

# City of Fort Lauderdale

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## Meeting Minutes

Tuesday, January 23, 2024

6:00 PM

**Broward Center for the Performing Arts - Mary N Porter Riverview  
Ballroom - 201 SW 5th Avenue, Fort Lauderdale, Florida 33312**

### **City Commission Regular Meeting**

***FORT LAUDERDALE CITY COMMISSION***

***DEAN J. TRANTALIS Mayor***

***PAM BEASLEY-PITTMAN Vice Mayor - Commissioner - District III***

***JOHN C. HERBST Commissioner - District I***

***STEVEN GLASSMAN Commissioner - District II***

***WARREN STURMAN Commissioner - District IV***

***GREG CHAVARRIA, City Manager***

***DAVID R. SOLOMAN, City Clerk***

***THOMAS J. ANSBRO, City Attorney***

***PATRICK REILLY, City Auditor***

**CALL TO ORDER**

Mayor Trantalis called the meeting to order at 6:09 p.m.

**Pledge of Allegiance**

Nya Salvucci and Mia De La Torre - Croissant Park Elementary School Students

**MOMENT OF SILENCE**

**ROLL CALL**

**Present:** 5 - Commissioner Steven Glassman, Vice Mayor Pam Beasley-Pittman, Commissioner Warren Sturman, Commissioner John C. Herbst and Mayor Dean J. Trantalis

**AGENDA ANNOUNCEMENTS**

Mayor Trantalis announced the following update to the published Agenda:

**CM-5 - Two edits in the recommendation section of the CAM.**

City Manager Chavarria explained that CM-5 needs to remain as originally published. In response to Commissioner Glassman's questions, City Manager Chavarria remarked on related details. Further comment and discussion ensued.

Mayor Trantalis said CM-5 would be pulled for separate discussion.

**Approval of MINUTES and Agenda**

[24-0143](#)

Minutes for December 5, 2023, Commission Regular Meeting and December 19, 2023, Commission Conference Meeting - (Commission Districts 1, 2, 3 and 4)

Commissioner Herbst made a motion to approve the Meeting Minutes and Agenda as amended and was seconded by Commissioner Glassman.

**APPROVED AS AMENDED - Agenda Amended**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**CONSENT AGENDA PUBLIC COMMENT**

Mayor Trantalis explained procedures for members of the public wishing to speak on Consent Agenda items.

**CONSENT AGENDA**

Commission Members requested the following Consent Agenda items be pulled for separate discussion:

CM-1 Commissioner Herbst

CR-1 Vice Mayor Beasley-Pittman

CM-5 Commissioner Glassman

CM-4 Commissioner Sturman

CR-3 Commissioner Sturman

**Approval of the Consent Agenda**

Commissioner Herbst made a motion to approve the Consent Agenda and was seconded by Commissioner Glassman.

**Approve the Consent Agenda**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**CONSENT MOTION**

**CM-2** [24-0034](#)

Motion Approving Grant Application - Broward County Enhanced Marine Law Enforcement - \$152,144 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**CM-3** [24-0082](#)

Motion Approving a Second Amendment to the Comprehensive Agreement with Las Olas Parking Solutions, LLC for the Development, Operation, and Maintenance of a Multi-Use Structure with Public Parking, a Fire-Rescue/EMS Substation, and Retail, at the Southeast Corner of SE 2nd Court and SE 8th Avenue - (Commission District 4)

**APPROVED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**CONSENT RESOLUTION**

**CR-2**    [24-0147](#)    Resolution Extending the Termination Date of the Noise Control Advisory Committee to December 2024 - (Commission Districts 1, 2, 3 and 4)

**ADOPTED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**CONSENT AGENDA ITEMS PULLED FOR DISCUSSION**

**CM-1**    [24-0116](#)    Motion Approving Event Agreements and Related Road Closures for 18th Annual Duck Fest Derby, Friday Dining in the Streets and MODS' 27th Annual Wine, Spirits and Culinary Celebration - (Commission Districts 1 and 2)

Mayor Trantalis recognized Elliott Gerber, 3233 NE 34th Street. Mr. Gerber discussed noise concerns and the negative impact of amplified music from an entertainment venue on residents living in a nearby high-rise residential building.

Commissioner Herbst remarked on not holding up approval of this Agenda item. He confirmed a member of his staff would work with City Staff and all stakeholders to work on initiatives to address Mr. Gerber's noise concerns.

Mayor Trantalis remarked on his viewpoint regarding the impact of outdoor amplified music on neighbors and related concerns. Commissioner Herbst discussed efforts to address recent business challenges in this area of District 1 to ensure its economic vitality, determining a middle ground, and remarked on similar concerns in other areas of the City and cited examples.

In response to Mayor Trantalis' comments, City Attorney Thomas Ansbro confirmed the ability of the Commission to approve this Agenda item as amended subject to Staff review of appropriate noise tolerances to be determined, including the possible reduction of hours and/or the repositioning of amplified music equipment, and/or suspension or revocation of the Event Agreement at the discretion of the City Manager.

Commissioner Herbst made a motion to approve this Agenda item as amended and was seconded by Commissioner Glassman.

**APPROVED AS AMENDED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**CM-4** [24-0095](#)

Motion Approving a Third Amendment to Service Agreement with North Broward Hospital District d/b/a Broward Health to Provide Fitness and Wellness Classes at Beach Community Center - (Commission District 1)

Commissioner Sturman explained he pulled this Agenda item in order to recuse himself.

Commissioner Herbst made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

**APPROVED**

**Yea:** 4 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Herbst and Mayor Trantalis

**Abstain:** 1 - Commissioner Sturman

**CM-5** [24-0153](#)

Motion Accepting the Acquisition of the Carlos Luna Sculpture - HORSE - (Commission District 2)

Commissioner Glassman noted the need for this Agenda item's CAM to correctly reflect District 4.

Mayor Trantalis noted that another artwork sculpture will be donated by the James Winder Laird Estate (Estate) for placement in District 2.

Commissioner Glassman commented on cost details included in the June 19, 2023, Public Art and Placement Advisory Board Meeting Minutes included in the CAM backup information.

In response to Commissioner Glassman's questions, Joshua Carden, Cultural Affairs Officer, explained that the Estate will pay costs, fees, and taxes associated with the purchase of this sculpture in addition to the \$60,000 estimated cost for the base and site work necessary for installation.

In response to Mayor Trantalis' question, Mr. Carden confirmed the estimated timeline for the sculpture's installation, which is anticipated in the next several weeks.

Commissioner Herbst made a motion to approve this Agenda item and was seconded by Commissioner Sturman.

**APPROVED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**CR-1** [24-0054](#)

Resolution Approving City of Fort Lauderdale Fiscal Year 2024 Not for Profit Grant Participation Agreement with Nova Southeastern University, Inc. for the NSU Art Museum - \$500,000 - (Commission Districts 1, 2, 3 and 4)

In response to Vice Mayor Beasley-Pittman's question, Laura Reece, Office of Management and Budget Director, explained details related to the City paying costs associated with the Commission's use of the Nova Southeastern University (NSU) Art Museum Auditorium (Auditorium). The City would not pay an Auditorium rental fee for the Commission's ten (10) month use of the Auditorium. The City would only pay expenses for items requested by Staff to host Commission Meetings and expenses associated with housekeeping, maintenance, and security services.

In response to Mayor Trantalis' questions, Bonnie Clearwater, NSU Art Museum Fort Lauderdale Director, cited examples, including housekeeping, maintenance, and security services that would be contracted with existing NSU Art Museum vendors at rates negotiated by NSU through its competitive bid process.

In response to Vice Mayor Beasley-Pittman's question, City Manager Chavarria confirmed these costs would be made available to the public. Ms. Reece said that these costs need to be pre-approved by the Commission.

Vice Mayor Beasley-Pittman explained she would be opposing adoption of this Resolution due to the unknown costs.

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

**ADOPTED**

**Yea:** 4 - Commissioner Glassman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**Nay:** 1 - Vice Mayor Beasley-Pittman

**CR-3** [24-0166](#)

Resolution Authorizing the City Manager to Execute a Workforce Housing Incentive Agreement with Andrews Apartments LLC - (Commission District 4)

Commissioner Sturman remarked on inconsistencies in the duration of the agreement included with this Agenda item and requested clarification. City Manager Chavarria confirmed the duration of the

agreement is fifteen (15) years.

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

**ADOPTED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**MOTIONS**

**M-1**     [24-0130](#)     Motion Approving an Event Agreement and Request for Music Exemption for St. Jerome Catholic Church and School Festival 2024 - (Commission District 4)

Commissioner Sturman made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

**APPROVED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**M-2**     [24-0131](#)     Motion Approving Event Agreements, Related Road Closures and Requests for Music Exemption for American Lung Association's 28th Annual Las Olas Wine & Food Festival and Big Game Watch Party - (Commission Districts 2 and 4)

Commissioner Sturman made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

**APPROVED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**M-3**     [24-0018](#)     Motion Approving Agreements for Rental of Barricades and Equipment - Various Vendors - \$1,400,000 (estimated two-year cost) - (Commission Districts 1, 2, 3 and 4)

Commissioner Herbst made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

**APPROVED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**M-4**     [24-0127](#)     Motion Authorizing Purchase of Property Insurance - Underwriters at Lloyd's of London, et al. - \$3,783,474 - (Commission Districts 1, 2, 3 and 4)

Commissioner Herbst made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

**APPROVED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

## RESOLUTIONS

**R-1**     [24-0138](#)

Appointment of Board and Committee Members - (Commission Districts 1, 2, 3 and 4)

City Clerk David Soloman read the names of Commission Member Board and Committee nominees for appointment and/or reappointment at the Commission Regular Meeting on February 6, 2024.

City Clerk Soloman read the names of the Board and Committee appointments and reappointments for Agenda item R-1 into the record.

City Clerk Soloman noted an amendment to this Agenda item, the additional appointment of Alex Jean to the Citizens' Police Review Board nominated by Commissioner Sturman.

Vice Mayor Beasley-Pittman introduced this Resolution as amended which was read by title only.

**ADOPTED AS AMENDED**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**R-2**     [24-0067](#)

Resolution Approving and Ratifying a First Amendment to Collective Bargaining Agreement between the City of Fort Lauderdale and Teamsters Local Union 769, Affiliated with International Brotherhood of Teamsters - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman discussed the need to allow all Commission Members to participate in the Florida Retirement System. He recommended this topic be included in the Commission's State Legislative Priorities, and expounded on his viewpoint. Further comment and discussion ensued.

Vice Mayor Beasley-Pittman introduced this Resolution which was read by title only.

**ADOPTED**



**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**R-3**     [24-0109](#)

Resolution Approving Amendment No. 2 to the Master Lease Agreement Approving the Declaration of Restrictive Covenants, Approving the Amended and Restated Declaration of Covenants & Restrictions of Bahia Mar Master Association, Inc., Approving revisions to the Quit Claim Deed; and Ratifying the Interlocal Agreement - (Commission District 2)

In response to Commissioner Glassman's questions, James Tate, Tate Capital on behalf of Rahn Bahia Mar, LLC, explained this Agenda item conveys fee simple title of air rights (title) to the Bahia Mar Project (Project) for planned condominiums.

Mayor Trantalis noted that if the Project is not built within twenty (20) years, the title will revert back to the City. Joseph M. Hernandez, Esq., Weiss Serota, explained information associated with the Community Development District (CDD).

Commissioner Herbst commented on additional waterway recreational equipment amenities requested by constituents for inclusion into the City's interlocal agreement with the CDD. Mr. Tate confirmed he would work with City Manager Chavarria to determine how best to fulfill that request. If this request could not be included in the interlocal agreement, he and his partners would donate funds for those amenities.

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

**ADOPTED**

**Yea:** 4 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Herbst and Mayor Trantalis

**Nay:** 1 - Commissioner Sturman

**R-4**     [24-0161](#)

Resolution Appointing Special Counsel to Investigate a Complaint Involving a City Commissioner - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis recognized Marc Dickerman, 1417 SW 2nd Street. Mr. Dickerman discussed his viewpoint and expectations regarding this Agenda item.

Mayor Trantalis recognized Ted Inserra, 912 SW 19th Street. Mr. Inserra discussed his perspective regarding this Agenda item.

In response to Commissioner Herbst's question, City Attorney Ansbro

commented on details related to the Commission action and explained the inability of the Office of the City Attorney to investigate the complaint. City Attorney Ansbro said that the Commission can select one of the two (2) attorneys listed in this Agenda item and introduce the Resolution accordingly.

Mayor Trantalis commented on his understanding of circumstances involved with this Agenda item that took place during a Commission Meeting. He discussed his viewpoint and the need to move forward.

Commissioner Herbst remarked on a previous, similar situation and subsequent action. Further comment and discussion ensued. Commissioner Herbst concurred with City Attorney Ansbro's comments and confirmed support to move forward with this Resolution.

City Attorney Ansbro commented on action taken by the aggrieved person and confirmed it merits investigation. He does not anticipate related costs exceeding \$25,000.

Vice Mayor Beasley-Pittman said this situation warrants an investigation and confirmed her support of this Agenda item.

Commissioner Glassman said he would recuse himself from voting on this Agenda item and commented on the characterization of details. He remarked on his recollection of a previous, similar situation that was handled by the Office of Professional Standards.

Commissioner Sturman said that a communication on this situation written on District 4 letterhead was a clerical error.

In response to Mayor Trantalis' question, City Attorney Ansbro confirmed he anticipates a resolution would occur within four (4) weeks.

Commissioner Herbst introduced this Resolution appointing Ria N. Chattergoon, Esq., RC Law Group which was read by title only.

**ADOPTED - Appointing Ria N. Chattergoon, Esq., RC Law Group**

**Yea:** 3 - Vice Mayor Beasley-Pittman, Commissioner Sturman and Commissioner Herbst

**Nay:** 1 - Mayor Trantalis

**Abstain:** 1 - Commissioner Glassman

**R-5**      [24-0087](#)

Quasi-Judicial Resolution Amending a Site Plan Level IV  
Development Permit - 551 Bayshore SPE, LLC - Olakino House -

Case No. UDP- A23062 - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

Mayor Trantalis opened the public hearing.

Mayor Trantalis recognized Karen Turner, 550 Bayshore Drive. Ms. Turner remarked on her viewpoint regarding this Agenda item.

Mayor Trantalis recognized Monty Lalwani, 3000 E. Sunrise Boulevard, on behalf of the Central Beach Alliance (CBA). Mr. Lalwani spoke in support of this Agenda item and discussed the CBA's support.

In response to Mayor Trantalis' question, Mr. Lalwani confirmed Courtney Crush, Esq., presented this amendment to the CBA on January 18, 2024, and there were no questions.

Mayor Trantalis recognized Christina Ciani, 502 NE 19th Street, Ritz Carlton Sales Director. Ms. Ciani spoke in support of this Agenda item.

Mayor Trantalis recognized Dan Teixeira, 525 N. Fort Lauderdale Beach Boulevard. Mr. Teixeira spoke in support of this Agenda item.

There being no one else wishing to speak on this item, Commissioner Herbst made a motion to close the public hearing and was seconded by Commissioner Sturman. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, and Mayor Trantalis

Commissioner Glassman clarified information related to this Agenda item and the importance of educating the public. In response to Commissioner Glassman's questions, Chris Cooper, Development Services Department Director, explained the process for this amendment and confirmed Code allows for an additional twenty-two feet (22') of additional project height, which increases the number of units from sixty-five (65) to eighty-three (83). The amendment complies with the Central Beach Master Plan (CBMP). Further comment and discussion ensued regarding aspects of the project and its context within the revised CBMP.

Commissioner Glassman remarked on his involvement and

neighborhood involvement with updates to the CBMP. Mr. Cooper confirmed and noted this Agenda item adapts to the CBMP and commented on information related to site plan enhancements. Commissioner Glassman remarked on his perspective and other considerations, and cited examples of creative design enhancements. Conditions of approval for the original site plan application have not changed. Further comment and discussion ensued.

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

Mayor Trantalis recognized Courtney Crush, Esq., on behalf of the Applicant. Ms. Crush clarified wording of this Resolution approving this amendment to the site plan and confirmed there is no change to the project's tower separation. Further comment and discussion ensued. Mr. Cooper confirmed Ms. Crush's clarification.

In response to Commissioner Glassman's question, Ms. Crush confirmed outreach to neighboring buildings relative to the site plan amendment, cited examples, and remarked on related conversations.

Commissioner Glassman commented on tower separation and explained related information. Ms. Crush concurred. Further comment and discussion ensued.

Deputy City Attorney D'Wayne Spence explained details about amending this Resolution and striking references to the decrease in the minimum tower separation.

Commissioner Glassman reintroduced the Resolution as amended, striking references to a decrease in the minimum tower separation, which was read by title only.

**ADOPTED AS AMENDED - Approving**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

## **PUBLIC HEARINGS**

**PH-1**    [24-0115](#)    Public Hearing - Quasi-Judicial Resolution Approving a Waiver of Limitations at 3019 NE 20th Court for the Installation of one (1) Boat Lift - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

Mayor Trantalis opened the public hearing.

Mayor Trantalis recognized Steve Witten, Marine Advisory Board (MAB) Chair. MAB Chair Witten spoke in support of this Agenda item, citing the hardship due to the advanced age of the applicants.

In response to Commissioner Herbst's question regarding the alternate solution to shift the boat lift to the center of the dock and discussed during a MAB Meeting was not included with this Resolution, MAB Chair Witten explained individuals objected to this Agenda item were not amenable. Commissioner Herbst commented that shifting the boat lift to the center of the dock would be an acceptable outcome. Further comment and discussion ensued.

In response to Commissioner Herbst's question, Robert Dunckel, Assistant City Attorney III, explained the context and criteria of a hardship relates to extraordinary circumstances due to the advanced age of the applicants. Mr. Dunckel cited examples related to similar extraordinary circumstances presented in previous dock waiver cases. The position of the opponents recommended the boat lift be located towards the Intracoastal.

In response to Commissioner Herbst's question, Mr. Dunckel noted the ability to include a waiver provision that the waiver would no longer be applicable should there be a change in property ownership and the new property owners not having similar extraordinary circumstances. Mr. Dunckel explained information related to other extraordinary circumstances that give rise to the waiver. Mr. Dunckel said opponents do not have riparian rights for all views, only views through the thread of the channel, middle line, to the land. Further comment and discussion ensued. Mr. Dunckel explained the ability of the Commission to attach conditions to a waiver.

In response to Commissioner Glassman's questions, Mr. Dunckel confirmed the length of the dock associated with this waiver is sixteen feet (16'), and other area docks are five (5') to six (6') feet in length. Thirty-seven feet (37') is the required amount for the navigational waterway in this area. Commissioner Glassman remarked on the impact of others along this waterway requesting sixteen foot (16') docks, concerns related to waiver of limitation requests, and cited examples. Andrew Cuba, Parks & Recreation Department Marine Facilities Manager, confirmed many dock waiver requests are on the west side of the Intracoastal. Commissioner Glassman remarked on

related information.

Mayor Trantalis recognized Hubie Kerns, 3019 NE 20th Court. Mr. Kerns spoke in support of this Agenda item, discussed details related to this request and cited examples. In response to Commissioner Glassman's question, Mr. Kerns explained details associated with locating the boat lift at the center of the dock.

In response to Commissioner Glassman's questions regarding addressing waterway safety concerns, including speeding on the Intracoastal negatively impacting resident vessels, Mr. Cuba confirmed the Florida Fish and Wildlife Conservation Commission has responsibility to address water safety concerns. He is unaware of any action initiated to regulate speed or instituting a no wake zone in this area. Commissioner Glassman commented on reducing speed or instituting a no wake zone in this area.

Mayor Trantalis recognized Frank Mormando, 3029 NE 20th Court, Applicant. Mr. Mormando spoke in support of this Agenda item and reviewed details included in the Application.

Mayor Trantalis recognized Daniel Kahan, 2011 NE 31st Avenue. Mr. Kahan spoke in opposition to this Agenda item. In response to Mayor Trantalis' question, Mr. Kahan explained the location of his property.

Mayor Trantalis recognized Loretta Ullman, 3031 NE 20th Court. Ms. Ullman spoke in opposition to this Agenda item, referencing photos illustrating her concerns.

***A copy of the photos have been made part of the backup to this Agenda item.***

In response to Mayor Trantalis' question, Ms. Ullman discussed her recommendation regarding the location of the boat lift that would not obstruct views from her residence.

Mayor Trantalis remarked on the Commission's decision adhering to what the law allows. In response to Mayor Trantalis' question, Mr. Dunckel explained details of what is allowed under Code. Further comment and discussion ensued.

Commissioner Glassman remarked on installing a small boat lift within current Code. Further comment and discussion ensued.

In response to Mayor Trantalis' question regarding the structure located on the north side of the canal, a member of Staff explained it

is a construction barge. Further comment and discussion ensued.

MAB Chair Witten explained his understanding of the boat's length associated with this waiver. Mr. Mormando confirmed. In response to Commissioner Glassman's concerns raised earlier, MAB Chair Witten explained the history of granting these types of waivers, the manner in which future regulation would occur, and confirmed that the MAB has been proactive. Further comment and discussion ensued.

Mayor Trantalis acknowledged that the MAB has become more proactive and circumspect in its approval of dock waivers, especially along the New River. Mayor Trantalis explained Commission efforts to balance equities of all stakeholders and expounded on related details.

Commissioner Herbst remarked that the decision relates to the preservation of views of the applicant and the adjacent neighbor versus the applicant's handicap access. Further comment and discussion ensued regarding ways to lessen the impact on neighbor views.

Commissioner Herbst recommended a compromise by relocating the boat lift to the center of the applicant's dock. Ms. Ullman, Mr. Kahan, and Mr. Mormando commented on the impact of this compromise.

Commissioner Glassman remarked that a deferral of this Agenda item would allow the applicant and neighbors to work out their differences. Mayor Trantalis discussed the options of the Commission and cited examples.

In response to Commissioner Sturman's question regarding any time sensitivity related to this Agenda item, Mr. Mormando discussed his willingness to work this out with his neighbors. Commissioner Glassman reiterated the need to defer this Agenda. He expounded on his viewpoint regarding the need for the Commission to revisit the MAB's notice requirements.

Mayor Trantalis said that this public hearing would remain open until the February 6, 2024, deferral date.

Mr. Dunckel requested accurate, precise drawings to include correct dimensions of all items related to this waiver request be made available at the February 6, 2023, Commission Meeting.

Commissioner Glassman made a motion to defer this Agenda item to the February 6, 2024, Commission Regular Meeting and was seconded by Commissioner Herbst.

**DEFERRED to February 6, 2024**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**PH-3** [24-0125](#)

Public Hearing - Ordinance Amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-11.10, List of Permitted and Conditional Uses, Commercial Recreation (CR) District - UDP- T23006 - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Beasley-Pittman made a motion to close the public hearing and was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, and Mayor Trantalis

Vice Mayor Beasley-Pittman introduced this Ordinance on the Second Reading which was read by title only.

**ADOPTED ON SECOND READING**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**ORDINANCE FIRST READING****OFR-1** [24-0071](#)

First Reading - Ordinance Amending Subsection 20-110(a.1)(5) and Repealing Subsection 20-110(a.1)(11) of the Code of Ordinances of the City of Fort Lauderdale, Florida - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman introduced this Ordinance on the First Reading which was read by title only.

**PASSED FIRST READING**

**Yea:** 5 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**PUBLIC HEARINGS (continued)****PH-2** [24-0003](#)

Public Hearing - Resolution Approving Sublease Agreement for City-Owned Property Located at 501 Seabreeze Boulevard, Fort Lauderdale, Florida 33316, Pursuant to Section 8.13 of the City Charter, to ISHOF Peninsula, LLC - (Commission District 2)

In response to Commissioner Glassman's question, Mayor Trantalis confirmed Commission Member disclosures were not needed.



Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Commissioner Herbst made a motion to close the public hearing, which was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, and Mayor Trantalis

In response to Mayor Trantalis' question, Lynn Solomon, Assistant City Attorney III, Office of the City Attorney, explained information regarding this Agenda item.

Mayor Trantalis recognized Mario Caprini, International Swimming Hall of Fame (ISHOF) Partners Manager. In response to Mayor Trantalis' questions, Mr. Caprini explained information regarding the two (2) leases and related information. Further comment and discussion ensued.

In response to Mayor Trantalis and Commissioner Herbst's question regarding changes to this Agenda item, City Manager Chavarria said that those changes need to be discussed. Commissioner Herbst remarked on his amendment clarifying aspects related to an aquarium.

Commissioner Glassman remarked on the late submission of the proposed amendments to Agenda items. Deputy City Attorney D'Wayne Spence explained that amendments to this Agenda item were discussed at the pre-agenda meeting with Commissioner Herbst. Further comment and discussion ensued. Deputy City Attorney Spence clarified that any commissioner can amend resolutions. The amended Resolution provides the intent of Commissioner Herbst's request. Further comment and discussion ensued.

In response to Commissioner Glassman's questions, Ms. Solomon explained the amendment will only take effect once a sublease between the Fort Lauderdale Aquarium and ISHOF Peninsula is presented to the City Manager for review and approval. Mayor Trantalis noted this would provide additional protection for the City and remarked on related information. Ms. Solomon expounded on information related to the City Manager's review and approval.

Commissioner Glassman explained concerns related to the wording in the lease referencing one (1) aquarium tenant. In response to Commissioner Glassman's questions and concerns, Ms. Solomon confirmed this does not preclude other providers of an aquarium from leasing space and cited specific language in the Resolution.

Commissioner Herbst read the resolution language addressing Commissioner Glassman's concerns. Mr. Caprini noted ISHOF, Inc., is on good terms with the planned aquarium tenant and remarked on discussions regarding revised language that was agreed to by both parties.

Commissioner Glassman discussed concerns about needing to be notified about amended language and commented on related information.

Mayor Trantalis recognized Jennifer Bales Drake, Esq., Becker Law, on behalf of ISHOF Partners. In response to Commissioner Glassman's questions, Ms. Drake explained her understanding of revised versions of the Resolution and discussed the recommended language and its intent. Mayor Trantalis recommended this language state the operator of an aquarium versus the operator of the aquarium. Ms. Drake confirmed.

In response to Commissioner Glassman's question, Ms. Drake said the first version of the Agenda item only included acceptance of a sublease and did not include language related to an aquarium. Mr. Caprini noted the need for the lease to be conditional on having an aquarium in the Project. Further comment and discussion ensued.

Commissioner Herbst explained the reasoning for his recommended amendment to require an aquarium to be a lease component. He explained it relates to concerns regarding the debt the City has taken on with this Project. The aquarium component provides a high degree of assurance that the rental income will be sufficient to pay the debt service. Commissioner Herbst cited similar efforts with Bahia Mar, which required the Bahia Mar site plan to accommodate the Boat Show adequately and ensure it remains in the City. Further comment and discussion ensued.

Commissioner Glassman remarked on additional language in the lease. Ms. Drake confirmed the first lease document did not include aquarium language. She discussed the language in the updated red-lined lease and recommended that the language be modified to include an aquarium. In response to Commissioner Glassman's question, Ms. Drake confirmed her agreement with the language modification discussed earlier. Ms. Drake explained the order in which leases associated with the Project must be executed.

Mr. Caprini confirmed that ISHOF Partners is following the Letter of Intent in place with the City.

Mayor Trantalis recognized Andrew Blasi, Esq., Shapiro Blasi Wasserman Hermann, Boca Raton. Mr. Blasi remarked on the importance of negotiating a favorable lease and discussed information to achieve that goal.

Commissioner Glassman said it would be beneficial to use a general reference of an aquarium in the lease and Resolution versus specific reference to Fort Lauderdale Aquarium. Mr. Blasi concurred.

Vice Mayor Beasley-Pittman concurred and expounded on her viewpoint.

Commissioner Sturman remarked on the stakeholders involved and the lease requirements.

Vice Mayor Beasley-Pittman recognized Corey Olson, Hensel Phelps, and ISHOF Partner. Mr. Olson explained that ISHOF Partners is the name of the single-entity development team.

Commissioner Sturman reviewed details related to this Agenda item and remarked on the City's debt associated with the Project and related documents. Mr. Olson explained that ISHOF, Inc., is the collection agent for all commercial activity revenue received from the entire property, except for the Museum and activities within the Museum building.

In response to Commissioner Sturman's questions, Ms. Drake confirmed a ground lease from the City to ISHOF Partners, the developers. ISHOF Partners is building the Project and its improvements and will lease it back to the City through the Master Facilities Lease. The City will sublease the Museum to ISHOF Peninsula, the non-profit 503(c)(3) entity. The City will lease the remaining portions of the Project to ISHOF, Inc. Ms. Drake confirmed this Resolution approves the City's lease to ISHOF Peninsula, LLC. Further comment and discussion ensued.

In response to Commissioner Sturman's questions, Ms. Drake said Assistant City Attorney Solomon is terminating the original current lease in place. Deputy City Attorney Spence explained the property's land dedication requirement that mandates leasing to a non-profit entity, ISHOF Peninsula. Further comment and discussion ensued.

Mayor Trantalis noted that aspects of the Project, its phases, and related site plans still need to be developed and approved by the Commission and commented on related information. Ms. Drake

confirmed. Further comment and discussion ensued.

In response to Commissioner Sturman's questions, Ms. Drake explained details of the City's revenue sharing from properties leased to ISHOF, Inc. Mr. Olson expounded on related information.

In response to Mayor Trantalis' question, Mr. Olson confirmed revenue-related details specific to the Museum and ISHOF Peninsula, LLC, and cited examples.

Susan Grant, Assistant City Manager, clarified that the Museum pays rent directly to the City. Mr. Olson remarked on information related to the Museum. Further comment and discussion ensued.

In response to Commissioner Sturman's question, Commissioner Herbst confirmed items of concern had been resolved and reiterated the need to ensure an aquarium is included in the Project. If it is determined that an aquarium is not viable, discussion of the Project should return to the Commission. In response to Mayor Trantalis' question, Mr. Olson confirmed his understanding of that requirement.

In response to Mayor Trantalis' question regarding amending this Resolution to replace the language Fort Lauderdale Aquarium, LLC with an aquarium operator, Commission Members confirmed a consensus.

In response to Commissioner Glassman's request, Ms. Solomon read the amended lease language into the record.

Commissioner Glassman introduced this Resolution as amended which was read by title only.

**ADOPTED AS AMENDED**

**Yea:** 4 - Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Herbst and Mayor Trantalis

**Nay:** 1 - Commissioner Sturman

**ADJOURNMENT**

Mayor Trantalis adjourned the meeting at 9:28 p.m.

\_\_\_\_\_  
Dean J. Trantalis  
Mayor

ATTEST:

\_\_\_\_\_  
David R. Soloman  
City Clerk