

City of Fort Lauderdale

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Meeting Minutes

Tuesday, March 15, 2022

1:30 PM

City Hall - City Commission Chambers
100 North Andrews Avenue, Fort Lauderdale, FL 33301

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

HEATHER MORAITIS Vice Mayor - Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

ROBERT L. McKINZIE Commissioner - District III

BEN SORENSEN Commissioner - District IV

CHRIS LAGERBLOOM, City Manager

DAVID R. SOLOMAN, City Clerk

ALAIN E. BOILEAU, City Attorney

CALL TO ORDER

Mayor Trantalis called the meeting to order at 2:16 p.m.

MEETING ANNOUNCEMENT

Mayor Trantalis announced details regarding the meeting format, appropriate decorum and how members of the public can view and participate.

QUORUM ESTABLISHED

Commission Members Present: Vice Mayor Heather Moraitis, Commissioner Steven Glassman, Commissioner Robert L. McKinzie, Commissioner Ben Sorensen and Mayor Dean J. Trantalis

Also Present: City Manager Chris Lagerbloom, City Clerk David R. Soloman, City Attorney Alain E. Boileau

COMMUNICATIONS TO THE CITY COMMISSION

[22-0274](#)

Communications to the City Commission - (Commission Districts 1, 2, 3 and 4)

***Planning and Zoning (P&Z) Board Meeting
February 16, 2022***

Communication to the City Commission

Motion made by Mr. Shechtman and seconded by Ms. Fertig, that in light of development proposed for the south side of the River, there should be protective measures (fencing) between development and the FEC Railroad. In a voice vote, the motion passed 8-1 (Mr. Weymouth dissenting).

Mayor Trantalis recognized P&Z Board Chair Jacquelyn Scott. Chair Scott explained the P&Z Board Communication.

In response to Mayor Trantalis' question regarding *Florida East Coast Railway's (FEC)* obligation to shield the public from *FEC* impact, City Attorney Boileau said this is a unique area of law regulated by the *Code of Federal Regulations (CFR)*.

Mayor Trantalis agreed on the need to have safety barriers and confirmed the need for this issue to be looked into.

Chair Scott remarked on correspondence sent by P&Z Board Member Jay Shechtman to the Commission regarding *FEC* and the *LauderTrail Working Group* working together to create a safe corridor from SE 17th Street south.

Vice Mayor Moraitis noted increased costs for *Rails to Trails'* rights-of-way parallel to *FEC* tracks and remarked on the timely nature of addressing safety concerns raised by the P&Z Board.

Commissioner Sorensen commented on the City's safety enforcement capability and the need for a partnership with *FEC*. Further comment and discussion ensued.

Commissioner McKinzie discussed a presentation from Broward County at the District 3 Pre-Agenda Meeting regarding the *Locally Preferred Alternative for the New River Crossing (LPA)* options, which included buffering or walls along pedestrian impacted areas. Further comment and discussion ensued.

OLD/NEW BUSINESS

BUS-1 [22-0254](#)

Redistricting Report Prepared by Florida Atlantic University - (Commission Districts, 1, 2, 3 and 4)

Lillian Rosa, Office of the City Manager Professional Standards Manager, explained Charter requirements for redistricting. The City contracted with *Florida Atlantic University's (FAU) Florida Institute of Government* for an analysis of Commission districts using the 2020 U.S. Census data ensuring the four (4) Districts have equal populations. Ms. Rosa confirmed a Public Workshop would be held on Thursday, March 17, 2022, allowing resident input. She introduced Steven C. Bourassa, Ph.D., *FAU Professor and Chair Department of Urban and Regional Planning*.

James Gammack-Clark, M.A., Ph.D. candidate (ABD) Senior Instructor, *FAU Department of Geosciences*, narrated a presentation entitled *District Analysis for the City of Fort Lauderdale (District Analysis)*.

A copy has been made part of the backup to this Agenda item.

In response to Mayor Trantalis' question, Mr. Gammack-Clark said non-contiguous areas could be assigned to a district and a large non-contiguous district could become its own district.

In response to Mayor Trantalis' question, Mr. Gammack-Clark explained aspects of the *Voting Rights Act*. Redistricting cannot intentionally reduce or dilute the seventy-five percent (75%) minority representation benchmark. Mr. Gammack-Clark expounded on details and discussed the non-partisan, independent nature of using academia.

In response to Commissioner McKinzie's question regarding changing demographics, Mr. Gammack-Clark explained that the best available demographic data was used.

In response to Commissioner McKinzie's question regarding Broward County's redistricting, Mr. Gammack-Clark said he was not involved. Commissioner McKinzie expounded on his positive perspective of Broward County's redistricting process. Further comment and discussion ensued.

In response to Vice Mayor Moraitis' question regarding the process, Mr. Gammack-Clark explained that Commission input would occur in this forum. Further comment and discussion ensued.

Vice Mayor Moraitis provided comments regarding District 1 boundaries. Further comment and discussion ensued.

In response to Mayor Trantalis' question regarding only using *2020 U.S. Census* data, Mr. Gammack-Clark confirmed that FAU used *2020 U.S. Census* data and recent increased population data. Further comment and discussion ensued.

In response to Commissioner Glassman's questions regarding choosing the January 2023 data point, Mr. Gammack-Clark explained how projections are determined, i.e., planned development projects approved and shovel-ready. Commissioner Glassman questioned a project on *Las Olas Boulevard* listed in the *District Analysis Report (Report)* and its projected three thousand (3,000) residents.

A copy of the Report is part of the backup to this Agenda item.

Mr. Gammack-Clark noted the estimated number of residents is statistically relevant. Should Staff indicate that the *Las Olas Boulevard* project would not be completed by January 2023, those residents would

be removed from the *Report*.

In response to Commissioner Glassman's question and comments, Mr. Gammack-Clark explained details related to the March 17, 2022, Public Workshop where resident input will be taken into consideration. Mr. Gammack-Clark confirmed viable District 1 options noted by Commissioner Glassman.

In response to Commissioner Sorensen's questions, Mr. Gammack-Clark discussed the next steps in this process. Following the March 17, 2022, Public Workshop, redistricting map options will be sent to City Manager Lagerbloom.

City Manager Lagerbloom said those maps would be published and sent to the Commission for consideration and discussed at the April 5, 2022, Commission Meeting. Public input sent to the City would be forwarded to Mr. Gammack-Clark. Further comment and discussion ensued.

Commissioner Sorensen reviewed his understanding of the upcoming steps of the process. Mr. Gammack-Clark confirmed and said a minimum of three (3) redistricting maps would be presented to the Commission for review. Further comment and discussion ensued.

In response to Commissioner Sorensen and Commissioner Glassman's question, Anthony Fajardo, Development Services Department Director, provided an update on residential projects anticipated to be completed by January 2023 and listed on Table 1 of the *Report*. Mr. Fajardo noted discrepancies and confirmed the residential project listing in Table 1 would be reviewed, updated, and provided to *FAU* as soon as possible.

In response to Commissioner McKinzie's question, City Manager Lagerbloom confirmed Broward County has requested redistricting maps by the middle of April 2022 and said that the timeline would be met.

In response to Vice Mayor Moraitis' question, City Attorney Boileau explained that the redistricting maps take effect upon approval of the Commission. Further comment and discussion ensued.

Mayor Trantalis recognized William Brown, 112 N. Birch Road, and *Central Beach Alliance (CBA)* President. Mr. Brown commented on previous redistricting and requested similar efforts to keep neighborhood civic associations and homeowner associations intact.

Mr. Gammack-Clark confirmed the goal is to keep those communities together.

BUS-2 [22-0278](#)

Bahia Mar Discussion - (Commission District 2)

Mayor Trantalis provided an overview of details related to the valuation of *Bahia Mar (Property)* and negotiations with the tenant, *Rahn Bahia Mar, LLC (Tenant)*.

Mayor Trantalis recognized Ken Krasnow, *Colliers International* (Consultant). Mr. Krasnow narrated a slide presentation entitled *Bahia Mar Hotel & Marina Proposal Review (Colliers' Report)*. He provided a high-level overview of *Colliers' Report* on the *Tenant's* proposed redevelopment of *Bahia Mar*.

A copy is part of the backup to this Agenda item.

In response to Commissioner Sorensen's question regarding the impact of the entity encumbering the property, City Attorney Boileau explained the need to look at property uses versus the entity and cited examples. Further comment and discussion ensued.

In response to Commissioner McKinzie's question, City Attorney Boileau provided a detailed explanation of encumbrances and cited examples, i.e., restrictions and uses allowed on the property. The entity with the leasehold interest does not change the value. Further comment and discussion ensued on the value of the land, details related to the *Colliers' Report*, the *Bahia Mar* appraisal and Commission options.

In response to Commissioner Sorensen's questions, Mr. Krasnow confirmed the City's revenue listed in the presentation over a ninety-nine (99) year lease and expounded on related details. Commissioner Sorensen remarked on the need for clarity regarding annual payments in the documents. City Attorney Boileau explained the base rent component, \$600,000 per lease year through 2065. Further comment and discussion ensued.

In response to Commissioner Sorensen's question, Susan Grant, Finance Department Director, explained the current annual rent. Further comment and discussion ensued.

Commissioner Glassman noted the difference in current annual revenue versus the proposed amount with property development over a ninety-nine (99) year lease term.

In response to Commissioner Sorensen's questions regarding inflation, Mr. Krasnow explained inflation would be addressed through anticipated annual condominium increases of two and one-half percent (2.5%), with approximately seven and one-half percent (7.5%) of units expected to trade annually. Further comment and discussion ensued.

In response to Commissioner Sorensen's questions regarding the ability to sell branded residences back to the hotel owner entity, Mr. Krasnow confirmed. Further comment and discussion ensued.

City Attorney Boileau explained that all branded residential units would have access to the reservation system and hotel brand programs. The phased lease and annual residential rent include a consumer price index (CPI) component.

James Tate, 1175 NE 125th Street, Miami, *Tate Capital*, on behalf of Rahn Bahia Mar, LLC (Tenant), explained the branded hotel/residence business model. He explained there is no financial incentive for the branded hotel to purchase residential units and commented on related details.

Commissioner Glassman remarked on the hedge against inflation, the annual percentage increase in unit value, and the annual percentage of condominium unit resale transfer fees.

In response to Commissioner Sorensen's questions regarding the basis for determining the residential cost per square foot portion of the ground rent, Mr. Krasnow said it is a market negotiation and explained details. Further comment and discussion ensued.

In response to Commissioner Glassman's inquiry, Mr. Krasnow confirmed the *Tenant* is offering a strong, well-balanced proposal for the City and expounded on related details.

Vice Mayor Moraitis commented on concerns related to the limited amount of open greenspace, public access, and plans for programming included in the Comprehensive Agreement.

Commissioner Glassman concurred with Vice Mayor Moraitis and said he discussed this with the Tenant. He requested that the promenade not be closed unless for a special event permit and to limit the number of special event permits.

Vice Mayor Moraitis remarked on her concerns regarding protecting the

Boat Show and ensuring that the promenade remains open and available to the public. Further comment and discussion ensued.

In response to Vice Mayor Moraitis' question, Kenneth Tate, 1180 N. Federal Highway, Tate Capital, on behalf of *Rahn Bahia Mar, LLC (Tenant)*, explained the square footage located on the western portion of the site is approximately seventeen thousand-five hundred square feet (17,500') or one point five (1.5) acres. Vice Mayor Moraitis confirmed the need to designate one (1) acre of the site as a public park. Further comment and discussion ensued.

In response to Commissioner Sorensen's question regarding details of the planned development, Kenneth Tate explained this discussion relates to aspects of the lease, and noted the need to go through the entire site plan process. City Attorney Boileau remarked that the lease documents need to be reviewed, and specific site plan details must be included.

In response to Commissioner Glassman's question regarding the anticipated twenty-four (24) months to complete a site plan, Mr. Tate explained his perspective on shortening the timeline.

Commissioner Sorensen concurred with Vice Mayor Moraitis' position regarding the need for open greenspace and expounded on this perspective. Further comment and discussion ensued.

In response to Commissioner Sorensen's questions, Stephanie Toothaker, Esq., 901 Ponce de Leon Drive, explained that this is the only forum the *Boat Show* can speak to the Commission. *Boat Show* protections have not yet been built into related documents. She expounded on associated efforts.

City Attorney Boileau explained the need for a static set of documents to facilitate his individual meetings with each Commission Member. Changes agreed to between the *Tenant* and the *Boat Show* are not reflected in the document exhibits attached to this Agenda item (*Documents*) and before the Commission. Further comment and discussion ensued regarding negotiations between the City and the *Tenant*.

Commissioner Glassman commented on the need for language to be included in the *Documents* concerning the *Boat Show*.

City Attorney Boileau said from the City's perspective, language to protect the *Boat Show* is included in the *Documents*. Any additional

language agreed to between the Tenant and the Boat Show could be added to the *Documents*.

In response to Commissioner Glassman's question, Kenneth Tate explained details related to the Tenant's negotiations with the *Boat Show*. Commissioner Glassman confirmed the importance of ensuring that the *Boat Show* is protected. Further comment and discussion ensued.

In response to Commissioner Glassman's question, City Attorney Boileau explained his understanding of the previous Commission's involvement with protecting the *Boat Show* and said the City is not a party to the *Tenant* and *Boat Show* negotiations.

In response to Mayor Trantalis' question regarding the *Boat Show's* negotiations with the *Tenant*, Sigrid McCawley, Esq., *Boies Schiller & Flexner LLP*, 401 E Las Olas Boulevard, on behalf of the *Boat Show*, discussed details related to the *Boat Show* and litigation to allow its representatives to speak directly with the Commission. Further comment and discussion ensued.

Commissioner Sorensen confirmed his viewpoint that the *Boat Show* should be able to speak freely with the Commission.

In response to Commissioner Sorensen's question regarding the ability of the *Boat Show* to communicate with Commission Members, James Tate remarked on aspects and details included in the *Boat Show's 2017 Lease (2017 Lease)* with the *Tenant* regarding the ability of the *Boat Show* representatives to speak with the Commission in a public forum or in private with a *Tenant* representative present. Mr. Tate expounded on details of negotiation efforts. Further comment and discussion ensued.

City Attorney Boileau commented on his legal viewpoint and cautioned Commission involvement in negotiations between the Tenant and the *Boat Show*. Further comment and discussion ensued.

Barry Somerstein, Esq., Greenspoon Marder, P.A., 200 E Broward Boulevard, on behalf of the *Tenant*, discussed permitted discussions between *Boat Show* representatives and the Commission. Further comment and discussion ensued.

Mayor Trantalis recognized Danielle DeVito-Hurley, Esq., *Gunster Yoakley & Stewart, P.A.*, 450 E Las Olas Boulevard. Ms. DeVito-Hurley explained *Boat Show* concerns related to the proposed development that

include protections for the *Boat Show* in City agreements with the *Tenant*.

In response to Mayor Trantalis' questions, Ms. DeVito-Hurley discussed concerns related to the ability to amend existing provisions in the *Master Lease and the Master Declaration* impacting protections for the *Boat Show*. City Attorney Boileau and Ms. DeVito-Hurley commented on the related language. Ms. DeVito-Hurley remarked on the need for *Boat Show* representation during negotiations between the *Tenant* and the City.

In response to Commissioner Sorensen's question, Mr. Somerstein explained the *Tenant's* efforts to address the *Boat Show's* concerns and expounded on his viewpoint. Further comment and discussion ensued.

Commissioner Sorensen discussed concerns related to the *Boat Show's* legal protections and the need to meet its operational needs. City Attorney Boileau explained protections and expounded on his viewpoint regarding the *Boat Show* and *Tenant* issues. Further comment and discussion ensued.

In response to Commissioner McKinzie's request, James Tate commented on existing protections for the *Boat Show*. Further comment and discussion ensued.

In response to Vice Mayor Moraitis' questions regarding protections for the *Boat Show*, Ms. DeVito-Hurley remarked on the *Boat Show's* anticipated participation in litigation and commented on related details.

Commissioner Glassman commented on the need to focus on the documents related to this Agenda item. City Attorney Boileau confirmed and noted the need for Commission guidance. Further comment and discussion ensued.

City Attorney Boileau led the discussion of the *Documents* attached to this Agenda item.

A copy of each is part of the backup to this Agenda item.

In response to City Attorney Boileau's comments, Kenneth Tate clarified details related to the start and completion dates associated with the rent structure. Further comment and discussion ensued.

Commissioner Sorensen and Vice Mayor Moraitis confirmed the need

for a construction schedule. Further comment and discussion ensued.

Commissioner Glassman confirmed the need for defined project timeline milestones. City Attorney Boileau confirmed they would be negotiated with the *Tenant*.

City Attorney Boileau said the site plan referenced in the *Documents* is the conceptual plan the *Tenant* presented to the Commission. Vice Mayor Moraitis confirmed.

Kenneth Tate commented on the upcoming start of the *Marina Village* approved in the *2017 Site Plan*. City Attorney Boileau said for purposes of the *Marina Village*, the City would not negate the *2017 Site Plan*. Further comment and discussion ensued.

In response to Commissioner Sorensen's question, City Attorney Boileau confirmed the need for clarity that any future development beyond the *Marina Village* would be based on the conceptual site plan and would not impact the *Marina Village*. Further comment and discussion ensued.

Commissioner Glassman concurred on the need to strengthen language in the *Documents*.

In response to Commissioner Sorensen's question regarding the need for rezoning aspects of the conceptual site plan and its impact on the lease, City Attorney Boileau explained the details of the site plan *Development Review Committee (DRC)* process and commented on related details. Further comment and discussion ensued.

City Attorney Boileau remarked on the current language for special functions. Hotel-related special functions are unlimited, and all other special functions are limited to six (6) per month, and any additional would need Commission approval. Kenneth Tate confirmed private special events would be reduced to two (2) per month, limited to eight (8) hours, and any additional would need to come before the Commission for approval. Further comment and discussion ensued.

City Attorney Boileau confirmed the additional fifty (50) year lease would not be an option unless the promenade is completed within ten (10) years. Kenneth Tate said completion of the promenade would coincide with the completion of building improvements along the promenade.

In response to Vice Mayor Moraitis' question regarding the timeline for completing the public portion, Kenneth Tate commented on the need for

construction mobilization. City Attorney Boileau confirmed the need to negotiate a related timeline.

Commissioner Glassman commented that construction staging should not take place along *State Road A1A*. Mr. Tate confirmed. Further comment and discussion ensued.

In response to Commissioner Sorensen's recommendations for additional protections for the City other than the default for non-payment, City Attorney Boileau remarked on difficulties related to having a non-monetary default and cited the complicated nature of financing, subleases, and sub-subleases. Further comment and discussion ensued.

City Attorney Boileau continued to review the *Documents* attached to this Agenda item.

City Attorney Boileau recommended that the Commission review the *Miscellaneous* section of the *Master Lease* regarding the City Manager's authority. Further comment and discussion ensued regarding approval of subleases and sub-subleases.

In response to Commissioner Glassman's question, City Attorney Boileau confirmed he would consistently address promenade access throughout the *Master Lease*.

In response to Vice Mayor Moraitis' question, City Attorney Boileau explained special events on the promenade would go through the usual Commission approval process.

City Attorney Boileau reviewed details of the *Phased Lease* and remarked on details and previous Commission feedback that would be incorporated. Further comment and discussion ensued on the duration of the *Master Lease* and the *Phased Lease*.

City Attorney Boileau explained the City can terminate based upon non-payment when the *Tenant* is in possession of a building not yet branded and turned over to an association. Once turned over to a condominium association, there is no ability to terminate for any reason.

In response to Commissioner Sorensen's question, City Attorney Boileau confirmed this is standard and expounded on related details.

Mayor Trantalis remarked on a Florida statute requiring renewal of condominium documents and concerns related to protections for the City

as a third-party beneficiary should condominium documents not be renewed. Further comment and discussion ensued on related details, protections for the City, and remedies should the City not be paid. Further comment and discussion ensued.

Commissioner Glassman remarked on his negotiation discussions with the *Tenant*. He requested City Attorney Boileau make a note of specific increases in rent percentages and square footage.

City Attorney Boileau reviewed substantive language regarding *Boat Show* protections that would be reflected in condominium documents and the *Phased Lease*.

City Attorney Boileau reviewed updates to the *Documents* based on today's discussions and Commission input. He recommended the City be included in any subsequent agreements related to the *Boat Show*. Commissioner Glassman concurred.

In response to Mayor Trantalis' question, City Attorney Boileau confirmed language would be included stating that any default by the *Boat Show* is subject to notice and the right to cure within a specific time frame, which is included in the *Boat Show's* lease with the *Tenant*.

City Attorney Boileau reviewed language dealing with the termination of the *Master Declaration* and noted the need to include the approval of the *Boat Show*. Further comment and discussion ensued.

Mayor Trantalis remarked on City Attorney Boileau's individual review and discussion of *Documents* with each Commission Member.

Mayor Trantalis said public input regarding this Agenda item would be heard when the *Commission Conference Meeting* reconvenes after the *Commission Regular Meeting* Presentations.

RECESS

Mayor Trantalis recessed the Conference meeting at 5:46 p.m.

RECONVENE

Mayor Trantalis reconvened the Conference meeting at 6:37 p.m.

[22-0278](#)

Bahia Mar Discussion - (Commission District 2)

Mayor Trantalis recognized Marilyn Mammano, 1819 SE 17th Street. Ms. Mammano discussed the need for public access on the site and separating public access areas during construction development, including the marina and dock areas.

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive. Ms. Fertig commented on items in the *Documents*, including revenue and public access and cited examples. She submitted correspondence previously sent to the Commission.

A copy has been made part of the backup to this Agenda item.

In response to Commissioner Glassman's question regarding the ability to have a public referendum, City Attorney Boileau confirmed that could not happen until the existing lease expires in 2062.

Mayor Trantalis recognized Geary Cotton, 615 Idlewyld Drive. Mr. Cotton spoke in opposition to moving forward with this Agenda item and explained his concerns. He remarked on protections for the *Boat Show*.

Mayor Trantalis recognized Anne Hilmer, 621 Idlewyld Drive, on behalf of the *Idlewyld Improvement Association (Association)*. Ms. Hilmer spoke in opposition to this Agenda item. She explained requests included in a letter from *Association* President Mary Fertig and expounded on related details.

Mayor Trantalis commented on the situation facing the Commission and the existing 2017 Site Plan approved by a previous Commission.

Mayor Trantalis recognized John Roth, 333 Sunrise Drive. Mr. Roth commented on his viewpoint regarding his review of the *Documents*. He made recommendations and remarked on additional insurance concerns. Mayor Trantalis requested Mr. Roth submit a copy of his comments. Mr. Roth confirmed.

A copy has been made part of the backup to this Agenda item.

Mayor Trantalis recognized Joe Piechura, 5780 NE 18th Terrace. Mr. Piechura spoke in opposition to this Agenda item and discussed concerns related to overdevelopment and related ensuing problems.

Mayor Trantalis remarked on the previous Commission efforts regarding the approved *2017 Site Plan* and advancing infrastructure needs and improvements throughout the City. Further comment and discussion

ensued.

In response to Commissioner Glassman's questions regarding the timeline moving forward, City Attorney Boileau confirmed receipt of necessary Commission feedback to meet with the *Tenant's* counsel to address outstanding items. City Attorney Boileau said revised documents would be available by the next Commission Meeting on April 5, 2022.

RECESS

Mayor Trantalis recessed the Conference meeting at 7:06 p.m. and announced that *Commission Reports* would be heard following the Commission Regular Meeting.

RECONVENE

Mayor Trantalis reconvened the Conference meeting at 11:57 p.m.

CITY COMMISSION REPORTS

Members of the Commission announced recent and upcoming events and matters of interest.

Commissioner Sorensen inquired about Commission interest in offering a civics education program to schools in partnership with the City for project-based learning, i.e., collaborating with City Departments to understand local government. Mayor Trantalis said the Commission is open to that opportunity. Commissioner Sorensen expounded on additional ways to recognize youth. Further comment and discussion ensued.

Mayor Trantalis commented on his perspective regarding the termination of the Police Chief and his viewpoint regarding the situation accurately representing the spirit of the City. Further comment and discussion ensued.

CITY MANAGER REPORTS

None.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 12:03 a.m.