

# City of Fort Lauderdale

*City Hall  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)*



## Meeting Minutes

**Tuesday, October 17, 2017**

**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**

Rabbi Yitzchok Naparstek, Chabad Lubavitch of Fort Lauderdale

**Pledge of Allegiance**

Dr. Warren M. Sturman, Community Emergency Response Team

**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 Jaime Costas

**No e-comments were submitted for this meeting.**

**CALL TO ORDER**

Mayor Seiler called the meeting to order at 6:05 p.m.

**ANNOUNCEMENTS**

Mayor Seiler announced the following changes to the agenda:

CM-7 - Revised Page 1 and resource impact section of the Memo

Mayor Seiler announced the following Walk-On item was added to the Agenda:

Walk-On Resolution Extending the Period of Due Diligence and the Closing Date of the Purchase of Property located at 2681 Riverland Road

**Approval of MINUTES and Agenda**

[17-1283](#)

Minutes for September 13, 2017 Special Commission Meeting/Second Budget Hearing and September 19, 2017

## Commission Conference Meeting

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

**PRESENTATIONS****PRES-** [17-1286](#)  
**2**

Proclamation declaring October 17, 2017 as Poppits Toothpaste Pods Day in the City of Fort Lauderdale

Commissioner Rogers requested Wayne Solan join him at the podium. He explained Mr. Solan's invention of a toothpaste pod that both serves to avoid waste and provides environmentally friendly packaging.

Commissioner Rogers presented Mr. Solan with a Proclamation declaring October 17, 2017 as Poppits Toothpaste Pods Day in the City of Fort Lauderdale, reading the Proclamation in its entirety. Mr. Wayne Solan, Poppits Toothpaste, accepted the Proclamation thanking Mayor Seiler and the Commission.

**PRESENTED****PRES-** [17-1288](#)  
**3**

Proclamation declaring November 11, 2017 as Coral Ridge Yacht Club 70th Anniversary Day in the City of Fort Lauderdale

Vice Mayor Roberts requested Carolyn Greenlaw, Director of the Coral Ridge Yacht Club, join him at the podium.

Vice Mayor Roberts presented a Proclamation declaring November 11, 2017 as Coral Ridge Yacht Club 70th Anniversary Day in the City of Fort Lauderdale, reading the Proclamation in its entirety.

Ms. Greenlaw thanked the City for the Proclamation and its assistance over the years. Ms. Greenlaw introduced Mr. Jay M. Wallace, General Manager of Coral Ridge Yacht Club, who thanked Mayor Seiler and the Commission, acknowledging the City's history with Coral Ridge Yacht Club. Commissioner Trantalis commented on the opportunity for Coral Ridge Yacht Club to apply for historic designation. Further comments regarding historic aspects of Coral Ridge Yacht Club and its community efforts during Fleet Week continued.

**PRESENTED**



**PRES- [17-1289](#)****4**

Proclamation declaring the Month of October, 2017 as National Disability Employment Awareness Month in the City of Fort Lauderdale

Commissioner Trantalis presented a Proclamation declaring the Month of October, 2017 as National Disability Employment Awareness (NDEM) Month in the City of Fort Lauderdale to Achievement and Rehabilitation Centers, Inc. (Arc). He gave a brief background on Arc's efforts to serve the disabled community, noting *Inclusion Drives Innovation* is their theme for 2017. He discussed Arc's work in transforming the community by providing opportunities for those with disabilities and other life challenges to realize their full potential.

Commissioner Trantalis asked Dennis Haas, Arc Broward's President and CEO, Vice President Julie Price, and Chief Marketing and Development Officer Jessica Rodriguez to join him at the podium. Commissioner Trantalis read the proclamation in its entirety. Mr. Haas thanked the Commission and Mayor Seiler for the Proclamation and support, expounding on Arc Broward's efforts in the City.

**PRESENTED****PRES- [17-1287](#)****1**

Recognition - 2016 FHSA State Boys Basketball Championship Winners - Calvary Christian Academy, Dillard High School and Westminster Academy

Vice Mayor Roberts and Commissioner McKinzie recognized the 2016 Florida High School Athletic Association (FHSA) State Boys Basketball Championship Winners - Calvary Christian Academy, Dillard High School, and Westminster Academy.

Commissioner McKinzie called the coaches to the podium:

Coach Silk McSweeney - Calvary Christian Academy  
Coach Darryl Burrows - Dillard High School  
Principal - Mrs. Casandra D. Robinson  
Aaron Warharf - Westminster Academy

Commissioner McKinzie commented that for nearly 25 years, Dillard High School Basketball Coach Darryl Burrows has directed its basketball program on a course to become the most successful boys basketball program in Broward County. This past season, Coach Burrows led Dillard to its seventh state championship, giving the Dillard Panthers the most state championships of any Broward high school. Earlier this year, the Florida Dairy Farmer's Association named Coach Burrows as its Florida Coach of the Year for this recent milestone season.

Coach Burrows thanked the Commission and Mayor Seiler for this recognition, acknowledging Principal Robinson for her support and work at Dillard High School.

Principal Robinson thanked the Commission and Mayor Seiler for this presentation and recognition. Principal Robinson commented that the players are both athletes and scholars who are looking forward to attending colleges and universities all across the country, acknowledging and thanking their parents for their support.

Coach Aaron Warharf, Westminster Academy thanked the Commission and Mayor Seiler for their recognition and support. Coach Warharf also thanked Coach Burrows for his own coaching while attending Dillard High School.

Coach McSweeney, Calvary Christian Academy, thanked the Commission and Mayor Seiler for this recognition, commenting it was an exciting year for all three schools.

#### **PRESENTED**

#### **CONSENT AGENDA PUBLIC COMMENT**

Mayor Seiler announced the following items had been pulled from the Consent Agenda by members of the Commission for separate discussion:

CM-2, CM-6, CM-7, CR-1, and CR-3

#### **CONSENT AGENDA**

#### **CONSENT MOTION**

#### **Approval of the Consent Agenda**

Commissioner McKinzie made a motion to approve the Consent Agenda and was seconded by Vice Mayor Roberts.

#### **Approve the Consent Agenda**

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

#### **CM-1 [17-1192](#)**

Motion to Approve Event Agreements and Related Road Closings:



Trunk or Treat, Halloween Block Party, Light Up Downtown, Velo Sport Gran Fondo, 4th Annual Fort Lauderdale Jingle Bell Jog, and 5K 4kids

APPROVED

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

Mayor Seiler asked for a moment of silence in remembrance of the father of Senior Assistant City Attorney Paul Bangel.

**CM-2**   [17-1054](#)

**Motion Authorizing the Release of Housing Property Liens**

Mayor Seiler recognized Joshua Pinsky, Esq., on behalf of Mariann Curington, who discussed his concerns regarding the property located at 623 NW 13th Terrace and a 1998 City mortgage. Mr. Pinsky stated one aspect of this item to be addressed is the mortgage not having a term listed or addressing what would happen if the mortgagor passed away, stating a process to remedy issues is required in order to obtain a clear title.

City Attorney Everett commented on the City's position regarding forgiving the liens and meeting all obligations. Further discussions continued on this issue. Assistant City Attorney Lynn Solomon explained the previous procedure and the current conditions and procedures.

In response to Mayor Seiler's question, Mr. Pinsky explained how this situation came about. Assistant City Attorney Solomon commented on items not listed in the original mortgage agreement. Mayor Seiler recommended determining the qualification of the current occupant, Mariann Curington (Heir). City Attorney Everett recommended approving this item subject to confirmation that the heir meets the Replacement Housing Program's eligibility requirements, commenting on the current policy.

Avis Wilkinson, Community Development Staff, addressed the Commission confirming the current policy for these types of situations. Mr. Pinsky described the chain of events leading up to this point for the 623 NW 13th Terrace property. Ms. Wilkinson confirmed the original agreement for the 623 NW 13th Terrace property did not include the options currently available from the City. Mayor Seiler discussed the

eligibility of the current resident being a requirement. Ms. Wilkinson confirmed this has not been determined, recommending that this requirement be added as an amendment to this item based on the guidelines of the program.

City Attorney Cynthia Everett stated the Robinson property, located at 822 NW 2nd Street, Fort Lauderdale, Florida meets all of the requirements. Concerning the property located at 623 NW 13th Terrace, she suggested the Commission approve this item as amended, subject to the Heir meeting Replacement Housing Program eligibility requirements.

Mayor Seiler suggested dividing this item into two motions, one for each property.

Commissioner Trantalis and Mayor Seiler discussed the timeframe for determining eligibility requirements for the property located at 623 NW 13th Terrace. Mayor Seiler recommended that this motion include the eligibility requirement being within the 15 year timeframe as noted in the original mortgage from the time Ms. Curington inherited the property. Further discussions ensued on this issue.

Commissioner McKinzie made a motion to approve this item for the property at 623 NW 13th Terrace as amended and was seconded by Commissioner Trantalis.

**Motion 1: APPROVED AS AMENDED - If eligible during the window at any point**

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

Vice Mayor Roberts made a motion to approve this item for the property located at 833 NW 2nd Street and was seconded by Commissioner McKinzie.

**Motion 2: APPROVED as is**

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

**CM-3**    [17-1263](#)

Motion to Approve an Assignment and Assumption of Lease Agreement between 2601 ML Fund, LLC and 2611 East Oakland Park, LLC for Air Rights - 2611 E Oakland Park Boulevard

**APPROVED**

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



**CM-4**    [17-0871](#)

Motion to Approve Amendment to Interlocal Agreement with the Broward County Metropolitan Planning Organization for Administrative Services for the City's Transportation Initiatives

**APPROVED**

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

**CM-5**    [17-1200](#)

Motion Authorizing Purchase of Public Officials and Employment Practices Liability Insurance - ACE American Insurance Company - \$171,575.00

**APPROVED**

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

**CM-6**    [17-1268](#)

Motion Authorizing Purchase of Automobile Liability Insurance - Preferred Governmental Insurance Trust - \$911,489.00

City Manager Feldman explained this insurance related item covers all City vehicles at all times. He explained additional coverage includes off duty officers using City vehicles during events such as The Boat Show.

City Attorney Everett explained this is for the purchase of automobile liability insurance and replaces the City's self-insurance model. She discussed the issue of off-duty police details protecting citizens, officers and vendors. City Attorney Everett discussed the need to protect the City from profit making entities utilizing off-duty police officers and using public funds for public purposes. She also discussed private entities paying their portion of costs.

Commissioner Trantalis commented this is a complicated situation that requires differentiating when evaluating private duty and public duty, citing examples. City Attorney Everett confirmed issues and factors will need to be taken into consideration and recommended moving cautiously regarding the handling off-duty details to ensure all stakeholders are properly protected.

Mayor Seiler noted that should criminal activity take place during a private event with City off-duty police officers, those officers are immediately activated as if they were on-duty police officers. Commissioner Trantalis stated the City is subsidizing the cost of the off-duty police officer when incurring their vehicle insurance costs. Discussions of possible scenarios ensued. Vice Mayor Roberts gave his input in favor of covering this insurance cost, commenting on the benefit and cost savings when off-duty police officers are employed for



major events in the City for public safety.

In response to Commissioner Rogers question, City Attorney Everett confirmed this insurance covers all City vehicles, not just police vehicles. Commissioner Rogers commented on the importance of the City covering risk and the possible need for reimbursement. City Attorney Everett stated at a minimum there should be some reimbursement of costs, stating she would defer to City Manager Feldman. City Manager Feldman stated at this time, there is no program for reimbursement of these off-duty police details utilizing City vehicles and associated insurance costs. He further expounded on this issue, stating he does not have the ability to differentiate a portion of the premium that could be attributed to The Boat Show. Commissioner Rogers stated he believes this cost qualifies as a public purpose, noting the importance of insurance coverage during the largest event of the year.

Commissioner Trantalis agreed on the need for insurance and the necessity of police officers at all City events, commenting on the City's overall policy of cost recovery in other areas and stating this needs to be well thought out. He also emphasized the importance of protecting taxpayer interests. Commissioner Rogers commented on this topic including the need for a cost benefit analysis, giving the analogy of the manner in which the City deals with sidewalk issues that are the responsibility of adjacent homeowners.

In response to Mayor Seiler's question regarding input from the Insurance Advisory Board (IAB), Guy Hine, City Risk Manager, confirmed the IAB agreed with the purchase of this insurance. The costs of both insurance alternatives were discussed. In response to Mayor Seiler's question to City Attorney Everett regarding Sovereign Immunity, she stated it depends on numerous factors including whether police officers are acting as an employee of the City. City Attorney Everett stated the need for a full review and study of this issue to determine the proper policy and procedure relating to this issue.

Mayor Seiler recommended approving this for one year and having the IAB and Legal Staff review and address these concerns.

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

**APPROVED AS AMENDED - Approves on a one year basis subject to before renewal or extended City Attorney works with Insurance Advisory Board**

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

**CM-7**    [17-1113](#)

Motion to Approve an Agreement with Yachting Promotions, Inc. and Marine Industries Association of South Florida, Inc. for the 2017 Fort Lauderdale International Boat Show

City Manager Feldman clarified this item, stating this is a docking arrangement for The Boat Show's use of the Las Olas Marina. He confirmed there are rising security issues and associated costs. The City would make an accommodation and take a one-time reduction in rent. He also an additional factor being ongoing construction at the Las Olas Marina parking garage.

City Attorney Everett stated this needs to be a motion to amend the agreement.

In response to Mayor Seiler's question if this includes the escrow issue, City Manager Feldman stated the escrow relates to the event agreement, not this dockage agreement. City Manager Feldman stated The Boat Show has expressed a desire to reduce the escrow requirement from 110% of the cost down to 100%, stating he has no objection and reiterating it is a different contract. Commissioner Rogers commented that other events would request the same accommodation. Vice Mayor Roberts concurred with City Manager Feldman. Mayor Seiler commented on security issues relating to City events, his agreement to do this on a one-year basis and determining what additional security measures will be necessary going forward. He commented on the need to separate the escrow issue. Further discussions ensued on security costs and the responsibility of the local governments for responding to incidents at large events. There was a consensus to have sufficient security in advance at events.

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

**Motion 1: APPROVED AS AMENDED - Motion to Amend Agreement as stated by the City Manager**

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

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

**Motion 2: APPROVED Motion to reduce the Escrow from 110% to 100%.**

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

**CM-8**    [17-1215](#)

Motion to Approve Donation to a Child is Missing from State Law

Enforcement Trust Fund - \$5,000

**APPROVED**

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

**CM-9** [17-1179](#)

Motion Approving the Execution of a Declaration of Restrictive Covenant for Groundwater and Soil Restrictions at Wastewater Re-Pump Station 'A' Located at 1901 Sistrunk Blvd.

**APPROVED**

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

**CM-10** [17-1163](#)

Motion to Accept a Settlement Agreement with World Jet, Inc. - Parcel 8CE at Fort Lauderdale Executive Airport

**APPROVED**

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

**CM-11** [17-0962](#)

Motion Authorizing Execution of a Revocable License with PMG-Greybrook Riverfront Trustee, LLC for a Temporary Right-of-Way Closure on Brickell Avenue between SW 2nd Street and West Las Olas Boulevard

**APPROVED**

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

**CONSENT RESOLUTION**

**CR-1** [17-1128](#)

Resolution Levying the FY 2018 Operating Millage Rate of 0.5272 and Debt Service Millage Rate of 0.4099 for the City of Fort Lauderdale Downtown Development Authority (DDA)

In response to Commissioner Trantalis's question about The Wave Construction ending in 2022 and the Downtown Development Authority (DDA) being obligated to cover any cost overruns after 2021, City Manager Feldman deferred to those in attendance from the DDA.

Mayor Seiler recognized John Milledge, Esq., Downtown Development Authority, who stated the DDA is not the sole guarantor on The Wave's cost overruns. The additional guarantors include the State and Broward County, expounding on how cost overruns are divided. He confirmed the State has the majority responsibility for cost overruns.



Commissioner Trantalis discussed his concern about the sufficiency of the millage rate to cover all costs. City Manager Feldman stated the DDA has the capacity for 1.0 mil.

Mayor Seiler recognized Jenni Morejon, Executive Director, Downtown Development Authority, who stated the millage rate allows the DDA to continue to work for the next year with all of the projects and programs they are coordinating with the City. She commented on the sufficiency of the budget over the next year.

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

**CR-2**    [17-1183](#)

Resolution Approving FY 2018 Not-For-Profit Grant Participation Agreement with Riverwalk Fort Lauderdale, Inc. - \$675,000 (three-year total)

**ADOPTED**

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

**CR-3**    [17-1202](#)

Resolution Authorizing the City Manager to Serve as a Member of the ICMA-RC Board of Directors

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who addressed the Commission on City Manager Feldman and the condition of the City.

Commissioner Trantalis discussed his concern about City Manager Feldman's position on ICMA-RC Board of Directors taking time from his duties as City Manager.

Each Commissioner voiced their position on this issue.

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

**ADOPTED**

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

Nay: 1 - Commissioner Trantalis

- CR-4**    [17-1133](#)    Amending Resolution No. 17-95 to correct the Sketch and Legal included in Exhibit "A" for the Utility Easement Vacation for the Property located at 2201 W. Broward Boulevard

**ADOPTED**

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

- CR-5**    [17-1141](#)    Resolution to Restrict Thru Semi-Trucks on NE 13th Street between NE 4th Avenue and NE 9th Avenue and Old Dixie Highway between NE 13th Street to Middle River Bridge

Commissioner Rogers commented on the need to address traffic congestion and access to NE 13th from Sunrise Boulevard for traffic dispersion. Commissioner McKinzie concurred with Commissioner Rogers position also commenting on the road closures inhibiting police response to incidents on NE 13th Street. He also discussed congestion issues on Sistrunk Boulevard during rush hour and the need for truck deliveries for businesses located on NW 13th Street that will necessitate trucks being rerouted to nearby neighborhood roadways. Commissioner Rogers commented that once access from Sunrise Boulevard is opened up, speed humps should be installed to address speeding. Additionally future decisions for truck routing in the NE 13th Area will need to be addressed in a manner similar to what has been done on SE 15th Street to reduce truck traffic on Las Olas Boulevard.

Commissioner Trantalis responded that closing roadways between NE 13th Street and Sunrise Boulevard was at the behest of the Police Department to address criminal behavior in and around these neighborhoods, stating this has worked effectively. This will invite crime back into the Lake Ridge Neighborhood. Commissioner Trantalis commented on Sistrunk Boulevard, noting there were requests many years ago not to turn Sistrunk Boulevard into a main thoroughfare with the idea of recreating the Sistrunk Boulevard Corridor as it is known today. This same philosophy was implemented for changes to NE 13th Street, describing issues for it being a pass through that had negative consequences that would harm businesses. Commissioner Trantalis commented on the positive development going on along NE 13th Street due to recent changes and acknowledging the competing needs in the community that should not be at the expense of neighborhoods.

**ADOPTED**

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

- CR-6**    [17-1276](#)    Resolution Calling 2018 Regular Triennial Municipal Primary and



General Elections on January 16, 2018 and March 13, 2018, respectively, contingent upon modification of primary election date

ADOPTED

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

## **PURCHASING AGENDA**

**PUR-1** [17-0756](#) Motion to Approve Contract and Business Associate Agreement for Purchase of Dental Plan Benefits - Cigna Health and Life Insurance Company - \$3,706,902 (three-year total)

APPROVED

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

**PUR-2** [17-1069](#) Motion to Approve Contracts for Purchase of Lighting Upgrades at Warfield Park and Huizenga Plaza - Musco Sports Lighting, LLC - \$304,500

APPROVED

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

**PUR-3** [17-1148](#) Motion to Approve Purchase of Additional Licenses and Associated Professional Services for the Deployment of Enterprise Content Management System (Laserfiche) - MCCI, LLC - \$68,144

APPROVED

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

**PUR-4** [17-1152](#) Motion to Approve Cooperative (Co-op) Contract for Purchase of Quicklime - LHoist North America of Alabama, LLC - \$5,340,000 (three-year total)

APPROVED

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

**PUR-5** [17-1158](#) Motion to Approve Purchase of Emergency Medical Supplies - Broward Sheriff's Office - \$450,000

APPROVED

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



**PUR-6** [17-1204](#) Motion to Approve Contract for Cooling System Replacement for the Department of Sustainable Development - Carrier Corporation - \$635,500

**APPROVED**

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

**PUR-7** [17-1217](#) Motion to Approve Contract for Sanitary Sewer Pump Station D-45 Replacement - Southeastern Engineering Contractors, Inc. - \$374,534

**APPROVED**

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

**PUR-8** [17-1222](#) Motion to Approve Contract for A-13 Sewer Redirection - East of Federal Highway - C & W Pipeline, Inc. - \$2,298,086

**APPROVED**

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

## **MOTIONS**

**M-1** [17-1257](#) Motion to Approve Designation of the City of Fort Lauderdale Voting Delegate and Alternate(s) for the National League of Cities - 2017 Congress of Cities and Annual Business Meeting

Commissioner Trantalis made a motion to approve designation of Vice Mayor Bruce Roberts as the City of Fort Lauderdale Voting Delegate and Alternate(s) for the National League of Cities - 2017 Congress of Cities and Annual Business Meeting and was seconded by Commissioner McKinzie.

**APPROVED - Vice Mayor Bruce G. Roberts as City of Fort Lauderdale Delegate**

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

**M-2** [17-1138](#) Motion to Approve an Event Agreement with Wildside Online, LLC for the 13.1 Fort Lauderdale Half Marathon & 5K

Mayor Seiler recognized Phil Thornburg, Director of Parks and Recreation, who explained the item pertains to keeping the roads closed until 11:00 a.m.. Regarding Commissioner Trantalis's concerns about amplified music beginning at 7:45 a.m., Mr. Josh Stern, Wildside Online,

LLC, confirmed the speakers would be strategically placed facing the ocean, primarily used for announcements related to the marathon event.

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-3**     [17-1185](#)

Motion to Approve an Event Agreement with Las Olas Association, Inc. for the 55th Annual Christmas on Las Olas

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

**RESOLUTIONS**

**R-1**     [17-1245](#)

Appointment of Board and Committee Members

City Clerk Jeffrey Modarelli read the Board and Committee appointments into the record. City Clerk Modarelli stated this Resolution should be introduced as amended due to the addition of Lisa Namour (alternate member) to the Beach Business Improvement District Advisory Board, representing the Bahia Mar, City of Fort Lauderdale.

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

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

**ADOPTED AS AMENDED**

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

**ORDINANCE FIRST READING**

**OFR-1**     [17-1285](#)

Ordinance Establishing a Moratorium on the Processing, Approval, and Issuance of any Licenses, Development Orders, and Permits for Medical Marijuana Treatment Center Dispensing Facilities

Commissioner Trantalis referenced a previous Commission discussion



about the City passing its own ordinance in anticipation of the State Legislature passing an additional statute regarding this issue. In doing so, the City Ordinance may be grandfathered. Discussions continued on the implementation of a moratorium. City Attorney Everett confirmed the moratorium could be repealed by the Commission at any time. Mayor Seiler noted the need for clarification on aspects of the State Statute regarding this matter.

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

**PASSED FIRST READING**

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

**OFR-2 [17-1278](#)**

**Ordinance - 2018 Regular Triennial Municipal Primary Election - Modification of Date and Qualifying Period**

Mayor Seiler recognized Carol Ann Bartholomey, 3000 Holiday Park Drive, who spoke in opposition to the change in the election dates. Ms. Bartholomey discussed City Attorney Everett's initial position on this topic and the rejection of 1,000 citizen petitions, certified by the Broward County Supervisor of Elections, based on a technicality regarding the petition's wording. Ms. Bartholomey stated, in her opinion, the Supervisor of Elections cannot unilaterally change election dates. She further expounded on her position regarding changing municipal election dates, commenting on the effect on lesser known candidates.

Mayor Seiler explained the reasoning for altering the election dates, giving a brief historical review of what had transpired on this issue and emphasizing the numerous discussions with the Supervisor of Elections. He stated the Commission erred on the side of caution in order not to disenfranchise overseas ballots, to allow the election to occur in a manner similar to past elections and to ensure the results of the election are certified by the Supervisor of Elections. Further discussions and comments continued on this topic.

Mayor Seiler recognized Paul Chettle, 200 S. Birch Road. Mr. Chettle asked if the Supervisor of Elections in Miami-Dade County or Palm Beach County could certify the City's elections. Mayor Seiler responded that they do not have jurisdiction. Mayor Seiler explained the situation relates to the change of voting machines. Mr. Chettle asked why this decision is a unilateral one made by the Broward County Supervisor of Elections. Further discussions continued on the state statute governing this matter.



Mayor Seiler recognized Charles King, 105 N. Victoria Park Drive, who commented that the proposed election dates are too close to the holidays, noting their high cost. Mr. King concurred with Commissioner Trantalis's recommendation to petition a court to make the proper determination.

In response to Commissioner Trantalis's question about whether he had a conflict of interest in voting on this item, City Attorney Everett confirmed there was no conflict of interest. Commissioner Trantalis discussed his previous recommendation about filing a writ of mandamus with the court to allow a judge to make a determination. City Attorney Everett stated her Staff did not pursue this alternative. She referred to correspondence from the Office of the Supervisor of Elections, noting the issues surrounding the change of election dates referred to overseas ballots and election machine calibration. Further discussions continued on this topic.

City Clerk Jeffrey Modarelli recommended the Commission make a motion calling for a Special Regular Meeting on Monday, October 23, 2017, at 6:00 p.m.

Mayor Seiler announced the Second Reading on this item will occur on Monday, October 23, 2017, at 6:00 p.m. Mayor Seiler confirmed he will contact the Office of Supervisor of Elections in a neighboring county to determine their desire to conduct an election.

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

**PASSED FIRST READING**

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

[17-1304](#)

WALK-ON - Motion Calling a Special Regular Meeting to be held on October 23, 2017 at 6pm or soon thereafter to hear second reading of Modification of Primary Election Date

Commissioner Trantalis made a motion to approve this item calling for a Special Regular Meeting on Monday, October 23, 2017, at 6:00 p.m. for the Second Reading of the Ordinance regarding the 2018 Regular Triennial Municipal Primary Election and the Modification of the Date and Qualifying Period.

**APPROVED**

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

**OFR-3** [17-1206](#)

Ordinance Amending Ordinance No. C-17-26 of the City of Fort

Lauderdale, Florida by Correcting the Definition of "Mandatory Commission Approval Amount" Contained in the City of Fort Lauderdale Procurement Ordinance

City Manager Feldman explained the error on the item. City Attorney Everett explained her understanding of the language for term and non-term contracts. Mayor Seiler and the Commissioners discussed the wording this amended Ordinance. Further discussions ensued on contracts and term contracts. Mayor Seiler suggested rewriting and rewording this Ordinance at the Second Reading. City Attorney Everett confirmed she will work with City Manager Feldman to address the wording of this Ordinance prior to the Second Reading.

Mayor Seiler stated for the record how the Ordinance should read:

*The minimum procurement award or rejection amount at which City Commission approval is required shall be equal to or greater of a \$100,000 expenditure, or, in the case of a term contract, equal to or greater than \$100,000 per term excluding price adjustments.*

Further discussions and comments ensued. City Manager Feldman agreed with this language and there was a consensus.

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

**PASSED FIRST READING**

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

**OFR-4** [17-1099](#)

Quasi-Judicial - Ordinance - Rezone 2.67 Acres from Residential Multifamily Mid Rise/ Medium High Density (RMM-25) District to Community Facility (CF) District - "St. Thomas Aquinas High School" - St. Thomas Aquinas High School Inc.- 2801 SW 12th Street - Case Z17008

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: Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler. NAYS: None.

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

**PASSED FIRST READING**

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

**OFR-5 [17-1101](#)**

Quasi-Judicial - Ordinance Vacating a Right-of-Way Located South of SW 11th Court, East of SW 28th Avenue, North of SW 12th Street and West of SW 27th Avenue - St. Thomas Aquinas High School Inc. - SW 27th Terrace - V17006

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: Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler. NAYS: None.

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

**PASSED FIRST READING**

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

**OFR-6 [17-1181](#)**

Ordinance Amending Unified Land Development Regulations (ULDR); Adding Section 47-20.3.I, Reductions and Exemptions; Required Guest Parking for Townhouse/Cluster/Coach Home Developments - Case T17003



City Manager Feldman announced this item had been previously deferred. Commissioner Trantalis stated he had concerns with this item. Commissioner Rogers commented on aspects of this item regarding townhouse developments use of street parking as part of their parking requirements.

In response to Commissioner Trantalis's comments, Alfred Battle, Deputy Director of Sustainable development, confirmed the doubling up had been removed. This item concerns parking on areas directly in front of the site. On-street parking directly in front of the site is for guest parking only. Commissioner Trantalis voiced his concern that this would create parking concerns similar to those in Colee Hammock. Mr. Battle confirmed the parking requirements for townhouses are two spaces per dwelling unit. Further discussions ensued on this item and the need for a parking space for a third resident in a three-bedroom townhouse. Mr. Battle discussed the analysis used. Mayor Seiler concurred with Commissioner Trantalis's position. City Manager Feldman commented on the reason for Staff drafting this Ordinance.

This item was withdrawn from the Agenda by City Manager Feldman.

**REMOVED FROM AGENDA - Withdrawn by City Manager**

**OFR-7 [17-1235](#)**

Ordinance Amending Unified Land Development Regulations (ULDR) to Remove Language Therein Regarding and Referencing Outdoor Food Distribution Centers, Which is Either Redundant or Conflicts with Language Regulating Outdoor Social Service Feeding Events in Sections 15-181; 15-182; 15-183; 15-184; 15-185; and 15-186 of Article V of Chapter 15 of the Code of Ordinances, as Amended by Ordinance No. C-17-20 - Case T17010

Commissioner McKinzie introduced this Ordinance for the First Reading which was read by title only.

**PASSED FIRST READING**

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

**Nay:** 1 - Commissioner Trantalis

**ORDINANCE SECOND READING**

**OSR-1 [17-1255](#)**

Quasi-Judicial Ordinance Vacating a Right of Way (alley) located at - Las Olas Walk-North - The Las Olas Company, Inc. - 106 S. Federal Highway - V16011

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: Commissioner McKinzie, Commissioner Rogers, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis 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

[17-1302](#)

WALK-ON - Resolution Extending the Period of Due Diligence and the Closing Date of the Purchase of Property located at 2681 Riverland Road

City Manager Feldman explained is a resolution extending the period of due diligence and the closing date of the purchase of property located at 2681 Riverland Road. It should not impact the sale of this property.

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

**ADOPTED**

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

## ADJOURNMENT

There being no further business before the City Commission at the Regular Meeting of October 17, 2017, Mayor Seiler adjourned the meeting at 8:46 p.m.



John P. "Jack" Seiler  
Mayor

ATTEST:



Jeffrey A. Modarelli  
City Clerk



## **EXHIBIT TO RESOLUTION 17-**

### **BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY COMMITTEE**

Lisa Namour (alternate member) representing the Bahia Mar, City of Fort Lauderdale, is appointed to the Beach Business Improvement District Advisory Committee, in the category of seven of the ten highest assessed property owners or a representative of such assessed property owners, for a one year term beginning September 1, 2017 and ending August 31, 2018, or until her successors has been appointed.

### **CITIZENS COMMITTEE OF RECOGNITION**

Courtney Crush (category: Past Honoree) and John Aurelius (category: Former Commissioner) are appointed to the Citizens Committee of Recognition for one year terms beginning December 1, 2017 and ending November 29, 2018 or until their successors have been appointed.

### **COMMUNITY SERVICES BOARD**

Noah Szugajew is appointed to the Community Services Board for a one year term (category: a person employed by the Public Housing Authority) for a one year term beginning November 18, 2017 and ending November 17, 2018 or until his successor has been appointed.

Amanda Muir is appointed to the Community Services Board (category: District 4) to complete an unexpired term ending November 3, 2017 or until her successor has been appointed.

### **EDUCATION ADVISORY BOARD**

Allen Zeman is appointed to the Education Advisory Board to complete an unexpired term ending March 3, 2018 or until his successor has been appointed.

### **HISTORIC PRESERVATION BOARD**

Jason Blank is appointed to the Historic Preservation Board to complete an unexpired term ending May 20, 2018 or until his successor has been appointed.

### **PARKS, RECREATION AND BEACHES BOARD**

Marianna Seiler is appointed to the Parks, Recreation and Beaches Board for a one year term beginning October 17, 2017 and ending October 16, 2018 or until her successor has been appointed.

(17-1245)

### **PLANNING AND ZONING BOARD**

Richard Heidelberger is appointed to the Planning and Zoning Board for a three year term beginning June 1, 2015 and ending May 31, 2018 or until his successor has been appointed.

### **SUNRISE KEY NEIGHBORHOOD DEVELOPMENT BOARD**

Tom Walter is appointed to the Sunrise Key Neighborhood Development Board to complete an unexpired term ending April 30, 2019 or until his successor has been appointed.

### **SUSTAINABILITY ADVISORY BOARD**

Carol Tamburry is appointed to the Sustainability Advisory Board for a one year term beginning October 17, 2017 and ending October 16, 2018 or until her successor has been appointed.