

City of Fort Lauderdale

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



Meeting Minutes - DRAFT

Tuesday, August 18, 2015

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 6:11 p.m.

Invocation Debra Geweke, Christ Lutheran Church

Pledge of Allegiance Young man visiting from Turkey

Mayor Seiler requested a moment of silence for in remembrance of Pete Witschen, a former Assistant City Manager, Marni Canivan, Community Appearance Board member, both of whom passed away during the past few weeks, and for the young man who lost his life in a boating accident on the river along with the four other individuals who were on the boat and are in various stages of recovery.

Mayor Seiler announced Jeffrey A. Modarelli's appointment as the new Interim City Clerk. Mr. Modarelli will be working with the Commission and noted all of the support and encouragement the Commission has recommending Mr. Modarelli for this position.

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. Modarelli, City Attorney Cynthia Everett, and Sergeant At Arms Luan Maluski, and Ed Wenger (10:30 p.m.)

Approval of MINUTES and Agenda

15-1060 Minutes for April 28, 2015 Joint Workshop with Budget Advisory Board and June 2, 2015 Development Workshop

Vice Mayor McKinzie moved to approve the noted minutes and the agenda for this meeting. Commissioner Roberts seconded the motion.

APPROVED

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

PRESENTATIONS

PRES- 15-1076 The Mayor and City Commission will issue a Certificate of Recognition
1 to Greater Fort Lauderdale Sister Cities International, Recipient of

Sister Cities International's 2015 Innovation Award for Economic Development

Commissioner Trantalis presented a Certificate of Recognition to Greater Fort Lauderdale Sister Cities International, the Recipient of Sister Cities International's 2015 Innovation Award for Economic Development. Commissioner Trantalis called Marianne Winfield the Executive Director of the Sister Cities Board to the podium. Ms. Winfield introduced visitors at tonight's meeting from various Sister Cities located in the countries of Italy, Turkey, Spain, the Sister Cities Youth Ambassador, John Primeall a former Mayor of Broward County from Centennial Bank, and John Aquino the Youth Officer Sponsor for the Rotary Club of Fort Lauderdale. Mayor Seiler stated Mr. Aquino is sponsoring Onur Fridan, also in attendance, who is here visiting our City for one year.

Mayor Seiler accepted on behalf of the City a Turkish flag from our Sister City of Muğla.

PRES- 15-1079 Proclamation declaring August 31, 2015 as Overdose Awareness Day **2** in the City of Fort Lauderdale

Commissioner Roberts presented Maureen Kielian with a Proclamation declaring August 31, 2015 as Overdose Awareness Day in the City of Fort Lauderdale. Commissioner Roberts requested Maureen Kielian come to the podium. Commissioner expounded on the work STOPPnow has done to end the pill mills in the City. Commissioner Roberts read the Proclamation in its entirety.

Ms. Kielian addressed the Commission and the audience thanking the Mayor Seiler, members of the City Commission, and the City for their recognition of STOPPnow's efforts in advocating for the prevention of overdoses on the local, county, state and national levels. Ms. Kielian introduced members of the national initiative entitled FEDUP! who are also working against the Food and Drug Administration's inappropriate approval of opioid drugs for eleven-year-olds. Ms. Kielian acknowledged other local organizations that are assisting in STOPPnow's efforts to reduce drug overdoses on legally prescribed drugs.

Ms. Kielian also announced the showing of the film entitled *American Epidemic* produced by Michael DeLeon at Calvary Chapel Mid-Town Wilton Manors on Monday, August 31, 2015. Ms. Kielian stated this is a national public health crisis. Mr. Michael DeLeon addressed Mayor Seiler and the Commission thanking them for the proclamation declaring August 31, 2015 as Overdoes Awareness Day and acknowledging the epidemic of prescription drug overdose.

Mayor Seiler encouraged the community to address the current drug called Flakka plaguing the City,.

A representative of STOPPnow addressed the Commission noting even though the pill mills have been closed, for the most part, doctors are still prescribing drugs in large quantities resulting in larger numbers of drug-addicted babies in the State of Florida. STOPPnow is working to get a bill passed to mandate to monitor the Prescription Drug Monitoring Program (PDMP) and urged the public to contact their legislators to make the PDMP mandatory stating that doctors are lobbying against its passage. She thanked Commissioner Roberts for all of his support in STOPPnow's efforts.

PRES- 15-1096 Fire Rescue Department - Recognition of Insurance Service Office

3 (ISO) Class 1 Rating**DEFERRED TO SEPTEMBER 1, 2015****CONSENT AGENDA**

Mayor Seiler announced the procedure for the Consent Agenda items. He stated CR-1 had been removed from tonight's agenda due to geographical issues, and a portion of CR-12 had been removed at the request of City Auditor Herbst regarding registration fees for vacation rentals. However, the remaining issues regarding CR-12's vacation rentals will be heard tonight.

Mayor Seiler also noted there were revisions to CM-16, CM-17, CM-18, CR-2, CR-9, PUR-4, R-1, OFR-2, and M-1 had a revision to Exhibit 1. Commissioner Trantalis requested item CM-9, and CR-3 on the Consent Agenda be pulled for further discussion.

Mayor Seiler noted Mr. Ray Cox had pulled all the items on the Consent Agenda. Mayor Seiler recognized Mr. Cox who addressed the Commission with his thoughts and comments on those Consent Motion items he had pulled.

CONSENT MOTION

Vice Mayor McKinzie moved to remove CM-9, CR-2, CR-3, CR-4, CR-5, CR-6, CR-7, CR-8, CR-9, CR-16, CR17, CR-18, CR19, and PUR-14 from the Consent Agenda to be heard separately and to approve the remaining items. The motion was seconded by Commissioner Roberts.

CM-1 15-0956 Motion to Approve Event Agreements: Pine Crest Cross Country Meets and Pride Fort Lauderdale 2015

APPROVED

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

CM-2 15-1015 Motion Approving Third Amendment to Riverwalk Participation Agreement

APPROVED

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

CM-3 15-1024 Motion to Approve Amended Lease Agreement for Shop 136 - City Park Mall

APPROVED

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

CM-4 15-1025 Motion to Approve Amended Lease Agreement for 1600 NE 12th Terrace

APPROVED

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

CM-5 15-1006 Motion Authorizing an Amendment to the Lease for the City's Health & Wellness Center - \$3,600

APPROVED

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

CM-6 15-1003 Motion Authorizing an Increase in Expenditure to Humana Dental Insurance Company for Plan Benefits - \$245,000

APPROVED

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

CM-7 15-1072 Motion Approving Housing Authority Requests Related to Northwest Gardens V Redevelopment and Approval of the Amended and Restated Cooperation Agreement

APPROVED

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

CM-8 15-0769 Motion to Approve Extension and Amendment to the Interlocal Agreement with the City of Wilton Manors for Fire-Rescue Services

APPROVED

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

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

CM-9 15-0979 Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with Xtreme Top Box, Inc.

Mayor Seiler recognized Commissioner Trantalis, who had pulled this item questioning the issue of the noise level of this event on the beach. Commissioner Trantalis requested City Manager Feldman to explain the nature of this event that will include music and the impact the music will have on the neighborhood. City Manager Feldman stated it was a physical fitness event with a music element. He noted this event had been held at this location in the past with no complaints.

Mayor Seiler recognized the applicant, Mr. Guy Pagano representing Xtreme Top Box, Inc., who addressed the Commission. Mr. Pagano confirmed the music will be ancillary to the cross-fit event, fitness competition. Mr. Pagano noted there were no complaints last year.

Commissioner Trantalis moved the item which was seconded by Vice Mayor McKinzie.

APPROVED

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

CM-10 15-0982 Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with Florida International University (FIU) Board of Trustees for Volleyball Tournament Located at Fort Lauderdale Beach Park

APPROVED

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

CM-11 15-1056 Motion Amending the License Agreement with Las Olas Riverfront, LP

APPROVED

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

CM-12 15-0811 Motion to Approve an Amendment for Annual Utilities Restoration Contract - Molloy Brothers, Inc.- \$250,000

APPROVED

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

McKinzie, Commissioner Rogers, and Mayor Seiler

CM-13 15-0941 Motion Authorizing Professional Services for Northwest 2nd Avenue Tank Restoration - \$199,840 Task Order

APPROVED

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

CM-14 15-0991 Motion Authorizing Professional Services for City Hall First Floor Security Enhancements - Synalovski Saye, LLC. - \$24,964 Task Order

APPROVED

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

CM-15 15-0998 Motion Authorizing Professional Services for Sanitary Sewer Pump Station D-37 Replacement - Calvin, Giordano & Associates, Inc. - \$78,925 Task Order

APPROVED

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

CM-16 15-0864 Motion - Delegation of Authority to Approve Pedestrian and Bicycle Access Easement Closures

APPROVED

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

CM-17 15-0922 Motion to Approve the 2015-2016 State Housing Initiatives Partnership (SHIP) Funds, Reprogram 2014-2015 SHIP Funds and Amend the 2013-2016 Local Housing Assistance Plan (LHAP)

APPROVED

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

CM-18 15-0997 Motion Approving a Third Amendment to the Interlocal Agreement for Creation of the Broward Metropolitan Planning Organization

APPROVED

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

CM-19 15-1095 Ratification and Approval of Waiver and Release; Jonda K. Joseph

APPROVED

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

CM-20 15-1054 Motion Approving Lien Settlement Agreement - 1700 NW 6th Avenue

APPROVED

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

CONSENT RESOLUTION

CR-1 15-0977 Resolution Authorizing Qualified Target Industry Tax Refund Incentive for Project Horizon

REMOVED FROM AGENDA

CR-2 15-0828 Motion to Approve Land Swap - JPG Investments, LLC parcels for City Owned Vacant Lot

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road. Mr. King addressed the Commission in opposition to this item stating his views of the direction the City is taking in selling the City's properties with no marketing in an open market. This land swap is for City-owned property in an area in Victoria Park in exchange for land on Sistrunk Boulevard. Mr. King stated the Victoria Park Civic Association was unaware of this. Further discussion ensued.

Mr. Cox expressed his thoughts, comments, and concerns regarding this item and other land swaps in the City.

Mayor Seiler recognized Mr. Larry Wallenstein. Mr. Wallenstein representing Victoria Park Civic Association Aesthetics Committee addressed the Commission in opposition to this land swap. Mr. Wallenstein stated it was never presented to the Victoria Park Civic Association. Mr. Wallenstein read a text he received from the President of the Victoria Park Civic Association, "The on-line packet contains a letter from Charlie Ladd from one year ago stating we approved the application. I have

polled everyone who would have possibly have said that and under no circumstances do I believe it to be accurate. The Victoria Park Civic Association is opposed to this land swap.” Mr. Wallenstein gave a brief history of the efforts of the Victoria Park Civic Association Aesthetics Committee during the past seven years to get this piece land located in Victoria Park turned into a Park or a Greenway stating they were turned down.

Mayor Seiler asked Commissioner Trantalis about any discussions with his constituents on this subject. Commissioner Trantalis stated he learned of the concerns of the Victoria Park Civic Association at their meeting on August 17, 2015 and there was an exchange of emails.

Commissioner Trantalis stated his concern with City Auditor Herbst’s memorandum to each Commissioner in which the entire process is brought into question. Commissioner Trantalis asked City Manager Feldman to explain to the Commission the process of trying to sell real estate and if there is a procedure the City is supposed to follow regarding advertising. City Manager Feldman stated the City does do land swaps noting there is one the Commission has collectively requested, the Natchez Alhambra piece. The City’s Charter does not have a specific process or requirement for land swaps, but it does for the sale of property. He stated where there is equivalency regarding value as done in the All Aboard Florida piece, and the Natchez Alhambra, and the Wal-Mart site on Broward Boulevard stating the City occasionally does land swaps. Commissioner Trantalis stated those noted by City Manager Feldman were fully vetted and were part of public discourse and neighborhoods were part of the discussion. Commissioner Trantalis stated this item “came from nowhere.”

Mayor Seiler noted for the record that the Commission and City Manager Feldman had not heard of the request the land in Victoria Park be converted to a park. Mr. Wallenstein stated he would get the names for Mayor Seiler of the lower level City employees who were contacted by the Victoria Park Civic Association Aesthetics Committee to facilitate discussions about the request for a park but were turned down.

Commissioner Roberts noted this land swap is not financially favorable to the City despite the fact the assessments for both properties are equal. Regarding the marketability the land the City would receive in the swap, it does not seem equal. Further discussions ensued on this topic.

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

DEFERRED

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

CR-3 15-1023 Resolution Selecting Successful Bidder and Authorizing Preparation of the Lease for the Property at 600 Seabreeze Boulevard

Mayor Seiler recognized Mr. Raymond Cox. Mr. Cox stated his comments, questions, and concerns on this item and other items of business of the City Commission.

Mayor Seiler recognized Ms. Courtney Crush on behalf of PDKN, the recommended applicant, to renovate and operate a casual seafood restaurant at 600 Seabreeze Boulevard. Ms. Crush stated the qualifications of the principals of this corporation who also own and operate several Bokamper’s throughout Broward County and in Naples.

Commissioner Trantalis stated his concern is that Bokampers has not been a good neighbor due to noise levels at other Bokamper locations in the City. Commissioner Trantalis emphasized the Commission does not wish to replicate this type of operation in a residential area.

Ms. Crush explained what would go on at this location, and it would not be a sports bar. Ms. Crush stated the restaurant would be for casual seafood indoor and outdoor dining on the beachfront with outdoor music consistent with the other restaurants in the area, i.e., background music consistent with the City's noise ordinance. Further discussions ensued on this item including the benefits the City will receive from the lease and the benefits to the community will have with a restaurant at this location.

Mayor Seiler recognized Mr. Chuck Hansen, 545 S. Fort Lauderdale Beach Boulevard. Mr. Chuck Hansen stated he appears before the Commission as a representative of the Illian Condominium, which is adjacent to the leased property at 600 Seabreeze Boulevard in opposition to this item.

A copy of Mr. Hansen's statement is attached to these minutes.

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

Mayor Seiler closed the public hearing.

Commissioner Trantalis introduced this resolution, which was read by title only.

ADOPTED

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

CR-4 15-1027 Resolution Approving the Disposal of City Owned Surplus Property located at 1543 Southwest 32nd Street

Mayor Seiler recognized Mr. Cox, no address provided, who addressed the Commission with his comments, thoughts, and questions regarding the marketing and sale of surplus property in the City.

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

Mayor Seiler closed the public hearing.

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

ADOPTED

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

CR-5 15-1055 Resolution Approving a Participation Agreement with Mount Olive Development Corporation, Inc.

Mayor Seiler recognized Mr. Cox, no address provided, who addressed the Commission with his comments, thoughts, and questions regarding this item and the additional needs of those living in these apartment units.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road. Mr. King addressed the Commission requesting an explanation about this being a homeless 22 unit program, its location, connection to the Department of Housing and Urban Development, and if a non-profit church was also heading up a development corporation.

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

Mayor Seiler closed the public hearing.

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

ADOPTED

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

CR-6 15-0994 Resolution Setting an Overall Goal for the Disadvantaged Business Enterprise Program at the Fort Lauderdale Executive Airport

Mayor Seiler recognized Mr. Cox, no address provided, who addressed the Commission with his comments, thoughts, and questions regarding this item and the additional needs of the disadvantaged businesses at the Fort Lauderdale Executive Airport.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road. Mr. King addressed the Commission requesting an explanation about the needs of those disadvantaged businesses at the Fort Lauderdale Executive Airport.

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

Mayor Seiler closed the public hearing.

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

ADOPTED

ADOPTED

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

CR-7 15-1002 Resolution Approving a Deed of Release from the Federal Aviation Administration of Parcels 19B, 25, 26 and 27 at Fort Lauderdale Executive Airport

Mayor Seiler recognized Mr. Cox, no address provided, who addressed the Commission with his comments, thoughts, and questions regarding this item and the Deed of Release from the Federal Aviation Administration of Parcels 19B, 25, 26 and 27 at Fort Lauderdale Executive Airport.

Mayor Seiler recognized Joseph Jones, 101 NE 3rd Street. Mr. Jones addressed the Commission stating his thoughts that the Federal Aviation Department should always be part of the United States Air Force, and they should take over Parcels 19B, 25, 26 and 27 at Fort Lauderdale Executive Airport. Mayor Seiler stated there was no bid from the United States Air Force.

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

Mayor Seiler closed the public hearing.

City Auditor Herbst stated a clarification on the financial impact of this resolution and the dollar amount should read \$12,000,000 rather than \$1,200,000.

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

ADOPTED

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

CR-8 15-0995 Resolution to Adopt a Municipal Securities Post-Issuance Disclosure Policy

Mayor Seiler recognized Mr. Cox, no address provided, who addressed the Commission with his comments, thoughts, and questions regarding full post issuance disclosures for all business done by the City Commission at City Commission Meetings.

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

Mayor Seiler closed the public hearing.

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

ADOPTED

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

CR-9 15-1004 Resolution Ratifying a Collective Bargaining Agreement with the Federation of Public Employees, a Division of NFPPE, AFL-CIO - effective August 18, 2015 through September 30, 2016

Mayor Seiler recognized Mr. Cox, no address provided, who addressed the Commission with his comments, thoughts, and questions regarding ratifying a Collective Bargaining Agreement with the Federation of Public Employees, a Division of NFPPE, AFL-CIO - effective August 18, 2015 through September 30, 2016.

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

Mayor Seiler closed the public hearing.

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

ADOPTED

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

Vice Mayor McKinzie motioned to approve CR-10 and CR-11 combined and was seconded by Commissioner Roberts as part of the Consent Agenda.

CR-10 15-0970 Resolution Amending the Boundary Line between Lot 17 and Lot 18 of Colee Hammock Plat and Authorizing the City Manager to Execute an Agreement with Brickell Lot, LLC

ADOPTED

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

CR-11 15-0969 Resolution for Lot Clearing Special Assessments

ADOPTED

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

CR-12 15-1065 Resolution - Approving Vacation Rental Registration Fees

REMOVED FROM AGENDA

Commissioner Roberts motioned to approve CR-13, CR-14, and CR-15 as part of the Consent Agenda and was seconded by Commissioner Trantalis.

CR-13 15-0513 Resolution Approving the Street Name Addition of Mansur Place to a Section of NE 14 Street

ADOPTED

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

CR-14 15-0946 Resolution Approving a License Agreement with the Florida Department of Transportation for Right-of-Way Access to Intersections of State Road A1A and Seabreeze Boulevard - Upgrades to Sidewalk Ramps

ADOPTED

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

CR-15 15-0985 Resolution Approving the Temporary Reopening of the Road Closure at SW 15th Terrace South of Broward Boulevard

ADOPTED

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

CR-16 15-1066 A Resolution amending the Employment Contract for City Attorney Cynthia A. Everett

Mayor Seiler stated CR-16 was amended as noted in the hand-out given to the Commissioners by City Attorney Everett. City Attorney Everett read aloud the three amendments to the Employment Contract for City Attorney Everett.

Discussions ensued on this item regarding salary, and insurance. Mayor Seiler stated City Attorney Everett's salary was approximately \$218,000 with the adjustment. This item was deferred until

Commissioner Trantalis and Rogers' questions could be calculated and fully answered. After the calculations were completed, it was stated that City Attorney Cynthia Everett's base salary is being adjusted from the date of hire from \$199,999 to \$218,582.12.

Regarding an insurance adjustment for City Attorney Everett, Mayor Seiler stated the adjustment is because City Attorney Everett does not have the same life insurance plan as City Manager Feldman, and she should be able to purchase a similar plan in an amount not to exceed the value of City Manager Feldman's insurance plan. Mayor Seiler suggested giving City Attorney Everett the amount of \$8,000 towards insurance.

Mayor Seiler also stated the three Charter Officers should receive the same car allowance due to the fact they are at a different level than Management Tier One. The salary adjustment and the car allowance will be retroactive to the date City Attorney Everett joined the City. However, the insurance is on a going-forward basis once she chooses an insurance policy.

Mayor Seiler stated City Attorney Everett asked for additional compensation items he did not agree with and they compromised on the above-noted items.

A copy City Attorney Everett's hand out is attached to these minutes.

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

ADOPTED AS AMENDED

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

CR-17 15-1064 Merit Increase for City Auditor - effective August 1, 2015

Mayor Seiler recommended the City Commission give City Auditor Herbst the same car allowance as the other Charter Officers along with the three percent merit increase.

After further discussions, Commissioner Rogers introduced the resolution giving City Auditor Herbst a three percent merit increase and amending the resolution to include the same car allowance as the other Charter Officers of the City which was read by title only.

ADOPTED AS AMENDED

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

CR-18 15-1068 Resolution Appointing City Clerk on a Temporary Basis

Mayor Seiler recommended the appointment of Jeffrey Modarelli on a temporary 90-day basis to allow the Commission to evaluate his performance before appointing him as the official City Clerk of the City of Fort Lauderdale. Mayor Seiler recommended providing Mr. Modarelli with a monthly stipend of \$1,500 for each month Mr. Modarelli serves as Acting Clerk. When the City Commission decides to appoint Mr. Modarelli to the position of City Clerk, the Commission can move forward with a salary

adjustment. Alternatively, if it is decided to not to appoint Mr. Modarelli as City Clerk, he can return to his former position as Senior City Clerk.

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

Mr. Modarelli thanked the Commission for the opportunity.

ADOPTED

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

CR-19 15-1026 Resolution to ratify all actions of Jeffrey A. Modarelli, Assistant City Clerk, with regards to executing any and all instruments reasonably necessary or incidental in connection with the issuance of General Obligation Refunding Bonds, Series 2015, in an amount not to exceed \$16,000,000.00.

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

ADOPTED

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

PURCHASING AGENDA

Commission Roberts moved to approve Purchasing Items PUR-1 through PUR-13 as part of the Consent Agenda and was seconded by Vice Mayor McKinzie.

PUR-1 15-0654 Motion to Approve Contracts for Investment Grade Energy Performance Audits with BGA, Inc. and Honeywell International, Inc.

APPROVED

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

PUR-2 15-0803 Motion to Ratify Exercise of Maintenance Option to and Approve Expenditure for Parking Meter Warranty and Central Management System Global Parking Solutions USA LLC - \$60,000

APPROVED

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

PUR-3 15-0868 Motion to Approve Trees and Palms, Citywide - Gardening Angel Nursery, Inc. - \$748,335

APPROVED

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

PUR-4 15-0892 Motion to Approve Public Art Located at 200 Northwest Sistrunk Boulevard - \$150,000

APPROVED

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

PUR-5 15-0909 Motion to Approve Mobile Camera Vehicle - Rechtien International Trucks, Inc. - \$145,622

APPROVED

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

PUR-6 15-0928 Motion to Approve Purchase of Corrosion Inhibitor for Peele-Dixie Water Treatment Plant - F2 Industries, LLC - \$133,380 (two-year cost)

APPROVED

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

PUR-7 15-0930 Motion Approving Contract for Flexible Couplings - Lehman Pipe and Plumbing Supply Inc. - \$137,456 (estimated two year cost)

APPROVED

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

PUR-8 15-0938 Motion Approving Proprietary Purchase of Computer Design Services

and Design and Construction Inspection Services - Art Light Space, LLC - \$201,800

APPROVED

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

PUR-9 15-0944

Motion to Approve Plants, Shrubs and Groundcovers - Gardening Angel Nursery, Inc. - \$1,141,629 (three year cost)

APPROVED

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

**PUR- 15-0949
10**

Motion to Award the Fort Lauderdale Executive Airport East Perimeter Loop Road Project to JMS Construction Services, Inc. - \$449,125

APPROVED

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

**PUR- 15-0951
11**

Motion to Approve Generator Upgrade Services at Five Ash and George T. Lohmeyer Wastewater Treatment Plants - Clarke Power Generation, Inc. - \$347,961

APPROVED

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

**PUR- 15-0954
12**

Motion to Reject All Bids - Energy Efficient Garage Lighting

APPROVED

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

**PUR- 15-0960
13**

Motion to Approve Marked Patrol Vehicles - Pembroke Motors, Inc. d/b/a AutoNation Chrysler Dodge Jeep Ram Pembroke Pines - \$1,396,052

APPROVED

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

PUR- 15-0961 Motion to Approve Architectural Design and Construction
14 Administration of Fire Station No. 54 - Pierce Goodwin Alexander & Linville, Inc. - \$180,159

Mayor Seiler recognized Joseph Jones, 101 NE Third Street. Mr. Jones addressed the Commission stating he was neutral on PUR-14 giving his opinion, concerns, and ideas on the Architectural Design and Construction Administration of Fire Station No. 54 - Pierce Goodwin Alexander & Linville, Inc. - \$180,159.

Commissioner Roberts made a motion to approve PUR-14 and was seconded by Vice Mayor McKinzie.

APPROVED

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

Commission Roberts moved to approve Purchasing Items PUR-15 through PUR-22 as part of the Consent Agenda and was seconded by Vice Mayor McKinzie.

PUR- 15-0967 Motion to Approve Purchase and Installation of an Upgrade to Fire
15 Station Compressor Systems - Channel Innovations Corporation - \$76,800

APPROVED

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

PUR- 15-0972 Motion to Approve Cayenta Utility Billing System Upgrade
16 -\$121,025.43

APPROVED

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

PUR- 15-0976 Motion to Approve Purchase of Ballistic Door Panels for Police Patrol
17 Vehicles - Strobes-R-Us, Inc. - \$312,286.80

APPROVED

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

PUR- 15-0987 Motion to Approve Fire Hose Supplies - Municipal Emergency
18 Services, Inc. - \$50,400

APPROVED

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

PUR- 15-0989 Motion to Approve Change Order for Software Support Services for
19 Utility Billing - N. Harris Computer Corporation - \$33,300

APPROVED

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

PUR- 15-0990 Motion to Approve Hardware and Software Upgrades to Allow
20 Operations from the Emergency Operations Center - \$287,771.55

APPROVED

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

PUR- 15-0993 Motion to Approve Professional Services for Leadership and Team
21 Development - Florida Atlantic University - \$50,280

APPROVED

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

PUR- 15-1005 Motion to Approve Cisco SmartNet Software and Hardware
22 Maintenance and Support - \$160,046.89

APPROVED

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

MOTIONS

M-1 15-0983 Motion to Grant a Beach Storm Reduction Consent of Use Form to the

Board of County Commissioners of Broward County, Florida for the
Segment II Broward County Shore Protection Project

Mayor Seiler recognized City Manager Feldman, who explained this motion was part of the process for beach renourishment granting permission for the Army Corps of Engineers and the County to use the City's beach. Mr. Feldman noted this was not on the Consent Agenda due to issues raised by the City Attorney's Office. Mr. Feldman deferred to Assistant City Attorney Bob Dunckel to explain these issues.

Mayor Seiler recognized Assistant City Attorney Bob Dunckel. Assistant City Attorney Bob Dunckel addressed the Commission stating there were revisions to the Consent of Use Form. Assistant City Attorney Bob Dunckel cited for the Commission the revisions and corrections to the legal description and the other revisions and corrections to the beach easements that now make the City's interests superior to the Army Corps of Engineers interests. Additionally, Assistant City Attorney Bob Dunckel stated the appropriate limitations not originally built into this project were addressed, and the Army Corps of Engineers agreed to modify language to address the City's interests.

Commissioner Roberts asked that for confirmation that all parties involved were "on board" to avoid any delays. Assistant City Attorney Bob Dunckel confirmed the text of the agreement is satisfactory with the Army Corps of Engineers, and Broward County.

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

Mayor Seiler closed the public hearing.

Commissioner Trantalis moved to approve this motion and was seconded by Commissioner Roberts.

APPROVED

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

NEIGHBOR PRESENTATIONS

NP-1 15-1036 Martin Gardner and Toby Lawrence - Results of Fort Lauderdale 39th Annual Ruggerfest (February 21-22, 2015) and Future of 40th Annual Ruggerfest (February 19-21 2016)

Martin Gardener, President of the Fort Lauderdale Rugby Club, and Toby Lawrence, Vice President and Director of the Ruggerfest Tournament, presented a short slide show noting it is their 40th season.

Mr. Gardener and Mr. Lawrence highlighted the history of the event, the local supporters and participants, the participants and attendees from around the world for the Annual Ruggerfest Event, and its beneficial impact on the City of Fort Lauderdale. Mr. Gardener and Mr. Lawrence thanked the Commission for their support. Mayor Seiler announced the 2016 event date as February 19-21, 2016 at Mills Pond Park in Fort Lauderdale.

A copy of Mr. Gardener's presentation to the Commission is attached to these minutes.

NP-2 15-1037 Christine Timmon - Donald Trump Running America by The U. S. Constitution

Christine Timmons addressed the Commission on her thoughts, concerns, and ideas regarding Donald Trump, the U.S. Constitution, immigration reform, and U.S. policy regarding immigration.

NP-3 15-1038 Keely Phillpotts - Sea Turtle Lighting and Public Safety Analytics.

Ms. Keely Phillpotts, Executive Administrative Assistant with Sea Turtle Oversight Protection addressed the Commission. Ms. Phillpotts presented a Sea Turtle Lighting and Public Safety Analytics presentation to the Commission that illustrated the inadequate Sea Turtle Lighting in the City.

A copy of Ms. Phillpotts presentation to the Commission is attached to these minutes.

RESOLUTIONS

R-1 15-0832 Resolution for a Dock Permit Located at 1725 SE 8th Street

Mr. Tyler Chappell of Chappell Group on behalf of Troy Eakins addressed the Commission on this item.

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

ADOPTED

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

R-2 15-0964 Quasi-Judicial - Resolution - Drainage Easement Vacation - terminus of NE 55 Court, east of NE 33 Avenue - Case No. E15003
Applicant: Thomas D. Hormel, as Trustee D. Hormel Trust U/T/A dated 08/20/92
Location: 5420 - 5530 NE 33rd Avenue (East Side)
Zoning: Residential Single Family/Low Medium Density District (RS-8)
Future Land Use: Low Medium

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 Commissioners disclosed their site visits, communications and any expert opinions received and made them part of the record.

Mr. Steve Hoffman, on behalf of the applicant, stated this request is to relocate the easement from the

middle of the property to the north end of the property for home redevelopment. Mr. Hoffman stated there was a drainage pipe located at the current easement that will be relocated to the north end of the property at the owner's expense.

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

Mayor Seiler closed the public hearing.

Commissioner Roberts introduced the resolution and requested the City Staff's recommendations regarding this request be included in this resolution. The resolution was read by title only.

ADOPTED AS AMENDED

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

R-3 15-1081 Appointment of City Board and Committee Members

Resolution-3 appointed the following citizens to the specified Boards:

Community Appearance Board

Jack Palmeri is appointed to the Community Appearance Board for a one-year term beginning August 18, 2015 and ending August 17, 2016, or until his successor has been appointed.

Planning and Zoning Board

Theron Clark is appointed to the Planning and Zoning Board for a three-year term beginning June 1, 2015 and ending May 30, 2018 or until his successor has been appointed.

Northwest Progresso Flagler Heights Redevelopment Board

Jacqueline Reed is appointed to the Northwest Progresso Flagler Heights Redevelopment Board to complete an unexpired term beginning August 18, 2015 and ending 5/20/2016, or until her successor has been appointed.

Commissioner Trantalis introduced this item which was ready by title only.

ADOPTED

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

Acting City Clerk Jeffrey A. Modarelli announced two changes to the current year's top ten highest assessed properties list as follows:

- Beach Place Gallery is no longer in the Top Ten Properties
- Chamber of Commerce is on the Top Ten Properties list for the first time (represented by Eduardo Fernandez)

Discussions ensued among the Commission members on City Board and Committee Member appointments. It was determined these appointments will be made via resolution at the September 1, 2015, Regular Commission Meeting.

PUBLIC HEARINGS

PH-1 15-1013 Motion Approving Modifications to the Uptown Link Transit Route

Mayor Seiler opened up the floor for the public hearing.

Mayor Seiler recognized Tara Crawford, Interim Executive Director of Sun Trolley, who stated she is attending the meeting to address any questions which may arise at the public hearing.

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

Mayor Seiler closed the public hearing.

Commissioner Rogers moved to approve the motion which was seconded by Commissioner Roberts.

APPROVED

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

ORDINANCE FIRST READING

OFR-1 15-0823 Quasi Judicial - Holman Automotive Inc. - Ordinance - Rezone from Planned Residential Office (ROC) and Residential Mid Rise Multifamily/Medium High Density District (RMM-25) to Boulevard Business (B-1) - Northeast corner of SE 15 Street and SE 4 Avenue - Case no. Z15002
Applicant: Holman Automotive Inc.
Location: Northeast corner of SE 15 Street and SE 4 Avenue
Current Zoning: Planned Residential Office (ROC) and Residential Mid Rise Multifamily/Medium High-Density District (RMM-25)
Proposed Zoning: Boulevard Business (B-1)
Future Land Use: South Regional Activity Center (SRAC)

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 Commissioners announced their site visits, communications and expert opinions received.

Mayor Seiler stated this item was for rezoning at SE 15th Street and 4th Avenue.

Steve Wherry, Esq., of Greenspoon Marder at 200 East Broward Boulevard and on behalf of Holman Automotive addressed the Commission giving a brief overview of this rezoning request. Mr. Wherry stated this is the last step in a series of rezoning requests Holman Automotive had brought before the City Commission to expand the B-1 Zoning Corridor further west to accommodate a new BMW Sales Center planned for the site. Mr. Wherry stated the application is joined by Doric Lodge #40, a property owner on this block. All the other properties are owned by Holman Automotive. This last rezoning is in response to a request by the Planning and Zoning Board to have the rest of this block rezoned for increasing compatibility.

Mr. Wherry stated he was here to answer any additional questions from the Commission or the public.

Commissioner Trantalis asked if Holman Automotive was moving its entire sales center to this new location. Mr. Wherry stated the plan was to take the existing BMW Sales Center on the East side of Federal Highway and move it to the west side of Federal Highway. The existing plan for the old sales center is yet to be determined, but the plan is for Infinity to move the current BMW sales center.

Commissioner Rogers stated Poinciana Park, the neighborhood where the property is located provided their letter of support and the Harbordale neighborhood had also provided their support. Further discussions ensued on this item.

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

Mayor Seiler closed the public hearing.

Commissioner Rogers moved to approve this item and was seconded by Commissioner Roberts.

PASSED FIRST READING

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

Commissioner Roberts left the meeting at 8:29 p.m.

OFR-2 15-0908 Ordinance Amending Code Enforcement Lien Process to Establish Application Fees for Lien Reduction Requests

City Manager Feldman stated this ordinance relates to the new process for lien reductions as it pertains to Code Enforcement Liens. This ordinance amends the Code Enforcement Lien Process will establish an application fee for lien reduction requests so costs associated with this new process will allow the City to recover the administrative costs of hearing these matters before the Special Magistrate.

There were no questions or comments from the Commission on this item.

Commissioner Trantalis introduced the ordinance to the First Reading, which was read by title only.

PASSED FIRST READING

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

Not Present: 1 - Commissioner Roberts

ORDINANCE SECOND READING

OSR-1 15-1011 Ordinance Amending Code of Ordinances, Chapter 4, Alarm Systems, to Provide the City Manager with Settlement Authority for Unpaid False Alarm Response Fees

City Manager Feldman recommended this item be deferred until September 1, 2015.

Vice Mayor McKinzie moved to defer this item and was seconded by Commissioner Trantalis.

DEFERRED

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

Not Present: 1 - Commissioner Roberts

OSR-2 15-0966 Ordinance Approving Amendments to the Police and Firefighters' Retirement System Resulting from Collective Bargaining with the International Association of Firefighters

City Manager Feldman recommended this item be deferred until September 1, 2015.

Commissioner Trantalis moved to defer this item and was seconded by Vice Mayor McKinzie.

DEFERRED

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

Not Present: 1 - Commissioner Roberts

Commissioner Roberts returned to the meeting at 8:33 p.m.

OSR-3 15-0959 Ordinance - Creating Article X, Vacation Rentals, of Chapter 15 of the Code of Ordinances to provide for the regulation of Vacation Rentals

Mayor Seiler recognized Kristy Armada, Esq., Hackleman, Olive & Judge, P.A. and on behalf of Jim Ellis. Ms. Armada addressed the Commission in support of this item as it protects the residential character of the neighborhoods in the City and regulates noise, excessive parking, traffic, and safety

issues. This ordinance does not clearly identify the penalties associated with violations. Ms. Armada drafted suggested language changes for Section 15.282 which purports to regulate or identify the remedies for violations. Ms. Armada stated her proposed language focuses on and clearly designates and identifies violations in an effort for enforcement to be consistent and clear.

A copy of Ms. Armada's submission to the Commission is attached to these minutes.

Commission Trantalis asked City Attorney Everett about the change to the enforcement approach between the First and Second Readings of this ordinance and why those changes were made.

Ms. Armada stated her proposed revisions to the language did not change the differences in the ordinance included in the First to Second Reading. Ms. Armada stated she sent a draft of the proposed language changes to the Assistant City Attorney D'Wayne Spence.

Mayor Seiler recognized Jim Ellis, 2615 N. Atlantic Boulevard, who addressed the Commission in support of this item. Mr. Ellis thanked the Commission for taking a position on this subject to protect single family homeowners. The primary concerns are for the enforcement of the ordinance, and there be very clear penalties and a means to enforce the ordinance.

Mayor Seiler recognized Marty Bilowich, 2621 Center Avenue, who spoke in support of this item regulating vacation rentals in residential neighborhoods as it negatively affects the quality of life for residents due to the activity of short-term renters.

Mayor Seiler recognized Steve Ganon, 2715 N. Atlantic Boulevard and President of the Lauderdale Beach Homeowners Association, who addressed the Commission in support of this item stating his neighborhood is getting inundated with short term rentals at an accelerated rate. Currently, 20 percent of the homes in his neighborhood are short-term vacation rentals. Mr. Ganon acknowledged the State prevents the City from effectively addressing this issue. He asked the Commission to toughen up the ordinance and assist the neighborhoods in enforcing the ordinance effectively.

A copy of Mr. Ganon's presentation is attached to this minutes.

Mayor Seiler recognized Suzanne Sawyer, 2720 NE 25th Street, who addressed the Commission in support of this item. She outlined the negative impact of vacation rental homes in the Coral Ridge neighborhood stating there have been wedding receptions, bachelor parties that go on all night, excessive garbage cans being left on the street, loud noise all hours into the night, and a constant turnover of renters. Ms. Sawyer stated the leasing agents do not assist or address the issues with their renters.

Mayor Seiler recognized Susanne Ellman, 2829 NE 35th Street, who addressed the Commission in support of this item. Ms. Ellman stated one home in her block is rented by the night on various websites for \$295.00. This home is used for large parties usually every Saturday and Sunday night. She specifically requested curtailing one night rentals rented for parties.

Mayor Seiler recognized Lori Franke, 3509 Vista Park, who addressed the Commission in support of this ordinance. The action items her neighbors want to see include enforcement with strict penalties because warnings do not work and the need for mandatory background checks on short-term renters.

Mayor Seiler recognized Dennis Hanks, Executive Director of Florida Vacation Rental Manager's Association, who addressed the Commission stating the vacation rental industry is a \$30,000,000,000 per year industry. Fifty percent of those visiting the State now stay in non-hotel lodging and look for

alternatives to hotels. He stated the non-professionally managed properties are what is contributing to the problem, i.e., short-term vacation rentals with absentee owners and absentee managers. Mr. Hanks expounded on the industry and those it employs noting the differences as compared to the corporate hospitality industry.

Mayor Seiler gave his comments on this topic stating the Commission needs to make the ordinance more strict to protect the City's neighborhoods. Mayor Seiler asked for those who professionally run vacation rental management companies assist in regulating those who are causing negative issues in the City's neighborhoods. Mr. Hanks stated they would work with the Commission to implement proper compliance, regulatory training, and workshops.

Commissioner Trantalis gave his comments on this topic commenting private homes located in private neighborhoods do not have the infrastructure, i.e., parking, as do corporate hotels, and this stresses the neighborhood. Even a properly managed vacation rental home is not intended to accommodate this type of business, and this is why there are hotels. Further comments and discussions ensued.

Mayor Seiler recognized Hugh Chappell, Las Olas Isles Homeowners Association, who was in support of this ordinance. Mr. Chappell addressed the Commission on this topic stating vacation rentals are turning neighborhood homes into hotels. Mr. Chappell gave a description of an incident that occurred in this neighborhood from the occupants of a vacation rental home. Mr. Chappell thanked the City Attorney's office for working hard to address this issue.

Mayor Seiler recognized Joe Amorosino, 2725 Center Avenue, who was in support of this ordinance. Mr. Amorosino noted the increase in the number of vacation rentals is out of control, and is negatively impacting the "pride of ownership" for those residents who live in these neighborhoods. He recommended the Commission institute a moratorium on vacation rentals and begin again as the current ordinance addressing this issue is weak.

Mayor Seiler respectfully stated the putting a moratorium in place would not do any good because it would be a moratorium for the current law and would not help anyone.

Mayor Seiler recognized Joey Stotsky, President of the Las Olas Isles Homeowners Association, who was in support of this ordinance. Ms. Stotsky addressed the Commission stating the numerous complaints received from homeowners and the "free for all" nature of single family home vacation rentals. Ms. Stotsky questioned if the City is collecting hotel taxes from these vacation rentals.

Mayor Seiler recognized James Joiner, 6150 NW 34th Way, who was neutral on this ordinance. Mr. Joiner stated he is a real estate broker who participates in this business. Mr. Joiner stated those owners from out of the area who rent out their homes for vacation rentals were professionally managed by his company. He noted these homes rent from \$5,000 to \$7,000 per week. These vacation rentals are insured, the properties are maintained, and the property taxes are paid to the City. Mr. Joiner supports legislation to prevent unprofessional managers from destroying the City's neighborhoods. Mr. Joiner confirmed for Mayor Seiler that he is in real estate sales, and he does not manage any vacation rentals.

Mayor Seiler recognized Kai Stadler, 432 NE 12th Avenue, who was in opposition to this ordinance. Mr. Stadler stated he was a partner in one of the leading vacation rentals in the City. He was not opposed to regulating the industry but how it is regulated. He gave the statistics involved in the vacation rental business the City and how it impacts thousands of jobs in the City. He recommended this be done in a workshop type of environment comprised of the industry's leaders, and community representative's working together to define a set of rules that allow residents to live in peace and safety.

while ensuring other residents are not being robbed of their livelihood.

Mayor Seiler recognized Stephen Colman, 1729 NE 17th Avenue, who addressed the Commission in support of this ordinance. Mr. Colman gave the Commission a history of his residency in the City and noting his neighborhood is being affected by owners of short-term vacation rentals. He cited the situation with his next door neighbor who is suing him for loss of income. The owner of the dwelling next door to Mr. Colman turned that single family home into a four-bedroom vacation rental without any permitting. This adjacent property is used as a motel for one night rentals. Discussions and questions ensued from the Commission on this topic and the scenario's that have occurred on the adjacent property.

City Manager Feldman stated the City has pursued this issue with the property owner and City Staff is addressing the issue.

Mayor Seiler recognized Mr. H. Collins Forman, Jr., 2626 NE 16th Street, who addressed the Commission in opposition to this ordinance. Mr. Forman stated his opinion and concerns for the Commission noting short term use of residential properties has been around for a long time and the core problem is bad neighboring. Mr. Forman stated this needs to be addressed with the industry and the community as a whole and noting there are expectations on both sides.

Mayor Seiler commented the ordinance being considered does not make single family vacation rentals illegal, it only puts regulations and restrictions in place such as the necessity to be registered with the City as a vacation rental. Further discussions and comments ensued.

Mayor Seiler recognized Mike Moskowitz, Esq., speaking on behalf of Florida Places 4 Rent, LLC and located at 800 Corporate Drive, in opposition to this ordinance. Mr. Moskowitz distributed a chart to the Commission to illustrate how to make the ordinance better. Mr. Moskowitz stated he represented Milic Mico Novovic, President of Florida Places 4 Rental LLC. Mr. Novovic personally owns and runs, and manages twelve homes in the City. Mr. Novovic is an ethical vacation rental owner who is registered, pays sales tax, and pays the bed tax for the rental of these homes. Mr. Moskowitz stated the industry did not have knowledge of this ordinance until after the First Reading, and the City made no effort to contact the industry for their input. Mr. Moskowitz reviewed the chart and gave his comments recommending the ordinance be fair across the board. Discussions, comments, questions, and concerns ensued concerning the proposed ordinance.

Mayor Seiler recognized Mr. Milic Mico Novovic, President of Florida Places 4 Rental LLC. Mr. Novovic personally owns and runs, and manages twelve homes in the City. He addressed the Commission in opposition to this ordinance not to defend what is wrong but to improve the industry with any proposed ordinances or regulations by reaching out to the neighborhoods and Commission. Comments and questions ensued. Commissioner Roberts requested a copy of his contracts giving him the right to evict the residents of rental properties if caught doing something wrong Mr. Novovic uses for his vacation rental. Mr. Novovic gave the Commission a copy of his rental contracts.

Mayor Seiler recognized Jody Siegel, Esq., with Dumar Allsworth and also representing Mr. Novovic, President of Florida Places 4 Rental, LLC. Ms. Siegel reiterated the point they were willing to work with the City on these issues in conjunction with Mr. Novovic and the industry and would be happy to assist in drafting revisions to the provisions in the ordinance to regulate this industry in the City.

City Manager Feldman stated the effective date of the ordinance is November 1, 2015, and if the ordinance is adopted this evening, there is still an opportunity adopt a subsequent ordinance to amend any provision between now and the effective date November 1, 2015.

Mayor Seiler recognized Lars Heldre, Vice President, South Florida Vacation Rentals Association., Mr. Heldre spoke for fair regulations treating everyone equally. Mr. Heldre stated his background and commented those purchasing homes for vacation rentals have improved and modernized these homes noting they do not rent out these homes to people who would abuse them.

Mayor Seiler recognized Scott House, co-owner of Florida Luxury Rentals, a professional property management who manages almost 50 short-term rental property homeowners in Fort Lauderdale, was neutral on this ordinance but stated he was in favor of regulating the renters of vacation rentals. He felt the current ordinance did not adequately address larger homes. Comments, questions and concerns ensued.

Mayor Seiler recognized Richard Johns, 2801 Center Avenue, who spoke in support of the ordinance. Mr. Johns stated issues that have occurred in his neighborhood with short-term rental properties that have been a nuisance. His primary point was what recourse does the neighborhood have when faced with vacation renters who are not responsive when significant issues are brought to their attention.

Mayor Seiler recognized Barbara Cabral, a member of the Harbor Inlet Homeowners Association and on behalf of Gina Ellis, who spoke in support of the ordinance. Ms. Cabral cited for the Commission her experience and her history with short-term rentals.

Mayor Seiler recognized Ray Greg Kimball, 2720 NE 25th Street, who spoke in support of this ordinance. Mr. Kimball stated his experience with nearby short-term rental properties stating the owners of these vacation rentals are making money over other people's misery. He further stated those managing these property have not done anything when notified of nuisance renters.

Mayor Seiler recognized Arthur Pounsford, 3500 NE 25th Street, who spoke in support of the ordinance. Mr. Pounsford challenged the notion that having a high weekly rent is somehow a filter as to the quality of individual renting the property.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, was neutral on this item. Mr. King stated his comments, questions, and suggestions with regarding this ordinance. He felt that the ordinance should address all types of residences in the City not just R-8 and RS 4.4, which would push vacation rentals toward other neighborhoods such as Victoria Park.

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

Mayor Seiler closed the public hearing.

Commissioner Trantalis addressed the City's legal staff regarding the differences between the First and Second Readings. He noted the measure of compliance did not have sufficient teeth to expect compliance and was similar in nature to the City's experience with dock waivers for those properties located on the beach due to the cumbersome nature of Code Enforcement procedure. The enforcement mechanism needs to be legal, be able to "stick" in order to penalize those responsible for violations. Assistant City Attorney, D'Wayne Spence clarified the Commissions questions regarding the ordinance. Commissioner Trantalis stated the need for an immediate remedy to be put in place to ensure compliance "on the spot."

Further comments, questions, discussions, explanations and suggested modifications regarding the ordinance ensued among the Commission, City Manager Feldman, City Attorney Everett, and Assistant City Attorney Spence.

Mayor Seiler stated the Commission should pass this ordinance tonight and tweak it by working with the industry to address the issues raised this evening. Mayor Seiler stated he would like to get something passed this evening for contracts entered into tonight, August 18, 2015, with an effective date of November 1, 2015.

Commissioner Roberts stated he would like to see the ordinance revised to three violations rather than four before action is taken. Commissioner Trantalis and Vice Mayor McKinzie agreed with Commissioner Roberts' recommendation. Vice Mayor McKinzie stated the need for enforcement of the ordinance is critical. Discussions ensued on what restrictions and modifications to include in the ordinance. Mayor Seiler recommended passing this ordinance tonight with the amendments as discussed tonight between the Commission and Assistant City Attorney Spence:

Commissioner Rogers moved to adopt this item as amended and was seconded by Commissioner Trantalis, which was read in its entirety.

ADOPTED ON SECOND READING AS AMENDED

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

Mayor Seiler suggested having a meeting with all those involved in this issue to discuss any additional modifications to the ordinance from the standpoint of enforcement and fine turning the ordinance. Commissioner Trantalis volunteered to organize a workshop group to address these issues. Commissioner Roberts stated he would also like to be part of the workshop group. Mayor Seiler stated this meeting would be publicly announced.

Mayor Seiler thanked all who came out to address this issue at this meeting stating the City is moving in the right direction to protect its neighborhoods.

Mayor Seiler recognized the Senior Management Fellows in attendance at the meeting, Tyler Whitmire, Neighbor Support, Toy Beeninga, Structural Innovation, Terri Lea Hugie, Budget, Zach McGinnis, Department of Sustainability, and Nicole Evans, Department of Sustainable Development.

OSR-4 15-1070 Ordinance Amending Code of Ordinances Relating to Terms of Boards and Committees

Assistant City Attorney D'Wayne Spence addressed the Commission noting the modifications to the language of the ordinance to clarify the terms of appointment for board members on certain boards and when they begin. There was language included that clarified when a member is qualified and appointed to particular boards. The term of appointment is now defined in the ordinance. Mr. Spence read the following as an example of the modifications to the ordinance,

2.a. All appointees to City Boards shall, unless otherwise specified, be appointed to a fixed term of appointment of one year and without compensation. The term of appointment for all appointees shall commence and be calculated from the date of

appointment.

2.b. The date of appointment is defined as the date specified in the enabling ordinance or resolution for the subject board as the start date of the term of office or in absence of a expressed date of appointment in the enabling ordinance or resolution for the subject board, the date appointment shall be the date expressly stated in the resolution appointing the member.

Assistant City Attorney D'Wayne Spence gave a further explanation of the above-noted language in appointing members to boards and committees

Commissioner Trantalis introduced the ordinance which was read in its entirety.

ADOPTED ON SECOND READING

APPROVED

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

BD-2 15-1080 Communications to the City Commission

Community Appearance Board

July 7, 2015

Dear Mayor Seiler and Commissioners:

As the Chair of the Community Appearance Board (CAB), I would like to take a moment to thank the City of Fort Lauderdale staff for their service and dedication to this Board.

The annual event was on May 14, 2015 and was another successful display of city projects and urban design excellence. Laura Gambino, the Community Appearance Board Liaison, coordinated the event. She was assisted in various ways by Petula Burks, David Rubin, Vanessa Martin and Patricia Smith.

We would like to recognize Laura and the team for all their hard efforts in making the WOW program and the Annual CAB event a success in 2015. Please acknowledge them for their hard work and continued dedication to this citywide program.

Mayor Seiler stated this complementary letter would be put in Laura Gambino's file.

Northwest Progresso - Flagler Heights Redevelopment Advisory Board

Motion made by Mr. Wilkes, seconded by Ms. Burrows, to send a communication to the CRA Board recommending that they take steps to modify the Community Redevelopment Plan as may be necessary. In a voice vote, the motion passed unanimously.

Mayor Seiler stated they wish to modify the Community Redevelopment Plan, and Commissioner Trantalis stated the Commission is aware of this request.

Police and Firefighters' Pension Board

The ordinance amendment to the pension plan regarding the IRS determination letter must be presented to the City Commission on First Reading on June 16 and Second Reading on July 7 so it is finally adopted by the City no later than August 13, 2015.

The Sustainability Advisory Board

The Sustainability Advisory Board recommends that the City of Fort Lauderdale restrict the sale and use of expanded polystyrene (commonly known by one company's trademarked name for the material, Styrofoam) to protect City waterways, beaches, and other public property and rights-of-way from litter and pollution.

Expanded polystyrene is a petroleum-based material which is difficult to recycle, does not biodegrade, and is so lightweight that it is easily dispersed by wind and rain. It often breaks down into smaller pieces which become permanent litter, since they cannot be easily removed from beaches, parks, waterways, and other public property. In addition, small pieces of expanded polystyrene can be ingested by marine life, birds, and other animals, harming or killing them.

Several coastal communities in southeast Florida have acted recently to reduce expanded polystyrene litter. Most notably, the Miami Beach City Commission last year adopted several ordinances which prohibit:

- *The carrying of expanded polystyrene products onto city beaches, piers, docks, boat ramps or into city parks.*
- *The sale or use of expanded polystyrene food service products in public facilities and on public property by municipal contractors, vendors, lessees, concessionaires, operators of municipal properties, and special event permittees.*
- *The placement of expanded polystyrene food service containers on the right of way, including use by sidewalk cafés permitted by the city.*

The City of Miami Beach ordinances have met with wide acceptance from the community, including local businesses. Recyclable or compostable alternatives to expanded polystyrene food service products are widely available and affordable. In addition, Walgreens agreed to stop selling expanded polystyrene coolers in Miami Beach, to reduce a potential source of litter.

Based on the success of its limited ban, the City of Miami Beach is considering a citywide ban on expanded polystyrene coolers and food service containers in the near future.

The City of Key Biscayne and the Village of Bal Harbour in 2014 also adopted similar bans on expanded polystyrene in municipal facilities and on municipal property.

Expanded polystyrene bans are common in other parts of the United States as well, including the entire state of Maine, New York City, many cities and counties in California, Seattle, Portland (Oregon), and the District of Columbia.

Given the importance of the waterways of "the Venice of America" and the city's beaches, parks, and public rights-of-way to the city's economy, environment, and quality of life, the Sustainability Advisory Board recommends that the City Commission adopt an ordinance, which, at a minimum, restricts the sale and use of expanded polystyrene in City facilities, including by City vendors, contractors, lessees, concessionaires, facility operators, and special event permittees; and on City property and

rights-of-way, including beaches, parks, marinas, and sidewalk cafes permitted by the City. We further recommend that the City Commission consider a citywide ban on expanded polystyrene coolers and food service products.

Commissioner Trantalis asked Mayor Seiler if wished to act on this communication. Mayor Seiler stated his concern that this should be done countywide or regionally due to the expense and regulatory concerns. Commissioner Trantalis recommended letting restaurants and hotels know they should not be using Styrofoam. Commissioner Roberts suggested asking voluntary compliance. Commissioner Trantalis recommended raising this issue at the next Commission Meeting to notify the community and the hospitality industry that the Commission is contemplating banning the use of Styrofoam containers. Further discussions ensued and it was decided to bring this up at the next Commission Meeting for discussion.

Mayor Seiler stated he had a good meeting with Jorge Hruschka and his group of volunteers stating this community group is getting active and are in need including staff assistance to get events organized. Discussions ensued on this item.

REQUEST FOR EXECUTIVE CLOSED DOOR SESSION

City Attorney Cynthia Everett requested an Executive Closed Door Session for the City Commission can meet privately pursuant to Florida Statute, Section 286.011(8) concerning:

Sandra Rice and Willie Grimes v. City of Fort Lauderdale Case No.: 14-017210 (21)

Mayor Seiler encouraged the Commission to meet with City Manager Feldman, City Auditor Herbst, City Attorney Everett, and City Staff to get any questions answered in advance of the Special Budget Meetings that will be held in early September 2015.

ADJOURNMENT

There being no further business before the City Commission, Mayor Seiler adjourned the meeting at 11:40 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jeffrey A. Modarelli
Acting City Clerk