

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, August 21, 2018

9:00 AM

City Attorney Interviews

City Commission Conference Room

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

***DEAN J. TRANTALIS Mayor - Commissioner
BEN SORENSEN Vice Mayor - Commissioner - District IV
HEATHER MORAITIS Commissioner - District I
STEVEN GLASSMAN Commissioner - District II
ROBERT L. McKINZIE Commissioner - District III***

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
ALAIN E. BOILEAU, Interim City Attorney***

CALL TO ORDER

Mayor Trantalis called the Commission Attorney Interview Workshop Meeting to order at 9:08 a.m.

ROLL CALL

Present: Commissioner Heather Moraitis, Commissioner Steven Glassman, Vice Mayor Ben Sorensen and Mayor Dean J. Trantalis

Commissioner McKinzie (arrived at 12:35 p.m.)

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, Assistant City Attorney D'Wayne Spence, City Auditor John Herbst and Sergeant at Arms Luan Malushi

INTERVIEW PROCEDURES - 9:00 to 9:10 a.m.

Mayor Trantalis discussed the format of the Office of the City Attorney (Office) Interview Workshop. In response to Vice Mayor Sorensen, Mayor Trantalis reviewed the vetting process. It included evaluating previous City Attorney experience and depth of knowledge. City Manager Feldman expounded on his review and culling of resumes. He confirmed that seven of the sixty-seven resumes were determined to be acceptable. Those seven resumes were reviewed with Mayor Trantalis, resulting in the Workshop's five candidates.

City Manager Feldman explained an additional Workshop goal is the selection of two individuals to participate in salary and compensation negotiations with the selected candidate. These individuals will be ratified at tonight's Commission Regular Meeting. During the September 4, 2018 Commission Regular Meeting, the Commission will have the opportunity to approve the hiring of the candidate at the negotiated compensation package. Further comment and discussion ensued on this topic.

In response to Vice Mayor Sorensen, City Manager Feldman commented on the salary range for the position of City Attorney, confirming there is not a specific pay grade for this position. Further comment and discussion ensued on the topic of salary and benefits.

[18-0905](#)**Reviewing and Interpreting Candidate Report Materials**

Colin Baenziger, Baenziger & Associates, introduced himself and gave a brief review of the effort involved to provide qualified candidates.

INTERVIEWS - 9:10 a.m. to 12:00 p.m.

At the beginning of each candidate interview, Mayor Trantalis outlined the interview format.

[18-0907](#)**9:10 to 9:40 a.m. - Hasan, Rhonda M. - Candidate Report**

Rhonda M. Hasan gave the Commission a review of her work as Assistant City Attorney with the City. Ms. Hasan reviewed her increased responsibilities, commenting on her previous litigation experience and background during 17 years of employment with the City of Miami Beach.

In response to Commissioner Moraitis, Ms. Hasan discussed how she would lead the Office, commenting on the importance of positive relationships with other Charter Offices and mentoring opportunities within the Office for increased efficiency.

Ms. Hasan said that the primary goal of the Office is to facilitate and fulfill Commission policy direction in union with City Management. She also discussed opportunities to be proactive.

In response to Commissioner Glassman, Ms. Hasan commented on how to address top City priorities that includes homelessness. She discussed how the City of Austin, Texas, is addressing homelessness, expounding upon how the Office would address this issue under her direction.

Ms. Hasan discussed the Office's role in the areas of controlled development, historic preservation, gun control and support of public school system safety. In response to Mayor Trantalis, Ms. Hasan commented on her position regarding The Gun Show's Licensing Agreement at The War Memorial Auditorium. Further comment and discussion ensued on this topic.

In response to Commissioner Glassman's question, Ms. Hasan confirmed her litigation abilities and background, confirming the role of the Office to achieve Commission goals.

In response to Vice Mayor Sorensen's questions, Ms. Hasan discussed the capability of the attorneys in the Office, acknowledging the need to use special counsel in niche areas of law. She also noted the need to amend Unified Land Development Regulations (ULDR) regarding shower facilities for the homeless. In response to Mayor Trantalis, Ms. Hasan explained on how she would approach the subject of churches providing social services to the homeless.

In response to Vice Mayor Sorensen's question about Ms. Hasan's land use experience, she discussed her experience with land use regulation enforcement, vacation rental land use and her responsibility for Code Enforcement Magistrate proceedings. She noted her litigation experience with development agreements. Ms. Hasan commented on the role of City Attorney, the requirements of the position, the benefit of being an internal candidate and her expanded role as Assistant City Attorney.

Ms. Hasan confirmed she would remain with the City should another candidate be selected.

18-0908

9:45 to 10:15 a.m. - Suarez-Rivas, Rafael E. - Candidate Report

Rafael E. Suarez-Rivas reviewed his municipal background, experience and qualifications, commenting on unique aspects of the City.

In response to Commissioner Moraitis, Mr. Suarez-Rivas discussed his leadership role and experience in the management of attorneys.

Mr. Suarez-Rivas responded to Commissioner Glassman's inquiry about dealing with historic perseveration and development concerns simultaneously. He noted community outreach by all involved departments is critical and serves to inform the community about the economic benefits of historic preservation, including the enhancement of property values. Mr. Suarez-Rivas expounded on this point, citing specific examples and commenting on possible incentives. He described his experience with historic preservation litigation, stating historic preservation is public policy and a governmental interest.

In response to Commissioner Glassman's question about his familiarity with current City issues, Mr. Suarez-Rivas discussed service sharing with Broward County, infrastructure concerns and sea level rise.

In response to Vice Mayor Sorensen, Mr. Suarez-Rivas commented that the hiring of special counsel should be utilized when conflicts of interest exist and specialized legal areas are involved. Discussions ensued on Commission policy regarding homelessness concerns and the

importance of the Office's involvement. Mr. Suarez-Rivas commented on the need to implement Commission policy within the parameters of existing law.

In response to Vice Mayor Sorensen's question about the role of the Office, Mr. Suarez-Rivas discussed the Office's role and responsibilities to effectuate Commission policy.

Mr. Suarez-Rivas gave closing comments.

Mayor Trantalis recessed the Workshop for a short break at 10:18 a.m.

Mayor Trantalis reconvened the Workshop at 10:27 a.m.

18-0912

10:20 to 10:50 a.m. - Boileau, Alain E. - Candidate Report

Mr. Boileau gave an overview of his tenure as Interim City Attorney, working towards proactively assisting the Commission. In response to Mayor Trantalis, Mr. Boileau gave an update on the Office proactively addressing homelessness by providing a contracted public defender serving those involved with the Community Court. He expounded on the responsibilities of all stakeholders in addressing homelessness going forward.

In response to Mayor Trantalis, Mr. Boileau explained the interaction between the Community Court and current Ordinances, expounding on anticipated results. Mr. Boileau discussed modifying the Unified Land Development Regulations (ULDR) to address social services, noting the need to be proactive. Mr. Boileau said land use and smart growth policy is an additional area the Office should proactively address. He also noted the need to modify the site plan review process, commenting on historic preservation. Mr. Boileau acknowledged the land use expertise of Assistant City Attorney D'Wayne Spence.

In response to Mayor Trantalis, Mr. Boileau noted the need to closely work with Staff to bring an item before the Commission addressing transfer of development rights on properties designated as historic. Mr. Boileau expounded on this topic, discussing the Code provisions.

Mr. Boileau confirmed the Office's commitment to fulfill Commission policy and direction, reiterating his desire for the Office to be proactive. This includes facilitating and expediting contracts for capital infrastructure projects. Mr. Boileau commented on proactively addressing additional legal items.

In response to Commissioner Moraitis' question, Mr. Boileau expounded

on management changes implemented in the Office since his appointment as Interim City Attorney. This includes meeting with the Office's Staff to address outstanding issues and functioning as a problem solver for Staff and Charter Offices.

In response to Commissioner Glassman's question about unique circumstances experienced during his appointment to Interim City Attorney, Mr. Boileau commented on Office Staff's adaptability and cooperation. Mr. Boileau commented on Code standards, confirming they need to complement Commission policy.

In response to Commissioner Glassman's inquiry about the relationship with the Broward County Attorney's Office, Mr. Boileau confirmed a good working relationship exists with the Broward County Attorney, citing negotiations involved with the City's withdrawal from The Wave Project and work to address homelessness.

In response to Vice Mayor Sorensen's inquiry, Mr. Boileau expounded on his experience in the area of land use. Mr. Boileau discussed concerns regarding mobile showers, commenting on current Code, definitions of social services and his recommendations. Further discussion ensued on ways to address this topic.

Vice Mayor Sorensen discussed outside counsel's work on the issue of airport noise from Fort Lauderdale - Hollywood International Airport, commenting on his desire to share outside counsel's assessment with constituents. Mr. Boileau explained his reasoning that attorney work product should not be shared due to discussion of challenges and recommended strategies. He noted that the Commission has the ability to share its intentions with constituents.

In response to Vice Mayor Sorensen's question about the relationship between the Office of the City Attorney and Office of the City Manager, Mr. Boileau confirmed the need for a cooperative role for all Charter Offices. He noted that the Offices of the City Auditor and City Attorney act as a check and balance for the Office of the City Manager.

Mr. Boileau gave closing remarks, discussing how he would lead the Office in a proactive manner. Mr. Boileau confirmed he would remain with the City should another candidate be selected.

[18-0909](#)

10:55 to 11:25 a.m. - Boksner, Aleksandr "Alek" - Candidate Report

Aleksandr "Alek" Boksner, provided the Commission an overview of his background and qualifications.

In response to Commissioner Moraitis, Mr. Boksner discussed leading the Office in a manner based upon guidance and direction from the Commission, elaborating on his management skills.

Commissioner Glassman inquired about how the City of Miami Beach (Miami Beach) has handled topics including vacation rentals, home rule, development and redevelopment impacting neighborhoods, climate change and sea level rise. Mr. Boksner confirmed Miami Beach enacted an Ordinance on Vacation Rentals prior to State preemption, expounding on their legal position, current litigation and increased fines. He commented on ongoing enforcement challenges. Mr. Boksner discussed Miami Beach's lobbying efforts favoring home rule. He also commented on how Miami Beach is addressing sea level rise and King Tides, noting these concerns are still being evaluated. Mr. Boksner commented on Miami Beach's population increases during weekends and its impact on residents. He noted development concerns, stating future plans depend upon the direction of the City Commission and commenting on available options.

In response to Vice Mayor Sorensen's inquiry, Mr. Boksner explained the hierarchy of the Office of the City Attorney during his tenure in Miami Beach and Marion County. Mr. Boksner confirmed the need for Charter Offices to work cohesively, expounding on the role of the Office.

In response to Vice Mayor Sorensen, Mr. Boksner explained his land use experience, expounding on this point. Mr. Boksner also commented on delegating responsibility. He gave his input on mobile showers for the homeless, confirming it is a Commission policy decision.

In response to Commissioner Moraitis, Mr. Boksner confirmed the primary issues facing the City include, balancing overdevelopment, its impact on the quality of life and secondary impacts such as infrastructure and traffic. He also commented on homelessness.

Mr. Boksner gave closing comments.

18-0910

11:30 to 12:00 p.m. - Gougelman, Paul R. - Candidate Report

Paul R. Gougelman discussed the role of City Attorney as a legal advisor and council to the Commission, commenting on developing an individual relationship with each member of the Commission and with the Commission as a whole.

In response to Commissioner Moraitis' question about his experience in building the Office of the City Attorney in Melbourne, Florida, Mr. Gougelman expounded on the circumstances leading to his

recommendation to create the office of in-house counsel.

In response to Commissioner Glassman's inquiry about significant issues and liabilities facing the City, Mr. Gougelman confirmed infrastructure and land use. He discussed property rights under the *Bert Harris Act*. Further discussion ensued on rapid growth, its implications and the need for comprehensive planning to address current residents and future growth.

In response to Commissioner Glassman's question about his role as City Attorney, Mr. Gougelman described it as proactive and conservative.

In response to Vice Mayor Sorensen's question, Mr. Gougelman explained why he is well suited for this position. Mr. Gougelman commented homelessness and how it has been addressed in other municipalities. Further comment and discussion ensued.

COMMISSION DISCUSSION - 12:05 p.m.

Mayor Trantalis discussed the attorney ranking process. Mr. Baenziger provided his input. Further comment and discussion ensued.

Assistant City Attorney D'Wayne Spence clarified that the Commission would not be voting on the selection of a City Attorney during this Workshop. He confirmed that at the conclusion of this Workshop, the Commission would be ranking the candidates.

Mayor Trantalis recessed the Workshop for a short break at 12:10 p.m.

Mayor Trantalis reconvened the Workshop at 12:29 p.m.

Mayor Trantalis provided his input on each candidate. Commissioner Moraitis concurred with Mayor Trantalis' evaluation of each candidate. Commissioner Glassman also concurred as did Vice Mayor Sorensen.

Commissioner McKinzie arrived at 12:35 p.m.

Commissioner McKinzie commented on his desire for a Board Certified Municipal Attorney. Assistant City Attorney D'Wayne Spence explained what is involved in Board Certification and attorney ratings. Further comment and discussion ensued.

Commissioner Moraitis, Commissioner Glassman, Vice Mayor Sorensen and Mayor Trantalis gave their rankings for each candidate.

Mr. Baenziger confirmed the candidate rankings:

First Place - Mr. Alain E. Boileau - four first place votes;

Second Place - Mr. Rafael E. Suarez-Rivas - one first place vote and two second place votes;

Third Place - Ms. Rhonda M. Hasan - two second place votes; and

Fourth Place - Mr. Paul R. Gougelman - one second place vote.

Mayor Trantalis confirmed the procedure going forward will be for City Manager Feldman and a member of the Commission to work with the first place candidate to negotiate a salary and benefits compensation package.

City Manager Feldman inquired about the issue of residency and any other integral aspects to be included in forthcoming negotiations. Comment and discussion ensued on residency being a consideration. Commissioner McKinzie commented on the importance of holding all the heads of Charter Offices to the same standard regarding residency and promoting from within.

City Manager Feldman noted the need for the Commission to decide on the designation of a Commission member to participate in compensation negotiations with Mr. Boileau, the first place candidate. Commissioner McKinzie confirmed his willingness to participate in candidate negotiations.

City Manager Feldman requested input from the Commission on any additional items to be addressed during compensation negotiations. He confirmed the results of negotiations would be presented to the Commission for a vote at the September 4, 2018 Commission Regular Meeting for ratification.

Vice Mayor Sorensen confirmed that residency in the City would be desirable but not a requirement. Mayor Trantalis commented on keeping Mr. Boileau's salary consistent with what he is currently receiving. Comment and discussion ensued on this topic. City Manager Feldman noted the need to address severance as outlined under state statute. Further comment and discussion on this topic ensued.

City Manager Feldman confirmed there would be a Walk-On item at tonight's Commission Regular Meeting to approve negotiations with Mr. Boileau and the appointment of Commissioner McKinzie as Commission

Liaison in those negotiations. An employment agreement and corresponding resolution would be brought before the Commission at the September 4, 2018 Commission Regular Meeting for ratification. Should an agreement not be reached with Mr. Boileau, City Manager Feldman would report back to the Commission for consideration of the second place candidate, Mr. Suarez-Rivas.

In response to Vice Mayor Sorensen, Mr. Baenziger confirmed he would notify all interviewed candidates of the Commission's decision.

Assistant City Attorney D'Wayne Spence clarified an issue regarding the Sunshine Law, confirming that the negotiations by Commissioner McKinzie would come back before the Commission at an open meeting for a final decision. The Commission confirmed this procedure.

ADJOURNMENT

Mayor Trantalis adjourned the City Attorney Interview Workshop Meeting at 12:08 p.m.