

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, April 5, 2016

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

***JOHN P. "JACK" SEILER Mayor - Commissioner
ROBERT L. McKINZIE Vice Mayor - Commissioner - District III
BRUCE G. ROBERTS Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
ROMNEY ROGERS Commissioner - District IV***

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney***

Mayor Seiler called the meeting to order at 6:10 p.m.

Invocation Reverend Dr. Chris Benek, First Presbyterian Church

Pledge of Allegiance Police Chaplain Ben Sorensen

Commissioner Roberts asked for a moment of silence in remembrance of, Nithim Nyak, a volunteer for the City and Transportation Advisory Board member who was very instrumental in moving the City forward with their efforts with the Sun Trolley.

ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Robert L. McKinzie, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis, and Commissioner Romney Rogers

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jeffrey A. Jeffrey Modarelli, Paul Bangel Senior Assistant City Attorney, and Sergeant At Arms Matthew Bucella

VOTE ROLL CALL ORDER Commissioner Roberts, Commissioner Trantalis, Vice-Mayor McKinzie, Commissioner Rogers and Mayor Seiler

Approval of MINUTES and Agenda

16-0478 Minutes for March 1, 2016 Conference Meeting, March 15, 2016 Conference Meeting, March 1, 2016 Regular Commission Meeting, and March 15, 2016 Regular Commission Meeting

Commissioner Trantalis motioned to approve the noted minutes and was seconded by Vice-Mayor McKinzie.

APPROVED

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

PRESENTATIONS

PRES- 16-0479 Proclamation declaring April 10-16, 2016 as National Library Week in the City of Fort Lauderdale
1

Commissioner Rogers presented Jane Nighbert with a Proclamation from Mayor Seiler and the Commission declaring April 10-16, 2016 as National Library Week in the City of Fort Lauderdale reading the proclamation in its entirety.

Jane Nighbert addressed the Commission thanking them for the proclamation and recognition.

PRES- 16-0462 Proclamation Declaring the Month of April, 2016 as Fair Housing
2 Month in the City of Fort Lauderdale

Vice-Mayor McKinzie presented Rita Scott with the a Proclamation from Mayor Seiler and the Commission declaring the Month of April, 2016 as Fair Housing Month in the City of Fort Lauderdale reading the proclamation in its entirety.

Rita Scott addressed the Commission thanking them for the proclamation and recognition.

PRES- 16-0463 Proclamation Declaring April 11-15, 2016 as The City of San Pedro de
3 Macorís Land Use Planning and Climate Change Week in the City of Fort
 Lauderdale

Commissioner Trantalis presented Glen Hadwen, Sustainability Manager Public Works, and Linda Franco, Urban Design Principal Planner, Department of Sustainable Development, with a Proclamation from Mayor Seiler and the Commission declaring April 11-15, 2016 as The City of San Pedro de Macorís Land Use Planning and Climate Change Week in the City of Fort Lauderdale reading the Proclamation in its entirety.

Glen Hadwen and Linda Franco addressed the Commission thanking them for the proclamation and recognition.

PRES- 16-0461 Proclamation Declaring the Month of April, 2016 as Water
4 Conservation Month in the City of Fort Lauderdale

Commissioner Roberts presented Miguel Arroyo, City Water and Wastewater Treatment Manager, with the a Proclamation from Mayor Seiler and the Commission declaring the Month of April, 2016 as Water Conservation Month in the City of Fort Lauderdale reading the proclamation in its entirety.

Miguel Arroyo addressed the Commission thanking them for the proclamation and recognition.

PRES- 16-0476 Finance Department - Recipient of SunTrust Bank Rebate Check
5

City Manager Feldman called David Ross, Vice President of Sun Trust Bank, and Kirk Buffington the City's Director of Finance to the podium. Mr. Ross presented Kirk Buffington with a rebate check in the amount of \$420,137.00 to the City. The check was from SunTrust's Purchasing Card (P-Card) Rebate Program. Mr. Ross explained to the Commission and the audience the City's P-Card is used to pay for

the City's purchases. For every dollar spent using the P-Card to pay for an invoice received by the City, SunTrust gives the City from 165-175 basis points on every dollar.

City Commissioner Roberts thanked City Manager Feldman for utilizing SunTrust's P-Card Program's to its full potential for the benefit the City. City Manager Feldman noted the amount of the rebate was an annual number rather than a cumulative number. Mr. Ross thanked City Manager Feldman, Kirk Buffington, Finance Director, and their team for working with SunTrust Bank in the partnership to grow the program.

Kirk Buffington, Finance Director, addressed the Commission thanking them for the proclamation and recognition.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent agenda items. He stated updates to the Consent Agenda including CM-3, CM-9, CM 10, CM-13, CR-2, CR-9, CR-10, and CR-11 had been pulled from the Consent Agenda and will be heard separately. Additionally, items CR-5 and CR-6 have been removed from the Consent Agenda; OSR-1 has changes that reflect Comcast's Aerial Wi-Fi Access Device is not a communications facility for delivery communication services; and CR-9 has additional information including the Police Chief's request to approve confiscated funds.

CONSENT MOTION

Commissioner Roberts motioned for the pulling of Consent Agenda items CM-3, CM-9, CM 10, CM-13, CR-2, CR-9, CR-10, CR-11 to be heard separately, for the removal of CR-5 and CR-6 from the Consent Agenda, and for the remaining Consent Agenda items to be approved as recommended. Commissioner Trantalis seconded the motion.

Approval of the Consent Agenda

APPROVED ON THE CONSENT AGENDA

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

CONSENT MOTIONS

CM-1 16-0368 Motion to Approve Event Agreements: Great Strides Fort Lauderdale, Wi Caribbean, Inc., Surf-N-Turf, Chillounge Night, and Sailboat Bend Art Festival

APPROVED

Aye: 5 - Commissioner Roberts, Vice-Mayor McKinzie, Commissioner

Trantalis, Commissioner Rogers and Mayor Seiler

- CM-2 16-0369** Motion to Approve an Event Agreement and Related Road Closings with Vitamin C Communications for a Craft Beer Festival

APPROVED

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

- CM-3 16-0434** Motion Authorizing the Execution of a Community Development Block Grant (CDBG) Agreement with Warsaw Coffee d/b/a Warsaw Coffee Company

Commissioner Trantalis disclosed the fact that several years ago he represented one of the principals of the Warsaw-Coffee d/b/a Warsaw Coffee Company noting that he does not currently represent any of the principals of the Warsaw-Coffee d/b/a Warsaw Coffee Company. City Attorney Everett confirmed that this would not present a problem or conflict of interest.

Commissioner Rogers stated he had a similar conflict disclosing the fact that several years ago a member of his firm represented one of the individuals with the Warsaw-Coffee d/b/a Warsaw Coffee Company noting that he may represent them in the future. Therefore, he declared a conflict and would abstain from voting on this item.

Vice-Mayor McKinzie commented this item is an excellent example of how the City uses the CDBG dollars under the City's Department of Housing and Community Development to invest funds to get projects completed.

Commissioner Trantalis motioned to approve the item and was seconded by Vice-Mayor McKinzie.

APPROVED

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

Abstain: 1 - Commissioner Rogers

- CM-4 16-0377** Motion to Approve Acceptance of the Comprehensive Annual Financial Report and the Federal and State Single Audit for Fiscal Year Ending September 30, 2015 for Submittal to the Florida Auditor General

APPROVED

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

- CM-5 16-0371** Motion to Approve an Agreement with Gold Coast Ski Club, Inc. for Use of the Lake at Mills Pond Park with Two, One - Year Extension Options

APPROVED

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

CM-6 16-0372 Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with Sports Endeavors, Inc. for a Volleyball Competition

APPROVED

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

CM-7 16-0376 Motion to Approve Donation to Onikusu Judo Club - \$30,000 from State Law Enforcement Trust Fund

APPROVED

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

CM-8 16-0383 Motion to Approve Donation to A Child is Missing, Inc. - \$5,000 from State Law Enforcement Trust Fund

APPROVED

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

CM-9 16-0384 Motion to Approve Donation to the Fort Lauderdale Zeta Chi Chapter of Omega Psi Phi Fraternity, Inc. - \$5,000 from State Law Enforcement Trust Fund

Vice-Mayor McKinzie stated this item could be a conflict for him as he is a member of this fraternity. He explained what this donation was for, and he recused himself from voting on this item. City Attorney Everett concurred and advised caution as it could relate to a perceived misperception.

Commissioner Roberts motioned to approve the item and was seconded by Commissioner Trantalis.

APPROVED

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

Abstain: 1 - Vice-Mayor McKinzie

CM-10 16-0277 Motion to Approve Professional Engineering Services for the Repair of the Northeast 1st Street Bridge - Lakdas/Yohalem Engineering, Inc. - \$39,373

Mayor Seiler recognized Charles King, 105 N Victoria Park Road, who addressed the Commission stating his concerns, comments and questions regarding this item.

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 McKinzie. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Commissioner Trantalis motioned to approve the item and was seconded by Commissioner Roberts.

APPROVED

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

CM-11 16-0334

Motion Authorizing Design and Construction Management Engineering Services for Stormwater Operations Projects - Keith and Schnars, P.A., Inc. \$109,500 Task Order

APPROVED

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

CM-12 16-0275

Motion to Approve a Parking Enforcement Agreement with Christ Church United Methodist, Inc.

APPROVED

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

CM-13 16-0398

Motion to Approve an Agreement for Medical Director Services for the Fire Rescue Department - \$147,888 (three year total)

Vice-Mayor McKinzie stated he has spoken with the Fire Chief and staff, City Manager Feldman and other members of the City's Fire Department and he was not comfortable with the process the City is using to transfer the medical directorship to Dr. Menendez and raising the issues currently surrounding Broward Health North. He encouraged the Commission to follow the normal procurement process of the City and put this out to bid.

Further comments on this topic and agreement that the process should be transparent ensued from the Commission members, City Manager Feldman, and City Attorney Everett. City Manager Feldman noted the City's Code of Ordinances has a specific exemption from a bid requirement for medical services. City Attorney Everett stated both procurement processes have been used in the past. Commissioner Roberts expounded on this topic and stated he feels very comfortable following through

with the current recommendation. Chief Robert Hoecherl clarified the contract is not with Broward Health North even though patients are transported to Broward Health North. Chief Hoecherl stated he is comfortable with current Medical Director Dr. Menendez. Further discussions ensued on the topic of procuring for this position in the past. Chief Hoecherl confirmed for the Commission the selection process was fair and balanced. Commissioner Roberts noted that over the past 12 years, the City received impeccable service from Dr. El Sanadi and his assistant Dr. Menendez. Further discussions ensued.

Commissioner Roberts moved to approve CM-13 and was seconded by Commissioner Rogers.

APPROVED

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

Nay: 1 - Vice-Mayor McKinzie

CONSENT RESOLUTION

CR-1 16-0075 Resolution Authorizing Qualified Target Industry (QTI) Tax Refund Incentive for Project Albatross

ADOPTED

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

CR-2 16-0253 Resolution Approving the 2016-2019 Local Housing Assistance Plan

Mayor Seiler recognized Charles King, 105 North Victoria Park Road, who addressed the Commission with his comments, questions and concerns regarding this item.

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

Commissioner Roberts introduced CR-2, which was read by title only.

ADOPTED

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

CR-3 16-0409 Establishing 2016 Walk of Fame Induction Committee

ADOPTED

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

- CR-4 16-0385** Resolution Authorizing the Acceptance of Grant Funds and Execution of a Joint Participation Agreement with the Florida Department of Transportation for Lake Ridge Sunrise Boulevard in the amount of \$90,802

ADOPTED

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

- CR-5 16-0138** Resolution Accepting the Cypress Creek Mobility Hub Master Plan Technical Memorandum Prepared by HTNB Corporation for South Florida Regional Transportation Authority and Broward Metropolitan Planning Organization Dated December 2015

REMOVED FROM AGENDA

- CR-6 16-0342** Resolution in Support of Co-Sponsoring the Broward Metropolitan Planning Organization's Application for a Transportation Investment Generating Economic Recovery (TIGER) Grant

REMOVED FROM AGENDA

- CR-7 16-0402** Resolution in Support of the Florida Department of Transportation Project to Add Bicycle Lanes on NW 19th Street

ADOPTED

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

- CR-8 16-0403** Resolution to Approve a Highway Maintenance Memorandum of Agreement - SW 4th Avenue and SW 28th Street Signal Installation Project with the Florida Department of Transportation

ADOPTED

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

- CR-9 16-0349** Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2016 - Appropriation

Commissioner Trantalis commented that within the back-up for this item, there is a reference to the fact the 777 Bayshore Drive project is having funds removed from the project. He wanted to clarify to those impacted it has been determined the cost of the project will be significantly less, and there are

sufficient funds to complete this project. As such, the funds for 777 Bayshore Drive are being appropriated to another project that has been underfunded.

Mayor Seiler stated for the record the Police Chief's request to approve confiscated funds was provided as additional back-up for this item.

Commissioner Rogers asked City Manager Feldman if there were issues regarding the CR-6 in this amendment. City Manager Feldman stated there were no issues.

Commissioner Trantalis introduced resolution CR-9 which was read by title only.

ADOPTED

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

CR-10 16-0439 Appointing Bond and Disclosure Counsel - Water and Sewer Refunding Revenue Bonds, Series 2016 - Albert Del Castillo, Esq., of Greenberg Traurig LLP as Bond Counsel and Law Offices of Steve E. Bullock, P.A. as Bond Counsel

Mayor Seiler recognized Charles King, 105 North Victoria Park Road, who addressed the Commission with his comments, questions and concerns regarding this item.

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

City Manager Feldman clarified this item stating the City was not borrowing \$185,000,000. Moreover, the City is refunding existing bonds and saving the rate payers almost \$10,000,000.

Commissioner Trantalis asked City Manager Feldman about the income stream the City receives from citizens' water bills and questioned how the City is supporting the payment of the \$185,000,000 if the City is taking money out of that fund to pay for other City expenditures. City Manager Feldman stated the revenue received from waters bills was used to pay the debt service on all utility debt.

Commissioner Roberts introduced the resolution which was read by title only.

ADOPTED

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

CR-11 16-0445 Appointment of Nabors, Giblin & Nickerson, P.A, as Special Counsel; Florida Power & Light Company v. City of Fort Lauderdale, Case No. CACE 16-003913 (09), pending in the Circuit Court of the Seventeenth

Judicial Circuit in and for Broward County, Florida

Mayor Seiler recognized Charles King, 105 North Victoria Park Road, who addressed the Commission with his comments, questions and concerns regarding this item.

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

Further discussions from the Commission ensued on this item regarding the increased tax to residents and questions regarding if undergrounding existing electrical services would also be subject to the tax.

Mayor Seiler asked City Attorney Everett for her comments. City Attorney Everett stated the City is being sued and would like to be in a position to defend the City, and the appointment of this law firm would put the City in the best possible position. Additionally, the thought process is FPL is collecting a certain sum of money, and the City is not getting its fair share of these funds. Further discussion ensued.

Commissioner Trantalis asked City Auditor Herbst if he has been involved in this discussion. City Auditor Herbst stated he had only been involved tangentially as his department did not conduct the audit. City Auditor Herbst stated it was his understanding FPL had not been collecting the tax on the other categories of costs, and the case involves taxes that FPL should have collected. Further discussion ensued on this topic.

Commissioner Rogers introduced the resolution which was read by title only.

ADOPTED

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

Nay: 2 - Vice-Mayor McKinzie and Commissioner Trantalis

PURCHASING AGENDA

PUR-1 16-0084 Motion to Approve Purchase of Mural Painting at Stormwater Pump Station #2 - William Savarese, Inc. - \$29,000

APPROVED

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

PUR-2 16-0157 Motion to Approve Purchase of Data Hosting Services - Bruel & Kjaer EMS Inc. - \$15,000

APPROVED

Aye: 5 - Commissioner Roberts, Vice-Mayor McKinzie, Commissioner

Trantalis, Commissioner Rogers and Mayor Seiler

PUR-3 16-0214 Motion to Approve Purchase of Power Pro XT Ambulance Cots and Required Accessories - Stryker EMS Equipment - \$240,101

APPROVED

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

PUR-4 16-0238 Motion to Ratify Expenditures of \$107,528 and Approve Purchase of Additional Positive Displacement Cold Water Meters - Sunstate Meter & Supply, Inc. - \$125,000

APPROVED

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

PUR-5 16-0318 Motion to Approve Revised Agreement for Purchase of Cognos and Informatica Upgrade - Cogsdale Corporation

APPROVED

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

PUR-6 16-0333 Motion to Approve Additional Expenditures for Industrial Painting Services - J & J, Inc. d/b/a Eagle Painting - \$60,000

APPROVED

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

PUR-7 16-0346 Motion to Approve Purchase of Information Technology Security Products - CDW-G and NH&A, LLC - \$195,780.61

APPROVED

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

PUR-8 16-0347 Motion to Approve Proprietary Purchase of Additional Kronos Licenses and Support Services - Kronos Incorporated - \$124,260.26

APPROVED

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

PUR-9 16-0348 Motion to Approve Purchase of Four (4) Dodge Minivans - Garber

Chrysler-Dodge Truck, Inc. - \$84,848

APPROVED

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

**PUR- 16-0350
10**

Motion to Approve Purchase of Liquid Chlorine - Allied Universal Corp. and Brenntag Mid-South, Inc. - \$281,482

APPROVED

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

**PUR- 16-0352
11**

Motion to Approve Purchase of Succession Planning Services - Management Partners, Incorporated - \$69,990

APPROVED

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

**PUR- 16-0353
12**

Motion to Approve Contract Award for Riverland Brick Paver Crosswalk Project - Sagaris Corp. - \$71,624

APPROVED

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

**PUR-1 16-0365
13**

Motion to Approve Purchase of Turf Grass Maintenance - All Around Town Properties, Inc. - \$73,432

APPROVED

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

**PUR- 16-0373
14**

Motion to Approve Purchase of FireStorm 36 Fireboat - Metal Craft Marine, Inc. - \$1,005,750

APPROVED

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

**PUR- 16-0399
15**

Motion to Approve Proprietary Purchase of Road Restoration Services - Community Asphalt Corp. - \$90,801.92

APPROVED

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

**PUR- 16-0446
16**

Motion to Approve Contract Extension - 2nd Quarter Calendar Year 2016

APPROVED

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

MOTIONS

M-1 16-0360

Approval and Acceptance of a Grant from Community Emergency Response Team (CERT) through the State of Florida Division of Emergency Management, FY2015 Community Emergency Response Team (CERT) \$5,720.00

Commissioner Roberts motioned to approve this item and was seconded by Commissioner Trantalis.

APPROVED

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

M-2 16-0361

Approval and Acceptance of a Grant from Citizen Corps Grant through State of Florida Division of Emergency Management, FY2015 Citizen Corps Grant - \$5,720.00

Commissioner Rogers motioned to approve this item and was seconded by Commissioner Trantalis.

APPROVED

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

M-3 16-0370

Motion to Approve an Event Agreement with Fort Taco, LTD for Fiesta Fabuloso Cinco De Mayo Celebration

Commissioners Rogers and Trantalis questioned the event's hours and its exact location. The event's owner Larry O'Neil, of Fort Taco, LTD addressed the Commission confirming the request is for the event to go to 11:00 p.m. and would be located at the end of the business's parking lot. City Manager Feldman stated there had been nothing registered from the Police Department of the Parks and Recreation Department regarding previous requests over the past five years.

Commissioner Trantalis motioned to approve this item and was seconded by Commissioner Rogers.

APPROVED

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

M-4 16-0440 Motion to Approve an Event Agreement with JEY Hospitality Group, LLC for Florida Panthers Playoff Watch Party

The Commission requested a firm date for this event which will be one day only on April 17th, April 18th, or April 19th when determined by the hockey playoffs. City Manager Feldman noted this item gives him the authority to approve the exact date once it has been determined.

Chuck Bergwin with the Downtown Himmarshee Village Association and Matt Walsh with JEY Hospitality Group addressed the Commission. They confirmed this event will be on 2nd Street with music being played before the start of the game, at the first and second intermission, and would not go beyond the end of the game which is estimated to end by 9:00 – 10:00 p.m.

Commissioner Trantalis motioned to approve this item and was seconded by Commissioner Roberts.

APPROVED

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

M-5 16-0442 Motion to Approve an Event Agreement with Strictly Local, Inc. for the Food In Motion: Flagler Village Green Market

Commissioner Trantalis motioned to approve this item and was seconded by Vice-Mayor McKinzie.

APPROVED

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

NEIGHBOR PRESENTATIONS

NP-1 16-0452 Art Seitz - Fort Lauderdale - Quality of Life - Millions Wasted

Art Seitz addressed the Commission expressing his thoughts, comments and questions regarding the City's Quality of Life and the dollars he perceives as wasted. Though long overdue, Mr. Seitz thanked the City for the 60 feet of new beach which was part of the City's Beach Renourishment Project. He requested prioritizing the funding of bicycle-pedestrian safety noting Key Biscayne as addressed this issue successfully. Mr. Seitz also encouraged the Commission to pursue the development of the International Swimming Hall of Fame in the tradition of The Casino Pool. Mr. Seitz also noted other successful beach ventures in the area.

Mayor Seiler noted for the public both CR-5 and CR-6 were removed from the Agenda before the meeting.

NP-2 16-0453 Mary Fertig - City Planning

Mayor Seiler recognized Mary Fertig, President of the Idlewyld Improvement Association. Ms. Fertig addressed the Commission on several topics regarding City Planning including the following topics: the understanding that public land should be utilized for a public purpose, particularly on the barrier island; aging infrastructure needs; the need for plans to address the many challenges facing the City and its residents; and traffic issues.

Ms. Fertig also discussed the need for a moratorium on City development until these issues are addressed and for the citizens to work positively and proactively with the Commission to address long-standing issues so the City may realize its potential in the future.

Ms. Fertig stated the Idlewyld Improvement Association looks forward to working with the Commission to address some of the most significant issues facing the City.

NP-3 16-0454 Charles King - The Need for Police Body Cameras

Charles King, 105 N. Victoria Park Drive, addressed the Commission regarding the incident with City Police Officer Victor Ramirez and police body cameras. Mr. King expressed his concerns, questions, and ideas regarding these issues emphasizing the need for all police department officers on patrol in the City to wear police body cameras.

NP-4 16-0455 Jay Bruce Bartz - The Destruction of Fort Lauderdale- Trespassing

Jay Bartz, 1400 NE 5th Court, addressed the Commission on several topics that encompass the destruction of Fort Lauderdale, trespassing on his property, water main breaks, sewer line breaks, giant condominium development in the City, and the destruction of historic buildings. He also discussed a specific incident regarding trespassing he had at this home with a police officer from the City.

RESOLUTIONS**R-1 16-0415 Appointment of Board and Committee Members****BOARD OF ADJUSTMENT**

Genia Ellis and Douglas Reynolds are appointed to the Board of Adjustment for two-year terms beginning May 21, 2016, and ending May 20, 2018, or until their successors have been appointed.

CENTRAL CITY REDEVELOPMENT ADVISORY BOARD

Chenara Anderson is appointed to the Central City Redevelopment Advisory Board (category: urban planner or design professional) for a one-year term beginning April 21, 2016, and ending April 20, 2017, or until her successor has been appointed.

COMMUNITY APPEARANCE BOARD

Ronald Aloise is appointed to the Community Appearance Board for a one-year term beginning May 20, 2016, and ending May 19, 2017, or until his successor has been appointed.

EDUCATION ADVISORY BOARD

Towana Bonaparte is appointed to the Education Advisory Board for a one-year term beginning May 20, 2016, and ending May 19, 2017, or until her successor has been appointed.

HISTORIC PRESERVATION BOARD

Ginger Coffey is appointed to the Historic Preservation Board for a one-year term beginning May 21, 2016, and ending May 20, 2019, or until her successor has been appointed.

HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE-BOARD OF COMMISSIONERS

Dan Lindblade is appointed to the Housing Authority of the City of Fort Lauderdale-Board of Commissioners for a four-year term beginning May 29, 2016, and ending May 28, 2020, or until his successor has been appointed.

MARINE ADVISORY BOARD

Cliff Berry is appointed to the Marine Advisory Board for a one-year term beginning May 19, 2016, and ending May 18, 2017.

NORTHWEST PROGRESSO FLAGLER HEIGHTS REDEVELOPMENT BOARD

Dev Motwani is appointed to the Northwest Progresso Flagler Heights Redevelopment Board for a three-year term beginning May 22, 2016, and ending May 21, 2019, or until his successor has been appointed.

SUSTAINABILITY ADVISORY BOARD

Douglas Meade is appointed to the Sustainability Advisory Board for a one-year term beginning April 5, 2016, and ending April 4, 2017, or until his successor has been appointed.

Commissioner Trantalis introduced the resolution which was read by title only.

ADOPTED

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

R-2 16-0460 Resolution Establishing the Rate of a Local Government Infrastructure Surtax and Calling for a Referendum on the Surtax

Mayor Seiler recognized Charles King, 105 North Victoria Park Road, who addressed the Commission with his comments, questions and concerns regarding this item.

Mayor Seiler recognized Mary Fertig, President of the Idlewyld Improvement Association. Ms. Fertig gave her comments, questions, and concerns regarding this item specifically stating the importance and support of addressing infrastructure issues. Ms. Fertig stated there needs to be an orderly process, i.e., an infrastructure study with community involvement on how to get to point of imposing a tax, identifying the City's needs, prioritizing those needs, determining the cost, identifying the resources currently available, and calculating the gap and determining how to fill the gap. Ms. Fertig emphasized solutions need to be found.

Count Rosenthal, 1234 NW 4th Avenue, addressed the Commission providing his concerns, questions, and ideas regarding this item. Mr. Rosenthal stated the need to have Federal and State funds to

assist in improving the City's traffic issues as well as developers' assistance with funding.

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

Commissioner Roberts addressed the audience stating he and Commissioner Rogers are members of the Surtax Sub-Committee for the Metropolitan Planning Organization (MPO) headed up by Mayor Cooper of Hallandale Beach. He stated they had been working with the County on this topic for 3-4 months. Commissioner Roberts gave an overview and history of this item, the differences in the proposed infrastructure sales tax and the proposed transportation sales tax, their efforts regarding negotiations for the audience, the sharing of these funds between the County and the local municipalities, and their respective specified uses as mandated by State Statute.

Commissioner Rogers also commented on this topic noting the importance of educating the public on this topic and should it be put on the ballot for a referendum vote in the fall.

Greg Stuart, Executive Director of the MPO, addressed the Commission and thanked them for the opportunity to discuss this item. Mr. Stuart noted the MPO has been working to address this issue for over four years. He stated they had spoken to over 45,000 residents of Broward County, done statistically valid polling and focus groups to explain and address the issues the citizens are facing and their concerns. He noted municipalities in the eastern portion of the County had significantly higher demands than the western portion of the County. Mr. Stuart stated the results of the polling and focus groups include the public's desire to have traffic light synced, roads that do not flood, and sidewalks and bike lanes. He noted only about 30 percent of those polled want buses. However, the County's Transportation Sales Tax Plan primarily addresses a bus system plan, with some light rail, that will consumes 87 percent of the \$300,000 per year transportation sales tax.

Commissioners Roberts noted that 90 percent of the roads in Broward County, including those in the City of Fort Lauderdale, are municipal roads. Additionally, these roads do not include additional infrastructure needs within the City. Commissioner Roberts also stated he is uncomfortable with not passing this Resolution tonight in order to give the City an option due to the fact the ongoing negotiating process has been very diverse and may not come together. Moreover, moving forward with this resolution does not preclude the City from moving forward with the transportation sales tax.

Further discussions ensued on this and other transportation options such as The Wave. Commissioner Roberts noted the need for a joint effort with the County regarding what is put on the table and the City's need for a "Plan B" if it should become necessary.

Mayor Seiler voiced his concern over what could happen if the City expresses a mixed message to the public, one that is out there for ten days, one talking about transportation, and one talking about infrastructure. He recommended waiting until the MPO makes a recommendation and awaiting the County's final decision. Mr. Stuart raised the point of a shrinking timeline and that all resolutions must go to the Supervisor of Elections by May 31, 2016, followed by the writing the ballot language for the November ballot.

Discussions ensued highlighting the fact that the 31 municipalities within the County would prefer tax revenues that would allow them to address their infrastructure needs.

Discussions on the exact language necessary for the resolution, the strict interpretation of the uniform language necessary per the governing Florida Statute, and the need to send the County an appropriate message regarding this issue ensued.

Commission Roberts motioned to amend the resolution to make it effective on Friday, April 15, 2016, the day after the MPO makes their decision regarding their recommendations to the County, and was seconded by Commissioner Trantalis.

Commissioner Roberts introduced the resolution as amended which was read by title only.

ADOPTED AS AMENDED

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

R-3 16-0444 Resolution Authorizing Issuance of Water and Sewer Revenue and Revenue Refunding Bonds, Series 2016 in an Amount Not to Exceed \$185,000,000

ADOPTED

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

Count Rosenthal, 1234 NW 4th Avenue, addressed the Commission providing his comments and ideas regarding this item and thanked all City Staff and the Commission for their conservative financial administration.

Charles King, 105 N. Victoria Park Road, addressed the Commission expressing his concerns, ideas, and questions regarding water bills.

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

Commissioner Roberts introduced the resolution which was read by title only.

R-4 16-0314 Quasi-Judicial - Resolution Approving Plat Entitled 315 Flagler located at 333 NW 1st Avenue - 315 Flagler LP - Case Number PL16001

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.

The Commission disclosed their site visits and communications concerning resolution R-4.

There being no one else wishing to speak on this item, Commissioner Roberts made a motion to close

the public hearing, which was seconded by Commissioner Trantalis. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Mayor Seiler closed the public hearing.

It was noted that Dev Motwani is the owner of the property.

Commissioner Trantalis introduced Resolution R-4.

ADOPTED

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

R-5 16-0397 Resolution Approving the Use of a 200,000 Barrel Capacity Fuel Storage Tank at Marathon Spangler Terminal, Port Everglades - Case Number A15014

Commissioner Trantalis motioned to defer Resolution R-5 and was seconded by Commission Roberts.

DEFERRED UNTIL APRIL 19, 2016

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

PUBLIC HEARINGS

PH-1 16-0413 Public Hearing to Expend the Unspent FY 14-15 HOPWA Rehabilitation Funds

Jonathan Brown, Housing & Community Development Manager – CRA (Jeff, this is the title he used - verbatim), addressed the Commission confirming the date of expiration of the HOPWA Rehabilitation Funds is September 30, 2017, and will be used for completing the rehabilitation of HOPWA's building.

Lynn Solomon, Assistant City Attorney, confirmed this item is compliant with HOPWA and HUD stating she reviewed the process by which these funds were put out to the HOPWA Agencies. She stated in her opinion the City has complied with HUD's requirements noting the date of September 30, 2017, was at the City's request and could have been another date, i.e., December 30, 2017.

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 McKinzie. Roll call showed: AYES: Vice-Mayor McKinzie, Commissioner Romney Rogers, Commissioner, Bruce G. Roberts, Commissioner Dean J. Trantalis and Mayor Seiler. NAYS: None.

Mayor Seiler closed the public hearing.

Commissioner Trantalis motioned to approve the Expending of the Unspent FY 14-15 HOPWA Rehabilitation Funds and was seconded by Vice-Mayor McKinzie.

ADOPTED

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

ORDINANCE SECOND READING

OSR-1 16-0123 An Ordinance Creating a New Article entitled “Communications Facilities in the Public Rights-of-Way”

Hope Calhoun on behalf of her client, Crown Castle, addressed the Commission, noting her concerns and comments regarding this item and specifically requesting additional time to work with City Staff and Assistant City Attorney Bob Dunckel to work through outstanding issues. Ms. Calhoun requested the Commission defer this item to address the notice provision, distance separation, registration issues, and telecommunication companies being treated in the same manner as utility companies.

Monica Barnes, on behalf of FPL Fibernet, addressed the Commission noting her concerns, questions, and comments on this item specifically requesting additional time to work City Staff and Assistant City Attorney Bob Dunckel to work through outstanding issues. Ms. Barnes requested the Commission to defer this item to address the reclassification of the utility poles and the notice provision.

Patrick Bryan on behalf of Florida Power and Light addressed the Commission noting his concerns and comments regarding this item and specifically relating to the definition of “repurposed structure” which is a term used in the ordinance. Further discussions ensued on this issue.

Commissioner Rogers asked if FPL is compensated for the installations and other questions regarding these installations.

Tim Young, FPL Fibernet, addressed the Commission stating that they are the broker for FPL when someone wants to attach something to an FPL structure. Mr. Young clarified for Commissioner Roberts any fees charged for attaching something to an FPL pole are established by the FCC’s Pole Attachment Act. The Pole Attachment Act identifies a range of allowable charges, \$20 - \$100 per year, per structure to recoup their costs of supporting those attachments.

Assistant City Attorney Bob Dunckel addressed the Commission noting the revision of definitions within the ordinance between the First and the Second Readings. Mr. Dunckel stated the utility poles are not governed by this ordinance. However, the moment you attach a communication facility, the permitting process must be addressed on items such as distance separation, location, and other items. Mr. Dunckel stated if the City does what FLP is advocating, FPL would have pole attachments and small cells throughout the City allowing them to gain an unfair competitive advantage over other communication providers.

City Manager Feldman asked if the Pole Attachment Fees are being reported as part of the gross revenues under the Franchise Agreement. Mr. Young confirmed that Pole Attachment Fees are not part of the Franchise Agreement. City Manager Feldman inquired as to what is the right of a company when it attaches a communications facility to an FPL pole when the utilities go underground. Mr. Bryan stated under its master agreement, FPL has the discretion to remove the communication facility from the pole. He further stated this would be a decision that FPL would have to make.

Alfred Amedo, agent for T-Mobile, addressed the Commission, requesting the City defer this item as

they are piggybacking on the others' request to defer this item so they may address some of the same concerns.

Commissioner Trantalis asked City Manager Feldman for confirmation that undergrounding will include the removal of the existing utility poles. City Manager Feldman confirmed this and is working with other entities utilizing existing utility poles. He stated part of the cost of the undergrounding is to remove existing poles. City Manager Feldman stated the City should not be responsible for removing others' communication facilities attached to existing utility poles when they are undergrounded.

Assistant City Attorney Bob Dunckel addressed the question from Commissioner Trantalis, "Is the City assured the poles will come down once undergrounding occurs?" Mr. Dunckel stated the removal of the poles is bonded under the City's Ordinance and stated this is a new "wrinkle" because the undergrounding was written before the notion of repurposing an FPL or an AT&T pole.

Commissioner Rogers asked Mr. Dunckel to give the Commission a list of the objections and comments highlighting the sections of the ordinance that are in controversy and requesting the Commission make a policy decision.

City Manager Feldman recommended extending the moratorium one more time to work through these remaining last issues from the providers.

Mr. Dunckel requested the industry representatives provide the City in "strike-through underscore" fashion the changes they would propose to the ordinance noting the "devil is in the details."

Mayor Seiler requested any proposed amendments from industry representatives be submitted in a red-lined version no later than 5:00 p.m. on Friday, April 15, 2016. Anything not submitted within this timeframe will not have to be considered at the May 3, 2016, City Commission Meeting.

Mr. Dunckel noted the industry representatives have voiced complaints concerning the moratorium going on endlessly. He requested the Commission request an extension of the moratorium from the industry representatives. Mayor Seiler asked the industry representatives if they had an objection to the extension of the moratorium for another 30 days. FPL and FPL Fibernet's representatives stated they had no objection. T-Mobile's agent stated he had no objection. Hope Calhoun on behalf of her client, Crown Castle, stated she had no objection.

City Manager Feldman stated the moratorium will be extended for 30 days at the April 19, 2016 City Commission Meeting.

Commissioner Trantalis motioned to defer OSR-1 for the Second Reading until May 3, 2016 and was seconded by Vice-Mayor McKinzie.

DEFERRED UNTIL MAY 3, 2016

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

RESOLUTIONS

R-6 16-0289 Appointment of Vice Mayor

Commissioner Rogers introduced Resolution R-6 designating Commissioner Dean Trantalis as Vice-Mayor for a one-year term in accordance with Section 3.05 of the City Charter and was seconded by Commissioner Roberts.

ADOPTED

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

ADJOURNMENT

There being no further business before the City Commission at this Regular Meeting, Mayor Seiler adjourned the meeting at 9:27 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jeffrey A. Modarelli
City Clerk