

City of Fort Lauderdale

<https://fortlauderdale.legistar.com/Calendar.aspx>

www.fortlauderdale.gov/fltv

www.youtube.com/cityoffortlauderdale

Cable Television - Comcast Channel 78 and AT&T U-verse Channel 99



Meeting Minutes

Tuesday, November 2, 2021

6:00 PM

City Commission Chambers

100 North Andrews Avenue, Fort Lauderdale, FL 33301

City Commission Regular 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

JOHN HERBST, City Auditor

JEFFREY A. MODARELLI, City Clerk

ALAIN E. BOILEAU, City Attorney

CALL TO ORDER

Mayor Trantalis called the meeting to order at 6:12 p.m.

MEETING ANNOUNCEMENTS

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

Pledge of Allegiance

Mayor Dean J. Trantalis

ROLL CALL

Present: 5 - Commissioner Ben Sorensen, Vice Mayor Heather Moraitis, Commissioner Steven Glassman (participated via communications technology), Commissioner Robert L. McKinzie (participated via communications technology) and Mayor Dean J. Trantalis

QUORUM ESTABLISHED

Also Present: City Manager Chris Lagerbloom, City Clerk Jeffrey A. Modarelli, City Attorney Alain E. Boileau and City Auditor John Herbst

AGENDA ANNOUNCEMENTS

Mayor Trantalis announced the following change to the published Agenda:

M-4 - Memo and Exhibits revised to correct street name closure to 8th Avenue for *Friendsgiving Weekend Get Together Event*.

A copy is attached to these minutes.

Approval of MINUTES and Agenda

[21-1084](#)

Minutes for September 21, 2021 Commission Regular Meeting and October 5, 2021 Commission Conference Meeting - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman noted updates to the Meeting Minutes. City Clerk Jeffrey Modarelli said they would be removed from the Agenda, reviewed and brought back for approval.

Commissioner Glassman made a motion to approve this item as

amended and was seconded by Vice Mayor Moraitis.

APPROVED AS AMENDED - Approved Agenda, Minutes removed from Item

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

PRESENTATIONS

**PRES- [21-1080](#)
1**

Mayor Trantalis will present a proclamation declaring November 2, 2021 as Florida Day of the Dead Celebration Day in the City of Fort Lauderdale

Jonathan Chait Auerbach, Consul General of Mexico in Miami, and Adriana Torres, Director of the Cultural Institute of Mexico in Miami joined Mayor Trantalis at the dais for presentation of the Proclamation declaring *November 2, 2021, as Florida Day of the Dead Celebration Day in the City of Fort Lauderdale*. Mayor Trantalis read the Proclamation its entirety.

Consul General Chait and Cultural Institute Director Adriana Torres accepted the Proclamation and thanked Mayor Trantalis and Commission Members.

PRESENTED

City Manager Lagerbloom noted the updated order of Agenda presentations.

Mayor Trantalis announced Vice Mayor Moraitis would present the PRES-3 Proclamation.

**PRES- [21-1068](#)
3**

Commissioner Sorensen will present a proclamation recognizing November 2021 as Family Court Awareness Month in the City of Fort Lauderdale

Vice Mayor Moraitis presented a Proclamation recognizing *November 2021 as Family Court Awareness Month in the City of Fort Lauderdale*, reading the Proclamation in its entirety.

Ms. Ashley Chinai-Sierra, Family Court Child Advocate, accepted the Proclamation and discussed significant factors impacting children and families involved in Family Court matters.

Ms. Chinai-Sierra introduced Alison Kessler who thanked Mayor

Trantalis and the Commission for this Proclamation recognizing the need for reform in family courts.

PRESENTED

PRES- [21-0811](#)
5

Fire-Rescue Chief Rhoda Mae Kerr will recognize Fire-Rescue Personnel who responded to the collapse at Champlain Towers South in the City of Surfside

Fire-Rescue Department Chief (Chief) Rhoda Mae Kerr thanked the Commission for recognizing Fire-Rescue Department *Search and Rescue Team* personnel who responded to the *Champlain Towers South* building collapse in the City of Surfside.

Chief Kerr requested the following Fire-Rescue Department personnel join her at the dais, Assistant Fire-Rescue Department Chief Stephen Shaw, Fire-Rescue Department Battalion Chief David Carter, Fire-Rescue Department Captain Vincent Latona, Fire-Rescue Department Captain Kevin Galt, Fire-Rescue Department Captain Rolando Busto, Jr. and his search and rescue dogs. She noted Fire-Rescue Department Driver Engineer Ryan Zauner was unable to attend. Chief Kerr also requested Fire-Rescue Department personnel who provided peer support join her at the dais, Fire-Rescue Department Lieutenant Stephanie Silk and her therapy dogs, Fire-Rescue Department Firefighter Andrew Masters and Fire-Rescue Department Chaplain Ron Perkins.

Chief Kerr provided a historical review of the City's involvement and participation with the renowned *Florida Task Force Two* and commented on its relentless rescue efforts during national and international disasters.

Chief Kerr recognized and thanked the *Search and Rescue Team* members for their dedication and service. She also thanked and acknowledged family members and friends who provide support to these brave individuals.

PRESENTED

PRES- [21-1069](#)
2

Commissioner Glassman will present a proclamation declaring November 4, 2021 as Diwali "Festival of Lights" Day in the City of Fort Lauderdale

Mayor Trantalis requested members of the Motwani Family, Dev, Ramola, Nitin, Anshu, Arin, Shaan and Kayan join him at the podium.

Commissioner Glassman presented a Proclamation declaring *November 4, 2021 as Diwali "Festival of Lights" Day in the City of Fort*

Lauderdale, reading the Proclamation in its entirety.

Ms. Ramola Motwani explained the *Diwali "Festival of Lights"* holiday celebrates good over evil and love, peace and happiness. She accepted the Proclamation and wished everyone a happy *Diwali*. Ms. Motwani thanked Mayor Trantalis and Commission Members for this recognition.

PRESENTED

PRES- [21-1067](#)
4

Commissioner Sorensen will present a proclamation declaring November 5, 2021 as Principal Theresa C. Bucolo Day in the City of Fort Lauderdale

Commissioner Sorensen requested *Harbordale Elementary School (Harbordale)* Principal Theresa Bucolo and her husband, Jim Bucolo, Assistant Principal Jennifer Kashdin and her husband, Scott Kashdin, Alex Glasser, District 3 Broward County (County) School Board Member Sarah Leonardi and *Harbordale* faculty, staff and parents join him in front of the dais.

Commissioner Sorensen presented a Proclamation declaring *November 5, 2021 as Principal Theresa C. Bucolo Day in the City of Fort Lauderdale* in recognition of Principal Bucolo's thirty-four (34) years of service to children and the community, reading the Proclamation in its entirety.

Principal Bucolo thanked Mayor Trantalis, Commissioner Sorensen and the entire Commission.

Commissioner Sorensen introduced Jennifer Kashdin, *Harbordale* Assistant Principal, who would become the new *Harbordale* Principal.

Commissioner Sorensen thanked and acknowledged efforts of Zoie Saunders, Chief Education Officer, and Sarah Leonardi, District 3 County School Board Member.

PRESENTED

CONSENT AGENDA PUBLIC COMMENT

Mayor Trantalis explained procedures and details regarding how members of the public could speak on Consent Agenda items.

CR-7:

Mayor Trantalis recognized Boyd Corbin, 12 NE 26th Street, Wilton Manors. Mr. Corbin spoke about concerns related to financial review of four (4) unsolicited proposals received for a water treatment plant. He

also commented on the water treatment process.

CONSENT AGENDA

The following Consent Agenda items were pulled by Commissioner Glassman for separate discussion.

CR-1 and CP-2

CONSENT MOTION

Approval of the Consent Agenda

Commissioner Sorensen made a motion to approve this item and was seconded by Commissioner McKinzie.

Approve the Consent Agenda

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CM-1 [21-1050](#)

Motion Approving Event Agreements for Igloo Cooler Festival and 20th Annual STILES Light Up Downtown - (Commission District 4)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CM-2 [21-0465](#)

Motion Approving Lease Amendment between the Florida Department of Transportation and the City of Fort Lauderdale for Right-of-Way Land Above the Henry E. Kinney Tunnel - (Commission District 4)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CM-3 [21-1009](#)

Motion Approving First Amendment to the Lease Agreement Between Advanced Dental Wellness Center, P.A. and the City of Fort Lauderdale for Shop 104 at the Riverwalk Center Garage - (Commission District 4)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CM-4 [21-0968](#)

Motion Approving an Agreement with Riverwalk Fort Lauderdale, Inc. for Calendar Year 2022 Events - (Commission Districts 2 and 4)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CM-5 [21-0914](#)

Motion Accepting Florida Department of Transportation Grant - \$30,000 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CM-6 [21-0921](#)

Motion Authorizing Execution of 1) A Revocable License Agreement between Riverland Owner, LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on SW 27th Avenue in Association with the "Pearl Riverland" Project Located at 400 SW 27th Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between Riverland Owner, LLC and the City of Fort Lauderdale - (Commission District 3)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CM-7 [21-0924](#)

Motion Authorizing Execution of 1) A Revocable License Agreement between New River III, LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on South Andrews Avenue in Association with the "New River Yacht Club III" Project Located at 417-441 South Andrews Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between New River III, LLC and the City of Fort Lauderdale - (Commission District 4)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CM-8 [21-0930](#)

Motion Authorizing Execution of 1) A Revocable License Agreement between HTG Village View, LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on North Andrews Avenue in Association with the "Village View" Project Located at 640 North Andrews Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between HTG Village View, LLC and the City of Fort Lauderdale - (Commission District 2)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CONSENT RESOLUTION

CR-1 [21-0405](#) Resolution Authorizing the City Manager to Execute Florida Power & Light ("FPL") Easements Over City-owned Property for Utilities at the DRV PNK Stadium Parcel- (Commission District 1)

Commissioner Glassman inquired about the location of work for this Agenda Item and recommended improving Commercial Boulevard.

Anthony Fajardo, Department of Sustainable Development Department Director, explained *Florida Power and Light (FPL)* work related to this Agenda item had been completed, and this Agenda item addresses easements for any necessary future work.

Commissioner Glassman recommended future discussion about improving Commercial Boulevard, as one drives by the stadium moving west and east.

ADOPTED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CR-2 [21-0758](#) Resolution Calling a Public Hearing to Establish Minimum Annual Lease Rates Policy at Fort Lauderdale Executive Airport - (Commission District 1)

ADOPTED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CR-3 [21-1065](#) Resolution Amending Grant Agreement with War Memorial Benefit Corporation for Capital Improvements on City Owned Property Known as War Memorial Auditorium Located at 800 NE 8 Street, Fort Lauderdale, FL 33304 - (Commission District 2)

ADOPTED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CR-4 [21-0935](#) Resolution Authorizing the City Manager to Execute a Grant Agreement with Sea Turtle Conservancy to Fund the Installation of External Light Shields Along State Road A1A - \$16,670 - (Commission District 2)

ADOPTED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

- CR-5** [21-0975](#) Resolution Supporting Broward County Traffic Engineering Division to Post "NO THRU TRUCKS" Signage on the Eastbound Lane of SE 15th Street at South Federal Highway - (Commission District 4)

ADOPTED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

- CR-6** [21-0976](#) Resolution Supporting Broward County Traffic Engineering Division to Post "NO THRU TRUCKS" Signage on the Eastbound Lane of SW 27th Court at SW 15th Avenue - (Commission District 4)

ADOPTED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

- CR-7** [21-0925](#) Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2022 - Appropriation - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

CONSENT PURCHASE

- CP-1** [21-0950](#) Motion Approving a Proprietary Agreement for a Small Enterprise Agreement County and Municipality Government - Environmental Systems Research Institute Incorporated - \$543,900 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

- CP-2** [21-0995](#) Motion Terminating for Cause - Agreement with Grass Roots Complete LLC and Awarding Agreement to Eastern Waste Systems, Inc. for Palm Frond Collection Services - Las Olas Isles - \$38,940 - (Commission District 2)

Commissioner Glassman commented on the difference in bid amounts received for this Agenda item and inquired about details.

In response to Commissioner Glassman's questions, Melissa Doyle, Public Works Department Solid Waste and Recycling Program Manager, confirmed a thorough vetting of *Eastern Waste Systems, Inc. (EWS)*, including lengthy discussions regarding the contract, requirements and work expectations. Ms. Doyle expounded on additional *EWS* efforts and capabilities, confirmed a comfort level that the procurement process worked, and a viable vendor had been contracted.

Ms. Doyle explained details and aspects of *Grass Roots Complete LLC (GRC)*, primarily a landscaping company. *GRC*'s normal course of business is landscaping along with related hauling. *EWS* is a licensed hauler. She commented on contract rebid details, including equipment requirements to ensure a capable vendor.

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

MOTIONS

M-1 [21-1027](#) Motion Approving Event Agreements and Related Road Closures for First Street Cars and Coffee and Boat Parade - (Commission Districts 2 and 4)

Commissioner Sorensen made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

M-2 [21-1058](#) Motion to Eliminate Second Conference and Regular Meetings in July (July 19, 2022) and First Conference and Regular Meetings in August (August 2, 2022) for 2022 Summer Vacation

Commissioner Sorensen made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

M-3 [21-1045](#) Motion Approving the Recommendations for the 2020 Citizens Recognition Awards - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis commented on the nontraditional manner in which this

Agenda item was addressed. City Manager Lagerbloom confirmed the *Citizens' Committee of Recognition's (CCR)* recommendation recognizing *Heroes of the Pandemic* discussed in the Commission Agenda Memo (CAM).

In response to Mayor Trantalis' question regarding CCR's recommendations being commemorated, City Manager Lagerbloom confirmed Staff would address.

Mayor Trantalis commented on recognition of Commission efforts during the pandemic. Further comment and discussion ensued regarding acknowledgement of additional stakeholders who made significant contributions during the pandemic.

Vice Mayor Moraitis, Commissioner McKinzie and Commissioner Sorensen confirmed their comfort and support moving this Agenda item.

Vice Mayor Moraitis made a motion to approve this item and was seconded by Commissioner Sorensen.

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

M-4 [21-1028](#)

Motion Approving an Event Agreement and Request for Music Exemption and Related Road Closures for Friendsgiving Weekend Get Together - (Commission District 4)

Mayor Trantalis noted an amendment to this Agenda item clarifying the 8th Avenue street location.

In response to Commissioner Sorensen's question, City Manager Lagerbloom explained Exhibit 1 attached to the CAM indicates the policy standard in place for events when requesting exemptions, i.e., road closures, extended event hours with the playing of amplified music.

In response to Commission questions, Ray Couture, *American Social General Manager*, clarified event details related to exemptions listed in the special event application, the event begins at 6:00 p.m. and said they are similar to what had been done in the past. Mr. Couture explained details of event staff efforts addressing aspects of music from 10:00 p.m. until midnight. A sound engineer will be on sight to monitor decibel levels. Should neighbor noise complaints arise, Mr. Couture said he would be on-site during the event and confirmed the ability to contact him to address noise concerns in real time.

Further comment and discussion ensued regarding Staff monitoring noise concerns and bringing them forward in subsequent years when event exemption requests are before the Commission.

Commissioner Sorensen made a motion to approve this item and was seconded by Vice Mayor Moraitis.

APPROVED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

NEIGHBOR PRESENTATIONS

NP-1 [21-1059](#) Carline Cadet Francois - Zoning changes concerns

NOT PRESENT

NP-2 [21-1060](#) Ryan Crowley - Impact of drawbridges to transportation around Fort Lauderdale

Mayor Trantalis recognized Ryan Crowley, 721 SE 6th Street. Mr. Crowley gave a Neighbor Presentation regarding the negative impact of drawbridges on vehicle transportation in the City.

Mayor Trantalis noted Commission efforts to move forward with consideration of tunnels as a solution.

In response to Commissioner Sorensen's questions, City Manager Lagerbloom explained there are two (2) types of bridges operating in the City, on demand bridges and time scheduled bridges. On demand bridges include those on S.E. Third Avenue, Andrews Avenue, Davie Road and the Swing Bridge. Bridges accessing the barrier island are scheduled bridges on the quarter and three-quarter hour.

RECEIVED

NP-3 [21-1061](#) Mary Fertig - Public Lands

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive, on behalf of *Lauderdale Tomorrow*. Ms. Fertig gave a Neighbor Presentation related to the declining amount of land in Broward County and the need to protect public lands. She reiterated prior comments recommending the City enact a public-private partnership (P3) ordinance addressing and protecting the process for public land. Ms. Fertig recommended including due diligence, incorporating a needs assessment, property appraisal, financial assessment, risk assessment, value to money assessment and a business plan in its P3 ordinance.

Vice Mayor Moraitis concurred with the need for a P3 ordinance to protect the city and the residents, including additional neighbor input for P3 unsolicited proposals. She noted mirroring Miami-Dade County on items such as the *40-Year Building Certification Inspection* and COVID regulations. Vice Mayor Moraitis inquired whether the Commission would consider exploring criteria in the Miami-Dade P3 Ordinance.

In response to Mayor Trantalis' questions regarding the public's opportunity to participate in vetting unsolicited proposals, City Attorney Alain Boileau confirmed the ability of the Commission to enact its own P3 ordinance. He discussed the City's P3 process for solicited and unsolicited proposals, the sunseting of the State P3 Statute (*Statute*) on October 1, 2021 (*sunsetting*) and confirmed other municipalities have enacted their own P3 ordinance. City Attorney Boileau referenced his email sent to the Commission regarding the State Statute.

In response to Vice Mayor Moraitis' question, City Attorney Boileau explained unsolicited proposals submitted prior to *sunsetting* must adhere to *Statute* timeline thresholds. Unsolicited proposals submitted after expiration of the threshold timeline are fully open to the public and discussion. Currently, unsolicited proposals submitted after *sunsetting* are fully open to the public for discussion, unless the State Legislature reenacts the *Statute*. Further comment and discussion ensued.

In response to Mayor Trantalis' question, Vice Mayor Moraitis suggested the Commission direct Staff to analyze Miami-Dade's P3 Ordinance to determine whether there are elements that would benefit the City followed by City adopting its own ordinance.

Commissioner Sorensen concurred with Vice Mayor Moraitis regarding consideration of a P3 ordinance.

In response to Commissioner Sorensen's questions, City Manager Lagerbloom confirmed appraisals for the *One Stop Shop* and *Bahia Mar* had been done. Mayor Trantalis noted the *Bahia Mar* appraisal would be discussed at the upcoming *Commission Workshop on Bahia Mar*.

Vice Mayor Moraitis commented that appraisals are not always presented, and the Commission has had to request appraisals of public land. Commissioner Sorensen agreed and concurred. Further comment and discussion ensued.

City Attorney Boileau said he would review municipalities with robust P3

ordinances and update the Commission. Mayor Trantalis requested the update be in chart format.

Commissioner Glassman requested City Attorney Boileau opine of each aspect included in those P3 ordinances as to whether they would work for the City.

In response to Commissioner Glassman's question regarding preemption issues, City Attorney Boileau said there are currently no preemptions in the Statute.

RECEIVED

NP-4 [21-1062](#)

Dennis Ulmer - Honoring Our Veterans

Mayor Trantalis recognized Dennis Ulmer, 1007 NW 11th Place. Mr. Ulmer gave a Neighbor Presentation recognizing the history and significance of *Veterans Day*. He remarked on *November 11, 2021 Special Ceremonies at Arlington National Cemetery for the Tomb of the Unknown Soldier* in celebration of its *100th Anniversary*.

RECEIVED

NP-5 [21-1092](#)

Boyd Corbin - Drinking water from Fiveash water treatment plant

Mayor Trantalis recognized Boyd Corbin, 12 NE 26th Street, Wilton Manors. Mr. Corbin gave a Neighbor Presentation regarding concerns about *Fiveash Water Treatment Plant* water quality.

RECEIVED

RESOLUTIONS

R-1 [21-1074](#)

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

City Clerk Jeffrey Modarelli read the names of Board and Committee nominees for appointment and reappointment at the *November 16, 2021 Commission Regular Meeting*.

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

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

ADOPTED

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

R-2 [21-1083](#)

City Attorney Annual Performance Review - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis and each Commission Member confirmed their support of City Attorney Boileau and a three percent (3%) merit increase.

Commissioner Glassman introduced the Resolution for a three percent (3%) merit percent increase for City Attorney Alain Boileau effective November 1, 2021.

ADOPTED - 3 percent increase effective November 1, 2021

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

PUBLIC HEARINGS

PH-1 [21-0847](#)

First Reading - Ordinance Amending City of Fort Lauderdale Comprehensive Plan Future Land Use Element Incorporating Broward County Land Use Plan Policies and Adding a New Property Rights Element - Case No. UDP-L21001 - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman remarked on the *Historic Preservation Board (HPB)* communication to the Commission during today's Commission Conference Meeting.

Commissioner Glassman pointed out the bullet point on page two (2) of the Commission Agenda Memo (CAM) regarding mapping the City's *Land Use Plan*, maintaining a current list of historically, architecturally and archaeologically significant properties, protecting historic resources that would include an outline of how the City will protect historic resources.

Commissioner Glassman commented on his hope that this challenge would be addressed going forward. He inquired about how this would be done and noted it would involve additional Staff, require a plan and greater discussion.

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

PASSED FIRST READING

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

ORDINANCE FIRST READING

OFR-1 [21-0977](#)

First Reading - Ordinance Amending the City of Fort Lauderdale Code of Ordinances Sec. 28-1B, Relating to Year-Round Landscape Irrigation Conservation Measures - (Commission Districts 1, 2, 3 and 4)

Vice Mayor Moraitis commented on this Agenda item reducing the number of lawn watering days to two (2) days.

In response to Vice Mayor Moraitis' questions, Todd Hiteshew, Public Works Department Environmental Compliance Manager, explained lawn watering is not allowed between the hours of 10:00 a.m. and 4:00 p.m. and confirmed this Ordinance reduces lawn watering days from three (3) days to two (2) days in alignment with the South Florida Water Management District and Broward County. Further comment and discussion ensued on seasonal rains, drought resistant landscaping and regulating the amount of watering time per yard zone to address water conservation.

Mayor Trantalis requested Staff include language in the Ordinance addressing the amount of watering time allowed per landscape watering zone prior to the Second Reading of the Ordinance.

Vice Mayor Moraitis remarked on additional measures, including Ordinance modifications, a community education campaign, encouraging drought resistant landscaping and focusing resident *WOW Awards* on those with water conservation practices. Mr. Hiteshew explained details related to an existing water conservation education campaign. He commented on Broward County resources available to assist residents with improving landscape irrigation.

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

PASSED FIRST READING

Aye: 5 - Commissioner Sorensen, Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis

MOTIONS CONTINUED

M-5 [21-1088](#)

Motion for Discussion - City Commission Request for Review - 808

SE 4th Residence - Case No. R19052 - 808 SE 4th Street -
(Commission District 4)

Vice Mayor Moraitis explained details associated with her Call Up of this Agenda item. She discussed the mid-block location of the project (*Project*) located at 808 SE 4th Street in a *Regional Activity Center (RAC)* and on the zoning line. Commissioner Moraitis commented on concerns regarding the property boundary and the building on the lot line, adversely impacting the adjacent building.

Mayor Trantalis discussed previous email input from City Attorney Boileau regarding the standard for setting a de novo hearing. The Commission may adopt a motion for setting a de novo hearing to review a development application to determine if the new project is in an area that, due to characteristics of the project and the surrounding area, requires additional review to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development.

Vice Mayor Moraitis requested Staff input and clarification regarding zoning and the *Project* meeting criteria.

In response to Vice Mayor Moraitis' question regarding where the *Project* could be built related to the lot line, Anthony Fajardo, Department of Sustainable Development Department Director, confirmed the location and clarified related details. No natural barriers separate the neighboring lots. The *Downtown Master Plan (DMP)* promotes development that goes from lot line to lot line. Language addressing neighborhood compatibility is included, subject to as specified herein; otherwise, it does not apply. The *RAC Transitional Mixed-Use (TMU) Zoning District* states that you may increase the setback, but it is not required.

In response to Vice Mayor Moraitis' questions, Mr. Fajardo explained details of how the building could be built. The neighboring property is currently legally non-conforming, closer to the lot line than Code would allow today.

Mr. Fajardo explained that one of the nuances of a legal non-conforming lot could cause these concerns because the *Project's* neighboring building was constructed before current regulations. He commented on aspects of the *DMP* regarding ongoing development downtown that focuses on towers, not podiums. Podiums are often abutting each other. Code allows the *Project* to be built on the lot line as submitted, and the applicant has met all criteria.

Commissioner Sorensen requested input from the applicant. Mayor Trantalis recognized Stephanie Toothaker, Esq., on behalf of the applicant.

In response to Commissioner Sorensen's questions regarding car lifts and car elevators, Ms. Toothaker said the *Project* has a car ramp and car lifts, not car elevators.

Commissioner Sorensen commented on setback concerns and the possibility of increasing the setback. Ms. Toothaker explained that the ground level setback is three (3') feet and becomes zero at higher levels. She noted efforts of the *Project* architect and Staff discussions to increase the setback by four (4') feet, which would impact parking and require additional car lifts.

Ms. Toothaker said the applicant would be willing to increase the ground-level setback to seven (7') feet from the property line through a site plan amendment. The adjacent building's seven-foot (7') setback and the increase of the *Project's* setback of seven (7') feet would total fourteen feet (14') at the closest point due to the adjacent building to the east's angled location on its parcel.

In response to Commissioner Sorensen's question regarding memorializing agreed improvements to the seawall and dockage, Ms. Toothaker discussed the applicant's commitments included in a *Letter of Agreement with River Crest Condominium (River Crest) Board of Directors (Letter of Agreement)*. The *Letter of Agreement* includes:

- The applicant's removal of the *River Crest* seawall cap.
- Building the *River Crest* seawall to Code together with a five-foot dock and addressing related landscaping.
- Replacing the *Project's* seawall and dock before issuing the Certificate of Occupancy (CO) for the *Project*.

The applicant also commits to doing a structural survey of *River Crest* before and after construction. The applicant also offered the same structural survey to *Chateau Mar Condominium (Chateau Mar)*. Further comment and discussion ensued on requiring these commitments as a condition prior to issuance of a CO for the *Project*.

City Attorney Boileau explained the City could not require those commitments. Ms. Toothaker confirmed the applicant is offering these commitments as a voluntary site plan condition.

In response to Commissioner Sorensen's question regarding property maintenance activities impinging on the adjacent property, Ms. Toothaker said that the additional four-foot (4') setback would not require entrance from the adjacent property for property maintenance. The *Letter of Agreement* commits the applicant to improve and maintain the wall adjacent to *River Crest* in perpetuity.

In response to Commissioner Sorensen's questions regarding *Project* height concerns, Ms. Toothaker confirmed the *Project* height is thirteen (13) stories and meets the one hundred and thirty-seven feet six-inch (137' 6") height limitation. Although there is an amenity deck, the building height is determined by the air-conditioned interior space, confirmed by Staff, and compliant with the *DMP* transition zone. Ms. Toothaker explained details related to the *Project's* residential floors and garage floors, a portion of which are residential units. There were no additional questions from Commission Members.

Mayor Trantalis recognized Jodi Tanner, 1216 SE 7th Street, business owner and Las Olas Association Vice President. Ms. Tanner spoke in support of the *Project*, commenting on community benefits and fit into the *DMP*.

Mayor Trantalis recognized Luke Moorman, 915 E. Las Olas Boulevard, Las Olas Association (Association) President. Mr. Moorman spoke in support of the *Project*. When the *Project* was presented to the Association at an open hearing, there were no negative comments.

Mayor Trantalis recognized Jacqueline Costoya Guberman, 10360 West State Road 84. Ms. Guberman spoke in support of the *Project* and commented that many young professionals desire to work, live, and play in downtown.

Mayor Trantalis recognized Jerry Jordan, 1109 SE 4th Street. Mr. Jordan spoke on concerns regarding managing growth. He commented on the impact of a building of this height on surrounding structures of lower height.

Mayor Trantalis recognized Ellyn Bogdanoff, Esq., One East Broward Boulevard. Ms. Bogdanoff remarked on comments at the related *Planning & Zoning Board (P&Z Board)* Meeting regarding only the *Project* building being considered. She discussed neighborhood compatibility considerations and pointed out that the *Colee Hammock Neighborhood Master Plan*, though not legally binding, is persuasive, i.e., doing everything in its power to preserve the historic nature of the

Colee Hammock Neighborhood.

Ms. Bogdanoff remarked on previous litigation involving the City and an applicant in which the court concluded that neighborhood compatibility is a factor the Commission could consider. Ms. Bogdanoff requested the Commission allow the opposition to present its case.

In response to Commissioner Sorensen's questions, Ms. Bogdanoff said, as enumerated in Code, compatibility will preserve the character and integrity of the adjacent neighborhood, i.e., *Old Fort Lauderdale*. The existing properties are the ones that need to be considered for compatibility, not the *Project* building itself.

Ms. Bogdanoff commented on a review of the related *P&Z Board Meeting Minutes*, setting a new standard. She commented on area residents' view of an acceptable height of eight (8) stories and cited an example of another project's building height reductions in the *Rio Vista Neighborhood*. Ms. Bogdanoff said this location is considered part of the *Colee Hammock Neighborhood*. To her knowledge, *Colee Hammock* residents did not vote on the *Project*. Further comment and discussion ensued.

Mayor Trantalis recognized Leann Deuser, 800 SE 4th Street. Ms. Deuser spoke in opposition to the *Project*, citing it is incongruent with the neighborhood of single-family homes and low-rise buildings along SE 4th Street.

Mayor Trantalis recognized Kathy Haines, 818 SE 4th Street. Ms. Haines spoke in opposition to the *Project* and expounded on concerns related to the *Project's* impact on *River Crest* resident on-street parking.

In response to Commissioner Sorensen's question, Mr. Boileau explained if parking for *River Crest* property is located on its property, there should be no encroachment.

Mayor Trantalis recognized Marcia Cepelowicz, 808 SE 4th Street. Ms. Cepelowicz spoke in opposition to the *Project* and the possible negative impact of its construction on the adjacent *Chateau Mar*.

In response to Commissioner Sorensen's questions regarding *Project* construction impacting the foundational integrity of the adjacent building, City Manager Lagerbloom explained reliance on the Building Department, its Building Official and Staff. Permits issued for new construction conform with Florida Building Code. Construction project

requirements include vibration monitors to ensure no damage to nearby buildings.

Mayor Trantalis noted this is a critical point to consider due to the recent event in the City of Surfside. City Attorney Boileau remarked this is not something the Commission could consider for denial or approval.

Mayor Trantalis recognized Midge Clark, 818 SE 4th Street. Ms. Clark spoke in opposition to the *Project*. She explained the *Project's* negative impact and her viewpoint, stating it is not the right *Project* for the area.

Mayor Trantalis recognized Martha Cranmer, 818 SE 4th Street. Ms. Cranmer spoke in opposition to this item, stating the *Project* is not in keeping with the feel, scale and surrounding historic structures.

Mayor Trantalis recognized Robert Saugstad, 808 SE 4th Street, and *River Crest* Condominium Board Member. Mr. Saugstad discussed the late receipt of correspondence from Ms. Toothaker sent to *River Crest* management company the day before the related P&Z Board Meeting.

In response to Mayor Trantalis' question, Mr. Saugstad said he abstained from the *River Crest* Board vote, which was three (3) to one (1) in favor of the *Project*.

Mayor Trantalis recognized Mike Hartnett, 808 SE 4th Street, and *River Crest* Board President. Mr. Hartnett explained details of the *River Crest* Board's fiduciary efforts regarding working with the applicant, architect and counsel for *River Crest*, addressing items included in the *Letter of Agreement* with *River Crest*. He explained input received regarding *Project* zoning and his support of the additional seven-foot (7') setback agreed to earlier. He commented on his understanding of *River Crest* residents' support of the *Project*.

In response to Mayor Trantalis' question, Mr. Hartnett explained his understanding of *River Crest* residents' support of the *Project*.

In response to Commissioner Sorensen's question, Mr. Hartnett described the current condition of the *River Crest* seawall as in need of repair.

In response to Commissioner Sorensen's question, City Manager Lagerbloom explained the Seawall Ordinance focuses on water that enters owners' property and goes onto neighboring properties. There is a new standard for reconstructed seawalls, and a seawall that is removed

and reconstructed has to be reconstructed to the new standard. Further comment and discussion ensued.

Mayor Trantalis recognized James Facciolo, Esq., 1201 SE 2nd Court on behalf of Antonio Capelli, owner of two (2) units at *Chateau Mar*. Mr. Facciolo discussed opposition to the *Project*, citing traffic concerns, blocked views and construction dust impacting elderly residents. He recommended a traffic study, an analysis of soil dynamics and examination by a geotechnical engineer to address possible consequences of construction on adjacent buildings.

Mayor Trantalis recognized Captain Doug McDaniel, 800 SE 4th Street, and *Chateau Mar Condominium Association* Vice President. Captain McDaniel spoke in opposition to the *Project's* height and location, negatively impacting views, foundations, shadowing adjacent properties and decreasing property values.

Mayor Trantalis recognized Lauren Einhorn, 300 SE 14th Avenue. Ms. Einhorn spoke in support of the *Project*, citing the importance of economic growth and young professionals who desire to reside downtown.

Mayor Trantalis recognized Steve Cravens, 818 SE 4th Street. Mr. Cravens spoke in opposition to the *Project*, explaining his viewpoint regarding over-development and traffic concerns.

Mayor Trantalis recognized former Mayor James Naugle, P.O. Box 70. Mayor Naugle discussed his tenure as a Commission Member and the purpose of the Zoning Ordinance related to neighborhood compatibility that allows Commission Call-Up of projects recommended by Staff and the *P&Z Board*. He cautioned on implications related to approval of the *Project* and cited examples. Mayor Naugle suggested the Commission listen to input from residents.

Mayor Trantalis recognized Coleman Prewitt, 411 N. New River Drive. Mr. Prewitt, a former *P&Z Board* Member, commented on transition zones related to height implemented by the *P&Z Board* during his tenure and transition zones intended to protect residential neighborhoods. Mr. Prewitt encouraged the Commission to approve the *Project*.

Mayor Trantalis recognized Sam Leven, 800 SE 4th Street. Mr. Leven spoke in opposition to the *Project*. He commented on the beauty of the neighborhood, the negative impact of the *Project* on the neighborhood and future area development.

Mayor Trantalis recognized Stephen Buckley, 126 NE 17th Avenue. Mr. Buckley spoke in support of bringing this *Project* forth for a de novo hearing due to *RAC* zoning not considering a transition to a significantly smaller zoning classification category.

Commissioner Glassman commented that it does meet a lot of the technical requirements, but the crux of the issue is neighborhood compatibility.

In response to Commissioner Glassman's question regarding the meaning of "ensuring that the area surrounding the development is protected from the impacts of the development", Mr. Fajardo explained application in the past, i.e., review of shadowing, mass, scale and traffic, is similar to what is contained in the Neighborhood Compatibility section.

Commissioner Glassman requested Staff input related to backup information in the CAM regarding *RAC* requirements addressing quality of architecture, specific dimensional standards in the *DMP* and the applicant's request for site-specific alternatives for building height tower setback and tower separation.

In response to Commissioner Glassman's questions regarding setbacks, Mr. Fajardo explained the applicant submitted the *Project* application before the Ordinance change. The *Project's* building height and tower separation are applicable to the previous Ordinance. The previous Ordinance allowed the applicant to request alternative designs with the intent of meeting the *DMP* and only required presentation to the *P&Z Board*. The current, updated Ordinance now requires the *Project* to come directly to the Commission. Mr. Fajardo explained previous Ordinance language stated *preferred* versus *shall*.

In response to Commissioner Glassman's question regarding the prior Ordinance addressing neighborhood compatibility criteria and performance standards, i.e., development compatibility and preserving the character and integrity of adjacent neighborhoods, Mr. Fajardo explained the intent of Code acknowledges changes over time. There would be a gradual increase in development intensity or density subject to the limitations of the Ordinance.

In response to Commissioner Glassman's question regarding previous Ordinance language and the *Project* including improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts such as traffic, noise concerns, shadow scale, visual

nuisances or other similar adverse effects to adjacent neighborhoods, Mr. Fajardo said he would defer to the applicant and said the *P&Z Board* was the deciding body. Staff moved this item forward based upon meeting the minimum requirements for placement on the Agenda.

In response to Commissioner Glassman's question regarding previous Ordinance language regarding improvements or modifications the applicant may include, but shall not be limited to, i.e., the placement or orientation of buildings and entryways, parking areas, buffer yards, alteration of building mass and the addition of landscaping walls or both to ameliorate such impact, Mr. Fajardo said due to the *Project* location on a waterway, the *Project* is a Site Plan Level 3, and approval was the discretion of the *P&Z Board*.

In response to Commissioner Glassman's request to define the *Project's* general neighborhood compatibility, Mr. Fajardo explained quantitative items are specific setbacks, i.e., specific foot candles for lighting distances, height, etc. The previous Ordinance addressed qualitative items, i.e., mass and scale related to shadow. It does not include a specific number of dimensions related to how findings are analyzed. Mr. Fajardo explained beach zoning has specific shadowing standards and cited examples.

In response to Commissioner Glassman's question regarding public participation, Mr. Fajardo explained his understanding that all associations with three hundred feet (300') were notified.

In response to Commissioner Glassman's question regarding the *Project's* location, Mr. Fajardo said, according to the *GIS System*, this small area is not located in the *Colee Hammock Neighborhood* or the *Beverly Heights Neighborhood*. Commissioner Glassman remarked on the ability to ask impacted neighbors which association meetings they attend.

Commissioner Glassman explained his viewpoint, deferring to Commissioner Sorensen due to the *Project* location in District 4 and Commissioner Sorensen's involvement with community outreach.

Commissioner McKinzie had no comment.

Vice Mayor Moraitis noted significant Commission deliberation when codifying transition zones and the *Project's* height compared to an adjacent building. Her primary concern is the distance of the *Project* from the building located to the east and acknowledged the need to address

neighborhood compatibility.

Mayor Trantalis commented on the need to focus on input from City Attorney Boileau regarding setting a de novo hearing referenced earlier. He explained his perspective, including visiting the area and speaking with residents, concerns regarding the intensity of the *Project* and protecting neighborhood integrity.

Mayor Trantalis remarked on the importance of neighborhood compatibility, the *Project* parcel's size on a typical residential lot and imposing a *Project* of this magnitude and intensity. He confirmed support of setting a de novo hearing.

In response to Commissioner Sorensen's question regarding the impact of the *Project* on traffic, Mr. Fajardo explained the *Project* had three hundred and six (306) net new daily trips. This amount required a traffic statement versus a traffic study. Ms. Toothaker said that the *Project* did not meet the traffic study's one thousand (1,000) net new trips threshold.

In response to Commissioner Sorensen's question, Ms. Toothaker explained no input was received from the Rio Vista Neighborhood.

In response to Commissioner Sorensen's questions regarding allowable height for the *Chateau Mar* building, 800 SE 4th Street, Mr. Fajardo said it could be thirty (30) stories, the maximum height of its zoning district because it is outside the transition zone. The allowable height for *River Crest*, 818 SE 4th Street, is fifty-five feet (55'). The allowable height for the *Project*, 808 SE 4th Street, is one hundred thirty-seven feet (137'). Further comment and discussion ensued on the *Project's* transition zone location that allows a maximum height of one hundred thirty-seven feet (137').

In response to Commissioner Sorensen's question regarding the additional setback agreed to, Ms. Toothaker confirmed an additional four-foot (4') setback from the property line with *River Crest*.

Commissioner Sorensen commented on valid concerns from neighbors, *Project* requirements in the transition zone and the applicant's increased setback. He said the standard to set a de novo hearing had not been met.

Commissioner Sorensen made a motion to deny the request for a de novo hearing. There was no second to the motion.

MOTION DIED FOR LACK OF A SECOND - Motion to Deny Request for De

Novo Review

Vice Mayor Moraitis made a motion to set a de novo hearing for this *Project* within 60 days and was seconded by Commissioner Glassman.

APPROVED - Motion to set a De Novo Hearing within 60 days

Aye: 3 - Vice Mayor Moraitis, Commissioner Glassman and Mayor Trantalis

Nay: 2 - Commissioner Sorensen and Commissioner McKinzie

REQUEST FOR EXECUTIVE CLOSED-DOOR SESSION

Pursuant to Florida Statute, Section 286.011(8), City Attorney Alain Boileau requested a *Commission Executive Closed-Door Session* on December 7, 2021 at 4:30 p.m. or shortly thereafter to seek Commission counsel on the following matter:

Fort Lauderdale Food not Bombs et al. v. City of Fort Lauderdale
Case No.: 15-60185-CIV-AMC

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 10:00 p.m.

Dean J. Trantalis
Mayor

ATTEST:

Jeffrey A. Modarelli
City Clerk