

City of Fort Lauderdale

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Meeting Minutes

Tuesday, April 16, 2024

1:30 PM

NSU Art Museum - Horvitz Auditorium
1 E Las Olas Blvd, Fort Lauderdale, FL 33301

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

STEVEN GLASSMAN Vice Mayor - Commissioner - District II

JOHN C. HERBST Commissioner - District I

PAM BEASLEY-PITTMAN Commissioner - District III

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 1:33 p.m.

COMMISSION QUORUM ESTABLISHED

Commission Members Present: Commissioner John C. Herbst, Vice Mayor Steven Glassman, Commissioner Pamela Beasley-Pittman, Commissioner Warren Sturman, and Mayor Dean J. Trantalis

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

COMMUNICATIONS TO THE CITY COMMISSION

[24-0388](#)

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

***Northwest Progresso-Flagler Heights Redevelopment Advisory Board (NWPFHRAB)
March 12, 2024***

Communication to the City Commission

A copy of the NWPFHRAB Communication to the City Commission is part of the backup to this Agenda item.

Mayor Trantalis requested that City Manager Chavarria coordinate a Joint Commission Workshop with the NWPFHRAB. City Manager Chavarria confirmed.

Mayor Trantalis requested that City Manager Chavarria coordinate a joint workshop with the Charter Revision Board (CRB) to discuss recommendations and provide an opportunity for Commission input.

Vice Mayor Glassman remarked on his similar request in November 2023. Assistant City Manager Anthony Fajardo explained that at the last CRB Meeting, the CRB created a summary of recommendations currently being reviewed and finalized by the Office of the City Attorney. Following its review, the summary of CRB recommendations will be sent to the Commission with a cover memorandum.

Mayor Trantalis requested Assistant City Manager Fajardo schedule a Commission Joint Workshop with the CRB in May. Staff should present

the CRB recommendations to the community for comment and obtain feedback about prior CRB recommendations. Further comment and discussion ensued.

***Cemetery System Board of Trustees (CSBT)
March 14, 2024***

Communication to the City Commission

A copy of the CSBT Communication to the City Commission is part of the backup to this Agenda item.

CSBT Board Member Michael Watson reviewed information related to the CSBT Communication. In response to Mayor Trantalis' question, Mr. Watson discussed financial and business aspects of the CSBT.

In response to Mayor Trantalis' question, Commissioner Herbst discussed CSBT's capital assets and interest revenue, commented on the need to revisit related ordinances to fund the expansion of the City's cemetery system, and remarked on trends.

In response to Mayor Trantalis' questions, Laura Reece, Office of Management and Budget Director, explained how cemetery maintenance costs are funded. A portion of cemetery lot sales go into the Perpetual Care Trust Fund (PCTF), overseen by the CSBT, and a portion goes into a Cemetery Enterprise Fund (CEF). The CEF funds the operating and maintenance costs of City cemeteries. Should cemetery maintenance costs exceed the amount in the CEF, the PCTF can fund the difference. Other capital expenses include building mausoleums and replacing fencing.

In response to Vice Mayor Glassman's question, Carl Williams, Parks and Recreation Department Director, noted current rules prohibit pre-need cemetery sales. Mr. Williams discussed related information and confirmed he would provide Commission Members with related information.

Commissioner Beasley-Pittman commented on the consideration of family double-depth burials and discussed related information. Further comment and discussion ensued.

Stacy Spates, Parks and Recreation Department Program Manager II, explained how Chapter 10 of the Code of Ordinances addresses capital

improvements and acquiring additional land for City cemetery needs.

In response to Mayor Trantalis' questions, Ms. Spates explained that the PCTF can fund maintenance, capital improvement projects, and land. However, the PCTF principal (corpus) cannot be spent. The accumulated income from each sale of a cemetery plot and other property is put into the PCTF. Further comment and discussion ensued.

Commissioner Herbst discussed the 2016 Audit recommendation that a portion of cemetery sales should no longer go into the PCTF corpus. The 2016 Commission chose not to adopt that recommendation. Commissioner Herbst remarked on the current Commission revisiting that policy due to the need to fund cemetery expansion.

Vice Mayor Glassman remarked on discussions of this topic at the District 2 Pre-Agenda Meeting and noted that the CSBT vote regarding this communication was not unanimous. He commented on other viewpoints regarding better use of the School Board of Broward County (School Board) properties, such as for affordable housing, and confirmed the need for additional discussion.

In response to Commissioner Sturman's question, Mr. Williams expounded on the terms of pre-need and pre-arrangement for cemetery services. Ms. Spates explained related licensing restrictions.

In response to Mayor Trantalis' question, Mr. Williams said that the Lauderdale Memorial Park Cemetery has an additional ten (10) years of capacity. The remaining three (3) City cemeteries, Evergreen Cemetery, Sunset Memorial Gardens Cemetery, and Woodlawn Cemetery, have reached capacity except for mausoleum space.

In response to Commissioner Beasley-Pittman's comments, Ms. Spates remarked on obstacles to double-depth burial plots due to the water table.

Ms. Spates explained that approximately three (3) mausoleum buildings, totaling four hundred seventy-six (476) spaces, are planned for Sunset Memorial Gardens Cemetery and remarked on related information. There are plans for a mausoleum at Lauderdale Memorial Park to accommodate approximately seven hundred (700) spaces.

***Planning and Zoning Board (P&Z) Board
March 20, 2024***

Communication to the City Commission

A copy of the P&Z Board Communication to the City Commission is part of the backup to this Agenda item.

Chris Cooper, Development Services Department Director, explained details of this communication and noted numerous requests for parking reductions for medical offices. Further comment and discussion ensued.

Commissioner Herbst remarked on the large number of medical offices in District 1 and recommended treating them as any other office space, except for urgent care medical offices, which have a different business model. He expounded on related information and requested that Staff address this P&Z Board recommendation.

***Budget Advisory Board (BAB)
March 20, 2024***

Communication to the City Commission

A copy of the BAB Communication to the City Commission is part of the backup to this Agenda item.

Vice Mayor Glassman confirmed support for the BAB recommendation that City utility bills be the responsibility of rental property owners rather than the tenant. Surrounding municipalities have similar policies and recommended utilizing a similar template to facilitate this change.

In response to Mayor Trantalis' questions, Linda Short, Finance Department Director, explained details of the current policy, procedures, and challenges. Renter deposits are returned after one (1) year of consistent utility bill payments. Ms. Short remarked that some municipalities require the property owner to be the utility account guarantor of a renter's utility account. Vice Mayor Glassman said he supports that policy. Further comment and discussion ensued.

In response to Mayor Trantalis' question, City Manager Chavarria confirmed support for the BAB recommendation to only allow property owners to open utility accounts for its rental properties, and explained related details.

In response to Commissioner Beasley-Pittman's question, Ms. Short explained how this policy would be implemented in a range of scenarios

and cited examples. Further comment and discussion ensued.

Mayor Trantalis requested that Staff research this topic and provide additional information to the Commission. Ms. Short confirmed.

In response to Commissioner Beasley-Pittman's question, Ms. Short confirmed the current delinquent utility bill balance is cumulative over the past several years.

In response to Vice Mayor Glassman's question, Ms. Short confirmed the ability to cross-reference a delinquent renter's account should they reapply for utility service.

In response to Mayor Trantalis' question, Ms. Short confirmed the BAB's recommendation is to make the property owner the guarantor of the renter's utility account. Mayor Trantalis commented on his support of that policy.

City Attorney Thomas Ansbro confirmed he would research this topic to ensure that the governing State Statute is followed. Commissioner Herbst remarked on his prior experience related to City Attorney Ansbro's comments and expounded on related information. Commissioner Herbst recommended writing off the current delinquent and uncollectible utility bill balance.

Commissioner Sturman remarked on situations related to unpaid construction utility accounts that become the responsibility of the new property owner. Ms. Short discussed related scenarios and efforts of Staff. Further comment and discussion ensued.

In response to Vice Mayor Glassman's question, Ms. Short explained that delinquent utility bills could not be transferred to the new renter and expounded on related information. Further comment and discussion ensued.

OLD/NEW BUSINESS

BUS-1 [24-0330](#)

Presentation by Special Counsel Gary Brown re Las Olas Parking Garage Claims for Mesh and Lighting Issues - (Commission District 2)

City Attorney Thomas Ansbro provided an overview of this Agenda item and noted discussion will be limited due to litigation strategy. He remarked on the opportunity for Special Counsel Brown to meet privately with individual Commission Members for in-depth discussion of litigation

strategy.

Mayor Trantalis recognized Special Counsel Gary Brown, Esq., Kelley Kronenberg, P.A. Mr. Brown updated the Commission on his efforts to cure the defective mesh covering and deficient lighting on the Las Olas Parking Garage (Garage), including meetings with current and former members of Staff and extensive review of related documentation. Mr. Brown noted the good faith basis to proceed with litigation against Skanska, the construction management company, the architect who developed the mesh covering and lighting design, and the subcontractors responsible for installation (Project Contractors). Further comment and discussion ensued regarding the City's responsibility to file a pre-suit notice to Project Contractors accountable for construction defects and deficiencies as required by Florida Statute 558, Florida Construction Defects Statute (558 Notice) before the City could proceed with a lawsuit against the Project Contractors.

In response to Mayor Trantalis' question, Mr. Brown commented on his understanding that prior counsel had not filed 558 Notices with Project Contractors. Mayor Trantalis voiced his concern regarding the Statute of Limitations and remarked on conversations with the previous City Manager, indicating that prior counsel had filed the 558 Notices. Further comment and discussion ensued. Mr. Brown confirmed he would research and verify. He explained details of the 558 Notice process, including the subsequent sixty (60) day timeframe for Project Contractors to inspect and cure construction deficiencies and defects or negotiate resolutions, after which the City could pursue litigation.

Mayor Trantalis discussed the importance of resolving this matter in a timely manner, moving forward with next steps, and expounded on his perspective. Vice Mayor Glassman clarified that these issues involve both the Garage's mesh covering and decorative lighting on the Garage. Mayor Trantalis requested that Mr. Brown keep in contact with City Attorney Ansbro to allow for continued Commission updates on this matter. Mr. Brown confirmed.

BUS-2 [24-0392](#)

New River Crossing Update Part VI - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis recognized Ben Rogers, Transportation and Mobility Department Director. Ben Rogers provided an overview of this Agenda item, summarizing efforts for a tunnel as the Local Preferred Alternative for the New River Crossing (LPA). Mr. Rogers began narrating the presentation entitled *New River Crossing Part VI - City Commission Conference Meeting, April 16, 2024*.

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

In response to Mayor Trantalis' question, Mr. Rogers explained that the estimated contingency costs for the project are approximately thirty-three percent (33%) and is included in BDO's tunnel construction cost estimate.

Mayor Trantalis recognized Seth Miller Gabriel, BDO. Mr. Gabriel narrated the next portion of the presentation focused on grant applications.

Mayor Trantalis remarked on grant match requirements and Broward County (County) providing grant matches from its Transportation Surtax. Further comment and discussion ensued.

Mr. Rogers reviewed the next steps in the process and requested Commission feedback.

In response to Mayor Trantalis' question regarding why the City would not request the total grant amount less the local match, Mr. Rogers explained that this would be a strategy decision, cited examples, and remarked on related options. Further comment and discussion ensued regarding grant match funding for preplanning efforts. Mayor Trantalis remarked on using County Surtax funds for grant matches as discussed at a Broward Metropolitan Planning Organization (MPO) Meeting.

Commissioner Herbst noted that the entity applying for project construction grants must be the owner. In response to Commissioner Herbst's question, Thomas John, BDO, explained that the City is the forerunner of efforts to pursue preplanning grant funding to determine viability of a tunnel as the LPA. Commissioner Herbst concurred and remarked on the need for a related interlocal agreement with the County regarding who would be the project owner.

Commissioner Herbst discussed the tunnel design and the need to address concerns related to commuter line east-west crossings. Commissioner Herbst suggested the tunnel entrances begin north of Sistrunk Boulevard and south of SE 7th Street and recommended incorporating this into the tunnel design before presenting the project to the public.

Mayor Trantalis commented that the Florida Department of

Transportation (FDOT) is interested in constructing underpasses along major east-west corridors along the rail line and cited examples. Commissioner Herbst remarked on resident input regarding the impact of railway traffic on east-west corridors and expounded on his viewpoint. Further comment and discussion ensued.

Commissioner Sturman commented on his perspective regarding BDO's tunnel project proposal and cost, and the inability of its commuter rail platform design to accommodate Brightline service. Mr. Rogers explained that is due to the effort of comparing similar project proposals and costs. Enlarging the current proposed platform to accommodate Brightline would cost an additional \$70,000,000 in addition to other costs associated with platform access. Commissioner Sturman remarked on his support of ensuring the project provides Brightline access and discussed his viewpoint in support of vehicle underpasses at major east-west corridors.

In response to Vice Mayor Glassman's questions, Mr. Rogers provided an update on discussions with the State and explained related information. There has yet to be a definitive date for a joint meeting with the County. The County's schematics for a bridge are expected this summer. Vice Mayor Glassman discussed his perspective regarding coordinating efforts with the County. Mayor Trantalis remarked on City and County efforts to determine the most financially feasible LPA. Further comment and discussion ensued.

City Manager Chavarria requested Commission feedback on pursuing grant initiatives listed in the presentation. Mayor Trantalis expounded on his perspective and the use of grants to fund the preplanning efforts to determine the viability of a tunnel as the LPA, confirmed the need to continue pursuit of those grant funding opportunities, and remarked that the County and the City would ultimately join together to pursue grant opportunities for construction of the New River Crossing.

Commissioner Sturman voiced concerns regarding current grant requests that could negatively impact future grant requests as the City will not be the project owner and remarked on the possibility that the County may not provide matching grant funding. Mr. Gabriel clarified that the City's current grant requests are for preplanning purposes to determine project viability and are separate from grant requests for construction of the LPA, where the owner of the project would need to be the entity requesting the grant. City Manager Chavarria commented on aspects of preplanning efforts, which included informing and receiving feedback from all stakeholders and expounded on related information.

BUS-3 [24-0407](#)

City Manager Recruitment - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis recognized Jerome Post, Human Resources Department Director. Mr. Post provided an overview of this Agenda item and requested Commission feedback. Human Resources Department Staff reached out to five (5) executive search firms, each indicating a willingness to conduct the recruitment. He commented on outreach from other City Managers interested in the position. Mayor Trantalis discussed his perspective regarding a nationwide search and related concerns.

Commissioner Herbst remarked on his experience with hiring for this position, confirmed his support for a nationwide search, and discussed the process. He noted that the hiring decision for the City Manager position should occur following the 2024 City Commission election, and the process should include an executive search firm providing candidate recommendations to be reviewed by a Citizens' Review Committee (CRC) comprised of community stakeholders. The CRC would present its recommendations to the newly elected Commission Members who could begin the interview process in January 2025.

Commissioner Herbst discussed his viewpoint regarding the need to hire an Interim City Manager and explained the importance of Staff having a clear understanding of hierarchy and reporting and expounded on related information. He recommended Assistant City Manager Susan Grant be appointed Interim City Manager and remarked on her finance experience related to developing the Fiscal Year 2025 Budget (Budget). Commissioner Herbst remarked that Ms. Grant had indicated she would not be a candidate for the City Manager position.

Commissioner Herbst discussed two (2) options related to City Manager Chavarria and his sixty (60) day notice. Should it be amenable to City Manager Chavarria, Commissioner Herbst confirmed his preference to appoint an Interim City Manager and retain Mr. Chavarria in a consultant role over the next sixty (60) days to facilitate knowledge transfer. During that sixty (60) day notice period, City Manager Chavarria should use his accumulated paid time off and sick leave.

In response to Commissioner Beasley-Pittman's questions, Mayor Trantalis explained information related to nationwide and statewide recruitments. Mr. Post explained related recruitment efforts, remarked on placing a cap on the number of responses, and expounded on details. Mayor Trantalis remarked on the need for criteria identifying baseline requirements and cited the experience of previous City Managers. Further comment and discussion ensued.

Commissioner Beasley-Pittman concurred with Commissioner Herbst's recommendations and her support of a CRC. Commissioner Beasley-Pittman confirmed the need for an Interim City Manager and consideration of Assistant City Manager Susan Grant, Assistant City Manager Anthony Fajardo, and Chris Cooper, Development Services Department Director. She recommended further discussion and the Commission making a decision at the May 7, 2024, Commission Meeting.

Vice Mayor Glassman confirmed his support of a nationwide search and a CRC. He expounded on his perspective regarding the timeline, support of incoming Commission Members elected in November 2024 making the hiring decision, and noted the need to inform City Commission candidates that a decision would be made in January 2025. He concurred with Commissioner Beasley-Pittman's viewpoint regarding the timeline to appoint an Interim City Manager.

In response to Vice Mayor Glassman's question, City Manager Chavarria confirmed his sixty (60) day notice took effect the day of his announcement. Vice Mayor Glassman remarked on the appointment of an Interim City Manager at either the May 7 or May 21, 2024, Commission Meeting. He remarked on his viewpoint regarding the appointment of the Interim City Manager being a candidate for the City Manager position and agreed that there are three (3) qualified candidates.

Commissioner Sturman confirmed support of a nationwide search, the appointment of Assistant City Manager Susan Grant as Interim City Manager, and the value of City Manager Chavarria's knowledge during the sixty (60) day transition period. He recommended that Staff include a Walk-On Agenda item at tonight's Commission Regular Meeting, appointing Assistant City Manager Susan Grant as Interim City Manager. Further comment and discussion ensued. Commissioner Sturman commented on the importance of stability and recommended that a decision be made soon.

Commissioner Herbst requested the Commission commit to appointing an Interim City Manager at the May 7, 2024, Commission Meeting. Commissioner Beasley-Pittman confirmed her support.

In response to Mayor Trantalis' question, Commissioner Beasley-Pittman said that the Commission's decision would take effect immediately upon adoption and confirmed her support to keep Mr. Chavarria as a paid

consultant during the remainder of his sixty (60) day notice period. Mayor Trantalis concurred, expounded on his viewpoint and said that the Staff member who accepts the Interim City Manager position should be ineligible to apply for the permanent position. Commissioner Sturman agreed.

In response to Commissioner Beasley-Pittman's question, City Manager Chavarria explained his viewpoint regarding a consultant role during his sixty (60) day notice period. In response to Commissioner Sturman's question, City Manager Chavarria remarked on his availability and flexibility during his sixty (60) day notice period and commented on related information.

Mayor Trantalis confirmed the Commission would make a decision to appoint an Interim City Manager at the May 7, 2024, Commission Meeting. Further comment and discussion ensued.

Mayor Trantalis directed Staff to move forward with the procurement process to retain an executive search firm. Further comment and discussion ensued regarding establishing a CRC to provide candidate recommendations for Commission consideration. Commissioner Herbst recommended CRC appointees be Commission consensus appointments.

In response to Vice Mayor Glassman's question, it was confirmed that the appointment of the Interim City Manager would be a discussion item at the May 7, 2024, Commission Conference Meeting and take effect immediately following the Commission vote at the May 7, 2024, Commission Regular Meeting.

In response to Mr. Post's question, Commissioner Herbst discussed details regarding City Manager Chavarria's contract and compensation and discussed related recommendations. Vice Mayor Glassman recommended following policy. Further comment and discussion ensued.

In response to Commissioner Beasley-Pittman's questions regarding Commission Member appointments to the CRC, including the number of appointees, Mayor Trantalis suggested two (2) CRC appointments per Commission Member. He remarked on the need for Commission appointees to represent all areas of the community.

CITY COMMISSION REPORTS

Commissioner Herbst provided an update on the Lockhart Park Mediation and indicated things are moving forward.

Commissioner Herbst discussed successful conversations with Cabot Edwaard, who signed a Letter of Intent (LOI) related to the City purchasing a portion of a plat approved for use as greenspace in the Bal Harbour neighborhood. The LOI will be presented at an upcoming Commission meeting and would require a Commission supermajority for adoption.

In response to Commissioner Herbst's question regarding Staff's presentation of a disaster contract to the Commission, City Manager Chavarria confirmed it will come before the Commission on May 7, 2024.

Commissioner Beasley-Pittman confirmed a meeting with Bass Park area residents to discuss providing community shuttle services and noted related information. She reiterated ongoing efforts to create local job opportunities. Commissioner Beasley-Pittman remarked on the Reimaging City Hall Workshop at Holiday Park and noted the importance of including all stakeholders. She commented on the upcoming ribbon-cutting event for the movie studio project in District 3 that will provide local job opportunities.

Commissioner Beasley-Pittman remarked on the investigation into alleged employee concerns about discrimination and harassment in the Public Works Department. Mayor Trantalis recommended that Commissioner Beasley-Pittman discuss this concern with City Manager Chavarria. Assistant City Manager Susan Grant provided an update on the ongoing investigation that was outsourced and confirmed that a being prepared.

Vice Mayor Glassman congratulated the new Victoria Park Civic Association Board Members and thanked the outgoing board members. He noted the upcoming final Public Workshop for the Redesign of Sunrise Lane and the 1960 time capsule unveiling prior to demolishing City Hall.

Vice Mayor Glassman remarked on addressing traffic congestion concerns along Seabreeze Boulevard near D.C. Alexander Park during Special Events and the need to improve efforts to inform those traveling to the barrier island.

Vice Mayor Glassman discussed resident feedback about rock landscaping in medians along State Road A1A. Carl Williams, Parks and Recreation Department Director, explained that rock landscaping is a low-cost effort to address the impact of nearby beach sand. There are

plans for green landscaping in medians along every other block along A1A from the South Beach area to Sunrise Boulevard. Further comment and discussion ensued. Mr. Williams confirmed Staff would monitor related neighbor concerns.

Vice Mayor Glassman remarked on the prohibition of food and beverages at Commission Meetings held in the Nova Southeastern University (NSU) Horvitz Auditorium and the adverse impact on Commission Meeting attendees who require food and drink due to medical conditions. City Manager Chavarria confirmed Staff will meet with NSU Staff to discuss accommodating those individuals with the designation of a specific area.

In response to Commissioner Sturman's question, Mayor Trantalis confirmed his understanding that the Henry E. Kinney Tunnel would reopen at the end of May 2024. Commissioner Sturman noted the recent District 4 Townhall Meeting regarding allowing dogs in City Parks and commented on related information. Commissioner Sturman noted the one (1) year anniversary of the significant rain event on April 12, 2023, recognized the efforts of the First Responders and expounded on related information. Mayor Trantalis concurred.

Commissioner Sturman discussed the upcoming Hurricane Expo to prepare the community for the upcoming hurricane season.

Commissioner Sturman acknowledged City Manager Chavarria's accomplishments and expounded on related information.

Mayor Trantalis discussed his positive perspective and the importance of EL AL Airlines' direct service between Fort Lauderdale-Hollywood International Airport and Tel Aviv, Israel, and expounded on related benefits.

Mayor Trantalis commented on Aquatic Complex events and the child water safety program. He requested that Staff improve efforts to promote and publicize venue activities and opportunities.

Mayor Trantalis discussed his attendance at a District 4 Townhall, which included input from City Staff and Broward County Public Works Department Staff. Items discussed included development and traffic in the SE 17th Street area, traffic signalization improvements, rehabilitation of the South Ocean Drive Bridge in the Harbour Inlet neighborhood and alternate routing, plans for the Pier 66 development, completion of the Broward County By-Pass Road, the Henry E. Kinney Tunnel reopening,

and updates on Bahia Mar development.

Mayor Trantalis acknowledged City Manager Chavarria's proactive efforts during the April 12, 2023, rain event and expounded on related information. Further comment and discussion ensued.

CITY MANAGER REPORTS

MGR-1 [24-0329](#) City Commission Follow up Action Items - (Commission Districts 1, 2, 3 and 4)
No discussion.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 4:27 p.m.