclamation declaring February 8, 2018 TravelHost Greater Fort Lauderdale 50th Anniversary Day in the City of Fort Lauderdale, reading it in its entirety. The Proclamation was accepted by Ina Lee, President of TravelHost Media Group. Ms. Lee acknowledged the presence of Bill Schroeder, owner of the TravelHost brand in Dallas, Texas. Ms. Lee thanked the travel industry community, Commission and Mayor Seiler for the Proclamation.

PRESENTED

PRES- <u>18-0172</u>

Proclamation declaring February 8-11, 2018 as Fort Lauderdale Greek Festival Days in the City of Fort Lauderdale

Commissioner Trantalis presented the Proclamation declaring February 8-11, 2018 as Fort Lauderdale Greek Festival Days in the City of Fort Lauderdale, reading the Proclamation in its entirety. Father James Katinas of Saint Demetrius Greek Orthodox Church accepted the Proclamation. He thanked Mayor Seiler and the Commission for the Proclamation and their ongoing support of Saint Demetrius Greek Orthodox Church's Greek Festival now in its 39th year.

PRESENTED

CONSENT AGENDA PUBLIC COMMENT

Mayor Seiler announced the upcoming Sistrunk Festival which will include a 5k run and a parade followed by a festival during the last weekend in February, 2018. He also noted the upcoming Walk for the Animals and March for Cancer events during the first weekend in March, 2018.

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 McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler

CM-1 18-0095 Motion to Approve Event Agreements: 35th Annual German Classic Car Show N Shine, Walk in My Shoes, Donovan Marine Inc. Open House, and Sunday Artesian Market

APPROVED

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

CM-2 18-0096 Motion to Approve Event Agreements and Related Road Closings: Sistrunk Festival & Parade, Walk for the Animals and March for Cancer

APPROVED

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

CM-3 18-0078 Motion Approving the Acceptance of a Donation from the Hartford Junior Fire Marshal Program - \$10,000

APPROVED

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

CM-4 18-0105 Motion to Approve a Memorandum of Understanding with Swim Fort Lauderdale Masters Booster Club, Inc.

APPROVED

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

CM-5 18-0124 Motion to Approve a Three Year Agreement with Heal the Planet Together, Inc.

APPROVED

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

CONSENT RESOLUTION

CR-1	<u>18-0025</u>	Resolution Approving and Authorizing the City Manager to Execute FY 2018 Grant Participation Agreement with Early Learning Coalition of Broward County, Inc \$41,249 ADOPTED
		Aye: 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
CR-2	<u>18-0089</u>	Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2018 - Appropriation
		ADOPTED
		Aye: 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
CR-3	<u>18-0147</u>	Resolution Amending Resolution No. 17-261 to Announce the Revised Date for Scheduled Lease Approval for the Vacant Parcels at the Fort Lauderdale Executive Airport with Premier Parks, LLC
		ADOPTED
		Aye: 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
CR-4	<u>18-0150</u>	Resolution Declaring Notice of Intent to Lease the Property at NE 10TH Street (Dania Farms) Dania Beach, Florida to Broward Maritime Institute, Inc.
		REMOVED FROM AGENDA
CR-5	<u>18-0158</u>	Resolution Approving a Lease Agreement with the Performing Arts Center Authority for Parker Playhouse
		ADOPTED
		Aye: 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler
CR-6	<u>18-0065</u>	Resolution to Join the Seawall Coalition
		ADOPTED
		Aye: 5 - Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts,

Commissioner Trantalis and Mayor Seiler

CR-7 18-0062 Resolution Authorizing the Acceptance of Additional Grant Funds and Execution of a Supplemental Joint Participation Agreement with Florida Department of Transportation for Taxiway Intersection Improvements

ADOPTED

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

PURCHASING AGENDA

PUR-1 18-0044 Motion to Approve Contract for the NE 1st Street Bridge Restoration Project - Seacoast, Inc. - \$293,963

APPROVED

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

PUR-2 18-0046 Motion to Approve Correction of Award Amount to Contract for Vehicle Graphics, Installation and Removal - Graphic Designs International, Inc. - \$399,972

APPROVED

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

PUR-3 18-0059 Motion to Approve Amendment No. 1 to Task Order No. 4 for Taxiways Echo and Quebec Asphalt Resurfacing - DP Development of the Treasure Coast LLC - \$22,934.50

APPROVED

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

PUR-4 18-0060 Motion to Approve Contract for Purchase of Flexible Couplings, Cast Iron and Brass Threaded Fittings - Lehman Pipe and Plumbing Supply Inc. - \$145,054 (estimated two-year total)

APPROVED

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

PUR-5 18-0106 Motion to Approve Change Order No. 3 for Fiveash Water Treatment Plant Hydrotreators 3 and 4 Influent Pipe Modifications Project - RF Environmental Services, Inc. - \$41,290

APPROVED

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

PUR-6 <u>18-0108</u>

Motion to Approve Contract for Purchase of Water Meter Reading and Related Services - Bermex, Inc. - \$1,097,088 (two-year total)

APPROVED

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

MOTIONS

M-1 18-0088

Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with AIDS Healthcare Foundation, Inc. for a 5k and Music Event on Fort Lauderdale Beach

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

APPROVED

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

M-2 18-0103

Motion to Approve an Event Agreement with LV Event Designs, Inc. for Cats and Cocktails

Commissioner Rogers commented on the portion of the site plan blocking the sidewalk. The site plan was shown on the screen.

A copy of the site plan is attached to these minutes.

Phil Thornburg, Director of Parks and Recreation, confirmed the Riverwalk will be open and the sidewalk along SE 5th Avenue needs to remain open. Earl Macy, LV Event Designs, Inc., confirmed the request for the event's music to last until 10:30 p.m. Mr. Thornburg said the event's music request was until 10:00 p.m. Commissioner Rogers commented about a nearby residential area. He said the caveat for approving the extended time until 10:00 p.m. for music would be that if there are any complaints, the music must be turned off. Brief discussions ensued on the type of music being played during dinner and afterwards.

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

APPROVED AS AMENDED

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

M-3 <u>18-0117</u>

Motion to Approve an Event Agreement with Multirace, LLC for the Las Olas International Triathlon

Mayor Seiler recognized the event's representative Aleck Dagrosa, CEO and Manager of Multirace, LLC. Mr. Dagrosa discussed the reason for requesting an extension of the event's duration. Mayor Seiler commented on the need to clear the roadways by 10:00 a.m. Mr. Anderson concurred.

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

APPROVED

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

M-4 18-0155

Motion to Approve the Amended and Restated Interlocal Agreement with Broward County and the Downtown Development Authority of Fort Lauderdale for Allocation of Funding Responsibility for the Local Share of Capital Cost Overruns for the Wave Streetcar Project

Mayor Seiler announced the parameters for those wishing to speak on this item.

In response to Mayor Seiler's request, Jenni Morejon, Executive Director of the Downtown Development Authority announced those presenting on The Wave Streetcar Project (Project). They included Greg Stuart, Executive Director of the Metropolitan Planning Organization (MPO), Chris Walton of Broward County, Robert Bostian, P.E. of FDOT, and Ben Balaban and Brian Hawkins of Seimens.

Mayor Seiler recognized Gregory Stuart, Executive Director of the Metropolitan Planning Organization (MPO). Mr. Stuart explained the purpose of the regional MPO organizations. He began the MPO's presentation, entitled "Improving Transportation - We Are Not Alone," a vision for Broward County's Multi-Modal, Regional Transportation System. The presentation illustrated how the Broward County Region fits into and connects with adjacent transportation regions.

Mayor Seiler recognized Chris Walton representing Broward County (County). Mr. Walton continued the presentation, illustrating the County's long-term vision of increased capacity/high-frequency transportation on the most heavily traveled routes in Broward County (slide 9). He

discussed Phase 2, the East/West Extension from the Broward Central Terminal West to US 441/State Road 7, and the SE 17th Street link from Wave to the Broward County Convention Center (Convention Center) (slide 11).

Mr. Walton said that funding for the links to Fort Lauderdale Hollywood International Airport (Airport) and Port Everglades (Seaport) would not come from The Wave's transportation dollars (slide 12). The airport and seaport are currently undergoing master planning. The southern extension of the Project will be pursued after evaluating the funding options of the Federal Infrastructure Plan and the Port/Airport Master Plan's recommendations to connect the Airport, Seaport and Convention Center.

In response to Commissioner Trantalis' question, Mr. Walton confirmed the likelihood of funding the Airport and Seaport links through the Federal Aviation Administration (FAA). Mr. Walton said the timeline for these links would be available upon completion of the Airport and Seaport's Master Planning process. He continued his portion of the presentation, reviewing the longer-range plans (slides 13-15).

Mayor Seiler recognized the Robert Bostian, P.E., Project Manager with FDOT. Mr. Bostian gave an update on the current status of the Project, stating it is in the design-procurement re-bid process. He reviewed recent efforts to address scope modifications due to significantly higher than expected initial bid prices (slide 17). Mr. Bostian commented on aspects of the Project allowing for its future expansion phases. He reviewed the Project's specifications, contractor incentives and disincentives to reduce costs.

Mr. Bostian reviewed capital costs needed for startup operations, confirming these have been passed through to Broward County, which will use its fleet pricing to purchase at a significant savings. He discussed technical communications pricing which has been clarified for contractors to reduce risk costs. The Project was re-advertised as a design-build construction project with the best value approach in December 2017. Letters of Interest were received on December 18, 2017. On January 11, 2018, two firms were selected to move forward to the next phase. The release of the Request for Proposals (RFP) is scheduled for February 7, 2018. Mr. Bostian reviewed the Project's expected procurement schedule (slide 18 and 19) and its federal grant funding.

Mayor Seiler recognized Brian Hawkins of Siemens. Mr. Hawkins gave a brief overview of streetcar equipment utilized in Charlotte, North Carolina

(slide 20) which can run as a light rail or a streetcar. It fulfills all requirements for federal, state, and local funding. It is the most up-to-date, state-of-the-art equipment currently available.

A copy of the presentation is attached to these minutes.

Mayor Seiler recognized Ben Balaban of Siemens. Mr. Balaban explained the streetcar vehicle's (vehicle) Onsite Energy Storage System (OESS). He addressed the concern that this battery technology could be time limited, stating it is not tightly integrated into the vehicle frame and is easily replaceable as battery technology evolves. In response to Mayor Seiler's question, Mr. Balaban confirmed that the modification for future battery technology is straightforward and does not require major modifications to the vehicle.

In response to Commissioner Trantalis' question, Mr. Balaban discussed Buy American requirements, confirming the vehicles are assembled in Sacramento, California. Siemens is not constrained regarding the type of energy cells and that the budget and application are the criteria for selection. Commissioner Trantalis commented on other countries use of an energy system that does not require overhead wires. Mr. Balaban stated that there is no light rail or streetcar system currently running in North America that can run without an overhead wire system.

In response to Commissioner Rogers' question, Mr. Balaban discussed the minimal cost of replacing the battery technology. Further discussions ensued on this topic. Mr. Balaban discussed international technology referred to as super-capacity technology. He discussed the differences in power technology (low energy density) and the trade-offs involved, i.e., the vehicle's optimal transport for weight and passenger capacity, cost-effective technology, and research and development concerns.

In response to Mayor Seiler's question, Mr. Balaban confirmed that due to a change in the procurement process from the 2014 San Diego light rail project, the battery currently being used for their Charlotte, North Carolina project is the same as the one being used for this Project.

In response to Commissioner Trantalis' question about the ability for the Project to run a specific distance on one charge, Mr. Balaban discussed energy density factors, such as weight that determines the ability to run off-wire. He confirmed Charlotte's streetcar system could run approximately one-half mile off-wire. Further discussion ensued on this topic, including the future possibility of eliminating the overhead wire system on the majority of the route.

In response to Commissioner Trantalis' question, Mr. Hawkins confirmed the price of the vehicles ranges from \$4,000,000 - \$5,000,000. Mr. Hawkins confirmed the vehicle is scalable for future retrofits. He also commented on its size, safety, and ability going into the future.

Mayor Seiler recognized Chris Walton who gave a frame of reference regarding battery life. He expounded on the County's use of hybrid buses, stating those battery packs last about ten years with an approximate replacement cost of ten percent.

In response to Commissioner Trantalis' concerns about waiting for improved technology to address overhead wires, Mr. Hawkins reiterated that the technology offered is the most up-to-date currently available. He suggested that the vendor involved in installing the overhead wires may be better equipped to address concerns about wind thresholds.

Mayor Seiler recognized Jenni Morejon. Ms. Morejon gave a brief historic overview of efforts by all stakeholders to invest in, improve, and move the Project forward. She commented on the numerous reasons for the DDA's support of the Project. In response to Commissioner Trantalis' question about the DDA's agreement and ability to participate in future cost increases, Ms. Morejon reviewed the revenue from the assessment district that provides funding to the State Infrastructure Bank (SIB) loan for a portion of the project. The DDA's Board approved the Amended and Restated Interlocal Agreement (Amended ILA) on Friday, February 2, 2018, indicating that the DDA can sufficiently meet their financial obligations.

Mr. Hawkins discussed aspects of the overhead wires, confirming they are designed to withstand a Category 5 Hurricane. He noted the need to address falling trees that could bring down overhead wires. Further discussions ensued on this topic.

Mayor Seiler recognized Doug Egan, Vice Chairman of Stiles Corporation. Mr. Egan spoke in support of this item, commenting on Stiles' development along the light rail line in Charlotte, North Carolina. He said this type of light rail system is the future of transportation in cities.

Mayor Seiler recognized John Cagney, 520 SE 5th Street. Mr. Cagney spoke about his initial opposition to this item, commenting that the presentation made some interesting points. He noted his current position has moved to the middle, noting the need to have additional questions answered.

Mayor Seiler recognized Dan Lindblade, President and CEO of the

Greater Fort Lauderdale Chamber of Commerce (Chamber). Mr. Lindblade commented on his efforts in support of this Project, stating it is the direction the City needs to go and is in the best interest of the community. He confirmed the pledge of the Chamber to continue to move forward in order to make Fort Lauderdale *the place you never want to leave*, encouraging the Commission to vote in favor of the Project.

Mayor Seiler recognized Liz Waranjo, 401 SW 4th Avenue. Ms. Waranjo commented on the need for the incoming Commission to decide this item. She also noted the costs involved, should the incoming Commission decide not to move forward with the plans for the Project.

Mayor Seiler recognized Keith Koenig, Vice Chair of Broward Workshop. Mr. Koenig commented on both the Broward Workshop and the business community's support of the Project. He also discussed the need for mass transit in Broward County.

Mayor Seiler recognized Anne Wiley, 1600 SW 5th Street. Ms. Wiley spoke in opposition to this item, commenting on her previous experience with street trollies in Seattle, Washington. She also discussed the return of federal funding for high-speed train service at the State level.

Mayor Seiler recognized Nate Ernest-Jones, 1133 NE 3rd Avenue. Mr. Ernest-Jones spoke in support of the Project, noting his experience and educational background in land planning and credentials in urban planning. He confirmed that young professionals are supporting this Project.

Mayor Seiler recognized Nancy Kimble, 938 SW 17th Street. Ms. Kimble commented on her opposition to the Project, stating that there is no evidence it would improve traffic in the downtown area. She also discussed climate conditions which would discourage use versus driving in an air-conditioned vehicle.

Mayor Seiler recognized Commissioner-Elect Heather Moraitis, 1487 NE 60th Street. Commissioner-Elect Moraitis commented on her research about the pros and cons of the Project, along with discussions and vetting leading to her support. The Project is an investment in the revitalized downtown. She encouraged the Commission to support the Project in order to move it forward.

Mayor Seiler recognized, Lenny Steinbaum, 1437 New River Drive East. Mr. Steinbaum spoke in opposition to this item and encouraged tabling until the upcoming Commission takes office. He discussed its excessive cost, commenting that it is over budget. Mr. Steinbaum also commented

on the need to wait until newer technology is available to avoid the additional upgrade costs.

Mayor Seiler recognized, Dana Pollitt, 801 NE 18th Court. Mr. Pollitt said the Project is for future generations and is the future of Broward County's transportation system. He commented on the stakeholders in support of the Project. Mr. Pollitt encouraged the Commission to vote in support of this item.

Mayor Seiler recognized Abby Hand, 1201 River Reach Drive. Ms. Hand spoke in opposition, encouraging the Commission to vote against this item.

Mayor Seiler recognized Justin Caudill, GVIP 110 Tower Owner LLC. Mr. Caudill noted the many reasons to support the Project, including the increasing population growth. The Project will serve to reduce transportation challenges. He also discussed the importance of federal funding, encouraging the Commission to support this item.

Mayor Seiler recognized Christina Baraga, 2132 NW 32nd Avenue. Ms. Baraga commented on the high cost of the Project and the lack of community use of current public transportation.

Mayor Seiler recognized Ken Kalmis, 715 NE 4th Avenue. Mr. Kalmis encouraged the Commission to support the Project, noting the need for the region to have multi-modal transportation to be competitive.

Mayor Seiler recognized Miranda Lopez, 3031 NE 21st Street. Ms. Lopez spoke in opposition to this item, citing her previous experience with this type of multi-modal transportation in another area that was stopped due to its high maintenance and lack of use. She recommended the Commission vote against this item and work towards a better solution.

Mayor Seiler recognized Gonzalo Ballesteros, 12540 Vista Isles Drive. Mr. Ballesteros spoke in support of the Project. He commented on the importance of infrastructure for public transportation due to current concerns about traffic and parking. Moving forward with the Project will be a major turning point for the City.

Mayor Seiler recognized Joanne Richter, 1977 NE 15th Avenue. Ms. Richter discussed the increased cost of the Project and the importance of repairing the sewer system. She noted her support of the concept without overhead wires and tracks. Ms. Richter commented on the associated costs and the possibility of the Project making traffic more

congested.

Mayor Seiler recognized Dennis O'Shea, 805 SE 9th Street, member of the Downtown Development Authority. Mr. O'Shea noted his support of the Project. He commented on his previous experience with Miami-Dade County's implementation of its initial mass transit projects, requesting the Commission to be just as visionary.

Mayor Seiler recognized Susan Peterson, 920 SE 18th Street. Ms. Peterson confirmed her opposition, stating her concern about the City's responsibility for cost overruns and the County receiving all revenues. She also commented on concerns with handicapped access.

Mayor Seiler recognized David Coddington, Greater Fort Lauderdale Alliance. Mr. Coddington commented on the need for this Project to allow continued economic development. He discussed a similar situation in Austin, Texas, and their decision not to implement a similar project. Mass transportation is an essential factor in attracting the millennial workforce and companies.

Mayor Seiler recognized Kathleen Ginestra, 1201 River Reach Drive. Ms. Ginestra discussed her opposition to this item, commenting on the need for responsible funding for this Project. She urged the Commission to vote against this item.

Mayor Seiler recognized John Ropes, 1299 N. Rio Vista Boulevard. Mr. Ropes noted the City is one of the top 10 mid-sized cities for relocating a business. He urged the Commission to vote for this item to keep things moving forward, noting this Project is 14 years in the making.

Mayor Seiler recognized John Roth, 333 Sunset Drive. Mr. Roth spoke in opposition to this item, commenting on the unreliability of the drawbridge and its potential negative impact on both the Project and the Marine Industry. Due to cost reductions, special components and specifications to address these concerns were removed. Mr. Roth suggested a high bridge or a tunnel to replace the current drawbridge.

Mayor Seiler recognized Randall Vitale, 779 NE 4th Avenue. Mr. Vitale commented on initial public input about the proposed New York Subway System and its subsequent success. He discussed his work with the City's 2035 Vision Plan (Plan) and the need to move people quickly and easily. He confirmed that the Project is part of this Plan, acknowledging that change is hard.

Mayor Seiler recognized Jason Basley, 1305 SW 8th Avenue. Mr. Basely

spoke in opposition to the Project. He recommended an alternative solution with a flexible fleet system using small electric cars. Mr. Basely expounded on this alternative.

Mayor Seiler recognized Laurie Menekou, 1733 NE 3rd Avenue. Ms. Menekou expounded on her involvement in the City as a young professional. She discussed her support for the growth of a connected transportation system for the City, County and region. Ms. Menekou confirmed her support for the Project, urging the Commission to vote in support of this item.

Mayor Seiler recognized Dr. Warren Sturman, 520 SE 5th Avenue. Mr. Sturman confirmed a consensus in opposition to the Project in this District. The top three concerns include the high price, the City's disproportionate responsibility for cost overruns, and the detrimental effect of fixed rails on traffic. He urged the Commission to consider the financial consequences of this item.

Mayor Seiler recognized Ian Dawson, 541 NW 1st Avenue. Mr. Dawson discussed his company's reasons for moving to the City, commenting on traffic and parking concerns. The Project will encourage businesses to come to the City. He urged the Commission to vote in support of this item.

Mayor Seiler recognized Dane Hancock, P.E., 516 Bontano Avenue, designated representative of the group entitled *Fort Lauderdale against The Wave*. Mr. Hancock reviewed issues relating to the drawbridge and geotechnical matters along Las Olas Boulevard, SW 2nd Street, and other areas along the track system. He urged the Commission not to approve this item.

Mayor Seiler recognized Tim Petrillo, 2400 NE 7th Place. Mr. Petrillo noted this Project is the first step in a long-term transportation solution. For those living and working in the City, this Project addresses safety and lifestyle concerns. He commented on the vetting involved in the project, encouraging the Commission to approve this item.

Mayor Seiler recognized Bobbi Ocean, 333 Las Olas Way. Ms. Ocean commented on the negative aspects of the Project, including its fixed rails and overhead wires. She discussed the impact of tropical weather on the Project, its high cost, and effect on boat traffic up and down the New River. Ms. Ocean urged the Commission to vote against this item.

Mayor Seiler recognized Charlie King, 105 N. Victoria Park Road. Mr. King spoke in support of this item, commenting on its benefit to the

downtown area. He also noted the future benefits of the Project's routing along the Sistrunk Corridor.

Mayor Seiler recognized Marc Dickerman, 1417 Himmarshee Street. He thanked the members of the Commission who are term-limited for work to reduce slum and blight and keep taxes low. Mr. Dickerman spoke in opposition, urging the Commission to vote against this item.

Mayor Seiler recognized Charlie Ladd, 1201 SE 7th Street. Mr. Ladd spoke in support of this item, commenting on the history of improving the downtown area. He noted that the development of downtown has served to keep taxes from rising. Mr. Ladd urged the Commission to support the Wave.

Mayor Seiler recognized Dr. Ben Sorensen, 701 SE 7th Street. Dr. Sorensen commented on the many attributes of the City. He noted the financial burden of needed infrastructure improvements and the City's responsibility for the Project's price overruns beginning in 2020. He commented on the Commission's responsibility to find solutions to public transportation issues.

Mayor Seiler recognized Anne Hilmer, 621 Idlewyld Drive. Ms. Hilmer discussed the reasons for previous light rail systems not succeeding, i.e., bus routes flexibility and reduced costs. She also commented on the high cost of current infrastructure needs.

Mayor Seiler recognized Carol Henderson, Director of BrightLine. Ms. Henderson expounded on BrightLine and its plans for the future. She noted the importance of the Project connecting BrightLine riders to their final destinations. Ms. Henderson confirmed BrightLine's support of the Project, encouraging the Commission to approve this item.

Mayor Seiler recognized Marc Launer, 333 Las Olas Way. Mr. Launer gave a brief overview of his background. He noted the many unanswered questions regarding the Project and the need for additional due diligence. Mr. Launer confirmed his opposition to the Project's inefficiency but not local mass transportation.

Mayor Seiler recognized Melanie DeJesus, Florida Atlantic University School of Architecture. Ms. DeJesus spoke in support of this item. She commented on her investigations of existing infrastructure in other American cities using a fast-paced transit system that reduces the need for parking and allows for greater walkability. She urged the Commission to support the Project.

Mayor Seiler recognized Carol Ann Bartholemey, 3000 Holiday Drive. Ms. Bartholemey commented on the initial timeline of the Project and the inadequacy of its technology. She commented that it will add to traffic congestion. She recommended the Commission vote against this item.

Mayor Seiler recognized Arthur Bartholomew, Mullet Street Capital. Mr. Bartholomew confirmed his support of the Project, discussing recent transit issues in Flagler Village that illustrates the need to move forward with the Project. He also discussed downtown development projects on the west side of downtown and its potential impact on traffic.

Mayor Seiler recognized former Commissioner Tim Smith.

Commissioner Smith spoke in opposition to the Project, giving a brief overview of his history in the City. He commended the Commission for the redevelopment of the downtown area and commented on concerns about the Project's overhead wiring and routing. Commissioner Smith noted changing these aspects could generate increased public support.

Mayor Seiler recognized Doug McCraw, 521 NW 1st Avenue and designated representative of Fat Village Art District. Mr. McCraw commented on the pros and cons of the Project, stating it is a critical long-term decision similar to other large area projects that were initially unpopular. He urged the Commission vote in support of this item.

Mayor Seiler recognized Steven Glassman, 2821 N. Ocean Boulevard. Mr. Glassman commented on the County's decision to move forward with the Project. He discussed the project's financial and liability concerns and neighborhood opposition. Mr. Glassman requested the City Attorney provide a legal analysis of the County's most recent Amended ILA document, requesting the incoming Commission to vote on this item.

Mayor Seiler recognized Elizabeth Bryant, 501 NE 5th Street. Ms. Bryant confirmed her support of the Project, noting the increased involvement of young professionals in the community. She urged the Commission to approve this item.

Mayor Seiler recognized Frank Schnidman, 1858 NE 34th Street. Mr. Schnidman urged the Commission not vote on this item tonight and allow a review by those who can make a thorough examination of the Project. He expounded on his work and experience with the Downtown Development Authority.

Mayor Seiler recognized Anthony Abbate, 1222 SE 1st Street. Mr. Abbate discussed his experience with the rapid rail transit in Washington, DC and his discussions with residents in support of the

Project. He commented on the growth of the downtown area and the need for similar transportation. Mr. Abbate urged the Commission to vote in support of the Project.

Mayor Seiler recognized Janet Scraper, 401 SW 4th Avenue, designated representative of Tarpon River. Ms. Scraper said residents were not against a mass transit system. She confirmed the Tiger Grant expires September 30, 2018 and commented on timelines involved should the Project move forward. Ms. Scraper requested a legal opinion on the County's most recent Amended ILA and its financial ramifications. She also commented on other aspects of the project.

Mayor Seiler recognized Captain Brucie Cummings, 830 SW 9th Street. Captain Cummings urged the Commission to vote against this item due to the high expense. Alternatively, it should be deferred to the next Commission. She said that the business community and developers are the supporters, not the residents who will be responsible for the cost.

Mayor Seiler recognized Clark Stevens, 207 NE 14th Avenue. Mr. Stevens spoke in support of the Project, stating it is the time for the City to move forward. He encouraged the Commission to vote in support of this item.

Mayor Seiler recognized Marilyn Mammano, 1819 SE 17th Street, designated representative of Harbordale Civic Association. Ms. Mammano passed out documentation to the Commission. She noted her support of mass transit, commenting that the County's new agreement is substantive, stating that the City and the Downtown Development Authority will be responsible for 100% of cost overruns after fiscal year 2020. Ms. Mammano commented on her submission of an alternative autonomous bus system operating in other U.S. and Canadian cities. She urged the Commission to vote against this item.

A copy of this documentation is attached to these minutes.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th Avenue. Mr. Rosenthal commented on his support of this item, noting this is the initial step in the City's future transportation system. He commented on the history of the City and evolving technology. Mr. Rosenthal urged the Commission to support this item.

Mayor Seiler recognized Mary Fertig, 511 Poinciana Drive. Ms. Fertig spoke in opposition to this item. She noted the issue before the Commission is to review and make a decision on the County's new ILA. Ms. Fertig commented on issues raised at the December 23, 2017

County Commission Meeting. She also commented on documentation she submitted to the Commission. Ms. Fertig requested the Commission to review the County's most recent ILA. Mayor Seiler reviewed the documentation submitted by Ms. Fertig.

A copy of this documentation is attached to these minutes.

Mayor Seiler recognized Alan Hooper, 2718 NE 37th Drive and Chairman of the Downtown Development Authority (DDA). Mr. Hooper discussed his support of this item and the history of DDA's efforts in support of the Project, urging the Commission to approve this item.

Mayor Seiler recognized Stan Eichelbaum, 411 N. New River Drive East. Mr. Eichelbaum discussed those challenging the Project who believe a better, more competent solution is achievable in serving the community's needs. He urged the Commission to vote against this item, commenting on possible future actions of the new Commission on this issue.

Mayor Seiler recognized Dale Reed, Senior V.P. Merrimac Ventures. Mr. Reed noted the Project is the first step in a much larger vision for the region's transportation solutions, commenting on the driving forces that will continue to expand the system. He discussed the need to attract millennials to accomplish desired growth. Mr. Reed encouraged the Commission to vote in favor of this item.

Mayor Seiler recognized Caldwell Cooper, 515 NE 13th Street. Mr. Cooper commented on the traffic congestion along Las Olas Boulevard. He made recommendations for light rail connecting Tri-Rail and BrightLine to downtown that will move people in and out of the City. Mr. Cooper commented that this should be done concurrently with undergrounding electrical lines and new water and sewer infrastructure along Broward Boulevard.

Mayor Seiler recognized Austin Scott, 2070 NE 54th Court. Mr. Scott spoke in support of this item, citing previous opposition to development, including the Kinney Tunnel. He commented on the lengthy discussions involved in this project. Mr. Scott said the future of downtown will be determined by the ability to get around.

Mayor Seiler recognized Alex Ernest-Jones, 2100 S. Ocean Drive. Mr. Jones confirmed his support of the Project.

Mayor Seiler recognized Nicholas Sakhnovsky, 455 SW 5th Avenue. Mr. Sakhnovsky discussed his opposition to this item, commenting on several issues, including FEC Railway position on the Project crossing their tracks, which would prevent it from going to Fort Lauderdale International Airport and down Sistrunk Boulevard. He commented that the routes should be elevated to serve workforce housing down Sistrunk Boulevard. He commented on his review of the Amended ILA and the cost to the City for not moving forward at a later date. Mr. Sakhnovsky urged the Commission to vote against this item.

Mayor Seiler recognized Dev Motwani, 1630 NE 5th Street, President of Merrimack Ventures. Mr. Motwani spoke in support of the Project. He confirmed the need for the Project and its long-term vision for a regional transportation plan. Mr. Motwani urged the Commission to move forward and support the Project.

Mayor Seiler recognized Art Seitz, 1905 N. Atlantic Boulevard. Mr. Seitz commented on communications to members of the Commission and past actions. He discussed his position regarding the Project and its need to be iconic.

Mayor Seiler recognized Charles Douglas Coolman, designated representative of The Broward Workshop. Mr. Coolman commented on the need for fiscal responsibility and the legacy of the Commission. This Project is one component of a larger regional system that needs to move forward. Mr. Coolman further discussed the numerous reasons to support the Project.

Mayor Seiler recognized John Milledge, Esq., representing the Downtown Development Authority. Mr. Milledge addressed concerns relating to the three Interlocal Agreements generated to date. Other than the maintenance facility, the cost overruns remain the same. The City's responsibility remains 25 percent for cost overruns. The State picks up 50 percent of all cost overruns. Mr. Milledge said the City's position has improved, expounding on this point and stating that the City has much more control.

In response to Commissioner Trantalis' question regarding the ILAs, Mr. Milledge confirmed that the City could backout up-front, but not in the middle of the process. Any cost overruns after the year 2020 must be shared fifty/fifty between the City and the DDA. Mr. Milledge expounded on the DDA's cost-sharing responsibility and the City's responsibility for

twenty-five percent of the total cost overruns on the back-end of the project. Commissioner Rogers commented on the language in the ILA agreements. Mr. Milledge confirmed that the County has the responsibility for operations and maintenance (O&M).

Mayor Seiler recognized Angela J. Wallace, Deputy County Attorney, and designated representative of the Office of the Broward County Attorney. Ms. Wallace commented on the original partnership agreement involving the South Florida Regional Transportation Authority in which the City and the DDA were responsible for all capital costs. She expounded on subsequent work involving FDOT to have a more simplified process and arrangement for funding. City Manager Feldman requested that the representative of FDOT comment on the contract and the procurement process. Mayor Seiler said that the remaining public speakers would be heard, followed by FDOT personnel.

Mayor Seiler recognized Stefan Bird, 325 City View Drive. Mr. Bird commented that what makes a great City is its walkability and public transportation, citing cities with these attributes. He noted the need to continue to improve the bus system along the east and west corridors, increase bike lanes, and expand the Project to allow BrightLine passengers access beyond the downtown Riverwalk. Mr. Bird urged the Commission to vote in support of the Project.

Mayor Seiler recognized Isabel Hernandez, 1233 NE 3rd Avenue. Ms. Hernandez spoke in support of the Project, encouraging the Commission to envision what the City would look like in 30 years. She commented on the positive effect of the Project in the downtown area, encouraging the Commission to vote to approve this item.

Mayor Seiler recognized Dave Shalkop, 147 Arklow Avenue. Mr. Shalkop gave a brief historic overview and the background of his involvement in the community. He noted the future is asking for the Project, commenting on the need for support of the Project.

Mayor Seiler recognized Karen Boutros, Executive Director of The Broward Workshop. Ms. Boutros confirmed her support of the Project. As a progressive community with a large future vision, she commented on the need to move forward with the Project's federal funding.

Mayor Seiler recognized John Hooper. Mr. Hooper commented on his support of the Project. He discussed the need to begin this initial phase of the Project in order to eventually have service along Sistrunk Boulevard and other outlying areas including along US 441 and State Road 7.

Mayor Seiler recognized Lawrence Brokaw. Mr. Brokaw noted that in large part, he recently moved from Las Olas Boulevard to Flagler Village due to the Project. He confirmed his support of the Project.

Commissioner Rogers commented on the most recent Amended and Restated ILA, confirming the City is committed. He said that the project's construction contract is between FDOT and the County, the owner of the Project. He said that in his opinion, the Amended ILA allows the City to pay for more though not allowing input. Commissioner Rogers requested a discussion on this point. He also commented on other add-ons, including a larger maintenance facility to accommodate housing for 12 streetcars benefits the City because the Project needs to connect to the Convention Center and the Airport. He recommended modifying the Amended ILA to include a provision that should there be an expansion of scope, the City will have the right to object.

Ms. Wallace confirmed her understanding of Commissioner Rogers' recommendation, stating the City desires to have input on decisions regarding cost overruns. This is not currently provided for in the existing ILA or the Amended ILA. The Project's cost overruns are decided between the County and the State as part of the project agreement. Ms. Wallace expounded on what the County is presenting, confirming it also clarifies the DDA's contribution for overruns.

Commissioner Rogers expounded on his request for the City to be given notice and be allowed to participate in discussions involving cost overruns and change orders once the Project has begun. Ms. Wallace explained and expounded on the reasons for the construction contract being made between the County and the State. They wanted to deal directly with the County as the owner/operator of the system. Due to the County having responsibility for the operations and maintenance, the City and the DDA have responsibility for capital costs. She further expounded on the issue of cost overruns.

Mayor Seiler recognized Stacy Miller, FDOT Acting District Secretary for District 4. Ms. Miller discussed the City's opportunity to have input on the scope and change orders before construction. Once construction begins, responsibility lies solely with FDOT who will sit down and discuss large cost overruns with the Project's partners, confirming the State is responsible for 50 percent of cost overruns. Discussions ensued on a maximum budgetary specification in the bid process. Commissioner Rogers explained his concerns with cost overruns and the City's lack of input though responsible for the funding. He noted the need for the State to acknowledge and concur with the Amended ILA to protect the City.

Ms. Miller reiterated the State has never been a signatory with the ILA. The project agreement is with the County. Commissioner Rogers noted that the project agreement would not go forward without the Amended ILA.

City Manager Feldman gave an overview of how the project agreement came about which resulted in the Amended ILA between the City, the DDA, and the County. Discussions ensued on the change between the DDA and the County's portion and how the County's share would be paid. City Manager Feldman confirmed the City's share remains the same. The State is responsible for 50 percent of cost overruns. Together the DDA and the County are responsible for 25 percent of cost overruns and the City is responsible for 25 percent of cost overruns. Further discussions ensued on the timelines involved for the DDA and County sharing the 25 percent. Following the year 2020, the City and DDA are responsible for 50 percent cost overruns, 25 percent each.

Mr. Milledge confirmed that the County does not have a say in cost overruns. The State will make these decisions. Discussions ensued on cost overruns of more than 125 percent on the front end. Mayor Seiler discussed the State's change order system, stating it is different from the City's because they are design/build projects. Ms. Miller commented on cost overruns for these types of design/build projects. Discussions ensued on the differing language in the ILA's. Ms. Wallace explained the different aspects of the ILA's. The Amended ILA was intended to clarify and simplify the language, and it is restated in a different format. She confirmed the State would make decisions regarding change orders under the project agreement. Ms. Miller said when FDOT assumed responsibility for the Project, they also assumed the associated risk of cost overruns.

Commissioner McKinzie reviewed his perception of the process regarding the Project and discussed the importance of this first phase. Commissioner McKinzie asked City Manager Feldman about the financial risk to the City should it not decide to move forward with the Project. City Manager Feldman outlined the \$21,135,000 expended to date from four sources: the General Fund, the Northwest Progresso Flagler Heights (NWPFH), the Community Redevelopment Fund (CRA), and the Water and Sewer Fund. Should the Project not move forward, he confirmed that the amounts would be returned to the NWPFH CRA, the Water and Sewer Fund. He also commented on the responsible party regarding the federal Tiger Grant.

In response to Vice Mayor Roberts' question regarding the City being protected by the current Amended ILA, City Attorney Everett noted the

short timeline for reviewing the Amended ILA, stating that she would not recommend signing the current version of the Amended ILA. The current agreement in place binds the City for funding of the project. She said there have been no negotiations on the latest Amended ILA, stating it is a unilateral proposal.

Mayor Seiler noted that the Amended ILA gives the City an opportunity to get out of the Project should cost overruns exceed 125 percent. City Attorney Everett suggested the City have the same opportunity in the Amended ILA as the County in protecting its interests. In response to Commissioner Trantalis' question, City Attorney Everett commented on the City Attorney's Office short timeline for review of the Amended ILA.

Commissioner Rogers discussed the City's liability should the Commission not approve the Amended ILA. City Attorney Everett confirmed the County is attempting to shift some costs to the City. Currently, the only entities that can stop the Project are the County and the State by virtue of the project agreement and the loan agreement. The City does not have the authority to stop the Project. The defaulting party may be responsible for damages to the federal government, i.e., the Tiger Grant. She said that the City is not in the position of being a defaulting party. Further discussions and debate ensued on having the best agreement for the City and the possibility of the City being in default. City Attorney Everett confirmed the City has lived up to all of its obligations.

Commissioner Rogers commented on the financial impact of moving forward or not moving forward. City Attorney Everett reviewed specific concerns, including the County's attempt to shift costs to the City and the perception that the City, by not executing the latest Amended ILA will end the Project. Currently, under the existing agreements, the only entities that can stop the Project are the County and the State. The City does not have that authority and would not be a defaulting party. Further discussions ensued on accepting the 125 percent threshold in the Amended ILA and pursuing other levels of protection. City Attorney Everett reiterated that the City had no opportunity to negotiate its position in the Amended ILA. Discussions continued on the impending deadline. City Attorney Everett reiterated that the City has lived up to all of its obligations as of this date.

Commissioner Trantalis asked City Attorney Everett about sharing the Project's costs and the imposition of a greater portion to the City under the most recent Amended ILA. City Attorney Everett confirmed this is a concern. She also discussed concerns with other items in the most recent Amended ILA.

Commissioner Trantalis commented on the public perception of the Project's increased cost and the State's efforts to lower the price by reducing the scope and value engineering the Project. In response to his question about the City being responsible for these costs, City Attorney Everett said it is dependent on what those costs may be, saying that she requested a list of these items. City Manager Feldman confirmed he requested this information, but the document is not yet public record because it is part of the current solicitation process for the FDOT rebid. Mayor Seiler said Ms. Miller confirmed this to be accurate by nodding yes. City Attorney Everett expounded on other concerns regarding the City's legal position in the State Infrastructure Bank loan and the City's lack of control.

In response to Commissioner Rogers' question, City Attorney Everett commented on termination rights and the County's input on cost overruns. In response to Mayor Seiler's question, Mr. Milledge commented on the timeline, the City's financial position in the latest ILA, and the City's ability to stop the Project should cost overruns exceed 125 percent that the County supported. In response to Commissioner Rogers' question about the State needing to acknowledge the Amended ILA as being operative, Mr. Milledge replied "no". Mr. Milledge confirmed the County's agreement with the City. The City has the right to stop the Project should cost overruns exceed 125 percent. He also confirmed that the City makes no other concessions, noting that the language in the Amended ILA includes standard boilerplate language for the security interest in repayment. Discussions ensued on this issue. City Attorney Everett recommended staying with the current ILA until appropriate protections for the City can be added the Amended ILA, commenting on the additional responsibilities for the maintenance facility and the fare boxes. Further discussions ensued.

In response to Commissioner Trantalis' question, City Manager Feldman confirmed the \$21,135,000 referred to as "sunk" costs have had already been expended and were taken from the General Fund, the NWPFH CRA and the Water and Sewer Funds. City Manager Feldman explained where these funds were allocated. He confirmed costs have exceeded the \$21,135,000.

Commissioner Trantalis gave a brief historic overview of the Project. He also discussed the aspects of downtown, its walkability and the purpose of the Project. He commented on his concern about the City's financial exposure. Commissioner Trantalis stated his opposition to the Project due to other financial needs of the City, primarily infrastructure.

Commissioner Rogers commented on the Project's journey, giving his historical perspective regarding the downtown area, the Project's development, and regional growth. He confirmed the need for the ability to transport people with this type of transportation, acknowledging the inability to move forward with the Project should the costs exceed a specified amount. Commissioner Rogers commented on the Project's positive impact on District IV and the development of affordable housing. He confirmed his support of the Project.

Vice Mayor Roberts concurred with Commissioner Rogers's comments. He confirmed his concerns about cost increases and the City's infrastructure, as discussed by Commission Trantalis.

Mayor Seiler also concurred with Commissioner Rogers's comments. He reviewed his perspective of the Project from its inception. Mayor Seiler commented on public input, conversations about funding from all stakeholders, dollars spent to date and MPO support. Mayor Seiler said the concept needs to move forward. It is an investment in the City, the County, and the region. He confirmed his agreement with the protection provided by the Amended ILA confirming that the City has an exit opportunity should cost overruns exceed the 125 percent threshold. Mayor Seiler also acknowledged FDOT's ability to responsibly manage the Project.

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

APPROVED

Aye: 3 - Commissioner McKinzie, Commissioner Rogers and Mayor Seiler

Nay: 2 - Vice Mayor Roberts and Commissioner Trantalis

Mayor Seiler announced a short recess at 12:02 a.m.

Mayor Seiler reconvened the meeting at 12:08 a.m.

NEIGHBOR PRESENTATIONS

NP-1 18-0162

Jim Ingersoll - Supplemental Payment for Fort Lauderdale Police and Firefighter Retirees

Jim Ingersoll, President of the Fort Lauderdale Police and Firefighters Association, gave a Neighbor Presentation on the request for a supplemental payment to Fort Lauderdale Police and Firefighter Retirees. He elaborated on the reasoning for the requested supplemental payment and circumstances surrounding pension reductions, which amount to an 81 percent decrease in pension benefits for widows of elderly firefighters. He commented on the work and challenges faced by these retired firefighters and the low amount of pension benefits based on former salary levels. He requested the Commission to support the supplemental payment of \$966,000.

Mayor Seiler requested Mr. Ingersoll's email communication outlining this request to be made part of the record.

A copy of this email is attached to these minutes.

In response to Mayor Seiler's inquiry, Mr. Ingersoll confirmed that this issue is not part of union negotiations because the union is not permitted to negotiate for retirees. They are not part of the bargaining unit for police or firefighters. Further discussions ensued on the circumstances surrounding this supplemental funding request and sources of retiree income.

RECEIVED

NP-2 18-0163

Steve Coleman - Code Department - ordinance enforcement

Steve Coleman, gave a Neighbor Presentation about Code Enforcement's addressing a neighbor's loud pool equipment. He described circumstances at the residence involving the pool's operations. Mr. Coleman also discussed unpermitted renovations at the residence and its former operations as a vacation rental. Mr. Coleman noted Code Enforcement's visits to this property, their evaluation of the decibel levels and lack of cooperation by current owners. Discussions ensued on the time at which the decibel reading was recorded. Mr. Coleman confirmed there was only one decibel reading recorded and available from the City.

Mr. Coleman circulated a document to the Commission on this issue.

A copy of this document is attached to these minutes.

Mayor Seiler recognized Anthony Fajardo, Director of Sustainable Development. Mr. Fajardo reviewed recent efforts by Code Enforcement to address this matter. Mr. Coleman discussed decibel levels in violation of the Ordinance, actions of Code Enforcement Staff and other aspects of the Ordinance. Mayor Seiler requested Mr. Fajardo to contact Mr. Coleman by the end of the week.

In response to Commissioner Trantalis' question, Mr. Coleman confirmed this residence is no longer a vacation rental.

RECEIVED

NP-3 18-0164 Lisa Quinn - Banning/moving Holiday Park gun show

NOT PRESENT

NP-4 <u>18-0165</u> Charles King - Regime Change

Charles King, 105 N. Victoria Park Road, addressed the Commission about the upcoming election. He noted his support of former and current candidates. Mr. King gave his editorial viewpoint on issues facing the City and surrounding municipalities.

RECEIVED

RESOLUTIONS CONTINUED

R-1 <u>18-0140</u> 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.

Vice Mayor Roberts introduced this Resolution which was read by title only.

ADOPTED

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

PUBLIC HEARINGS

PH-1 <u>18-0090</u>

Quasi-Judicial Resolution Granting a Waiver of Limitations at 1325 East Lake Drive for the Installation of a Floating Dock and Access Ramp

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.

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

ADOPTED

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

PH-2 18-0109

Quasi-Judicial Resolution Granting a Waiver of Limitations at 77 S. Birch Road, Unit 6C for the Installation of a Four Post Boat Lift

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.

In response to Commissioner Rogers' question, Mr. David Marcinkevich stated he did not know he needed a variance.

Mayor Seiler recognized David Nutter, designated representative of B&M Marine. Mr. Nutter said there are two brothers with the last name

Marcinkevich, both of whom had put in applications for permits. This variance relates to Darlene and David Marcinkevich. Mr. Nutter stated that a miscommunication occurred as to which Marcinkevich permit application was approved. Following clarification, they initiated the application for a variance in conjunction with the permitting process.

In response to Commissioner Trantalis' question, Mr. Nutter confirmed Portofino's Homeowners Association has provided a letter of approval for this variance.

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 Trantalis introduced this Resolution which was read by title only.

ADOPTED

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

ORDINANCE SECOND READING

OSR-1 18-0146

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

Mayor Seiler recognized Count Rosenthal,1237 NW 4th Avenue. Mr. Rosenthal commented that there should be a better system to notify citizens about matters of this type.

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

ADOPTED ON SECOND READING

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

Nay: 1 - Commissioner McKinzie

OSR-2 18-0082

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, Florida

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

ADOPTED ON SECOND READING

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

ADJOURNMENT

Mayor Seiler adjourned the Commission Regular Meeting of Tuesday, February 6, 2018 at 12:46 a.m.

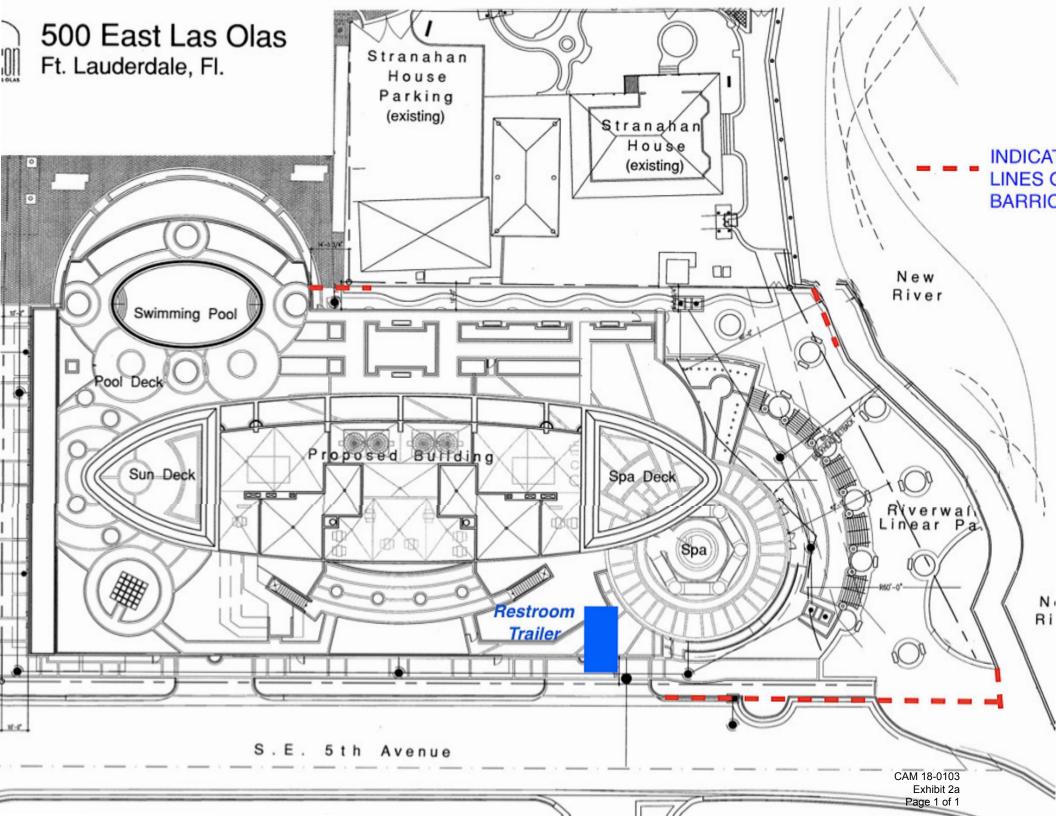
John P / Jack" Seiler

Mayor

ATTEST:

Jeffrey A. Modarelli

City Clerk





Improving Transportation: We Are Not Alone

February 6, 2018



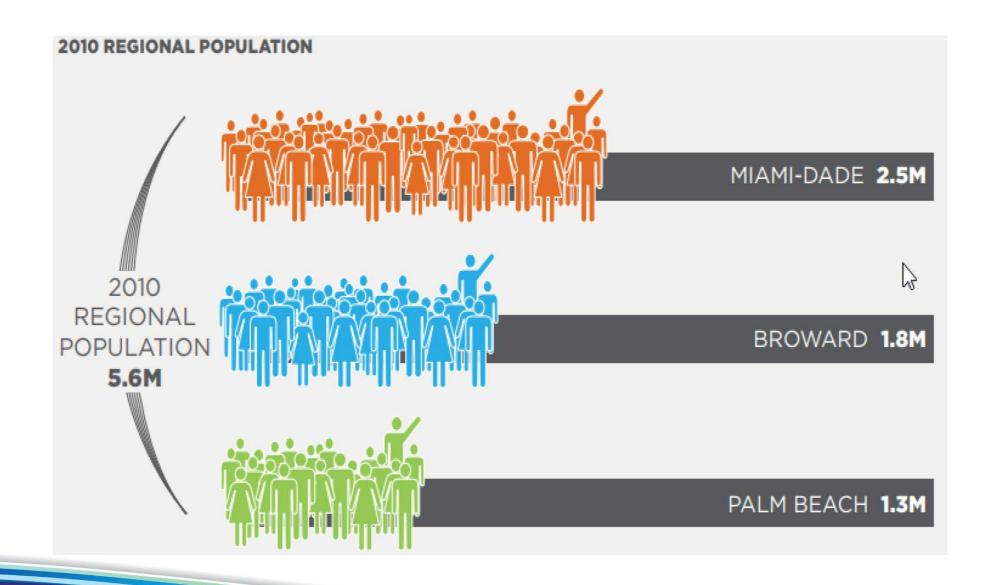
COORDINATED REGIONAL PLANNING AND DECISION-MAKING THAT RESULTS IN A SEAMLESS SYSTEM OF MULTIMODAL FACILITIES TO MEET THE TRAVEL NEEDS OF PEOPLE AND FREIGHT.



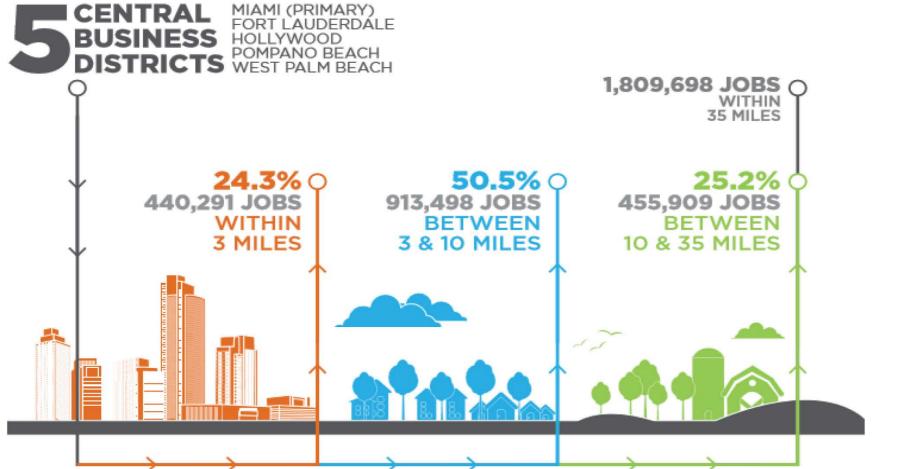
























DOWNTOWN MIAMI, (LEFT) 1960, (RIGHT) TODAY



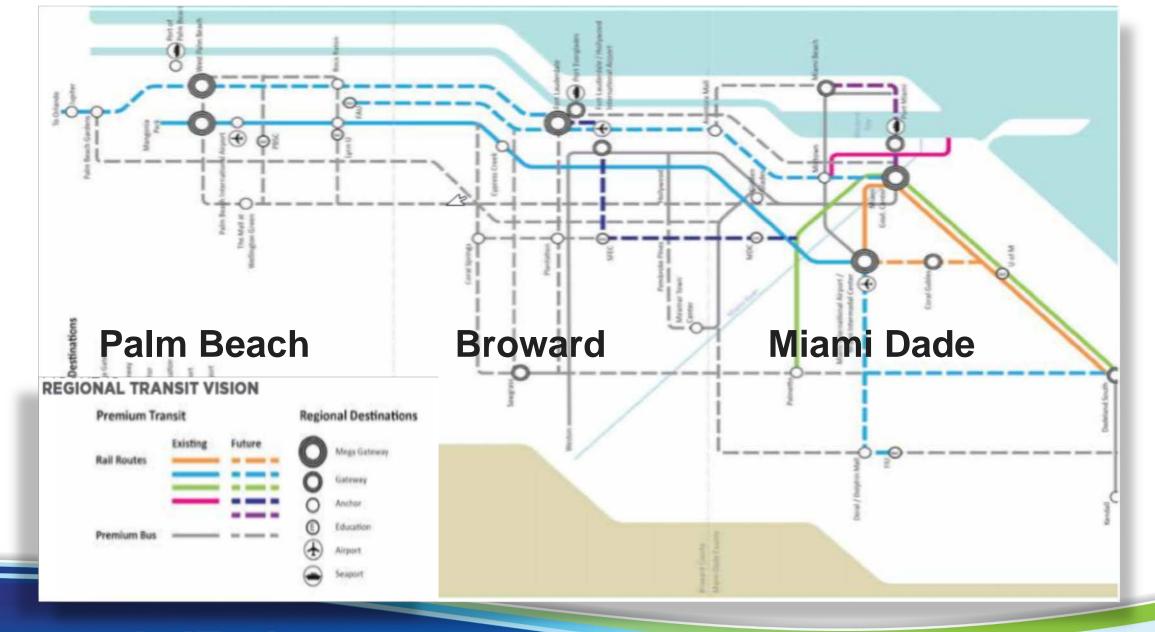
OAKLAND PARK BOULEVARD AND FEDERAL HIGHWAY (FORT LAUDERDALE)





TODAY









EXPRESS BUS PROJECTS



MIAMI-DADE METRORAIL EXPANSION





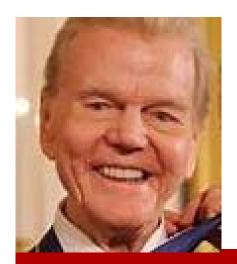












"NOW YOU KNOW THE REST OF THE STORY."

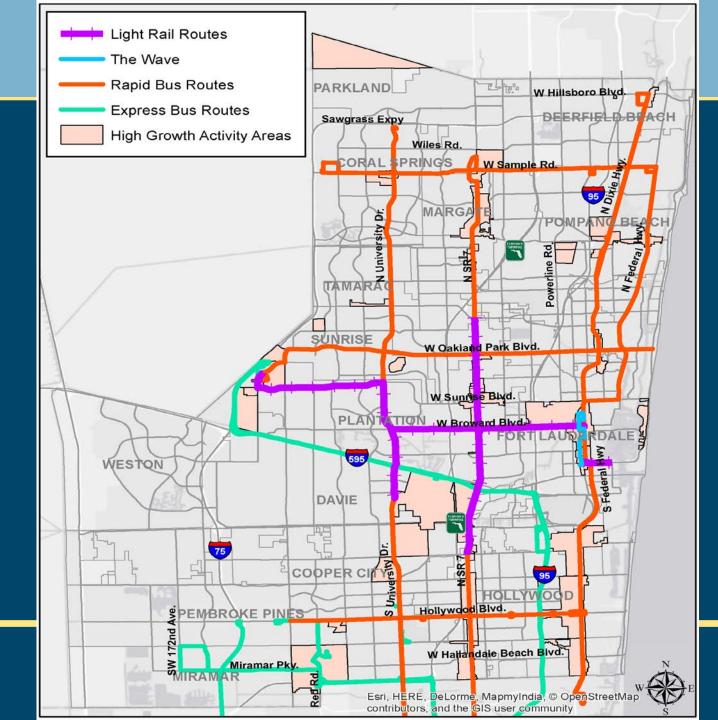


PAUL HARVEY

© Lifehack Quotes



A Vision for Broward County's Multi-Modal, Regional Transportation System





The Wave is planned to connect to Light Rail on High-Ridership Corridors

New Light Rail Transit (LRT) Lines (27.2 Miles):

Broward Blvd. & SE 17th St. East-West (5 miles)

• US 441/SR 7 Line (9.7 miles)

Broward Boulevard West Extension (9.7 miles)

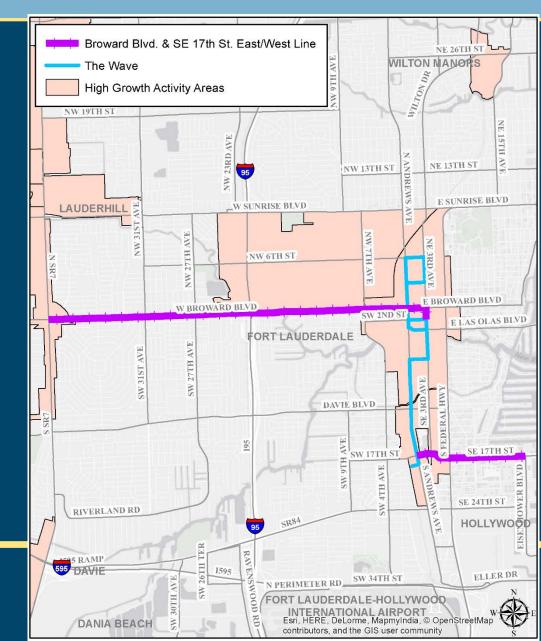
University Drive-NOVA Extension (2.8 miles)



Wave Phase 2: East-West Extension & Port/Convention Center

5 Miles of LRT on 2 Segments (2022-2025):

- SE 17th St. from WAVE to Broward County Convention Center (1.1 Miles)
- Broward Blvd. from Broward Central Terminal to US 441/SR 7 (3.9 Miles)





Port & Airport Connectivity

- The Plan has always been to connect the Port to the Airport using a light rail or peoplemover system
- Southern extension from the Wave's alignment will be pursued after evaluating funding options in federal Infrastructure Plan and Port/Airport Master Plan recommendations

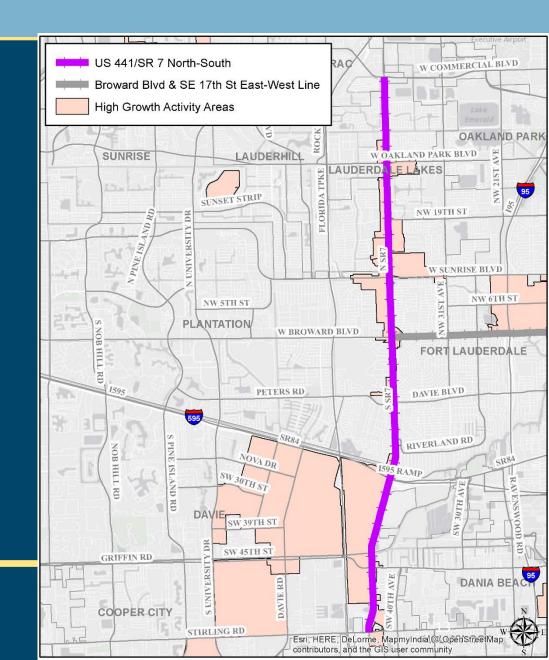




Longer-Range Rail Plans include:

North-South Line

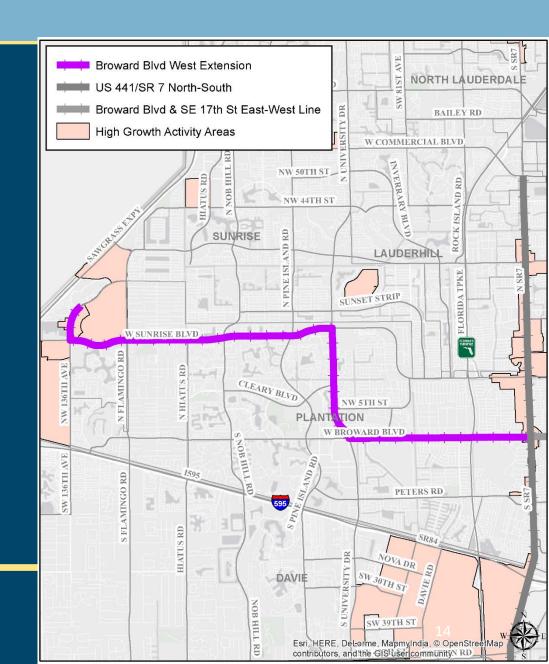
- 9.7 Miles of LRT on US 441/SR 7:
 - North from Broward Blvd. to Commercial Blvd.
 - South from Broward Blvd. to Stirling Rd.
- Connects to Regional Destinations:
 - Lauderhill Transit Center
 - Oakland Park Blvd. Corridor
 - Sunrise Blvd. Corridor
 - Plantation General Hospital
 - Seminole Hard Rock Hotel and Casino





Westward Extension

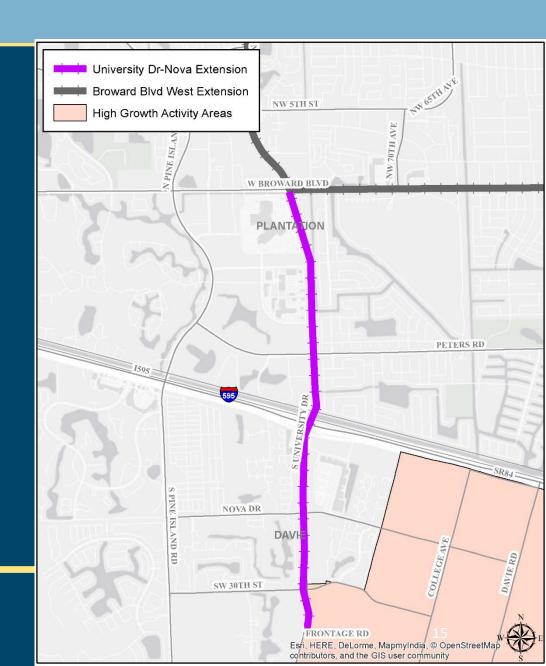
- 9.7 Miles of LRT from US 441/SR 7 to Sawgrass Mills Mall:
 - West along Broward Blvd., North on University Dr., West on Sunrise Blvd.
- Connects to Regional Destinations:
 - Westside Regional Medical Center
 - West Regional Courthouse
 - Magic Leap/Corporate Park
 - Sawgrass Mills Mall
 - BB&T Center
 - Sunrise Express Bus Park & Ride Lot





Educational Campus Extension

- 2.8 Miles of LRT on University Dr.:
 - South on University Dr. from Broward Blvd. to Nova Southeastern University.
- Connects to Regional Destinations:
 - Westfield Mall
 - Tower Shops (Shopping Center)
 - Nova Southeastern University
 - South Florida Education Center (SFEC)

























Scope Modifications



- Bridge
- Communications systems
- Reduce contractor risk
 - Disincentives
 - Construction methods
 - Maintenance of existing infrastructure
- Scalable Vehicle Maintenance Facility (VMF)

- Method of Purchase
 - Operational vehicles, tools, and equipment
- Clarify specifications and submittals
- Reduce unknowns
- Other

















Procurement Schedule



Activity	Dates
Advertisement (Draft RFP)	December 1, 2017
Phase I – Letters of Interest Due	December 18, 2017
Final RFP Provided	February 7, 2018
Phase II – Technical Proposals Due	March 30, 2018
Price Proposals Due	April 26, 2018
Final Selection	May 3, 2018
Notice to Proceed	May 28, 2018

















Project Schedule



Activity	Dates
Construction Begins	July 2018
Complete \$18M TIGER Grant	July 2018
Complete Vehicle Maintenance Facility	August 2020
Delivery of 1st Vehicle	September 2020
Construction Complete	April 2021
Testing and Commissioning Complete	June 2021
Begin Pre Revenue Service	July 2021
Revenue Service	September 2021









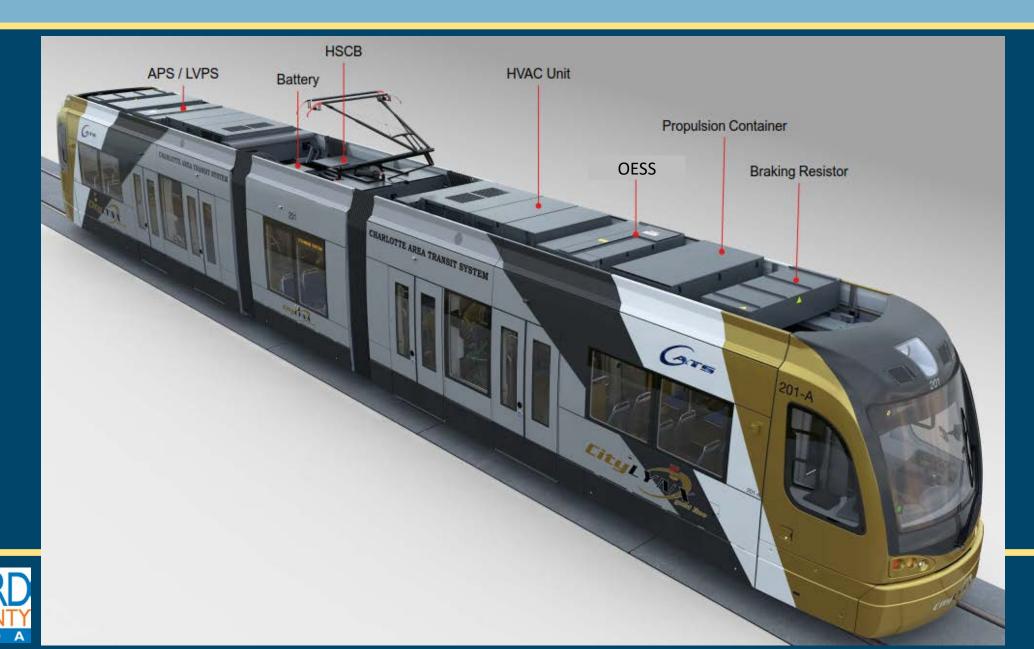








Roof Equipment Layout with OESS



On-Board Energy Storage System: Concept Trial Run

- Vehicle powered by OESS during offwire operation without contact to the overhead catenary
- Powered by lithium technology batteries
- Proof of concept trial run in July 2014 on a San Diego S70. Vehicle ran 15.3 miles on a single charge of batteries.







Downtown Master Plan

CHARACTER AREA GUIDELINES

design guideline

DOWNTOWN CORE

Use:

Mixed use "center" More commercial/civic

High density housing

Form:

Verticality and density characterized by slender towers with minimal step-backs among mixed lower buildings. A 'central-business-district' feeling is created by the 'forest-like' arrangement of vertical towers and a strong skyline image.

NEAR DOWNTOW

Use:

Institutional, retail, and office More housing variety

Form

Strong framing of the street defined by emphasis on 6-8 story building 'shoulders' with towers stepped back above.

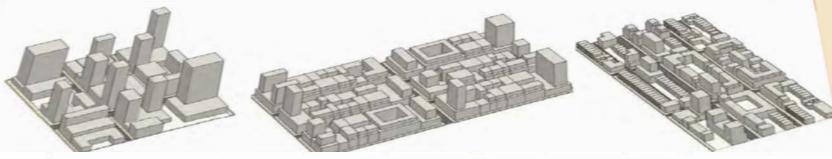
Use:

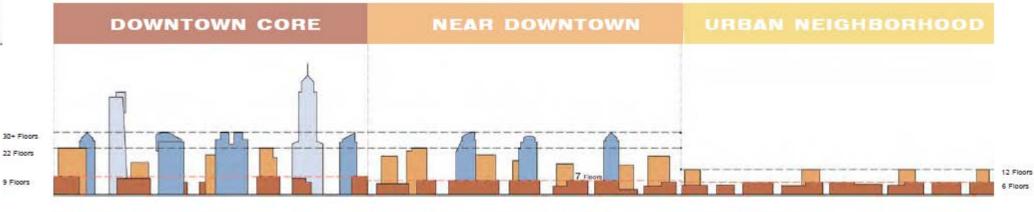
Primarily residential

Community retail & employment

orm:

A varied neighborhood scale including a mix of housing types such as townhouses and apartment buildings. Buildings step back above defined bases, and vertical elements emphasize primary streets. Character Areas do not replace existing RAC Zoning, Character Areas & Zoning are complementary, serving different purposes. Character Areas apply new and updated 'Urban Design' guidelines. RAC Zoning, height and density limits apply in all Character Areas.





Max. Height: no height limit

Max. Height: 30 floors (Preferred)

Max. Height: 6 floors (Preferred)

12 floors by "conditional

Downtown Master Plan

FRAMEWORK AN OVERVIEW The Master Plan urban design Framework for Downtown Fort Lauderdale is based on the concurrent examination SUNRISE BLVD of a number of themes. Findings from each of these are overfaid to reveal opportunities and relationships between various systems, projects, and policies in the Based on the planning principles and context, the Framework is broken down into six key themes: Las Olas & Riverwalk Corridor Heritage & Legacy Environment Open Space Framework Movement & Access Land Use & Building Types theme is described by an initial analysis, followed t of 'Goals'. The 'Goals' illustrate the key recom-

tions of the Master Plan, with more specific

suggested for each 'Goal'.

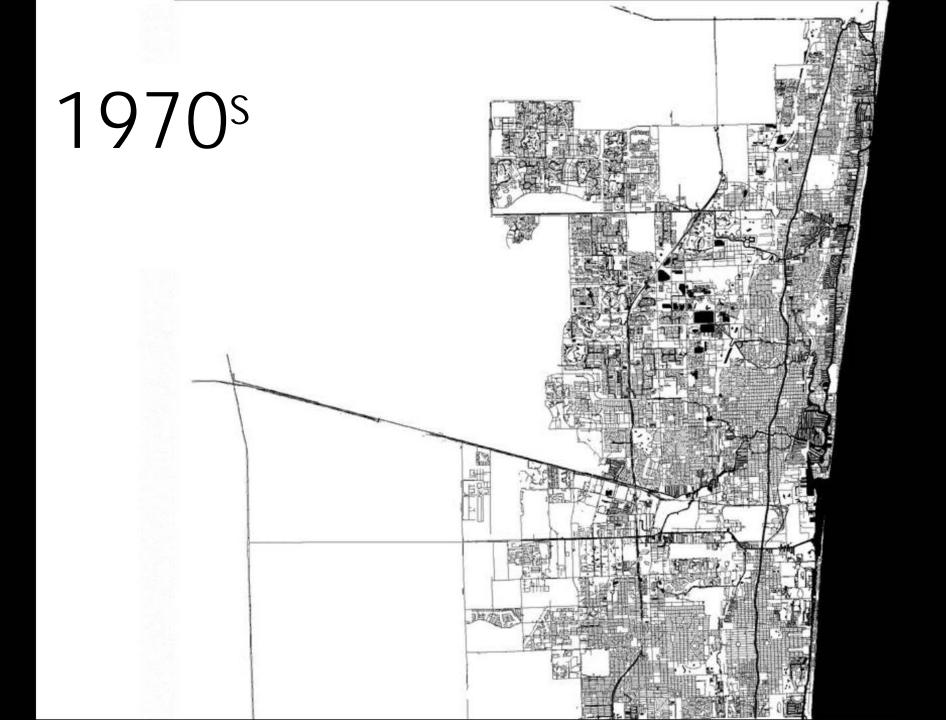
[Figure 3.1] Framework Plan diagram showing several proposed urban design themes overlaid.

Min. 1 new Pocket Park per dashed boundary

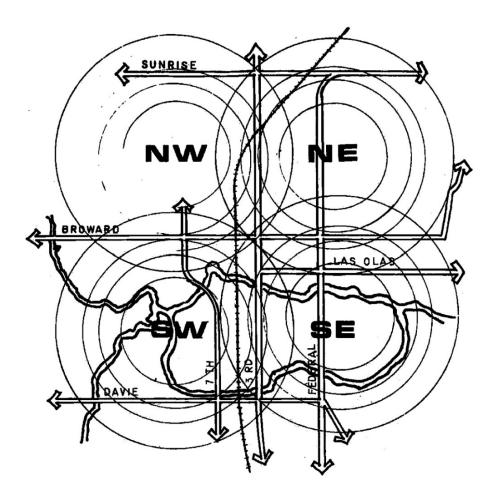


[Figure 3.70] A multi-modal transportation hub can be located at the intersection of two transit loops and the future FEC passenger rail station; Connections to the water bus system should also be accommodated.

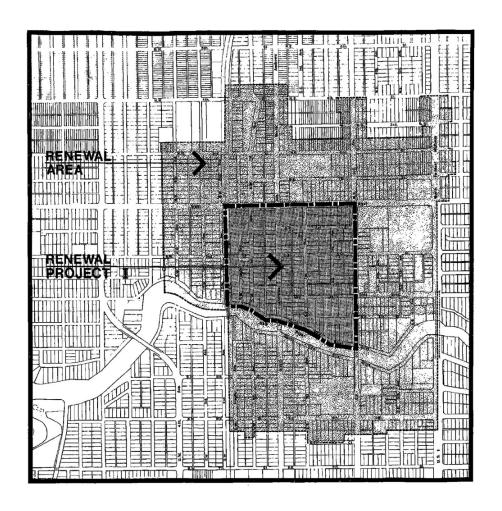




Building a Community Vision



1974 Charrette



1977 Redevelopment Plan

















Regular Meeting
m-4
2/6/2018
Provided by Marilyn
Mammano



Andrew J. Meyers County Attorney



Provided by Marilyn Mammand OFFICE OF THE COUNTY ATTORNEY

115 S. Andrews Avenue, Suite 423 Fort Lauderdale, Florida 33301

954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO:

Board of County Commissioners

FROM:

Andrew J. Meyers, County Attorney

DATE:

February 5, 2018

RE:

February 6, 2018, Agenda Item 46, Regarding Amended and Restated

Interlocal Agreement and Third Amendment to the Wave Project

Agreement

Agenda item 46 addresses two separate but interrelated documents:

- The proposed Third Amendment (the "Third Amendment") to the Wave Project Agreement between the County and the Florida Department of Transportation ("FDOT"), which, among other changes, proposes a modification to the scope of the Wave project and seeks to shift funding responsibility for certain elements including an optional enhanced vehicle maintenance facility; and
- 2. A proposed amendment to the interlocal agreement between the City of Fort Lauderdale (the "City"), the Downtown Development Authority of the City of Fort Lauderdale (the "DDA"), and the County. As with the initial interlocal agreement, approved in 2016 (the "Initial ILA"), the amended interlocal agreement would allocate funding responsibility for the local share of project cost overruns of the Wave project among the City, the County, and the DDA.

The Board initially considered the proposed Third Amendment on January 23. Before that meeting, this Office expressed concern that the scope and funding changes contained in the proposed Third Amendment could impact the City's and the DDA's funding obligations under the Initial ILA. Due to this concern, the Office prepared and distributed a proposed amendment to the Initial ILA (the "January 23 ILA Amendment").

During the Board's discussion on January 23, it became clear that the amended ILA also needed to address the County's expectation that, after County fiscal year 2020, the City and the DDA would be responsible for 100% of the local share of project cost overruns.

Board of County Commissioners February 5, 2018 Page 2

As noted during the January 23 Board meeting, the Initial ILA did not clearly reflect this expectation. The amended motion approved by the Board on January 23 directed this Office to include that additional change in the January 23 ILA Amendment and authorized this Office to make further nonsubstantive changes to the January 23 ILA Amendment.

After the January 23 meeting, we further analyzed the Initial ILA based on the discussion of how the local share of project cost overruns would be allocated. We determined that additional <u>substantive</u> changes were required. It is the inclusion of these substantive changes, in light of the Board's prior authorization to make only nonsubsantive changes, which necessitates Item 46 on the February 6 agenda. Because of the number of changes, we believed it beneficial to restate the ILA in its entirety rather than to amend it. The Restated ILA as now drafted presents a materially improved position for the County (when compared to either the Initial ILA or the proposed January 23 ILA Amendment), and includes the following additional terms (the substantive changes between the January 23 ILA Amendment and the Restated ILA are italicized):

- 1. Adopts the key terms and exhibits from the Wave Project Agreement (as amended) rather than using similar but different terminology;
- 2. Updates the calculation of contributions, to date, by the local partners:
- 3. Clarifies that the local share of project cost overruns after County fiscal year 2020 is solely the responsibility of the City and the DDA, and not shared by the County;
- 4. Clarifies that the cost of the enhanced vehicle maintenance facility, which might be realized in 2018, is allocated as follows: the DDA (25%), the City (50%), and the County (25%) (the Initial ILA did not address the enhanced vehicle maintenance facility or expressly include any funding obligation by the DDA in 2018); and
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The City requested an additional substantive change which is included in the Restated ILA. This change would extend to the City the same ability possessed by FDOT and the County to effectively terminate the Wave project if the lowest, acceptable new bid exceeds 125% of the cost estimate.

The agenda materials for Item 46 provided that the City, the DDA, and the County would continue to consider the form of Restated ILA attached to the agenda item as Exhibit 1, and that the Board would be notified of any changes thereto. The Restated ILA has not changed substantively since publication of the agenda item; the proposed changes are limited to Section 7 and are shown on Exhibit 1 attached hereto. An execution copy of the revised Restated ILA is attached hereto as Exhibit 2.

Board of County Commissioners February 5, 2018 Page 3

If Item 46 is not approved, this Office will recommend (in an abundance of caution) that the Board immediately commence a course of action to rescind its approval of Item 41 on the January 23 agenda.

Please contact me with any questions or concerns.

AJM/rdh Attachments

c: Bertha Henry, County Administrator
Bob Melton, County Auditor
Gretchen Cassini, Assistant County Administrator
Angela Wallace, Deputy County Attorney

Regular Meeting
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Provided by Marilyn
Mammano



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The state of the s

Andrew J. Meyers County Attorney



M-4
Provided by Mary Fertig

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c: Bertha Henry, County Administrator
Bob Melton, County Auditor
Gretchen Cassini, Assistant County Administrator
Angela Wallace, Deputy County Attorney

The proposed Amended and Restated Interlocal Agreement, is updated to include the following nonsubstantive modifications to Section 7:

7. Assent to Continuation of Project: If the Design-Build Contract price of the intended awardee would exceed 125% of the Design-Build Estimate (as those terms are defined in the Wave Project Agreement) and the County's assent is therefore required pursuant to Section 3.01(22) of the Wave Project Agreement, as amended, to continue the Project, the County staff shall provide prompt written notice (by email to the City Manager and the City Attorney) thereof to the City. The County agrees not to provide its assent to FDOT if all of the following occur: (a) the City considers this issue at its next regularly-scheduled commission meeting that is at least five (5) calendar days after receiving the notice from the County; (b) the City approves an item requesting that the County decline to provide the County's required assent to FDOT; and (c) the City notifies the County by email (to the County Administrator and the County Attorney) within twentyfour (24) hours of the action by the City commission requesting that the County decline to provide the required assent. If any of the foregoing elements fails to timely occur, the City will be deemed to have authorized the continuation of the Project. Notwithstanding any decision by the City under this section, the County retains the right to decline to provide its assent to continuation of the Project consistent with the Wave Project Agreement. Nothing in this section requires any approval by the City in connection with the enhanced VMF referenced in Exhibit A-1.

AMENDED AND RESTATED INTERLOCAL AGREEMENT AMONG BROWARD COUNTY, THE CITY OF FORT LAUDERDALE, AND THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE REGARDING ALLOCATION OF FUNDING RESPONSIBILITY FOR THE LOCAL SHARE OF PROJECT COST OVERRUNS FOR THE WAVE MODERN STREETCAR PROJECT

This Amended and Restated Interlocal Agreement ("ILA") is entered into by and among: BROWARD COUNTY, a political subdivision of the State of Florida ("County"), CITY OF FORT LAUDERDALE, a municipal corporation organized and existing under the laws of the State of Florida ("City"), and DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, a body politic and corporate and an agency of the City of Fort Lauderdale ("DDA") (County, City, and DDA are sometimes collectively referred to as the "Parties").

RECITALS

- A. On or about June 14, 2016, the County and the Florida Department of Transportation ("FDOT") entered into the Wave Project Agreement ("Wave Project Agreement") regarding the funding, design, construction, operation, and maintenance of the 2.8 mile modern streetcar project known as The Wave Streetcar project (the "Project," as more fully defined below).
- B. The Federal Transportation Administration of the United States Department of Transportation ("FTA"), the Florida Department of Transportation ("FDOT"), the City, the DDA, and the County have each allocated certain funds for design and construction of the Project. The allocation of financial responsibility as between the City, the DDA, and the County is set forth in this ILA, which supersedes the prior interlocal agreement into which the Parties entered on or about June 15, 2016 (the "Prior Agreement").
- C. The Wave Project Agreement allocates fifty percent (50%) of the responsibility for Project Cost Overruns (as defined therein) to each of FDOT and the County. The County's fifty percent (50%) share of the Project Cost Overruns must be paid from non-federal and non-state funds. The County's willingness to accept responsibility for fifty-percent (50%) of Project Cost Overruns is expressly conditioned on the City's and the DDA's agreement to contribute toward that cost, as outlined in this ILA.
- D. The County has conditionally approved a Third Amendment to the Wave Project Agreement ("Third Amendment"). The Third Amendment revises certain material aspects of the Project and modifies the respective financial obligations of FDOT and the County including by making the County (vis-à-vis FDOT) solely responsible for the cost of certain elements of the Project.

- E. The Parties acknowledge that the Third Amendment makes certain changes to the Wave Project Agreement including the following: (i) modifies the Project Description (Exhibit A to the Third Amendment) to remove certain aspects of the Project relating to bridge girders, beams, and a concrete deck; (ii) provides for specified optional vehicle maintenance facility ("VMF") elements as set forth in Exhibit A-1 to the Third Amendment that, if procured, will be funded solely by the Parties in accordance with the terms of this ILA; and (iii) allocates the financial responsibility for any amounts in excess of \$1,280,000 for the fare collection system, non-revenue vehicles, and general tools identified in Exhibit A-2 to the Third Amendment solely to the Parties in accordance with the terms of this ILA.
- F. The Third Amendment modifies financial responsibility for certain aspects of the Project from a 50/50 split between FDOT and the local funding agencies (the County, City, and DDA) to become the sole responsibility of the local funding agencies. The County's willingness to enter into the Third Amendment is expressly conditioned upon the City's and DDA's concurrence therewith and the amendment and restatement of the financial obligations of the County, City, and DDA as set forth in this ILA.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

1. Representations:

- 1.1 The foregoing recitals are true and correct and by this reference are fully incorporated herein.
- 1.2 The City and DDA represent that they have reviewed the Third Amendment conditionally approved by the County, and that they understand and acknowledge the impact the Third Amendment has on the Wave Project Agreement, including on the scope and on the respective funding obligations of FDOT and the County (with the latter being allocated according to the terms of this ILA).
- 1.3 The City and DDA hereby ratify, affirm, and approve the County's authorization to FDOT "to finalize a new solicitation for a Design-Build Contract."

2. **Definitions:**

2.1 Local Capital Funds – The funds contributed by the Parties for Project Capital Costs as stated in Exhibit C.

- 2.2 Enhanced VMF Costs The County's share of Capital Cost Overruns under the Wave Project Agreement that are directly attributable to the enhanced portions of the VMF identified in Exhibit A-1 to the Third Amendment (incorporated as Exhibit A-1 hereto), including as same may be amended by FDOT and the County as part of the Wave Project Agreement. As stated in the Third Amendment, the County's share of the Enhanced VMF Costs vis-à-vis FDOT is one hundred percent (100%).
- 2.3 Local Share of Project Cost Overruns The County's share of Project Cost Overruns under the Wave Project Agreement as same has been and may be amended.
- 2.4 Project The meaning of the term "Project" as defined in the Wave Project Agreement, including as may be amended from time to time.
- 2.5 Project Capital Costs The meaning of the term "Project Capital Costs" as defined in the Wave Project Agreement, including as may be amended from time to time.
- 2.6 Project Cost Estimate The cost estimate outlined in Exhibit B.
- 2.7 Project Cost Overruns The meaning of the term "Project Cost Overruns" as defined in the Wave Project Agreement, including as may be amended from time to time.
- 2.8 Project Description The description of the Project attached as Exhibits A, A-1 (to the extent these items are included in the final Project Description of the Wave Project Agreement), and A-2 to the Third Amendment, which Exhibits are also attached hereto in their current form as Exhibits A, A-1, and A-2, including as the Wave Project Agreement may further be amended from time to time. The Parties acknowledge and agree that, in accordance with the Wave Project Agreement, as amended, FDOT and County may agree to further modifications to the Project Description; any and all such further modifications to the Project Description in the Wave Project Agreement shall be deemed to be automatically incorporated herein.
- 2.9 Project Cost Savings The amount, if any, by which the Project Cost Estimate exceeds the total Capital Costs after Project Completion, final acceptance on the Design-Build Contract, and final payment under the Design-Build Contract (as those terms are defined in the Wave Project Agreement).

- 2.10 SIB Loan Agreement The State Infrastructure Bank Amended and Restated Loan Agreement between FDOT, the DDA, and the City, dated August 11, 2017, as same may be amended.
- Purpose of ILA: The purpose and intent of this ILA are to allocate responsibility among the Parties for the Local Share of Project Cost Overruns and the Enhanced VMF Costs. For avoidance of doubt, and for purposes of any necessary judicial construction of this ILA, the Parties hereby agree and acknowledge that the primary intent of this ILA is to confirm that, notwithstanding the execution of the Third Amendment and the changes effectuated by the Third Amendment, the Parties are fully responsible to contribute, in their respective shares identified herein, the entire Local Share of Capital Cost Overruns (inclusive of Enhanced VMF Costs) notwithstanding that the County, pursuant to the Third Amendment, is 100% responsible vis-à-vis FDOT for the cost of certain elements of the Project.
- 4. <u>Local Capital Funds Committed to Date</u>: The Parties agree and acknowledge that the Parties have to date respectively contributed the Local Capital Funds in the amounts set forth in Exhibit C.
- 5. <u>Allocation of Funding Responsibility for Local Share of Project Cost</u>

 <u>Overruns (other than Enhanced VMF Costs)</u>: The Parties agree and acknowledge that any Local Share of Project Cost Overruns other than for Enhanced VMF Costs shall be allocated among the Parties as follows:
 - 5.1 <u>City Responsibility</u>. The City shall pay fifty percent (50%) of any Local Share of Project Cost Overruns.
 - 5.2 <u>DDA Responsibility</u>. The DDA shall pay twenty-five percent (25%) of any Local Share of Project Cost Overruns, up to an annual maximum of Three Million Dollars (\$3,000,000) per County fiscal year in each of County fiscal years 2018, 2019 and 2020; and for all time periods thereafter, fifty percent (50%) of such Local Share of Project Cost Overruns with no annual maximum.
 - 5.3 <u>County Responsibility</u>. The County shall be responsible for twenty-five percent (25%) of any Local Share of Project Cost Overruns and for any portion of DDA's share of Local Share of Project Cost Overruns in excess of Three Million Dollars (\$3,000,000) in each of County fiscal years 2018, 2019 or 2020. The County shall be responsible for no portion of the Local Share of Project Cost Overruns after County fiscal year 2020 (which ends September 30, 2020).

- 6. Allocation of Financial Obligation for Enhanced VMF Costs: Additionally, if the work identified within Exhibit A-1 (including as Exhibit A-1 to the Third Amendment may subsequently be amended) is included in the Project, all resulting Enhanced VMF Costs initially paid by the County shall be reimbursed to the County as follows: the DDA shall reimburse the County twenty-five percent (25%) of each payment amount; and the City shall reimburse the County fifty percent (50%) of each payment amount. The County shall be responsible for the remaining twenty-five percent (25%) of each payment amount.
- 7. Assent to Continuation of Project: If the Design-Build Contract price of the intended awardee would exceed 125% of the Design-Build Estimate (as those terms are defined in the Wave Project Agreement) and the County's assent is therefore required pursuant to Section 3.01(22) of the Wave Project Agreement, as amended, to continue the Project, County staff shall provide prompt written notice (by email to the City Manager and the City Attorney) thereof to the City. The County agrees not to provide its assent to FDOT if all of the following occur: (a) the City considers this issue at its next regularlyscheduled commission meeting that is at least five (5) calendar days after receiving the notice from the County; (b) the City approves an item requesting that the County decline to provide the County's required assent to FDOT; and (c) the City notifies the County by email (to the County Administrator and the County Attorney) within twenty-four (24) hours of the action by the City commission requesting that the County decline to provide the required assent. If any of the foregoing elements fails to timely occur, the City will be deemed to have authorized the continuation of the Project. Notwithstanding any decision by the City under this section, the County retains the right to decline to provide its assent to continuation of the Project consistent with the Wave Project Agreement. Nothing in this section requires any approval by the City in connection with the enhanced VMF referenced in Exhibit A-1.
- 8. <u>Obligation to Budget and Appropriate</u>: Until the City and the DDA have fully paid and satisfied all of their payment obligations under this ILA, the City and the DDA each agrees and covenants:
 - a. To budget and appropriate sufficient funds each fiscal year to fully meet all of their payment obligations hereunder from their respective non-ad valorem revenues; and
 - b. To maintain without reduction, and to renew, to the full extent legally permissible and required to pay all obligations under this ILA, all revenue sources dedicated in whole or in part to the funding of the Project, including, without limitation, the Wave Special Assessment authorized by the City

pursuant to City Ordinance C-13-14 and City Resolution Nos. 13-95 and 13-131 (the "Special Assessment").

- 9. <u>Pledge and Assignment</u>: To the full extent allowed by law, the City and the DDA hereby pledge and assign to the County, as security for all payment obligations hereunder, all proceeds of the Special Assessment subject only to the rights of FDOT to same pursuant to the terms of the SIB Loan Agreement, and to maintain the SIB Loan Agreement in good standing and refrain from taking any action that would adversely affect the availability or sufficiency of funding under the SIB Loan Agreement to satisfy any and all financial obligations of the City or the DDA under this ILA. The Parties agree to execute any and all documents the County determines are reasonably necessary to further establish and evidence this pledge and assignment.
- 10. Payment Procedures: Amounts due under this ILA from the City or from DDA shall be paid to the County within thirty (30) days after the obligor's receipt of written notice from the County. Payments by the City and the DDA shall be made to the County in accordance with wire instructions or other payment instructions provided by the County Administrator. Any amounts not timely paid shall accrue interest in accordance with Section 715.12, Florida Statutes, until all amounts due, including all accrued interest, are fully paid. In the event that notice is given to the DDA to pay its share of Local Share of Project Cost Overruns and the Special Assessment balance at that time is not sufficient to pay all of its required share, the DDA may request reasonable extensions of time to seek SIB Loan Agreement amendments with FDOT.
- 11. <u>Project Cost Savings</u>: The Parties will share pro-rata in any Project Cost Savings based upon each Party's financial contribution to the Project Capital Costs.
- 12. <u>Obligations Upon Termination of Wave Project Agreement</u>: Upon termination of the Wave Project Agreement, all of the Parties' respective obligations hereunder shall cease, except for the Parties' payment obligations which shall survive such termination and shall remain in effect until fully satisfied.
- 13. <u>Revenue</u>: The Parties acknowledge that all future revenues from operations of the Wave Modern Streetcar, including, but not limited to, those resulting from fare box collections and advertising, shall belong to the County.
- 14. <u>Default</u>: In the event any Party fails to timely meet its obligation(s) as set forth herein, and such Party fails to cure such failure within ten (10) days of receiving written notice thereof, such Party shall be considered a defaulting Party. The other Parties shall have all remedies available at law and equity against the defaulting Party. The defaulting

Party shall be liable for reasonable attorneys' fees and costs incurred by any non-defaulting Party in connection with enforcement of the terms of this ILA.

15. <u>Notices</u>: Whenever the Parties desire to give notice to another, such notice must be in writing and sent by (a) certified United States Mail, postage prepaid, (b) commercial express carrier with acknowledgement of delivery, or (c) hand delivery with a request for a written receipt of acknowledgment of delivery, each with a concurrent copy sent via electronic mail, and addressed to the party for whom it is intended at the place last specified. The place for giving notice shall remain the same as set forth herein until changed in writing in the manner provided in this section. For the present, the Parties designate the following:

For County:
Broward County
Governmental Center, Room 409
115 South Andrews Avenue
Fort Lauderdale, FL 33301
Attention: County Administrator
Email: bhenry@broward.org

With a copy to:
County Attorney
Governmental Center, Room 423
115 South Andrews Avenue
Fort Lauderdale, FL 33301
Email: ameyers@broward.org

For City:
City of Fort Lauderdale
City Hall
100 North Andrews Avenue
Fort Lauderdale, FL. 33301
Attention: City Manager
Email:
For DDA:
110 East Broward Blvd., Suite 1610

Attention: Executive Director Email:

Fort Lauderdale, FL 33301

16. <u>Future Expansion</u>: The City and the DDA hereby commit to negotiate and cooperate in good faith toward future transportation options related to the Project.

- 17. <u>Binding Effect</u>: Each undersigned Party represents that it has been empowered by its respective Party to enter into this ILA and to bind such Party to the commitments and undertakings contained herein. The provisions, conditions, terms, and covenants contained herein shall be of a binding effect. The benefits and advantages hereof shall inure to the respective Parties, and their respective successors and assigns.
- 18. <u>Severability</u>: If any part, term, or provision of this ILA is determined by the courts to be invalid, illegal, or in conflict with any law of the State (through completion of any appellate proceedings), the validity of the remaining portions or provisions shall not be affected thereby.
- 19. <u>Merger:</u> This ILA supersedes in its entirety the Prior Agreement, represents the final and complete understanding of the Parties, and incorporates, includes, and supersedes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein. There are no commitments, agreements, or understandings concerning the subject matter of this ILA that are not contained in this document. Accordingly, no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.
- 20. <u>Joint Preparation</u>: Each Party acknowledges that it has sought and received whatever competent advice and counsel as was necessary for it to form a full and complete understanding of all rights and obligations herein and that the preparation of this ILA resulted from the joint effort of all Parties. The language agreed to expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties.
- 21. <u>Counterparts</u>: This ILA may be executed in any number of counterparts, each of which, when executed and delivered, shall be an original, but such counterparts shall together constitute one and the same instrument.
- 22. <u>Further Assurance</u>: The Parties shall execute all such further instruments, and agree to take all such further actions, that may be reasonably required by any Party to fully effectuate the terms and provisions of this ILA and the transactions contemplated herein.
- 23. <u>Modification</u>: No change or modification of this ILA, or waiver of any of the provisions of the ILA, shall be valid unless in writing and signed by all Parties hereto.
- 24. Effective Date: This ILA shall become effective upon full execution by the Parties.

(The remainder of this page is left intentionally blank.)

IN WITNESS WHEREOF, the Parties hereto have made and executed the Amended and Restated Interlocal Agreement on the respective dates under each signature: Broward County through its Board of County Commissioners, signing by an through its Mayor or Vice-Mayor, authorized to execute same by Board action on the day of, 2018, the City of Fort Lauderdale, signing by an through its Mayor or Vice-Mayor, authorized to execute the same, and the Downtow Development Authority of the City of Fort Lauderdale, signing by and through its Chair of Vice-Chair, duly authorized to execute same.			
<u>co</u>	DUNTY		
ATTEST:	Broward County, by and through its Board of County Commissioners		
Broward County Administrator, as Ex-officio Clerk of the Broward County Board of County Commissioners	By Mayor day of, 2018		
	Approved as to form by Andrew J. Meyers Broward County Attorney Governmental Center, Suite 423 115 South Andrews Avenue Fort Lauderdale, Florida 33301 Telephone: (954) 357-7600 Telecopier: (954) 357-7641		
	ByAngela J. Wallace (Date) Deputy County Attorney		

AJW/RDH 1/31/2018 2018-01-31 Amended and Restated ILA #269081.1 AMENDED AND RESTATED INTERLOCAL AGREEMENT AMONG BROWARD COUNTY, THE CITY OF FORT LAUDERDALE, AND THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE REGARDING ALLOCATION OF FUNDING RESPONSIBILITY FOR THE LOCAL SHARE OF PROJECT COST OVERRUNS FOR THE WAVE MODERN STREET CAR PROJECT

	E, through its City Commission, signing by and prized to execute the same by Board action on the
WITNESSES:	CITY
Signature of Witness	By Mayor
Print of Type Name of Witness	day of, 2018.
Signature of Witness	ByCity Manager
Print or Type Name of Witness	
	ATTEST:
	City Clerk
	Approved as to legal form
	City Attorney

AMENDED AND RESTATED INTERLOCAL AGREEMENT AMONG BROWARD COUNTY, THE CITY OF FORT LAUDERDALE, AND THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE REGARDING ALLOCATION OF FUNDING RESPONSIBILITY FOR THE LOCAL SHARE OF PROJECT COST OVERRUNS FOR THE WAVE MODERN STREET CAR PROJECT

DOWNTOWN DEVELOPMENT	AUTHORITY OF THE C	ITY OF FORT
LAUDERDALE, through its BOARD OF		• .
Vice-Chair, authorized to execute the sa	me by Board action on the	day of
2018.		
WITNESSES:	DDA	
·		
	By	
Signature of Witness	Chair	
	day of	, 2018.
Print of Type Name of Witness		
Signature of Witness		
Print or Type Name of Witness		
	Approved as to legal for	m

Exhibit A

PROJECT DESCRIPTION

Description of Work:

The Wave Streetcar system will operate at-grade on a fixed rail embedded in the street, sharing the existing roadway right-of-way with vehicular traffic, and will be powered by an overhead contact wire system throughout most of the alignment. The alignment is approximately 2.8 miles in length with two fixed rail guideways, one in each direction. The streetcar vehicles will also be powered by an onboard energy storage system (OESS) for a segment of the alignment that crosses the New River over the existing SE 3rd Avenue bascule bridge.

The Wave Phase 1 revenue service alignment extends from the southern terminus at S 16th Street and S Andrews Avenue to NE 6th Street between N Andrews Avenue and NE 3rd Avenue, primarily utilizing Andrews Avenue, SE 3rd Avenue and Brickell Avenue for north/ south movement. The alignment utilizes SE 18th Street, SE 6th Street, Las Olas Boulevard, S 2nd Street, N 4th Street, and NE 6th Street for east/ west movement. The Wave Phase 1 requires five (5) modern streetcar vehicles with OESS capability; four (4) vehicles for peak service and one (1) spare.

The project includes guideway, traction power, overhead contact system (OCS), train control, communications, civil, structural, roadway, streetcar vehicles, and a Vehicle Maintenance and Storage Facility (VMSF) located on SW 1st Avenue between SW 18th Street and SW 18th Court, adjacent to the Florida East Coast (FEC) Railroad. The project also includes testing, commissioning, training, and safety certification required for a fully functional streetcar system.

Guideway and Trackwork:

An embedded track slab will be the standard for the mainline track. A reinforced concrete track slab will provide the foundation for this form of track construction. The design of the track slab will be based on automotive vehicle loadings, streetcar vehicles, and soil conditions. Embedded track shall be installed wherever the guideway is shared with rubber tired vehicles, either in mixed traffic or in locations where only emergency and service vehicles will be permitted to travel. All tracks shall be designed in accordance with the current Transit Requirements, included as an attachment to the RFP. The Work includes all drainage required to comply with the permit requirements for water quality and quantity. Track drains will be provided in paved track areas to properly drain the rail flangeways, the pavement surface between the rails, and at track switch locations.

Track work is required at the new VMSF. The yard track work will be constructed with embedded track and will consider its access to/ from the mainline track.

The term "special trackwork" designates the trackwork units necessary where tracks converge, diverge, or cross one another. Special trackwork includes turnouts, diamond crossings, crossovers, and expansion joints. A reinforced concrete tub lined with electric isolation material will be constructed for all special trackwork.

Structures:

The Work includes the design and construction of bridge retrofitting within the project limits. The embedded track within bridge retrofitting shall be designed in accordance with the Cencept Drawings and Transit Requirements included as an attachment to the RFP.

The construction of the guideway across the SE 3rd Avenue Bridge over the New River requires structural, mechanical, and electrical modifications to the movable span of the bridge and other modifications to the approach spans of the bridge from the north and south. The bridge is comprised of seven spans including pre-stressed concrete spans, steel flanking spans, and a movable steel twin leaf Scherzer rolling lift bridge span with an open grid steel deck. The movable span and the approach spans will be retrofitted for the introduction of the Streetcar. This will require replacement of girders/ beams on the bridge and construction of a concrete deck on the new girders/ beams with the streetcar embedded in that deck.

Stations:

The Work includes the design and construction of thirteen (13) fourteen (14) streetcar station stops throughout the alignment, which include eight (8)ten (10) curbside platforms and five (5) four (4) median platforms, and provide level boarding access to the floor of the streetcar. The station platforms are proposed to be not less than 80 feet long, from 10 to 15 feet wide, and have a ramp at one or both ends, depending on the adjacent conditions. Each station stop will have a shelter, benches, public address, passenger information systems, passenger assistance telephone, closed-circuit television, infrastructure for ticket vending machines, trash receptacles, bike racks and other site furnishings. Layover and rest room facilities will be available near at the southern terminus stop at S 16th Street and S Andrews Avenue.

Communications/ Supervisory Control And Data Acquisition (SCADA):

The communications system will provide the necessary functions to support the operational requirements of the streetcar system. The communications systems will include public address, passenger information systems, passenger assistance telephone, internet protocol video (IPV) HD camera system with PTZ (pan, tilt, zoom), remote

monitoring capabilities, and recording equipment. A SCADA system will also be provided to allow for monitoring and control of traction power substations (including intrusion detection), communications equipment houses and cases, fire/life safety equipment, train control components, public address, public information equipment, and other elements.

Signal and Route Control:

Where the streetcar operates in mixed traffic, streetcar movements will be controlled by the traffic signal system. This includes interlocking protection at all control points for trains leaving the VMSF, a train-to-wayside communications (TWC) system, and a traffic signal controller that will communicate with the guideway proximity loops. The streetcar will be equipped with train-to-wayside communications systems that will activate special traffic signals and routing. In areas of on-street running, special streetcar signals will be provided at specific intersections and locations to allow the streetcar to proceed through the intersection or switch lanes independent of auto traffic. These signals will be displayed by wayside streetcar traffic signal controllers when activated by the streetcar train-to-wayside communications system. The train-to-wayside controller will have a provision for the manual setting of predetermined routes. The train-to-wayside controller will then proceed to activate and set wayside powered track switch machines appropriate for the route. Manual switch control will also be possible.

Vehicle Maintenance and Storage Facility:

The Work includes a Vehicle Maintenance and Storage Facility (VMSF) on the property identified as Site K adjacent to the Florida East Coast corridor to accommodate a fleet of five (5) Streetcars. The VMSF will perform daily and routine inspections, maintenance, on-car repairs, and interior/ exterior cleaning of the streetcars. The facility will also serve as a storage and component change-out location. The facility is intended as a light maintenance facility with minor component rebuild, truck overhaul and minor machine shop capabilities. Major machine shop work and sheet metal work may be performed at another location as an outsourced function. The VMSF will house the following functions:

- streetcar storage;
- train operator report area;
- operator and maintenance training;
- streetcar service and inspection:
- streetcar interior and exterior cleaning;
- streetcar air-conditioning, current collector and resistor unit repair;
- fare collection (FC) equipment repair, storage and inspection;
- traction electrification system (TES) service and inspection;
- TES overhead service and inspection:
- facilities maintenance:
- system wide parts storage;

- streetcar operations administration;
- streetcar maintenance administration:
- central control;
- electronic component repair;
- communications equipment repair, storage and inspection;
- storage of streetcar maintenance-of-way (MOW) materials;
- car wash: and
- LAN room for train control and communications.

Traction Power Supply and Distribution:

Traction electrification is provided via 750 VDC traction power sub-stations (TPSS) transmitting electric energy from its source to the vehicles. The vehicles will be propelled by electric traction motors. Energy to drive these motors will be supplied to the vehicles by rectifier substations located along the wayside through a system of distribution cables, switches and an OCS installed above each track. A pantograph will be mounted on each vehicle to serve as the interface between the vehicle and the OCS and function as the collector of electrical current for the vehicles. The running rails of each track, bonds, and cabling complete the path of electrical current back to the substation. The sections of the system between the stations, before and after the New River, will be without OCS. Vehicles will travel in these two sections using on-board storage batteries.

Spare Parts and Maintenance Materials

The Work will include the furnishing of spare parts and maintenance materials to operate and maintain the streetcar system for the initial startup period. The spare parts and maintenance materials will include keys, special tools, and test equipment required to access, start, operate, monitor, maintain, and perform essential repairs needed for the continued operations of the initial phase of the streetcar system, and the hand tools and general equipment identified in Exhibit A-2.

Vehicles: (procured by Broward County under separate contract)

The Work includes the design, manufacture, delivery, and testing of five (5) streetcar vehicles. The Work also includes the design and integration of all vehicle systems, as defined in the RFP, such that all specified requirements are achieved without conflict or error within or between systems.

Each vehicle shall be a double articulated, modern urban streetcar with contemporary styling, with the following characteristics:

- At least a three-section vehicle, with the carbody sections configured as A1-C1-B1.
- Not less than 50% low floor. Carbody section C1 shall be low floor.
- Carbody section C1 shall have at least two double wide doorways per side.
- Capable of bi-directional operation, with a fully functional cab at each end. Operating control and performance shall be equal from both cabs.
- Designed for single unit operation with provisions for towing a non-operable Vehicle.
- Heated and air conditioned consistent with the Fort Lauderdale, Florida climate and the Technical Specifications.
- Design shall incorporate the OESS, i.e. a battery and/or capacitor drive system, which shall provide capability for wireless operation in accordance with the Technical Specifications.

EXHIBIT A-1

ADDITIONAL VEHICLE MAINTENANCE FACILITY ELEMENTS

The additional elements for design and construction of the Vehicle Maintenance and Storage Facility (VMSF) not included in Exhibit A are the additional design and construction work required to provide an expanded VMSF to accommodate a fleet of twelve (12) Streetcars. The all-inclusive 12 streetcar VMSF includes:

- Yard track to provide for storage and operations of a 12 streetcar vehicle fleet;
- Non-revenue loop track connecting the yard track at the south end of the VMSF to the two proposed tracks on SW 18th Street leading to the VMSF and the revenue tracks along South Andrews Avenue;
- Concrete or masonry structure for the vehicle and maintenance storage building:
- VMSF building third service bay;
- Provide wheel truing machine infrastructure:
- Complete build out and furnishing of second floor office space;
- · Provide power switch machines at all switch locations within the VMSF; and
- Provide infrastructure for standalone car wash.

EXHIBIT A-2

FARE COLLECTION SYSTEM, NON-REVENUE VEHICLES AND GENERAL TOOLS

Fare Collection

Purchase and install the fare collection system, including fourteen (14) ticket vending machines at all streetcar station stops connecting to Project infrastructure, and associated hardware and software.

The available Project budget for the fare collection system is \$280,000.

Non-Revenue Vehicles

Purchase and provide non-revenue eleven (11) vehicles for the purpose of operations and maintenance of the Wave Streetcar system. The vehicles shall be used for:

- Traction Power & Overhead Line Maintenance;
- Trackway Maintenance:
- Signal & System Maintenance;
- Facilities Maintenance; and
- Operations Support.

The available Project budget for the 11 non-revenue vehicles is \$800,000.

General Tools

Purchase standard hand tools, basic electrical tools and test equipment, safety lights, portable generators, spill kits and basic cleaning equipment for the purpose of general maintenance of the Wave Streetcar system.

The available Project budget for the general tools is \$200,000.

Exhibit B

ORIGINAL COST ESTIMATE (in thousands)

CATEGORY 10-Guideway & Track 20-Stations & Stops 30-VMSF 40-Sitework 50-Systems 60-Right-of-Way 70-Vehicles 80-Professional Services Subtotal	\$27,631 \$3,217 \$15,655 \$21,411 \$23,393 \$2,075 \$32,348 \$41,219	\$166,949
Un Allocated Contingency		<u>\$7,546 *</u>
BASE COST		\$174,495
ADDITIONAL COSTS: VMSF: Non-Revenue Equipment Misc. Shop Tools Upgrade-Type IV Bldg. ROW: Poles/Cabinets/Borings Design/Build: Design Risk Stipends Incentives/Bonus Subtotal	\$2,000 \$500 \$1,929 ** \$1,000 \$6,391 *** \$4,565 **** \$1,400 \$3,000	<u>\$20,786</u>

NOTE: Does not include any potential bid price or construction cost overruns

Notes:

TOTAL

- * 4.52%
- Does not include wheel truing machine or complete upgrades under SFRTA plan

\$195,281

*** 7% of 10-50 **** 5% of 10-50

EXHIBIT C FUNDING COMMITMENT

Type	Sources	Original	Additional	TOTAL
Federal Funds	Tiger IV	\$18,000,000	California de la companya della companya della companya de la companya della comp	
	Section 5309 Small Starts	\$49,650,000		A. S
	Section 5309 Small Starts Supplement	\$11,144,000	10/01/20	
	MPO (federal)	\$3,911,000		AND THE PERSON NAMED IN COLUMN TWO
State Funds	FL New Starts Program	\$35,730,000		
	FDOT Match for Broward County	\$5,815,000		
	2016 Additional Funding Commitment (FDOT)		\$11,177,000	
Local Funds	City of Fort Lauderdale Cash & Land	\$10,500,000		
	City Special Assessment District - SIB Loan	\$19,490,000		- Total Section - Commission -
	City of Fort Lauderdale Flagler Loop	\$7,545,000		
	DDA Special Assessment Proceeds (thru City)	\$1,100,000		
	Broward County	\$5,815,000		
	SFRTA Local Funds (MPO Swap)	\$4,228,000		
	2016 Additional Funding Commitment (City)		\$5,590,000	
	2016 Additional Funding Commitment (County)		\$4,590,000	
	2016 Additional Funding Commitment (DDA)		\$1,000,000	
	TOTAL	\$172,928,000	\$22,357,000	\$ 195,285,000

Al- 26294



County Commission

Commission Meetings Terms of Use

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Meeting Agendas

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Broward County Commission Regular Meeting

Meeting Date: 02/06/2018 Director's Name: Andrew J. Meyers Department: County Attorney

Information

Requested Action

MOTION TO AFFIRM, APPROVE, AND RATIFY actions taken by the Board on January 23, 2018, on Agenda Item No. 41, which (1) authorized the Florida Department of Transportation ("FDOT") to finalize a new solicitation for a Design-Build Contract for the Wave Streetcar Project, and (2) approved the Third Amendment to the Wave Project Agreement between Broward County and the Florida Department of Transportation (the "Third Amendment"), with the above-referenced authorization and approval both subject to approval and execution, on or before February 9, 2018, by the City of Fort Lauderdale (the "City") and the Downtown Development Authority of the City of Fort Lauderdale (the "DDA") of a proposed amendment to the Interlocal Agreement ("ILA") containing specified terms; modifying the above-referenced authorization and approval such that they are now based on approval and execution (with executed copies returned to the County) by the City and the DDA, on or before February 9, 2018, of the Amended and Restated ILA (the "Restated ILA"), with any nonsubstantive changes thereto as approved by the County Attorney; approving the Restated ILA with any nonsubstantive changes thereto as approved by the County Attorney; authorizing the Mayor and Clerk to execute the Third Amendment and Restated ILA with any such nonsubstantive changes; authorizing the County Administrator or designee to take all administrative and budgetary actions required under the terms of the Wave Project Agreement, as amended, and under the Restated ILA; and authorizing the County Administrator or designee to execute other project implementation documents consistent with the terms of the Wave Project Agreement, as amended, and the Restated ILA.

Why Action is Necessary

The prior action by the Board on January 23, 2018, was expressly conditioned on approval and execution of the ILA amendment in the form previously presented, and authorized the County Attorney to make only nonsubstantive revisions thereto. Because the Restated ILA contains substantive revisions, Board approval is required.

What Action Accomplishes

Effectuates the action taken by the Board on January 23, 2018, on Agenda Item No. 41, in light of substantive revisions to the underlying interlocal agreement, and clarifies the scope of the Board's prior action.

Is this Action Goal Related

Previous Action Taken

Summary Explanation/Background

On January 23, 2018, the Board approved Alternate Motion A and Motion B of Agenda Item No. 41. Alternate Motion A, among other authorizations and approvals, approved the Third Amendment to the Wave Project Agreement between Broward County and FDOT, subject to approval and execution by the City and the DDA of an amendment to the 2016 ILA between the County, City, and DDA in substantially the form circulated as additional material prior to the January 23, 2018, County Commission meeting.

This action approves a substitute version of the ILA amendment (the Restated ILA), in lieu of the prior form presented. The Board's action on January 23, 2018, authorized the County Attorney to make only nonsubstantive changes to the form of the ILA amendment. The Restated ILA contains substantive

' 2/6/2018 Agenda

modifications that require Board approval. These substantive modifications include addressing the parties' respective financial obligations for fiscal year 2018 (when the increased costs of an enhanced vehicle maintenance facility might be realized), clarifying the parties' respective financial obligations for fiscal year 2021 and beyond, and providing for certain security for the payment obligations of the City and the DDA. Also included, at the request of the City, is a provision enabling the City to effectively terminate the Wave Project Agreement under the same circumstances that would permit the County to terminate (i.e., if the lowest acceptable bid exceeds 125% of the estimated cost). Because of these substantive changes, approval hereof (based on the Restated ILA) is required to effectuate the Board's prior vote.

The Restated ILA in current form is attached hereto. All changes requested by the City and DDA, to date, have been incorporated. All parties are continuing to review the language, and some terms may change. If that occurs, a final version (including a redlined version showing all substantive changes) will be distributed as additional material prior to the February 6, 2018, County Commission meeting.

FDOT has not yet executed the Third Amendment. To prevent the County's approval thereof from being openended, the Board may wish to consider qualifying its approval such that it expires if FDOT does not execute the Third Amendment by a certain date.

Source of Additional Information

Angela J. Wallace, Deputy County Attorney, (954) 357-7600 René D. Harrod, Deputy County Attorney, (954) 357-7600

Fiscal Impact

Fiscal Impact/Cost Summary:

The Design-Build Construction Estimate is \$114 million of the \$195 million total Wave project budget. The County and FDOT are able to terminate the Wave Project Agreement if all acceptable bids come in at more than 125% of \$114 million (which equals \$142.5 million).

The financial impact of the changes resulting from the Restated ILA cannot be quantified without knowing the amount of the bids, the costs of the enhanced vehicle maintenance facility, whether such enhanced facility will be included within the project scope, and the amount of other project cost overruns. The terms of the Restated ILA would, however, provide a beneficial financial impact to the County when compared to the terms of the currently effective ILA.

Attachments

Exhibit 1 - Amended and Restated Interlocal Agreement
Additional Material - Information
Additional Material - Information

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Item # 46

ADDITIONAL MATERIAL

10:00 a.m. Regular Meeting FEBRUARY 6, 2018

SUBMITTED AT THE REQUEST OF

OFFICE OF THE COUNTY ATTORNEY



OFFICE OF THE COUNTY ATTORNEY 115 S. Andrews Avenue, Suite 423 Fort Lauderdale, Florida 33301

954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO:

Board of County Commissioners

FROM:

Andrew J. Meyers, County Attorney

DATE:

February 5, 2018

RE:

February 6, 2018, Agenda Item 46, Regarding Amended and Restated

Interlocal Agreement and Third Amendment to the Wave Project

Agreement

Agenda item 46 addresses two separate but interrelated documents:

- 1. The proposed Third Amendment (the "Third Amendment") to the Wave Project Agreement between the County and the Florida Department of Transportation ("FDOT"), which, among other changes, proposes a modification to the scope of the Wave project and seeks to shift funding responsibility for certain elements including an optional enhanced vehicle maintenance facility; and
- 2. A proposed amendment to the interlocal agreement between the City of Fort Lauderdale (the "City"), the Downtown Development Authority of the City of Fort Lauderdale (the "DDA"), and the County. As with the initial interlocal agreement, approved in 2016 (the "Initial ILA"), the amended interlocal agreement would allocate funding responsibility for the local share of project cost overruns of the Wave project among the City, the County, and the DDA.

The Board initially considered the proposed Third Amendment on January 23. Before that meeting, this Office expressed concern that the scope and funding changes contained in the proposed Third Amendment could impact the City's and the DDA's funding obligations under the Initial ILA. Due to this concern, the Office prepared and distributed a proposed amendment to the Initial ILA (the "January 23 ILA Amendment").

During the Board's discussion on January 23, it became clear that the amended ILA also needed to address the County's expectation that, after County fiscal year 2020, the City and the DDA would be responsible for 100% of the local share of project cost overruns.

Board of County Commissioners February 5, 2018 Page 2

As noted during the January 23 Board meeting, the Initial ILA did not clearly reflect this expectation. The amended motion approved by the Board on January 23 directed this Office to include that additional change in the January 23 ILA Amendment and authorized this Office to make further nonsubstantive changes to the January 23 ILA Amendment.

After the January 23 meeting, we further analyzed the Initial ILA based on the discussion of how the local share of project cost overruns would be allocated. We determined that additional <u>substantive</u> changes were required. It is the inclusion of these substantive changes, in light of the Board's prior authorization to make only nonsubsantive changes, which necessitates Item 46 on the February 6 agenda. Because of the number of changes, we believed it beneficial to restate the ILA in its entirety rather than to amend it. The Restated ILA as now drafted presents a materially improved position for the County (when compared to either the Initial ILA or the proposed January 23 ILA Amendment), and includes the following additional terms (the substantive changes between the January 23 ILA Amendment and the Restated ILA are italicized):

- 1. Adopts the key terms and exhibits from the Wave Project Agreement (as amended) rather than using similar but different terminology;
- 2. Updates the calculation of contributions, to date, by the local partners;
- 3. Clarifies that the local share of project cost overruns after County fiscal year 2020 is solely the responsibility of the City and the DDA, and not shared by the County;
- 4. Clarifies that the cost of the enhanced vehicle maintenance facility, which might be realized in 2018, is allocated as follows: the DDA (25%), the City (50%), and the County (25%) (the Initial ILA did not address the enhanced vehicle maintenance facility or expressly include any funding obligation by the DDA in 2018); and
- 5. Added obligations to budget and appropriate, and a pledge of the City's Special Assessment, to better secure the payment obligations of the City and the DDA.

The City requested an additional substantive change which is included in the Restated ILA. This change would extend to the City the same ability possessed by FDOT and the County to effectively terminate the Wave project if the lowest, acceptable new bid exceeds 125% of the cost estimate.

The agenda materials for Item 46 provided that the City, the DDA, and the County would continue to consider the form of Restated ILA attached to the agenda item as Exhibit 1, and that the Board would be notified of any changes thereto. The Restated ILA has not changed substantively since publication of the agenda item; the proposed changes are limited to Section 7 and are shown on Exhibit 1 attached hereto. An execution copy of the revised Restated ILA is attached hereto as Exhibit 2.

Board of County Commissioners February 5, 2018 Page 3

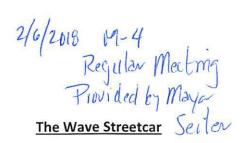
If Item 46 is not approved, this Office will recommend (in an abundance of caution) that the Board immediately commence a course of action to rescind its approval of Item 41 on the January 23 agenda.

Please contact me with any questions or concerns.

AJM/rdh Attachments

c: Bertha Henry, County Administrator
Bob Melton, County Auditor
Gretchen Cassini, Assistant County Administrator
Angela Wallace, Deputy County Attorney





CLERK/FILE

Irish author Jonathan Swift, best known for writing *Gulliver's Travels*, once said, "Vision is the art of seeing what is invisible to others."

This quote seems appropriate to describe the current climate surrounding the Wave Streetcar. The recent political rhetoric and misgivings have clouded the true vision of this project to the point where many have lost sight of the big picture.

First, let me be clear to those who tell me "Save the Wave" or "Goodbye Wave": the issue is much more complex than a simple phrase. I believe the Wave concept will succeed but I have concerns about the Wave product — overhead wires and underground infrastructure are not ideal. Moving forward, we must upgrade the Wave to reduce or eliminate the need for both.

At its core, the Wave is a key investment in the future of Fort Lauderdale, Broward County, and South Florida. It will provide enhanced mobility and connectivity, create jobs, stimulate economic development, and promote long-term sustainability by offering residents and visitors a quick, convenient, and environmentally-friendly public transportation alternative.

As the Wave was being developed, the Broward Metropolitan Planning Organization (MPO), which represents 31 Broward municipalities, placed it ahead of all other city and county transportation projects in order to secure funding. The MPO partner cities and County put funding requests for their own transportation projects on hold for five years because they realized the long-term visionary importance of the Wave, and recognized that it offered the best opportunity to advance a countywide regionally connected mobility system.

The Wave has received unprecedented political and financial support at the local, state, and federal levels: \$82.7 million in federal funding; \$52.6 million in state funding; \$10.4 million in County funding; \$21.6 million from the Downtown Development Authority; \$4.2 million from the South Florida Regional Transportation Authority (SFRTA); and, \$23.7 million from the City. The tremendous financial commitments indicate federal, state, and local governments recognize the Wave's importance and believe in its long-term value and viability, and the Wave investment is a clear signal of strength and confidence about our region's vision to be a leader in multi-modal transportation.

The millions in committed state and federal funds took years to secure and, if returned, will not be made available to us for other uses and will likely jeopardize future funding for major projects such as the federal courthouse, Port Everglades, FLL International Airport, and other local and regional transportation initiatives.

The Wave is the essential component of a much larger planned regional transportation solution that will enable us to utilize numerous, interconnected public transportation options to move in and around South Florida without a car. It is a reflection of a fundamental shift in our region's transportation philosophy, which today, focuses much less on moving vehicles and much more on moving people.

As this network begins to take shape, the role of the Wave becomes increasingly more important as the key cog in an expanded multi-modal transit system linking downtown Fort Lauderdale to the International Airport, Port Everglades, and colleges and universities in Davie; and interconnecting with mobility options including Brightline, Tri-Rail, Sun Trolley, Broward Transit, community buses, ride-sharing services, B-cycle, Water Taxis, and other transportation services.

From an economic standpoint, the Wave is helping stimulate major private investment in downtown Fort Lauderdale with more than \$3 billion in real estate development planned, approved, under construction, or completed within the past five years.

Currently, we have 15,601 residential units built, under construction, or approved in the downtown area, and we have an additional 3,237 units pending at various stages of review. Many of these projects are located within walking distance of the Wave route and include hotels, apartments, condominiums, and mixed-use developments. This visionary urban lifestyle puts mobility at the forefront and recently resulted in downtown Fort Lauderdale being named "South Florida's Latest Hotspot."

The Wave is also enhancing development opportunities along the Sistrunk Boulevard corridor, which is attracting interest from an array of investors for projects including a new YMCA, a 142-unit residential complex, marketplace and microbrewery, senior living facility, blues club, performing arts center, restaurants, retail center and more.

We recognize that no single initiative will achieve all of our transportation objectives and that the Wave does have its limitations. However, moving the project forward will provide us with an opportunity to enhance and upgrade the system in the future. Ideally, as new engineering and technology solutions come online, the Wave can transform to a wireless, autonomous system that may serve as a standard for other cities to emulate.

While the Wave project is primarily about moving people, it also represents the start of something much greater. It offers us a chance to look at the big picture; provides us with an opportunity to change our behavior, mindset, and perceptions about public transportation; and moves us closer to fulfilling our vision of creating an active, livable, and sustainable community that connects people to places.

As a community, we need to responsibly discuss, debate, evaluate, and improve the Wave for our families and our future.





Regular Merty
2/6/2018

James Ingersoll pcr.ingersoll@gmail.com

Attention: Meeting February 6th, 2018 6:00PM

Wed, Jan 31, 2018 at 6:45 PM

To: dtrantalis@fortlauderdale.gov, jack.seiler@fortlauderdale.gov, BRoberts@fortlauderdale.gov,

RMckinzie@fortlauderdale.gov, RRogers@fortlauderdale.gov

Bcc: Paul DeBold <paul.debold@gmail.com>, Matt Palmieri <mnpalmieri@bellsouth.net>, Aaron Larsen <aaronmlarsen@comcast.net>, Jack Chew <jnmchew@gmail.com>, Rick Schulze <rschulze2001@yahoo.com>, "Ft. Lauderdale Police & Firefighter Retirees Assoc." <secretary@flpfra.org>, Kim Van Sant <kimvansant@bellsouth.net>

Gentlemen,

Please note for the upcoming February 6th meeting that the Fort Lauderdale Police and Firefighter Retirees Association will be requesting funds for our retirees who have retired before 1986. It would be greatly appreciated if you could provide your support for our cause. It has been 17 years without an increase in their pension. The average monthly payment to the retirees & beneficiaries is approximately \$1,272/month. This breaks down to a little over \$42.00/day.

As you can see this makes it impossible to survive. We have had 23 members pass in the year of 2017 that have retired before 1986. Already, we have had 3 pass-on this month. This urgent matter requires your attention and a motion to fund \$7,000.00 for each member who is still alive that retired before 1986.

In total, next week we are requesting a supplemental payment of \$966,000.00. As you remember, we began approaching the Commission about 2 years ago regarding this matter. The amount we requested was approximately \$1,100,000.00. Personally speaking, I am hoping and praying you are not delaying making a decision on this issue hoping to pay out a lesser amount of funds as the retirees and their survivors become deceased.

You all have the background information given to you at one point or another over the last year. This \$7,000.00 is not a COLA increase, but a Supplemental Payment. If we were to ask for a COLA that calculation would include the 41% increase in the Cost of Living since the year 2000, and that would amount to \$2,970,000.00.

We are not asking for much, we are asking for what we need to live a very basic existence.

I look forward to speaking with you all at the upcoming meeting and appreciate the time you took to read this email. More so, I would appreciate your support for the Police & Firefighters who have served the citizens of Fort Lauderdale during the hard times of the 60's, 70's and 80's.

Respectfully,

James Ingersoll

President, Fort Lauderdale Police & Firefighter Retirees Association, Inc.

Regular Meeting

February 6, 2018

Steve Coleman

EXHIBITS CONTENTS

Exhibit 1. Code case tracker report of complaint 4/27/16, first day of new pool operation. Pg.1: Case Description states noise from 11:30am- 2:30pm.(on a timer)

Pg. 2 Inspection @ 10:19 am? Not a time during the time frame of operation. Case Closed

Exhibit 2. Code case tracker report of same complaint 5/19/16 when found that the 1st case was closed due to incompetence.

Even though this 5 pg report has 2 additional post of Re inspections, note that there are no corresponding findings listed, since there never were any addition inspections. (See Exhibit 5 Public Records Request case CLK-596-2017, No records found for these alledged reports) Just a running narrative of opinions and incorrect claims not based on the only Inspection with Code Supervisor Adam Feldman that took meter readings shown on pg.5 that are above the daytime maximum per Exhibit 3 Chapter 17 Noise Control pg.5 Table 1 Maximum Permissible Sound Level Limits dBA. The inspector on advice of his supervisors didn't prescribe to the Ordinance based on the complaint actual findings. The complaint should not be closed but reopened and corrected as to the finding and address as a violation.

This has caused me metally, physically and financially as a result. The owner took the closed case as a signal to increase the daily hours of operation to 12 hours a day and night time was separate when his Vacation rental guest wanted to operate the hot tube at all hours of night. The owner also harassed me by turning on after midnight to disturb my sleep as payback for reporting his unpermitted renovations converting the 3/2 to a 4/4 and operating a Vacation Rental without registration.

Police were called for these nigh/time disturbances but even though they are responsible per Ordinance 17 they wanted nothing to do with and said not their job. Threatened to have me arrested!

City Manager Lee Feldman said I had to handle myself as a Civil matter. Cost to date over \$7,600.

Exhibit 3. Chapter 17- Noise Control

Pg.3 Other measures that define a violation other than decibel meter readings.

Pg.4 17-2 Penalties. Provisions for violation of this Ordianance.

Pg.4 17-5 General prohibitions. Unlawful to continue to make or cause any noise. 2 years now.

Pg.5 Table 1 Maximum Permissible Sound Level Limits dBA
Residential 7am-10pm 60 dBA Exhibit 2 pg. 5 report meter readings 63.64,63 dBA
which is a violation.

Pg. 6 2.Steady pure tones. Allowing to reduce the permissible dBA Table 1 maximum limits by (5) five dBA's excluding HVAC equipment on residential property. Making 55 dBA a daytime violation of my readings by inspector supervisor 63,64,63 dBA even more!

Exhibit 4. Emails to Code Director Anthony Fajardo asking that the case be revised to show it as the violation it is and why he says that inspector claims he did multiple inspections with readings that were normal when there never were more than the 1 inspection. I would have been here to witness this and did not. Why he claims this and why he can't provide the reports? Requested he do a records search. Never heard back.

Exhibit 5 Formal Request for Public Records. Case # CLK-596-2017. Final Results: No responsive records.

2/6/18 Exhibit to Rein spection openicase/ viol atron

EgovPlus Online Services

Exhibit 1

Case Number

CE16041872

tenant

Case Date

04-27-2016

priority

Origination

PHONE - TELEPHONE

CALL RECEIVED

Status

C - CLOSED

Operator

cahid

Officer

297

Fines Balance

\$0.00

Lien Balance

\$0.00

Total Balance

\$0.00

Property On Case

FOLIO NBR

9234011350

Owner

EVANS, MATTHEW A

Property Address 1725 NE 17 AVE

Owner Address

707 BULLOCK PL

City/State/Zip

FORT LAUDERDALE FL

City/State/Zip

LEXINGTON KY 40508

33305

Phone

(954) 892-9871

Case Description

LOUD NOISE FROM POOL PUMP EVERYDAY BETWEEN 11:30-2:30. POOL WAS RECENTLY INSTALLED.

Complaint Code(s)

1: NOISE

Inspections/Events Detail

DATE

TIME

INSPECTION / EVENT

TYPE

INSTRUCTIONS / COMMENTS

DATE TIME	INSPECTION / EVENT TYPE	INSTRUCTIONS / COMMENTS
05-01- 10:19 2016 AM	CASE CLOSED	CASE CLOSED BY EARLJO
		WAS AT THE PROPERTY AND THE
05-01- 10:19	\	POOL FILTER WAS RUNNING AND THERE
	INSPECTION (INITIAL)	WAS
2016 AM		NO
		EXCESSIVE NOISE. CASE CLOSED
04-28- 04:16	INCORPORTION (INSTITUTE)	
2016 PM	INSPECTION (INITIAL)	RESCHEDULE DUE TO WORKLOAD
04-27- 11:40	INITIAL CASE DECORDED	COMPLAINT DECORDED BY CALID
2016 AM	INITIAL CASE RECORDED	COMPLAINT RECORDED BY CAHID

EgovPlus Online Services

Fishibit Z

Case Number

CE16051269

tenant

Case Date

05-19-2016

priority

Origination

PHONE - TELEPHONE

Status

C - CLOSED

CALL RECEIVED

Operator

cahid

Officer

225

Fines Balance

\$0.00

Lien Balance

\$0.00

Total Balance

\$0.00

Property On Case

FOLIO NBR

9234011350

Owner

EVANS, MATTHEW A

Property Address 1725 NE 17 AVE

Owner Address

707 BULLOCK PL

City/State/Zip

FORT LAUDERDALE FL

City/State/Zip

LEXINGTON KY 40508

33305

Phone

(954) 892-9871

Case Description

LOUD NOISE COMING FROM POOL PUMP BETWEEN 12 AND 3PM EVERYDAY.

Complaint Code(s)

1: NOISE

Inspections/Events Detail

DATE

TIME

INSPECTION / EVENT

TYPE

INSTRUCTIONS / COMMENTS

DATE	TIME	INSPECTION / EVENT	INSTRUCTIONS / COMMENTS
06-27-	07:57	CASE CLOSED	CASE CLOSED BY KOVAR
2016	AM	OAGE GEOGED A	ONCE GEOGLE BY NOVIN
06-27-	07:55	ADD/UPDATE	AFTER INTERNAL DISCUSSION AND REVIEW
2016	AM	INFORMATION	CASE WILL BE CLOSED
06-24-	07:57	* ADD/UPDATE	MR. COLEMAN HAD BEEN ADVISED SEVERAL
2016	AM	INFORMATION	TIMES THAT THE BEST WAY TO DEAL WITH
			THIS NIGHT TIME COMPLAINT WOULD BE TO
			PROVIDE US WITH CONSISTENT TIME
			FRAMES
			WITH WHICH TO SCHEDULE A NIGHT
			INSPECTION AROUND. MR. COLEMAN HAS
			NOT
			PROVIDED ANY SUCH TIME FRAMES BUT IS
			STILL ADAMANT ABOUT A NIGHT

AS A RESULT, NIGHT TIME INSPECTOR
OFFICER ATEEK WILL BE SCHEDULED TO
CONDUCT A NIGHT TIME INSPECTION AS PER
HER OWN SCHEDULING DECISION.

INSPECTION.

EMAIL FROM MR. COLEMAN:

"RON: SINCE WHEN BOTH YOU AND ADAM
WERE
HERE TO TAKE A NOISE DB METER LEVEL
READING THAT ADAM SAID HAD REACHED
THE
THRESHOLD FOR AFTER 10PM DISTURBING
THE
PEACE BUT JUST UNDER DAYTIME

READINGS, HAS ANYTHING BEEN PLANNED
TO

GET THE READING REDONE FOR AFTER 10

PM?

PJ '

DATE TIME

INSPECTION / EVENT
TYPE

INSTRUCTIONS / COMMENTS

LATELY THE PUMP IN ADDITION TO THE 12
-3PM PERIOD HAS BEEN ALTERNATING
RUNNING

TIMES DURING THE DAY INCLUDING LAST
SUNDAY UP TILL 9:45 PM WHEN I WAS READY
TO CALL THE POLICE AGAIN.IT WILL RUN
DURING THESE OFF TIMES AT DIFFERENT
VOLUMES? JUST ENOUGH THAT THAT
HUMMING

IS WORKING ON MY BRAIN.I KNOW THAT

SOUNDS NUTS BUT THIS IS GOING ON FOR

JUST SHORT OF 2 MONTHS AND I DARE

ANYONE

TO PUT UP WITH THIS THAT LONG WITHOUT CRACKING!

PLEASE LET ME KNOW IF THE NIGHT TIME
INSPECTOR CAN ARRAINGE SOMETHING
SOONER
THANLATER.

THANKS

STEVE"

STEVE COLEMAN CALLED AND TOLD ME HE
WANTED TO PURSUE THE NIGHT NOISE
COMPLAINTS HE HAS FILED IN THE PAST. I
TOLD HIM THAT I COULD ARRANGE FOR A
NIGHT TIME INSPECTOR BUT ASKED IF HE
COULD PROVIDE CONSISTENT TIME FRAMES

FOR

SAID NIGHT INSPECTOR BEFORE WE

ARRANGE FOR IT.

PJ-

06-15- 03:42 ADD/UPDATE 2016 PM INFORMATION

DATE	TIME	INSPECTION / EVENT TYPE	INSTRUCTIONS / COMMENTS
			WENT OUT WITH SR CODE OFFICER ADAM
			то
			CONDUCT A FINAL READING. FIRST AN
			AMBIENT SOUND READING WAS
			CONDUCTED,
			AND THEN ANOTHER WHEN THE SOUND
06-13-	12:57	DEINODECTION	BEGAN.
2016	PM	REINSPECTION	THE READINGS SHOW THAT THERE IS NO
		Wener occum	NOISE VIOLATION DURING THE DAY, NOISE
			COMPLAINT IN CASE DESCRIPTION REFERS
			TO
			DAYTIME NOISE. THIS CASE IS PENDING
			CLOSURE AS A RESULT OF THE SEVERAL
			READINGS (NO Records)
			SECOND SOUND READING TO BE TAKEN DUE
			ТО
			EXTREMELY CLOSE READINGS IN TERMS OF ALCO-
06-06-	08:42	ADD/UPDATE	COMPLIANCE WHEN MARGIN OF ERROR AND
2016	AM	INFORMATION	AMBIENT NOISE FACTORED IN AS PER CODE CHAP
			SUPERVISORS ADVISE. STILL HAVE NOT
			BEEN
			ABLE TO INSPECT THE SOURCE OF SOUND
06-01-	07:59	REINSPECTION	RESCHEDULING INSPECTION AS PER
2016	AM		SUPERVISOR
		Mever Occurred	I WILL NEED TO SCHEDULE A TIMESLOT WITH
			NEIGHBORING PROPERTY OWNER WHERE I
			AM
05-24-	03:14	ADD/UPDATE	ABLE TO INSPECT THE EXACT SOURCE OF
2016	PM	INFORMATION	THE
2010	1 171		NOISE EMISSION TO DETERMINE WHETHER
			OR
			NOT A NEIGHBORING POOL PUMP IS THE
			CAUSE

P94

2	DATE	TIME	INSPECTION / EVENT TYPE	INSTRUCTIONS / COMMENTS
				1:02PM
	05-23- 2016	01:50 PM	INSPECTION (INITIAL)	MR. COLEMAN LED ME TO AN AREA OF HIS PROPERTY WHERE THE ALLEGED NEARBY POOL PUMP COULD BE HEARD. I CONDUCTED 3 SEPARATE SOUND LEVEL METER READINGS. I RECEIVED DECIBEL READINGS OF 63, 64, AND 63 RESPECTIVELY WILL FOLLOW UP ON THESE READINGS WITH THE CITY CODE AND MY SENIOR OFFICERS
	05.40	00.04	INUTIAL CACE	REI
	05-19- 2016	02:31 PM	INITIAL CASE RECORDED	COMPLAINT RECORDED BY CAHID

STATE LAW REFERENCE TABLE | modified

Exhibit 3

 Sec. 16-128. - Property owners prohibited from renting real property to certain sexual offenders and sexual predators; penalties.

Chapter 18 - NUISANCES >

Chapter 17 - NOISE CONTROL^[1]

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Sec. 17-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound level means the sound level as measured with the A-weighting network on a sound level meter meeting the standards set forth in the American National Standards Institute (ANSI) S1.4-1983 or its successors. The unit of reporting is dBA. Sounds measured with the "A" weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity without an amplified low frequency component.

Ambient sound level means that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and those from the source under investigation. Ambient sound level is synonymous with background sound level. Ambient sounds are differentiated from extraneous sounds by the fact that the former are of a more steady state, although they may not be continuous.

Amplified sound means the reproduction of sound from any radio, stereo, CD player, DVD player, microphone, drum, turn table, audio or visual equipment, musical instrument, sound equipment, sound amplification device, television set, exterior loudspeakers, bullhorn or any similar device.

Backup alarm means an audible safety device designed to alert people that a vehicle is operating in reverse, meeting Occupational Safety and Health Administration (OSHA) rules at 29 CFR Part 1926.601(b) (4) and 29 CFR Part 1026.602(a)(9), which require, in part, that: the vehicle has a reverse signal alarm audible above the surrounding noise level.

C-weighted sound level is the sound level as measured using the "C" weighting network with a sound level meter meeting the standards as set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dBC. The "C" weighting network is more sensitive to low frequencies than the "A" weighting network.

Continuous sound means any sound with a duration of more than one (1) second, as measured with a sound level meter set to the "slow" meter response.

Decibel means a logarithmic (dimensionless) unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.

Emergency energy release device means a device used specifically to release excess energy on a non-scheduled basis as necessary for purposes of safety.

Extraneous sound means a sound of high intensity and relatively short duration which is neither part of the ambient sound, nor comes from the sound source under investigation.

Impulsive sound means a sound that has a duration of less than one (1) second and comes from the sound source under investigation.

LMAX means the maximum sound level measured during the sound measurement period.

Mechanical device means any device that transmits or modifies energy.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels; with a motor rated not in excess of two (2) brake horsepower and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; as defined in F.S. § 316.03, as may be amended from time to time.

Motor vehicle means any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped; as defined in F.S. § 316.03, as may be amended from time to time.

Motorboat means any vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is on actual operation; as defined in F.S. § 327.02, as may be amended from time to time.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or moped; as defined in F.S. § 316.03, as may be amended from time to time.

Motorized scooter means any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels, and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; as defined in F.S. § 316.03, as may be amended from time to time.

Mixed-use property means more than one (1) type of use in a building or set of buildings; some combination of residential and non-residential use.

Multifamily dwelling means any building occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for cooking on the premises. This includes apartments, condominiums and coach homes, but does not include hotels, motels, bed and breakfast, townhouse, or cluster dwellings.

Noise means, for the purposes of this chapter, any sound that is in violation of any provision of this chapter.

Noise control officer means environmental inspectors, building and zoning inspectors, code enforcement officers and police enforcement personnel authorized to enforce provisions of this code.

Noise disturbance means any sound which is unreasonably loud, raucous, or jarring to reasonable persons of ordinary sensibilities, or any sound which affects the health, safety, or welfare of other persons, or exceeds the noise levels as defined in section 17-6.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties.

Public right-of-way and *public space* means land conveyed or dedicated by plat, deed, easement or other conveyance which is devoted to, required for or intended for the use by the public as a means of public traverse and other public purposes.

Real property line means either (a) the boundary line of a parcel; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multifamily dwelling; or (c) on a mixed-use property, the interface between the two (2) portions of the property on which different categories of activity are being performed.

Single-family dwelling is a dwelling unit designed for or occupied by one (1) family and includes standard, detached, and attached dwellings.

Single-family dwelling (attached) is a one-family dwelling attached to another one-family dwelling by a common vertical wall and where each unit is located on a separate plot. Single-family dwellings that are attached include duplex, cluster, and townhouse dwellings.

Sound means oscillations in pressure in a medium with elasticity and viscosity, such as air, that evoke auditory sensation in the human ear.

Sound level meter means an instrument that measures sound and conforms to ANSI S1.4-1983 or its successor publications.

Total sound level means that measured level which represents the summation of the sounds from the sound source under investigation and the ambient sounds which affect a given place at a given time, exclusive of extraneous sound sources.

Vessel means every watercraft, barge, and airboat, used or capable of being used as a means of transportation on water, as defined in F.S. § 327.02, as may be amended from time to time.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-2. - Penalties.

Any person who violates any provision of this chapter and who shall be found violating or found in violation of any provision of this chapter shall be subject to the penalties as prescribed in section 1-6 and/or Chapter 11 of this Code.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-3. - Noise control officers.

- (a) The noise control program established by this chapter shall be administered and enforced by noise control officers.
- (b) The noise control officers shall have the power to investigate and pursue possible violations of this ordinance and initiate enforcement under this chapter.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-4. - Sound level measurement.

Sound level measurement shall be made with a sound level meter using the "A" weighting scale or "C" weighting scale, as specified in this chapter for the specific sound source being investigated.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-5. - General prohibitions.

It shall be unlawful for any person to make or continue or cause to be made or continued any noise disturbance within the limits of the city.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-6. - Maximum permissible dBA sound levels.

Notwithstanding any other provision in this chapter, it shall be unlawful, except as expressly permitted herein, to cause, allow, or permit the making of any sound which exceeds the limits set forth in this section.

TABLE I MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS dBA

P9 4

999

8

900

USE	TIMES	OUTDOOR	INDOOR
Residential	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	60 dBA* \$\mathcal{B}\$ 50 dBA	45 dBA 35 dBA
Commercial 24 hours		65 dBA	55 dBA
Industrial	24 hours	75 dBA	65 dBA

\$ 2. Steady Pure Tomes. Not HVAC reduce Table I limits by Five C5) dBA. See ment Page, 6

* If the residential use is within a commercial, industrial, or mixed use, or within two hundred (200) feet of such use, the outdoor sound level limit is sixty-five (65) dBA between 7:00 a.m. to 10:00 p.m.

Sound level measurements shall be taken as follows:

- a. The sound level limit for the complainant's use shall apply.
- Outdoor sound level measurements shall be taken on or within the real property line of the complainant.
- c. Indoor sound level measurements shall apply when the sound source is on or within the same parcel of land as the complainant or when the real property line between the sound source and the complainant is a common wall, floor, or ceiling. Indoor sound level measurements shall be taken within the premises of the complainant.
- d. Three (3) measurements of the normal, usual operation of the sound source under investigation shall be taken. The metric that shall be applied is LMAX. Each of the three (3) measurements shall be no less than thirty (30) seconds in duration, and all three (3) measurements shall be taken within any one-hour period. If the sound source under investigation is of a total duration of less than ninety (90) seconds, one thirty-second measurement shall be sufficient.

1. Impulsive sound:

a. Between the hours of 7:00 a.m. and 10:00 p.m. daily, impulsive sounds which occur ten (10) or more times in any one (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.

- b. Between the hours of 10:00 p.m. and 7:00 a.m. daily, impulsive sounds which occur times in any one (1) hour shall not exceed the permissible sound level limits as set impulsive sounds which occur less than four (4) times in any one-hour period shall twenty (20) decibels above the permissible sound level limits as set forth in Table I.
- Steady pure tones: If the sound source under investigation is a mechanical device, excluding HVAC equipment on residential property, and is emitting a sound with a steady tonal quality which does not fluctuate more than plus or minus three (3) dBA, the permissible sound level limits in Table I shall be reduced by five (5) dBA.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-7. - Specific restrictions.

- 1. Amplified sound. No person shall cause, allow, or permit the operation of any amplified sound device from the following use districts or locations in the following manner:
 - a. Residential use:
 - i. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.
 - Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.
 - Rights-of-way. Sound shall not be plainly audible at a distance of twenty-five (25) feet or more from a motor vehicle or any other sound source.
 - c. Special entertainment overlay district. When measured at a distance of five (5) feet from the building, structure or establishment from which the sound is emanating:
 - i. Sound shall not exceed:
 - Eighty-five (85) dBA or ninety-five (95) dBC Monday through Thursday from 12:00 p.m. to 12:00 a.m. the following day:
 - 2. Seventy (70) dBA or eighty (80) dBC Monday through Thursday from 12:00 a.m. to 2:00 a.m.
 - 3. Sixty-five (65) dBA or seventy-five (75) dBC Monday through Thursday from 2:00 a.m. to 12:00 p.m.
 - ii. Sound shall not exceed:
 - Eighty-five (85) dBA or ninety-five (95) dBC Friday through Sunday and legal holidays (as provided by state law), from 12:00 p.m. to 1:00 a.m. the following day:
 - 2. Seventy (70) dBA or eighty (80) dBC Friday through Sunday and legal P?6



99

- Chapter 17 NOISE CONTROL | Code of Ordinances | Fort Lauderdale, FL | Municode Library holidays (as defined by state law), from 1:00 a.m. to 3:00 a.m.
 - 3. Sixty-five (65) dBA or seventy-five (75) dBC Friday through Sunday and legal holidays (as defined by State law), from 3:00 a.m. to 12:00 p.m.
- d. Commercial, mixed-use, or industrial uses. No person shall cause, allow, or permit the operation of any amplified sound device in such a manner that it exceeds the following sound level limits:
 - i. From 12:00 p.m. to 10:00 p.m. daily: sound levels shall not exceed sixty (60)
 dBC when measured within the premises of a complainant.
 - ii. From 10:00 p.m. daily to 12:00 p.m. the following day: sound levels shall not exceed fifty-five (55) dBC when measured within the premises of a complainant.
 - iii. Sound level limits in Table 1 shall apply when sound level measurements are taken outdoors at or within the property line of the complainant.
- 2. Animals. Unless unreasonably provoked, it shall be unlawful for any person to own, keep, possess or maintain any domesticated animal which vocalizes (howls, yelps, barks, squawks, or other noise) and the vocalizing is plainly audible at or within the property line of the complainant; and:
 - a. The vocalizing is for more than five (5) minutes without interruptions, defined as an average of four (4) vocalizations per minute; or
 - b. The vocalizing is two (2) times or more per minute for twenty (20) consecutive minutes.
- 3. Commercial sanitation operations. No person shall cause, allow, or permit the loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or recyclable containers, between the hours of 10:00 p.m. and 7:00 a.m. daily when such operations are conducted on a property located within two hundred fifty (250) feet of a residential use.

4. Construction:

- a. No person shall operate or cause to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
- b. It shall be unlawful for any person to operate or cause to be operated equipment for the aforementioned uses Monday through Saturday before 8:00 a.m. or after 7:00 p.m. and Sunday before 10:00 a.m. or after 7:00 p.m., except for public works transportation projects that are approved pursuant to section 17-9.
- 5. Emergency generators:
 - a. Testing of generators shall be conducted for the minimum duration and at the



minimum frequency recommended by the manufacturer, but in no case shall said testing exceed one (1) hour in any one (1) day.

- b. Testing shall only be conducted between the hours of 10:00 a.m. and 7:00 p.m. daily.
- c. The sound emissions from generators shall not exceed sixty-eight (68) dBA when measured at a distance of twenty-three (23) feet from the generator.
- d. When the generator is located on the same parcel as the complainant, the indoor sound level limits in Table 1 shall apply.
- 6. Heating, ventilation, and air conditioning (HVAC) equipment on residential property. No person shall operate or cause to be operated any HVAC equipment on residential property which exceeds forty (40) dBA between the hours of 10:00 p.m. and 7:00 a.m. daily when measured within the premises of a complainant.
- 7. Landscaping and yard maintenance power tools or motorized equipment. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment Monday through Friday before 7:00 a.m. or after 7:00 p.m. and Saturday and Sunday before 8:00 a.m. or after 6:00 p.m. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
- 8. *Motorboat*. No person shall operate or cause to be operated any motorboat in any lake, river, stream, or other waterway which is not muffled pursuant to F.S. § 327.65.
- 9. *Motor vehicles, motorcycles, mopeds and motorized scooters*. No person shall cause a rapid throttle advance (revving) of an internal combustion engine resulting in a noise disturbance.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-8. - Exemptions.

1

- 1. Construction operations between 8:00 a.m. and 7:00 p.m., Monday through Saturday and between 10:00 a.m. and 7:00 p.m. on Sunday for which building permits have been issued, or construction operations not requiring permits due to the scope of work or ownership of the project by an agency of government; providing all equipment is operated in accordance with its manufacturers' specifications, uses as standard equipment its manufacturers' mufflers and noise-reducing equipment, and is in proper operating condition.
- 2. Emergency energy release devices.
- 3. Facility-wide warning devices.
- 4. Back-up alarms so long as they are self-adjusting to ambient sound levels and meet the requirements of OSHA standards.

12/7/2017

Cc:

Print

Ewhibit 4

Subject: Re: Facts re1725 NE 17th Ave and Chapter 17 Noise Control

From: steve coleman (scoleman13@att.net)

To: AFajardo@fortlauderdale.gov;

AFeldman@fortlauderdale.gov; PGoldwire@fortlauderdale.gov; ABattle@fortlauderdale.gov;

jack.seiler@fortlauderdale.gov; broberts@fortlauderdale.gov; bwallman@sunsentinel.com;

lbarszewski@sunsentinel.com; cerodstrom@aol.com;

Date: Sunday, December 3, 2017 11:37 AM

Anthony: Certainly after your personal telling you that they did multiple readings and all were lower than the only one on record, which wasn't, and I have asked multiple times for this record of the multiple inspection readings and can't find on the Code website, I want to know where this can be found?

This is a request for public records and want them made available.

Thanks for your attention

Steve Coleman SColeman13@att.net www.bign.com/smcoleman N26'09.055 W080'07.593

On Friday, November 24, 2017 10:23 AM, Anthony Fajardo <AFajardo@fortlauderdale.gov> wrote:

Mr. Coleman,

Code has gone to the property on multiple occasions and taken sound levels and has shown no violation.

If your attorney would like to respond to the assistant city attorney those questions can be answered in that manner.

I know this is not what you were hoping to hear, but we find there is no violation. Code staff is trained on the equipment and has made these readings on multiple occasions throughout the City and I trust their judgement and assessment of the situation.

Sincerely,

Anthony Gregory Fajardo | Director City of Fort Lauderdale | Department of Sustainable Development 954•828•5984 Sent from my iPhone

On Nov 23, 2017, at 1:38 PM, steve coleman < scoleman 13@att.net < mailto:scoleman 13@att.net >> wrote:

My point exactly! Closed on what basis? Facts are all closed without merit and not based on the city codes or ordinances. I know you want to trust and believe that these officials know what they are doing

1/10/2018

Print

Exhibit 5

Subject: RE: CLK-596-2017 / FW: Public Records Request follow up

From:

Karen Becker (KBecker@fortlauderdale.gov)

To:

scoleman13@att.net;

Cc:

DSoloman@fortlauderdale.gov; KBecker@fortlauderdale.gov; LComer@fortlauderdale.gov;

Date:

Wednesday, January 10, 2018 12:31 PM

Dear Mr. Coleman: We have been advised by City staff that there are no responsive records. Thank you.

Karen Becker

City Clerk's Office

City of Fort Lauderdale

100 N. Andrews Avenue

Fort Lauderdale, FL 33301

954-828-6015

kbecker@fortlauderdale.gov

From: steve coleman [mailto:scoleman13@att.net] Sent: Tuesday, January 09, 2018 10:03 AM

To: Laura Comer

Cc: David Soloman; Karen Becker

Subject: Re: CLK-596-2017 / FW: Public Records Request follow up

Laura: Good Morning. Just checking back on my records request. Looks like this does not exist being that Code Director Mr. Fajardo wasn't able to provide over more than a month of asking and follow ups but also came up empty?

Let me know that you have come up empty as well if so.

Thanks

Steve

about:blank

City of Fort Lauderdale - Building Services Eyhib. + &

EgovPlus Online Services

Re inspection 2/6/18

Case Number

tenant

Case Date

01-25-2018

priority

Origination

PHONE - TELEPHONE

Status

O - OPEN CASE

CALL RECEIVED

Operator

bluef

Officer

295

Fines Balance

\$0.00

Lien Balance

\$0.00

Total Balance

\$0.00

Property On Case

FOLIO NBR 9234011350 Owner

EVANS, MATTHEW A

Property Address 1725 NE 17 AVE

Owner Address

707 BULLOCK PL

City/State/Zip

FORT LAUDERDALE FL

City/State/Zip

LEXINGTON KY 40508

33305

Phone

(954) 892-9871

Case Description

POOL PUMP THAT IS TO LOUD PUMP COMES ON EVERY MORNING AT 8:17A NOISE NUISANCE. STEVE COLEMAN 954-564-6097 FB

Complaint Code(s)

1: ZONING/USE VIOLATION

Inspections/Events Detail

2/0/2018	City of Fort Lauderdaie - Building Services		
DATE	TIME	INSPECTION / EVENT	INSTRUCTIONS / COMMENTS
02-13- 2018	10:24 AM	REINSPECTION	
02-06-	10:24	REINSPECTION	SR INSPECTOR GOTTLIEB AND I ARRIVED AT
2018	AM		8:00 A.M. AT 1729 NE 17 AVE TO CONDUCT A
			NOISE READING REGARDING THE PROPERTY
			AT
			1725 NE 17 AVE. THE PROPERTIES ARE
			ZONED
			RS-8 RESIDENTIAL. THE SPECIFIC
			COMPLAINT
			IS REGARDING A POOL PUMP THAT MAY
			EXCEED
			PERMISSABLE SOUND LEVELS.
			THE SOUND READINGS WERE TAKEN WIHT A
			DIGITAL SOUND LEVEL METER ON AN "A"
			WEIGHTING SCALE.
			THE POOL PUMP IS SAID TO BE ON A TIMER
			AND TURNS ON AT 8:17 A.M.
			AN AMBIENT SOUND READING WAS TAKEN AT:
			8:07 A.M.: 45.1 DBA (30 SECOND PEAK)
			THE PUMP TURNED ON BETWEEN 8:17 A.M.
			SNF

8:19 A.M.

A SOUND READING WAS TAKEN FROM THE COMPLAINANT'S SCREENED PATIO AT HIS REQUEST ON THE SOUTH SIDE OF

PROPERTY

ABUTTING 1725 NE 17 AVE.

THE NOISE READINGS WERE AS FOLLOWS

WITH

THE POOL PUMP RUNNING:

8:20 A.M. - 56.9 DBA (30 SECOND PEAK)

8:21 A.M. - 56.3 DBA (30 SECOND PEAK)

DATE TIME

INSPECTION / EVENT
TYPE

INSTRUCTIONS / COMMENTS

8:22 A.M. - 56.1 DBA (30 SECOND PEAK)

THE COMPLAINANT HAD THEIR OWN SOUND METER AND THEY WERE TAKING READINGS AT

THE SAME TIME WITH SIMILAR READINGS/FINDINGS.

ACCORING TO THE COMPLAINANT, THE POOL PUMP STARTS TO PRIME FOR 3 MINUTES WHERE

IT IS THE LOUDEST.

THE POOL PUMP THEN RUNS QUIETLY UNTIL DUSK.

THE MAXIMUM PERMISSABLE DBA SOUND
LEVEL

FOR OUTDOOR RESIDENTIAL BETWEEN 7:00
A.M. TO 10:00 P.M. IS 60 DBA PER SEC.
17-6 OF THE CODE ORDINANCE.
SEC. 17.6(2) - STATES "IF THE SOUND
SOURCE UNDER INVESTIGATION IS A
MECHANICAL DEVICE, EXCLUDING HVAC
EQUIPMENT ON RESIDENTIAL PROPERTY,
AND

IS EMITTING A SOUND WITH A STEADY TONAL
QUALITY WHICH DOES NOT FLUCTUATE
MORE

THAN PLUS OR MINUS THREE (3) DBA, THE PERMISSIBLE SOUND LEVEL LIMITS IN TABLE I SHALL BE REDUCED BY FIVE (5) DBA."

SR. INSPECTOR GOTTLIEB AND I DEPARTED
THE COMPLAINANT'S PROPERTY EXPLAINING
THAT WE WILL CONDUCT FURTHER
RESEARCH AT

DATE TIME

INSPECTION / EVENT
TYPE

INSTRUCTIONS / COMMENTS

THE DSD BUILDING. I ASKED THE
COMPLAINANT THAT WE MAY WANT TO
PERFORM
A NIGHT NOISE READING AND HE SAID THAT
A
NIGHT READING WAS NOT NEEDED.

OF
1725 NE 17 AVE WAS OUTSIDE AND
INFORMED
US THAT THE PUMP DOES PRIME AND RUN
FOR
3 MINUTES AT 8:16 A.M. TO THEN RUN
QUIETLY UNTIL 6:00 P.M. HE STATED THAT
HE HAS A HAYWARD POOL PUMP SYSTEM.

01-31- 2018	09:49 AM	INSPECTION (INITIAL)	INSPECTION SCHEDULED FOR NEXT WEEK, WITH
			COMPLAINANT, MR. COLEMAN.
			AS PER SUPERVISOR A. FELDMAN, SENIOR
			OFFICER GOTTLIEB WILL FOLLOW UP WITH
01-30-	08:39	DEINGDECTION	NEIGHBOR REGARDING MORNING
2018	· AM	REINSPECTION	APPOINTMENT;
			THEREFORE, INITIAL INSPECTION RE-SET FOR
	•		SENIOR.
01-26-	08:38	INSPECTION (INITIAL)	
2018	AM		
01-25-	08:23	INITIAL CASE	COMPLAINT RECORDED BY BLUEF
2018	AM	RECORDED	COMPLAINT RECORDED BY BLUEF

Supplemental Evidence of Permit Approval of Pool Construction @ 1725 N.E. 17th Ave.Cause of the violation of the Chapter 17 Noise Control

5/16 phone conversation with Robert Allard of Allard Pool Company heard the sound of the Pump Motor and said it was called Cavitation (a siren like noise) due to the incorrect plumbing and motor size.

2/20/17 A tech was next door with the owner reporting his inspection findings and I could hear since he spoke loud to be overheard by the noise. He said that the motor was the wrong size and needed to be replaced if he wanted to operate all the pool features and also the filter pool. He would temporarily slow the motor speed to 60% but not a fix.

12/17/17 Downtown Pools came out only found out after lawyer said the owner was not go to fix problem due to replacing the motor would make problem worst. I called Downtown Pools 1/3/18 and spoke to Cary. Asked him as I did Knox Pools in a follow up phone call if any lawyers called or asked for copy of the report findings? None had!

He went on to describe that the plumbing was the worst he had ever seen and needed to be replaced. Also that he needed to have (2) separate pumps to operate.(1) just to do filtering and (1) to operate the fountains and hot tub.

Owner lied to his lawyer as to findings and will need to litigate in court. But since the city has closed the Code Case as not a violation I am told this will continue to be a hurdle!

My lawyer never looked up the Ordinance to see that what I have told him about the incorrect case closing since he tends to believe Code Inspector as do the owner, defense lawyer and the judge.

Demands of Stephen M. Coleman regarding Code Complaint

Due to the Negligence, complicity and malfeasance on part of the city code and building departments and the resulting instruction by the City Manager, Lee Feldman, that I had no recourse but to deal with as a Civil matter after many attempts to get assistance from the mayor and commissioners via emails and phone calls that went unanswered and still to this date, request an immediate response by doing several things.

- Revise the code case from closed to open and take the defined steps in the Chapter 17 Noise Control Ordinance to correct the problem to prevent me from having to deal with a new owner, which has already occurred twice, to prevent another complaint and a potential fight to resolve. This will require a complete redesign and replacement of the existing systems and equipment to meet typical pool operations without disturbing my peace.
- 2. Need the city legal department to clean up the growing mess caused by taking City Manager Lee Feldman's directions to take problem to Civil court. This will need to be address to the current property owner, his lawyers and the Court Case No: CACE-17-003684 Division:04 in a manner that the case will be closed without any repercussions on me. A.S.A.P.
- 3. Since I have spent to date over \$7,600 for lawyers and counting and can't afford on my Social Security fixed income want to be reimbursed for what should have never been passed off on me.Not taking into account the pain and suffering I had to endure for almost 2 years and the effects causing an Aortic Aneurysm from the daily stress this has caused resulting in Open Heart surgery 9/17 during Hurricane Irma.

Otherwise I am keeping my options open.

Regards

Stephen. M Coleman

feeting m Coloman

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:

<u>SECTION 1</u>. 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.

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

ADOPTED this the 6th Day of February, 2018.

	Mayor
	JOHN P. "JACK" SEILER
ATTEST:	
City Clerk	
IEEEDEV A MODARELLI	

EXHIBIT TO RESOLUTION 18-

AVIATION ADVISORY BOARD

Ed Kwoka and Tom Moody are appointed to the Aviation Advisory Board for one year terms beginning March 4, 2018 and ending March 3, 2019 or until their successors have been appointed.

Louis Gavin is appointed to the Aviation Advisory Board for a one year term beginning March 9, 2018 and ending March 8, 2019 or until his successor has been appointed.

John Watt is appointed to the Aviation Advisory Board for a one year term beginning March 17, 2018 and ending March 16, 2019 or until his successor has been appointed.

BEACH REDEVELOPMENT BOARD

Tom McManus is appointed to the Beach Redevelopment Board for a one year term beginning April 1, 2018 and ending March 31, 2019 or until his successor has been appointed.

BOARD OF ADJUSTMENT

Chadwick Maxey is appointed to the Board of Adjustment (alternate member) for a two year term beginning May 21, 2017 and ending May 20, 2019 or until his successor has been appointed.

COMMUNITY APPEARANCE BOARD

Jiro Yates is appointed to the Community Appearance Board for a one year term beginning March 4th, 2018 and ending March 3rd, 2019 or until his successor has been appointed.

COMMUNITY SERVICE BOARD

Richard Morris is appointed to the Community Service Board (category: Broward County employee involved in the administration of Ryan White funds or other grants associated with assisting persons with HIV/AIDS) for a one year term beginning February 7, 2018 and ending February 6, 2019 or until his successor has been appointed.

Scott Kjelson and Gary Jackson are appointed to the Community Service Board (category: District 2) for one year terms beginning March 21, 2018 and ending March 20, 2019 or until their successors have been appointed.

(18-0140)

EDUCATION ADVISORY BOARD

Natasha Wilson is appointed to the Education Advisory Board for a one year term beginning February 21, 2018 and ending February 20, 2019 or until her successor has been appointed.

NUISANCE ABATEMENT BOARD

John Forman is appointed to the Nuisance Abatement Board for a one year term beginning February 21, 2018 and ending February 20, 2019 or until his successor has been appointed.

PARKS RECREATION AND BEACHES BOARD

Marie Huntley is appointed to the Parks, Recreation and Beaches Board for a one year term beginning February 6, 2018 and ending February 5, 2019 or until her successor has been appointed.

SUSTAINABILITY ADVISORY BOARD

Lawrence Clark is appointed to the Sustainability Advisory Board for a one year term beginning March 3, 2018 and ending March 2, 2019 or until his successor has been appointed.

Danielle Falarz has been appointed to the Sustainability Advisory Board to complete an unexpired term ending April 18, 2018 or until her successor has been appointed.