

# City of Fort Lauderdale

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## Meeting Minutes

Tuesday, December 5, 2023

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 6:07 p.m.

**Pledge of Allegiance**

Dillard Elementary School Second Grader Robert D. Gadson, Jr.

**RECESS**

Mayor Trantalis recessed the meeting at 6:09 p.m.

**RECONVENE**

Mayor Trantalis reconvened the meeting at 6:12 p.m.

**MOMENT OF SILENCE**

**ROLL CALL**

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

**COMMISSION QUORUM ESTABLISHED**

**Also Present:** City Manager Greg Chavarria, City Clerk David R. Soloman, City Attorney Thomas J. Ansbro, and City Auditor Patrick Reilly

**AGENDA ANNOUNCEMENTS**

Mayor Trantalis announced the appointments of Chief of Police William Shultz and Director of the Parks and Recreation Department Carl Williams, and City Attorney Thomas Ansbro.

Mayor Trantalis noted the following updates to the published Agenda:

**MODIFICATIONS:**

- R-4 Will be heard after OSR-1
- OSR-1 Public Hearing

**REVISIONS:**

- CP-4 CAM revised to add Croissant Park to Soccer Officiating Services

- CP-8 CAM Background information revised  
R-3 Exhibit 3 to Resolution revised to increase the term of the sublease from thirty (30) years to fifty (50) years

**REMOVED:**

- CM-7 Motion Authorizing Payment of Attorney Fees and Non-Taxable Costs in Fort Lauderdale Food Not Bombs, et al., v. City of Fort Lauderdale

***A copy of the revised Agenda items are attached to the Meeting Minutes.***

**Approval of MINUTES and Agenda**

[23-1165](#)

Minutes for October 17, 2023, Commission Joint Workshop with Affordable Housing Advisory Committee, October 17, 2023, Commission Conference Meeting, and October 17, 2023, Commission Regular Meeting - (Commission Districts 1, 2, 3 and 4)

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

**APPROVED AS AMENDED - Agenda Amended**

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

**PRESENTATIONS**

**PRES-** [23-1142](#)

**1**

Mayor Trantalis to present a Proclamation declaring December 5, 2023, as Rick Case Bikes for Kids Day in the City of Fort Lauderdale

Mayor Trantalis presented a Proclamation declaring *December 5, 2023, as Rick Case Bikes for Kids Day in the City of Fort Lauderdale* to Ryan Case, reading the Proclamation in its entirety.

Rita Case accepted the Proclamation and elaborated on this effort benefiting the children of the community. Ms. Case thanked Mayor Trantalis and the Commission for the Proclamation.

**PRESENTED**

**PRES-** [23-1173](#)

**2**

Presentation from Visit Lauderdale Sports and Entertainment Vice President, Glen Allen - 2023 SportsTravel Award

Glen Allen, Visit Lauderdale Sports and Entertainment Vice President, presented the City with the *2023 SportsTravel Award* recognizing the

City's Aquatic Complex as the best new or renovated aquatic venue and is recognized as the premier destination for aquatic sports in the United States.

Stacy Ritter, President and CEO of Visit Lauderdale, presented the City with *Trazee Travel Award as Favorite Beach Town on the East Coast* for the second consecutive year.

**PRESENTED**

**PRES-** [23-1143](#)  
**3**

Parks and Recreation 2023 Year in Review Presentation - Swim Fort Lauderdale Masters Team

Carl Williams, Parks and Recreation Director, and Laura Voet, Aquatic Complex Manager, were joined by the Swim Fort Lauderdale Masters Team for the presentation entitled *Parks and Recreation 2023 Year - Swim Fort Lauderdale Masters Team*. Ms. Voet expounded on the numerous accomplishments of the Swim Fort Lauderdale Masters Team and its coaching staff.

**PRESENTED**

**CONSENT AGENDA PUBLIC COMMENT**

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

**CONSENT AGENDA**

In response to Mayor Trantalis' question, the following Commission Member requested the following Consent Agenda items be pulled for separate discussion:

CR-1, CR-3, and CP-2 - Commissioner Sturman

**Approval of the Consent Agenda**

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

**Approve the Consent Agenda**

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

**CONSENT MOTION**

**CM-1** [23-1127](#)

Motion Approving Event Agreements for Igloo Cooler Festival and Fort Lauderdale Beer, Wine and Spirits Fest- (Commission Districts

2 and 3)

**APPROVED**

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

**CM-2** [23-0991](#)

Motion Accepting Florida Department of Transportation Grant - \$60,000 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**CM-3** [23-0995](#)

Motion Accepting Broward County Enhanced Marine Law Enforcement Grant Program Funds - \$191,496 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**CM-4** [23-1055](#)

Motion Accepting Florida Department of Law Enforcement Grant - \$9,550 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**CM-5** [23-1073](#)

Motion Approving a Second Amendment to Strategic Alliance Agreement Relating to Book Explorers Reading Mentors Program between the Barbara Bush Foundation for Family Literacy, Inc., and the City of Fort Lauderdale- (Commission Districts 2, 3, and 4)

**APPROVED**

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

**CM-6** [23-1114](#)

Motion Authorizing Execution of an FY23 Florida Inland Navigation District Waterways Assistance Program Grant - \$45,095 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**CM-7** [23-1131](#)

Motion Authorizing Payment of Attorney Fees and Non-Taxable Costs in Fort Lauderdale Food Not Bombs, et al., v. City of Fort Lauderdale,

United States District Court for the Southern District of Florida Case No. 15-60185-civ-AMC; United States Court of Appeals for the Eleventh Circuit No. 23-10173 - \$638,196 - (Commission Districts 1, 2, 3 and 4)

**REMOVED FROM AGENDA**

## CONSENT RESOLUTION

**CR-1**    [23-0974](#)        Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2024 - Appropriation - (Commission Districts 1, 2, 3 and 4)

In response to Commissioner Sturman's question, Alan Dodd, Public Works Department Director, explained details regarding *Budget Amendment - Letter D. Transfer between Capital Projects - Stormwater Fund - Ponce de Leon Drive Stormwater Improvements - \$147,940*. Mr. Dodd confirmed these stormwater improvements will be addressed and were incorporated into other projects.

**ADOPTED**

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

**CR-2**    [23-1076](#)        Resolution Authorizing the City Manager to Enter into the 2023 Statewide Mutual Aid Agreement between The State of Florida Division of Emergency Management and the City of Fort Lauderdale, Florida - (Commission Districts 1, 2, 3 and 4)

**ADOPTED**

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

**CR-3**    [23-1092](#)        Resolution Amending the Parks and Recreation Rules and Regulation - (Commission Districts 1, 2, 3 and 4)

In response to Commissioner Sturman's question, Carl Williams, Parks and Recreation Department Director, clarified details of this Agenda item, stating the rule applies to traditional golf and would not apply to disc golf. Mr. Williams reiterated that this Agenda item is applicable to traditional golf at Osswald Park.

Commissioner Herbst discussed his opposition to not allowing dogs in City parks. He recommended dogs be allowed, cited examples of other cities allowing dogs in municipal parks, and requested Staff to review this topic.

In response to Mayor Trantalis' question, Carl Williams, Parks and

Recreation Department Director, confirmed Staff would revisit Commissioner Herbst's recommendation, and noted that waste bags could be installed in parks.

In response to Commissioner Sturman's question, Mr. Williams confirmed not allowing dogs is a park rule.

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

**ADOPTED**

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

**CR-4** [23-1162](#)

Resolution Approving Reappointment of Code Enforcement Special Magistrate Rose Ann Flynn, Esquire, and Appointing Annette E. Cannon, Esquire as Code Enforcement Special Magistrates - (Commission Districts 1, 2, 3 and 4)

**ADOPTED**

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

**CONSENT PURCHASE**

**CP-1** [23-0851](#)

Motion Approving Change Order No. 4 for the GTL Deepwell Electrical Power Instrumentation & Controls - Florida Design Contractors, Inc. - \$232,688.02 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**CP-2** [23-0852](#)

Motion Approving Negotiated Fee Schedule and Agreement for Riverwalk North Seawall Replacement Consultant Services - HBC Engineering Company - \$682,534.41 - (Commission District 4)

Commissioner Sturman noted neighbor feedback regarding flooding concerns east of Third Avenue and questioned the efforts to mitigate flooding included in this Agenda item do not include that area.

Mayor Trantalis recognized Tricia Halliday, 50 Nurmi Drive. Ms. Halliday commented on her perspective and concerns related to Agenda item CP-2.

In response to Commissioner Sturman's question, Alan Dodd, Public Works Department Director, explained available funding is for the section of the seawall most in need of repair. Staff will prioritize the area east of Third Avenue as efforts go forward.

**APPROVED**

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

- CP-3**    [23-1029](#)    Motion Approving an Agreement for Security Guard Services - Regions Security Services, Inc. - \$419,760 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

- CP-4**    [23-1052](#)    Motion Approving Agreement for Soccer Officiating Services - 3PS Soccer Pros LLC - \$131,100 - (Commission Districts 2 and 4)

**APPROVED**

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

- CP-5**    [23-1077](#)    Motion Approving Agreement for Janitorial Services, Recreational Areas - Image Janitorial Services Inc. - \$425,835 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

- CP-6**    [23-1080](#)    Motion Approving a Design Criteria Package Agreement for the Fort Lauderdale Federal Courthouse Parking Garage - Desman Inc. \$350,000 - (Commission District 4)

**APPROVED**

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

- CP-7**    [23-1100](#)    Motion Approving a Piggyback Agreement with Stantec Consulting Services Inc Utilizing the City of Palm Bay's Agreement for Financial Rate and Management Consulting Services - \$500,000 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**



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

**CP-8**    [23-1118](#)

Motion Approving a First Amendment to Service Agreement for Summer Food Service Program Provider to Increase Annual Contract Amount - All Kids Catering, Inc. - \$33,831 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**CP-9**    [23-1157](#)

Motion Approving an Amendment to the Piggyback Agreement with Circuit Transit, Inc. Utilizing the City of Pompano Beach's Agreement for Transportation Services - \$267,408.86 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

## MOTIONS

**M-1**    [23-1128](#)

Motion Approving Event Agreements and Related Road Closures for 36th Annual Las Olas Art Fair (January and March 2024) and Tik Tok Dance Party with Santa - (Commission Districts 2 and 4)

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

**APPROVED**

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

**M-2**    [23-1129](#)

Motion Approving an Event Agreement and Request for Music Exemption for Super Bowl @ Smittys - (Commission District 3)

Mayor Trantalis commented on the need for event organizers to ensure the large amount of anticipated attendees do not impact surrounding area homes. Commissioner Glassman remarked on concerns discussed at the District 2 Pre-Agenda Meeting. Vice Mayor Beasley-Pittman confirmed support from the District 3 community and said she had not received any negative feedback from the community.

Commissioner Sturman made a motion to approve this Agenda item and was seconded by Vice Mayor Beasley-Pittman.

**APPROVED**

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

- M-3**     [23-1155](#)     Motion Approving an Event Agreement, Related Road Closure and Request for Music Exemption for Downtown's New Years Eve Bash - (Commission District 2)

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

**APPROVED**

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

- M-4**     [23-0954](#)     Motion Authorizing Purchase of Reinsurance for Self-Funded Medical Plan - Cigna Health and Life Insurance Company - \$1,890,486 - (Commission Districts 1, 2, 3 and 4)

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

**APPROVED**

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

- M-5**     [23-1084](#)     Motion Authorizing Acceptance of a Drainage Easement Dedication by the School Board of Broward County to the City of Fort Lauderdale - 101 NW 15th Avenue - (Commission District 3)

Vice Mayor Beasley-Pittman made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

**APPROVED**

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

## RESOLUTIONS

- R-1**     [23-1159](#)     Appointment of Board and Committee Members - (Commission Districts 1, 2, 3 and 4)

City Clerk David Soloman read the names of Board and Committee nominees for appointment and/or reappointment at the Commission Regular Meeting on December 19, 2023.

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

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

**ADOPTED**

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

**R-2**     [23-1107](#)

Resolution Authorizing the Execution of an Underground Electric Utility Facilities Easement with Florida Power and Light Company - Dorsey Riverbend Stormwater Improvements - 515 NW 15th Avenue - (Commission District 3)

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

**ADOPTED**

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

**R-3**     [23-1152](#)

Resolution Rescinding Resolution No. 23-261 and Declaring Notice of Intent to Sublease 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)

Mayor Trantalis recognized Chris Nelson, 520 SE 5th Avenue. Mr. Nelson discussed his viewpoint on this Agenda item.

Commissioner Glassman commented on his understanding of this Agenda item and remarked that it relates to the name change of the business entity's principals and from a not-for-profit to a for-profit.

Commissioner Sturman discussed his concerns that include moving too quickly on this Agenda item, lengthening the term of the lease, and entering into an agreement with a limited liability corporation (LLC) that is not yet registered with the State of Florida (State).

In response to Commissioner Sturman's questions, City Attorney Thomas Ansbro remarked on his perspective regarding those concerns. Susan Grant, Assistant City Manager, explained details related to this Agenda item that rescinds the previously adopted Resolution. The revised Notice of Intent for the sublease will be presented at the December 19, 2023, Commission Regular Meeting, and the leases would be presented to the Commission at the January 9, 2024, Commission Regular Meeting. Ms. Grant confirmed the duration of the lease will increase from thirty (30) years to fifty (50) years and explained

related information that will ensure consistency with the comprehensive agreement.

Commissioner Sturman expounded on his concerns. City Attorney Ansbro recommended deferral of this Agenda item.

In response to Commissioner Glassman's question, City Attorney Ansbro explained his understanding of the duration of the sublease and related renewal options. Further comment and discussion ensued.

Mayor Trantalis recommended deferral of this Agenda item until concerns discussed are addressed.

In response to Commissioner Glassman's question, Ms. Grant reiterated the duration of the sublease would be up to fifty (50) years, an initial thirty (30) year lease term with three (3) six (6) year options for the Commission to renew consistent with the comprehensive agreement.

In response to Commissioner Herbst's question regarding whether the renewals are perfunctory or require attention, City Attorney Ansbro said he would research and advise.

Commissioner Herbst requested that Agenda items with substantive changes should not be presented to the Commission on the day of a Commission Meeting as it does not allow sufficient time for review.

**REMOVED FROM AGENDA**

**R-5**     [23-1095](#)

Quasi-Judicial Resolution - Approving a Site Plan Level II Development Permit and Design Deviation Requests - 201 N Federal Highway, LLC - 201 North Federal Highway - Case No. UDP-S22081 - (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 Stephanie Toothaker, Esq., 901 Ponce de Leon Drive, on behalf of NAFTAI Group (Applicant). Ms. Toothaker narrated a presentation entitled *201 N. Federal Highway*.

***A copy of the presentation has been made part of the backup to these Meeting Minutes.***

Mayor Trantalis recognized Jason Marten, Esq., 1616 NE 17th Avenue. Mr. Marten spoke in opposition to this Agenda item, citing the negative impact on The Dalmar Hotel (Dalmar). In response to Commissioner Sturman's question, Mr. Marten explained he is not legal counsel for the Dalmar.

Mayor Trantalis recognized Carlos Salazar, 1803 N. 41st Street, Managing Director of the Dalmar. Mr. Salazar spoke in opposition to this Agenda item due to the Project's negative impact on the Dalmar.

In response to Mayor Trantalis' questions, Mr. Salazar explained aspects of the Project that would negatively impact the Dalmar that include the size of the podium that will obscure views from the Dalmar's amenity deck. Mr. Salazar expounded on related details. Mayor Trantalis commented on the Applicant mitigating the negative visual impact of the wall facing the Dalmar's amenity deck and agreement to place some type of creative design, landscaping, or lighting elements. Mr. Salazar discussed the podium's ninety-nine-foot (99') podium deviation.

In response to Commissioner Herbst's question, Mr. Salazar explained his understanding of the Applicant's outreach to representatives of the Dalmar.

Mayor Trantalis recognized Chris Nelson, 520 SE 5th Avenue. Mr. Nelson spoke in opposition to this Agenda item and his preference for greenspace at this location to reduce stormwater flooding. Commissioner Glassman remarked on infrastructure improvements borne by developers that serve to reduce stormwater flooding. Further comment and discussion ensued.

Mayor Trantalis recognized Jake Wurzak, 201 N. Federal Highway, owner of the Dalmar. Mr. Wurzak made a presentation in opposition to this Project.

***A copy of the presentation has been made part of the backup to these Meeting Minutes.***

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 Herbst, Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, and Mayor Trantalis

In response to Commissioner Glassman's questions, Chris Cooper, Development Services Department Director, explained details of the Downtown Master Plan Zoning Code (Code) in place when the Dalmar was built versus what is currently in place for this area. The previous allowable podium height was seven (7) stories, and the building height was limited to thirty (30) stories. Following the Commission's 2022 codification of the Downtown Master Plan, the character of Downtown Core area was moved from NE 1st Street to NE 4th Street. The allowable podium height was increased to nine (9) stories and building height became unlimited relative to Federal Aviation Agency (FAA) restrictions. Further comment and discussion ensued. Additional changes to the Code now require Commission approval of deviation requests to determine whether the deviation meets the intention of the Downtown Master Plan.

In response to Commissioner Glassman's questions, Mr. Cooper explained details related to the Project's two (2) deviation requests, both of which meet the intention of the Downtown Master Plan. Mr. Cooper expounded on related information and cited examples. Further comment and discussion ensued.

In response to Commissioner Glassman's questions, Mr. Cooper explained aspects of the Project's architectural design and its sixty-foot (60') tower separation. The Zoning Administrator was consulted and determined that this architectural feature does not interfere with tower separation requirements and remains the same with or without the balconies. Mr. Cooper explained that with or without the Applicant's requested deviations, the Project's parking floors would alter views of the Dalmar's amenity deck and remarked on related information.

Commissioner Glassman acknowledged concerns raised by Mr. Wurzak and commented that view corridors are not protected by the Code.

Commissioner Glassman commented on affordable housing and noted that the developer has agreed to pay in lieu of providing affordable housing units in the amount of \$9,360,000 to the affordable housing trust fund that will be shared with Broward County.

Commissioner Herbst remarked on discussions with the Applicant regarding the negative impact of the Project on the Dalmar and the Commission's limited ability to mitigate those concerns. He expounded on his viewpoint in opposition to increased building heights that will overwhelm the City.

Vice Mayor Beasley-Pittman concurred with Commissioner Herbst's remarks. She acknowledged the significant investment made by the owners of the Dalmar before Code changes and developer interest in this area.

In response to Commissioner Sturman's questions, Mr. Cooper discussed increasing the maximum square footage of the building floorplate, which would presumably translate into additional units. City Attorney Ansbro confirmed the affordable housing-related option of payment-in-lieu-of providing affordable housing units is at the discretion of the Applicant, not the Commission.

Commissioner Sturman remarked that the maximum square footage of the building floorplate deviation request is not insignificant, and he is inclined to oppose approval of this Agenda item.

Mayor Trantalis remarked on his perspective, including the inability to prevent development adjacent to the Dalmar that would negatively impact its views from the amenity deck. The Applicant's requested deviations would not alleviate concerns raised by the Dalmar. Mayor Trantalis remarked on the financial contribution from the Applicant to the affordable housing trust fund, acknowledged the significant investment made by Mr. Wurzak, and recommended that in the future, the Commission revisit design ideas of the Master Plan.

Mayor Trantalis recommended the Commission's adoption of this Resolution include an amendment mandating architectural, lighting or a landscaping enhancement on the wall area facing the Dalmar amenity deck to include a minimum associated cost. Ms. Toothaker confirmed the Applicant would commit to that amendment and suggested Mr. Wurzak meet with the Applicant to determine an agreeable enhancement.

Mr. Wurzak commented on outreach efforts from the Applicant and expounded on related details. He commented on the lack of hardship related to the Applicant's two (2) deviation requests. Further comment and discussion ensued.

In response to Mayor Trantalis' question, Mr. Cooper explained the deviation requests are not based on hardship, rather the intent of the Project, and are in conformance with the Master Plan. Commissioner Glassman read related language from the Code for alternative designs that meet the overall intent of the Downtown Master Plan standards.

In response to Commissioner Glassman's question regarding the

increase of the maximum building length impacting the street level portion along the Second Street public right-of-way on the south side of the building versus the building's floorplate, Mr. Cooper confirmed. Further comment and discussion ensued. Commissioner Glassman remarked on his perspective regarding this deviation. Mr. Cooper discussed the impact of the Project without this deviation and confirmed Staff prefers natural garage ventilation versus mechanical ventilation. The Dalmar garage has mechanical ventilation, and this Project has a natural garage ventilation design. Commissioner Glassman noted that without this deviation, the Project would not have natural garage ventilation. Code allows the ten-foot (10') separation for these adjacent garages, and, if each garage had a mechanical ventilation system, it would result in high noise levels. Further comment and discussion ensued.

Mayor Trantalis remarked on the Project design. Commissioner Herbst commented on possibly pivoting the building to improve view corridors and discussed concerns about the ten-foot (10') building separation allowed by Code. Further comment and discussion ensued.

Commissioner Herbst discussed the need for Applicants to enhance communication efforts with surrounding neighbors, especially for projects that request deviations. Ms. Toothaker explained the Applicant's communication efforts. Further comment and discussion ensued.

In response to Mayor Trantalis' question regarding moving the Project's west tower, Raymond Fort, on behalf of Arquitectonica, explained the Project would no longer comply with the distance requirements with the building located west of the Project.

In response to Commissioner Glassman's question, Mr. Cooper confirmed approval of this Resolution would include the thirteen (13) Staff conditions included in the backup and tonight's discussions regarding the Applicant mitigating the wall facing the Dalmar amenity deck.

Commissioner Herbst commented on the need to ensure the Applicant's mitigation efforts are amenable to the Dalmar. Further comment and discussion ensued.

Mayor Trantalis recognized former State Senator Christopher L. Smith, Esq., Tripp Scott, 110 SE 6th Street. Mr. Smith commented on the Commission's role and the Applicant's agreement to determine a solution to mitigate the wall facing the Dalmar amenity deck.

Commissioner Glassman requested a solution to mitigation efforts that are amenable to all parties be reached as soon as possible and before



final Development Review Committee (DRC) comments. Mr. Smith confirmed.

Commissioner Glassman introduced this Resolution as amended, to include the thirteen (13) Staff conditions included in the backup and the Applicant mitigating the Project wall facing the Dalmar's amenity deck, which was read by title only.

**ADOPTED AS AMENDED - Approving**

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

**Nay:** 1 - Commissioner Sturman

## ORDINANCE FIRST READING

**OFR-1** [23-1044](#)

First Reading - Ordinance Amending the City Of Fort Lauderdale Unified Land Development Regulations (ULDR) Article IX, Administration and Boards, to Revise the Terms of Appointment on the Planning and Zoning Board and Historic Preservation Board - Case No. UDP-T23008 -(Commission Districts 1, 2, 3, and 4)

Mayor Trantalis recognized Deputy City Attorney D'Wayne Spence. Deputy City Attorney Spence explained details involved in this Ordinance amendment revising the terms of service for the Planning and Zoning Board and the Historic Preservation Board. The terms of service are updated from three (3) years to four (4) years. Staff has also included a second draft ordinance in the backup information that reflects an update to the start date for terms of service for these boards from June to December to align with Commission Member terms. Deputy City Attorney Spence requested Commission direction regarding these amendments applying to current Board appointees before the Second Reading.

Commissioner Herbst explained he requested this Agenda item and explained the intent to extend the terms of the existing Board members versus shortening the terms of service. He cited an example and noted that these changes could be made before the Second Reading.

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

**PASSED FIRST READING**

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

**OFR-2** [23-1137](#)

First Reading - Ordinance Amending the City of Fort Lauderdale

Code of Ordinances Chapter Fourteen Floodplain Management -  
(Commission Districts 1, 2, 3 and 4)

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

**PASSED FIRST READING**

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

**ORDINANCE SECOND READING**

**OSR-1** [23-1106](#)

Second Reading - Ordinance Establishing the Bahia Mar Community Development District and Authorizing the City Manager to Execute All Necessary and Incidental Instruments - (Commission District 2)

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 Herbst, Commissioner Glassman, Vice Mayor Beasley-Pittman, Commissioner Sturman, and Mayor Trantalis

Commissioner Glassman introduced this Ordinance for the Second Reading which was read by title only.

In response to Commissioner Sturman's questions, City Attorney Ansbro provided an overview of this Agenda item. The Bahia Mar Community Development District (CDD) would not place the City at financial risk.

Ginger Ward, 515 E. Las Olas Boulevard, on behalf of the CDD, explained the advantages of a CDD to the City and discussed related information.

Commissioner Sturman remarked on his opposition to the Bahia Mar Project (Project) previously approved by the Commission.

In response to Commissioner Sturman's questions, Ms. Ward explained that the CDD is a financial tool with limited powers. Any CDD financial liability would not fall to the City. A CDD looks to the State of Florida (State) for financial assistance should that need arise. When there is no longer a purpose for the CDD and all debt is repaid, the CDD can divest ownership of the public infrastructure and amenities, be dissolved, and the CDD area would be returned to the City.

In response to Commissioner Sturman's questions, City Attorney Ansbro confirmed this Agenda item is unrelated to air rights within the CDD. City Attorney Ansbro explained information regarding the CDD in which the petitioner appoints five (5) individuals to serve as interim CDD Board Members. This would be followed by the election of the five (5) CDD Board Members within ninety (90) days. The Commission is not precluded from appointing the first five (5) interim CDD Board Members. Further comment and discussion ensued regarding aspects of the State Statute related to the initial appointment of Board Members to a CDD. City Attorney Ansbro explained his past experience with establishing CDDs.

Commissioner Sturman remarked on concerns about the Commission appointing CDD's Board Members. City Attorney Ansbro explained those concerns are not applicable and reiterated there is no liability to the City.

Ms. Ward explained it is common practice for a developer to petition, finance, and appoint the first five (5) interim CDD Board Members all of which is included in the CDD petition. She explained her experience with CDDs and discussed related information. Further comment and discussion ensued. Ms. Ward reiterated there is no liability to the City.

In response to Commissioner Sturman's questions, James Tate, Tate Capital, on behalf of Rahn Bahia Mar, LLC (Developer), explained information regarding the first five (5) interim CDD Board Members. Two (2) nominees are City residents. The CDD will be a funding mechanism and collection agency to develop the Project's infrastructure and public amenities, and can obtain favorable financing. Mr. Tate expounded on related information.

In response to Commissioner Sturman's questions, Commissioner Herbst discussed his perspective regarding CDDs. A CDD is a governmental entity that can issue tax-exempt debt at substantial savings. A CDD provides a mechanism to efficiently fund a Project infrastructure and public amenities at a lower cost, which is critical to the success of this Project. It is typical for the developer to nominate the initial five (5) interim CDD Board Members. Commissioner Herbst expounded on his viewpoint, cited examples, and confirmed no residual CDD liability to the City. He remarked that designating a permanent City representative to serve on the board could be problematic. Commissioner Herbst reiterated a CDD is a beneficial way to complete public infrastructure and amenities faster and cheaper.

Commissioner Glassman concurred with Commissioner Herbst's

comments. In response to Commissioner Glassman's question regarding the similarity of a CDD to a new condominium building where residential ownership must reach a certain percentage threshold before the developer turns over the building to a homeowner association's board of directors, Ms. Ward confirmed the process is similar and explained related information. Ms. Ward noted a CDD has a higher level of disclosure and transparency. CDD Board Member Meetings are open to the public, and there is public access to each Agenda item.

In response to Commissioner Sturman's question, Ms. Ward confirmed that the park planned for the Project could be expedited with CDD funding. Commissioner Glassman pointed out related information included in the backup information. Further comment and discussion ensued.

In response to Mayor Trantalis' questions, Ms. Ward explained that should there be a default on CDD issued debt, the lender could place liens on the assets and discussed related information. Further comment and discussion ensued.

**ADOPTED ON SECOND READING**

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

**R-4**     [23-1085](#)

Resolution Declaring an Intent to Convey the City's Interest in Air Rights Above a Portion of the Property Located at 801 Seabreeze Boulevard to the Bahia Mar Community Development District and Setting a Public Hearing for January 9, 2024, pursuant to Section 8.02 of the Charter of the City of Fort Lauderdale - (Commission District 2)

In response to Mayor Trantalis' question, City Manager Chavarria explained this Resolution sets a public hearing date of January 9, 2024, regarding the intent to convey the City's interest in air rights above a portion of the property located at 801 Seabreeze Boulevard to the Bahia Mar Community Development District (CDD) (Air Rights).

In response to Commissioner Glassman's question, City Attorney Ansbro confirmed there would only be one (1) public hearing on this matter.

Commissioner Sturman discussed concerns regarding the Air Rights included in this Agenda item and confirmed his request for this Agenda item be addressed separately from the Ordinance related to the CDD.

In response to Commissioner Sturman's questions, City Attorney Ansbro reiterated that this Agenda item only sets a public hearing date and does

not approve the conveyance of the City's interest in Air Rights. City Attorney Ansbro confirmed there is an ongoing appraisal to determine the value of the Air Rights and expounded on related efforts and information. The appraisal of the Air Rights will be presented at the January 9, 2024 public hearing. There is no value in delaying a Commission vote on this Agenda item until the appraisal is presented.

Commissioner Sturman reiterated his viewpoint regarding adopting this Agenda item, which does not imply the Commission's approval of the Air Rights. City Attorney Ansbro confirmed.

Commissioner Glassman requested clarification that the Air Rights would only apply to non-income producing properties at the CDD. Mr. Tate explained this Agenda item applies to a small portion of Air Rights above the CDD located in and around the parking podium, which has no related income. Further comment and discussion ensued.

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

**ADOPTED**

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

**REQUEST FOR EXECUTIVE CLOSED-DOOR SESSION**

City Attorney Thomas Ansbro requested pursuant to Florida Statute Section 286.011(8), the City Commission meet privately in an Executive Closed-Door Session on December 19, 2023, on or before 4:30 p.m. to discuss pending litigation in connection with the following matter(s):

- Laura Clark v. City of Fort Lauderdale  
Case No.: CACE 23-009651 (12)

Present at the attorney-client session will be:

Mayor Dean J. Trantalis  
Vice Mayor Pamela Beasley-Pittman  
Commissioner John C. Herbst  
Commissioner Steven Glassman  
Commissioner Warren Sturman  
City Manager Greg Chavarria  
City Attorney Thomas J. Ansbro  
Assistant City Attorney Robert M. Oldershaw  
Outside Counsel Jeffery R. Lawley, Esq., Billing, Cochran, Lyles, et al.,  
and

Certified Court Reporter from Bailey-Entin Court Reporting

The estimated length of this session will be approximately 15 minutes.

### **Commission Discussion - New River Crossing**

Commissioner Sturman discussed a proposed resolution to reflect the Commission's position regarding the New River Crossing. Mayor Trantalis recommended additional community engagement before the Commission moves forward with a resolution stating the City's position and expounded on his viewpoint.

Mayor Trantalis remarked on texts received from City consultants during New River Crossing discussions regarding the tunnel option during today's Joint Workshop with Broward County Board of County Commissioners (Workshop). He cited examples and expounded on his viewpoint.

Commissioner Sturman remarked on the need to address this topic promptly.

Commissioner Glassman recommended following protocol and placing this matter on the December 19, 2023, Conference Meeting Agenda for Commission discussion and neighbor feedback. A Commission resolution representing the position of the City can be included on the December 19, 2023, Regular Meeting Agenda. Further comment and discussion ensued.

Commissioner Herbst recommended City Manager Chavarria not move forward with additional work order for BDO until the Commission decides the best option for the New River Crossing.

Commissioner Herbst remarked on the initial BDO work order, which the Commission did not approve because the threshold amount was within the authority of the City Manager. He explained his viewpoint opposing hiring consultants to evaluate the work of the Florida Department of Transportation and other consultants. Further comment and discussion ensued.

Mayor Trantalis explained information related to initial studies and cost estimates for a tunnel option for the New River Crossing. He discussed the reason BDO was contracted and cited examples that included options for a tunnel design that would accommodate the needs of the commuter rail service at a lower cost and ensure the least negative impact on the City.

Commissioner Herbst explained that piggyback agreements are meant for the same contract and scope of work and remarked that this was not the case. In response to Commissioner Herbst's question, City Attorney Ansbro confirmed he would review. Further comment and discussion ensued.

Commissioner Herbst remarked that the scope of work for BDO should also include an analysis of the proposed bridge and tunnel options and cited examples of related cost reductions. Mayor Trantalis remarked on costs and the number of related variables involved in the best options for a New River Crossing. Commissioner Herbst remarked on timeline concerns. City Manager Chavarria noted the February 2024 BDO timeline. Further comment and discussion ensued.

In response to Commissioner Herbst's question, Mayor Trantalis commented on his understanding of The Whitehouse Group's study scope. Further comment and discussion ensued regarding the information discussed at today's Workshop relative to the tunnel options. Mayor Trantalis confirmed this topic would be addressed at the Conference Meeting on December 19, 2023.

In response to Commissioner Sturman's question regarding the Commission's direction to City Manager Chavarria to proceed with the BDO Study, City Manager Chavarria explained his proactive action and expounded on related details. Commissioner Sturman said Staff should have followed the same procedure for procurement of the BDO consulting services used for The Whitehouse Group. Further comment and discussion ensued regarding the options available for the New River Crossing and discussions at today's Workshop.

City Manager Chavarria expounded on information related to moving forward with the initial work order for BDO consulting services and explained related information.

Commissioner Herbst confirmed his preference for Commission direction before City Manager Chavarria goes forward with this type of initiative and magnitude. Mayor Trantalis remarked on his support of City Manager Chavarria's actions. Further comment and discussion ensued.

**ADJOURNMENT**

Mayor Trantalis adjourned the meeting at 9:38 p.m.

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

ATTEST:

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